

# Free is NOT an Option

A Good Practice Guide  
for TV Writers, Agents  
and Programme Makers

[www.writersguild.org.uk](http://www.writersguild.org.uk)

The Writers' Guild of Great Britain has also produced a booklet, *Working with Writers: A Good Practice Guide for TV Programme Makers*. This is available for download from our website: **[www.writersguild.org.uk](http://www.writersguild.org.uk)**

Hard copies are available by emailing the WGGB Head Office ([admin@writersguild.org.uk](mailto:admin@writersguild.org.uk)) or by phoning **020 7833 0777**.

You can also contact our TV Chair by email: **[tv@writersguild.org.uk](mailto:tv@writersguild.org.uk)**

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# Introduction

Working on spec is part of a screenwriter's life. Writers work in their own time and at their own expense to research, create and develop ideas and scripts. Production companies, for their part, are understandably reluctant to commit financially to an idea at an uncertain stage of its development. But after the initial spec stage it is unacceptable to expect a writer to continue to bear all the risk and expense. Beyond this line it is unacceptable to expect a writer to carry on working for free.

A survey by The Writers' Guild of Great Britain (WGGB) found that 87% of UK TV and film writers had experienced a significant increase in the amount and kinds of work they had been asked to do for free. Many programme makers now regard it as acceptable to ask writers to work for free. Irresponsible companies are undercutting those who want to build constructive relationships with writers and invest sensibly in their creativity. If we are to have a sustainable industry, Free is NOT an Option.

## JOIN OUR CAMPAIGN

Free is NOT an Option is our campaign to tackle the growing trend of asking writers to work for free. As well as publishing these guidelines, and a 'right to pitch' template contract for producers, we are also gaining support from MPs, peers and influential people in the industry. We are monitoring the situation by asking writers to let us know when they are asked to work for free, and we are providing support to our members in saying 'no'. We hope to organise an industry-wide seminar and ultimately get broadcasters and independent production companies to sign up to practices that will protect writers' livelihoods, and one of the UK's most valuable exports. Find out more about the campaign, including what you can do, on our website: [www.writersguild.org.uk/wggbcampaigns/free-is-not-an-option/](http://www.writersguild.org.uk/wggbcampaigns/free-is-not-an-option/)

# Development

## GETTING STARTED

For all screenwriters, getting started involves years of struggle, rejection and failure before they catch a break. Learning the craft of screenwriting demands study, training, practice and a level of commitment that is beyond most people. But once a writer has acquired a few credits, they should be treated with respect and paid properly for their work.

Writers who are waiting for that first commission are vulnerable. Many new writers persevere with young, inexperienced and sometimes unscrupulous producers who ask for more and more work for free when there's little chance it will see the light of day.

Writers must learn to say no if someone asks them to work for free. One of the hardest things for writers, especially new writers, is talking about money. In the absence of an agent to negotiate fees and terms, this is a business skill that all freelance writers need to master. Our 10-point guide on how to say 'no', at the end of these guidelines, should help, and WGGB also offers free business skills training via FEU Training. You can find out details at [www.feustraining.org](http://www.feustraining.org)

## THE SPEC STAGE

All writers develop ideas on spec. A lot of work goes into the development of an idea into a fully formed concept with substance, characters, relationships, and conflicts that has potential to engage an audience's interest.

The first step is to meet with programme makers and verbally pitch the idea. In most cases a writer will have done a fair bit of work on their pitch to have the punch it needs to grab a producer's interest.

Let's say it's a good day. A producer hasn't touched her coffee the whole time during the pitch and she's gripped. She loves it but wants more. She asks to see something on paper. Fair enough. Write the page for nothing. A one page – two at the most – that sells the story with a strapline, a basic outline and the story's unique selling point (USP).

This is already quite a lot of work. “Just do a page of A4,” sometimes implies this is as easy as typing 500 words. It isn’t. Condensing the complexity of a television series to one or two pages, without losing any of the twists of plots, the emotional journeys of the characters, the relationships between them, the dramatic conflicts, the tone, the underlying power of the subject matter and 100 other things is anything but easy.

A writer has to give a producer enough to show that they have really thought about this and to convince them the idea has legs. For an experienced writer, this will take two weeks’ work.

But this is as far as a writer should go without being paid.

At this point the writer has invested a substantial amount of time in the idea. So far, he or she has borne all the risk. From this point on, if a programme maker is interested, the risk must be shared. If the producer wants to take the idea to a broadcaster they must obtain the right to do so. And they must pay for it.

If the programme maker wants to develop the idea into a treatment or a script, if the producer wants the writer to carry on working on the idea in any way – from this point forwards the writer must be paid.

## Options and treatments

### OPTIONS

If a producer is interested in the idea and wants to ‘shop it around’ but is unwilling to sign or pay for an option agreement then they have no legal interest in or right to exploit the work. Technically the writer is free to carry on pitching the idea to other production companies. In practice this can cause problems for everyone.

A writer’s idea may be pitched to a broadcaster by two different producers. One may have invested in, worked with and paid the writer. The other may have simply met the writer, liked their idea and decided to ‘test the waters’ with a broadcaster. Even if the broadcaster likes the idea, it will not touch the project for fear of a dispute between the two producers.

No one wins. The broadcaster misses out on a potentially successful programme. The producer who has paid nothing still has nothing. The producer who has paid for a treatment is left with a loss of money and damage to the relationship with the writer. The writer has nothing to show for weeks of work.

Allowing a producer to shop an idea around without an option agreement is not in the writer's interest. A responsible producer will try to avoid such a situation.

In cooperation with agents who have struggled with this problem for some time, WGGB has devised a template 'Right to pitch' template contract.

This gives a producer the sole right to pitch an idea to a broadcaster. It is a simple document that makes it clear to a broadcaster who has the right to pitch an idea. It does away with the need for expensive legal work at an early stage. It can be used by anyone and is available from WGGB (it can be downloaded from the Resources section of our website: [www.writersguild.org.uk/resources/](http://www.writersguild.org.uk/resources/))

A £500 minimum fee for a 'right to pitch' agreement is fair.

Broadcasters should check that a producer has the 'right to pitch' before any discussion of the project.

## TREATMENTS

Producers may want to develop an idea further than the one or two page document before taking it to a broadcaster. This will require a formal agreement either in the form of a commissioning contract (from a broadcaster) or an option agreement (from an independent producer) that sets out the basic contractual and financial terms and specifies the role of the writer if the idea is commissioned.

At this stage a first full draft should not be required. A treatment may contain a detailed synopsis of a first episode, major plot lines and character arcs, a flavour of the style of the series. It is typically 7-12 pages long and will take four weeks to write.

The treatment fee should be 10% of the eventual fee and will be deducted from the fee should the project eventually be commissioned. Where the treatment fee is included in an option agreement it is customary for it to be repayable in the event that the option lapses and the project is picked up by someone else.

Prior to signing any agreement, it is advisable to negotiate the timescales for delivery of scripts, notes and number of drafts and tweaks – this avoids nasty surprises later on.

## Development with broadcasters

It is not only writers who suffer from the delusion that script development comes for free. Often a broadcaster will express interest in an idea but ask for more work to be done, without any discussion of how it will be paid for.

At this point, both the production company and the writer will have invested time, energy and money in development. If a broadcaster is genuinely interested but wants more work then it must share the risk. It is unacceptable for a broadcaster to expect the writer and production company to work for free.

## Shadow schemes and trial scripts

Although not directly related to the problems writers face in development of their own ideas, shadow schemes and trial scripts account for a large part of the substantial increase in work that writers are expected to do for free. In the past, trial scripts were used to vet new writers with little or no experience of writing for television. Increasingly, even experienced writers with substantial hours of television credits are being asked to produce trial scripts and to work on lengthy shadow schemes, particularly for long-running series. These pay the writer little or nothing.

Writers are being asked to spend weeks or months working on trial scripts, even when there are few commission slots available.



Where shadow schemes and trial scripts offer a new writer a genuine chance to learn something, or a realistic chance to earn a commission, they are welcome and worthwhile initiatives. However, they must:

- Include a training or mentoring element.
- Pay the writer a living wage for the time she or he is engaged on the scheme.
- Be transparent and well-advertised. It must be clear how many writers are being invited to participate, and how many commissions there will be for successful participants.
- Must make clear previous success rates, in terms of commissions earned by writers in the past.

Experienced writers should not be asked to produce full trial scripts or to undergo lengthy shadow schemes. They can be judged by their record. A few trial scenes are sufficient to demonstrate familiarity with the show and its style.

Hopeful writers should be wary of offers to let them write trial scripts or participate in shadow schemes. It can be easier to tell a writer to have a go than to tell them there is little prospect of them writing for the show. If the chances of getting a commission are slim then writers are better off putting their efforts into their own original projects.

## How to say 'no' – 10 easy steps to make sure you get paid

1. Don't be afraid to talk about money. Writing may be your passion but it is also your business. It's not a hobby.
2. If you have an agent tell the producer they must speak to your agent before anything is agreed.
3. Let your agent know that you can't afford to work for free. If your agent encourages you to work for free you may need a new agent.
4. Always be polite but firm.
5. If a producer wants to shop your idea around without taking an option on it, make it clear that – without an option – they don't have exclusive rights to your work. You are free to show the idea to other producers. And you intend to do so.
6. If they suggest you do a treatment or an extended synopsis or a first draft or any other development work, ask them what they will be paying.
7. If they say they have no money for development, tell them your overheads mean you can't afford to work for free.
8. It is rarely, if ever, true that there really is 'no money'. If you stand firm you may be surprised by what you achieve.
9. Be prepared to walk away. If a producer is really interested they'll find a way to pay you. If they won't pay, they probably don't value your idea enough.
10. If at any point you are unsure what to do, contact WGGB and ask for advice. Helping WGGB members is our job (you can contact us on 020 7833 0777 or by email: [admin@writersguild.org.uk](mailto:admin@writersguild.org.uk)). If you are not a member, you can join online: [www.writersguild.org.uk](http://www.writersguild.org.uk)

**Published in June 2015 by The Writers' Guild of Great Britain**

**The Writers' Guild of Great Britain is a trade union registered at  
134 Tooley Street, London SE1 2TU**

Design: [www.savageandgray.co.uk](http://www.savageandgray.co.uk)

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