

BBC **STUDIOS**

SCRIPTED PRODUCTION GUIDE: SERIES & SERIALS

DRAFT

INTRODUCTION

This production guide applies to all personnel contracted by BBC Studios Scripted, operating under the SPV (special purpose vehicle) BBC Grafton House Productions Limited, working on productions made within Series & Serials and will cover working hours and conditions along with BBC Studios policy.

The aim of this guide is to provide clarity to working practices and ensure that hours are managed and sufficient rest is provided for good physical and mental health.

ENGAGEMENT AND PAY

Start Form & Deal Memo

- The contracted hours and the weekly rate of pay will be outlined in the deal memo. The daily rate (calculated as the weekly rate divided by 5) will also be stated on the deal memo and will have holiday pay split out. Any additional prep and wrap time expected of the worker will be included in the overall deal and will be agreed with the Line Producer and therefore not paid as overtime.
- All crew members are required to complete a start form so that production can begin the process of raising their contract.
- Those crew members paid as a gross paid freelancer, who have been requested to provide kit for the duration of shoot, must provide a kit list as their contract can't be raised without it.
- Production will issue the crew member with a contract of engagement (reflecting the deal memo) no more than one quarter of the way through the engagement, or within four weeks of the start of the engagement whichever is sooner, only delayed beyond this period under the most exceptional of circumstances. Crew members should return their contract as soon as possible.

- Crew members will be contracted via BBC Studios' SPV (Special Purpose Vehicle) - BBC Studios Grafton House Productions Limited.
- Those workers contracted to work one week or more may start employment on any day of the week.
- For the avoidance of doubt, in relation to gross paid freelancers, there are no specific requirements or rules relating to a 'break' in service (e.g. a 3 month break). However, to be paid on a gross paid basis, the individual must be able to prove that a proportion of their engagements are undertaken outside of BBC Studios or BBC Public Service and they meet the requirements of the HMRC IR35 tax legislation.

Tax and Payment Terms

- The contract type applied to a role is determined by the HMRC guidance on tax in the Film & TV industry and the IR35 legislation.
- If you are contracted as a PAYE net paid employee you will be paid after deductions for tax, national insurance and pension, if you have opted into the NEST pension plan. PAYE crew members shall be paid in the weekly payroll and normally paid one week in arrears. Any additional money owing from overtime hours or reimbursements will be paid in the following payroll.
- For gross paid freelancers / LTD company registered crew members, you will be paid gross and therefore will be responsible for your own tax and national insurance. Payment will be made on the next processed weekly payroll after receipt of a valid invoice from the individual or the loan out company contracted to provide the worker's services.

Pension

Individuals will be automatically enrolled into the NEST pension scheme, whether they are PAYE or gross paid at the point their contract exceeds 12 weeks.

Individuals have the option to join the NEST pension scheme sooner than 12 weeks and details of how to do so are included in the auto enrolment letter they receive upon joining. Individuals who have been automatically enrolled will also

have the option to opt out of the NEST pension scheme; details of how to do so are included in their auto enrolment letter.

Notice Period

- Notice periods will be clearly stated in an individual's contract but generally, for freelancers, the notice period will be two weeks.
- Employment can be terminated by either the worker or BBC Studios/Grafton House Productions, allowing for the notice period in writing. The notice period may be varied by mutual agreement between the worker and the production, however if instigated by production, notice will not be less than two weeks.
- BBC Studios/Grafton House Productions is entitled to terminate a worker's employment without notice, or pay in lieu of notice, if a worker commits a serious breach of their obligation. This includes, but is not limited to, gross misconduct, neglect, refusal of duty or if the worker ceases to be entitled to work in the United Kingdom. In such a situation, appropriate procedures will be followed and the decision will not rest with a single member of the management team.
- For daily bookings, if the worker is not confirmed by 3pm the day before they are due to work, the worker is deemed to have not been hired and can accept other work. If the worker is confirmed by 3pm on the day before the engagement is due to commence and is then cancelled by a representative of the production through no fault of the worker, they will be paid one day at the agreed daily rate.

Expenses

- All significant expenditure (such as single items over £500) must be agreed upfront by the Line Producer before being incurred by the crew member and all expenses need to be submitted on an expense claim form.
- Any personal expenditure (e.g. mileage, mobile phones, etc.) incurred should be completed on a separate form to any production expenditure (e.g. props, costume consumables, make-up, etc.) and these personal expenses will all be paid through payroll.

- All expense forms require authorisation before a payment can be made and original receipts must be provided in support of any expenses claims.
- Gross paid crew members are required to invoice separately for their personal expenditure and any that are VAT registered must provide a VAT invoice of this expenditure.
- A copy of the BBC's Expenses Policy can be found at the end of this document.

WORKING HOURS

Scheduling

- Best endeavours will be taken to provide the worker with the provisional working pattern at the time of contracting – for example, which days of the week will be scheduled as days off / whether there will be any resident locations during the duration of the shoot. At the point of contracting the worker will be told if it is an 11+1 contract or a 10+1 contract.
- For crew filming in the UK a five day working week is the norm.
- Shooting days can include any days in a week as well as bank holidays.
- Crew working days will either be scheduled as a **Standard Working Day (SWD)**, a **Continuous Working day (CWD)** or a **Semi-Continuous Working Day (SCWD)**.
- Where CWDs are scheduled, crew will be given double time back for curtailment of lunch break. For example, on an 11+1 contract, a 10 hour shooting day will be worked when a rolling lunch break is given. During the rolling lunch break, each individual will be required to take no less than a 20 minute meal break during this period.
- Where SCWDs are scheduled, crew will be given a 30 minute meal break and the shooting day will be reduced by a further 30 minutes. For example,

on an 11+1 contract SCWD, an 11 hour shooting day will be worked, with a 30 minute break for lunch.

- Hours will typically follow the below pattern:

11 + 1 hour contract:

SWD: 08:00 - 20:00 with a 1 hour lunch break

CWD: 08:00 - 18:00 with a rolling lunch break (with a minimum 20 minute break)

SCWD: 08:00 -19:00 with a 30 minute lunch break

10 + 1 hour contract:

SWD: 08:00 - 19:00 with a 1 hour lunch break

CWD: 08:00 - 17:00 with a rolling lunch break (with a minimum 20 minute break)

SCWD: 08:00 - 18:00 with a 30 minute lunch break

Scheduled Rest Period

- Working Time Regulations ensure that each individual must have an uninterrupted break of 20 minutes after working 6 hours.
- Every worker must be given a daily rest period of no less than 11 hours, defined as wrap to first call. Work will not be scheduled in a way which breaches the 11 hour break, but if, in an unavoidable circumstance, this rest period were to be impinged then it must be escalated to the Production Executive for approval and compensatory rest must be given within 24 hours. **If for any reason compensatory rest cannot be given, an overtime payment of £40 will be paid for each hour that the 11 hour break was broken by.**

A continuous rest period of 24 hours must be taken within 7 working days and/or a continuous rest period of 48 hours must be taken within 14 working days. Workers shall be entitled to the 11 hour break period immediately prior to any scheduled 24 or 48 hour rest periods. Wherever possible, the two rest days will be scheduled consecutively.

- HODs and their deputies will be consulted on last minute schedule changes so that additional resourcing can be organised if required to ensure teams do not break their rest periods. Where possible, Production will consider staggering hours to manage the length of the working day, and engage dailies where necessary.

Overtime

- Overtime hours may be scheduled in advance by production, and a worker shall be paid at the overtime rate when they work in excess of their scheduled hours and agreed prep and wrap times.
- Crew will be asked in advance for any necessary overrun time. Only in very exceptional circumstances will overtime hours be paid if these hours have not been requested or approved in advance by the Line Producer.
- A 15 minute grace period allows for a slate that has already been started to be completed after the scheduled wrap time. There will be a maximum of two grace periods in one week. If a third grace period is required during one week then one hour's overtime will be paid at the agreed overtime rate, or one hour thirty minutes will be given back in lieu in the same working week. Where the total number of grace periods exceeds three, any further grace periods will be paid at the applicable overtime rate.
- Overtime is calculated at **£40 per hour**. Overtime is accrued in 30 minute increments for the first hour and then hourly thereafter.
- Overtime will never be scheduled for a CWD but may occur in exceptional circumstances. In this instance, a worker will receive the appropriate overtime rate.
- Crew will be required to fill out a weekly time sheet and it will need to be signed by their HOD. Time sheets will be used to effectively monitor crew hours and manage overtime, as well as to ensure that turnaround is not being broken.

- HODs should endeavour to schedule their team members in such a way as to limit overtime and should liaise with production if it is felt that additional team members are required on certain days or shoots.

11 Day Fortnights

- An 11 day fortnight shoot will only be scheduled in exceptional circumstances. In such a scenario, filming will be scheduled on 10 + 1 hour days.
- If the standard filming pattern working is a five day week, when filming a sixth day, crew will be paid an additional day and will have the opportunity to decide if they work that day or want to be replaced by a daily worker if appropriate.
- When filming abroad for a portion or the entirety of the shoot, crew members should be prepared to work 11 day fortnights and will be made aware of this at the point of engagement.

7 Consecutive Days

To ensure every member of the crew has sufficient rest, working seven consecutive days should not happen. If there are exceptional / unavoidable circumstances where this needs to occur, the Production Executive will need to provide approval in advance and the additional day will be paid at 2T.

Clawback

- Clawbacks will only be used if necessary and won't impinge on the 11 hour turn around / break.
- A maximum of 1 hour clawback per day on a SWD unless mutually agreed with crew.
- A maximum of 2 hours clawback per day where a continuous or semi-continuous working day is scheduled unless mutually agreed with crew.

Night Work

- For the purposes of this guide, Night Work is defined as shooting hours which are scheduled between 12 midnight and 6am.
- If compensatory rest cannot be given for any night hours worked by the end of the same week, or at the top of the first day of the following week, crew will be paid an additional £40 for each hour filmed at night, in addition to the crew member's normal pay.
- All night work should be scheduled sympathetically where possible to reduce tiredness.
- Filming night work at the end of a week or a block should take into consideration the 11 hours rest between filming days and the scheduled rest days.
- If the production requires a turn around to days and doesn't have the ability to clawback the hours then a turnaround day will need to be introduced to the schedule and paid for.

TRAVEL

Production Base:

- The production base will normally be the production office. When overnight accommodation is provided to service a resident location, the overnight accommodation will become the production base.
- If crew members are overnighed in different hotels, the hotel they are staying in will be their production base.
- A resident location is a place of work where it is deemed too far for crew to travel from the normal production base (production office) and therefore overnight accommodation is provided. If necessary, travel time will be allowed from production base to the resident location / accommodation.

Unit Base:

- Unit Base is the location of the catering, facility vehicles and unit parking to service that day's shooting.
- Time shall be deducted from the shooting day to account for travel time in excess of 15 minutes between the Unit Base and filming location. If time is not deducted then overtime shall be charged at the agreed rate.

Mileage and Cost of Travel

- Mileage costs (for use of own vehicle where approved in advance by the Producer) shall be reimbursed in accordance with HMRC guidelines. Where the Producer provides reasonably accessible transport or car allowance has already formed part of the Worker's deal terms or the Worker is driving a hired vehicle, mileage costs will not be paid.
- All fuel claims must be supported by a mileage log and fuel receipt. The mileage log must clearly show that the claim is only for work mileage, so work and the crew member's personal miles must be split out.
- If the unit base is outside the M25, crew will be entitled to claim mileage from the nearest junction of the M25 to the unit base and back.
- It will be made known in the deal memo which of the following mileage payments apply to the production:
 - a. **Within The M25:** For London based productions, no payment will be made to crew for time spent or costs associated with travelling to and from any place within the M25. Distance travelled beyond the M25 to the place of work shall be compensated by a mileage payment calculated at £0.45 per mile for those crew members who don't already receive a car allowance. For anyone in receipt of a car allowance, a proportion of their fuel receipts will be paid based upon business mileage.
 - b. **30 Mile Radius:** No payments will be made for time spent or costs associated with travelling to and from any place within 30 road miles of the production base. Distance travelled beyond the 30 road mile point to the place of work shall be compensated by a mileage

payment calculated at £0.45 per mile. For anyone in receipt of a car allowance, a proportion of their fuel receipts will be paid based upon business mileage.

- No payments will be made for the time spent or costs associated with travelling from a Worker's home to and from Production Base.
- Production requires crew members to:
 - Complete a mileage log including all of your work and personal miles
 - Include the start and end mileage for the work week
 - PAYE workers put your fuel receipts, backed up by a mileage log, on a personal expenses form and hand these into Accounts
 - Sched D crew should invoice for fuel/mileage backed up with fuel receipts and a mileage log
 - Fuel expenses must be submitted the week following the fuel purchase and must be approved by the Line Producer
 - Mileage payments will be paid on the next payroll after the expenses have been approved

Drivers' Declaration

All crew who are required to drive unit vehicles must complete a Drivers' Declaration form and provide a copy of their driving licence before taking charge of their vehicle. This is mandatory and must be completed for each BBC Studios production the crew member is employed on.

Travel on scheduled rest days

- If crew are asked to travel it will be considered a working day. It is not permitted for crew to be instructed / requested to travel on a rest day without payment.
- If a crew member elects to return home on a scheduled rest day when working away on a location, time and costs spent travelling will not be paid.

Air Travel

- Air travel for crew members will be arranged for the crew member with carriers that conform to those of the United Kingdom Civil Aviation Authority.
- Consideration will be given to scheduling work following a period of air travel, allowing for time change, flight duration and class of cabin.
- Economy class is standard, however, class of seating will be considered in line with the requirements of the engagement and a higher class of cabin may be agreed in certain circumstances, e.g. if the individual is required to work straight after a flight of four hours or more. The class of seating will be advised at the point of engagement with the crew member if appropriate.
- The crew member will be responsible for the cost of any personal excess baggage. Where such excess is caused by the carriage of pre-approved tools of the trade, or where agreed in advance between the crew member and the Line Producer, the cost of the excess baggage will be covered by production.

Per Diems

Reasonable out of pocket expenses (per diems) will be agreed by the Production and the crew member and will be outlined in the deal memo for those crew members on location or working outside of the UK.

MEALS

- Normally location catering is provided for all crew on all shooting days at unit base and no alternative allowance is available if a crew member chooses not to eat with the unit. However, at a BBC base which has a canteen, crew will be expected to purchase their own lunch.
- Production will try to ensure that all crew members have access to the provided meals. This may require arranging for meals to be set aside until the crew member is able to take their break.

- If lunch is unable to be provided, or if a crew member is unable to be at a unit base during lunch, a reimbursement for that day's lunch can be claimed provided it is in line with the HMRC guidelines / the BBC Studios expenses policy (a link to which can be found at the end of this document). Please refer to the BBC Studios' Expenses policy for full details, but in summary, an individual will be reimbursed the actual cost of relevant meals on presentation of receipts, up to the limits (including VAT and service) of breakfast: £6, lunch: £6 and dinner: £16.
- A meal break will be scheduled every 6 hours.
- Where there is delay or curtailment to meal break which is over and above the worker's normal duties, overtime will be paid at **£40 per hour** in 15 minute increments.
- Where work continues for more than one hour following the end of a CWD, the producer shall provide food and refreshments.
- Production is not required to pay expenses or cater meals for those working from home or at premises where food is readily available at the premises and/or nearby.
- Production doesn't pay meal allowances or provide catering during pre-production, between blocks or during post production.

HOLIDAY ENTITLEMENT

- An individual's leave entitlement will be determined by the type of contract they are on and this will be discussed with the booker/line manager at the point of hiring.
- Freelancers shall be entitled to 5.6 weeks of paid leave per annum inclusive of bank holidays, pro rata to length of contract. For each day worked, the appropriate holiday payment will be paid to the crew member in the week's pay roll.

- Holiday pay is held back until the end of the contract. If holiday hasn't been taken during the contract the full amount will be paid in the final payroll. If some holiday has been taken the necessary deductions will be paid in the final payroll.
- If at the end of their contract the employee has taken more than their allocated days, the balance will be taken from their final week's pay.
- The Line Producer may nominate days on which the crew member is required to take paid leave. Where such days of paid leave are taken during the course of an engagement, the Line Producer shall be entitled to make an appropriate deduction from the crew member's holiday entitlement accruing in connection with that engagement.
- Any request for paid leave made by a crew member on a particular day will be taken into consideration by the Line Producer but can't be guaranteed.
- Bank holidays are considered working days. However, wherever possible during prep periods, bank holidays will be scheduled as paid days off. This is at the production's discretion.

SICK PAY

- Sick Pay entitlement is based on contract type and further information can be found in the BBC Studios Health and Sickness Absence Policy, a link for which can be found at the end of this document.
- For freelancers, the production will pay Statutory Sick Pay where a crew member's engagement meets statutory qualifying criteria and where the worker satisfies statutory requirements in connection with the payment of SSP.

FACILITIES

All crew will have access to drinking water and toilet facilities to include running water and hand washing facilities at the place of work or within walking distance.

INSURANCE

- The production will put in place Employer's Liability insurance as required by law.
- The production will put in place adequate overseas emergency medical expenses cover for workers required to work outside their country of residence.
- The BBC's insurance policy does not cover a worker's tools of the trade. However, the production may effect adequate insurance for equipment hired from the worker (excluding tools of the trade which the Producer's insurer will not insure, and expects the worker to insure themselves) but which is not operated or used by the worker themselves, subject to the worker providing an inventory with serial numbers and replacement values to the production office in advance of any damage or loss. The production office will check whether the items can be covered by the production's insurance policy. Until such time that confirmation is received from the production office that cover is in place, the responsibility for insuring their equipment will remain with the worker.
- Everyone is responsible for insuring their own personal belongings. This includes clothes, mobile phones, laptops or any other personal items even if they are stolen from technical vehicles at a unit base or a location. Any loss of personal belongings will not be indemnified by the production and should be claimed through your own personal insurance.
- All instances of loss and damage must be reported to the production office no later than 36 hours after the incident in order to comply with claims reporting conditions. An insurance incident report must be completed in the same time frame.
- Overseas Emergency Medical Expenses:
 - Up to £62,500 for accidental death or permanent incapacity, and up to £200 per week for temporary incapacity after the first 7 days, up to a maximum of 52 weeks.

- Up to £500,000 in respect of death, injury or illness while on an overseas location (excluding any known pre-existing conditions). This would cover medical and hospital treatment, travel back to the UK, overseas travel and accommodation expenses, and funeral expenses incurred overseas (including returning remains to the UK).
- In the event of the death of a worker engaged while on location in the United Kingdom or overseas, it will be the responsibility of the production to return the remains and the worker's personal effects to the last known residence of the deceased.
- For the purposes of clarity, the above insurance guidance does not extend to service companies that trade in the services of more than one person.

RESPECT AT WORK

- BBC Studios is committed to ensuring a working environment in which everyone is treated with dignity and respect. BBC Studios does not tolerate bullying, harassment and/or victimisation and expects everyone working at or with BBC Studios (including freelancers, sub-contractors and agency workers) to behave respectfully towards others and never act in a way that could be regarded as bullying, harassment and/or victimisation.
- Freelancers are encouraged to raise their concerns informally in the first instance with their HOD, Line Producer, Producer, Production Executive, Head of Production, or a BBC Studios HR representative, so that steps can be made to respond to the concerns as soon as possible. Contact details for these people will be included in the Crew Memo.
- Any concerns expressed will be treated fairly and objectively without victimisation or detriment.
- A link to the BBC Studios full Anti Bullying and Harassment Policy can be found at the end of this document. The policy goes into detail on the formal complaint procedure and outlines unacceptable behaviour, including, but not limited to;

- Ridiculing or demeaning someone
- Unjustified exclusion from work activities or victimisation
- Misuse of power or position
- Making threats about job security and unwelcome sexual advances

SAFETY AND MANDATORY TRAINING

- BBC Studios as employers have a duty of care to all workers and must ensure they have in place a robust health and safety policy that takes into account all stages of production, including prep, filming and post-production that is compliant with all relevant health and safety legislation and satisfies any commissioning broadcaster requirements. Producers agree to ensure their health and safety policies are made available to workers.
- Each crew member has an individual responsibility to ensure that their work is carried out in accordance with BBC Health and Safety Guidelines, which BBC Studios / Grafton House Productions has adopted as its own.
- On location, the Producer's overall responsibility for health and safety is delegated to the 1st Assistant Director who will make the first decision on all safety matters on set.
- Heads of Department are responsible for completing their risk assessments before the start of filming and must complete all necessary mandatory training and ensure their teams to do the same.
- All crew members working on a BBC Studios production are required to complete the online mandatory training courses assigned to them.

CONCLUSION

We hope this guide provides you with all the necessary information with regards to how we operate as a business, however if you have any questions please don't hesitate to speak to your line manager, any senior member of the production or your HR representative.

Your health and welfare is paramount and we are constantly looking for ways to improve how we operate. If you have a problem or feel that there is something which needs to be addressed, please do not hesitate to raise these matters.

BBC STUDIOS POLICIES

Please acquaint yourself with all the relevant BBC policies, the links for which can be found below.

BBC Health & Safety Policy Statement

<http://downloads.bbc.co.uk/safety/documents/general-safety/Safety-Policy-Statement-HealthandSafety30Sep14.pdf>

BBC Anti Bullying & Harassment Policy

http://downloads.bbc.co.uk/foi/classes/policies_procedures/bullying_harassment_policy.pdf

BBC Protected Disclosure Policy – ‘Whistle Blowing’

http://downloads.bbc.co.uk/foi/classes/policies_procedures/protected_disclosure_policy_whistleblowing.pdf

Statutory Sick Pay and BBC Sick Pay Entitlement and Policy

http://downloads.bbc.co.uk/foi/classes/policies_procedures/health_sickness_absence_policy.pdf

Statutory Maternity & Paternity Leave and BBC Maternity & Paternity Leave Policy

https://downloads.bbc.co.uk/foi/classes/policies_procedures/parental_and_careers_support_policy.pdf

Working with Children

<https://www.bbc.co.uk/editorialguidelines/guidance/children-young-people-working/guidance-full>

<https://www.bbc.co.uk/commissioning/tv/production/articles/working-with-children>

Sustainability Policy Statement

http://downloads.bbc.co.uk/aboutthebbc/insidethebbc/howwework/policiesandguidelines/pdf/environmental_sustainability_policy_statement_2018.pdf

<https://www.bbc.co.uk/responsibility/environment>

Data Protection Guide



Scripted Data
Protection Check-List

Expenses Policy

http://downloads.bbc.co.uk/foi/classes/policies_procedures/bbc_expenses_policy.pdf