

THE FUNDAMENTALS

Contractual Commitments for disabled content creators

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Introduction:

There are many important changes that are happening throughout the industry to bring disability into the centre ground. Those changes - driven by deaf, disabled and /or neurodivergent people - are having an impact. It's important to capitalise on this momentum and look at every aspect of the industry to see where it can level-up to create lasting and sustainable change. We believe those at the starting line of the creative process are in a key position to ensure these wider industry changes are truly embedded.

The approach:

Developed through direct and recent industry experience, The Fundamentals are a set of commitments designed to be a resource for disabled creatives when negotiating contracts - whether scripted or non-scripted. We believe creatives have the power to make producers commit to change and help create a sustainable environment for disabled talent. They can do this by including The Fundamentals in Options, Writer, Creator, EP agreements, etc. It's important to use this moment to benefit both disabled people in the industry and those who we hope will be attracted to it – if we ensure it is open to them.

The support:

The Fundamentals are supported by disabled people in the industry with the backing of TripleC / DANC (Disabled Artists Networking Community), DDPTV (Deaf & Disabled People in TV), UHC (Underlying Health Conditions) as well as the CDN (Creative Diversity Network). There is support from Equity, BECTU, WGGB and Directors UK. PACT is involved and positive conversations are taking place with commissioners (broadcasters and streamers). Agents are already achieving these clauses in agreements and we are working with the PMA about publicising them further.

Beyond...

We are thrilled that The Fundamentals were used by TV Access Project in developing the 5 As – the new industry standards for disability inclusion. We want them to be used far and wide. Although the original focus was contracts based on Intellectual Property such as option agreements, these clauses can be modified and used by any disabled person in a range of contractual employment contexts throughout the industry. Please feel free to use and share.

The Contractual Commitments – The Fundamentals:

Below are a pick-and-mix set of commitments or core principles that disabled creatives can ask for to ensure they have creative control over portrayal and the whole production process through to transmission is inclusive and accessible.

- 1) **Pay.** All disabled talent – on screen and off – are paid the same rate as their non-disabled peers. There must not be a disability pay gap. In addition, any consultancy for specific disability / lived-experience insight needs to be remunerated fairly.
- 2) **Decision making process.** To ensure meaningful consultation through development, pre-production, production, post-production, delivery and distribution/advertising. Practically, this may include:
 - a) To be consulted on the casting process. For example, scripted content, disabled talent only to be considered for disabled roles.
 - b) Hiring external disability expertise to enable the authentic portrayal of disability on screen (eg script editor / consultant / focus groups with lived experience if an aspect of disability is being depicted beyond the creative's own experience)
 - c) Ensuring that the final product is accessible to all disabled consumers (eg viewers are able to access subtitles and audio description for programmes as well as marketing content.)
- 3) **Developing talent.** The company will commit to invest in talent across all levels of development and production by working to identify ways to create opportunities and develop the skills of disabled / diverse disabled talent. Practically this might include – appointment of disabled talent in key roles such as script editing, assistant script editing, writing, directing or supporting emerging talent through paid meaningful work-based shadowing opportunities (with onscreen credit) for newer talent.
- 4) **Production talent.** The company will commit to identifying and hiring key disabled production talent and to use all reasonable endeavours, having regard to the available funding, to ensure that there is sufficient budget to create a pre-production, shooting, and post-production schedule with appropriate lengths of day, breaks and accessible working and shooting locations to allow disabled talent on and off screen to deliver their best work. NB. This includes securing enough time between greenlight and pre-production to ensure disabled talent can be hired and have all access needs in place before work begins.
- 5) **Access.** For drama / high-end productions, the company will commit to employ an experienced **Access Coordinator** with lived-experience in pre-production and on set / location whose job shall be to meaningfully consult with disabled cast and crew in advance of them starting on the project, so that the company can fully understand their specific requirements and individual needs and ensure, as far as is reasonably possible, that physical, social and cultural barriers are removed for disabled people on and behind the camera. The Access Coordinator shall oversee the company compliance with legislation in pre-production as well as on set / location and in post through to transmission. The company agrees to ringfence a portion of the budget to enable them to achieve these inclusivity commitments. For smaller productions (single docs, etc.) the company shall hire a designated individual responsible for ensuring all adjustments are in place in the office BEFORE work begins and on location BEFORE filming begins. Sufficient budget will need to be set aside to hire an AC for a few days if needed and to ensure all adjustments are covered.