



## DIVERSITY GUIDANCE NOTE

for Production Companies

1<sup>st</sup> November 2018

### SKY'S COMMITMENT

Sky is committed to ensuring that its productions and workforce reflect the diversity of modern Britain. Whether viewed from the perspective of age, gender, race, disability or sexuality (or combinations of those factors), there is evidence that some groups are consistently under-represented.

One way we will address this, will be by increasing diversity across all our productions. In connection with this, we want to give particular focus to how people from Black, Asian and Minority Ethnic (BAME) backgrounds are portrayed on screen, involved in productions and contribute as writers. Bringing about effective change is a challenge without any easy solutions; but it is a challenge, which with your help, we are ready to take on.

It is really important to us and we have therefore put together some information, to help you with this.

In this note you will find:

- 1. Sky's Diversity Targets**
- 2. Details about Diamond and how we capture Diversity Data**
- 3. Useful information to help you ensure that you act within the law**

### 1. SKY'S DIVERSITY TARGETS

#### ON-SCREEN PORTAYAL

All original Sky Entertainment productions will have people from BAME backgrounds in at least 20% of significant on-screen roles.

#### WRITING

All original Sky Entertainment scripted (Drama and Comedy) productions, will have 20% of writers from a BAME background.

#### SENIOR ROLES\*

All original Sky Entertainment productions, will have at least one person from a BAME background in a senior production role.

#### \*DIAMOND SENIOR / HOD ROLES FOR SKY TARGETS COMPRISE:

|                         |  |  |
|-------------------------|--|--|
| 1st Assistant Director  | Floor Manager                            | Producer Director                      |
| Camera Supervisor       | Gallery Director                         | Production Accountant                  |
| Casting Director        | <i>Head of Production (f/lance only)</i> | Production Designer                    |
| Chief Costume Designer  | Lighting Cameraman                       | Series Director                        |
| Choreographer           | Lighting Director                        | Series Editor (Editorial)              |
| Composer                | Line Producer                            | Series Producer                        |
| Costume Designer        | Location Manager                         | Sound Recordist                        |
| Director                | Make-up Designer                         | Studio Director                        |
| Director of Photography | OB Director                              | Stunt Co-ordinator                     |
| Edit Producer/Director  | Post Production Supervisor               | <i>VFX Supervisor (freelance only)</i> |
| Editor                  | Producer                                 |  |
| Executive Producer      |  |  |

If you have any questions regards these targets, you should discuss with the relevant commissioning



executive.

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***We would like to get good BAME applicants... how do we find them?***

A good place to start is to look at the CDN website (<http://creativitydiversitynetwork.com/networking/>). This has links to organisations that may be able to help. Please also speak to your production representative and commissioning editor for further contacts and organisations that may be helpful or if you have any concerns.

## **2. DIAMOND: HOW THESE TARGETS WILL BE TRACKED**

### **WHAT IS DIAMOND?**

Diamond is a single online system used by Sky - and BBC, ITV, Channel 4 and Channel 5 - to obtain consistent diversity data on programmes we commission. The initiative is supported by Pact and Creative Skillsset and delivered through the CDN (Creative Diversity Network). **For the first time, we have a common standard for monitoring diversity across all the main broadcasters. If our TV industry knows who it employs on and off screen it can better reflect the diversity of modern Britain.**

### **USEFUL GUIDANCE ON DIAMOND:**

**FIND OUT ABOUT DIAMOND:** <https://creativitydiversitynetwork.com/diamond/>

**ONE PAGE FAQ:** <http://creativitydiversitynetwork.com/wp-content/uploads/2018/02/Quick-Facts-for-Contributors.pdf>

**DIVERSITY GUIDANCE NOTE (CDN):** a detailed guidance document

[http://creativitydiversitynetwork.com/wp-content/uploads/2018/09/Diamond\\_Guidelines\\_2018-FINAL.pdf](http://creativitydiversitynetwork.com/wp-content/uploads/2018/09/Diamond_Guidelines_2018-FINAL.pdf)

### **HOW DO WE CAPTURE DIVERSITY DATA?**

- Diamond is incorporated into Silvermouse, where the post production paperwork for all programmes commissioned by Sky is uploaded
- Production Teams are responsible for naming and including email addresses for relevant personnel. This will include all on screen cast/contributors and all off screen personnel who have their job title listed in the system.
- Production teams should ensure that they include appropriate wording in their contracts re adding the names and email addresses to the system. Please see the attached **Schedule** containing the **Sky approved wording**.
- Once the names and addresses are in the system they (or their agents) will receive automated emails from Diamond inviting them to participate and provide their personal information which will include their diversity information. They can decline to take part in some or all of the questions, or opt out at any time.
- Production teams will also be asked to complete a 'PERCEIVED' form. This will be completed by a member of the production team on the basis of what diversity characteristics he/she perceives the on screen cast/contributors have. This will be submitted directly into Silvermouse,
- Please refer to the CDN Guidance Notes mentioned above for more detailed information in relation to Diamond.

### **RECOMMENDATIONS TO PRODUCERS/PRODUCTION COMPANIES**



- Sky encourage producers and production companies to share their support of the Diamond project with their personnel
- Producers may wish to issue memos and/or hold meetings and discussions to convey their support of Diamond, in order to better capture the diversity of our industry
- Please share CDN's Fast Facts and Guidance Notes (links above) with cast and crew to better inform them of the intentions and methods of Diamond.
- Sky requires production teams to submit as many cast/contributors/crew as possible in to Diamond, especially in relation to our Diversity Targets, within the confines of their data protection obligations. Please discuss this with your Sky representative if you have any queries.

### **3. Useful information to help you ensure that you act within the law**

Production companies must ensure that they act within the law. We wanted to mention unlawful discrimination and positive action

#### ***Discrimination is unlawful***

It is unlawful to discriminate on grounds of race or ethnic origin. You must not offer employment or other work to anyone because they are (or are not) from a BAME community. In deciding who gets a job, you should look at the skills and experience needed to perform the role and decide who would be the best person. Careful thought should be given to deciding who is the best person and as to how you evidence your decision if you are challenged. There may however be roles in which, for example, knowledge of a particular community is a genuine requirement, but these are likely to be rare. Although race and ethnic origin should play no part in determining who is offered work, there are circumstances in which positive action is permitted.

#### ***Positive action***

"Positive action" means the steps that an employer can take lawfully to encourage people from groups with different needs or with a past track record of disadvantage or low participation to apply for jobs. For example, an employer can use positive action where it thinks reasonably and on the basis of evidence that participation in an activity by people from BAME backgrounds is disproportionately low. In such a case, an employer can take proportionate action to enable or encourage participation.

Before or at the application stage, an employer could take steps to encourage people from under-represented groups to apply or could offer training or support. This "positive action" is not the same as "positive discrimination" which as explained above is not permitted.

#### ***Data security and Data Protection***

You need to ensure that you comply with data protection legislation when dealing with any personal data.

You need to take appropriate measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. What you do will depend on your circumstances but we suggest it includes the following:

Ensuring that data on devices such as laptops, tablets or removable media such as USB sticks is held securely and encrypted.

Ensure that all devices are held securely with effective passwords.

Ensure that only appropriate senior individuals have access to the data and that they understand that it may only be used for limited purposes.



## SCHEDULE

### **Diamond Wording**

1. For **on-screen contributors** and any talent that signs a release form or hit the following wording must be included in all relevant precedents.

#### **For adults**

*Broadcasters and Creative Diversity Network (CDN) are monitoring diversity on UK television through Diamond. They have a legitimate interest in collecting diversity information about our industry, and if you provide us with your name and email address we will enter this in a system called Silvermouse and you will be invited to provide your diversity characteristics. The broadcasters and CDN, as data controllers, are responsible for this data and will retain your name and email address for this purpose in Silvermouse for as long as diversity is monitored by them. They also collect information about how viewers might perceive diversity on screen. Further information about Diamond can be found here:*

*<http://creativitydiversitynetwork.com/diamond/contributors/>*

#### **For children (wording seen by Parent/Guardian)**

*Broadcasters and Creative Diversity Network (CDN) are monitoring diversity on UK television through Diamond. They have a legitimate interest in collecting diversity information about our industry, and if you provide us with the child's name and your email address we will enter this in a system called Silvermouse and you will be invited to provide diversity characteristics on behalf of the child. The characteristics you will be asked to provide are age dependent. The broadcasters and CDN, as data controllers, are responsible for this data and will retain the child's name and your email address for this purpose in Silvermouse for as long as diversity is monitored by them. They also collect information about how viewers might perceive diversity on screen. Further information about Diamond can be found here:*

*<http://creativitydiversitynetwork.com/diamond/contributors/>*

#### **Where on-screen talent receive a long form agreement the following additional sentence must also be included.**

If you would prefer not to be involved in Diamond please let your production contact know within 7 days of the issue date of this contract.

2. Precedents for **off-screen talent** must include the following:

*Broadcasters and Creative Diversity Network (CDN) are monitoring diversity on UK television through Diamond. They have a legitimate interest in collecting diversity information about our industry, and if you provide us with your name and email address we will enter this in a system called Silvermouse and you will be invited to provide your diversity characteristics. The broadcasters and CDN, as data controllers, are responsible for this data and will retain your name and email address for this purpose in Silvermouse for as long as diversity is monitored by them. If you would prefer not to be involved in Diamond please let your production contact know within 7 days of the issue date of this contract.*

*Further information about Diamond can be found here:*

*<http://creativitydiversitynetwork.com/diamond/contributors/>*