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Best Practice Guide: Engaging Production Companies in Creative Pitches.

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Creative pitches require a significant investment of time, resources, and creative energy for all involved, making it crucial to approach the process strategically and collaboratively.

The process of pitching has become increasingly complex, with challenges such as limited resources, lack of transparency, evolving expectations, and changes in industry practices are placing significant strain on all involved. From a production company's perspective, these pressures, if left unaddressed, threaten the long-term viability and sustainability of our industry.

As agencies navigate a rapidly changing landscape-marked by non-traditional deliverables, evolving media strategies, tighter budgets, and a shift toward project-based work-these pressures have inevitably impacted production. Additionally, the growing trend of clients engaging production companies directly, without the infrastructure or expertise typically provided by agencies, adds further complexity to the process.

Recognising these challenges, the CPC has developed a set of guidelines to establish best practices for engaging production companies in pitches. These guidelines aim to foster a collaborative, transparent, and sustainable approach, ensuring the process is efficient and fair for all parties involved. By standardising expectations and procedures, we hope to minimise misunderstandings, reduce unnecessary costs, and deliver stronger outcomes for everyone.

Principles and Core Concepts

1. **Fairness**
   All scripts or creative concepts must receive client approval before presenting to a production company. All parties involved in the pitch must receive the same scripts, creative concepts and production brief. Any exceptions due to extenuating circumstances must be clearly communicated to all participating parties upfront.

2. **Transparency**
   All parties involved in the process should act with honesty, respect, openness, and commit to providing constructive feedback.

3. **Efficiency**
   Expectations, usage and deliverables should be clearly defined before the creative briefing, using a comprehensive checklist or Production Briefing Document in addition to the creative brief.

4. **Time**
   Sufficient time should be allocated and allowed equally across all participants.

   Following these simple principles will greatly increase the quality of the creative responses and benefit all parties.

   Below is a detailed breakdown of the process. This document serves as a comprehensive guide and best-practice reference for every stage. It is highly recommended that anyone involved, or likely to engage in, the pitch process within your organisation thoroughly reviews and familiarises themselves with its content. This includes team members across all levels and departments, such as creatives, client services, finance, and production.

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Pitch Procedure - Best Practice

Following is a detailed breakdown of the procedure and expectations at each stage of the pitch process. These should be seen as minimums that create a best practice framework.

If there is any uncertainty about the process we urge you to contact the companies involved and discuss any changes or developments that don't align with what is set out below.

Client Approved Script:

The script(s) or creative must be approved by the client before proceeding with the pitch. If this is not possible it must be clearly communicated to all parties involved. Their right to then decline to be involved must be respected. If a concept or film is to be researched at any stage of the production this should be disclosed in advance.

Competitor Disclosure

The agency and/or client must disclose the names of all the participating directors/ production companies at the commencement of the briefing or pitch.

Limit on Briefings:

Agencies and/or clients are limited to briefing, or pitching, no more than three directors or production companies.

Any variations to this must be communicated to all parties invited to pitch, prior to commencement of the briefings. Directors and production companies reserve the right to decline or withdraw their pitch if more than three participants are briefed.

Agencies and/or clients are strongly encouraged to opt for single bidding on projects under $100,000, as the cost of pitching for such projects can often be cost prohibitive.

Disclosure of In-House Production

The involvement of any in-house director, production or post-production must be disclosed at the commencement of the briefing or pitch. Production companies reserve the right to withdraw from the pitch under such circumstances.

Production Briefing

Provide a detailed production briefing outlining budget, inclusions and exclusions, key approval dates, delivery date and deliverables. A CPC-approved Production Briefing Checklist is available here.

Note: Variations to this briefing at a later date may require additional quoting and estimates.

Replacements

In the event a participant decides to withdraw from the pitch, by no fault of the client or agency, they can be replaced with a new participant. The client and agency must inform each of the incumbents of this event.

Schedule

The client and agency must allocate sufficient time for participants to respond to the briefing, ensuring no less than five working days between the creative briefing and the delivery of a standard pitch.

If there are changes to the creative direction or deliverables, additional time must be scheduled before the final delivery deadline.

Please note that weekends are excluded from the five working days. For instance, if a production company is briefed on a Wednesday morning, the pitch deadline would be close of business the following Tuesday.

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Agencies must ensure their clients are informed of the minimum time allowance and plan production schedules accordingly.

Allocating sufficient time for a pitch should not be to the detriment of the overall production timeline.

To clarify, the minimum recommended production schedule is outlined below:

Pitch	1 Week*
Pitch Approval/Revisions	1 Week
Production	4 Weeks
Tech Recce/SHOOT	1 Week
Offline	2 Weeks
Online/Grade	1 Week**
Approvals	1 Week
Total	**11 Weeks**

**1 Week = 5 working days **Does not include VFX*

Weekend Pitch Work

Weekend work should be avoided; however, if it is unavoidable, compensation for work outside normal hours will need to be communicated upfront and provision made in scheduling and budget allocation.

Cancellation Fee

In the event that the client decides not to pursue the project after the pitch has commenced, all production companies involved will receive a 'cancellation fee'. The recommended standard cancellation fee is currently $5,000 as set out by the CPC in February 2023, as the **New Pitch Cancellation/Change Terms** (extract below):

The Commercial Producers Council recommends that agencies work more closely and transparently with production companies and notify them at inception as to whether the concept and budget have been fully approved by the client or not.

To facilitate this, set out below, are the CPC's recommended terms of engagement which we will be adopting effective today:

1. *If the agency has client approval, then all parties should proceed to treating and bidding, with an addendum to the terms: Should the job be cancelled or changed dramatically during this process in creative or budget, that means either the director or production company cannot proceed, then an agreed fee of $5,000 will be payable to the production company. This fee is not payable if the director or production company discontinues the pitch of their own choice, for whatever reason.*

2. *If the agency has not had client approval, this should be clearly stated prior to any briefing and a scoping fee should be agreed upon for the production company, in the event that timings, budget, or concepts change during the course of bidding. It is the responsibility of the agency producers to outline these parameters and payment terms to the client.*

3. *The CPC appreciates that there will be exceptions subject to negotiation; for example, where a production company engages in treatments and bids to assist an agency with a proactive concept to sell to its client. When this occurs, and assuming all parties are aware of the circumstances before the process of treatments and bidding gets underway, no cancellation fee will apply. If it is not made clear that it's a proactive pitch to a production company, they will be within their right to charge the $5,000 cancellation fee.*

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Fair Work

The recent updates to the Fair Work Legislation, specifically through the Fair Work Legislation Amendment (Closing Loopholes) Acts of 2023 and 2024, have introduced the "Right to Disconnect" under section 333M of the Fair Work Act 2009. This new provision allows employees to refuse to monitor, read, or respond to work communications outside their working hours, unless the refusal is deemed unreasonable.

Production companies will also have to establish clear guidelines for after-hours communication with their employees to align with the new legislation.

To support their production partners in this transition we expect our clients to afford us the same consideration they are required to do for their own employees and ensure that after-hours contact is necessary and reasonable.

As this legislation comes into effect, it presents an opportunity to reassess your communication policies and engage in open discussions with your production partners to create a compliant and supportive work environment.

Conclusion

In conclusion, this document provides a comprehensive framework to ensure the pitching process is fair, transparent, and efficient for all parties involved. By adhering to these best practices, agencies, clients, and production companies can foster a collaborative environment that respects time, resources, and creative efforts. Implementing these guidelines will not only enhance the quality of outcomes but also contribute to building sustainable and positive working relationships across the industry.

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