

BFI DOC SOCIETY PRODUCTION SOS FUND

GUIDELINES

**MAKING AN APPLICATION TO THE
BFI DOC SOCIETY PRODUCTION SOS FUND**

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1. Introduction

Thank you for your interest in the BFI Doc Society Production SOS Fund and welcome to our guidelines. Please read them carefully before applying.

The global shutdown caused by COVID-19 has had a significant impact on the UK creative sector, and on film production in particular. We therefore believe that, in order to help secure and maintain a healthy, resilient and world-class film industry for the future, we need to support the UK independent documentary film production sector through this unprecedented and challenging time.

The BFI Doc Society Production SOS Fund is intended for independently financed British documentary film productions that have been unavoidably interrupted by COVID-19, and would therefore benefit from National Lottery support.

Awards made through the Fund are intended to support unexpected additional production costs arising directly from the impact of COVID-19 that cannot be covered from other sources or by other means. They are also intended to help put the production company and the project in the best possible position to allow production to resume as soon as it is safe and practical, and thereby help to support the wider UK independent film community.

The BFI Doc Society Production SOS Fund will be open for applications for a period of 3 weeks from Thursday 11 June 2020. The fund will close on Thursday 2 July at 12 noon (UK, BST). We do not currently anticipate any further funding rounds for this fund following the closing date.

2. Can I apply?

The BFI Doc Society Production SOS Fund is intended for feature documentary projects. While we do welcome films intended for multi-platform release and looking to push the boundaries of documentary storytelling, we are unable to provide funding for filmed productions such as a theatre show, filmed sporting or music event, artist installation work, or material intended primarily for broadcast television.

We can only consider your application if you are an independent British production company whose project has been unavoidably interrupted by COVID-19, and that interruption has given rise to unexpected additional production costs that cannot be covered by other sources. Such other sources might include any one or more of the following: existing or new third party funders; financial support from Government backed COVID-19 schemes (such as the [Coronavirus Job Retention Scheme](#)); receipts from successful insurance claims and any additional UK Tax Credit generated from your additional COVID-19 related costs.

In order to ensure that our funds may assist as many productions as possible, you may only apply to the BFI Doc Society Production SOS Fund in respect of one project, even if you have more than one project that has been affected by COVID-19. Please also note that projects that have already been supported by the BFI Doc Society Features Fund are not eligible to apply for this Fund.

Note on state aid: Grants made by this fund will be awarded to the applicant under the 'de minimis' state aid regulation (please see <https://www.gov.uk/state-aid>) or such alternative state aid legislation as the UK government may introduce. Under these provisions a company cannot receive more than a combined total sum of €200,000 of state aid (including grants, subsidised loans) from any UK or other European Union source over a three year fiscal period. This ceiling amount takes into account all public assistance given to you by way of de minimis funding over the particular three year fiscal period and which can take various forms (grants, loans,

subsidised contracts, etc.) not just the funding from the BFI Doc Society Fund. In determining whether you are likely to exceed the ceiling amount you do not need to include in the calculation any aid received by you under an approved scheme (e.g. do not include any feature film awards you have received through the BFI Doc Society Fund). We can explain these rules in more detail to successful applicants.

You must be able to tick all of the following statements before submitting an application for funding:

<p>My project is a ‘single project’ documentary feature length film which will be at least 69 minutes in length.</p>	
<p>My project has incurred unexpected additional production costs due to interruption as a result of COVID-19 that cannot be covered from other sources.</p>	
<p>My project has a production budget of no more than £1,500,000, and was already in active late stage pre-production or filming when it was interrupted.</p>	
<p>My project is independently financed i.e. not funded by a studio/quasi or mini-studio, a major SVOD or other online-platform or a commissioning broadcaster.</p>	
<p>I am able to evidence that I have secured all, or a substantial portion of the funding required to cover the costs of production to reach at least rough cut stage of the documentary film (excluding any COVID-19 related costs) and that such funding will remain available upon resumption of production.</p>	

<p>My team (producer and director) are all 18 years of age or over.</p>	
<p>My application is being made by the lead UK production entity for the project which is a company registered and centrally managed in the UK.</p>	
<p>My project is capable of obtaining a BBFC certificate which is no more restrictive than <u>BBFC '18'</u>.</p>	
<p>My project is capable of being certified as British through any one of:</p> <ul style="list-style-type: none"> i. the Cultural Test¹ ii. one of the UK's official bilateral co-production treaties; iii. the European Convention on Co-Production. <p>I acknowledge that awards made under this fund are a form of state aid, and I confirm that any funds paid to me pursuant to this application will not result in my business exceeding the state aid "de minimis" level (that is state aid of more than €200,000 over a 3 consecutive fiscal year period, being paid to a single undertaking for a wide range of purposes)</p>	

If you have read these guidelines thoroughly and are still unsure if you are eligible to apply, please email us at hello@docsociety.org

¹ A summary of how points for the Cultural Test(s) are allocated and full guidance on British certification can be found on the BFI website at: bfi.org.uk/film-industry/british-certification-tax-relief. Please note that your own assessment of your project as being capable of qualifying for certification does not mean that it will necessarily pass.

3. What can I apply for?

Awards made from this fund are capped at £15,000 per project.

While you may apply for the maximum amount noted above, we will expect you to: (i) have taken all reasonable available steps in order to mitigate the additional production costs outlined in your application; and (ii) have no other reasonable sources of funds available to you to cover some or all of such costs.

Our funding must only be used to pay for actual additional production costs resulting directly from the interruption of your project by COVID-19 that cannot be covered from other sources (e.g. existing/new third party financiers, insurance claims, Government backed COVID-19 support schemes, additional UK Tax Credit etc.), and that will help to put you and your project into the best possible position to allow production to resume as soon as is safe and practical.

Examples of the types of additional production costs that we expect you might require our assistance with include: holding fees for Producer/Director/crew; travel and accommodation; equipment and studio hire; and additional production legal spend, as well as additional costs required to help gear up your production once you are in a position to restart.

If your production is a co-production, then we can only support additional production costs that you, as the UK co-producer, are responsible for and which relate to UK production elements.

Please note that our funding may not be used to retrospectively cover costs or for payment of deferred fees. The funds you apply for must be additional costs needed to help restart the project. Our funding cannot be used to repay other financiers, tax-incentivised funders or other third party funding sources.

If your application is successful, we will ask you to make provision in your production budget for an auditable cost report and a vimeo link of the final film. We also require an end credit for the BFI Doc Society Production SOS Fund with the support of the National Lottery (followed by the BFI Doc Society Fund logo) on the documentary film.

Funding from the BFI Doc Society Production SOS Fund is in the form of a non-recoupable grant. Please see Section 8 of these guidelines for the other terms and conditions upon which any award will be made if your application is successful.

Speculative Submissions

As a National Lottery Fund we can only consider funding projects that have been submitted to us through the formal National Lottery application process. This means that we cannot accept, or read, informal application materials submitted by any means other than the online application portal.

4. How do I make an application?

Applications can be made at any time in the three week period commencing on 11 June 2020, and you will need to complete an application online <https://apply.docsociety.org/apply/new/bfi-doc-society-production-sos-fund>.

If you need additional support using the application form please contact fiona@docsociety.org

Contents of the application

The application form consists of a series of questions regarding your company, team and the project itself.

You will be asked to detail in, or attach to, your application:

- The synopsis
- Biographies of the Producer, Director and Editor (if applicable)
- The underlying chain of title
- A timeline setting out the date that active pre-production or production commenced, and the date that your production stood down
- The production budget for your project prior to stand down
- A cost report including all spend up to the stand down date
- The original finance plan for your project
- Copies of all existing funding, sales and/or distribution agreements (including any distribution and/or license agreements with any broadcaster or SVOD platform)
- A copy of any production insurance policies in place at the date of stand down and details of any claims that you have made, or intend to make, under them
- A production continuation budget, including where applicable:

- o holding fees for contracted crew (to the extent salary costs are not covered by the [Coronavirus Job Retention Scheme](#));
 - o a maximum allowance of 20% (not exceeding £1,500 per person) of the production continuation budget allocated for the Producer and the Director.
 - o expected costs to resume the production not accounted for in the production budget prior to stand down, including specific COVID-19 health and safety and other production restart costs for the remainder of the production period; and
 - o any other costs related to the stand down of your production that are not covered above including e.g. additional rights payments, facilities and/or location fees and any additional production legal costs
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- . Details of any other funding or support that you have already applied for and/or secured (including from your existing funders and/or insurers) in respect of the costs included in your production continuation budget
 - . A brief explanation of your need for National Lottery funding based on the above information

You will also need to confirm whether you have received any other grants in the preceding three year period and what they are (see “Note on state aid” paragraph above).

Providing all this information will allow us to process the award at greater speed if your application is successful.

All information provided is treated in confidence, in line with the data protection statement included on our application form.

5. What happens to my application?

Once you have submitted your application, you will receive a confirmation email to confirm that your application has been received.

a. Eligibility Check

We will check that your application is eligible for funding using the criteria identified in the ‘Can I apply’ section. Incomplete applications will be considered ineligible so please ensure that you complete all sections on the application form with the information requested.

If your application is ineligible, we will send you an email to inform you that your application will not be progressing further. We do not normally allow applicants to resubmit, but we may at this stage allow you to rectify an error on your application if this is the sole reason that it is ineligible.

If your application is eligible, it will progress automatically to the assessment stage.

b. Assessment

If your project is eligible, we will assess your application against the following criteria:

- Whether sufficient documentation has been provided to enable us to assess the project from a financial and legal perspective so that any potential award may be approved and processed as quickly and efficiently as possible.
- The feasibility of your production and financial strategy to complete the project.
- Does the application make a compelling argument for National Lottery support?

Following assessment we will send you an email to tell you that:

- we have reviewed your application and are not considering it further and that your application is now closed; or
- we intend to take your application forward for funding.

We aim to let you know our decision on whether we intend to progress or decline your application within three weeks of the closing of the Fund. A discussion with our Production and Business Affairs personnel will take place before we are able to formally commit to the project and submit it for approval through the BFI Doc Society Fund Committee.

c. Fund Committee Consideration

Once the elements are agreed, funding recommendations are then made to the BFI Doc Society Fund Committee for approval.

Successful and unsuccessful applicants will be informed in writing of our decisions as soon as possible. Our decision on whether we wish to support your project is final.

6. Feedback

We aim to make the application process as transparent as possible, but as a result of the volume of applications we receive, we do not have the resources to provide feedback on projects that are declined.

Applications may be declined for a number of reasons. For example:

- The project was not eligible for funding.
- We didn't feel that the project needed National Lottery support, i.e. it should be financeable by other means.
- We didn't feel that, even with our support, the project was likely to be successfully completed within a reasonable timescale post crisis.

If you have constructive feedback on the application process please do contact us on hello@docsociety.org - we'd love to hear from you!

7. Resubmission

No resubmissions can be made to the BFI Doc Society Production SOS Fund for funding applications that it declines.

8. Successful applications

If your application is successful, you will be made an offer of funding.

Before we advance any funds, you will be required to enter into an agreement with the Doc Society that sets out the **terms and conditions** of our funding. These terms and conditions will include the following (but may also include others specific to your project):

1. Doc Society will pay the funding to a limited company registered by you in the UK (either as a company incorporated in the UK or incorporated in the European Union or European Economic Area and registered as a branch in the UK).
2. The BFI Doc Society funding will be a **non-recoupable** grant by Doc Society.
3. You will be required to include an appropriate BFI/Doc Society/National Lottery credit and static logo in the closing credits at the end of the completed production.
4. You will be required to allow Doc Society to audit the production at any time in the five year period following the making of the award.
5. You will be required to provide a vimeo link to the final version of the film, once completed.
6. The BFI Doc Society funding must be paid into a separate dedicated production account, into which all other production funding has been or will be paid.
7. Doc Society will hold back 10% of its funding until delivery to Doc Society of: (i) a cost report in respect of the additional production costs intended to be covered by our award; and (ii) the vimeo link to the final version of the completed film.
8. You will be required to ensure that your project has been and will continue to be produced in accordance with the requirements of all unions and guilds having jurisdiction and with all applicable laws and statutes.
9. Doc Society may withdraw any offer of funding if it has reasonable concerns relating to the terms of any third party finance.
10. You will be expected to already have, or to put in place, all customary production insurances (including errors and omissions insurance) on which Doc Society must be a named insured and the BFI must be an additional insured by the time your project re-commences production.
11. The finance agreement will include standard termination provisions.

9. BFI Doc Society National Lottery Funding General Conditions

1. The information in these guidelines can change. The law and Government regulations on distributing National Lottery funds may also change. Doc Society therefore reserves the right to review this funding scheme and/or change its policies, procedures and assessment criteria.

2. The application form does not necessarily cover all the information Doc Society uses to decide which applications to fund. Doc Society can ask applicants for extra information.

3. All applications are made at the applicant's own risk. Doc Society will not be liable for loss, damage or costs arising directly or indirectly from:
 - the application process;
 - Doc Society's decision not to provide an award to an applicant; or
 - dealing with the application.

4. Please check your application form carefully. Doc Society will not process applications which are incomplete or which do not comply with these guidelines.

5. Doc Society's decisions on applications are final.

6. Doc Society will not pay any funding until it has received a fully executed copy of the funding agreement and any conditions precedent to that agreement have been satisfied or waived by Doc Society.
7. Doc Society may publicise information on the number of applications it receives and the awards made. This information will include the name of the successful applicant, award amount, project name and project details.
8. The Freedom of Information Act 2000 gives members of the public the right to request certain information held by Doc Society. This includes information held in relation to applications to the Doc Society's Lottery funding programmes or schemes. Therefore if you choose to apply to Doc Society you should be aware that the information you supply, either in whole or in part, may be disclosed under the Freedom of Information Act.
9. Sometimes the Doc Society's Board Members or members of staff may be involved in some way with applicants. This interest has to be declared in applications from such applicants. The relevant Governor or staff member will not be involved in assessing the application or the decision to make an award. Applicants are advised not to try to influence the success of their application by approaching a Governor or staff member.
10. It is important that applicants carefully check the information given in the application form. Doc Society's standard terms and conditions

entitle it to withhold or reclaim an award in the following circumstances:

- if the application was filled in dishonestly or with incorrect or misleading information about the organisation or the project whether deliberately or accidentally; and
- if the award recipient acts dishonestly or negligently to the disadvantage of the project.

Doc Society will follow up cases of suspected fraud and will pass information to the police.

11. Doc Society requires that any measures taken by applicants to address underrepresentation are fully in compliance with the Equality Act 2010 – see more at www.equalityhumanrights.com.
12. Complaints and Appeals: Doc Society's decision is final. Inevitably applications will be turned down and applicants may be disappointed by this result. Formal appeals against the final decision will not be considered unless the applicant has good cause to believe that the procedures for processing the applications were not adhered to, or applied in such a way as to prejudice the outcome of the application. If such a situation arises, please send a letter to the Chief Executive Officer, Doc Society, 50 Frith Street W1D 4SQ
13. **Recognition of the National Lottery:** The BFI Doc Society Fund distributes 'good cause' National Lottery Funding. We ask all of our

partners and award recipients to increase the visibility of the National Lottery by:

- promoting and proudly displaying the National Lottery logo; and
- warmly and energetically finding ways to spread the word.

It is therefore an important condition of BFI Doc Society funding that the source of the funding (being the National Lottery) is prominently acknowledged through conspicuous use of the BFI Doc Society/National Lottery lockup logo and through agreed verbal and written acknowledgement. Also that partners and beneficiaries take frequent opportunities to highlight not just the fact of the funding but why it is funded and therefore the good work that is possible through the National Lottery.
