

# **BFI FILM FUND**

## **DEVELOPMENT AND PRODUCTION: MAKING AN APPLICATION FOR FEATURE FILM FUNDING**

### **What can I apply for?**

This application process relates to 'single project' film development or production funding, including applications for completion funding and the development of films with associated digital and cross-media components.

#### **Production funding:**

We welcome production applications from new and established filmmakers. Priority will be given to projects and filmmaking teams that demonstrate a bold vision and creative excellence, and that are unlikely to be fully financed by the marketplace.

We support fiction and documentary, first-time and experienced filmmakers, but if you want funding for your **documentary** please look at the section of our website [Funding for Documentaries](#) first; if you are a **first film director** (or planning to apply on behalf of one), please look at the section **Funding for first features**, as we have developed special assessment processes for both categories.

Applications for production funding must have a director and producer attached to the project.

#### **Completion funding:**

We will now consider applications from films that have been invited to launch at a major international film festival but need additional funding to be completed prior to their festival screening. Please see the additional information at the end of these guidelines on what is and is not eligible for completion funding.

#### **Development funding:**

We accept live action, fictional feature film development applications from filmmakers who have already had a feature film produced and theatrically distributed.

We welcome applications for the **development of documentaries** from new and established filmmakers, but note these are considered in the twice yearly pitching sessions, please look at the section of our website [Funding for Documentaries](#) first.

We also welcome development funding applications for animated films from filmmakers who have yet to make their first feature.

However for first feature filmmakers seeking development funding for their live action feature film, we have launched the [BFI NET.WORK](#) – a new UK-wide talent development programme in partnership with National Screen Agencies, helping new and emerging filmmakers to reach their full potential. All live action applications for development funding from emerging talent (i.e. if the writer and/or director attached to your project has yet to have a feature film produced and released) should now be made directly to the NET.WORK.

You should also look at the BFI NET.WORK if you are seeking funding for a **short** film,

## Who can apply?

If the project is at an early stage, we are happy to consider applications for development funding from a team of a producer and writer without a director attached, but applications must be made by the producer. We will not consider applications for funding from an individual acting as sole writer, director and producer. In exceptional circumstances we may fund applications we have solicited directly from writer-directors without producers or production companies at the development seed stage, but this is by invitation only.

Whatever you are applying for you must have a screenwriter attached to your project already, even if you are applying for development funding, and you must own or be in the process of obtaining the rights and any underlying rights in the project. We only fund development applications with a screenwriter attached because we need to know if the screenwriter is capable of executing the idea as a screenplay.

We strongly encourage applications from producer-writer-director teams and applications must be made by the producer.

In order to be eligible for our funding, your film project must be:

- a. capable of being developed as a feature-length fictional or documentary film for theatrical release. It cannot be for a short film, or a programme, series or serial intended primarily for television;
- b. capable of obtaining theatrical and video release certificates no more restrictive than BBFC '18';
- c. capable of qualifying for certification as a British film through:
  - i. Schedule 1 to the Films Act 1985 (The Cultural Test);
  - ii. one of the UK's official co-production treaties; or
  - iii. the European Convention on Co-Production.

As a guide, and in order to determine whether a development project may be capable of qualifying as a British film, we will look at the following criteria:

- whether the project is set in the UK;
- whether the lead characters are British;
- whether the film is based on British subject matter or underlying material;
- whether the script is intended to be developed in the English language (or in a recognised regional or minority language);
- whether there is a significant representation/reflection of British cultural heritage;
- whether there is a significant representation of British cultural diversity;
- whether there is a significant representation/reflection of British culture through a novel and creative approach to filmmaking;
- nationality or residency of the writer (European Union or EEA);
- nationality or residency of the director (European Union or EEA).

All applications in this process must be made by or through a production company registered and centrally managed in the UK or another state of the European Union.

We cannot fully finance the production of a feature film, regardless of the budget, and therefore most applications requesting full financing, or full financing except for the UK film tax relief, will be rejected automatically.

Our funding is only a contribution towards the costs of your film. Whether you are looking for development or production funding, we are not a commissioner, nor will we fully fund your project. For development this means that, for instance, we only make a set contribution towards your fees and overheads. For production we never fully finance the costs of the film and expect you to find other finance towards the costs of the project. So if you ask for 100% production finance, or full financing except for the UK Film Tax Relief, your application will be automatically rejected before we even look at the creative and strategic proposals.

We also do not offer funding for the development, production or distribution of filmed productions such as theatre productions, or filmed sporting and music events intended for cinema broadcast.

## **What do I need to do?**

To make an application for funding you must complete an **application online**.

You need to submit two written proposals – one creative, one strategic – that make the case for your film being selected above the majority of others. Your proposals need to outline briefly and concisely your initial ideas for the film. You must include proof that you can secure or have secured any underlying rights in the idea proposed. While we don't ask to see a script or samples of previous work at this stage, you should have them ready to send immediately if requested.

Remember that the selectors will be reviewing a considerable number of applications. You need to make yours stand out. Your creative proposal needs to be exciting, original and feasible to be worth choosing. Why is your idea more exciting than those of other filmmakers? Why should you be selected above others? Will you be able to deliver on your promises? Does your budget make sense when compared to the likely box office?

Here are some areas you could discuss in your creative proposal:

- What is the film about (synopsis, story, themes)? The clarity of your story and ideas is key.
- What stage is it at?
- What direction will your film take?
- What is the track record and previous work of the writer/director?
- Why do you want to make (write/direct) this film? Ideally, these comments would be written by the screenwriter or director.
- What audience are you aiming to appeal to?
- How would you go about achieving your ideas and interpretation on film?
- Have you any casting ideas at this stage and how are you planning to approach that cast?
- Where and when are you hoping to shoot the film?

The strategic proposal is your chance to strengthen your application by demonstrating an ability to pull the project together. It can describe your initial practical, financial and publicity ideas.

Here are examples of specific questions you could address in relation to production funding:

- What budget do you anticipate needing to develop the film and then get it made?
- At this stage can you foresee any unusual or challenging technical or budgetary requirements?
- What is the finance plan for the film and how do you envisage raising that investment?
- Do you propose to adopt the **BFI proposed joint venture** arrangement for this project?
- How will you go about managing production resources and the budget?
- How will you ensure the film finds its audience and gets distributed?
- Do you see it as a festival-driven film or a film driven by its opening weekend?
- We welcome both, but we need you to be clear about what you are trying to achieve and that you can deliver accordingly.
- What might you say in an advertising blurb to sell the film?
- Does your project have digital and cross-media potential?
- Is your project intended to be a minority co-production?

Feel free to include a weblink to any visual materials, e.g. artwork, images, shorts, etc.

When first using the online application tool you will need to create an account which allows applications to be saved and reviewed before submission. Once the account is set up, future applications will be pre-populated with your contact details. You will be able to access all your past online applications and in-progress applications at any point by logging into your account.

The BFI will confirm by email that the application has been received and a unique application ID number will be assigned to the application.

## **What happens next?**

First of all we will check that your application is eligible for funding (**Can I apply?**). If it is ineligible, we will send you an email to inform you that your application is not being processed. We don't normally allow resubmission to the Film Fund, 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 project is eligible, we will assess your application against some or all of the following criteria:

- The merits of the creative proposal
- The feasibility of the strategic proposal

- The track record of the filmmaking team
- The audience potential for the film, including its UK distribution and international sales potential
- The project's cultural value

Bear in mind that we have to turn down many more applications for funding than we are able to progress (fewer than one in ten applications are successful), and we aim to invest Lottery funds in a diverse range of projects and filmmakers, working in different genres and at different budget levels.

With the exception of first feature and documentary applications, we will send you an email within 8 weeks to tell you either:

- (i) That we have reviewed your application and are not considering it further and that your application is now closed; or
- (ii) That we would like to see further information for consideration (e.g. for development, this might include writing samples, treatment or draft script if appropriate, proposed development budget; for production, this is likely to include script, showreel, detailed budget, finance plan, casting lists, sales estimates, previous work) or we would like to meet you to discuss the project further. If you are invited for a meeting, all members of the team making the application should attend.

The meeting is an opportunity for us to discuss your application and for you to ask any questions you may have. You will have the chance to explain in person why you want to make the film and to outline your ideas in more detail. We will have questions about the application and may ask you to develop some of your ideas further or address aspects of the production. It is important to understand that having a meeting does not mean we have made a commitment to funding your project.

If you've asked for production funding, sometimes we might suggest that you need to do some more development (for instance, another draft of the script, or shooting some test scenes) before we consider the production funding request. In those instances we will ask you to withdraw your production application and reapply for development funding. You will then still be able to resubmit for production funding at a later stage.

You may need to supply further information after the meeting, particularly if you are asking for production funding, so we do not have a set deadline for letting you know whether we are taking your application forward. If you think you've supplied all the information we've asked for and you don't hear from us within 6 weeks, then do get in touch.

If we decide to take your application forward for production funding, we will issue a formal but conditional expression of interest in funding your film (a 'Letter of Intent'). This may be useful in helping you secure other investment. The funding will be available for a specified period of time, after which point

the expression of interest and funding will lapse. We will not keep the offer 'open' beyond this period of time as we want to ensure that funds are not tied up. However, we will consider extending the period of time for which the Letter of Intent remains valid, or we will place the application on 'hold'.

All feature productions which the Film Fund intends to support will now be required to fulfil a number of obligations before they can access our Lottery production funding as set out in the  $\sqrt{\sqrt{\sqrt{\quad}}}$  Guidelines (see BFI website for more) which will be attached to the Letter of Intent. The Letter of Intent remains valid for up to 6 months giving you sufficient time to assess your production and identify how you will be able to comply with these Film Fund diversity requirements. You will be required to show that you can achieve at least two ticks (which will be independently assessed by the BFI's Certification Unit operating entirely separate to the Film Fund editorial decision-making process).

If you have not been issued with a Letter of Intent, you should not assume that we have made a formal expression of interest to fund your project.

Subsequent to either the issuing of the Letter of Intent for production funding, or at the appropriate moment in time for development funding, further internal discussion with our Business Affairs and Production Finance Departments and other advisors will take place before we are able to formally commit to the project. Recommendations to fund film projects are made to an internal Lottery Finance Committee for approval.

Owing to the amount of time and resources needed to agree documents with other financiers ahead of production, if, for whatever reason, we are unable to present a film project to the Lottery Finance Committee at least 6 weeks prior to the start of Principal Photography, we may withdraw our expression of interest to fund your project.

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.

All successful awards are listed on our website once our decision to invest is made.

## **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 where we are not requesting further material or a meeting.

In these circumstances, we will send you a standard rejection email and documentation held on file for the assessment of these projects will simply state "pass".

On projects that have received further consideration or that we have met to talk about, we will try to provide some feedback, if requested, and if we have some constructive

advice to offer beyond the meeting. We welcome constructive feedback from you on our application process, so we can continue to improve.

## **Resubmission**

No resubmissions can be made to the Film Fund for projects that it rejects (unless there is a substantial and significant change in elements, which is usually the director), or in respect of a project previously rejected by the UK Film Council, unless we invite you to resubmit (which we may do when we've suggested that you needed to do more development on the project, or where we've issued a Letter of Intent that has lapsed).

## **Speculative Submissions**

We cannot read scripts or consider projects which have not been formally received through the application process.

## **Offer of funding**

If you are successful:

You will be required to enter into an agreement with the BFI setting out the terms and conditions of our funding. These conditions will include the following:

### General

1. The BFI 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 finance agreement will include standard termination provisions.

### Development finance

3. You will need to establish rights ownership of your film project and the BFI will require certain approvals over the project including all chain of title or clearance documents, or sources and amounts of other funding. You must disclose all documentation already in place in relation to the film.
4. You will be required to repay development funding to BFI (no later than the first day of principal photography of the film) and provide us with a profit participation from any films that go into production. If you do repay the development funding on time, then, effective from 1 April 2013 and provided that you are an independent UK film producer, we will ring-fence that money and you will be able to spend it on the development or production funding of your next project as if it was your own investment in that project (i.e. you will not then have to repay it) or

on staff skills training. Some conditions apply to this recycling of development monies:

- a. You must apply to draw-down these recycled monies within 5 years of repayment;
  - b. This offer isn't available when our funding is for pre-production activity;
  - c. There is a cap of £100,000 on the amount that can be ring-fenced per project against any repayment sum.
5. You will be required to assign a share of all rights including copyright to the BFI. These rights will be reassigned to you on repayment of the development funding and ahead of production of the film.
  6. You will be required to provide a credit to the BFI.
  7. You will need to complete the development work by specified dates or the funding will have to be repaid.

#### Production finance

8. Production finance will be recoupable by the BFI. You will be allowed to be paid a 25% share of the BFI's recouped investment (rising to 50% once the BFI has recouped 50% of its investment), provided that it is spent by you on further development or production of film projects or on staff skills training, and subject to certain caveats. This producer corridor entitlement is capped at the amount of the UK tax credit advance included in the finance plan for the film and will not be available where the producer is entitled to receive an amount equal to the UK tax credit advance payable alongside the BFI's recoupment from receipts of the film (so-called "producer equity"). Further information on this producer entitlement can be supplied on request.
9. You will be required to provide the BFI with a net profit share.
10. You will be required to provide the BFI with a presentation credit and a closing credit. Where a Film Fund Executive has engaged with your project in a meaningful and creative manner through both development and production, you may choose to provide an Executive Producer (EP) credit to the Executive, which will be granted at the discretion of the Director of the Film Fund.
11. You will be required to assign a share of copyright in the film to the BFI.
12. The BFI will generally take a security interest over the company producing the film and may take a security interest over any co-producer.
13. You will need to establish clear title to your project i.e. demonstrate you have or can trigger all the rights necessary to produce and exploit the film.
14. If other production finance in your film is being contributed by a party who expects some form of UK tax benefit, that party will be required to provide direct

undertakings and warranties to the BFI on a standard form, and the BFI may disclose to Her Majesty's Revenue and Customs any information which it receives in relation to any tax structure(s) or scheme(s) which are utilised in connection with your film. The BFI may withdraw any offer of funding if it has reasonable concerns relating to the terms of any third party finance.

15. You will be required to provide a contribution to the Skills Investment Fund of 0.5% of the film's production budget (subject to a cap of £39,500).
16. You will be expected to put in place all customary production insurances (including errors and omissions insurance) on which the BFI must be named as an additional insured.
17. You will usually be expected to have a completion guarantee in place for your film.
18. All revenues for the film must be collected by an independent collection agent and any irrevocable payment instructions issued by the sales agent on your film to sub-distributors must cite and direct payment of any minimum guarantee and overages to the collection account.
19. The BFI will require certain approvals over your film including in relation to the terms of other finance, the identity and terms of appointment of the sales agent and all distributors, and all documentation prepared in relation to the film.
20. The BFI will not normally agree to contribute funding to a production budget which includes interest, premium or overhead fees charged by other financiers or investors other than bank interest where gap financing is in place or where sales are being discounted.
21. The BFI is keen to ensure that you receive your full entitlement to a reasonable producer fee and production company overhead from within the production budget and does not encourage deferral of any such amounts.
22. If you deliver your film within budget the BFI will support your participation in underspend of up to 50%.
23. Your film's budget should include sufficient funds to clear worldwide rights in all media from all individuals or organisations who are contributing to, or whose material is to be featured in, the film.
24. You will be required to ensure that your film is produced in accordance with the requirements of all unions and guilds having jurisdiction and with all applicable laws and statutes.
25. You will be required to ensure that any agreement for the distribution of your film in the UK provides for distribution of soft-subtitling and audio-description materials in cinemas and on any DVD release of the film.

26. You will be required to provide certain delivery materials to the BFI, the costs of which must be included in the budget of the film.
27. The BFI will not commence cashflow until it is satisfied that you have complied with certain conditions as set out in the finance agreement. At our discretion, we may provide an advance in the form of 'pre-closing cashflow', but there will be no automatic entitlement to this. The BFI will holdback 10% of its funding until delivery to us of specified materials and a final audited cost report certified by an independent auditor.
28. The BFI funding will be paid into a separate dedicated trust account.
29. During production of your film the BFI will want access to information about the film and to be able to attend any stages of production.
30. The BFI will have consultation rights over assembly and all cuts of the film and a shared approval over the final cut (alongside other financiers as is customary).
31. You may be required to appoint a supervisor of marketing and distribution (SMD) to the production team in instances where we believe that the film would benefit from incorporating marketing and distribution expertise at an early stage. The costs of such a supervisor would be incorporated into the film's production budget from the BFI investment.
32. The BFI promotes the new BS8909 Standard, a specification for a sustainability management system for film, which has been designed to help the film industry run its business in a more sustainable way. As we investigate the feasibility of making BS8909 compliance a requirement of funding, you may be asked about what sustainability initiatives you already employ, or how you might make your production more sustainable or 'green'.
33. You will be required to comply with certain requests in relation to interns or trainees and you may be expected, if asked and where feasible and within reason, to participate in any apprenticeship schemes run by the Film Fund, during production or at some point in the future.
34. You will also be asked to provide access to the production, or the film, to other BFI activities such as film education and fundraising screenings and/or from time to time to make yourself or the writer and/or director of your film available, subject to professional commitments, to provide industry training or mentoring if the BFI reasonably requests.
35. You will be required to deliver against the undertakings made by you in relation to the  $\sqrt{\sqrt{\sqrt{\quad}}}$  Guidelines. Failure to deliver against those undertakings without good cause may affect your ability to receive future project funding from BFI.

## Completion Funding: Additional Information Sheet

Please note that we have recently changed our policy on completion funding

Following a review of our process for completion funding, we will now only consider applications from films that have been invited to launch at a major international film festival but need additional funding to be completed prior to their festival screening.

As festival selectors are used to looking at films at an incomplete stage, such as those with temp mix and grade, we don't offer completion funding in order to prepare a film for festival submission, only once it has been accepted.

We will not consider completion funding for projects where a sales or distribution company is one of the film's financial partners, as in such cases we would expect the completion of the film to be covered by the film's existing commercial partners.

Applications should be made through the Film Fund's regular application mechanism and we will consider the application first before deciding whether or not to request the film.

Film distributors looking for support for the UK release of the film should consider applying to our distribution fund. More information is available here: <http://www.bfi.org.uk/film-industry/lottery-funding-distribution/distribution-fund>

Sales agents looking for support for promoting the film at the festival should consider applying to our Film Export Fund.

Please also note, documentaries that are still being assembled and have additional shooting requirements may be eligible to apply for our documentary production funding strand. For more details please see here: <http://www.bfi.org.uk/film-industry/documentary-production-funding>

For a list of major international film festivals please see here:

Anecy (Animation)

Berlin

Cannes

Edinburgh

Fantastic Fest

Hong Kong

Karlovy Vary

Locarno

London

Pusan International Film Festival

Rome Film Festival

Rotterdam

San Sebastian

Sitges International

Sundance  
South by Southwest  
Telluride  
Tokyo Film Festival  
Toronto  
Tribeca Film Festival  
Venice

## **GENERAL INFORMATION.**

- i. The information in these guidelines can change. The law and Government regulations on distributing National Lottery funds may also change. The BFI therefore reserves the right to review this programme and/or change its policies, procedures and assessment criteria.
- ii. The application form does not necessarily cover all the information the BFI will need in order to decide which applications to support. The BFI reserves the right to ask applicants for additional information.
- iii. All applications are made at the applicant's own risk. The BFI will not be liable for loss, damage or costs arising directly or indirectly from:
  - the application process;
  - the BFI's decision not to provide an award to an applicant; or
  - dealing with the application.
- iv. The BFI decision on applications is final.
- v. The BFI will not pay the award until it has received a fully executed copy of the offer of funding and all conditions precedent to that offer have been met.
- vi. The BFI will publicise information on the number of applications it receives and the awards made.
- vii. Sometimes the BFI's Board of Governors (Trustees) 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 Board Trustee 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 Board Trustee or staff member.
- viii. It is important that applicants check the information given in the application form carefully. The BFI 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 during the term of the agreement the awardee acts dishonestly or negligently to the disadvantage of the project.The BFI will follow up cases of suspected fraud and will pass information to the police.

## **COMPLAINTS AND APPEALS**

The BFI's decision is final. Inevitably, applicants may have to be turned down and will 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. A copy of the BFI's Complaints and Appeals procedure can be downloaded from the website or obtained on request from the BFI's Communications Office.

