

Screen Investment Guidelines

August 2010

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Advice and information

Prior to making an application you are advised to contact the relevant Creative Scotland Lead Officer to discuss your project.

If you require further information in relation to the Screen Investment Guidelines ahead of making an application please email enquiries@creativescotland.com or call 0845 603 6000.

For specific enquires about your application you should contact the relevant department within Creative Scotland to discuss with the Lead Officer.

The current application form can be found on the Creative Scotland website: www.creativescotland.com.

SECTION A – INTRODUCTION

Creative Scotland is the national body responsible for the development and promotion of Scotland's arts, screen and creative industries -

We do this through being:

- an advisor to government
- an advocate for the industry
- a development agency
- a strategic investor.

Creative Scotland operates in line with the underpinning principles and values of:

- Inclusion and diversity
- Partnership and integration
- The promotion of excellence, innovation and experimentation
- Contributing to the nurturing, development, promotion and celebration of Scotland, Scottish talent and Scottish identity
- Openness, transparency and accountability.

In 2010/11 we have approximately £2.3m from the National Lottery, £3.2m Grant in Aid from the Scottish Government, £0.75m from Scottish Enterprise and £0.75m from the Creative Scotland Innovation Fund to invest in achieving our objectives for developing the screen industries. The bulk of the Grant in Aid is currently pre-allocated to developing educational activity, promoting Scotland internationally, supporting cultural cinema hubs and key film festivals, as well as contributing to Creative Scotland's own running costs. The investment from Scottish Enterprise and the Creative Scotland Innovation Fund is used exclusively for the Digital Media IP Fund.

Our Screen Investment Guidelines provide information on: what investment opportunities for developing the screen talent, audiences and content are available; who is eligible to make an application; how to apply; the assessment process; the criteria against which decisions will be made; and the Standard Terms and Conditions which apply if Creative Scotland decide to make an investment.

SECTION B - INVESTMENT OPPORTUNITIES

Funds are looked after by the following departments and include:

Talent & Creativity

1. Content Development Fund – **this fund is currently closed.**
2. Content Production Fund – **this fund is currently closed.**
- 2a. Audio Description Film Fund
3. Talent Development Fund – **this fund is currently closed**
4. Opportunities Fund
5. Digital Media IP Fund

Market Development

1. Audience Development Fund
2. Market Development Fund

Please note:

- **Unless otherwise stated applications to all Investment Strands are accepted on a rolling basis until such time as funds are fully committed.**
- Any new funds are publicised on the Creative Scotland website.

The total investment available for each type of investment fund is INDICATIVE of the amount of money available in each financial year. Funding will be reviewed on an ongoing basis to take account of:

- Allocated investments that 'fall in' (i.e. that are not spent by a recipient within a pre-agreed timescale)
- Returns on Creative Scotland's previous investments
- The quality of applications received
- The demand on each type of investment strand.

Information relating to Creative Scotland's investment commitments can be found on the Creative Scotland website www.creativescotland.com.

SECTION C – APPLICATION PROCEDURES

Applications can be made at any time except where specific deadlines are stated.

Assessments will be coordinated by Lead Officers with input from Business Affairs and where appropriate external assessors.

Wherever possible decisions for £50,000 or less will be made within a 4 week period and decisions for investments of over £50,000 will be made within 6 weeks. In exceptional circumstances it may take up to a maximum of 8 weeks.

For Content Production applications please also allow a minimum of 6 weeks after the decision for legal and financial closing.

Decisions will be made at Investment Meetings that will take place on a regular basis.

Attendees at the Investment Meeting will normally include:

- Interim Director of Creative Development (Chair)
- Director of Finance and Operations (Observer)
- Lead Officer(s)
- Business Affairs
- Investment Administration

The following process will apply when investment applications are received:

- Applications will be checked by Investment Administration and a Lead Officer to ensure they contain all Essential Documentation and that the documentation contains sufficient information to make a full assessment.
- Please note that in some cases, in order for your project to proceed for assessment, you may be required to provide information in addition to the Essential Documents. If this is the case you will be notified by Investment Administration as to what is required. Requirements may vary depending on the nature of your project and level of investment you are applying for.
- Applicants will be notified within 2 weeks of submission if their application will proceed for investment assessment and at which meeting the application will be considered. At this point the application will be logged onto the Creative Scotland database and a unique identification number generated.
- Applications which fail to proceed for assessment will be advised in writing within 2 weeks of submission as to the reasons for this decision.
- The Lead Officer will present his/her final assessment and recommendation at the Investment Meeting and the Chair will make a considered decision based upon the Officer's assessment. Where external assessors have reviewed the project their comments will be reflected in the Lead Officer's final recommendation.
- The decision made at the Investment meeting will be one of the following:

Support the project:

- The level of investment and investment conditions will be agreed at the Investment Meeting.
- Applicants will be informed of the decision by email and a draft offer letter

will be generated within 3 weeks.

- The Offer Letter will only be signed off, formalising a firm commitment, once Creative Scotland's standard conditions and any specific conditions agreed at the Investment Meeting have been met.

Reject the project:

- Applicants will be informed via email what criteria the application failed to satisfy.
- Projects will be rejected if they fail against any one of the four criteria outlined in Section D.
- Applicants can re-submit a new application for the same project at any point after the project has been rejected as long as the reasons for rejection have been addressed fully. Please note however, that if your application is rejected three times you will no longer be eligible to apply for funding for that project or activity.

Defer the project:

- Applicants will be given an opportunity to submit updated or additional documentation for deferred projects within an agreed timescale. This timescale will be agreed at the Investment Meeting in which the project is being considered.
- **Additional or updated documentation will only be accepted once. This must be sent complete and in hard copy x 3 to Creative Scotland's Glasgow office at 249 West George Street, Glasgow, G2 4QE, by the agreed deadline.**
- When the Lead Officer is satisfied that all documentation required to review the deferred project has been supplied the applicant will be notified at which Investment Meeting the application will be re-considered.

Where one or more of the main elements of your project/activity change (e.g. a material change to the proposal, finance plan, budget, investment plan, script, key personnel, etc) in the opinion of Creative Scotland at its sole discretion, Creative Scotland reserve the right to review any offer made and where significant changes have occurred to withdraw the offer or amend any conditions attached to the offer.

Where it may be appropriate to award finance to a project or activity from an investment strand other than that which the applicant has selected, this decision will be taken at the Investment Meeting.

Following Creative Scotland's confirmation of an offer of funding, the Creative Scotland Communications Team will be in touch about publicising your award. In some cases, this will include a press release and a mention on Creative Scotland's website and e-communications channels.

Please note, Creative Scotland's signature of the Offer Letter does not place Creative Scotland under any obligation to release funds until such time as all contractual negotiations are complete and Creative Scotland's Conditions Precedent have been met and the long form Funding Agreement signed off.

Whether your project is rejected or deferred the decision made by Creative Scotland at the Investment Meeting is final.

Before filling in the application form it is essential that you:

- Ensure your application is ready and that all Essential Documentation is submitted in order to complete the assessment of your project. If you have already submitted your Memo & Articles of Association and Equal Opportunities Policy previously you do not need to provide these again. They will be held centrally at Creative Scotland. However, Creative Scotland reserves the right to request up to date copies.
- Have read and understood these guidelines and the Standard Conditions of Creative Scotland Investment, Specific Terms of Business and the appropriate Offer Letter (where applicable) which relates to your investment application and, where required, that you have spoken to the relevant Creative Scotland Lead Officer about your application.
- **Please note: All Digital Media IP Fund applicants MUST have corresponded with the Lead Officer about their project before an application can be submitted.**
- Use the latest application form by checking on the website www.creativescotland.com or by emailing enquiries@creativescotland.com. **If your application is submitted on an out of date application form it will be delayed until you re-apply on the correct form.**
- All documentation that requires signatures must be signed by all relevant parties at the time the application is submitted. Failure to do so may result in the application being rejected.
- Submit all of the following x 3 in separate A4 ring-bound folders:
 - A copy of your signed Application Form
 - A one-page document that addresses the four Investment Criteria
 - A detailed Proposal (refer to Section C on the Application Form for more detail)
 - All Essential Documents (as detailed in Section E below)
 - Any Additional Materials.

Please note you MUST clearly index all documentation provided as part of your application.

Where you are submitting an outline, treatment or script please remove identifiers from the pages of your project and provide one additional copy unbound.

Applications will be assessed against the following criteria (as detailed in Section D below):

1. Cultural Impact
2. Creative Impact
3. Business Case/Ability to Deliver
4. Market/Audience Interest.

The proposal and essential documents you provide along with your application will form the basis on which Creative Scotland will make its decision.

Please state clearly what outcomes you hope to achieve with Creative Scotland's investment and how your project fulfils the criteria outlined above, concentrating specifically on the criteria that is most relevant to your project. Please note that all four criteria need to be addressed.

The length and detail of your proposal should reflect the amount of investment you are requesting from Creative Scotland.

Due to the volume of applications we receive:

- Creative Scotland may not be able to fund all the applications that meet our Investment Criteria or award the amount of money requested.
- Creative Scotland is not able to return your documents or materials after your application has been submitted. If your application is rejected your documents will be shredded to safeguard confidentiality.

SECTION D - INVESTMENT CRITERIA

1. Cultural Impact

How will your project/activity promote Scotland's screen culture to a national and international audience?

2. Creative Impact

How will Creative Scotland's investment address one or more of the following:

- Allow Scottish talent to develop?
- Create work recognised as creatively excellent?
- Create work recognised as original and innovative?

3. Business Case/Ability to Deliver

How does the previous experience of the individuals involved demonstrate their ability to deliver the project?

What impact will Creative Scotland's investment have on your business and/or on the screen sector in Scotland?

What investment has your project/activity already attracted?

4. Market/Audience Interest

Has your project already attracted market or commercial interest?

How will your project be exploited and/or marketed to an audience or financiers in the future?

What cultural, creative and commercial impact will this project have on markets and audiences?

For all of the above you should also state what monitoring and evaluation procedures you have in place to record and measure outcomes.

SECTION E - INVESTMENT FUNDS

Talent and Creativity Department Content Development Fund

PLEASE NOTE: Effective from close of business on 2 August 2010 Creative Scotland will not be accepting applications to the Content Development Fund. This is due to the demand for available funds and commitments made to date. Any application received after this date will be returned to the applicant.

Purpose of Creative Scotland's Investment

Creative Scotland's investment in content development aims:

- To nurture and enhance the profile and portfolio of Scottish based companies and Scottish talent.
- To develop screen projects that can be produced in Scotland and that reflect Scottish culture.
- To invest in projects that will generate income for Scottish-based companies.

Content Development Funding is available for drama, factual programmes, documentaries, and animation projects through the following strands:

Investment Strand	Minimum Award per Application	Maximum Award per Application	Match Funding Required	Maximum Allowable In-Kind Contribution Of Total Budget
Project Development	INVESTMENT STRAND CLOSED			
Seed Funding	INVESTMENT STRAND CLOSED			
TOTAL INVESTMENT FOR 2010/2011			£225,111	

* Please note this is the sum of Creative Scotland's cumulative total investment towards the development of any project.

Application Information Specific to Investment Opportunity

Project development

- Creative Scotland's investment offers applicants the opportunity to receive development support to help them move project(s) into production.
- Applicants should have had at least one project screened theatrically, broadcast or webcast. This might include a theatrically released feature, regional or network television commission or a short film that has screened at one international film festival at least.
- Applicants should be able to demonstrate that they have sufficient knowledge of the market to take their project forward. To support this, applicants should indicate the proposed budget for the project's production phase as well as development phase. (Creative Scotland would expect the budget

- level to reflect the ambition of the project, its genre and the experience of the talent attached).
- Applicants should clearly articulate how the development of the project(s) submitted will impact on their company's development and growth.
 - Priority will be given to the following:
 - Projects that demonstrate (even at an early stage) significant interest from the market or have third party finance attached. To demonstrate this applicants are advised to provide letters of interest in their project from the marketplace (ie sales & distribution and/or broadcast interest).
 - Projects that are clear in ambition, highly original and capable of standing out in the international marketplace. Treatments or scripts submitted with the application should clearly demonstrate this.
 - Projects with talent attached that have an established or developing international profile.
 - Project Manager/producer's fees, business/legal fees and script editor fees must be included in the budget and personnel approved by Creative Scotland.
 - Detailed development budgets are expected to include where applicable:
 - Option fees (paid for a minimum of 12 months and renewable for a further 24 months)
 - Writer fees
 - Script Editor fees (up to a maximum of £1,000 per draft and revisions)
 - Researcher Fees
 - Concept Developer Fees (this may apply for animation to cover the fees of personnel developing graphic material for lead characters or environments)
 - Any material produced to help sell a longer form version of the project including trailers, taster tapes or pilots.
 - Reasonable travel / accommodation expenses
 - Producer's fee(s) (10% of the total of the above costs)
 - Producer's overhead(s) (10% of the total of the above costs)
 - Legal fees (maximum of 10% of the above)

Seed Funding

- Creative Scotland's investment should offer applicants the opportunity to explore a range of ideas with a proposed writer or writers, and to work up these ideas to the point where they can raise additional development investment to take projects forward.
- We anticipate strong competition for this fund and priority will be given to Scottish based production companies who can provide:
 - Evidence of their proven track record of developing projects that have secured development or production financing.
 - Applicants who can provide information about commissioning strands or markets that they are targeting and/or demonstrate specific interest from a commissioner or other potential financier.
 - Applicants who can supply details of the writer(s)/developer(s) with whom they want to work along with an LOI from the writer(s)/developer(s) to demonstrate their interest.
- Please note - the award will be paid in two stages. 50% will be paid on signature of Creative Scotland's agreement and the remaining 50% when Creative Scotland receives the following:
 - Copies of treatments or scripts developed with seed fund investment.

- Contractual paperwork (in the forms of a Heads of Agreement) demonstrating that the company have the necessary rights required to further develop the project.
- An update on the company's intentions for the projects developed in the future.
- A cost report detailing how Creative Scotland's money has been spent.
- Any monitoring or evaluation reports detailed in Creative Scotland's development agreement.

For the above investment strand:

- Applicants who are currently receiving Slate funding from Creative Scotland are not eligible to apply to the Content Development Fund.
- Applicants cannot apply for development and production support for the same project at the same meeting.
- Applicants who are applying for further finance for a project that has received development support from Creative Scotland in the past must have completed all contractual delivery requirement on the existing development loan agreement before applying for further content development support for that project.
- Recoupment Terms: investment loans will be repayable from the production budget. Creative Scotland may vary these terms by recouping the development loan out of gross receipts but this only applies to projects with production budgets of £500k or less.
- Profit participation – Creative Scotland will expect to participate in the applicant company or organisation's net profits arising from the commercial exploitation of any project developed through this fund. This will normally be 3%.
- If an applicant's own cash and in-kind contribution to a project exceeds £10,000 a separate letter confirming the contribution must be supplied at the point of application. Creative Scotland may request a letter confirming an applicant's own contribution regardless of the amount.
- Applications will not be accepted from students in full time undergraduate education or from post-graduates where the project applied for is part of any of the key personnel's course work.
- Specific time limits for Creative Scotland's investment can be made at the Investment Meetings depending on the status of other Creative Scotland funded projects.
- Projects should be produced in accordance with the requirements of all unions and guilds (eg BECTU, Equity or Screen Actors Guild) having jurisdiction and all applicable laws and statutes (including in relation to tax, immigration and health and safety) and should comply with all relevant EC directives.

Please refer to the following additional documentation when applying to this fund:

- Content Development Offer Letter and Standard Terms of Business.
- Content Development Budget Guidance

Essential Documents required to apply for Content Development include:

- A completed and signed Application Form.
- At least a one page outline for each idea proposed.
- Treatment(s) or script(s) for Project development. Please note, in the case of an application for a feature film pilot you must provide a developed script. (You must include one unbound copy of this written material that has no identifying names or marks.)*
- A detailed Proposal that includes:

- A schedule for development and, if appropriate, for financing and production
- Development or production notes as appropriate
- Budget
- Cashflow Schedule (this should cover the entire project period)
- Investment Plan.
- Evidence of confirmed 3rd party partnership finance if committed at the point of application.
- CVs of key personnel.
- A one-page document that addresses the four Investment Criteria.
- All Underlying Rights documentation. (Where underlying rights are not yet assigned to the applicant, we will require a signed letter of intent from rights holder for the legal transfer of rights to the production company if and when development investment is granted).
- Memorandum and Articles of Association (if not already held by Creative Scotland).
- Equal Opportunities Policy (if not already held by Creative Scotland).

*** Please note if you are applying with an outline or treatment with a writer attached who has not previously had either a production or development commission you must supply a sample script of at least 50 minutes duration.**

Additional Materials you should supply if applicable:

- 1 page summary Business Plan
- Company Profile
- Director's notes
- Visual material such as Director's showreel
- Any other documentation or information you feel is relevant to your application.

If you have not already done so, please read Section C – Application Procedure and Section D – Investment Criteria of these Investment Guidelines prior to submitting an application.

2. Content Production Fund

PLEASE NOTE: Effective from close of business 7 June 2010, Creative Scotland will not be accepting applications to the Content Production Fund. This is due to the high number of applications received, demand for available funds and commitments made to date. Any application received after this date will be returned to the applicant.

All pre-existing offers made to projects under the Content Production Fund will continue to be reviewed and further updates on the availability of funds will be made in September 2010.

Purpose of Creative Scotland's Investment

Creative Scotland's investment in the production of content aims to achieve the following:

- To generate screen projects that can be produced in Scotland and that reflect Scottish culture.
- To increase the profile and portfolio of Scottish talent and companies.
- To bring production to Scotland to sustain employment and increase opportunities for the development of screen production skills.
- To increase inward investment.

Content Production Funding is available for drama, factual programmes, documentaries, and animation projects through the following strands:

Investment Strand	Minimum Award per Application	Maximum Award per Application	Match Funding Required	Maximum In-Kind Contribution and/or Deferrals Allowable
Feature Films (budgets of over £500k)	INVESTMENT STRAND CLOSED			
Feature Films (budgets of £500k or less)	INVESTMENT STRAND CLOSED			
Short Films	INVESTMENT STRAND CLOSED			
Short Form Series	INVESTMENT STRAND CLOSED			
TOTAL INVESTMENT FOR 2010/2011			£1,829,444	

Application Information Specific to Investment Opportunity

Feature Film – projects with budgets of over £500,000

- Creative Scotland's investment should offer applicants the opportunity to produce projects that are distinctive, original, high quality and commercially viable.

- Applicants should be able to demonstrate the film's capability of qualifying as a British film (under the Films Act 1985 (as amended)) or through satisfaction of the requirements of a relevant UK co-production treaty. For further information on qualification as a British film please go to the UK Film Council's website: <http://www.ukfilmcouncil.org.uk/qualifying>
- Applicants should have had at least one project screened theatrically or broadcast. This might include a theatrically released feature, regional or network television commission or a short film that has screened at one international film festival at least.
- Applicants should be able to demonstrate that they have support from the market for their project (ie letters of intent from a broadcaster, sales agent and/or distributor).
- Films with a budget of £1m or above should have an independent guarantee of completion and delivery, however, Creative Scotland also reserves the right to make this a condition of funding for films under £1m.
- Recoupment terms – Creative Scotland's investment shall be recouped from gross receipts pro rata pari passu with all other investors.
- Profit participation – Creative Scotland will share in the financiers' net profit pro rata pari passu to the level of their investment.

Low Budget Features – projects with budgets of £500,000 or less

- Creative Scotland's investment should offer applicants the opportunity to produce projects that will help raise the profile of individual writing, directing and producing talent or that approach filmmaking in an unconventional, non-traditional way.
- Writers, producers and/or directors attached must have a strong track record in their field i.e. they must have received significant critical acknowledgement and recognition for a project they have solely or jointly created either in film, television, theatre, literature or other art forms.
- Recoupment terms – Creative Scotland's investment shall be recouped from gross receipts pro rata pari passu with all other investors.
- Profit participation – Creative Scotland will share in the financiers' net profit pro rata pari passu to the level of its investment.

Short Films

- Creative Scotland's investment should offer applicants the opportunity to produce work that is capable of winning international recognition and significantly raising the profile of the team attached.
- Applicants must have a feature film currently in development.
- Projects should be creatively ambitious, have high production values and demonstrate clear progression in the filmmakers' work. The quality of the writer's, producer's and director's previous work will be assessed rigorously.
- Producers and directors attached to the project MUST have completed at least one short film, either through a recognised short film initiative, or have produced or directed a film independently which has won critical acclaim either from a festival showing or distribution success.
- Producers must be able to demonstrate their ability to deliver projects on time and on budget.
- Recoupment terms – Creative Scotland's will seek to recoup its investment from gross receipts pro rata pari passu with other equity investors.
- Profit participation – Creative Scotland will share in the financiers' net profit pro rata pari passu to the level of its investment.

Short Form Series (that is exploitable across film, TV or non-broadcast platforms)

- Creative Scotland's investment should offer applicants the opportunity to close their finance plan without having to pre-sell rights to major territories that can be exploited at the point of completion.
- Applicant companies must have a minimum of two commissioners from different international territories on board their project at the point of application.
- Applicant companies should have had a substantive base in Scotland. A base will be defined as substantive if it is the usual place of employment of key executives managing the business.
- Applicants must be able to demonstrate that:
 - Creative Scotland's investment will help with the strategic development of their company, generate revenue and spend in Scotland.
 - Creative Scotland's investment cannot be replaced by other sources of funding, such as a UK broadcaster, distributor or the company's own resources.
 - Their project requires a number of finance and producing partners. e.g. in the case of an animation project where elements of production or post-production may be split between a number of countries.
- Writers, and/or directors attached to your project must have a strong track record in their field i.e. they must have received significant critical acknowledgement and recognition for a project they have solely or jointly created either in film, television, theatre, literature or other art.
- Individual elements of the series should be no longer than 20 minutes in length.
- Producers should have a strong track record in television and be able to deliver major, long running projects on time and on budget.
- Recoupment terms – Creative Scotland will seek to recoup its investment from the gross receipts from exploitation of the series pro rata pari passu with other equity investors.
- Profit participation – Creative Scotland will share in the financiers' net profit from exploitation of the series pro rata pari passu to the level of its investment.

Please note that if you have a project that does not fit into one of the above funding strands, but could be of significant benefit to Scotland you can contact an Officer at Creative Scotland to discuss further.

For each of the above investment strands:

- Priority will be given to the following:
 - Projects with match finance in place and sales and distribution interest.
 - Projects that are clear in their ambition, highly original and capable of standing out in the international marketplace.
 - Projects with Scottish talent attached that have an established or developing international profile.
 - Projects that have a Scottish based production company attached who owns a significant share of the rights in the project.
 - Projects that are able to demonstrate how they will reach an audience either through traditional distribution channels or new platforms.
- Applications should be at an advanced stage in terms of creative and financial packaging but must not have commenced official budgeted prep in the UK before the date of the meeting at which the application will be considered.

- All underlying rights documentation must be submitted at the point of application.*
- If an applicant's own cash and in-kind contribution to a project exceeds £10,000 a separate letter confirming the contribution must be supplied at the point of application. Creative Scotland may request a letter confirming an applicant's own contribution regardless of the amount.
- Any deferred fees or in kind contribution in the production budget MUST be approved by Creative Scotland.
- Applications will not be accepted from students in full time undergraduate education or from post-graduates where the project applied for is part of any of the key personnel's course work.
- Applicants must be able to demonstrate that they have significant knowledge of the film and/or television market and that they have a detailed marketing plan for their completed project.
- It is anticipated that each applicant's detailed budget for their project would include the following:
 - Fees to cover any underlying rights
 - A production fee or producer's overhead of up to 10% of the direct costs
 - A contingency of 10% of the direct costs
 - Marketing and distribution costs that will allow the project to be further exploited or promoted to future potential investors and/or distributors/sales agents (as appropriate)
 - Appropriate delivery items necessary for the exploitation of the project
 - Legal fees
 - Insurance fees
 - SIF Levy or PACT training levy as appropriate.
- Specific time limits for Creative Scotland's investment can be made at the Investment Meetings depending on the status of the other Creative Scotland funded projects.
- Projects should be produced in accordance with the requirements of all unions and guilds (e.g. BECTU, Equity or Screen Actors Guild) having jurisdiction and all applicable laws and statutes (including in relation to tax, immigration and health and safety) and should comply with all relevant EC directives.
- Where applicants can demonstrate need, Creative Scotland will consider releasing up to a maximum of 10% of its Content Production investment to cover late development or pre-production costs. This is wholly at the discretion of Creative Scotland and this money will only be released when applicants can demonstrate that progress towards closing legal is well underway and when they have met a set of conditions which will include:
 - Evidence of an equivalent amount of money being released into the production from ALL other financing parties.
 - Evidence of a commitment from third party investors that fully covers the finance plan.
 - Evidence of what the money will be spent on.
 - The provision of an up to date cashflow.
 - Agreement from all other financing parties that any finance released for late development or pre-production will be recouped in first position.

Please note that for all types of Content Production investments you should allow a minimum of 6 weeks after the date of the investment decision for legal and financial closing.

Please refer to the following additional documentation when applying to this fund:

- There is no Template Offer Letter for Content Production as Offers will be specific to each application.
- Creative Scotland's Standard Terms of Business.
- Definition of Scottish Spend.

Essential Documents required to apply for Content Production Funding include:

- Completed and signed Application Form.
- A one-page document that addresses the four Investment Criteria.
- Project outline, treatment or script – this may vary according to genre and/or the type of project you are seeking investment for. Please note that for TV pilot projects you must deliver a series bible along with the pilot script and for feature film pilots a fully developed feature film script is required. (You must include one unbound copy of this written material that has no identifying names or marks.)
- A detailed Proposal that includes:
 - Detailed Budget
 - Cashflow Schedule
 - Scottish Spend Budget (if it varies from the Total Budget above)
 - Investment Plan – including draft and/or signed financier's agreements if available
 - Evidence of confirmed 3rd party partnership finance if committed at the point of application
 - Draft Shooting Schedule
 - Casting Plan including Letters of Intent if available
 - Letters of Intent from Broadcasters, Sales Agents and/or Distributors including sales estimates if available
 - CVs of key personnel.
- Underlying Rights documentation (fully indexed if appropriate – see note below*).
- Memorandum and Articles of Association (if not already held by Creative Scotland).
- Equal Opportunities Policy (if not already held by Creative Scotland).

Additional Materials you should supply if available:

- 1 page summary Business Plan
- Cashflow Schedule
- Visual Materials such as Director's showreel
- Director's notes
- Any other documentation or information you feel is relevant to your application.

***Please note where underlying rights documentation is particularly extensive do not send in their entirety. Please provide a summary of all documentation relating to the Chain of Title including date of signature of agreements and names of parties to agreements. Full documentation must be supplied if requested.**

If you have not already done so, please read Section C – Application Procedure and Section D – Investment Criteria of these Investment Guidelines prior to submitting an application.

2a. Audio Description Film Fund

Purpose of Creative Scotland Investment

Creative Scotland's investment with the Audio Description Film Fund (ADFF) aims to promote the creation of audio described feature films for cinema distribution for the benefit of the blind and visually impaired.

Creative Scotland will provide up to a maximum of £3,000 to feature film projects to produce audio description files as required in our standard delivery requirements.

Information Specific to Investment Opportunity

- Applicants requesting support from the Audio Description Film Fund should have a substantive base in Scotland. A base will be defined as substantive if it is the usual place of employment of key executives managing the business. Applicants must have received an Offer of Investment from Creative Scotland's Content Production Fund.
- Films supported through the Fund must not show visually impaired people in a derogatory light.
- Films which have secured theatrical distribution in the UK will be prioritised.
- Applicants will be required to either deliver or show evidence that the audio description files are being completed before finance will be released.

Applicants are not required to complete a separate application form to access this fund. A request for funding can be made at any time but projects seeking support should either have an application lodged for Content Production support or should have secured Content Production Funding from Creative Scotland already.

Total Investment Available for 2010/2011 is £12,000.

3. Talent Development Fund

Effective from close of business on 7 June 2010 Creative Scotland will not be accepting applications to the Talent Development Fund. This is due to the demand for available funds and commitments made to date. Any application received after this date will be returned to the applicant.

Purpose of Creative Scotland's Investment

By investing in companies and/or organisations who can deliver specialist production and training programmes Creative Scotland aims to achieve the following:

- To develop talent through production, development, training and international networking programmes to ensure there is a constant stream of skilled talent in Scotland.
- To create opportunities for Scottish based organisations to deliver career development programmes that allow individuals in Scotland to significantly advance their careers and foster relationships and contacts that are useful for the development of the screen industry as a whole.

Funding is available through the Talent Development Fund for the following:

- **Development/Production Programmes** - these programmes should combine training, mentoring, international networking and an ASPECT of project development and/or production.
- **Career Development Programmes** – these programmes should provide opportunities for training and/or mentoring but do NOT have to be focused specifically on the development or production of a project.
- Creative Scotland intends to invest in 3 or 4 programmes. Combined, these programmes should provide opportunities for:
 - Producers of screen content across all genres (drama, documentary and animation).
 - Talent at all stages of their careers.
 - Individuals and companies with different levels of experience, interests and scale.

Investment Strand	Minimum Award per Application	Maximum Award per Application	Match Funding Required	Maximum In-Kind Contribution and/or Deferments Allowable
Development/ Production Programme	INVESTMENT STRAND CLOSED			
Career Development Programme	INVESTMENT STRAND CLOSED			
TOTAL INVESTMENT FOR 2010/2011			£589,812	

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Application Information Specific to Investment Opportunity

Development/Production Programmes

- Creative Scotland's investment aims to support companies/organisations who can deliver a comprehensive programme of activity that provides individuals or companies with the following:
 - Access to international festivals, markets and networks.
 - Up to date information on industry trends and developments.
 - Introductions to key international industry contacts.
 - A development programme that is focused on moving long form projects from development to production and/or short form projects through a supported development and production process.
 - An ongoing advice/mentoring service.
 - Marketing materials that promote the programme and its participants.
 - Priority will be given to companies/organisations that have key national and international partners in place and that can secure the most amount of match funding.
- Applicant companies should have a substantive base in Scotland. A base will be defined as substantive if it is the usual place of employment of key executives managing the business.
- Recoupment terms –Creative Scotland's investment in individual projects produced as part of the programme shall be recouped pro rata pari passu with all other equity investors. Investment in individual projects that are developed as part of the programme (with the exception of short films) should be repaid on first day of principle photography. Running costs are not recoupable.
- Profit Participation – not applicable.

Career Development Programmes

- Creative Scotland's investment aims to support companies/organisations based in the UK who can provide a range of comprehensive career development programmes that will enhance the level of skills, experience and contacts for participants.
- Applicant companies or organisations should either base the proposed initiative in Scotland or offer a number of places to Scottish based talent.
- Applicants should also state whether their programme will be offered on a full or part time basis and outline the estimated cost of delivering the programme per participant. Creative Scotland would not expect the maximum cost per individual participant to exceed £5,000.
- As there are no development or production projects being supported within this strand Creative Scotland's awards will be provided in the form of a non-recoupable grant. Applicants should note that the total amount of the award will therefore be considered de minimis aid under EC State Aid regulations. The maximum amount of cumulative de minimis aid accessed from European public sources must not exceed £200,000 over a rolling 3 year period.
- In some cases the maximum state aid ceiling may be £500,000 over a rolling 3 year period. Please refer to the Scottish Government State Aid Unit website for guidance www.stateaidscotland.gov.uk.
- Creative Scotland will require a declaration of de minimis aid received in the previous 3 years before any investment will be released.

For each of the above investment strands:

- Where the programme proposed is to be provided by a consortium of companies, the applicants must nominate a lead company to make the

application. Creative Scotland will contract with this company who will be expected to provide all documentation supporting the running of the programme.

- Applicant companies cannot offer programmes exclusively to its own employees.
- Applicant companies or individuals/organisations they are working with must be able to demonstrate they have the credibility and capacity to run a high quality programme that incorporates both training and/or development and production.
- It is expected that individuals employed by the organisation delivering the programme will have:
 - Strong leadership skills and the ability to identify, nurture and support Scottish based talent.
 - A good working knowledge of industry practice that relates to the programme being delivered.
 - A thorough understanding of the market for screen content.
 - Industry contacts in the UK and abroad.
- Applicants should outline clearly who their programme is for, what level of skills and/or experience participants are expected to have and outline how participants will be selected.
- Applicants must also state how many people will take part in the programme and how long the programme will last.
- Adequate provision for the development, production (where appropriate) and/or marketing of the programme should be evident in the budget. The budget for the programme should also contain a company overhead (approx 10%) and a small contingency (approx 5%).
- Confirmation of third party finance or a letter of intent from financing partners should be submitted at the time of application.
- Where match funding from another financing partner is via an application process a copy of the application must be submitted along with your proposal to Creative Scotland.
- If an applicant's own cash and in-kind contribution exceeds £10,000 a separate letter confirming the contribution must be supplied at the point of application. Creative Scotland may request a letter confirming an applicant's own contribution regardless of the amount.
- Specific time limits for Creative Scotland's investment can be made at the Investment Meetings depending on the status of the other Creative Scotland funded projects.

Please refer to the following additional documentation when applying to this fund:

- Talent Development Offer Letter and Standard Terms of Business. (Please note the structure and terms laid out will be varied to suit investment in Career Development Programmes.)

Essential Documents required to apply for Talent Development Fund or Talent Development Programme include:

- Completed and signed Application Form
- A one-page document that addresses the four Investment Criteria
- A detailed Proposal that includes:
 - Detailed Budget
 - Cashflow Schedule
 - Scottish Spend Budget (if it varies from the Total Budget)
 - Investment Plan – including draft and/or signed financier's agreements if available
 - Evidence of confirmed 3rd party partnership finance if committed at the point of application

- CVs of key personnel
- Memorandum and Articles of Association (if not already held by Creative Scotland)
- Equal Opportunities Policy (if not already held by Creative Scotland).

Additional Materials you should supply if available:

- 1 page summary Business Plan
- Any other documentation or information you feel is relevant to your application.

If you have not already done so, please read Section C – Application Procedure and Section D – Investment Criteria of these Investment Guidelines prior to submitting an application.

4. Opportunities Fund

Purpose of Creative Scotland's Investment

Creative Scotland's investment in the Opportunities Fund aims to achieve the following:

- To increase the profile of Scottish talent and Scottish content at international festivals and markets.
- To create opportunities for Scottish talent to access networks and develop partnerships which are useful for the development of the screen industry as a whole.
- To ensure that individuals and companies have the skills and expertise to respond to industry trends and requirements.

Funding is available through the Opportunities Fund for the following activities:

Investment Strand	Minimum Award per Individual Application	Maximum Award per Individual Applications	Match Funding Required	Maximum In-Kind Contribution and/or Deferments Allowable
Festival and Markets	£250	£1,500	25%	N/A
Conference, Seminars and Events	£250	£1,000	25%	N/A
International Training/Networking Programmes	£250	£5,000	25%	N/A
TOTAL INVESTMENT FOR 2010/2011			£75,000	

Application Information Specific to Investment Opportunity

Markets & Festivals

- Creative Scotland's investment should assist applicants in either promoting a completed project or in securing future investment in their project(s).
- Individuals and companies are eligible to apply.
- Individuals must be resident in Scotland.
- Applicants must have a project screening in competition at the proposed festival or have a project in funded development to take to market. (Development funding does not have to have come from Creative Scotland.)
- Applicants must provide evidence of their registration or their invitation to the festival or market.
- The following applicants will be prioritised:
 - Applicants with proof of confirmed meetings in place with relevant industry personnel whom they would not otherwise have contact with i.e. personnel who operate out with the UK.

- Applicants with projects that have international potential.
- Applicants with projects that are at an advanced stage of development.
- Applicants attending festivals or markets with a strong industry focus. Check the Creative Scotland website for information on international festivals, markets, conferences and events.
- Applicants who can clearly demonstrate their understanding and knowledge of how the festival and/or market operates and how they intend to capitalise on their attendance.

Conferences, Seminars or Events

- Creative Scotland's investment should provide opportunities for individuals and companies to keep up to date with industry trends and developments and to access industry networks.
- Individuals are not eligible to apply.
- Applicants must be able to demonstrate the appropriateness of the proposed conference, seminar or event.
- The following applicants will be prioritised:
 - Applicants who can demonstrate that attendance at the proposed event will achieve the advancement of skills, experience, career and/or company development.
 - Applicants who can demonstrate that attendance at the proposed event will make a significant impact on the development or financing of a project or a slate of projects.
 - Applicants registered and accepted to attend the proposed conference, seminar or event.
 - Applicants who have selected to attend or to participate in industry supported events (i.e. Screen International or Broadcast Conferences, ACE Forum, PACT Seminars etc.).
- In some cases Creative Scotland may consider providing a portion of the cost of a trade mission. In this instance Creative Scotland would need clear evidence that there is interest in the project(s) being presented, that meetings have been scheduled and confirmed and that the project(s) have the potential to appeal to the international market.

International Training/Networking Programmes

- Creative Scotland's investment should assist applicants in attending key international training or support programmes such as ACE, EAVE, the Entertainment Masterclasses or the Toronto Talent Lab.
- Individuals and companies are eligible to apply.
- Individuals must be resident in Scotland.
- Applicant companies should have a substantive base in Scotland. A base will be defined as substantive if it is the usual place of employment of key executives managing the business.
- Applicants must have at least one project in funded development. (Development funding does not have to have come from Creative Scotland.)
- Applicants must provide evidence of their invitation to participate in the programme.
- The following applicants will be prioritised:
 - Applicants with projects that have international potential
 - Applicants with projects that are at an advanced stage of development
 - Applicants who can clearly demonstrate how participation on the programme will significantly enhance their careers or their company's prospects in the future.

For each of the above investment strands:

- Applications will not be accepted to cover the costs of students in full time undergraduate education or from post-graduates where the project applied for is part of any of the key personnel's course work unless applicants have a project screening in competition at one of the following international film festivals: Sundance, Rotterdam, Berlin, Cannes, Venice, Toronto.
- Support will not be offered for speculative trips or for research or information gathering.
- Applications will not be funded retrospectively.
- Funding will cover accreditation or programme participation costs and economy travel, accommodation and reasonable personal subsistence costs of up to £30 per day per individual if these are not covered as part of accreditation or programme participation costs. Successful applicants will be asked to provide receipts for all expenses incurred.
- Funding will not cover the cost of producing a print, DVDs or other screening materials but funding can be used to generate marketing materials for projects that are being promoted.
 - In a limited number of cases a contribution may be considered as part of an application to cover the cost of striking a first film print e.g. when a project has been invited to compete in competition at a major international festival such as Berlin, Annecy or Cannes.
- Awards made to cover the cost of attending festivals, markets, conferences, seminars and events will be paid when the applicant has provided a full and detailed report to Creative Scotland outlining what they have achieved and a cost report with receipts as proof of evidence of costs incurred. When Creative Scotland has approved these receipts, funding will be released.
- Awards made to cover the cost of participating in international training/networking programmes will normally be paid in two stages following signature of contract. The first stage payment will cover the cost of taking part of the programme and the second any costs for travel, accommodation or personal subsistence. Second stage payment will be processed when Creative Scotland receives receipts for any expenses incurred. Please note - it will be the responsibility of the applicant to pay the organisation delivering the programme within 7 days of receipt of Creative Scotland first stage payment.
- Applicants should note that the total award from the Opportunities Fund is considered de minimis aid under EC State Aid regulations. The maximum amount of cumulative de minimis aid accessed from European public sources must not exceed €200K over a rolling 3 year period. We will require a declaration of de minimis aid received in the previous 3 years.
- In some cases the maximum state aid ceiling may be €500,000 over a rolling 3 year period. Please refer to the Scottish Government State Aid Unit website for guidance www.stateaidscotland.gov.uk.
- Creative Scotland will require a declaration of de minimis aid received in the previous 3 years before any investment will be released.

Please note that applicants who have not delivered on any pre-existing awards will not be eligible to apply for new funds.

If the award granted has not been drawn down within 3 months of the Offer Letter being issued Creative Scotland may withdraw the award. Any awards not claimed will be withdrawn after this period, upon notification.

PLEASE NOTE - Applications will be accepted on a rolling basis subject to the application being submitted AT LEAST 6 weeks from the date of travel or programme commencement. Due to high number of applications we receive for

this fund we have placed deadlines to attend certain festivals and markets throughout the year. Please see the list below.

Please refer to the following additional documentation when applying to this fund:

- Markets & Festivals Offer Letter and Specific terms of Business (Please note the structure and terms laid out will be varied to suit attendance at conferences, seminars and/or events.).
-

Essential Documents required to apply to the Opportunities Fund include:

- Completed and signed Application Form
- A one-page document that addresses the four Investment Criteria
- Budget
- Investment Plan – please state how your trip/course will be co-financed
- Schedule
- CVs of key personnel.

Additional Materials you may wish to supply if available:

- Any other documentation or information you feel is relevant to your application.

If you have not already done so, please read Section C – Application Procedure and Section D – Investment Criteria of these Investment Guidelines prior to submitting an application.

Up and coming market/festivals deadlines include:

Deadline	Festival
24 August	Pusan International Film Festival (7-15 October 2010)
27 August	MIP Com/MIP Jnr (2-8 October/2-3 October 2010)
16 September	Rome International Film Festival (28 October–5 November 2010)
22 September	AFM (3-10 November 2010)
23 September	Sheffield International Docs (4-8 November 2010)
7 October	IDFA (18 – 28 November 2010)

5. Digital Media IP Fund

The Digital Media IP Fund is jointly financed by Scottish Enterprise and the Creative Scotland Innovation Fund.

Purpose of Investment

The aim of the fund is to stimulate the development and production of innovative non-broadcast interactive content that encourages co-investment from the private sector and is capable of generating revenue for Scottish based companies.

Funding is available for the following:

- Original, innovative digital interactive media content and the technological development of associated delivery platforms, including (without limitation) computer-aided social networks, peer-to-peer technologies, mobile media, collaborative knowledge networks, user-generated content, global online content, imagined/alternative life networks, interactive learning and interactive leisure.

The fund will NOT invest in the following:-

- the development or production of feature films or conventionally broadcast television programmes;
- a project where the sole outcome is the technological development of a content delivery platform or device;
- on-line, mobile, viral marketing campaigns for companies, organisation or products where the marketing of the company or the product is the sole outcome.

Investment Strand	Minimum Investment Available per Project	Maximum Investment Available per Project	Minimum Co-investment required	Maximum In-Kind Contribution and/or Deferments Allowable
Digital Interactive Projects	£10,000	£375,000	100%	N/a
TOTAL INVESTMENT FOR 2010/2011			£1,500,000	

Application Information Specific to Investment Opportunity

- **Applicants must be able to provide evidence of interest in their proposed project from a third party investor. The third party investor must be from the private sector and have a demonstrable track record in the successful development, production or distribution and/or commercialisation of third parties' digital media, television or film projects, or be able to demonstrate a significant understanding of the market for which a proposed project is intended.**

- Applicants must have a demonstrable track record in the development, production and exploitation of creative content and/or the technological development of delivery platforms and/or devices.
- Applicants must be able to demonstrate the commercial potential of their proposed project and the potential for it to make a positive contribution to the Scottish economy.
- Investment is not available to support a company's core business, early stage development or continuing product pipeline. Each proposed project must represent an innovation in product development and/or new market development for the company.
- Investment in a portfolio of projects from a single applicant company will be considered. All proposed projects in the portfolio must be identified at point of application and each must fulfil the criteria for investment.
- The fund will take a share of all revenues generated from the exploitation of any project in which it invests.

Application Process

As projects seeking investment from the Digital Media IP Fund vary widely in nature, format, content and scale a modified initial application process is required.

- Applicants should make an initial enquiry by email to Creative Scotland's Investment Administration Team providing details of the company, the principal personnel involved, an outline of the proposed project and evidence of interest from a third-party, private sector investor.
- Applicants may then be asked to submit further information about the project and/or be invited to attend a meeting with the Creative Scotland Lead Officer to discuss the project in more detail. (Creative Scotland may also contact any potential co-investors identified to discuss the project.)
- Creative Scotland would normally expect to provide a response to an initial enquiry within 15 working days of receipt.
- Applicants who are not invited to submit an application will be advised by email and will be given the reasons for this decision.
- A full application will only be invited from companies where the proposed project shows strong potential for investment and there is evidence of a commitment from a third-party, private sector investor.

- Applicants who are invited to submit a full application will be asked to complete an application form and provide a detailed proposal for the project, which should include the following:-
 - a full description of the project and its aims;
 - a full and detailed budget covering the project's development, production, marketing and exploitation phases;
 - full details of all partner investors including details of the terms and conditions of their investment;
 - details of the projects commercial potential, including turnover and revenue projections and how the project makes a positive contribution to the Scottish economy;
 - any other information that the Lead Officer deems necessary to assess your application (e.g. rights documentation, if the project is based on pre-existing material).
 - a one-page document that addresses the four Investment Criteria.
- Applicants who are invited to submit a full application will be notified of the investment decision within 6 weeks of receipt of the application or once all information required to make a full assessment is received.
- Initial enquiries should be sent to dmip@creativescotland.com and should clearly state Digital Media IP Fund in the subject line.

Application information may be shared with officers from Scottish Enterprise and External Advisers appointed by Scottish Enterprise or Creative Scotland.

Scottish Enterprise also provides investment opportunities through the Scottish Seed Fund, the Scottish Co-investment Fund and the Scottish Venture Fund. Full details of these funds can be found at www.scottish-enterprise.com.

If you have not already done so, please read Section C – Application Procedure and Section D – Investment Criteria of these Investment Guidelines prior to submitting an application.

Market Development

1. Audience Development Fund

The deadline for submitting an Audience Development application is 6 weeks before the start date of the festival or activity, however to ensure sufficient time to carry out a thorough assessment of the project 8 weeks is recommended.

Prior to making an application you are advised to contact Sambrooke Scott (sambrooke.scott@creativescotland.com) to discuss your project.

Purpose of Creative Scotland's Investment

Creative Scotland's investment in audience development aims to achieve the following:

- To increase awareness of moving image culture across Scotland.
- To celebrate excellence and encourage innovation within the Scottish film industry.
- To increase networking opportunities for Scottish based filmmakers.
- To bring communities together and boost local economies.

Investment Strand	Minimum Award per Application	Maximum Award per Application	Match Funding Required	Maximum In-Kind Contribution and/or Deferments Allowable
Audience Development	£5,000	£15,000	50%	50%
TOTAL INVESTMENT FOR 2010/2011			£120,000	

Application Information Specific to Investment Opportunity

Creative Scotland's investment should allow at least **two** of the project aims to be achieved:

- Bring new audiences to moving image media
- Educate Scottish audiences and develop a deeper understanding of the moving image
- Increase the range of content available to Scottish audiences
- Take place in areas of Scotland with low access to a wide range of cinema
- Encourage circulation of work across venues, local authorities, regions and nations
- Encourage attendance by under-represented communities.

If the project is a **film festival** then please consider the following points:

- Does the festival take place in a Scottish location?
- Will you have filmmakers or specialists present at your event?
- Will you have additional information or programme notes available?
- Will you have additional activities supporting screenings such as workshops, masterclasses and panel or audience discussions?

Examples of what Creative Scotland will fund:

- Programming in cinemas and venues that would not otherwise be seen in Scotland.
- Further activity that extends the geographic reach and/or raises the year-round profile of a film festival or event beyond its core dates.
- Educational programmes of work in cinemas and other exhibition venues.
- Educational material and other documentation to develop audience understanding and appreciation of moving image culture in all its forms.
- Special events such as lectures by film makers, Q & A sessions accompanying screenings etc.
- Research and development, and marketing activities to develop the project.
- Projects that increase access to heritage and archive film in Scotland.

What Creative Scotland Screen Investment will not fund:

- Projects that have already taken place
- Activity that is not moving image related
- Capital items
- Goods or services that have been bought before receiving an offer letter
- Projects that duplicate what already exists in the same Local Authority area
- Costs that are already covered by other funding
- Your ongoing overheads (although applications can include an allocation of administrative costs)
- Fundraising events
- Projects by students in full-time education
- Projects taking place outside Scotland
- Projects which should be covered by statutory education provision
- Projects that have a strong production bias
- Distribution projects.

Please also note the following:

- Where the programme proposed is to be provided by a consortium of companies, the applicants must nominate a lead company to make the application. Creative Scotland will contract with this company who will be expected to provide all documentation supporting the running of the programme.
- Applicant companies or individuals/organisations they are working with must be able to demonstrate they have the credibility and capacity to run a high quality programme.
- If an applicant's own cash and in-kind contribution exceeds £10,000 a separate letter confirming the contribution must be supplied at the point of application. Creative Scotland may request a letter confirming an applicant's own contribution regardless of the amount.
- Specific time limits for Creative Scotland's investment can be made at the Investment Meetings.

Please refer to the following additional documentation when applying to this fund:

- Audience Development Offer Letter
- Definition of Specialised Film.

Essential Documents required to apply for Audience Development Funding include:

- Completed and signed application form
- Detailed proposal including the proposed programme of activity
- A one-page document that addresses the four Investment Criteria
- Detailed budget
- Signed Letters of Intent from co-investors

- Marketing Plan
- Memorandum and Articles of Association (if not already held by Creative Scotland)
- Equal Opportunities Policy (if not already held by Creative Scotland).

Additional Materials you may wish to supply if available:

- Business Plan
- Cashflow Schedule
- CVs of key personnel
- Any other documentation you feel is relevant to your application.

If you have not already done so, please read Section C – Application Procedure and Section D – Investment Criteria of these Investment Guidelines prior to submitting an application.

2. Market Development Fund

Purpose of Creative Scotland's Investment

Creative Scotland's investment in market development aims to:

- Support Creative Scotland content in reaching national and international audiences
- Promote Scotland's moving image culture as widely as possible
- Celebrate Scotland's screen heritage.

Funding is available through the Market Development Fund for the following:

- **Exploitation** - investment can be accessed by producers and distributors who require support to generate materials that allow them to either promote, exhibit, or sell pre-existing content.
- **Promotion** - investment can be accessed by programmers and/or curators to showcase Scottish content, particularly to new audiences.

Market Development Fund	Minimum Award per Application	Maximum Award per Application	Match Funding Required	Maximum Allowable In-Kind Contribution Of Total Budget
Exploitation	£2,000	£10,000	50%	25%
Promotion	£2,000	£10,000	50%	50%
TOTAL INVESTMENT FOR 2010/2011				£50,000

Application Information Specific to Investment Opportunity

Exploitation of moving image content

- Creative Scotland's investment should help Scottish moving image content reach its target audience.
- Applicants must be able to demonstrate rights ownership.
- Applicants should be able to demonstrate industry or audience interest in the project.
- Investment can be used to contribute to P&A costs for Scottish films with a UK-based distributor.
- Applicant production companies should have a substantive business and production base in Scotland. A base will be taken to be substantive if it is the usual place of employment of executives managing the business.
- Exploitation may include materials to support a screening at a festival or market that will significantly enhance its chance of success.
- Applications relating to film distribution can only be made in respect of feature length films (defined as a minimum of 69 minutes).
- A viewing copy of the film must be submitted, on a suitable format, at the time of application, or within a maximum of 2 weeks of the application.
- Where evidence of a clear route to market can be demonstrated, investment may be used to take a film to the stage of delivery.

- Creative Scotland will not offer investment for P&A in territories other than the UK.

Promotion of moving image content

- Applicants should show how the project will increase awareness of Scotland's screen culture.
- Applicants must be able to demonstrate permission to screen and promote films referred to.
- Projects should showcase Scottish moving image to new audiences.
- Projects should promote Scotland's moving image culture nationally and internationally.
- Creative Scotland is interested in supporting innovative approaches to moving image marketing.

For each of the above investment strands:

- Market Development investment cannot be used to support films that are not of particular relevance to Scotland's screen culture.
- Investment cannot be used for the exploitation or promotion of individual short films.
- The applicant company must be registered and centrally managed in the UK.
- Where the programme proposed is to be provided by a consortium of companies, the applicants must nominate a lead company to make the application. Creative Scotland will contract with this company who will be expected to provide all documentation supporting the running of the programme.
- Market development investment is not suitable for projects that have a strong production bias.
- If an applicant's own cash and in-kind contribution exceeds £10,000 a separate letter confirming the contribution must be supplied at the point of application. Creative Scotland may request a letter confirming an applicant's own contribution regardless of the amount.
- Specific time limits for Creative Scotland's investment can be made at the Investment Meetings.

Please refer to the following additional documentation when applying to this fund:

- Market Development Fund Offer Letter and Standard Terms of Business.

Essential Documents required to apply for Market Development Funding include:

- Completed and signed application form
- Detailed proposal including the proposed programme of activity
- A one-page document that addresses the four Investment Criteria
- Detailed budget
- Marketing Plan
- Schedule of activity
- Copy of film on DVD or equivalent
- CVs of key personnel
- Signed Letters of Intent from co-investors
- Memorandum and Articles of Association (if not already held by Creative Scotland)
- Equal Opportunities Policy (if not already held by Creative Scotland)
- Evidence of rights, or permission to screen and promote, content referred to.

Additional Materials you may wish to supply if available

- Cashflow
- Business Plan
- Any other documentation you feel is relevant to your application.

SECTION F - STANDARD CONDITIONS OF CREATIVE SCOTLAND SCREEN INVESTMENT

If your application is successful, you will have to comply with the following conditions. In addition to the Standard Conditions of Creative Scotland Screen Investment (the 'Investment') there are other more Specific Terms of Business, which relate to each funding strand. Please note that we may also add specific conditions to your particular Investment.

1. You must use the Investment for the project/activity you applied for and for the purpose set out in the approved application. At no time can you make any important changes to the project/activity described in the approved application without the written consent of Creative Scotland.
2. You cannot transfer the Investment to any other organisation without the written consent of Creative Scotland. Creative Scotland will only accept the industry practice of forming specific company vehicles to undertake a production where it is clear that the people who applied for the Investment are still those responsible and contractually committed to seeing the project/activity through to its delivery or completion.
3. If there is an underspend on the project/activity you must return the appropriate share of the Investment to Creative Scotland.
4. You will be required to supply Creative Scotland with regular progress reports as required and with any further financial or other information that may be deemed necessary by Creative Scotland to monitor the Investment expenditure.

You will be required to comply with monitoring arrangements as required by Creative Scotland in relation to the project/activity and to provide Creative Scotland with any information it requires to establish that the project/activity has been completed properly in accordance with the Offer Letter and funding agreement.

5. The Investment may have to be repaid in full or in part if any of the Investment conditions are breached.
6. If there is a material change of purpose, ownership or organisation structure during the life of the project then Creative Scotland reserves the right to reconsider the application and you may be required to repay the Investment.
7. In addition to the above, and subject to the provisos below, the Investment shall become repayable and any future payments stopped where:
 - i) the organisation ceases to operate (unless it merges with, or is replaced by another body, which is able to fulfil the purposes of the investment to Creative Scotland's satisfaction);
 - ii) your organisation closes down or is declared bankrupt, goes into receivership or liquidation;
 - iii) you fail to apply the Investment for the purposes for which it was intended;
 - iv) you do not complete the project/activity;
 - v) we discover that you gave incorrect, misleading or fraudulent information on your application form;
 - vi) where at any time during and in respect of completion of the project/activity or initiative, you have acted:
 - (1) fraudulently; or

(2) negligently, to the extent that in the opinion of Creative Scotland it has a material effect on the project or activity.

8. Creative Scotland can only guarantee to pay you the Investment if Creative Scotland continues to receive funds for this purpose.
9. If you overspend on the project/activity, you must let Creative Scotland know immediately. Creative Scotland cannot increase Investments which have already been offered and accepted. Any variation in the level of support would have to be supported by a robust case in a Supplementary Application and will be subject to re-assessment by Creative Scotland.
10. You cannot sell or give away assets which you bought with the Investment without the written permission of Creative Scotland. If you sell these assets, you must pay Creative Scotland an appropriate share of the money you receive for them.
11. Creative Scotland must have prior written approval of any mortgages or charges over the project/activity.

SECTION G - APPEALS PROCEDURE

Formal appeals can only be made on the grounds that we have failed to follow our own published procedures, and that the failure was significant. Appeals cannot be considered on the basis that you disagree with the decision made by Creative Scotland. There is no right of appeal against a decision that Creative Scotland has made in relation to any other application from any other applicant, successful or otherwise.

Please ensure that you read the footnotes as they contain important information that constitutes part of the appeals procedure.

If you are unhappy with how your application was dealt with, please follow the steps outlined below.

Step 1

Contact the member of staff you have been dealing with and clearly communicate the reasons for your concern. The member of staff will discuss your concerns with you and try to resolve your dissatisfaction informally within 10 working days¹ of your initial discussion. In some instances it may not be possible to resolve your concerns within this period and in these instances the extended timescales will be communicated to you. All efforts will be made to informally resolve your concerns fully and quickly. A note of your initial discussion and the date will be made in our written records by the member of staff.

If after following **step 1** your dissatisfaction has still not been resolved, the next step is to follow the formal appeal process, as outlined below, **step 2**.

Step 2 – Formal appeals procedure

Appeals may only be made on the grounds that Creative Scotland has substantially failed to follow its own published procedures.

Appeals must be made in writing and received at the offices of Creative Scotland at the address below within 20 working days of the date of our formal written communication notifying you of the decision of Creative Scotland.

Appeals must be communicated in writing clearly stating the specific element of the process that has not been followed and which you therefore believe warrants making a formal appeal. If you refer to any documents within your appeal communication or wish other material to be considered, please ensure copies are attached to ensure that they are considered in the appeal process. The burden of proof is on the appellant in that it is for the appellant to prove to the satisfaction of those assessing the appeal that there are clear grounds for an appeal. The appeal must be signed by the original applicant or by a properly authorised representative of the applicant.

Appeals should be sent to:
Alyson Hagan
Director of Finance and Operations
Creative Scotland
249 West George Street
Glasgow, G2 4QE

¹ Working days refer to normal working days – Monday to Friday and excluding public holidays

The appeal will be reviewed by the Director of Finance and Operations who will assess the appeal and:

1. determine whether the submission is complete and properly authorised
2. determine whether it was received within the specified timescales
3. determine whether there are grounds for an appeal

If the appeal is assessed and it is determined that there are no grounds for an appeal this decision will be communicated to the appellant within 20 working days.

The decision of the Company Secretary is final and there is no further right of appeal against this decision. This decision and the details of the appeal will be communicated to the Appeals Committee², the Chief Executive and relevant staff.

If the appeal is assessed and it is determined that there are grounds for an appeal, the appeal moves to the next stage of the process, **step 3**.

Step 3 – Formal appeals procedure

The appeal, with accompanying documentation and information provided by the appellant and by Creative Scotland will be passed to the Appeal Committee.

The Appeal Committee will undertake a full review and assessment of the documentation to enable them to assess and reach a decision as to whether the appeal has been successful or not.

The appeal will be heard by the Appeal Committee and the appellant advised of the decision of the Appeal Committee within 30 working days of the initial receipt of the appeal.

The Appeal Committee can reach one of 3 decisions:

1. allow the appeal and override the decision of Creative Scotland, instructing the application to be re-presented to the investment meeting for reconsideration ensuring the initial identified failures in procedure are addressed³
2. defer the appeal to a future date⁴
3. refuse the appeal

The decision of the Appeal Committee is final and there is no further right of appeal against this decision.

The Ombudsman

If the appellant feels that there has been maladministration on the part of Creative Scotland or in the conduct of the appeal, the appellant may complain to the Scottish Public Services Ombudsman. Details of how to do this are available from:

Scottish Public Services Ombudsman
4 Melville Street
Edinburgh
EH3 7NS

² The Appeals Committee is a non standing sub group of the Creative Scotland Board.

³ The appeal will only be allowed if the Appeal Committee is satisfied that procedure has substantially not been followed. The Appeal Committee, if it deems it appropriate, can instruct that the application be reconsidered by alternative persons or panel to those who made the original decision.

⁴ This would be considered if it was felt that additional information was needed in order to fully and fairly assess the appeal. In this instance the timescales for final decision would be extended if necessary, with the revised date being communicated to the appellant.

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