IPS recommendations to SGov - Inquiry into Economic impact of Scotland’s creative industries

IPS - Recommendations

As much as IPS appreciate the lottery finance that has gone into film projects over the years, the screen sector has suffered from a severe lack of business development, advice & support since Scottish Screen was incorporated into Creative Scotland in 2009. This, combined with the division of film culture & business responsibilities across two government agencies has had a hugely damaging effect and has ultimately brought a once vibrant industry to its knees.

IPS has been lobbying for change (for over 18 months) and almost had a breakthrough with a proposal (which we believed to be transformative) to create a ‘super-infrastructure’ for the sector. The plan proposed a means of redressing the principal reason for Scotland’s underperformance by creating a model to provide dedicated, world-class business advice and support.

The model was developed with SE, after which there were numerous meetings with CS/SE to develop & finesse into a proposal that not only worked for the producers but met with the CS Funding Programme & the two agencies’ agendas and conditions. The plan was further developed by Mike Kelly of Northern Alliance (a senior, leading figure, chartered accountant & strategist in the UK film industry) and used as the basis for our (invited) application to Creative Scotland's Regular Fund. The CS application was rejected & attention should be drawn to (IPS plan and CS/SE assessments, and Northern Alliance' Response to such evaluations).

IPS have since had numerous meetings with CS and SE but it’s clear that they cannot collaborate. Their suggestions of what they can offer re: business/company support are limited & unimaginative and therefore unable to achieve the transformation that’s required. Given the phenomenal cultural and economic returns (both direct and indirect) that a healthy film sector provides, we would like to suggest the following Government interventions to create a catch-all remedy:

1. Establish a dedicated Screen Development Agency with responsibility for all aspects of support for the sector. In the meantime, remove Screen business development support from SE and give this responsibility/funding to IPS/CS to administer.

*nb. It’s critical that there’s no moratorium during the establishment of a new agency.*

2. Locate the long-discussed film studio near a city-centre where it has the automatic and guaranteed support of infrastructure, accommodation, the metrics of place, connectivity & accessibility, where sustainability can be fully realised. We believe location is absolutely critical to its success.

3. Empower existing and new Scottish producers – invest in an intensive
Creative and Industrial development programme for producers, designed by world-class Screen Strategist/Analyst/Trainers to encourage entrepreneurship and confidence (i.e. www.wedevelopalent.co.uk / Olsberg-SPI/ Northern Alliance)

4. Identify and implement new funding sources – ERDF (like Northern Ireland & Yorkshire Screen) and further investigate Financial Transactions (as discussed with John Swinney’s finance team). Recycle VAT from cinema tickets and apply to screen industries (see attached doc ‘Scottish Cinema ticket VAT – A Film Production Fund Proposal’

5. Lobby to increase the UK Tax Credit for Film and high-end TV in Scotland, to stimulate the industry. The impact would be phenomenal.

nb. There’s no argument from London about the parlous state of the film sector in Scotland, therefore a case could be made.

6. Establish the National Scottish Film/Screen School proposed in the Youth Arts Strategy as a Foundation Organisation on the same campus as the new film studio.

7. Film policy should be set by the Scottish Government

A dynamic and vibrant film industry acts as a key cultural ambassador for a country. This is why the governments in most forward-thinking smaller countries, such as Norway, Denmark, Sweden and Canada – as well as larger countries such as France, do not leave film policy to the arts and business development bureaucrats. In all these countries, the governments set the framework for film policy and then instruct their screen agencies to deliver these initiatives in practice. Furthermore, these countries recognise that film is not only a uniquely persuasive artform but also a singular business that does not operate like any other – and therefore requires specialised support to encourage sustainable levels of production.

The reason why the film industry requires specialised support is that independent film operates very differently from any other industry (including the independent TV production industry). For the most part independent production companies are micro-businesses that employing 1-5 production staff for most of the year and produce films on an irregular basis depending on their access at any one time to projects, film finance and distribution channels. Once in pre-production for a film, these companies then typically expand rapidly to employ 40-250 (or more) cast and crew under contract for 10-12 weeks during a film’s pre-production and shoot. During this period the company may spend anything between £100,000 and £10million depending on the production. Once the shoot is over the production company shrinks down, subcontracting out most of the post-production to post-production subcontractors, e.g. editing houses, sound dubbing studios, grading facilities, etc. Once the post production phase is complete, the production company shrinks back further to employ 1-5 production staff. The completed film is then typically distributed under license through sales agents, film distributors to different territories around the world as a ‘scalable product’.
Since the independent film industry is organised and operates in completely different ways to other industries (and artforms), the standard approaches for measuring growth and sustainability that are used by business support agencies simply do not apply to the film sector. For this reason, if one wants to encourage growth in the film industry, one needs to encourage greater levels of production and sales activity rather than fruitlessly searching for a few high-growth businesses to support as has been the case in recent years. The failure to properly research and understand how the independent film industry works is probably why Scottish Enterprise has consistently failed to provide meaningful business support to the Scottish film production sector over the past decade. In consequence, Scottish Film Production is in the doldrums while production is booming in every other nation and region of the UK.

Ideally specialised support for Scotland’s film industry should be delivered through a Screen Agency that takes the time to study how the industry functions in practice; however, until a dedicated Screen Agency can be re-established we urgently need the Scottish Government to direct the business support agencies and the arts bureaucrats to find effective ways to support the film production sector as they find it – rather than expecting film producers to suddenly operate like a bio-tech company or TV production company to suit Scottish Enterprises inflexible funding criteria. There is currently no confidence in Scottish Enterprise’s ability to develop the necessary industrial elements; however, in the short-term more firm direction and oversight at Government level should help motivate a more positive approach and more creative thinking within the agency.

IPS Responses to SGov Questions:

• SGov Question: The role of public sector agencies and the effectiveness of the support they provide

IPS Response: Up until 2009 Scotland had a dedicated Screen Agency with over 35 staff to support the sector. When Creative Scotland formed and assumed responsibility for the Cultural & Project elements of the screen sector, with a team of less than 5 people, the Business, Industrial & Commercial aspects were left in the hands of Scottish Enterprise. Five Years on and projects still trickle through. We continue to punch above our weight despite our meagre resources and have an enviable reputation for producing world-renowned creative and classic work. In the global marketplace in which films are traded, screened and garlanded, Scottish films are praised and lauded for their quality, originality and cultural significance. It is however, a real tragedy that the industry is crippled by the impact of years of lack of support, engagement and understanding. This has lead to market failure, as evidenced in the Film Sector Review.

Despite many opportunities, the two government agencies have failed to collaborate. They have different agendas and policies and continually pass the buck between themselves rather than addressing the issue of properly developing or promoting a sustainable film industry in Scotland. It is the opinion of IPS that the current arrangements (particularly the role of SE) are
not fit for purpose, for the screen sector.

- **SGov Question:** The role of the private sector in supporting the video games and the TV and film sectors

**IPS Response:** The Scottish screen industry has huge potential. We have incredible locations, good educational programmes and a wealth of talent, however, the film industry functions differently from most other forms of enterprise. At the best of times is a risky business and it therefore needs targeted business support and a consistent regime of risk amelioration funding in order to become attractive to investors. In its current fragile state it’s unlikely that the Scottish film industry will attract private business investors. Project support from Creative Scotland is not sufficiently consistent and, after years of neglect by Scottish Enterprise, Scottish film companies are not investor-ready.

Support for the film industry needs to be properly resourced and the agencies need to be instructed by government to find ways to solve the actual needs of the film industry rather than always responding that the film industry should change to meet their ‘one size fits all’ funding criteria.

**SGov Question:** How the issues that hinder the growth of creative industries can be overcome and how to capitalise on opportunities

**IPS Response:** A considered, long-term strategy, combined with more funding is the quickest route. A dedicated Screen Development Agency, encompassing both the industrial and creative aspects of film production, should be reinstated to properly serve all the functions and elements of the sector. The Agency should be responsible for both increasing indigenous production and attracting incoming production. The Agency should lobby the Broadcasters for increased level of support both on the creative and industrial aspects. Creating a sustainable industry in Scotland should be the Agency’s top priority.

The Agency should be populated with individuals with relevant experience in an international screen development agency.

**SGov Question:** How to retain those with the necessary creative skills in Scotland

**IPS Response:** Increasing the levels of film production in Scotland is the simplest way to retain creative skills. There are three main ways in which this can be achieved:

1. Increased funding into the industry – Currently funding for film is lower in Scotland than any other nation or region of the UK. More money needs to be allocated to support business development and production funding (risk amelioration funding).

2. A city based Film studio would increase film activity and serve to attract investment to Scotland
3. Developing indigenous producers – film projects are not put together by actors, directors or crew; film projects are put together by creative producers. In the past most funding has gone to develop creative talent, but not creative producers. Producing is one of the most highly pressured, demanding and multi-skilled jobs in the industry. It requires a wide and diverse skillset that includes: proficiency with industry software including Movie Magic Budgeting, Scheduling & Final Draft, story & script development experience, business & talent management, international funding & fiscal incentive expertise, legal knowledge, finance negotiation skills, knowledge & experience of the numerous departments & functions of the production & post-production teams, good understanding of payroll, tax & accounting, industry standards/industrial relations – PACT, Bectu, Equity, SAG etc, PR & publicity sensitivities, film classification, marketing and international distribution experience & understanding of global studio/broadcasting delivery requirements & complexities.

- SGov: How to develop business skills for those in the TV and film and video games industries

IPS Response: An intensive business course should be designed specifically for Scotland-based producers, based on their individual requirements. There should also be more funding and encouragement for Scottish producers to attend international development programmes such as EAVE (European Visual Entrepreneurs) workshops which are held at various locations around Europe as well as the international film markets which are held in places such as Berlin, Cannes, Toronto and Busan in Korea. There is also a need to help new producers to cut their teeth on lower-budget productions with relatively more generous funding conditions from the screen agency. Currently the Film Team at CS will not fund micro budget or very low budget films and expects new producers to jump from making <£10K short films to making feature projects of £300K+. This massive leap in budget currently provides a huge barrier to career development.

Research over the years highlights that you need people with the right skills in three main areas, 1) creative 2) craft & tech to actually make your creative content and 3) business/entrepreneurship to exploit and capitalise.

The Government must concern itself with both industrial and creative skills otherwise it’s potentially setting itself up for a fall. Given the impact of the years of neglect the former is now critical.

Because these industries are UK at a minimum and some indeed global, a skills strategy for the sector in Scotland must be able to reflect wider issues and challenges as well as the highly local issues across these three areas. A UK-wide skills strategy that reflects Scottish industrial priorities is essential to ensure the sector operates on an even playing field.

The following are organisations that provide media business training:

- DEVELOP TALENT - Independent Film and TV School London (as
used by Creative England)

http://www.wedevelopalent.co.uk/content_category/1596/courses/producing_career_development_business_management?

➢ EAVE (European Audiovisual Entrepreneurs)

http://www.eave.org

➢ Media Business School

http://mediaschool.org/

SGov Question: Examples of international strategies for growing these sectors

IPS response: Please find information & links to several international and national strategies below:

Northern Ireland

Northern Ireland’s amazing success in it’s screen industry development over the past ten years is partly due to it’s Driving Global Growth 2010 Strategy:


Northern Ireland Screen now seeks to build on that success and it’s new strategy ‘Opening Doors’ offers a comprehensive view of the progress, the strategy going forward and, crucially, the time limitations on ensuring further success.


Ireland

Ireland produces around 20 feature films per year (compared to 5 or 6 films in Scotland). As of the 1st January 2015, enhanced tax breaks are expected to boost the sector further.


http://www.irishfilmboard.ie/irish_film_industry/news/Enhanced_tax_breaks_will_boost_Irish_film_sector_and_attract_major Productions_to_Ireland_ndash_Minister_Humphreys/2641

Denmark

The Danish Film Institute (DFI) is the lead body and it supports the production of up to 25 feature films per year.
“An important task of the DFI is to provide a framework for film funding which promotes diversity and risk-willingness in the industry. We do this by offering many gateways to production support, highlighting talent development and keeping a sharp eye on new digital platforms. The DFI supports the production of 25 feature films and 25-30 documentary and short films every year. There are three kinds of support: the film commissioner scheme, the market scheme and the talent development scheme at New Danish Screen.”

http://www.dfi.dk/Service/English/Service/AboutDFI.aspx

England

**Creative Industries Council** is a high level forum for the Creative Industries in England and the UK Government. Its Strategy was developed for, and by, industry and was launched in July 2014. It identifies five priority areas fundamental to the future success of the sector: Education and skills, Access to finance, Infrastructure, Intellectual property, and International (exports and inward investment).


**Creative England** is also ambitious in its plans for the Creative Industries. In its Corporate Plan 2014-2015, it highlights the need for targeted investment in creative companies from the public and private sectors.

http://applications.creativeengland.co.uk/assets/public/resource/50.pdf

**IPS Points to note:**

- Scottish Government does not currently invest in Film Development or Production. Given the state of the industry in Scotland, an intervention is now required. There’s no confidence in the current arrangements for the sector.

- There are currently no experienced Film/Screen Industrial development personnel, never-mind specialists or advisors, in Scotland & there are virtually no creative development personnel with significant experience at international level operating in our country at this time.

- There are no Literary /Talent Agents in Scotland.

- There are less than 5 independent production companies, regularly producing long-form work at international competition/commercial level in Scotland.

- Snaring incoming productions is a highly lucrative & competitive international sport. While Ireland offers Section 481 and Wales has a £30m Government Fund for attracting international production, Scotland has little to offer; no studio & no incentive to position us above the rest of the UK. No sweetener.
Reinstatement of a discretionary fund would enable front-line bodies like Glasgow Film Office who were previously funded by SE, to act swiftly, allowing them the ability re-engage in an adrenalized global industry, enabling them to ‘grab’ runaway/incoming productions & specifically target and meet urgent & immediate industry requirements, without the usual bureaucratic fuss and painfully slow application processes for funds.

Having our applications for public funding and proposals evaluated and assessed by individuals with no real (national or international) experience in the sector, therefore not fit to comment, is insulting, never mind damaging this industry.

Savvy Film Policy makers in the global industry know that the key to a sustainable industry is to empower the producers; those that initiate projects.

Film is the only format that we can project our culture into every corner of the globe simultaneously. Investing in screen industries has phenomenal cultural and economic impacts. Scotland needs to invest to reap the benefits.

Film Funding in other small countries per annum:

- Denmark €65m
- Norway €60m
- Sweden €43m
- Finland €25m
A PROPOSAL FOR FILM FINANCING IN SCOTLAND

Film production in Scotland is low, fragile and uncertain. This is true across the sector: shorts, fiction features, documentaries, animation. Each film is a small miracle of determination on behalf of the film-makers. Too few films are made and each film carries a burden of expectation in cultural and commercial terms which many cannot fulfil. The core chronic problem is a lack of funding which would allow film production to become a normal activity, a confident and consistently successful expression of ourselves to ourselves and the global audience.

What is to be done?

A NEW FILM PRODUCTION FUND

The proposal is simple: that the VAT applied to cinema tickets in Scotland is collected as a hypothecated tax and gathered into a film production fund. The price of a cinema ticket would remain the same and the 20% collected as VAT is collected as a levy to be paid into a film production fund. Our calculation is that in the last year 16.5 million commercial cinema tickets were sold in Scotland with an average ticket price of £7, totalling £115,500,000. This would give a production fund of £23,100,000. Such a figure would be transformative. It would allow Scotland to bring production investment to the level of, say, Denmark.

The Scottish cinema-going public would see no difference in the cost of their going to the cinema. But what they would see would be a broader, more frequent experience of Scottish film in their cinemas. We are confident that the Scottish public would value the idea that they were supporting their indigenous film industry, at no additional cost.

It would also mean that the films which are currently the most popular in Scotland – the Hollywood blockbusters – would, in effect, help to support the development and sustainability of the Scottish film industry.

HOW WOULD THE FUND WORK?

The Fund would provide support for the development and production of films by Scottish producers and would be accessible only by Scottish productions companies. International film companies would be able to access the Fund via co-production with Scottish companies. This would ensure the consistent involvement, growth and international connections of Scottish companies. The Fund would encourage Scottish film makers to work at home and internationally.

A comparable system has been successfully established in Sweden. For further information, please see http://www.sfi.se/en-gb/About-SFI/what-we-do/The-Film-Agreement/

The Scottish Fund would support all forms of film making, both the overtly commercial and those which may not secure a large audience but have genuine cultural concerns at their heart. It would support a strong
programme of short film making to nurture the emerging generations of young film makers. As well as shorts, the Fund would invest in documentaries, feature films and animation.

It may be that this Fund would be administered by a new Film Agency. Scotland is the only country in Europe without a dedicated film agency. Many film producers think that Creative Scotland is a generalised arts body which is not appropriate for the needs of the film industry or its development.

TAXATION
It is assumed that a tax credit scheme would still continue. We think that the stimulation provided by the new Production Fund would encourage major private investment since the Fund would result in a much greater number of films, especially feature films, being produced. The risk for private investors, across a much broader slate of films, would be significantly reduced. We would prefer that a Scottish taxation scheme followed the premise of the Irish model in allowing tax credit investment into films at the point of production. This will have the effect of excluding the middle men who make money by standing between the investors and the film companies.

The continued availability of tax credits will be a vital component in attracting private investment and inward investment in the form of international films being located in Scotland.

Returning to the issue of VAT, while at present the majority of public sector revenue payable by Scottish residents and enterprises is collected at the UK level, there have been attempts to estimate what amount of VAT the Scottish Government would collect from Income Tax, National Insurance, VAT, etc, based on figures from 2009 – 2010. These show that Scottish residents and enterprises paid around £7,348mill in VAT, (£7.3bill 2009-2010). VAT accounts for 17.4% of potential Scottish Public Sector revenues (the third most important source behind Income Tax and National Insurance). Total UK VAT revenues were £83,616mill in 2009-10, (£83.6bill), which means Scotland’s share of VAT (if it was collected separately) would be about 8.8%, roughly in line with its population size. The £23.1m for the proposed Film Production Fund therefore represents about 0.3% of what Scottish residents and enterprises are estimated to pay in VAT.

THE EUROPEAN UNION
There are several points to be made here. The proposal would require State Aid Approval by the EU Commission. The key issue here is “additionality”, that “any support should generate additional activity rather than subsidise that which would have taken place anyway” (Clause 26, Scotland’s Future on Screen: Support for the Screen Sector in an Independent Scotland. The Scottish Government, June 2014). The fact of the matter is that the Scottish Government does not currently provide any direct funding into film production. Such monies which are
available are entirely sourced from the National Lottery so the proposed Film Production Fund will satisfy the question of additionality. In an aside, it should be noted that this is not the case with the Scottish opera, ballet or theatre sectors, all of which receive direct Government investment and would not be able to utilise the proposed VAT scheme.

THE SCOTTISH FILM STUDIO
The bids for the Scottish Film Studio are under consideration. On the assumption that this endless saga is finally drawing to a close, the Film Production Fund would be of major importance to the success of the studio. The Fund would enable Scottish producers to pay suitable rates for the use of the studio and the increased production level would help to ensure the consistent use of the facility.

INDEPENDENT PRODUCERS SCOTLAND
The film and television producers in Scotland have recently formed a new collective grouping, Independent Producers Scotland (IPS). Some forty film and television companies have joined and the organisation will continue to grow. Its formation has been welcomed by the Scottish Government and by Creative Scotland. IPS represents the clear and coherent voice of the producers in Scotland. It has already become a powerful force in challenging the current situation of the film industry and proposing how substantial improvements might be made.

POLITICAL CHALLENGE
The proposal for the Film Production Fund is a vital challenge to all political parties in Scotland. None of the parties has a credible agenda for the film industry in Scotland, especially with regard as to how to finance it and its necessary development.
It is likely that, in the first instance, the proposals of the Smith Commission will form the context for the VAT proposal. It is IPS’s understanding that aspects of VAT may be devolved to the Scottish Government. We urge the Scottish Government to secure control of this aspect of VAT and set about establishing a Scottish Film Production Fund which can draw on these new resources.

Independent Producers Scotland Ltd December 2014.
Comparison between Scottish and Danish Film Sectors and a Possible Scottish 'VAT' Fund - follows

<table>
<thead>
<tr>
<th>Comparison between Scottish and Danish Film Sectors and a Possible Scottish 'VAT' Fund</th>
<th>Current Situation Scotland</th>
<th>Proposed Subsidy Fund VAT DFI Subsidy 2013</th>
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<tbody>
<tr>
<td>£ Sterling</td>
<td>3,500,000</td>
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<tr>
<td>ACTUAL</td>
<td>ESTIMATES</td>
<td>ACTUAL</td>
</tr>
<tr>
<td></td>
<td>Country 1</td>
<td>Country 2</td>
</tr>
<tr>
<td>--------------------------------</td>
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</tr>
<tr>
<td>Size of Population</td>
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<td>National feature film releases</td>
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</tr>
<tr>
<td>National documentary film release</td>
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<td>Multiplex cinemas (min. 6 screens)</td>
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<td>Average ticket price excl. VAT</td>
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<td>Total Cinema admissions</td>
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<td>European market share</td>
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<td>Market share, other</td>
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Figures from Creative Scotland Film Sector Report and the Danish Film Institute 2013. VAT Fund Figures Estimates

Additional information: https://www.dropbox.com/sh/m6j7jiq3r9y9sc/AAAUt_QdXvHLCuS46gXhjXr-a?dl=0
Independent Producers Scotland Board and Member List

IPS Board

John Archer (Chair)
Gillian Berrie
Eddie Dick
Cameron Fraser
Annie Griffin
Grant Keir
Barbara Orton
Arabella Page-Croft
Paul Welsh

IPS Member List November 2014

<table>
<thead>
<tr>
<th>Individual</th>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aimara Recques</td>
<td>Aconite Productions</td>
</tr>
<tr>
<td>Arabella Page-Croft, Kieran Parker</td>
<td>Black Camel Films</td>
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<tr>
<td>Olivia Gifford, Katy Crook</td>
<td>Blue Iris Films</td>
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<tr>
<td>Brian Kaczynski</td>
<td>Brian Kaczynski Co-producer</td>
</tr>
<tr>
<td>David Smith</td>
<td>Brocken Spectre</td>
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<tr>
<td>Julia Valentine</td>
<td>Cacti Films</td>
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<td>Suzanne Reid</td>
<td>Capricorn Films</td>
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<td>Gill Parry</td>
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<td>Christeen Winford</td>
<td>Cormorant Films</td>
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<td>Stuart Greig</td>
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Paul Welsh, Rosie Crerar, Edge City Films
Grant Keir, Virginia Heath, Faction North
Douglas Dougan, Fluid Eye Productions
Jim Hickey, Freedonia Films
John Archer, Carolynne Sinclair Kidd, Hopscotch Films
James Mavor, James Mavor Writer
Cameron Fraser, Ko Lik Films
Karen Smyth, La Belle Allee
Nick Higgins, Lansdowne Productions
Tommy Gormley, Sarah Purser, Little White Rose Films
Eddie Dick, Makar Productions
Clare Kerr, Mead Kerr
Richard Warden, Middlefish
Wendy Griffin, Miss Conception Films
Morag Mckinnon, Morag McKinnon Director
Angela Murray, Oxygen Films
Annie Griffin, Pirate Productions
Tina, Micky McPherson, Plum Films
Emma Davie, Sonja Henrici, Noe Mendelle, Scottish Doc Institute
Gillian Berrie, Brian Coffey, Sigma Films
Carole Sheridan, Singer Films
Leslie Hills, Skyline
Steven Raymond, Steven Raymond, Producer
Claire Mundell, Justin Molotnikov, Synchronicity Films
David Griffiths  Timelock Media Ltd
Barbara Orton  True TV
Kathy Speirs  Up Helly A
Martin Fisher  Visible Ink
Willy Wands  Willy Wands Co-Producer
Chris Young, Sarah Jane  Young Films