

## **Working with Incoming Productions**

These guidelines are aimed at individuals and companies (crew, locations, facilities companies) in the UK who work with, or plan to work with, incoming productions from overseas.

New clients from abroad may well be unfamiliar with working practices and expectations in the UK. Film London provides comprehensive advice for them on our website:

[www.filmlondon.org.uk/guide](http://www.filmlondon.org.uk/guide).

### **Contracts and your standard terms and conditions**

When approached by an incoming production you should provide upfront a draft contract with your standard business terms and conditions. These should include details about the service(s) offered, rates and process of payment, remit of the work required, lead-in times and any other relevant terms of employment. They should cover all services that are chargeable, for instance, arranging recce trips. This avoids any misunderstanding as to what is chargeable and what is a goodwill gesture. You should also make clients aware of the scope of expenses that may be incurred and for which you will expect them to cover. The contract is a legally binding document and must be drawn up by a solicitor.

If the contract is issued by the client, ensure that it is covered by UK law.

If a dispute looks likely to arise then address it immediately. Satisfactory resolution to disputes can be time consuming, expensive and rarely successful. Prevention is better than cure. These guidelines are aimed at prevention.

Film London advises incoming productions to verify the credentials of those they intend to hire. Similarly you, as suppliers of a service, should check out the legal entity status of the new client and their credentials.

You should also ensure negotiations are taking place with an appropriate person with authority to do so, and that all communications with this person are copied to the Producer/s and other relevant principals of the production company.

You should ensure a client can always contact you during working hours. Similarly you should have the contact numbers for the production representative and also a landline number of the production office.

### **Payment**

Payment via a UK bank account is recommended.

At the outset you and the Production Accountant should know one another's details. Film London generally recommends overseas productions use a qualified UK Production Accountant. Easy, fast and visible methods of payment should be used. Sufficient time should be allowed for cheques to clear before services are completed.

Terms should, where relevant, be stated in your business terms and conditions.

For one-off payments, for example a location fee, charging upfront in advance is common.

An example of a payment schedule for crew working on a three-week shoot is:

- 50% up front
- 25% in first week of production
- 25% in second week of production

For longer shoots weekly installments are common with final payment received by the crew member by the beginning of the final week of shooting.

Locations or facility hire may consider the use of a cancellation fee when negotiating contract terms.

In some circumstances it may be possible to request and obtain a third-party guarantee or bond from a UK financial institution.

Repeat clients may expect a different treatment and once trust has been built up between both parties, more flexible payment terms may be arranged.

Invoices should be submitted immediately with full bank details included.

## **Insurance**

Overseas productions should obtain insurance from their country of origin which covers them for filming in the UK territory or they should set up a UK company through which to obtain insurance. This may also give them access to the UK tax credit.

Where necessary all insurance documents provided by an international production should be translated into English.

Location agreements and the insurance policy must be in the name of the same company. For example the location contract cannot be in the name of the overseas company and the insurance in the name of the UK production services company.

As soon as there is the slightest hint that you may need to make a claim or that a claim may be made against you the insurance company should be made aware. This is referred to as a 'duty of advice' and does not classify as 'making a claim' so does not affect the premium at this stage.

There are several insurance companies that offer specialist advice and insurance cover to the film and media industry.

## **Employer's Liability Insurance**

A UK company is legally required to take out this type of insurance for all persons it employs.

UK sole traders should carry their own insurance which covers them when employed by an overseas production.

## **Public liability Insurance**

Productions may need to be advised that the level of cover will depend on the type of filming they wish to do, and level of risk. Locations, for instance, will have different minimum requirement levels.

## **Health & Safety**

International productions may not be familiar with regulations here. You should be flexible as well as aware of who would be liable in the event of an insurance claim being made.

A copy of the latest guidelines on Health & Safety in Production outlines obligations and responsibilities and can be found at [www.hse.gov.uk](http://www.hse.gov.uk).

## **Additional Advice**

### **For Location Managers:**

Should a problem emerge between the production and a location or agency in order to safeguard your relationship with both sides you should attempt to bring all parties together to find a resolution. Film London, as an impartial body, has a Locations Team which can also assist with a mediation service aimed at resolving differences.

### **For Locations:**

Locations should provide a clear transparent filming policy and process of application which should be signposted to productions at the first approach. A number of locations clearly state on their websites the key stages of the application process including required lead-in times. Some also publish a rate card online.

Film London's recommendation is that for any shoot planned in London, other than the most basic, all productions should hire the services of an experienced location manager who will be the main point of contact for a location. Film London advises that locations recommend the same. This will save a production time and money. It can also provide assurance for the location. The Location Team at Film London can provide details of available location managers and scouts.

### **For Production Service and Facilities Companies (PSF companies):**

If a PSF company hires a subcontractor who wishes to deal directly with the production the PSF company should advise the subcontractor to either charge upfront or the PSF company should insist on seeing the subcontractor's invoice as soon as agreements have been struck.

## **Further Advice and Support**

Film London provides help and advice on film related issues in London. Should a dispute arise the Locations Team at Film London offers a mediation service.

The Production Guild of Great Britain provides a list of available experienced members for productions to hire. It also provides advice to members and should a dispute arise will intercede to attempt resolution.

[www.productionguild.com](http://www.productionguild.com)

Specialist lawyers advise on legal matters to both productions and to those who supply services to productions.

BECTU, the industry union, provides members with access to advice and legal services  
[www.bectu.org.uk](http://www.bectu.org.uk)

CEDR is an independent not-for-profit organisation supported by multinational business, law firms and public sector organisations. It works to cut the cost of conflict across all industries offering mediation, consultancy and training services.  
[www.cedr.com](http://www.cedr.com)

Embassies in the relevant country can provide information and advice about and for productions coming to work in the UK.