



March for the Arts

# WORKING GUIDANCE FOR ARTS FREELANCERS AND ORGANISATIONS

Edition 1  
2021

# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS

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# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS



### Introduction

*"Change is often messy, passionate and finding its feet; which is why we need to put in place better structures and encourage systemic change. This document serves as a voice for those on the ground fighting for inclusive arts practice. The more of us that come together, the louder our voice."*

*Grace Goulding, MFTA facilitator*

## Introduction

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### This Project

The creation of this document was facilitated by March for the Arts (MFTA), as part of an Arts Council England (ACE) funded project for the Liverpool City Region. The project's working title was *Freelance Working Agreement and Directory*.

The document in its current form is now called *Working Guidance for Arts Freelancers and Organisations*. It is a piece of guidance that will grow and change over the coming months and years.

MFTA will be asking creatives and organisations in the Liverpool City Region to read, share and [sign up](#) to the [principles](#) in this document.

As part of this project, MFTA will also launch [artsfreelancers.com](https://artsfreelancers.com), a no pay-wall website hosting the profiles of creative freelancers, in the hope of supporting better collaboration between freelancers and organisations as our sector deals with the effects of the COVID 19 pandemic.

### Writing the Document

The *Working Guidance for Arts Freelancers and Organisations* was created in collaboration with freelancers and organisations.

In early 2021, MFTA put together a committee, who

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## FOR ARTS FREELANCERS AND ORGANISATIONS

### Introduction



met every week for 9 weeks. They discussed issues with freelance work and workshopped solutions.

The MFTA team collated the results of these discussions, along with information gathered from outreach to the wider arts community.

By the time the document reaches you it will have been redrafted by the committee, passed through a public consultation process and then redrafted once again. It will not be finished. Our work is ever changing and we need to keep this guidance in constant review.

### How to Use this Document

Organisations, freelancers and anyone employing a worker on a freelance basis can use this document and should try their best to follow its clauses as far as they can. There are also links to useful information and helpful templates running through the guidance.

We expect **organisations** to use it as a hand book, with examples of best practice to aspire to, when working with freelancers in the arts.

We expect **freelancers** to use it to empower themselves in the knowledge that their community has accepted these principles - and that they should accept no less.

We hope it will also be used as a badge of honour.

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[See who has signed up to use this document by visiting our website.](#)

If you decide to officially sign up, saying you will use and follow this guidance, you are telling the creative community and the public that you agree with its principles and that you will try your best to follow what it suggests. [Sign up now.](#)

### **Why Sign up to Use this Guidance?**

We would ask employers to take responsibility for fostering good working practice and to educate themselves about the problems faced by the freelancers who work for them. We ask them to recognise how far they depend on the work of freelancers and to value them accordingly; as colleagues and collaborators.

We would ask everyone in our community to read and sign up to the Working Guidance in order to support freelancers, who navigate a plethora of procedures, contract types and working conditions on a daily basis. [Sign up now.](#)

### **What Will Signing up to the Guidance Mean?**

The Working Guidance is not a legally binding document, and signing up to agree with its principles won't tie anyone to them by law. However, we will hold subscribers to account through community, by calling for feedback and by revisiting this document and its effects regularly.

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This guidance can't replace the collective bargaining power of union membership. There are a number of [different unions](#) who can provide freelancers with support, advice and backing.

### **How will this Guidance Help?**

The main purpose of the Working Guidance for Arts Freelancers and Organisations is to educate and then to spark consideration, communication and forethought.

As arts freelancers and organisations, we hope that the opening up of communication about working practice will become embedded, so that we are no longer blocked from understanding and controlling our own working world.

This document will help with consistency, but it can't change the specific structures and processes of an entire sector.

It is important for freelancers and organisations to communicate their ways of working to one another and to recognise that their way of doing things is not necessarily 'the norm' - for freelance work there is no normal.

We have seen a temptation to fall back on 'that's just the way it is done' reasoning. The way things have 'always been done' is not necessarily the best way, nor has it always been ethical or legal practice.

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### Introduction



The point of this guidance is to work together, to educate each other and to develop ways of doing better.

We hope it will help everyone do their best work.

### **What does the Guidance Cover?**

While the current iteration of this document does not cover the entire working experience, the sections included tackle the areas that our committee felt were most lacking in good practice.

Our committee comes from a range of backgrounds and sectors; and from organisations both large and small. They understand that the size and scope of teams and their projects can differ hugely. They understand the complexity of the creative industries. For this reason clauses are written with flexibility, practicality and realism.

We hope that organisations and freelancers will follow the guidance *as far as possible*.

*As far as possible* is a common phrase in the document that follows, but it shouldn't be an excuse. It is not a 'get out clause'. It is there to accommodate the broad range of makers and commissioners in our sector including large independent organisations and charities; public sector organisations; small companies; fringe artists; brand new organisations; and individuals.





### **The Committee**

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#### **Freelancers**

**Lisa Buckby** is a contemporary music graduate who works in event management, festival production and arts marketing.

**Tessa Buddle** is a Theatre Maker and Project Manager working in contemporary performance and community arts.

**Tom Glynn** has 18 years of experience working in the voluntary arts sector specialising in Hip Hop Social Action.

**Thom Isom** is a graphic designer and artist who creates identities, books and posters, video, animation and art direction.

**Adiam Solomon** is a writer, multidisciplinary artist and producer working in the creative and cultural sectors.

**Curtis Watt** is a writer, performer, musician, actor and creative workshop practitioner.





### Organisations

**The Bluecoat** (represented by Rob Hack) is Liverpool's contemporary arts centre - the first in Liverpool, the oldest in the UK. Inside its landmark building is a working home for artists, and a place where audiences can experience art in new ways.

**Collective Encounters** (represented by Harriet Warnock), is a Merseyside based professional arts organisation specialising in theatre for social change through collaborative practice, using theatre to engage those on the margins of society, telling untold stories and tackling the local, national and international concerns.

**The Everyman & Playhouse Theatres** (represented by Sarah Lewis, Francesca Peschier and Victoria Adlard), are two of Liverpool's most valued and successful theatres. Their mission is to use the power of theatre to inspire, entertain and nurture positive social change.

**Homotopia** (represented by Alex Ferguson), is the UK's longest running LGBTQIA arts festival. Based in Liverpool, Homotopia presents local, national and international LGBTQIA art that inspires and unites communities.

**Luma Creations** (represented by Francisco Carrasco), aka One Latin Culture Productions, is an Arts & Cultural Organisation promoting Latin American, diversity arts and artists.

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## FOR ARTS FREELANCERS AND ORGANISATIONS

The Committee



**The Studio, Widnes (represented by Louise McNulty)**, is run by charity LOOSE and is focused on removing barriers to the arts for the whole community and the next generation of Halton born artists.

**Ugly Bucket (represented by Rachael Smart)**, is a theatre company whose work combines clowning, EDM, physical comedy and verbatim to tackle intimidating topics.

**Culture Liverpool (in attendance at two committee meetings and represented by Kevin McManus)**, are Liverpool City Council's cultural service.

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**Grace Goulding - Committee Facilitator / Chair Person** - is a freelance movement director, choreographer, facilitator and workshop leader.

# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS

### Formatting Key



### Formatting Key

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**Bold = A section heading, and, when numbered, a clause**

Where there is writing in a grey box, this is to indicate that we acknowledge that **general** guidance is difficult to follow.

Best practice for an individual or small organisation may be different to best practice for a large organisation, for example.

Bear in mind that the information in the grey box might not be applicable to every situation.

Sometimes the grey box highlights differences from situation to situation.

If the grey box has guidance in it, both parties should try to follow this as far as is reasonable and practical. If they can't, they should strive towards following it.

*Quotations from our committee and community appear in green speech bubbles in the left hand columns at the beginning of each section*

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### Formatting Key



In the red left hand column at the start of each section there is a section essence that appears in a dark blue box - a summary for each section.

In the red left hand column of subsequent pages we've included the overarching practice points, as these apply to the whole document and all to all work with freelancers.

External links and links to supporting documents from our 'B-Files' e.g. templates, FAQs and example guides, will appear underlined and in blue.

Underlining is used for emphasis; our committee feels this specific detail is important and is often overlooked.



## **Overarching Practice Points**

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### ***Communication, formality and flexibility.***

Through discussion, research and writing of each topic and area, several practical principles come up again and again.

The content of this document ultimately revolves around themes of communication, formality and flexibility.

We've come up with four overarching points from these themes that are detailed here and can be used to guide all work with freelancers as a simple starting place.

### **1. Put it in Writing**

Where agreements have been made about work in person or over the phone, including alterations/ tweaks to agreements as part of the working process, these should be followed up in writing.

It is always useful to have written agreements to check back on and the process of confirmation in writing will help to solidify plans, allow for thinking time and offer the opportunity for questions or negotiation without the pressure of social interaction.

Freelancers from our community have found that



when being approached about work, 'chats' or 'quick phone calls' are tactics used when conditions are not great for the freelancer, or when time is tight.

Of course, these methods are useful and freelancers are capable of communicating in this way, but proactively following up with a written confirmation will always improve communication and build trust.

Organisations should take the lead on formalisation as freelancers often feel chasing things up will make them seem 'hard to work with'.

## **2. Proactively Encourage Communication**

It is both the responsibility of the freelancer and the organisation to maintain good communication before, during and at the end of work. However, it needs to be acknowledged that the organisation employing a freelancer holds a significant level of power, no matter how large or small they are.

The overwhelming sense from our community was one of fear of damaging relationships, not being re-employed, gaining a negative reputation or losing out on roles when bringing up the most basic of issues.

To tackle this atmosphere of worry organisations can encourage communication before any issues arise.

They should reassure freelancers and make sure all



the routes for communication about payment, inclusivity, access, grievances, contracts, letters of agreement, safeguarding, wellbeing, illness, leave and scheduling are clear from the outset.

### 3. Test Systems and Train More Staff

Organisations such make sure their systems are robust and diverse. Policies should be consistently reviewed in response to feedback and working realities.

Even if processes are in place and well communicated, we are all human and we can make mistakes. Our community has expressed frustration with the inconsistency within organisations, and highlighted the dangers of having only one point of contact.

To provide alternatives for freelancers and more options when it comes to reaching out or resolving issues, organisations should ensure that all the appropriate staff are trained in the formal processes that engage and deal with freelancers.

A freelancer should never have just one point of contact.

### 4. Build in Flexibility

The nature of freelance work is variety. Every job is different, every person is different, every project is different.

Freelancers are well practised in changing their processes and adapting to the needs of each new role, but organisations will find that collaboration is



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### Overarching Practice Points



easier and more fruitful if they also offer to adapt where they can.

In our experience, many of the problems between organisations and freelancers stem from the failure to plan and budget properly for administration and human resources.

Plan for the entirety of a project and build in time to be flexible and responsive.



### **Being Engaged to Work/ Engaging Someone to Work for you**

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The way we are offered and the way we offer freelance work will vary enormously across sectors, across types of work and across sizes of organisations or employers.

Sections 1-3 deal with best practice for the beginning of this process, and should be considered carefully in advance by anyone planning to engage a freelancer.

We have also drafted a script for freelancers to help you with some basic questions to ask at the first point of contact with an employer. This is also useful for those employing freelancers as a guide to the information you need to have ready before you contact your freelancer. Read those suggested questions [here](#).

### Section 1: Hiring and Engagement with Regular and New Artists

*"You can feel like you're having things done to you, rather than with you"*

#### Section Essence

- ✓ **Be transparent**
- ✓ **Keep in touch**
- ✓ **Hiring is part of the work, don't miss it in planning and budgeting**
- ✓ **Treat people with respect and offer real opportunities**
- ✓ **Record and review regularly**

### Section 1: Hiring and Engagement with Regular and New Artists

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March for the Arts heard a lot from our community about poor practice in this area.

Common problems included:

- not hearing back after application or interview;
- being told to hold availability indefinitely and not being informed when roles were no longer available;
- finding roles announced publicly before receiving private notice;
- over complicated application processes and feeling cut out of opportunities.

On the other hand, our community of organisations, small and large, voiced their struggles to administrate fast turn arounds on projects, reach new communities, pull freelancers out of city centres and balance loyalty to regular freelancers while reaching out to new employees. Freelancers had a great deal of sympathy for this, understanding that the arts sector is often based on networks, close relationships, tight budgets and fast paced work.

We face a dilemma when it comes to hiring. Our community wants to open the gates and share opportunity at the same time as maintaining regular relationships. The balance is not impossible though. Along with our [Arts Freelancers](#) for hire profile directory; and our plans for creative networking events; we have tried to provide



### Remember to:

1. Put it in writing
2. Proactively Encourage Communication
3. Tests Systems and Train More Staff
4. Build in Flexibility

*As far as possible isn't an excuse. If you can; you should. If you can't; you should work towards being able to...*

practical guidance here that will encourage fair treatment for established freelancers, but also openness and opportunities for new artists and those who have faced barriers.

#### **1.1 Organisations should be clear about who they are looking for when they are hiring, and why they are looking for that specific person.**

The person specification should be detailed. Think about being specific about [diversity and inclusion](#) too.

#### **1.2 Organisations should carefully consider where they are advertising their roles.**

It might be appropriate to pay a consultant in order to advise on how to reach a particular demographic; or simply spend more time and resources on community engagement - reaching out to different communities to build connections and relationships.

#### **1.3 It is good practice for organisations to reflect on how their role advertisements or call outs *could* exclude people from wanting to apply.**

Can work around [diversity and inclusion](#) be done to improve and/or eliminate this?

Keeping the application process manageable will help, freelancers have detailed CVs but are often asked to spend time completing additional forms



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and submitting lengthy answers. Organisations should consider whether they can, in fact, get all the information they need from a CV and short cover letter.

**1.4 Organisations should build in time to properly administrate their chosen recruitment process.**

Provide appropriate levels of feedback for applications, particularly if a candidate's application skills or understanding of the application process has put them at a disadvantage.

It is not always appropriate to give full and detailed personal feedback to unsuccessful candidates and some freelancers may not benefit from this.

However, it is not acceptable to provide no response at all to applicants - or an 'if you haven't heard from us' rejection tactic.

Lack of time or person power cannot be an excuse - cover hiring processes with planning and budgeting. Be realistic and communicative with time periods for getting back to people.

To improve communications, organisations must commit resources and staff time to recruitment.

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Consider having a staff member dedicated to outreach and recruitment.

As a guide, the level of feedback should reflect the time and effort applied to the application process. A series of interviews, for example, should elicit some detailed feedback, where a yes or no answer would be adequate for a CV share.

**1.5 Organisations should be clear and upfront about hiring processes; freelancers will allow for flexibility, if this is communicated clearly.**

Provide updates throughout the process, if things are delayed let applicants know, set a date for a decision to be made, provide contacts for applicants and allow for accessible applications.

**1.6 Freelancers should take responsibility to get in touch if they haven't heard back from an organisation.**

Mistakes are made and sometimes administrative errors are genuine, freelancers should feel comfortable double checking if they have not heard back about a role.

High competition and poor hiring practice has damaged freelancers' confidence in communicating about roles, but they should also take the initiative in fixing this communication breakdown.

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**1.7 Avoid 'open calls' unless they are in good faith - genuine opportunities that are paid, well communicated and properly administrated.**

Trust has been lost amongst the freelance community, particularly in the performance sector, around open calls and their use for publicity purposes and lack of proper administration. Always ensure that a paid role is actually there to be filled if you are advertising it, be specific about what you are looking for and who will be genuinely considered.

Organisations should move away from the idea that they are providing a service by giving someone the 'opportunity' to apply for a role, this is only the case if the opportunity for work is genuine.

**1.8 Organisations should commit to and follow through on their hiring processes and decisions should be made by more than one person.**

Often nepotism occurs when one person is responsible for a decision and they have no one they need to explain themselves to. If you are hiring alone, consider bringing in support for the process.

Inviting a candidate for an informal chat is not an appropriate hiring process. If it is informal, keep it



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that way. Be clear if the freelancer needs to prepare. Don't ambush freelancers with job interviews.

### **1.9 Communicate and agree on appropriate lengths for availability checks.**

Organisations should be clear about how long you want a freelancer to hold availability for, and freelancers should be clear about how long they are able to hold availability for. Equally, in a more formal application process, a deadline for decision making should be assigned and kept to.

### **1.10 Organisations should commit to hiring new freelancers, recording and reviewing their freelance hires.**

A regular review of freelancers hired would be good practice to ensure that loyalty with regular freelancers is being balanced with outreach to new hires. It is good practice to keep internal records of freelance staffing.

### **1.11 Organisations could develop transparent policies about how to become an 'associated artist.'**

The regular freelancer or associated artist spot is often shrouded in mystery, because the way organisations meet and develop relationships with artists and freelancers is incredibly varied, often built on years of collaboration, mutual support and

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payment in kind; and sometimes random chance.

Some clear guidelines and pathways would tackle the temptation to simply choose artists who are friends or just regularly 'present', rather than on merit, while enabling freelancers to take proactive steps in building relationships with organisations that they would like to work with.

#### **1.12 It is good practice for organisations to keep up to date with emerging and under-utilised talent.**

Commit to following the work of your local community. Attend festivals, fairs, exhibitions, fringe events, student showcases and graduations shows.

There might be a dedicated team member who develops new relationships or seeks out new talent. The organisation may simply open its doors more often for open days or networking events.

#### **1.13 If appropriate, do simple things to share publicity and reward applicants.**

Add, follow, like and share applicants' social media channels even if they don't make the cut. A large organisation's support can mean a lot and it costs nothing.

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A simple follow isn't necessarily an endorsement, just a way to keep up with your community. Freelancers will probably return the favour and your relationship with the applicant is likely to remain positive. Later, larger gestures of support can come from developed relationships.

If you don't want your organisation to be associated with a freelancer simply don't do this. Do make the effort to follow the activities of those who follow yours, so that you can make an informed decision about whether to share support.

**1.14 Communicate with regular freelancers about your plans, whether you are re-hiring them or not.<sup>1</sup>**

Organisations could consider communicating with regular freelancers about their upcoming projects and being open about the directions they have chosen to go in even if they will not be re-hiring them. This will probably foster engagement and avoid bad feeling.

Where appropriate, relationships can be maintained with basic updates.

<sup>1</sup> Of course, It's ok to not re-hire a freelancer, but they can often be left without feedback from a job - assuming that the reason they have not been re-hired is that they were disliked, or that their work wasn't good. In reality, this is often because an organisation wants to reach out to new artists and audiences, has changed focus or is working on a different kind of project.



*"As freelancers,  
we have to  
negotiate in  
whispers"*

### Section Essence

- ✓ Use clear language
- ✓ Avoid assumption and presumption - ask and tell.
- ✓ Give breathing space, time for contracts to be absorbed, discussed and adapted.
- ✓ Use contracts to protect both sides.

## Section 2: Contracts

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Not all freelance work requires a long contract, some short projects are covered by [letters of agreement](#). Very often freelancers are simply engaged through an email or phone call and never formalise this.

It is worth noting that any agreement will act as a contract, but it is best practice to formalise such agreements and use contracts of appropriate length and detail for the work being done.

We can't advise on contract law here but we can think about the relationships between organisations, freelancers and their contracts - so in this section we have tried to address how we interact with contracts and agreements.

The March for the Arts Committee have devised a list of DOs and DON'TS for both freelancers and organisations - have a look at the list [here](#). The information is also covered below.

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### 2.1 Provide new or update old contracts for subsequent jobs.

Regular freelancers can find themselves under contracts that were created for previous work. This is understandable given the time constraints on some work, but organisations should think about ways to easily add updates or make changes, a Google



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document for example.

### **2.2 Provide draft contracts and accept that freelancers can negotiate the terms of their contracts or letters of agreement.**

Freelancers, especially when working as self-employed people, have a legal right and professional obligation to negotiate the terms of their contract. Self-employed engagements should be approached as negotiations between both parties, and freelancers should feel comfortable setting rates.

This means having open communication about contracts and allowing time and space to work together on them.

### **2.3 Consider the entirety of a freelancer's working time for a job or project at the contracting stage.**

Ensure that details about meeting and catch up time, preparation, holidays, working hours (and associated boundaries) are outlined in contracts and agreements. See more about these issues in [Section 6, clauses 6.10-12.](#)

### **2.4 Consider extra payment schedules.**

Freelancers may wish to stipulate what will count as a basic and what will fall under extra, and at what rates these will be charged.



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## **2.5 Include cancellation clauses.**

Addressing the possibility of cancellation will enable both sides to consider what might happen if work is cancelled. It will also remove the temptation to enter into formal agreements without appropriate levels of commitment.

Any preparation completed before a cancellation must be paid for and it is always best practice to continue with payment in the event of last minute cancellation.<sup>2</sup> Organisations should continue to follow payment schedules that have already been set out. All possible steps must be taken to ensure that artists and freelancers are not left out of pocket through cancellation.

Flexibility in rescheduling in case of cancellation is also best practice.

Although organisations should be investing in appropriate insurance to cover costs in the event of cancellation, there are circumstances where organisations will find it impossible to continue with payment in the event of a cancellation that is beyond their control.

Communication about what will happen in the event of cancellation from the start is best practice so that a freelancer can make an informed decision about agreeing to work that may have risks.

<sup>2</sup>'Last minute' is, of course, a relative concept. A good rule of thumb would be to think about whether parties have time to find other work in replacement of cancelled projects and whether they have already made practical arrangements in order to carry out work.





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### **2.6 Be clear about the capacity you are employing someone in and what rights and benefits this implies on both sides.**

The practical ways that you work with someone are what, in reality, determines their employment status, and this can't be changed by what is written in a contract. Find out more about employment status [here](#).

However, having employment status and the associated benefits and expectations detailed in the contract is good communication. It will help a freelancer feel clear and comfortable in their status. Be clear about whether you are employing someone as a [worker](#), [employee](#), [employee shareholder](#) or [self-employed and contractor](#).

Remember that tax status can be different to employment status. Seek legal advice if someone's status is not immediately obvious.

### **2.7 Keep contracts open to change, be human and write in plain language.**

Think of the first iteration of a contract as a draft until both parties have had a reasonable chance to discuss and suggest changes. Make time to answer questions, explain and adjust.

Get help with plain, clear and precise language [here](#).





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### **2.8 Remember that minimum rates are minimum.**

At the point of contracting, agreements and written confirmations, even if you have already discussed pay, you can offer more and you can ask for more.

### **2.9 Be clear about payment, hours, expenses, overtime and preparation time.**

See more about [payment](#).

### **2.10 Freelancers should ask for a contract, negotiate, ask questions and clarify anything that doesn't work for them.**

Feel free to ask for things in writing. Communicate clearly if a contract doesn't work for you, an organisation may be using a standard template and may not realise they need to adapt.

### **2.11 Crediting, intellectual property and non disclosure agreements should always be discussed, outlined and explained clearly before work starts.**

Crediting process and intellectual property rights should be outlined in the contract.

A discussion about artistic work and who will own/control the output of a project and how that can be



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shared should always be considered, particularly where a small organisation or small project means that lines of ownership are blurred.<sup>3</sup> This should be followed up in writing.

<sup>3</sup> There are grey areas surrounding who owns the output of a freelancer, sometimes it can depend on whether the freelancer is employed as an artist in their own right, or as a staff member on a project owned by an organisation, but this isn't always straight forward. MFTA would advise discussing this before beginning work and seeking legal advice if necessary.

# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS



### Section 3: Diversity, Inclusion, Accessibility

*"It's not about **you**. It's not about how **you** perceive things. It's not about how **you** explain things in **your** language. It's about how that information is taken on board. It's about how **other people** see and understand what you are trying to say."*

### Section Essence

- ✓ Be flexible
- ✓ Be specific in your research and responses
- ✓ Be ready to listen and learn
- ✓ Build in time to adapt
- ✓ Enjoy the art of new ways of working
- ✓ Speak plainly
- ✓ Be proactive in offering options and adjustments

## Section 3: Diversity, Inclusion, Accessibility

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Our committee and our community discussed 'diversity and inclusion' and 'accessibility' as separate topics. There is so much in each of them, but also so much which intertwines. We have discussed them here together to reflect these links but, ironically, in writing and reading this section it becomes clear that, as all people and situations are so unique, collating your diversity and inclusion efforts under one banner is probably not best practice.

Specific, focussed research and learning in individual cases, appropriate choices for specific moments and flexibility are really important when working with a diversity of freelancers and organisations. You can learn more about specific legal obligations and rights [here](#).

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### 3.1 Organisations should ensure that their power structures reflect the people who work for them and the audiences and public that they serve.

Organisations should include diverse voices at board level, and at all levels. They should also consider who is consulted on decisions and try to ensure that the effort is being made to reach out to a range of people about any big decisions.



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4. Build in Flexibility

*As far as possible isn't an excuse. If you can; you should. If you can't; you should work towards being able to...*

### **3.2 Inclusivity, equality and diversity conversations should be built into organisational governance structures and should be an ongoing issue.**

This might be a standing item for a regular meeting, or always included on the agenda for any project management/planning strategic meeting. In preparation staff and freelancers should be given the opportunity and be encouraged to read and reread policies.

Such policies should be carefully crafted and adapted as things develop in the organisation, in the community and in the wider world.

Many of our freelance community see diversity issues being shouted about from time to time and see them treated as 'flavour of the month.' In order to rebuild trust any practical actions taken must be sustained.

### **3.3 Don't assume.**

It is not an organisation's place to assume the identity, ability or circumstances of a freelancer and allocate work based on these assumptions. [Include freelancers in conversations that are about them.](#)

### **3.4 Organisations should ensure that there is space and time in a budget to be inclusive.**

Budget may be needed for access requirements of freelancers hired and time may be needed for



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4. Build in Flexibility

communication, understanding and adjustment.

Budget and time may also be needed to reassess outreach and communicate in different ways with various communities. Use your access budget carefully, according to the information you gather from your employees and participants.

It is best practice to plan ahead for this in a way that is appropriate for the size of project and organisation. Budget for access, and then, if this budget is not needed for your specific project this time, use it to improve your organisation's overall access capabilities, e.g. buy a ramp or software to use in the future.

Many of the organisations from our community have experienced situations where they have needed to work with or support a colleague or employee in an unexpected way. Not everything can be pre-empted or planned, but time to rethink, adjust and improve can always be built in.

It is best practice to find and articulate the joy in new ways of working.

### **3.5 Organisations should be clear about their current diversity and inclusion policy.**

Make this accessible and sign post people to it when engaging with them, when hiring for example.



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### **3.6 Make the routes to raising issues about diversity and inclusion clear as part of a structured [grievance policy](#).**

Many freelancers in our community expressed a fear of raising issues, and gave examples of negative reactions to issues raised at work around diversity, equality and inclusion.

Not only are issues in these areas likely to be personal, highly stressful and isolating by their very nature, freelancers are often further isolated by lack of connection to other staff and therefore more likely to worry about being labelled as a 'trouble maker' or 'oversensitive'.

There should be proactive communication from organisations about the fear of damage to relationships and the importance of raising issues.

### **3.7 Organisations should use plain and accessible communication, adapting when they can.**

In terms of language, some freelancers may feel that something isn't for them when language feels exclusive or vague, or even if they associate the accent of an organisation spokesperson with power and exclusion. This is good to be aware of.

Get help with plain, clear and precise language [here](#).

A simple way to make a form more accessible might be to provide example answers.





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It is important to ensure legibility of communication and design. There are some guidelines to follow [here](#) and [here](#).

For all forms of communication it is good practice to provide [multiple options](#), e.g. images, sound, video, captioning, BSL interpretation, audio description, face to face meetings etc.

Where capacity to do this is limited it is best practice to make it clear that adjustments will be made and that the pathways to request these are clear and accessible.

**3.8 Organisations should consider the voices they are using to communicate with and whether they are employing the right people to speak to their various communities.**

It may not be appropriate, for example, to bring in a freelancer from London to run a project in Liverpool under the guise of a 'big opportunity for the participants.' The opportunity falls flat if the participants and local freelancers feel excluded.

Similarly, organisations should be representative of their project in their hiring choices, e.g. women for women focussed projects, black artists for a project that talks to black communities, LGBTQ+ freelancers to lead on projects with LGBTQ+ participants etc.





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**3.9 Support candidates from various class and educational backgrounds; make the available support clear from the outset so they know the opportunity is 'for them.'**

Consider whether a job really requires a degree, or whether this is an unnecessary barrier. Can your organisation support someone in getting a DBS check? Make sure you have budgeted to pay expenses. Will a work environment be risky for a freelancer from a specific background and how can you make them feel safe?

**3.10 Don't use diversity solely as a marketing tool, funding or tick box exercise.**

Use monitoring forms for freelance staff, then learn from and act on the results.

**3.11 Understand that freelancers bring more to the table than their 'identity'.**

If you are only engaging black artists for projects dealing with black issues, for example, and not in all your work, you are missing out on the diversity of skills and perspectives that can be brought by under-represented voices.

**3.12 Consider unconscious bias training.**

Many organisations are trying their best, they have good intentions, but unconscious bias is a problem and it always will be.



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### **3.13 Pay well and consider flexible options for pay.**

Put simply, if opportunities are not paid, or low paid, then only a particular type of demographic will be able to afford to take up that work. This is cross sectional and relates to class, gender, ethnicity, people with access needs, those with care responsibilities and more.

Be flexible in the way you employ people where possible. Not everyone will have the resources to set themselves up as a limited company because your organisation is unable to pay sole traders, neither will some people be able to work as an employee and absorb taxation and expenses until the end of the tax year. On the other hand, migrants on certain types of visas are not allowed to work as self-employed.

### **3.14 Organisations should reach out to freelancers proactively to ask if there are any adjustments needed for them to do their work. Freelancers should remember that they are not obliged to give details.**

There are legal requirements to make reasonable adjustments for work, but waiting for a freelancer to ask for these adjustments is not best practice. Reaching out will help to break fears of 'being a nuisance'.

There are members of the arts community who have



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worked at a loss, making adjustments for themselves, though fear of damaging a relationship with an organisation or entity, so clarifying that this has no effect on whether a freelancer will be re-hired is important.

Be aware that someone does not have to give you all the details of their disability and is also entitled to confidentiality.

Ask 'what do you need?' rather than 'what is your disability?'

**3.15 Make application, [hiring](#) and interview processes accessible.**

**3.16 Organisations should try to be specific in their plans, in their outreach, in their responses.**

A lot can be missed and obscured by talking about diversity in broad brushstrokes.

Consider using paid consultants to help with reaching demographics that you have trouble reaching.

BAME (Black, Asian and Minority Ethnic) is broadly disliked as a description of a demographic.

Best practice would be to research and tailor communication depending on the specific project or moment. We've also looked into some examples of race and ethnicity terminology to provide some background information [here](#).



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**3.17 Organisations should normalise asking people for their pronouns.**

Asking for these to be displayed by everyone on Zoom call names, for example, makes everyone feel comfortable in expressing their pronouns.

**3.18 Organisations should keep freelancers appropriately informed about the needs of those working with them.**

Where appropriate, and with participants' permission, information should be relayed so that freelancers can make reasonable adjustments to their own work and meet their own standards of diversity, equality and inclusion.

**3.19 Organisations should equip freelancers with the means to support the participants they are working with.**

We heard from our freelance community that organisations will sometimes seek to work with people who have a diversity of needs, and sometimes use this as part of their funding bid or to improve their image, but will not provide the adequate resources or training to support staff and participants properly.

**3.20 Seek out funding to provide support for freelancers with access needs.**

Not everything has to fall on the budget of an organisation and there is Access to Work support



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available from the [DWP](#), various charities and Arts Council England. Organisations can also look at disability led organisations for examples, advice and support.

Some forms of support may take too long for short form projects.

### **3.21 Large organisations should consider providing access to their resources for the wider arts community.**

### **3.22 Ask to be told.**

Many sections of the arts community are excluded from monitoring forms, tick boxes, outreach, participatory projects and support. Consider letting the community tell you who they are and what they need. Don't use an 'other' tick box, but rather an 'educate us' space for people to enter their own information.

# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS



### Section 4: Invoicing and Payment

*"There is a real fear about not getting re-employed"*

#### Section Essence

- ✓ Be informed and inform
- ✓ Give and seek all the information about payment before work commences - be ready to pay
- ✓ Freelancer has a responsibility to provide invoicing and information required for payment in good time or as agreed.
- ✓ Proactively encourage communication
- ✓ Be proactively flexible-encourage, accept and make room for negotiation
- ✓ Create clear lines of communication as well as alternative lines of communication between freelancer and financiers as a back up

## Section 4: Invoicing and Payment

March for the Arts and the FWA Committee cannot stipulate rates of pay but would recommend seeking appropriate hourly/daily and weekly rates from trusted sources such as unions: Equity, Bectu, ITC etc. We are building up some information in our Union folder [here](#) too. Freelancers can also try [this helpful tool](#) for calculating their own rates.

### 4.1 An organisation should make clear the process by which a freelancer will be paid.

This includes sharing information about when payment will happen, staffing structures, processes, personnel and invoicing dates in advance of work.

### 4.2 Organisations should be clear about all the information they need from a freelancer in order to process payment.

Be aware that such information can vary massively between organisations - so much so that freelancers cannot be expected to simply know the 'standard way of doing things'.

Organisations should provide a template invoice.

Engage in communication prior to work to ensure that all the correct information is included in invoicing. E.g. name, address, contact details, bank details, invoice number, [PO number](#), declaration of





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self assessment tax, unique invoice numbers etc.

### **4.3 Organisations should outline rates of pay and discuss total expected pay at the start of the job.**

It should be clear whether the fee for the work will be fixed, an inclusive fee OR based on hourly work that might be monitored in an ongoing way between the organisation and the freelancer. Recording of work and tracking of hours should be discussed if appropriate.

Freelancers are often not told whether they should record hour by hour, whether they have set hours that they cannot exceed, or whether they have a set fee and no hourly recording is needed.

Organisations should think about this and the implications for budget, illness or emergency leave and monitoring.

If total payment is unknowable or subject to change over the course of the project then minimum and/or maximum pay for the job should be set out and communicated clearly.

### **4.4 There should be explicit communication about whether money for payment is immediately available.**

It should be clear whether funding is secured





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(payment will be immediately available at the conclusion of the project), or pending (is there ticket revenue involved etc?).

Although some freelancers will be happy to accept a level of risk, this should always be made clear. Best practice will avoid allowing the funding burden to fall on the last person in the chain, often the freelancer. To do this small and large companies should budget properly and be prepared to absorb temporary deficits.

Where a fixed fee has been agreed for a freelancer's work, this should never depend on insecure funding or be subject to change later down the line.

**4.5 Freelancers should provide invoice(s) including all the information needed by an organisation in a timely manner. Freelancers should also be proactive in finding out all the information they need to submit their invoice on time.**

Freelancers can access a free MFTA invoice template [here](#).

As a brief guide, invoices should at least include:

- ⇒ your full name and address;
- ⇒ your bank details for digital payment (if you are being paid in a different way, e.g. cheque, this should have been agreed and discussed in advance of sending your invoice at which point you should also confirm which details you need



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- ⇒ to include in your invoice in order to get paid);
- ⇒ contact details;
- ⇒ description of work;
- ⇒ amount of money you are owed;
- ⇒ dates you did the work;
- ⇒ the date you are sending the invoice;
- ⇒ your invoice should be numbered<sup>4</sup>
- ⇒ and have **your** name included in the file name.

**4.6 An organisation should provide a freelancer with the direct contact details of the person responsible for processing their payment.**

Direct contact to the finance department, person or team, is important even if this is not the first route to payment or main contact for work.

Ideally freelancers should be provided with a finance contact that is separate from their contact for other work or collaborators. This is so that a freelancer has another route for communication in case relationships or systems break down.

In small organisations it might simply be best practice to provide the contacts for all relevant staff so freelancers have some alternatives available.

<sup>4</sup> This might be needed to identify your invoice for yourself or for an organisation, freelancers and organisations should communicate about whether this needs to be more complex than a freelancer simply numbering invoices 1, 2, 3 and so on.



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### **4.7 Communication about payment should be openly encouraged.**

Organisations should take proactive steps to ensure that freelancers will communicate any issues with payment including chasing late payment, making alternative payment arrangements or negotiating pay without fear of relationship damage, i.e. 'not being asked back again'.

### **4.8 Where discussions about payment and invoicing have been conducted on the phone or in person any agreements made should be followed up in writing.**

This should apply to both organisations and freelancers, although it would be best practice for organisations to take the lead on formalising agreements.

### **4.9 Payment should be made promptly<sup>5</sup> within the agreed timeframe. Clear communication about this should be maintained, particularly if there are delays to payments for any reason.**

Freelancers can refer to the [Late Payment Act](#) if agreements are not met, or not made in the first place.

<sup>5</sup> MFTA cannot be prescriptive about what constitutes prompt payment as this may vary depending on size of project/organisation or length of project. To pay within 30 days is commonly acceptable; after this time the payment owed becomes legally defined as a 'debt' and is subject to statutory interest. A reasonable timeframe should be set out before work commences so that if said timeframe is unacceptable for a freelancer but cannot be changed, the freelancer can make an informed decision about accepting work. Further guidance about reasonable prompt payment standards may be found [here](#)



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#### **4.10 Organisations should commit to being flexible.**

Organisations should be clear about payment structures and whether there is any flexibility.

Self-employed engagements should be approached as negotiations between both parties, and freelancers should feel comfortable setting

Payment plan options are good practice and can include payment milestones; deposits; weekly, monthly or whole project payment.

In all cases, organisations should commit to educating themselves and sympathising with the various needs and circumstances of freelancers - openness to compromise about payment structures is best practice; as is listening to individuals about what works best for them.

Overall, it is necessary to be clear about the possibilities for flexible payment, i.e. what can be offered and what can't.



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#### **4.11 Best practice would be to commit on both sides to any changes discussed.**

If you've made an agreement or communicated about an issue and agreed to any change to the process of work or payment this should be formalised (e.g. provide confirmation in writing or alteration of contracts).

Organisations should take the lead on formalisation as freelancers often feel chasing things up will make them seem 'hard to work with.'

# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS



### Section 5: Inductions and 'Out-ductions'

*"Organisations are organisms that should be constantly adapting - freelancers are part of that."*

#### Section Essence

- ✓ Empower freelancers with knowledge and information about who they are working for and their processes
- ✓ Refresh information to make sure changes are clear
- ✓ Build in feedback and create clear start, middle and end points
- ✓ Provide appropriate levels of digestible information
- ✓ Support and celebrate each other's work with open communications about publicity

### Section 5: Inductions and 'Out-ductions'

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What happens at the beginning of a job and what should happen after the work is done?

Organisations are always changing and evolving and bringing freelancers in can be part of that evolution. Accordingly, freelancers must be welcomed in at the start of work with *their* comfort and wellbeing in mind.

March for the Arts have developed a simple induction template that can be found [here](#). This is simple so that organisations can develop their own to suit their freelancers, especially as familiarity can sometimes reduce the work that needs to go into an induction.

We have also developed a [checklist](#) for freelancers to double check they have all the initial information, particularly useful when a full induction isn't appropriate.



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**5.1 An organisation should ensure that a freelancer knows all the basic<sup>6</sup> information about where they are working and who they are working for, particularly if those basics have changed.**

If an organisation works again with a familiar freelancer, they should consider what has changed since their last job and ensure that this new information is passed on. Often this will be prompted by providing a reminder of all the 'given information' and basics or repeating their induction.

**5.2 Consider accessibility at the induction stage.**

An induction process is a good time to clarify if there are any reasonable adjustments that organisations can make to accommodate the freelancer's individual needs.

Any induction checklists should include a question to confirm if any access needs have been identified and accommodated (and by whom). See more in our [accessibility section](#).

**5.3 Communicate ethos and brand at the start of work - freelancers can then take responsibility for representing an organisation while working for them.**

**5.4 Where an organisation has various staff who might deal with freelancers under their own departments, they should be fully briefed.**

<sup>6</sup>E.g. toilet location, fire procedures, points of contact, Safeguarding policies etc. Please [see template](#).



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All departments should be following the same standards and communicating centrally if necessary so freelancers aren't cut off or treated differently from department to department. It may be a good idea to create an induction checklist for staff members who are managing freelancers.

#### **5.5 An organisation should provide a handbook that is of appropriate length for the size of job.**

If a job is short term this might be a simple couple of pages including policies and basic information. In other circumstances it may be appropriate to provide a freelancer with a full staff handbook, but this should still be digestible and adapted to freelance working.

Where safeguarding information is lengthy, it can be helpful to provide a condensed version that can be easily checked by freelancers in case of a safeguarding

#### **5.6 It is best practice to involve another staff member in the inductions process in order to provide an alternative contact for a freelancer.**

Provide contact options, where possible depending on the size of organisation.



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**5.7 Information for publicity purposes should be shared on both sides with clarity and support.**

If the organisation will require information from a freelancer for publicity purposes this should be requested in good time, with awareness that providing such information takes time and effort. Freelancers will often have information to hand but may also require support to provide specific publicity material e.g. examples of work, images, biography.

An understanding that every job differs is necessary, freelancers cannot be expected to simply know the 'standard way of doing things'.

Organisations might consider collating a press pack that can be shared by freelancers and will help them easily promote their work in an agreed way.

**5.8 Keep the documentation and information of freelancers appropriately confidential and safe.**

Organisations should follow relevant [data protection guidelines](#) in terms of their freelance staff.

Gather, use, share and keep information and documentation safely, appropriately and with relevant permission.

Communicate clearly about why paperwork or



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documentation (such as degree certificates, DBS certificates, passports or National Insurance numbers) is needed.

Treat the information sharing process with respect; allowing freelancers time to provide necessary information and making sure they know how it will be used and stored.

### **5.9 Organisations should consider how to help advocate for their freelancers during and after work - this works both ways.**

Part of being a freelancer involves a lot of self-promotion, organisations can help by promoting the freelancer and their work simultaneously to the promotion of the project or organisation.

Support freelancers in gaining access to relevant material for promotion - e.g. photos that are preapproved for use by freelancers.

General press packs could be provided for ongoing use.

### **5.10 It is good practice to involve regular freelancers in general staff meetings and updates where possible.**

During the course of a project, meetings should be transparently costed for in any agreements or contracts. However, outside of work/projects, some

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freelancers might benefit from being involved and kept up to date. Of course freelancers would need to be

Inviting freelancers to meetings in order to keep up to date on a voluntary basis might be appropriate, but organisations must be aware that such invitations also create pressure to attend - commit to a 'no judgement' policy if a freelancer can't attend in their own time, and communicate this clearly.

paid for this time.

See our section on [use of a freelancer's time](#) for general information about meetings as part of work.

**5.11 After the work has finished organisations should provide an opportunity for the freelancer to provide optional feedback.**

March for the Arts are collating feedback from freelancers about their experiences working with organisations - please complete the anonymous feedback form [here](#).

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Organisations may also provide this link and encourage freelancers to complete the survey, March for the Arts will then pass on anonymous feedback in relation to your organisation after a grace period to ensure anonymity.

### **5.12 Build in a way to officially finalise the work.**

It is good practice to communicate at the end of the project about all of the things mentioned in previous clauses.

Ensure that freelancers have been logged out of accounts; have returned confidential information; returned equipment; and that they understand the

Very often freelancers will see uncredited pictures of themselves, recordings of themselves or their work, (or of projects they have worked on), used to promote the work of organisations. While this is often technically legal and above board, it fosters better relationships to keep calling back to and including freelancers in shared publicity where possible.

future of the project and their work. Make sure they

<sup>7</sup>An 'out-duction' might include a chat, feedback on both sides, a de-brief of any issues, a talk about the future, the re-affirmation of payment plans etc.

# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS



### Section 5: Grievance Processes and Some General Working Practice Points

*No "clear route to report a grievance can sometimes damage working relationships if you don't get that distance...If the grievance is against the person who is running something, where do you go?"*

#### Section Essence

- ✓ Be proactively open about processes
- ✓ Proactively encourage reporting of issues
- ✓ Consider the approachability of your staff
- ✓ Don't fear the formality
- ✓ Train all staff in procedures
- ✓ Follow through
- ✓ Record and take all grievances seriously
- ✓ Create clear lines of communication as well as alternative lines of communication between freelancer and staff as a back up

## Section 6: Grievance Processes and Some General Working Practice Points

Many of the stories we heard from our community about grievances at work were shocking. There are cases of sexual harassment, discrimination and misconduct in large organisations that have been poorly dealt with or not dealt with at all.

It is very important that organisations review their grievance procedures and make sure these are accessible to all members of staff, including freelancers. March for the Arts would advise those who have experienced poor treatment at work to seek advice from the [Citizens Advice Bureau](#), or from any appropriate union (whether you are a member or not).

### 6.1 Make your grievance process and route to feedback, support or issues clear in your contract or in writing.

This can also be communicated verbally, but organisations should be aware this can sometimes seem aggressive or off putting for a freelancer. Having the information in writing will often feel more impartial and empower the freelancer.

Small organisations or freelancers employing other freelancers will have difficulty allocating impartial grievance officers, so their alternative procedures should simply be made clear and kept flexible.



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**6.2 Organisations and freelancers should be aware that HR departments are ultimately there to represent the interests of the company; this can sometimes overtake the interests of the freelancer.**

March for the Arts have heard from our community that in matters of grievance, full time, permanent, or long-term staff are often prioritised over freelancers.

**6.3 Be aware of potential conflicts of interest.**

Organisations should actively think about potential conflicts of interest. Are your staff related or in relationships that might mean they protect each other's interests over the interests of the freelancer for example?

Not all potential issues with HR departments, grievances processes and personnel can be 'fixed', some conflicts of interest are inevitable. However, awareness and acknowledgement of this can empower both sides.

Some organisations employ an independent board member for governance purposes. Some organisations may be too small to have an impartial team member and might consider using an outside person.

Organisations can seek support when they are unable to facilitate impartiality, or for supporting





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staff who are dealing with lots of difficult grievances.

**6.4 Avoid leaning on the freelancer for solutions.**

Although it may sometimes be appropriate to check how a freelancer wishes to go forward with a grievance, some processes should already be in place so that the pressure does not fall on the person in difficulty. Freelancers may not fully understand the workings of an organisation and shouldn't be expected to solve its problems.

**6.5 Don't fear the formality.**

Many issues that arise for freelancers around grievances, particularly in smaller organisations, arise because of informality and a lack of clear procedure.

For small and large organisations where friends and close relationships are common, it is important to formalise any grievances. This shows the value that is placed on the work and the freelancer and that nothing is thrown away in a 'casual' conversation or dealt with without pay or contract.

**6.6 Be aware that raising a grievance can be a psychological battle.**

Organisations can think about whether their HR departments are actually approachable and impartial *as far as possible*.



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Is your pastoral support person mental health first aid trained, for example?

Freelancers are entitled to bring a support person with them when discussing a grievance. This should be facilitated by the organisation, ensuring a confidential time and place is scheduled to allow for a support person to attend meetings.

**6.7 Test systems and train all staff.**

Organisations such make sure their systems are robust and diverse.

Even if processes are in place and well communicated, humans can make mistakes, so organisations should ensure all appropriate staff are trained in grievance processes and be ready to act flexibly.

**6.8 Commit to taking grievances seriously, record properly and proactively encourage communication.**

Freelancers will worry that if they speak they will not be re-employed. The only way to counter this fear is to be the one encouraging them to speak, rather than waiting for them to do it.

Prove your intentions with action by taking all grievances seriously, recording them appropriately and keeping them confidential.

It is good practice to build in communication moments that encourage speaking out about any issues throughout a project.



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**6.9 Organisations should keep on top of the management of projects.**

It is good practice to check in with freelancers who have been hired and then left to lead on a project. Although this can be a preferred working practice, sometimes changes in a project can go unnoticed and can leave a freelancer feeling unsupported or out of control.

If a freelancer's role has changed this should be addressed. Are they becoming a manager of less experienced staff and are they happy with that? Have they had to deal with unexpected circumstances and have they been able to debrief and find support?

**6.10 Organisations should acknowledge the use of freelancers' time.**

Meetings, administration, email conversations, phone calls, training and redrafting are all part of work. These elements of work need to be acknowledged openly in our sector.

Freelancers may have planned for catch up meetings and chats, costing for this as part of their fee.

Sometimes the hiring process will consist of recommendations and conversations.

Often there will be preparatory 'chats' before work commences that are on the freelancer's own time, much in the same way that an interview or application process is not paid.



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However, it is also strikingly common for freelancers to be expected to complete preparation, deal with administration and attend meetings, training and inductions, without being offered pay.

Once a freelancer begins any work on a project, that work should be paid. Meetings and administration should be factored in as part of [contracting](#), particularly if the freelancer isn't reporting hours but working to a scheduled amount of hours or inclusive fee.

See our [payment section](#) for more details on transparency with hours and reporting.

### **6.11 Freelancers need breaks and holidays.**

Freelance working naturally spills into 'unusual hours' and work/home boundaries can be blurred for those who work from home or across various locations.

Freelancers should ring fence time to be completely off work, and disconnected from any communication about work, in order to protect their own wellbeing.

In respect of this, organisations must listen to freelancers when they give their office hours and communicate leave.

Freelancers also have a responsibility to communicate about their hours clearly so that organisations know when to get in touch and when not to, when to respond and when to wait. E.g. if you are emailing about work in the middle of the night, communicate that you do not need a response until



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an agreed time.

In all cases, set clear boundaries. Both parties should then make an effort not to breach these boundaries, with 'casual phone calls', for example.

**6.12 Pay for preparation.**

Freelancer's are experts in their fields of work and they will be able to complete some jobs immediately and in the moment.

However, with many roles preparation time is necessary. In some sectors it is common practice to build this into the schedule and pricing of work. However, in others - facilitation, for example - it is shockingly common for preparation time to be neglected.

Organisations should enquire about preparation, budget for it and pay for it. Freelancers should communicate clearly about when they need preparation time.

**6.13 Organisations should consider being publicly transparent about their staffing structures.**

Knowledge about how an organisation is staffed and structured can help new freelancers understand their industry, communicate with the right people and develop routes for career progression.



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**6.14 Keep personal opinions out of the professional arena; be wary of unfair reputational damage caused in casual 'post-work' settings, or at work.**

Organisations and freelancers should be mindful of their influence when discussing colleagues or work.

Be aware when you are crossing professional lines when interacting in artistic work settings; or when work has crossed over into the personal or casual, e.g. at an evening event.

Often freelancers have a very small window of opportunity to prove themselves; work may only last a day or an hour. Freelancers can have 'off days' which might happen to fall when they are working on a one-off project.

Some perspective is therefore needed when judging the work or personality of a freelancer based on minimal contact time.

This is important to think about in the context of freelancers' wellbeing and the possibilities for building and maintaining good long term relationships.

Use professional language. Establish and use appropriate channels for feedback.



# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS

All Clauses Listed



### Section 1: Hiring and Engagement with Regular and New Artists

#### Remember to:

1. Put it in writing
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**1.1 Organisations should be clear about who they are looking for when they are hiring, and why they are looking for that specific person.**

**1.2 Organisations should carefully consider where they are advertising their roles.**

**1.3 It is good practice for organisations to reflect on how their role advertisements or call outs could exclude people from wanting to apply.**

**1.4 Organisations should build in time to properly administrate their chosen recruitment process.**

**1.5 Organisations should be clear and upfront about hiring processes, freelancers will allow for flexibility, if this is communicated clearly.**

**1.6 Freelancers should take responsibility to get in touch if they haven't heard back from an organisation.**

**1.7 Avoid 'open calls' unless they are in good faith.**

**1.8 Organisations should commit to and follow through on their hiring processes and decisions should be made by more than one person.**

**1.9 Communicate and agree on appropriate lengths for availability checks.**



## **Section 1: Hiring and Engagement with Regular and New Artists**

### Remember to:

1. Put it in writing
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**1.10 Organisations should commit to hiring new artists, recording and reviewing their freelance hires.**

**1.11 Organisations could develop transparent policies about how to become an associated artist.**

**1.12 It is good practice for organisations to keep up to date with emerging and under-utilised talent.**

**1.13 If appropriate, do simple things to share publicity and reward applicants.**

**1.14 Communicate with regular freelancers about your plans, whether you are re-hiring them or not.<sup>8</sup>**

<sup>8</sup> Of course, It's ok to not re-hire a freelancer, but they can often be left without feedback from a job - assuming that the reason they have not been re-hired is that they were disliked, or that their work wasn't good. In reality, this is often because an organisation wants to reach out to new artists and audiences, has changed focus or is working on a different kind of project.



## Section 2: Contracts

### Remember to:

1. Put it in writing
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**2.1 Provide new or update old contracts for subsequent jobs.**

**2.2 Provide draft contracts and accept that freelancers can negotiate the terms of their contracts or letters of agreement.**

**2.3 Consider the entirety of a freelancer's working time for a job or project at the contracting stage.**

**2.4 Consider extra payment schedules.**

**2.5 Include cancellation clauses.**

**2.6 Be clear about the capacity you are employing someone in and what rights and benefits this implies on both sides.**

**2.7 Keep contracts open to change, be human and write in plain language.**

**2.8 Remember that minimum rates are minimum.**

**2.9 Be clear about payment, hours, expenses, overtime and preparation time.**

**2.10 Freelancers should ask for a contract, negotiate, ask questions and clarify anything that doesn't work for them.**

**2.11 Crediting, intellectual property and non disclosure agreements should always be discussed, outlined and explained clearly. Crediting process and intellectual property rights should be outlined in the contract.**



## **Section 3: Diversity, Inclusion, Accessibility**

### Remember to:

1. Put it in writing
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**3.1 Organisations should ensure that their power structures reflect the people who work for them and the audiences and public that they serve.**

**3.2 Inclusivity, equality and diversity conversations should be built into organisational governance structures and should be an ongoing issue.**

**3.3 Don't assume.**

**3.4 Organisations should ensure that there is space and time in a budget to be inclusive.**

**3.5 Organisations should be clear about their current diversity and inclusion policy.**

**3.6 Make the routes to raising issues about diversity and inclusion clear as part of a structured grievance policy.**

**3.7 Organisations should use plain and accessible communication, adapting when they can.**

**3.8 Organisations should consider the voices they are using to communicate with and whether they are employing the right people to speak to their various communities.**

**3.9 Support candidates from various class and educational backgrounds; make the available support clear from the outset so they know the opportunity is 'for them.'**



### **Section 3: Diversity, Inclusion, Accessiblilty**

#### Remember to:

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**3.10 Don't use diversity solely as a marketing tool, funding or tick box exercise.**

**3.11 Understand that freelancers bring more to the table than their 'identity'.**

**3.12 Consider unconscious bias training.**

**3.13 Pay well and consider flexible options for pay.**

**3.14 Organisations should reach out to freelancers proactively to ask if there are any adjustments needed for them to do their work.**

**Freelancers should remember that they are not obliged to give details.**

**3.15 Make application, hiring and interview processes accessible.**

**3.16 Organisations should try to be specific in their plans, in their outreach, in their responses.**

**3.17 Organisations should normalise asking people for their pronouns.**

**3.18 Organisations should keep freelancers appropriately informed about the needs of those working with them.**

**3.19 Organisations should equip freelancers with the means to support the participants they are working with.**

### **Section 3: Diversity, Inclusion, Accessiblilty**

#### Remember to:

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**3.20 Seek out funding to provide support for freelancers with access needs.**

**3.21 Large organisations should consider providing access to their resources for the wider arts community.**

**3.22 Ask to be told.**



## **Section 4: Invoicing and Payment**

### Remember to:

1. Put it in writing
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**4.1 An organisation should make clear the process by which a freelancer will be paid.**

**4.2 Organisations should be clear about all the information they need from a freelancer in order to process payment.**

**4.3 Organisations should outline rates of pay and discuss total expected pay at the start of the job.**

**4.4 There should be explicit communication about whether money for payment is immediately available.**

**4.5 Freelancers should provide invoice(s) including all the information needed by an organisation in a timely manner. Freelancers should also be proactive in finding out all the information they need to submit their invoice on time.**

**4.6 An organisation should provide a freelancer with the direct contact details of the person responsible for processing their payment.**

**4.7 Communication about payment should be openly encouraged.**

**4.8 Where discussions about payment and invoicing have been conducted on the phone or in person any agreements made should be followed up in writing.**





## Section 4: Invoicing and Payment

### Remember to:

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**4.9 Payment should be made promptly<sup>9</sup> within the agreed timeframe. Clear communication about this should be maintained, particularly if there are delays to payments for any reason.**

**4.10 Organisations should commit to being flexible.**

**4.11 Best practice would be to commit on both sides to any changes discussed.**

<sup>9</sup> MFTA cannot be prescriptive about what constitutes prompt payment as this may vary depending on size of project/organisation or length of project. To pay within 30 days is commonly acceptable; after this time the payment owed becomes legally defined as 'debt' and is subject to statutory interest. A reasonable timeframe should be set out before work commences so that if said timeframe is unacceptable for a freelancer but cannot be changed, the freelancer can make an informed decision about accepting work. Further guidance about reasonable prompt payment standards may be found [here](#).



## Section 5: Inductions and 'Out-ductions'

### Remember to:

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**5.1 An organisation should ensure that a freelancer knows all the basic<sup>10</sup> information about where they are working and who they are working for, particularly if those basics have changed.**

**5.2 Consider accessibility at the induction stage.**

**5.3 Communicate ethos and brand at the start of work - freelancers can then take responsibility for representing an organisation while working for them.**

**5.4 Where an organisation has various staff who might deal with freelancers under their own departments, they should be fully briefed.**

**5.5 An organisation should provide a handbook that is of appropriate length for the size of job.**

**5.6 It is best practice to involve another staff member in the inductions process in order to provide an alternative contact for a freelancer.**

**5.7 Information for publicity purposes should be shared on both sides with clarity and support.**

**5.8 Keep the documentation and information of freelancers appropriately confidential and safe.**

**5.9 Organisations should consider how to help advocate for their freelancers during and after work - this works both ways.**

<sup>10</sup> E.g. toilet location, fire procedures, points of contact, Safeguarding policies etc. Please see [template](#).



## **Section 5: Inductions and 'Out-ductions'**

### Remember to:

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**5.10 It is good practice to involve regular freelancers in general staff meetings and updates where possible.**

**5.11 After the work has finished organisations should provide an opportunity for the freelancer to provide optional feedback.**

**5.12 Build in a way to officially finalise the work.**

**5.13 Try to credit or tag work and photographs indefinitely, so that after work has finished the freelancer still receives credit for their part in a project.**



## **Section 6: Grievance Processes and Some General Working Practice Points**

### Remember to:

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**6.1 Make your grievance process and route to feedback, support or issues clear in your contract or in writing.**

**6.2 Organisations and freelancers should be aware that HR departments are ultimately there to represent the interests of the company; this can sometimes overtake the interests of the freelancer.**

**6.3 Be aware of potential conflicts of interest.**

**6.4 Avoid leaning on the freelancer for solutions.**

**6.5 Don't fear the formality.**

**6.6 Be aware that raising a grievance can be a psychological battle.**

**6.7 Test systems and train all staff.**

**6.8 Commit to taking grievances seriously, record properly and proactively encourage communication.**

**6.9 Organisations should keep on top of the management of projects.**

**6.10 Organisations should acknowledge the use of freelancers' time.**

**6.11 Freelancers need breaks and holidays.**

**6.12 Pay for preparation.**



**Section 6:  
Grievance Processes  
and Some General  
Working Practice  
Points**

Remember to:

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**6.13 Organisations should consider being publicly transparent about their staffing structures.**

**6.14 Keep personal opinions out of the professional arena; be wary of unfair reputational damage caused in casual 'post-work' settings, or at work.**

**6.15 Put whistleblowing policies in place.**

# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS



### What to Do Next / How to Sign Up

### **What to Do Next / How to Sign Up**

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Anyone is now welcome to download and use this document; but you can also [officially sign up](#).

A list of those who have signed up to the guidance will be available on [our website](#) - you can check this when you are hiring or looking for work.

MFTA will keep an open door and stay in touch with those who have signed up over the next year to see how the guidance works in practice.

In the long term we will be holding signatories to account by gathering feedback. Please fill in [this form](#) or email [info@marchforthearts.com](mailto:info@marchforthearts.com) to let us know about organisations or freelancers you have worked with. We will keep this information safe and anonymous.

If there are any worries or issues with your use of the guidance our first step will always be a conversation with you.

We are fully aware that change is a process and will take time - signing up to this guidance is a commitment to starting the journey and **communicating** along the way.

**If you would like to sign up to the *Working Guidance* now please use [this form](#).**



# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS

### What Do You Need from Us?



We'll then add you to our public list, publicise your sign up (with your permission) and provide you with some images to use - you can display these wherever you like.

For now, we're only able to administrate sign ups from the Liverpool City Region.

### What Do You Need from Us?

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We're committed to making the *Working Guidance* as accessible as possible. It will be free to download and access directly from our website.

We know that the form that the document is in now is a bit lengthy and complicated, so we're working on some different formats and ways of getting the information across.

We'll be recording an audio version of the guidance and we're planning an educational project around its content.

In the meantime please get in touch with us if you would like any support with accessing or using this guidance and if you have a specific format you need us to provide.

Email us at [info@marchforthearts.com](mailto:info@marchforthearts.com)

Thank you.



## Glossary

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**The first two terms are particularly important in the context of this document so we have explained them first, the rest are alphabetically listed.**

**Freelancer** - Anyone working as self-employed or worker on a job to job basis, not permanently employed. Many freelancers are placed on short term PAYE contracts.

**Organisation** - We have used this term throughout the Guidance, but by this we mean any commissioner of work or employer, including individuals who might employ freelancers.

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**Associated Artist** - A person who works with a company for a period of time, usually with the aim of developing their own creative practice. They will sometimes be commissioned to make work specifically for that company and lead on projects, or work alongside the Artistic Director on the delivery of projects.

**BECTU** - A trade union representing non-performance roles in broadcasting; film and cinema; digital media; independent production; leisure; IT and telecoms, and theatre and the arts.

**Board member** - A group of people, sometimes elected, who jointly supervise the activities of an organization

**Brand** - A name, term, design, symbol or any other feature that helps people identify a particular company, product, or individual.

**BSL** - British Sign Language, which is a visual means of communicating using gestures, facial expression, and body language.

**Biography (biog)** - A description of a person's professional history including things such as, where they trained, what



jobs they have done and what achievements they have attained in their field.

**Call outs** - Is a notice calling for freelancers to contribute, apply for or enter various proposed events/jobs. They are sometimes general in terms of who they are aimed at in order to increase the amount of people who can apply. Some call outs will be specific to a type of freelancer eg. 'Freelancers between the age of 18-25', 'Freelancers based in the North West'.

**Citizens' Advice Bureau** - is an independent organisation specialising in confidential information and advice to assist people with legal, debt, consumer, housing and other problems.

**Client** - a person or company that receives a service from a person or business in return for payment.

**Creative networking events** - Events specifically focused on developing connections and relationships with others within the creative industry.

**Conflict of Interest** - A situation in which a person has a duty to more than one person or organisation. Making it difficult for that person to remain impartial or neutral in the situation.

**Contract** - A written or spoken agreement, especially one concerning employment, sales, or tenancy, that is intended to be enforceable by law.

**Contractor** - A person who is self-employed who operates on a contract basis for clients, meaning they are not on their payroll. They can also work for more than one company at a time.

**Cover Letter** - An introduction letter or email when applying for a job/role. It will accompany the other documents that are required to submit an application eg. CV, application form or

# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS

### Glossary



audition self-tape.

**Credit** - The acknowledgement of a person's input and work usually by name. Examples of this are labelling/tagging photographs with the photographer or mentioning an artists input in the show programme.

**CV (curriculum vitae)** - A documented record of a person's education, training and employment history.

**Debrief** - A discussion aimed at looking back over a situation in order to reflect, raise questions and highlight any issues.

**Deficit** - Essentially when expenditure exceeds the income. So a freelancer working at a deficit could mean they are spending more on being able to do the job, than what they are getting paid for it.

**Demographic** - A particular sector of a population or a group of people based on factors such as age, race and gender.

**Discrimination** - the unfair or prejudicial treatment of people and groups based on characteristics such as race, gender, age or sexual orientation.

**Diversity and Inclusion** - Diversity looks at the representation of different people within a space, whereas Inclusion is ensuring that everyone in that space has the opportunity to contribute to and influence every part and level equally.

**DBS check** - A check of your criminal record which will show details of all spent and unspent convictions, cautions, reprimands and final warnings held on central police records (apart from protected convictions and cautions). There are three levels of DBS checks: basic, standard and enhanced.

**DWP** - The Department For Work and Pensions. It is responsible for welfare, pensions and child maintenance policy and administers the State Pension, working age,

# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS

### Glossary



disability and ill health benefits.

**Emerging Artist/Talent** - An artist who is considered new in their professional field and at the beginning of their career.

**Employee** - All employees have an employment contract with their employer. A contract is an agreement that sets out an employee's: employment conditions, rights, responsibilities, duties. Employees and employers must stick to a contract until it ends. (for example, by an employer or employee giving notice or an employee being dismissed).

**Employee Shareholder** - Employee shareholder is an employment status. An employee shareholder is someone who works under an employee shareholder employment contract. As an employee shareholder you must receive shares in the employer's company or employer's parent company.

**Equity** - A UK trade union for performers and creative practitioners.

**Ethos** - The beliefs, customs or practices of a group.

**Expenses** - An amount of money that is allocated to cover extra costs other than the work. For example, travel and accommodation.

**Facilitation** - the planning and running of successful meetings or workshops with certain groups of people. eg. a youth theatre group.

**Governance structures** - structures and processes that an organisation puts in place to ensure policies, procedures, values and long-term planning meet the mission of the organisation.

**Grievance** - concerns, problems or complaints that employees raise with their employer.

# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS

### Glossary



**Grievance policy** - outlines a company's process and guidelines, which an employee must follow in order to raise a problem or complaint to their employer.

**HR - Human Resources** - A department within a company/ organisation that deals with things such as recruitment, payroll, employment policies and benefits. They can clarify basic company information such as maternity leave and sick pay.

**Income Tax** - The tax a person pays on their income.

**Intellectual property** - Intellectual property is something that you create using your mind - for example, a story, an invention, an artistic work or a symbol.

**Induction** - The process of getting acquainted with a new employer or organisation. Business. Being provided with the information and training required to be able to do your job/ role.

**Invoice** - a date recorded document that itemizes and records a transaction between an organisation/employer and freelancer. The invoice usually specifies the terms of the employment and provides information on the amount and required method of payment.

**Invoice Number** - A unique number given to an invoice which can be used to identify it. It can help you keep track of your financial records, and will often be the reference given when a payment is made.

**ITC** - Independent Theatre Council is a management association representing the independent performing arts sector. It is a paid membership scheme, which provides resources and legal and financial advice to its members. They have a free page that outlines rates of pay.

**Letters of agreement** - Is a dated agreement between two parties that puts the terms and conditions of this agreement





in writing. It can include details of the working relationship, payment terms and the schedule of work. Once this is signed by both parties, it is a legally binding document.

**Limited company** - A limited company pays corporation tax on its profits, and the liability of the company lies with its shareholders and guarantors.

**NI/ National Insurance** - A tax on earnings to help to build your entitlement to certain state benefits, such as the State Pension and Maternity Allowance. If you are employed, these contributions will be deducted from your wage. If you are self-employed, you will be responsible for paying them yourself. (see self assessment).

**Nepotism** - A form of favouritism favouring relatives or friends, especially by giving them jobs.

**Non disclosure agreements** - Sometimes referred to as a confidentiality agreement, it is a legally binding contract that says that the information that a person receives in a situation/job, will remain confidential. This may be until a particular time has passed, or may be indefinite.

**Office Hours** - The hours in which a person/organisation conducts its business operations. Common practice is Monday - Friday 9am-5pm. But this can vary depending on the type of business.

**Open Call** - Is a broad notice calling for freelancers to contribute, apply for or enter various proposed events/jobs. Similar to a call out (see above), it is on the whole, much more generalised in its aims. Eg. A call out for actors/stage managers/designers.

**Outreach** - The effort an organisation makes to connect with communities, in order to share ideas and to improve the support it can provide to them.

**Out-duction** - The process of being given the relevant



information when leaving a job/role.

**Overtime** - Hours worked outside of those that have been outlined in the contract. These may be a different rate of pay than contracted hours.

**Pastoral support** - Support and guidance centred around physical and emotional welfare.

**PAYE** - Pay As You Earn. When you are a PAYE employee it means your tax is deducted from your wage by your employer before you receive it. The employer then pays this to the Government.

**Payment Schedule** - The timeline and dates of when payments will be made.

**Person Specification** - A description of the personal attributes qualifications, skills, experience and knowledge a person must possess to perform or be considered for a job/role.

**Power Structures** - The way in which power or authority is distributed between people within groups or organisations.

**Pronouns** - Examples of gender pronouns: she/her/hers, he/him/his, they/them/theirs. The way in which someone wishes to be referred to by others.

**Preparation time** - The time given before a job for the devising, arranging or development of the work to be completed.

**Publicity** - material or information used for advertising or promotional purposes.

**POs - Purchase Orders** - an official document issued by a buyer committing to pay the seller for the sale of specific products or services to be delivered in the future. Each PO has a unique number associated with it that helps both buyer and seller track delivery and payment.



**Press pack** - Set of promotional materials such as photos, logos and images that provide information about a person, show, event or organisation, which is sent to members of the media for promotional use.

**Safeguarding** - Measures to protect the health, well-being and human rights of individuals — especially children, young people and vulnerable adults. This includes legislation and written public guidance.

**Self Assessment Tax** - This is the process in which self-employed people and sole traders declare their yearly income in order to be able to pay their income tax and National Insurance contributions (see above).

**Self-Employed** - A person is self-employed if they run their business for themselves and take responsibility for its success or failure. They are responsible for paying their own tax, which they do via Self Assessment (see above). A person can be employed and self-employed at the same time.

**Staff handbook** - A book that references/outlines a company's policies, procedures and practices.

**Sole trader** - you run your own business as an individual and are self-employed.

**Trade Union** - organisation made up of members who come together to look after their interests at work.

**Unconscious bias** - social stereotypes about certain groups of people that individuals form outside their own conscious awareness and are often incompatible with one's conscious values.

**UTR** - Unique Taxpayer Reference. This is a ten digit number that you will be given when you register to pay tax. It is personal to you and is required for filing self assessment, and sometimes organisations request it on invoices.



**Worker** - A person is generally classed as a 'worker' if:

- They have a contract or other arrangement to do work or services personally for a reward, money or a benefit in kind, for example the promise of a contract or future work.
- They only have a limited right to send someone else to do the work (subcontract)
- They have to turn up for work even if they don't want to.
- Their employer has to have work for them to do as long as the contract or arrangement lasts.
- They aren't doing the work as part of their own limited company in an arrangement where the 'employer' is actually a customer or client.

# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS

With Thanks to



### With Thanks to

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Our committee members and our facilitator, Grace Goulding.

### Our partners:

The Bluecoat  
Collective Encounters  
Culture Liverpool  
Homotopia  
Liverpool Everyman and Playhouse Theatres  
Luma Creations  
The Studio, Widnes  
Ugly Bucket  
Strategic and Financial Solutions Ltd

### Contributors to our Freelancer Fund, helping us pay our freelance committee members:

Liverpool Everyman and Playhouse Theatres  
The Open Eye Gallery  
Liverpool's Royal Court  
The Unity Theatre  
Tate Liverpool

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# WORKING GUIDANCE

## FOR ARTS FREELANCERS AND ORGANISATIONS

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#WeMakeEvents  
Writing on the Wall

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