

UNIVERSITY OF WARWICK & CULTURE COMMONS

The potential impacts of devolution and increased local decision making on freelance workers in the UK's creative industries and cultural sector

DISCUSSION PAPER

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Published as part of

**the future of
local cultural
decision making**

An open policy development programme
led by Culture Commons and Partners



Oct 2024

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This research paper was produced by the **University of Warwick** as part of **'the future of local cultural decision making'** – an open policy development programme led by **Culture Commons** on behalf of a UK-wide consortium of partners.

Abstract

This paper looks at the position of precarious freelance workers in the creative industries and cultural sector. The deregulation of labour markets has been highlighted in previous research as the cause of increasing precarity for those in non-standard employment and the tendency for these workers to fall through the gaps of support is evident in current UK-wide policy. This raises questions and challenges for assessing the potential impact of local decision making which continues to function within these wider economic frameworks. The complexity is compounded by the range of work that is undertaken across a range of sub-sectors with varying conditions and requirements to support the work and the workforce. It is concluded that local decision making would need to be co-operative rather than competitive and that initiatives will need to be embedded within a broader framework that supports access to basic living conditions in order to be sustainable.

Keywords

Freelance, precarity, devolution, cultural work, labour markets, creative industries.

At the time of publication

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To cite this paper, please use: **'The potential impacts of devolution and increased local decision making on freelance workers in the UK's creative industries and cultural sector', Heidi Ashton for Culture Commons, October 2024**



Executive Summary

This paper aims to bring together existing knowledge from published reports, grey literature and research relating to freelance workers in the UKs creative industries and cultural sector in order to gain insights into how 'devolution' and increased local cultural decision making might impact them and their working lives.

In order to address the core research question, this paper first unpacks the complexities embedded in the term 'freelance workforce' by explaining their current labour market status in relation to the range of work that is undertaken in the sector and sub-sectors. It finds that the structure of labour markets have a significant impact on the range of challenges the freelance workforce faces.

Secondly, the paper considers the importance of geographical location for these workers who often find communities within professional networks that may or may not be geographically located. This invites a further examination of the existing distribution of the workforce in order to ascertain how a devolved policy approach might impact these workers and what challenges existing infrastructures and sub-sector concerns pose from a devolved decision making point of view.

The paper then considers the existing mechanisms through which freelance workers can currently inform policy at the local, regional and national level and evaluates the effectiveness of these channels from the perspective of the freelance worker.

Finally, the paper provides some examples of existing regional support for freelance workers in the creative industries and cultural sector and the questions these have raised for models of devolution and support for freelance workforces in these sectors:

- There is no formal definition of 'freelance worker' in policy or law; this means that the term currently covers a range of workers with different needs - from small businesses to short-term contract workers. In reality, those who are neither fully self-employed nor fully employed within the current policy definitions are particularly vulnerable as they work in unregulated labour markets without recognised employment rights.
- Devolved policies will have a varied impact on freelance workers depending upon the sub-sectors they work in and the level of infrastructures and opportunities that are available in their locality, such as

access to appropriate spaces, technical and physical resources and time to create. This suggests that collaboration between devolved regions will be more useful than competition.

- The sometimes nomadic nature of work associated with the freelance workforce in the creative industries and cultural sectors means that geographical location is not synonymous with the 'place of work'. This raises several questions about the benefits of localised provision for this group and the need to co-ordinate policy across regions to prevent competition and silos.

Introduction

Many creative and cultural sub-sectors such are heavily reliant upon a highly trained, highly skilled, flexible workforce that can respond to the needs of the project-based modes of production that proliferate (Banks, 2017).

Various estimates from the Department for Digital, Culture, Media and Sport (DCMS), Creative UK and the Office for National Statistics (ONS) state that around 33% of the total workforce in the 'Creative Industries'¹ is made up of freelancers. Sometimes, these estimates include all jobs in the sector, such as accountants, for example, who are more likely to be permanent and less likely to fit in the traditional idea of 'cultural worker'. Sometimes, they specifically refer to those whose professions are specifically linked to cultural production. It is therefore likely that the estimated numbers of freelancers in the sector in official DCMS data is quite conservative.

There is a further layer of complexity around the measuring of 'workers' vs 'jobs' in the sector: this is an important distinction when considering the numbers of freelancers that may or may not be in 'employment' at any given time, or who may have more than one job. The complexity is compounded by the range of subsectors that have very different labour market dynamics. In general, where the modes of production are dominated by project-based work, the percentage of freelance workers is higher. For example, in the 'Film and TV' subsectors, estimates state that freelancers made up around 54% of the workforce in 2019 ([CIC](#)), for music, performing and visual arts, this was 72% (DCMS, 2019).

Trade unions also measure levels of freelance workers amongst their membership. For example, in 2012 the [Musician's Union](#) reported that 94% of its members worked on a freelance basis. Whilst this is somewhat older data, there are no indications that the structure of the labour market has changed significantly. A more recent survey of members from the trade union [Equity](#) found that 95% of members were freelance and the advocacy group Freelancers Make Theatre Work estimates that currently 70% of those working in theatres are freelance.

Whilst the official DCMS figures report 'jobs filled' in a freelance capacity (data from organisations) the unions and advocacy groups use the workforce themselves as a measure. This is an important distinction as freelancers sometimes

¹ The DCMS covers a range of economic activities which are categorised into overlapping sectors and sub-sectors. This paper focuses on the 'Creative Industries' and the 'Cultural Sector' as defined by the DCMS. It should be noted that there is significant overlap particularly in relation to performing and visual arts.

work on multiple jobs and in different roles. It also indicates that it not necessarily the subsector but the specific professions that are more likely to experience precarity.

For the cultural sector specifically, which usually includes arts, heritage, museums and libraries, recent figures from the DCMS estimate the following:

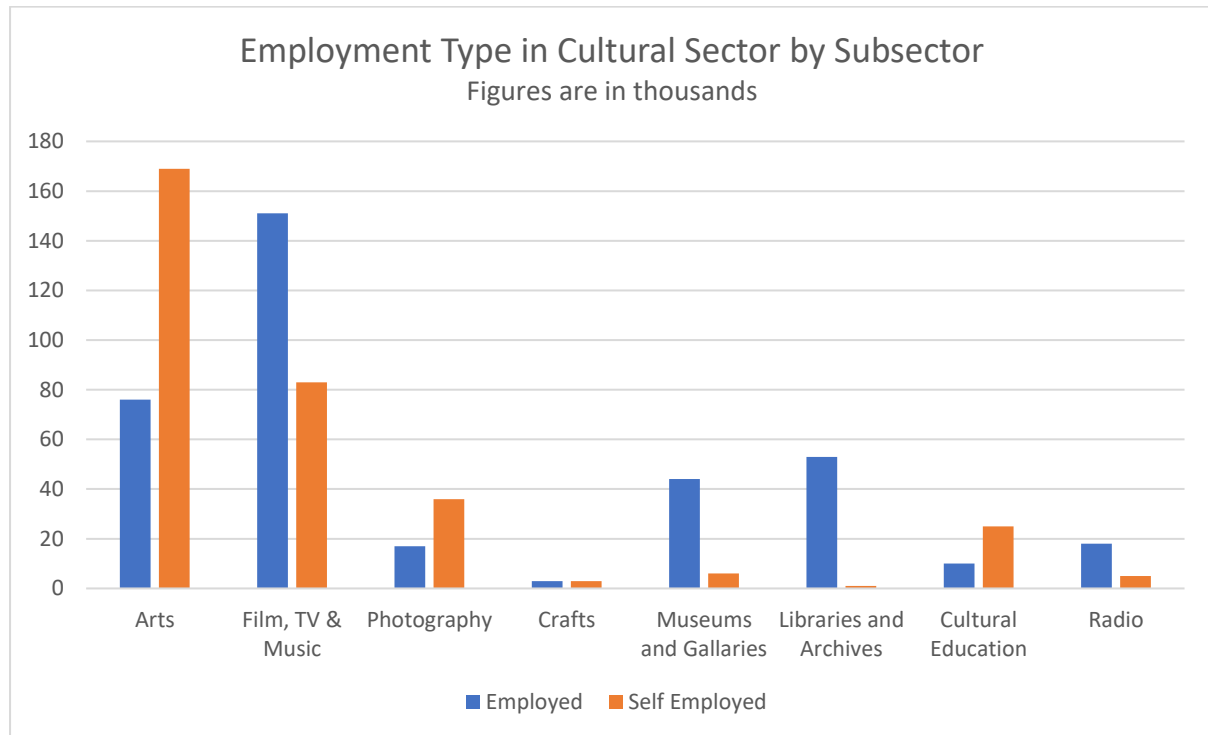


Figure 1: Taken from DCMS economic estimates 2022-2023

What is striking here is the extreme difference in employment type between those working in 'Museums and Galleries' and 'Library and archives' compared to other sub-sectors; this demonstrates how different labour markets present different opportunities for permanent employment. The subsectors with large numbers of self-employed workers have a project-based mode of production and are known to engage with and rely upon large numbers of 'freelance' workers (as noted above). Museums, galleries, libraries and archives on the other hand do not have project-based modes of production and they therefore use standard employment contracts which provides a significantly different experience of work. As the focus of this paper is on freelancers these sub-sectors will not be included in the following analysis.

What is a freelancer in the creative and cultural sector?

“The fees in our industry do not reflect the unpaid labour it takes to support the cultural sector. It is rare a freelancer is given the option to set a fee, instead we are forced to juggling multiple jobs to make ends meet. Burnout is a huge problem.” (from *Arts Professional*, 2022)

The term ‘freelancer’, whilst ubiquitous in the creative, cultural and creative sectors is not defined, at all, in policy terms or in law. As a result, it is often used as a blanket term that hides a multitude of different circumstances, experiences, access to labour markets, resources and legal frameworks of protection.

Most of these freelancers are reliant upon numerous short-term contracts that can last anything from a few hours to 11 months² (Ashton,2021). Between jobs (and even whilst in work), the freelance worker is responsible for updating their own skills and securing future contracts and work opportunities both. This additional work is undertaken alongside securing temporary and flexible work that they can engage with to pay living costs when they are between professional contracts.

This section will outline the definitions and categories of ‘work’ as they appear in policy, law and practice and the extent to which these reflect the employment experiences of freelancers in the sector. This understanding is important to gain insights into the possible implications and limitations of devolution as some of the issues around employment status are located at the level of UK-wide legislation.

Policy

For policy purposes, particularly in relation to tax and social security, the definition of a ‘worker’ is understood in binary terms. Workers are either ‘employed’ or ‘self-employed’, although for tax purposes one can be both and pay income tax and National Insurance (NI) via both categories.

In the tax system generally, the term ‘freelance’ is used as a proxy for self-employed. Workers who are employed pay tax through their employer via the PAYE system. The self-employed submit a tax return to indicate what they earned, what expenses they incurred and then pay tax on the income minus expenses (plus their projected earnings for the coming six months). National Insurance (NI) is paid via the employer for employed workers and directly by the individual for those who are self-employed.

² After 12 months employment rights are instated so contracts are kept to this period. One notable exception is musicians (not performers) in the West End who have rolling self-employed contracts.

Whilst this binary framework is logical for those who sit neatly within one of the two categories, it is deeply problematic for many freelancers because they do not fit into either category, rather they fall between the two. As they are reliant upon short-term contracts they have some characteristics of an employee but because they are contracted as a freelance or self-employed worker they are deemed self-employed.

There are some freelance workers in the creative industries sector for whom freelance is synonymous with self-employment and they may even employ others as a micro business and be in a position to choose their fee, working hours etc. These workers include professions in the general area of 'creative & digital designers', 'marketing professionals', 'visual artists'. They provide goods and/or services and have relative autonomy over their working practices and fees. This type of freelance work fits well within the government definitions of self-employment as stated in the following:

"Someone is probably self-employed if they're self-employed for tax purposes and most of the following are true:

- *they put in bids or give quotes to get work.*
- *they're not under direct supervision when working.*
- *they submit invoices for the work they've done.*
- *they're responsible for paying their own National Insurance and tax.*
- *they do not get holiday or sick pay when they're not working.*
- *they operate under a contract (sometimes known as a 'contract for services' or 'consultancy agreement') that uses terms like 'self-employed', 'consultant' or an 'independent contractor'." ([Gov.co.uk](https://www.gov.uk)) accessed 26/04/2024*

If you are self-employed for tax purposes, you are consequently responsible for paying your own NI and taxes and do not receive statutory sick pay or holiday pay. This makes it an attractive status for some organisations, relieving them of the time and costs associated with paying NI, enrolling people onto pensions schemes, providing sick pay etc., which can be onerous if the contract period is short. It also has the benefit of providing the employer with flexibility to hire people in times of particular need without committing to the conditions of long-term employment. This is why it is the predominant form of employment for project-based modes of production as they have to bring people together, often for short periods of time, to create a production.

If an individual is given a contract in which they are deemed self-employed, they must return the 'self-employed' element in their tax return regardless of any PAYE tax that they may also have been paid or anticipating. Therefore, someone is self-employed if their employment contract states this is the case. At this point all the other conditions of self-employment become true by default.

For many freelance workers in the cultural sector, such as set designers, actors, musicians, dancers, theatrical technicians and those working in the live and recorded media sectors, they are often deemed self-employed due to their contractual status, not because they have freedom or autonomy in their work. For example, these types of freelance workers are often required to turn up as and when required by the producer, are line-managed, are told the fee with little or no opportunity to negotiate or bid and any fee paid may be subject to commission from an agent ([Ashton, 2023](#)). Nonetheless, as freelancers on paper, they are deemed self-employed meaning that they do not have access to some key protections in law.

The Law

In UK law there are three categories of worker 'self-employed', 'worker' and 'employed'.³

For the purpose of employment rights and protections, self-employed workers do not have access to rights or protections in employment law. As they are deemed to be working for themselves as an independent business (or sole trader) they cannot technically be 'bullied' or 'exploited' or discriminated against by an employer as they are their own boss. This is clearly problematic for the more precarious group of freelancers who are not working for themselves in the same way but are instead reliant upon numerous short-term contracts with employers.

The term 'worker' refers to people who are not doing the work as part of their own limited company and are reliant on an employer with a contract to engage them in work for money or benefit in kind. This category provides partial access to employment rights which include the right to National Minimum Wage, protection from unlawful deductions of wages, minimum holiday pay, minimum breaks and they are covered under the working hours directive (no more than 48hrs per week). In addition, they have protection for whistleblowing and some access to

³ These broad categories are the same for the whole of the UK. However, there are some very specific contractual terms that differ between the Northern Irish context and the rest of the UK. These do not apply to this analysis.

sick and parental leave (in specific circumstances). This category has been applied to agency workers and some platform workers. They have little by way of the rights to send someone else to do the work and they are not doing the work as part of their own limited company. This category does not yet exist in policy.

An employee is someone who works for an employer, under contract - permanent or temporary, fixed or flexible, full or part-time. These workers have full access to employment rights including unfair dismissal, minimum notice periods before a contract ends, pension rights, time off for emergencies, redundancy pay, sick pay etc.

Whilst the law would suggest that many precarious freelancers would be considered 'workers', their employment contracts are 'self-employed', so the obligations of the freelancer are similar to those of an employee but the obligations of the employer are largely negated by the freelancer's self-employed status. This prevents the freelancer from accessing the rights of a 'worker' such as minimum wage and other worker's rights.

When not in work, access to social security is limited because the social security system (e.g. Universal Credit) also operates on a binary basis, deeming those seeking support as either fully employed or fully self-employed. Freelancers are generally deemed self-employed, limiting their access to support when they are unable to find work (Schoukens, 2017; [Khomami, 2023](#)).

These issues of non-standard working have been linked to the de-regulation of labour markets more broadly (Lee and McCann, 2011). In an economic environment that assumes that regulation 'stifles the market', de-regulation is a preferred plan of action which includes reducing trade union activities that are seen to 'interfere' with market forces (Fudge, 2017). However, work by Adams and Deakin (2014) notes that where an integrated policy approach is taken, involving 'a range of complementary regulatory mechanisms' (p.779) there can be effective solutions to precarity. These regulatory mechanisms happen at the level of the state and / or industry which creates a challenging environment for local decision making to effectively change existing conditions.

In this section, we have determined that freelance workers engaged in project-based modes of production can be anywhere on a spectrum between employed and self-employed, and often fall through the gaps in definitions and / or occupy more than one status at any given time. Those who fall between the two extremes are the most precarious workers in the sector and are more vulnerable to the

consequences of inequality in the sector, particularly those without access to additional financial resources (Brook et al., 2020)

In reality

There are two significant realities for freelance workers in terms of their status and precarity.

The first is that they often work numerous jobs which are employed, self-employed and/or agency work. This is why many fell through the gaps during the COVID-19 pandemic. If they earned more than 50% of their income from PAYE (employed) work the previous year, then they could not access the self-employed income support. However, if the PAYE work was on temporary or hourly paid contracts (to support activities like auditions), they were not entitled to furlough and their temporary contracts were terminated.

The second is that the extent to which, they are deemed 'self-employed' is determined by the employer (although trade unions have lobbied successfully for many workers to be given the 'self-employed' category). This is beneficial for employers as it reduces risks and costs. For freelance workers this makes it easier for them to submit costs incurred for training, travel etc to prevent paying tax on the costs of being reliant upon short-term contracts. However, these costs are not included in the fee so their income is significantly less than the fee paid. This is again complicated by the fact that some jobs provide expenses for travel, subsistence when away etc and others do not. It also prevents access to employment rights as provided in legislation. The nature of freelance work leaves the worker dependent upon multiple short-term contracts and because these jobs are self-employed giving them little or no employment rights the labour market is completely unregulated.

The extent to which freelancers are determined fully self-employed or a 'worker' under the legal definitions will therefore depend upon the contracts created by the company hiring them. For those that are fully self-employed, run their own micro-business or operate on a 'sole trader' model - much like you might hire a plumber, you agree the work and the price through negotiation, and they fit you in or even send someone from their network to complete the job - for these freelancers the situation is clearer. They are self-employed legally and in terms of policy. For those reliant on the contracts of a third-party organisation, the organisation sets the fee, the time of work and whether the contract is PAYE or self-employed and for freelance workers this is usually self-employed but can be either.

The BBC for example can hire freelancers on a PAYE basis and has a system set up to provide contracts and track payments and tax. Other organisations and production companies provide self-employed contracts which means the freelancer is responsible for tax and NI. Some are somewhere in-between, providing some additional costs such as a touring allowance and/or travel whilst others just provide a 'buy out' fee which leaves the freelancer responsible for all related expenses and includes buying out the intellectual property rights for their own work. The BBC example, where freelancers are paid on a PAYE basis, places the freelancer in the 'worker' category within the legal framework and the latter examples places them in the 'self-employed' category.

The lack of labour market regulation is one of the reasons why working for free is endemic in the cultural and creative sectors. A job might pay a 'buy out' fee but if this does not include the costs of materials, travel and other expenses; the worker can end up receiving no money for the work or paying to complete the work and usually has no access to residual or royalty payments on the ground of the use of their intellectual property rights. In these instances, freelance workers have said the pressure to look as though they are working and keep their CV full means that they are willing to pay to work (Zeng, 2023).

Other contracts are entered into on a profit-share basis. As the companies are not required to publicise their accounts, performers are usually advised that there are no profits to share which means that they have worked on that production for free and at the expense of travel costs. The risk of production is thereby placed on the individual freelancer rather than the organisation hiring them.

Minimum wage does not apply to self-employed workers, and as a result, they often work for a fixed fee that does not include travel time, rehearsal time and other preparation, leading workers to work for well under the minimum wage without the hiring organisation being responsible for a breach of employment law.

The level of precarity experienced by some freelancers is also linked to the extent to which they are reliant upon some level of public funding via commissions or grants for the arts. Some freelance workers in the sector are heavily reliant upon numerous, publicly funded grants, others predominantly work in the private sector with the issues outlined above.

For those working in the public sector, there appear to be two extremes. Working for a national portfolio organisation such as the Royal Shakespeare Company, Northern Ballet, the Royal Philharmonic Orchestra, or similar large, nationally

funded organisation generally provides fairer terms and conditions negotiated with unions. These can often be full-time permanent rather than self-employed contracts, with some exceptions (for actors, designers etc.).

For those needing commissions or grants to fund their work, the situation is less favourable. Grant applications take a significant amount of time and resources – none of which is paid, it is all completed in the freelancer(s) own (unpaid) time. If they are successful, they will be able to create some work, but will also need to spend a considerable amount of time and resources to evaluate the project afterwards. Once the project is over, they must reapply for funding in order to continue or develop the work further. In the meantime, they often need to work outside of their creative projects, on other jobs, in order to pay for their subsistence. It should be noted however that whilst the public and private spheres are often separated in analysis, they are inextricably linked in hidden ways, with the private sector benefiting significantly from work and infrastructure created in the public sphere.⁴

The lack of recognition in policy and labour market regulations creates confusion and precarity for those trying to work in the sector. It also creates confusion when analysing the numbers of freelance workers which differ greatly depending on whether the figures are based on the number of people employed under a self-employed contract (which as we have seen can mean different things) or whether people are self-identifying as self-employed or freelance. This difficulty in pinning down who freelancers are and where they work is further challenged by the fact that they may hold more than one freelance (self-employed) contract at a time, others may have none and these vary considerably as jobs come and go with no clear data on where the jobs are or how many UK freelancers are engaged with them. Any data that asks for an individual to report how they are currently employed or employed in the last week or month could, under these conditions, be misleading.

This issue is pertinent following Brexit. Many performers, musicians, theatre, film and TV crew worked extensively in Europe for tours, shows, filming and one-off events. There is no record of how many performers worked on these contracts and

⁴ For example, productions that are developed through publicly supported production companies such as the National Theatre and the Royal Shakespeare Company are often moved to London's West End and on to international tours that are either produced or co-produced with commercial companies and play in commercial theatres with rent paid to the theatre owners. There are also tax incentives which effectively provide public subsidy for some commercial productions in the creative industries. The interplay between public and private is too complex to provide a detailed account here.

as the jobs were created by non-UK companies there is no record of them in the UK. As a result, although we know a lot of work opportunities have been lost, we are unable to fully ascertain the scale of that loss.

This nomadic element of freelance work is also important. A designer might live in Brighton whilst producing work for Scotland or Canada, a singer might live near London but might work on a US-based cruise ship or international music concert tour. This is problematic when thinking about place-based policy development in terms of devolution and the impact that local infrastructure and devolved powers might have for a group of workers who do not necessarily work in their local area or even their own country.

There have been efforts by devolved nations to mitigate some of the issues raised in this section. In Wales for example, there was the Welsh Government's Freelance Fund to support freelance workers during the pandemic and the Scottish Government's 'COVID-19 Cancellation Fund for Creative Freelancers' compensated these creatives for work cancelled due to the pandemic.

At the level of working conditions Creative Scotland with the Scottish Government conducted a fair work review in the creative and cultural sectors in Scotland. The findings mirror the issues raised in this section in terms of precarity and low-pay for these workers. It found that there are challenges to gaining awareness, acceptance and implementation of fair work practices. In particular the report notes that "It has been difficult to separate Fair Work from the structure of the sector and the systematic barriers, inequalities and challenges relating to this" (Scott, (2022), p.5). The ability to act autonomously or fully support initiatives was also linked to the broader funding environment.

Durrer et al. (2019) studied the arts councils (or equivalent) in England, Scotland and Northern Ireland. They also found tensions around the ability to generate policies for "the local" instead finding that there was significant risks that resulted in the reproduction of national interests. This was seen to limit "localised agency of place-based approaches and contributing to a culture of competition within cultural policy." (p.317).

The issues facing devolved decision making bodies alongside the nomadic nature of some freelance work creates challenges for mapping the impact of place-based decision making onto the creative freelance workforce.

Geographical differences

The DCMS economic estimates for employment reveal that 30.2% (just under a third) of all jobs in the creative industries sector were located in London between 2022-2023. In mid 2022 the Office for National Statistics (ONS) reported the UK population to be 67.596 mil with approximately 8.9 mil living in London. This data shows that whilst 12.2% of the UK population lives in London or Greater London, 30.2% of the jobs in Creative Industries sector are located in this area (this does not include the heritage sub-sector)

For all the reasons noted above, freelance workers tend to be located where there are opportunities for work or an infrastructure that supports access to those opportunities. This distribution of jobs and work is significant if we consider the impact of regional support for workers in the creative and cultural sectors and the potential for local cultural decision making.

As seen above, freelance work means different things to different workers across sub-sectors of the industry. If we take the example of dancers, they will often need to be somewhere with access to regular and varied professional dance studios to take classes, maintain their techniques and learn new dance genres. Professional dance studios also provide appropriate spaces for auditions and rehearsals. These spaces and classes are abundant in London but can be very rare elsewhere in the country. Freelance workers in the dance sector therefore need to either commute long distances for classes, auditions and rehearsals or live within commuting distance which means paying for the higher cost of living and rental costs in London.

The jobs that workers such as dancers, actors, stage managers, musicians and others working in the live sector might work on could be anywhere in the world or nomadic/tour-based, but they may need to have a base in London or another large city to train and look for work. For this reason many of these workers live in flat shares and sub-lets whilst working. This contrasts with a graphic designer, for example, who will need to build up a client base but can work from anywhere with an internet connection, whilst providing graphic design solutions to any organisation across the world.

Both the example of the freelancer dancer and the freelance graphic designer demonstrate how the work in and of itself is not always geographically bound and that the significance of location is experienced differently for each depending on their profession.

For other freelance workers, the opportunities available to work and connect to peers in a similar sub-sectors or communities – be that music, visual arts or film – will have an impact on where they live, the work that they have access to and how localised support and devolved decision making might work. This is evident in the ‘Road to Recovery’ report on freelance workers in Wales that found more designers in rural areas, whilst there were more workers in music, performing and visual arts in urban areas (Donnelly & Komorowski, 2022).

With Film and TV production studios moving to various parts of the country, there are greater opportunities to support creative and cultural sector workers in those areas for those occupations, but the full infrastructure of their professional needs will need to be developed alongside job creation to sustain work in the locality. For this work to be sustainable workers will also need access to work that is supported by employment legislation, ensuring that the pay and conditions can support workers to survive, thrive and create as noted in the previous section.

The pie chart below shows the distribution of self-employed workers across the UK. As these workers will go where there is an infrastructure, opportunities to work or to apply for work (such as auditions and industry meetings), they are concentrated where those opportunities and facilities are likely to be most abundant; as we can see this is focused around the London area. Creative and cultural sector workers in rural communities may have more difficulty in accessing the infrastructure and opportunities that they need to sustain work in their sector.

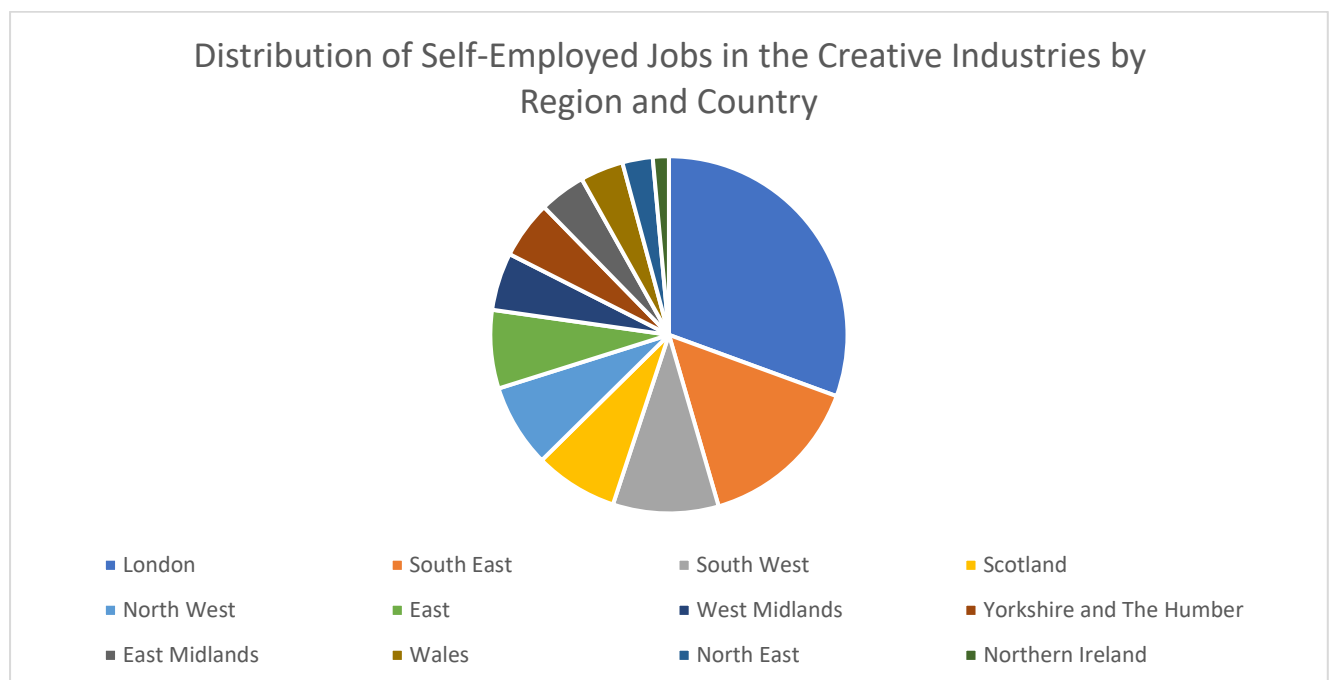


Figure 2: Figures taken DCMS sector employment figures for the Creative Industries 2022-23

The figures show that over half of all self-employed jobs in the Creative Industries sector are based in London and the South. Scotland is only just behind the Southwest of England, with Northern Ireland, the Northeast of England and Wales having a much lower percentage of self-employed work in the sector overall. It should be remembered however that population size could account for some of the differences in the graph.

Nevertheless, this poses challenges for a devolved system of cultural policy and associated decision making. Some workers are embedded and place-based but many, including freelancers, will engage in work in different locations regardless of where they live. Some will work in the area on a temporary basis (on tour for example) but nevertheless contribute to the local economy and cultural activities and provision in that area. This poses questions about where a freelance worker in creative and cultural sectors might participate in decision making processes associated with the sector ecosystem⁵.

A healthy cultural ecology consists of networks and opportunities for creative and cultural sector freelancers, but this in turn supports the cultural diversity available to a residential community, and also support a diversity of cultural activities, by providing places for touring freelancers to work. Where freelancers in these sectors are able to find work to support themselves that is not overwhelming (in terms of the time it takes to earn), they can often be found contributing to their own local communities by either working or volunteering in education and providing creative goods and services for charitable organisations (Umney, 2017; Banks, 2006). This was particularly visible during lockdown when musicians and singers performed from their windows or in local streets for their communities and artwork was encouraged and displayed.

⁵ This ecosystem also includes access to affordable living and transport in addition to education and training to support skills development and the talent pipeline. Such detail is beyond the scope of this report, for an in-depth report on FE and HE provision in the sector see Carey et al. (2024).

Current initiatives and support for freelance workers

Having a voice in decision making

“Even if we had a say they wouldn’t listen. Nobody actually cares.”

(freelance cultural worker, April 2024)

This quote speaks to the sentiment of some of the most precarious freelance workers in the UKs creative and cultural sectors – many of whom were financially marginalised during the COVID-19 pandemic (Walmsley et al, 2022) and have struggled since with issues from the cost-of-living crisis to the negative impacts of Brexit.

Research has found that these workers are often squeezed financially, taking cuts in pay from employers due to funding cuts, Brexit costs and escalating energy costs, alongside increases in their own costs of living (Zeng, 2023). Data from this study and anecdotally suggests that freelancers in some subsectors feel marginalised and devalued in the political sphere (as the quote suggests), and this has been exacerbated by campaigns such as ‘cyber first’ which suggested that professional dancers should retrain in cybersecurity (Bakare, 2020); the reduction of art-based subjects in education; and the overall reductions in arts funding (Ashton et al, 2024; Youngs, 2015). Such public displays of devaluing artistic activities and professions has been very harmful and generally created stoic apathy towards any political engagement.

There are various initiatives to support freelance creatives – some at the national level and some at the local. At the UK level there is support available for specific subsector workforces via trade unions and professional associations and networks some of which have regional as well as UK wide forums and committees. The largest of these include: Equity UK, Musician’s Union, Broadcasting, Entertainment, Communications and Theatre Union (BECTU), Freelancers Make Theatre Work (FMTW), The National Association of Screen Make up and Stage Directors UK.

These organisations offer a platform through which organisations can advocate for the needs of freelance members. The political affiliation of some trade unions alongside political attitudes towards trade unions more broadly has arguably prevented the effectiveness of these groups as advocates for policy change in Westminster under successive Conservative Governments. Other, non-party politically aligned organisations such as FMTW who emerged during the COVID-

19 pandemic have now created an opportunity for policy makers to hear from representatives of the cultural freelance workforce, through invitations to contribute to committees.

The Arts Council England and other organisations such as One Dance UK and Creative UK also advocate for various aspects of creative work through All Party Parliamentary Groups (APPGs) and engagement with a range of policy makers and ministers, although this is not specifically related to freelance workers and the impact is rarely visible.

These sector-based organisations also offer various levels of support. Most trade unions support workers with tax advice, public liability insurance, access to networks, advocacy, research, negotiations with employers, legal support, hardship funds and even support for social security claims (see Equity).

Arts Council England also provides support for national organisations that hire freelance workers across the creative and cultural sectors and provides one-off grants on a competitive basis for individual freelance workers or small companies. The implementation of the 'Let's Create' strategy caused some controversy as it is seen by some to privilege some forms of creative and cultural work and activities over others and to be less engaged with developing arts and culture at a professional level beyond NPOs, thereby stifling access (Rex, 2020; Millard, 2023). There is a further problem with the time spent writing bids, time that is not funded as explored previously.

Other ACE decisions like those around the funding for National Opera in London has been criticised firstly for perceived ministerial overreach (as an 'arms-length' body it is, in law, required to operate independently of the UK Government in day to day decision making), and secondly for the decision to force National Opera to relocate to a Northern city which would have disrupted the lives and families of those employed in London, leaving those workers with the option to either face precarious employment in a freelance market or relocate their entire family and attempt to re-establish networks, support (for childcare for example) and friendships in a new place.

A hyper-local approach to cultural work seems to have been successful in changing the ways in which the actors involved experienced work in some areas (Aebischer, 2024). One example of a hyper-local approach to theatre making is a theatre company in Oxford that has employed actors on full-time contracts as a

'repertory company'⁶. This has transformed the lives of those working in the company, providing some stability and financial security through work that they can predict or has some flexibility (for childcare for example). Being part of a community has reportedly increased local participation in the various online and in-person performances, education and events that they are engaged with - the public know the actors as people and as part of their community ([Creation Theatre](#)).

The example above, taken with the issues raised in the first section suggest that part of a devolved strategy for cultural freelancers could include providing the opportunity of secure rather than precarious employment so that they no longer have to be supported as a freelance workforce. This might be in partnership with private companies, supporting local companies in providing secure employment and/ or creating a company that employs cultural freelancers on long-term contracts as with the case above. Freelance working is not always the worker's choice and equally it is not a requirement of the professional activities that they engage with.

In the digital space there are many groups and networks that support freelancers through mutual support, advertising jobs and resources and responding to questions. These networks also provide information on opportunities: for example, craft and artists networks sharing information about experiences of art and craft fairs and opportunities for pop-up spaces, access to resources of varying kinds from hiring equipment for photography to finding factory sales and other sources of cheap materials. These are numerous, many of which can be found on social media sites such as Facebook.

At the regional and local levels, the range of support is diverse across the devolved nations and regions. It is not possible to comprehensively cover all the provision and support that is available at every regional level. However, here are a few indicative examples of how support can be structured and distributed.

Cast studies: West Midlands

In the West Midlands there is an industry level body called 'Create Central' which offers some support and training for members. They are working to build a skills bases for screen industries in the region with support from the West Midland

⁶ A repertory company or 'rep company' is a way of producing theatrical work that uses a core of actors for every production rather than hiring different actors for each production. Such companies can be seasonal offering two or three productions over a period of time or full-time and year round. It is a model of theatre creation and production commonly found in Germany but rare in the UK with Dundee Rep being a notable exception.

Combined Authority (WMCA), British Film Institute (BFI) and National Lottery. They also provide development funding for IP content generation and seek to gain support from central government to secure “political and public sector support” to fund the programme ([Create.centraluk.com](https://www.createcentraluk.com)). They are bridging the gap between public and private spheres and trying to leverage the support of both in order to develop the infrastructure for screen industries in the area. In doing this they provide skills training, mentoring, opportunities and other support for those working in or seeking to work in the sector.

Culture Central is a West Midlands collective that seeks to promote collaboration and provide a ‘collective voice’ for those working in the cultural sector in the region (WMCA areas). This includes organisations and freelance individuals. Culture Central encourages and fosters cross-sector partnerships, sharing practices with access to information and resources and advocating and highlighting the role of culture in placemaking. They run events, share information and offer training and mentoring.

The region has start-up hubs, wellbeing support, HR consultancy (including supporting and informing organisations on appropriate practices when hiring freelance workers) and support for a range of artforms including visual arts, theatre producing and creative writing.

At the county level Coventry and Warwickshire Creative Freelancers offers information on networks, promotional opportunities, business support and seeks to lobby and represent the freelance community in the sector. The organisation is supported by the Coventry and Warwickshire Local Enterprise Partnership and the Warwick District Creative Compact⁷ (WDCC).

At the hyper-local level, Solihull invites tenders for micro-commissions on a yearly basis. Beyond this, all universities in the region are linked to a range of creative and cultural sector networks through various initiatives for skills development and research exchange. This is supplemented with a range of cultural activities provided in arts centres, community groups and outreach from larger organisations in the region such as [Birmingham Royal Ballet](#).

A mapping report of access to support for creative, cultural and heritage sector freelancers in the region found a range of disparate groups and organisations offering support across locations and occupations (WMCA & Curiosity Productions, 2023). The report also found that support and training can be ad-hoc

⁷ WDCC is the organisation that delivers the Warwick District’s Creative Framework - a five year strategy for ‘creative sector growth’.

and varied across artforms and geographical area and that funding regimes tended to encourage new projects rather than offer sustained support, an issue also raised by those seeking consecutive ACE funding to support their community work (Rimmer, 2020) and a report on issues facing freelance creatives in Wales (Donnelly and Komoroski, 2022).

Whilst National Portfolio Organisations (NPOs) in the region had more long-term funding, this was still predicated on evaluations that demonstrate how the offer has changed since the previous funding round, which will also have an impact on the number and range of creative freelancers hired. These metrics are unhelpful in developing new cohorts and progressing people and artforms in a process that is more commonly organic than planned (Bilton, 2023). The mapping report also found that broader development is often contingent upon people giving up their time and expertise often on a voluntary basis.

Case study: Greater Manchester

The Greater Manchester Combined Authority (GMCA) have taken a funding approach to supporting cultural freelancers in the form of the 'Inspire Fund'. As a new fund, the GMCA has not yet had an opportunity to evaluate the initiative. It will provide grants of between £500 - £2,000 for equipment, capital expenditure, software, instruments, training, tools, materials and resources and contribution towards venue hire. It does not pay for work or living costs.

Access to the Inspire Fund is by application for people living within the GMCA postcode areas (which covers 10 local boroughs) and demonstrate the extent to which the fund will a) assist in the growth of the creative individual or organisation b) support the creative's work and growth in the area or c) show evidence of added value to creative individuals or organisations (10gm.org.uk)⁸. This broad fund could assist particular cultural workers in particular areas, but those just outside specific geographic areas will have no access to these funds.

⁸ This web address directs the reader to the source which provides application information for the GMCA Culture Fund: Inspire 2024-2026 Managed by Salford CVS on behalf of 10GM.

Place, Space and the Rat Race: freelancers, devolved policy and cultural infrastructure

One of the great challenges for any institution that is seeking to develop cultural policy is that much of the value is not measurable and many of the influences and impacts of policy are circuitous and cannot be understood in simple, linear terms of cause and effect. This is also true for any potential impact that devolved decision making might have for freelancers in the creative industries.

Creating an infrastructure access to studio space or technical equipment (as with the GMCA example above) can help develop artists in various ways but, as we've seen in the first section, they also need to pay their rent and bills which requires a broader support mechanism that aligns with national priorities. This review has highlighted current assumption that these workers are freelance by choice which ignores the fact that many of them have no choice or have limited options based on where they are and where they are from (both geographically and socially).

These broader concerns of labour market regulation, social security and reduced ability to engage in collective bargaining have significantly contributed to the precarity experienced by freelance workers in the sector. Policy interventions at a local or regional level cannot mitigate against these fully, but can seek to examine ways in which this is hindering their ability to deliver cultural policy for the benefit of the citizens in that region and support workers in raising issues at the level that is capable of making changes.

Following the evidence presented in this document, it is theorised that short-term or one-off financial support for specific items buys access to some resources, but does not cover the time to use them. A report by Equity found that their (freelance) members were spending around 12 hrs per week on training and seeking work; this is in addition to working on other jobs (sometimes several in a week) to earn enough to pay basic rent and bills (Ashton, 2023). With this time spent trying to subsist, additional funding for instruments, materials, software or venue hire found in the Inspire Fund in Greater Manchester may provide limited or only short-term benefits and potentially not for those who are the most precarious and lack funds to sustain themselves with little or no time left over to create work.

Localised policies might also create competition among regions and freelancers, particularly if the infrastructures to support cultural work is not available in a particular area. This could create further inequalities whereby living in a given post code may or may not provide opportunities and support at the exclusion of those outside; more significantly this could impact the ability of that area to attract

cultural workers who would otherwise support the cultural activities and provision for the local community. It would not be helpful, for example, for some regions to offer financial support to freelance workers one year and another region in the next: the good done in one place could be quickly undone if support came and went from year to year.

There is a clear need to co-ordinate and cooperate across regional borders in any future devolution plans to prevent silos of policy that provide only short-term solutions. This raises several questions: who are regional borders actually for? Who do they serve and for what purpose? How does this relate to the rationale of any new proposed policy?

Conclusions

Broadly, the sometimes nomadic and precarious nature of freelance work in the sector means that a sense of 'community' is more often experienced as a sense of belonging to a community of similar professions rather than necessarily geographically situated. That said, where there are opportunities, and with a conducive infrastructure, these communities of practice come together to form networks and collectives at a local level. Whilst these groups can be local the artist themselves may equally work at the national or global level.

A thriving cultural environment at a local level, in which people have access to the arts and culture, will provide opportunities for freelancers working in the creative and cultural sectors. The examples touched on earlier suggest that more opportunities for freelancers to access work in an employed capacity, whether part-time or full-time, within their profession could enable them to avoid the uncertainty inherent in consecutive funding applications, auditions, meetings, pitches and other ways of searching for future employment. This could ultimately provide more stability to the individual worker and, in turn, the area they live in who can benefit from their work.

The situation for freelancers is different in each subsector of the cultural and creative sectors, and work opportunities will vary by area and region. Having a diverse range of cultural activities across a region could sustain workers but there needs to be access, affordable housing and affordable transport. Devolved decision making may provide opportunities to support these wider concerns which would in turn support workers in accessing and living in an area that provides work and opportunities to collectivise and collaborate. These broader concerns are part of a full ecosystem and suggests a more holistic sense of what is required to support the freelance workforce which addresses some of the concerns raised in previous studies around extent of autonomy in devolved decision making⁹.

The devolution of cultural policy is unlikely to be a panacea or prevent the precarity experienced by the most vulnerable freelance workers who currently have little control over their pay and conditions, little to no access to employment rights, recourse for issues such as late payments or the legal protections available to PAYE workers. Their ambiguous position and the lack of labour market regulations therefore might best be addressed at the national level.

⁹ See Durrer et al. 2019 and Scott, 2022 discussed previously.

In terms of representation in policy and decision making, there are a number of organisations that currently seek to represent the voice of freelance workers at the national level. Having a greater voice at the regional and local levels could help communities of freelancers to shape the cultural landscape of their areas, but this would presumably also require broader issues to be 'fed-up' through local decision makers in order to be taken into account at the national level and as freelancers they would need to be paid for any time taken to contribute to discussions.

There are already mechanisms through which freelance workers are engaging with policy makers at the regional, national and UK levels, but these seem to have had a limited impact at the UK level to date. At the time of writing however, there are a number of new initiatives emerging as we transition to a new government. These include the potential to address the issues highlighted such as precarity, access to employment rights and increasing devolved decision making.

It has been difficult for local regions to make significant decisions for local policies without broader changes at the UK level. The relationship between creative and cultural sector freelancers, policy at the local and national levels, and the infrastructure that supports the work and the workers are inextricably linked.

Fundamentally support for the value of culture at every level of governance is necessary, not just in terms of economic growth but for the health of local communities and broader societies. Without this assumption of value, it will be difficult to develop infrastructures that are substantial enough to sustain the freelance work and workers that live within those communities.

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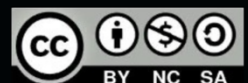
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Published as part of

**the future of
local cultural
decision making**

An open policy development programme
led by Culture Commons and Partners



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