



Rt Hon Oliver Dowden MP
Secretary of State
Department for Digital, Culture, Media & Sport
4th Floor, 100 Parliament Street
London SW1A 2BQ

19 January 2021

Dear Secretary of State

Re. DCMS response to the Select Committee *Impact of Covid-19 on DCMS Sectors Report's* recommendation for a 'Creators Council' to engage with the UK's creative workforce

We are writing following the Department's response in October to the DCMS Select Committee's report, which gave cross-party backing to the proposal of establishing a UK 'Creators Council' as a roundtable to improve dialogue between the Government and representatives of the creative workforce, as we seek to recover from these difficult times.

In considering whether to follow the recommendation, the Department asked for evidence, in particular, as to the gap such a body would fill, *vis à vis* what the nine-year-old Creative Industries Council is currently delivering, and what benefits the body would itself deliver.

We first wrote last April, as a group of nine leading membership bodies in the creative sector, to suggest setting up this mechanism for regular dialogue with creators themselves, a great number of whom are freelance and have been hugely affected by the Covid crisis.

Since then, three further bodies representing authors' agents, illustrators and photographers have joined the initiative, and we wrote to your DCMS colleague Caroline Dinenage in August to underline the benefits following the Select Committee report.

Collectively, we represent over 350,000 members – practitioners across the wide, inter-linked spectrum of the UK's successful creative industries – but are not an exclusive group and would certainly envisage other professional representatives adding their voices, too.

We have not yet had a reply to our latest letter, but in her previous response on your behalf in July the Minister acknowledged that: *'In this current period, it makes all the more sense to bring practitioners together to share ideas and best practice as we look to rebuild following lockdown.'* In 2021, therefore, we hope this can become a reality, with departmental support.

For the avoidance of doubt, the Covid crisis has shown that to the extent that the Government does understand the way creative freelancers work - juggling a portfolio of careers, managing multiple contracts and surviving on different sources of income – it has not appeared to heed their concerns during the last ten months of the pandemic.

Creative freelancers are our creative industries' lifeblood: their contribution is vital to the UK's future cultural success, as we seek to recover from the difficulties of 2020 and 2021.

As you know, self-employment in DCMS' sectors runs at over twice the national average. Of the 2.1 million in the creative industries, 33% (694,000) are self-employed and almost 50% (332,000) of the 676,000 in culture, compared to 15% (5 million) in the country as a whole.

Over 20% of all the self-employed people in the UK, therefore, work in our creative and cultural sectors. Of the 2.9 million people recently estimated by the National Audit Office to have fallen through the gaps in the Job Retention (JRS) and Self-Employment Income Support (SEISS) Schemes, a large proportion will be in sectors where DCMS is responsible.

The results of our membership surveys certainly bear this out and, as well as to DCMS, we have made submissions to the Treasury, BEIS and the three Select Committees. Yet at each extension of SEISS, welcome though this has been, eligibility has stayed the same and the gaps have not been addressed. Constructive input has fallen, it appears, on deaf ears.

We would hope, therefore, that a mechanism for dialogue such as a 'Creators Council' could remedy that deficit, share ideas and best practice, and make practical contributions to policy formation grounded in individual reality to assist with recovery from the crisis.

A second, by no means new, concern is that DCMS has historically counted consulting with industry to be the same as listening to the sector and its workforce as a whole. This is, of course, not the case and Covid recovery gives an opportunity for DCMS to reach out wider.

Industry bodies, dominated by large, often multi-national companies, by no means provide a representative voice for a great part of our vibrant creative and cultural sectors. They are answerable to their shareholders, most of their workforce are employees, and their prime concerns are not the realities and uncertainties of life faced by freelance creators.

The Creative Industries Council (CIC) was established in 2011, and was instrumental in March 2018 in launching the *Creative Industries Sector Deal*, a £150m partnership with DCMS. Since a year-one-review in 2019, however, it is unclear how the CIC has progressed.

Recent CIC minutes also bear this out. It met just twice last year, once during lockdown and once before, for a total of three hours. It gathered three times, for 4 ½ hours, in 2019 with apparently little to show, and twice after the Deal's announcement in March 2018. The CIC's Working Groups, meanwhile, are opaque and their minutes are not published.

In the nine years of the CIC's existence, representatives of the creative workforce have never been given a place on the CIC, nor even been invited to offer their perspectives at a meeting as guests. Signatories to this letter have several times asked to be allowed to attend, but these requests have also simply come to nought.

The CIC's two meetings last year appear to have been largely taken up with what should succeed the current Sector Deal, the response to Covid so far and what next for renewal following the emergency £1.57 billion Cultural Recovery Fund, but without conclusions.

June's Transition and Recovery Plan from the CIC contained sensible requests for DCMS and the Chancellor, but the measures are tailored to industry members. July's £500 million Film and TV Production and Restart Scheme was, of course, very welcome, but individuals across the creative sector face similar backlogs of commissions, which the CIC has not considered.

We stand, clearly, at a critical juncture. Yet feeding input into the CIC has been frustrating. The Creative Industries Federation (CIF) sits on it, and does excellent work, yet is too broad a church on an industry-dominated body to give DCMS a creators' first-hand perspective.

Publishers do not speak solely for authors, illustrators and translators, just as record companies do not speak for the musicians themselves, nor producers for all the writers, actors, directors and other professionals involved in making TV, film and theatre. As it stands, the CIC overlooks a huge swathe of hard-working and talented individuals who contribute directly to the creative output for which the UK is rightly famous. Furthermore, when it comes crucially to copyright, Google's stance on the CIC (and within the CIF, too), will be on a radically different page from almost everyone, especially creators themselves.

As a complementary body, a representative Creators Council could deepen DCMS' engagement with the challenges faced by the individual writers, musicians, performers, directors, artists, illustrators, photographers and designers we represent; by the agents who support them; and by the UK's important Collective Management Organisations, too,

It could also usefully inform the work of the Cultural Recovery Taskforce, during and beyond Covid - and so give a voice, through DCMS, to other important components of our creative workforce, who have not gained representation on any of the bodies set up so far.

Establishing such a dialogue mechanism would in itself, therefore, fill a gap which has persisted for far too long. In terms of specific issues which a Creators Council might address, as distinct from the CIC so far, we would give the following thematic examples:

- **Response to and Recovery from the Covid Crisis:** In addition to the difficulties caused by ongoing gaps in SEISS, creative freelancers, single-director firms and studios face particular challenges with recovery, which differ from larger enterprises. These include backlogs of commissions, maintaining small premises, access to grants and other career viability issues, which go beyond safe re-opening of venues, schools and other spaces for live appearances, on which their income greatly depends. Covid has had profound distributive effects, too, with headline sales and profits in the publishing and music industries, for instance, masking the devastating impact on authors and performers beyond the 'best-sellers'. Speaking with our members every day, and running surveys to evidence what we hear, we also see that there is a growing mental health crisis in the creative sector, greatly exacerbated by Covid.

It is crucial that we respond quickly to this, too, before it becomes endemic and disabling. With all this, the pandemic risks the most worrying knock-on effect of creatives leaving the industry in order to make an income to survive, with disastrous implications for long-term revival. A Creators Council could provide a forum for DCMS to engage with these profound, 'bottom-up' challenges and listen to practical proposals to help sustain recovery.

● **Support for Creative Freelancers during and beyond Renewal:** The UK's Arts Councils provide vital support for our creative and cultural sectors, through Government grant-in-aid and National Lottery funding, and have reacted quickly to the crisis. Their programmes, however, are tailored mainly to larger venues and public-facing organisations, with limited access for individuals, especially in non-audience-facing creative activities. The creative workforce also often forges symbiotic relationships with other sectors, such as education and social care, with benefits in all directions. With DCMS' engagement, a Creators Council could provide a forum to help influence future programme design and delivery to improve targeted support for freelancers - and also give DCMS constructive ideas about engaging other Government departments to access the creative workforce in a meaningful way.

● **Equality, Diversity and Inclusion:** The Sector Deal was explicit about the challenges the creative industries face in these respects, with 9 out of 10 jobs '*occupied by more advantaged socio-economic groups*' and several sub-sectors not representative of society, at all, in terms of BAME participation, disability and gender balance. Yet notwithstanding the CIC's latest Diversity & Inclusion Report in July, it is hard to judge what progress has been made overall. Covid threatens diversity further, with income uncertainty a barrier to people without independent means. While many firms work hard to improve, there is still a big gap between this and the experiences of creative freelancers, who are less likely to be monitored. We are active across these issues, able to bring evidence about the realities for freelancers, yet our experiences and expertise have not been drawn on. A Creators Council could give valuable, additional insights into the barriers under-represented groups face and what they believe DCMS and industry bodies could be doing to improve the current picture.

● **Brexit-related issues:** The UK is a world-leading creative and cultural destination, and the two-way trade in creative goods and services with the European Union is a crucial part of our economy. As much as industry, freelancers also face challenges – including freedoms of work and movement – from Brexit and its other consequences, such as the loss of the cultural strand of the Creative Europe programme. A Creators Council would allow DCMS to listen directly to the issues that individuals face and bolster its voice in seeking solutions.

● **Individuals and Intellectual Property in the post-Covid Digital World:** Clearly, the crisis may have lasting effects on how our creative industries operate in the future. The large-scale move to online work in some sectors during Covid, for instance, has significant implications for creators, and agreed codes of practice for use of material are vital. Keeping the UK's strong copyright regime is crucial to our creative success, not least in the digital world, with the growth in music, film and TV streaming and of content-sharing platforms. Non-adoption of the EU Copyright Directive poses challenges – and a chance to strengthen our system, too, in ways to provide more equitable remuneration for individual creators.

The UK also has a successful ‘eco-system’ of Collective Management Organisations, involved in international licensing, for which Brexit and other trade talks have significance. At the same time, industry structures and regulation – in broadcasting now, for instance - are always evolving and, representing the freelance workforce, we can add useful insight.

A UK Creators Council could be a forum for DCMS to listen to our perspectives on these issues, which find neither a voice nor a ready hearing on the Creative Industries Council.

The UK’s creative industries depend greatly on freelancers, the self-employed and the smaller enterprises they underpin, and by forming a Creators Council with DCMS we believe we can help with your work on their and the sector’s behalf during this crisis and beyond.

We very much hope, therefore, that following the DCMS Select Committee’s support for the proposal, you will engage with us to establish such a body as a mechanism to involve the creative workforce and to complement the work of the Creative Industries Council.

With best regards and yours sincerely



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Ellie Peers
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Appendix:

DCMS Select Committee *Impact of Covid-19 on DCMS Sectors: First Report, 23 July 2020*

116. We have also received calls for better joint-working and dialogue between the creative workforce and DCMS, to inform and assist policymaking during and beyond the current crisis. In a joint submission, nine creative trades unions and copyright collecting societies—representing more than 330,000 members, many of them freelance—express disappointment that DCMS has not properly heard their concerns or those of creative freelancers. Describing the appointment of the taskforce and working group as “opaque”, they propose that DCMS forms a ‘UK Creators Council’—a roundtable along the lines of the existing Creative Industries Council—which would advise Government including on issues relating to creative freelancers and SMEs. While the proposal has been discussed with Government over the past 18 months, the Authors’ Licensing & Collecting Society says it “is needed now more than ever” so that Government can hear directly from creators.

Forming a ‘Creators Council’ could boost confidence across the sector and ensure its views are represented at a time when many of the creative industries workforce are struggling to stay in the sector. *We recommend that DCMS forms a Creators Council as a mechanism for better dialogue with the creative workforce to understand its needs and viewpoints as we emerge from this crisis.*

DCMS Response to the Select Committee on 7 October, published on 14 October 2020

30. **Forming a ‘Creators Council’ could boost confidence across the sector and ensure its views are represented at a time when many of the creative industries workforce are struggling to stay in the sector. *We recommend that DCMS forms a Creators Council as a mechanism for better dialogue with the creative workforce to understand its needs and viewpoints as we emerge from this crisis.*** (Paragraph 116)

We recognise that the committee has heard evidence from industry partners who have felt that DCMS has not properly heard their concerns with regard to creative freelancers. However, DCMS has listened to as many of the views across the creative industries as possible and represented them across government to help inform our response to the Covid-19 pandemic. Ministers have met with industry bodies repeatedly, and we continue to put forward the concerns and opportunities brought to us by members of the creative industries in order to provide the best support possible for the sector.

Industry and Government already engage regularly with a wide range of leading experts in the creative industries through the Creative Industries Council. We would need a clear steer from the sector as to what they require from a UK Creators Council and how it is differentiated from the existing mechanisms we have for working with the sector. If the sector would like us to consider this additional group, we would need robust evidence to demonstrate the gap in what the Creative Industries Council is currently delivering and what they would like this new group to deliver.