

2023-26 Investment Programme Information Sheet

Equality and Fair Pay

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Awarding funds from

THE NATIONAL LOTTERY®

For arts organisations, libraries and museums planning to apply to our 2023-26 National Portfolio Organisation and Investment Principles Support Organisation programmes to provide the backbone of creative and cultural provision across the country.

What's inside

This information sheet relates to Arts Council England's 2023-26 Investment Programme. It can be used alongside the Guidance for Applicants documents to support you to make your application.

See our **website** for more information about the 2023-26 Investment Programme.

- **Website:** <https://www.artscouncil.org.uk/get-funding/national-portfolio-2023-onwards>

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This information is also available in audio, BSL, Easy Read and large print formats. If you require it in an alternative format, like Braille, please **get in touch**.

- **Get in touch:**

<https://www.artscouncil.org.uk/about-us/contact-us>

Equality and fair pay

Equality

We are funded by the public and are accountable to them, and we have a duty to make sure that our funds are invested wisely, that organisations are well run and that the work we support keeps to legal standards on pay and equality. We meet the public sector Equality Duty 2011 and the protected characteristics as defined in the **Equality Act 2010**. We are also committed to promoting equality of opportunity regardless of class or socio-economic background.

- **Equality Act 2010:**

<https://www.gov.uk/guidance/equality-act-2010-guidance>

As part of our general duty under the Equality Act 2010, when meeting our responsibilities, we need to show ‘due regard’ to:

- eliminate unlawful discrimination, harassment and victimisation, as well as other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not

In meeting this legal requirement, we share these responsibilities with the arts and cultural organisations we fund. All recipients of Arts Council funding will be required to adhere to all current legislation, including equality law.

We expect organisations we fund to be committed to advancing equality of opportunity and fostering good relations.

Organisations should not discriminate against anyone with any protected characteristic, as defined by the Equality Act 2010, as well as the Equality Duty 2011, but work may be focused on one or more of the protected characteristics.

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion and belief
- sex
- sexual orientation

As well as this list, we also recognise:

- class and socio-economic status

In the information you provide for us in relation to our **Inclusivity and Relevance Investment Principle**, you should set out clear steps for:

- how you will make progress on widening access
- showing consistent and practical improvement in performance
- addressing equality issues that are relevant to your mission and business plan

• **Inclusivity and Relevance Investment Principle:**

<https://www.artscouncil.org.uk/lets-create/explore-investment-principles>

Equal pay

By law, employers must not pay an employee less, or give them terms and conditions that put them at a disadvantage, because of their disability, race, religion, sexual orientation, or another 'protected characteristic'.

By law, men and women must get equal pay for doing 'equal work' (work that equal pay law classes as the same, similar, equivalent or of equal value). This means someone must not get less pay compared to someone who is both:

- the opposite sex
- doing equal work for the same employer

Please follow this link for more information on **equal pay**.

- **Equal pay:** <https://www.acas.org.uk/equal-pay>

Fair pay

Arts Council England is an accredited Living Wage Employer, and we encourage cultural organisations to consider whether this would also be possible for them. **Read more information on the Living Wage campaign.**

- **Read more information on the Living Wage campaign:**
<https://www.livingwage.org.uk/>

We are committed to making sure those who work in the cultural sector are properly and fairly paid. Fees for artists and practitioners working in the cultural sector for projects funded by us should be in line with, or better than, recognised codes of practice and guidelines set by the relevant lead bodies.

When employing someone on a contract or freelance basis, you should agree the number of hours necessary to complete the

relevant activity, which should include research, development and planning as well as delivery. Fees and salaries for those aged 23 or over should match the National Living Wage as an absolute minimum. Fees and salaries for employees aged 22 or under vary but should match or be more than the National Minimum Wage.

When considering the budget for your application, you should make sure you can provide proper and fair payments to the artists and practitioners you will be working with. Applications which include touring should make sure that, as well as adequate fees, subsistence payments are in line with the relevant trade union agreements. We will generally not support applications from organisations that use artists and practitioners' time donated as 'in-kind' support.

Following a ruling by the **Office of Fair Trading** on competition law, we regret that we are not able to offer specific guidelines on rates of pay for artists from non-unionised areas of the sector. We would encourage you to find out and put in place best-practice guidelines and industry standards from the relevant bodies, a list of whom you can find in the **Useful Contacts (page 9)** section of this information sheet.

- **Office of Fair Trading:** <https://www.gov.uk/government/organisations/office-of-fair-trading>

The National Minimum Wage Act (1998) and the National Minimum Wage Regulations (1999) (as amended by the National Minimum Wage Regulations 1999 (Amendment) Regulations 2001) place obligations on all employers to pay their workers aged 23 or over at least the National Living Wage, if they are not in the first year of an apprenticeship, while The National Minimum Wage applies to those aged 22 and under. National Living and Minimum Wage rates apply across the

country, with no compulsory allowance for higher costs of living in the capital, so when deciding rates of pay you should consider the cost of living in a particular location and pay accordingly.

For up-to-date information on National Living and Minimum Wage rates, visit the **GOV.UK** and **Living Wage Foundation** websites. You can also call the **Acas helpline** or visit the **Acas Helpline Online** for advice about the National Minimum Wage or National Living Wage.

- **GOV.UK:** <https://www.gov.uk/national-minimum-wage>
- **Living Wage Foundation:** <https://www.livingwage.org.uk/calculation>
- **Acas helpline:** <https://www.gov.uk/pay-and-work-rights>
- **Acas Helpline Online:** <https://www.acas.org.uk/advice>

Working with volunteers

We recognise that there is great value in work experience where it is offered and arranged properly and where it benefits both the organisation and the individual. However, Work Experience should not be used as a way of trying to circumvent the National Living and Minimum Wage regulations.

We also understand the importance of the voluntary sector. Volunteers make an essential contribution to our cultural life. The relationship between a cultural organisation and its volunteers should benefit both the organisation and the volunteers. Volunteers should be respected, trained properly, and should not feel that they have to take on responsibilities that are beyond their experience.

For general information about working with volunteers, including legal duties you might have, please visit the websites of the

Museums Association or **Voluntary Arts**. The information and guidance provided on these websites applies to all organisations working with volunteers.

Information on volunteer management can be found on the National Council for Voluntary Organisations website **NCVO – Volunteer management**

You may also want to visit the **Creative and Cultural Skills** website. This website provides guidance on work placements and volunteers as well as internships and apprenticeships, including **best practice guidelines**.

- **Museums Association:** <https://www.museumsassociation.org/>
- **Voluntary Arts:** <https://www.creative-lives.org/>
- **NCVO – Volunteer management:** <https://www.ncvo.org.uk/practical-support/information/volunteer-management>
- **Creative and Cultural Skills:** <https://www.ccskills.org.uk/>
- **Best practice guidelines:** <https://ccs.rooftop.io/sites/413/2021/07/12152523/Best-Practice-Guide1.pdf>

Useful contacts

a-n The Artists Information Company – for visual artists

Head Office: High Bridge Works

31-39 High Bridge

Newcastle upon Tyne

NE1 1EW

Phone: 0300 330 0706

Email: membership@a-n.co.uk

Website: a-n.co.uk

BECTU – for technical staff

373–377 Clapham Road

London SW9 9BT

Phone: 0207 346 0900

Email: info@bectu.org.uk

Website: bectu.org.uk

CILIP (Chartered Institute of Library and Information Professionals) –

for libraries

7 Ridgmount Street

London WC1E 7AE

Phone: 0207 255 0500

Email: info@cilip.org.uk

Website: cilip.org.uk

Equity – for actors, singers and dancers

Guild House

Upper St Martins Lane

London WC2H 9EG

Phone: 0207 379 6000

Email: info@equity.org.uk

Website: equity.org.uk

Independent Theatre Council – for theatre practitioners

The Albany, Douglas Way

London SE8 4AG

Phone: 0207 403 1727

Email: admin@itc-arts.org

Website: itc-arts.org

Museums' Association – for museums

42 Clerkenwell Close

London EC1R 0AZ

Phone: 0207 566 7800

Email: info@museumsassociation.org

Website: museumsassociation.org

Musicians' Union – for musicians

Head Office: 30 Snowsfields

London SE1 3SU

Phone: 0207 582 5566

Email: membership@theMU.org

Website: musiciansunion.org.uk

Music Mark – for music education services and hubs

PO Box 800

Winchester, SO23 3RY

Phone: 020 3633 9863

Email: info@musicmark.org.uk

Website: musicmark.org.uk

Writers' Guild of Great Britain – for writers

134 Tooley Street

London SE1 2TU

Phone: 0207 833 0777

Email: admin@writersguild.org.uk

Website: writersguild.org.uk

Contact us

Telephone: 0161 934 4317

Email: enquiries@artscouncil.org.uk

Website: artscouncil.org.uk

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artscouncil.org.uk/access-support

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