

Who is in your crew - the small print

We hope that you enjoyed the event today and we wanted to give you some more information and contact details about the participants.

And there is more.

The more we take a joined up approach the more impact we will be able to achieve. As part of the BFI's and the Production Guild's future work and commitment to creating a more diverse, inclusive and representative industry we want to:

- Connect diverse talent with opportunities
- Provide knowledge and resources that the Industry needs and wants
- Create more inclusive networking and learning opportunities

In this leaflet, we have covered some key questions that regularly get asked as well as the directory of participants and their contact details.

Common Questions

What do I need to know about the law?

The underlying principle of the Equality Act 2010 (the Act) is that everyone should be treated fairly and have the opportunities to fulfil their potential. The Act prohibits discrimination based on nine 'protected characteristics': age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Act treats disabled people differently from those with other protected characteristics. **It is not unlawful to treat a disabled person more favourably than a non-disabled person because of their disability.** The Act does not cover social inclusion, carers or returnships, as protected characteristics, but these issues are of high importance in creating a more diverse industry.

You can read more about The Equality Act here:
www.gov.uk/guidance/equality-act-2010-guidance

Is it ever lawful to positively discriminate? No form of discrimination is ever considered lawful, however the following section explains what Positive Action is and how by taking Positive Action you can lawfully take steps to address under representation.

What is positive action? Two forms of positive action are permitted under the Act: general positive action to increase the talent pool, and specific measures such as a tie-breaker provision at the final stage of recruitment.

Positive Action is voluntary, not mandatory. It is permitted when you **reasonably think that a protected group is underrepresented or faces disadvantage**.

Some information or evidence will be required to show the existence of disadvantage or disproportionately low involvement– but not sophisticated statistical data or research. It may simply involve looking at the profiles of your contractors, or contacting the BFI for data relating to the wider industry. We would advocate taking Positive Action as part of your work in finding crew as we know the statistics bear out that there is significant under representation across our Industry.

Positive action

Positive action can be used to encourage applicants and develop the talent pool, provided it does not step over the boundary of treating a person more favourably during the process of recruiting or promoting staff because they have a protected characteristic. It can include, for example, reserving places for a protected group on training courses, targeting them for networking opportunities or providing mentoring and sponsorship programmes aimed at increasing representation at a particular level or in a type of role.

In general, the Act does not allow an employer to treat a person more favourably during the recruitment or promotion process because they have a protected characteristic, unless that person is disabled. The ‘tie-break provision’ is the only exception to this. Where there are two or more candidates who are equally qualified to be recruited or promoted, you can select a person because they are from a protected group which you reasonably think is under-represented or disadvantaged.

What is the Rooney rule?

There is often discussion about if the “Rooney rule” could be applied to the industry to try and diversify our workforce.

Under British law, places cannot be reserved on shortlists or guaranteed interviews offered to some people from certain protected groups (sometimes called the ‘Rooney Rule’ after the scheme running in the US), as this would unlawfully discriminate against others (unless the recruitment relates to a disabled person).

What can I do differently?

Top recruiter Badenoch & Clark have given this advice about freelance recruitment.

“We know that the danger in freelance is the same people moving around the same network working with the same people so, how about:

- Make sure you know what you want; is it technical skills? Is it initiative? How much experience is really needed. Think about what you want this role to deliver. Are you hiring for achievements on paper or potential?

- Question and challenge assumptions where you think you might have the chance to bring on new talent.
- Maximise the reach of your network and marketing - don't just stick to the networks you know, think about where else you could find talent. Networks and job opportunities are now often shared via social media. The BFI and the Production Guild can help you do this.

Cast the net more widely

If you usually find a team by ringing round people you know or have used before and feel you can trust to deliver, this practice may not only perpetuate a lack of diversity but might also amount to indirect discrimination against people with different protected characteristics, unless it can be justified.

Reduce the use of unpaid internships

Another common barrier is low-pay or no-pay internships. While internships can provide valuable industry experience to those at the start of their career, the use of unpaid internships disadvantages those who do not have independent financial resources or support.

Given the established links between socio-economic disadvantage and some ethnic minority groups and disabled people, this may rule out a higher proportion of potential interns from these groups and could amount to indirect discrimination. In addition, unpaid interns who are disabled cannot benefit from the Government's Access to Work scheme.

Ask for advice

The newly formed inclusion team at the BFI want to become the bridge to connect talent and opportunity. We will continue to work with all parts of the Industry to build a list of digital resources to help the Industry move forward. We would love to know what other information we can provide to support the British Film Industry to become more inclusive. So please get in touch with us. In addition, you can also contact the Production Guild and PACT for help and advice.

The Production Guild - e: pg@productionguild.com ; t: 01753 651767

BFI - Jen Smith, Head of Inclusion - e: inclusion@bfi.org.uk

www.bfi.org.uk/about-bfi/policy-strategy/diversity/diversity-standards

PACT - Anjani Patel, Head of Inclusion - e: anjani@pact.co.uk

diversity.pact.co.uk/tool-kit/schemes-.html

Common terms

Often when we talk about inclusion and opportunities to gain skills, there are abbreviations that are not often used more widely, or terms that require more explanation. Here are some of the more common ones.

BAME – This is an abbreviation for how Black, Asian, Minority Ethnic people might identify themselves on a data collection form, for example.

LGBT - This stands for Lesbian, Gay, Bisexual and Transgender. You may also see “Q” for queer or “I” added. **LGBTQI** stands for Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, and Intersex.

Social inclusion/mobility/class There are no formal shared definitions, but these terms refer to the ability of individuals, families or groups to move up or down the social ladder in a society, such as moving from low-income to middle-class. Social mobility is often used to describe changes in wealth, social standing or employment and education.

Reasonable adjustments Employers have a legal duty to take reasonable steps to remove barriers that put disabled workers at a disadvantage compared with those who are not disabled. This is the duty to make reasonable adjustments. Reasonable adjustments may involve amending practices or rules, such as shift patterns, or changing physical features such as steps or chairs, or providing additional aids such as an adapted keyboard.

Returnships are higher-level internships which act as a bridge back to key roles for experienced professionals who have taken an extended career break, such as maternity leave or becoming a carer. They are usually professionally-paid short-term employment contracts, with a strong possibility of an ongoing role at the end of the programme. Participants take on commercially significant work based on their skills, interests and prior experience, obtaining a supported route back to a professional role.

Apprenticeships are accredited programmes of working and learning and are used to provide skills to a new generation of workers. The apprentice undertakes a combination of on-the-job training with an employer and off-the-job training and learning with an education provider.

Internships An internship is a temporary position with an emphasis on on-the-job training rather than merely employment, and it can be paid or unpaid, however we would always advocate paid internships to enable the best talent to take the opportunity.

Work Experience This is typically unpaid experience for a few days or weeks, to gain understanding of an organization or industry.

You can find more information here: www.gov.uk/education/apprenticeships-traineeships-and-internships

The BFI Diversity Standards

We believe that the Diversity Standards are the best way to support the industry with diversifying what happens in front of and behind the camera. Projects applying for Lottery funding are asked to demonstrate how they will contribute to reducing under-representation of gender, gender identity, age (with a specific focus on 16-30 audiences), carers including working parents, disability, ethnicity, religion or belief, sexual orientation, regional participation (in terms of industry workforce and audience participation) and socio-economic inclusion.

Projects must meet the criteria of at least two of the following four sections. Projects satisfying the criteria of at least three sections are awarded with the Screen Diversity mark of good practice.

If you are not applying for funding from the BFI, but would like to know more about the Standards and how they might work on your production and would like to be assessed on an informal basis please contact Julia.brown@bfi.org.uk

The standards cover the following areas;

A: On-screen representation, themes and narratives

This section considers the representation and recognition of specific individuals, groups or storylines on screen. For example, does the project present characters or themes that are not frequently or represented on screen? Or does it offer a familiar story, character or theme from a new perspective? Are characters who are normally represented as stereotypes given complex and fully-rounded portrayals? Whose perspective is the narrative from and how does this affect how characters are portrayed?'

B: Creative practitioners and artistic leadership

This section looks at where artistic leadership is delivered by individuals from one or more of the under-represented groups pertaining to the protected characteristics and/or from socially excluded backgrounds. Does it introduce a new voice, or carry the potential to open doors that have historically been closed?

C: Industry access and opportunities

This is a required section for all BFI funded projects apart from Completion Funding and development funding.

It considers the value of the work experience and development opportunities offered. If possible, you should name the roles you would be looking to offer to trainees / apprentices, or the promotion being offered and you should indicate the under-represented group the candidate(s) belongs to.

D: Opportunities for audience development

A required category for festivals, distribution funds and other funded audience activities, and offers an additional category for feature film projects that have distributors attached. Considerations will include the nature of the programme or film, the audience it is aimed at and the intended long-term impact.

BAFTA AND FILM4

From 2019, any British film which is going to qualify for a BAFTA for the following two categories: Best British Debut and Best British Film, will have to demonstrate how they meet the Diversity Standards.

We are also pleased to be working with Film4 who adopted the BFI Diversity Standards in 2016.

What is the difference between targets and quotas?

The terms 'targets' and 'quotas' are sometimes used interchangeably. Targets are a voluntary and positive commitment to strive towards greater diversity and genuine inclusion. It is permissible to have targets for protected groups, backed by an open and fair recruitment process. Targets are now common for commissioners and on screen portrayal as well as workforce targets. Quotas are generally legally-binding commitments to achieve prescribed levels of participation by particular protected groups.

Data collection, why ask for diversity data?

Increasingly, people are asking for data about personal characteristics. The primary reason is often to be able to assess the demographics of the workforce and participants will always have the right to "prefer not to say". Data should never be attributed to an individual and it is always voluntary.

It is lawful to invite people to apply to be on a list or database which records individuals' personal characteristics, from which you draw employees, freelancers or on-screen talent.

It's also lawful for an employer to collate a database specifically for people who share protected characteristics - for example a database for ethnic minority production freelancers - provided that it is not used as the only method of selecting employees or candidates, unless there is an occupational requirement to do so.

Compiling, maintaining and using such a list or database is lawful provided that the requirements of the Data Protection Act 1998 (DPA) and Gender Recognition Act 2004 (GRA) are met.

The storage or processing of any data that enables a living person to be identified ('personal data') is regulated by the DPA. This includes holding their details on a computer or within a

filing system. Your organisation will need to be registered as a data controller with the Information Commissioner's Office (ICO).

What benefits will a more inclusive approach bring?

There are many benefits, but these

Recruit and retain the best - from the widest talent pool. A broader talent pool is your best opportunity to get the best possible crew for your film. Inclusion brings different ideas and perspectives; this is proven in broader business terms to give competitive advantages.

Build reputation –the best performing organisations are those that invest most on promoting inclusion and diversity in their workforce. It can also signal your understanding of and commitment to creating a more inclusive work environment.

Improve productivity –valuing and supporting everyone's individual contributions, enabling people to feel themselves also enables people to do their best work.

Avoid risk –compliance with the Equality Act 2010 avoids damaging and costly employment tribunals or negative publicity.

The BFI are building a fuller directory of organisations as part of their digital resources for the wider industry. You can contact in order to help diversify your crew. We have featured the contact details from the participants today.

Contacts from this event

The BFI Film Academy - bfi.org.uk; e: filmacademy@bfi.org.uk

Open to young people from anywhere in the UK and from any background, the BFI Film Academy offers a real chance for talented 16-19-year-olds to develop new skills and build a career in the film industry.

Four Corners - fourcornersfilm.co.uk ; e: info@fourcornersfilm.co.uk

Four Corners is a learning, production and exhibition centre for film and photography. They support new talent to established practitioners, enabling work that challenges and inspires.

Iconic Steps - iconicsteps.co.uk ; e: info@iconicsteps.co.uk

Iconic Steps produce high-quality videos for companies, and they work with young people to achieve their personal and professional goals using film as a medium. Their programme includes free courses in Documentary, Music Video and Advertising open to 16-25 years old.

MAMA Youth Project - mamayouthproject.org.uk ; e: info@mamayouthproject.org.uk

MAMA Youth Project (MYP) aims to equip young people from 18-25 years of age with the skills and experience to secure long-term, fulfilling employment in the TV and media

industry. They particularly focus on young people from under-represented groups and those with limited educational or employment opportunities, including unemployed graduates.

Modern Tales - moderntales.co.uk ; e: info@moderntales.co.uk

Modern Tales is a professional development initiative created by Bushfire Digital and Script Cube for emerging BAME, female and disabled filmmakers. The programme supports writers, directors and producers in the development of long form dramatic fiction.

TriForce Creative Network - thetcn.com

TriForce Creative Network was built on a strong ethos of inclusion and access, opening doors to the industry to people from all walks of life and providing a trusted and viable avenue for the industry to discover diverse talent.

The Film Crew - thefilmcrewuk.com ; e: thefilmcrewuk@gmail.com

The Film Crew is a film and TV career development programme for learners at college studying trades based vocational courses. Improving access into film & TV industry by matching college students with film crew professionals.

Reel Angels: reelangels.tv ; e: creative@reelangels.tv

Reel Angels Agency specialises in representing a broad and diverse range of female film, TV and event technical crew across the UK.