



creative
& cultural
skills

Internships in the arts



A guide for arts organisations

Contents

1	What is an internship?	5
2	What are my legal obligations as an employer?	7
3	How can I build a high-quality internship?	10
4	Where can I get more help?	15

Foreword



In [Achieving great art for everyone](#), the Arts Council's 10-year framework for the arts, we set out our long-term goal of creating a diverse and highly skilled arts workforce. To achieve this aim we need to make sure that working in the arts is seen as a sustainable, long-term career for people of all backgrounds.

The issue of internships has been debated in the arts for some years and I hope these guidelines help to clarify the legal obligations of arts organisations offering these opportunities. The Arts Council absolutely recognises the mutual benefits of a well-planned internship for both individuals interested in a career in the arts and arts organisations themselves, but we want to set out the responsibilities employers have when offering this kind of position.

We're determined to open employment opportunities in the arts to all, steadfast in our belief that the arts will benefit in the long term from the new ideas and perspectives that a more diverse arts workforce will bring. Well-planned, paid internships have a role to play in bringing about this change by helping people from all backgrounds gain experience of working in the arts. I hope these guidelines will support arts organisations in working towards offering these kinds of high-quality employment opportunities to a new generation of future arts leaders.

Alan Davey, Chief Executive, Arts Council England



Creative & Cultural Skills is committed to opening up entry routes into the creative and cultural industries – the sector can only grow if it has access to the widest possible pool of talent. We started our work in this area by creating the first-ever apprenticeships for the creative sector, developed with employers and arts organisations to meet the need for specific skills. Through this work, we realised how reliant the creative sector is on unpaid labour, how important first-hand work experience is, and what the demand is from young people for jobs.

These guidelines do not seek to preach – we understand that circumstances are difficult, and we can't expect cultural change overnight when it comes to recruitment practices. However, we do believe it's vital that employers in the creative sector are fully aware of their legal obligations in this area. We hope that valuable, accessible opportunities will start to become the norm, and that employers will see tangible benefits in return.

It has recently been said that youth unemployment has become 'structural' in the UK. It is becoming increasingly urgent to treat our young people fairly as they attempt to find work. Please read these guidelines carefully and take whatever action you need to in response – as soon as possible.

Catherine Large, Joint Chief Executive, Creative & Cultural Skills

1 What is an internship?

We all know that internships are a popular, well-established way to get into the arts. A good first experience can set the scene for a successful and varied career in a range of roles, while the host organisation benefits from the passion and talent of someone with a completely fresh approach.

There is no formal, legal definition of an internship. However, for the purposes of these guidelines, we define an internship in the following ways:

- it is short term (ideally between two weeks and six months)
- where the intern fulfils 'worker status' through the activities they undertake and their contractual relationship with their employer, it is a paid position (see Section 2)
- while many interns have knowledge or skills in a relevant area, the internship should be either their first experience of a particular sector or role, or the 'next step' on from, for example, a volunteering role
- the intern is expected to contribute to the work of the organisation, rather than taking on a purely shadowing role
- an intern should be provided with a defined role and job title

'Today's interns are tomorrow's arts sector workforce. Tate aspires to have a diverse workforce, drawn from the widest possible talent pool, including people from all backgrounds and sections of society. We recognise that internships are a valuable learning and development opportunity for those aspiring to a career in the arts sector. That is why Tate will be taking significant steps over the next year to ensure that internship opportunities are open to all, that they are offered in a fair and accessible way, and that financial barriers do not deter talented people. We will seek to recruit those with the most potential and who will benefit the most from the placement.' **Sir Nicholas Serota, Director, Tate**

Offering internships brings with it certain responsibilities for the employer (see Section 2), which can sometimes cause confusion. You should only consider offering an internship in order to provide a genuine career development opportunity that is of mutual benefit.

For the purposes of these guidelines, an internship is not:

- **volunteering** – volunteers are not entitled to payment or benefits in kind, and are not classified as workers. There should be no contractual obligations between the volunteer and the arts organisation
- **voluntary work** – voluntary workers are specifically defined in legislation and are not entitled to the minimum wage. They work for a charity, voluntary organisation, associated fundraising body or statutory body. They receive no monetary payments and only limited and specified benefits
- **student placement** – unpaid work undertaken by someone in education as a required part of their course, with reasonable expenses paid
- **an apprenticeship** – any formal apprenticeship programme (including the government's apprenticeship scheme) offered by an employer. Apprentices are entitled to a special apprenticeship minimum wage (see Section 2)
- **a traineeship** – a formal training programme offered by an employer or training provider, with an emphasis on practical training. While a traineeship is often a more formalised structure than other forms of work experience (for example, it may be endorsed and promoted by a specific industry association), the difference between a traineeship and an internship is often purely down to the vocabulary that the employer chooses to use
- **work experience** – generally aimed at young people of school age in Years 10 and 11. A work experience placement is usually brief (one or two weeks) and provides an opportunity for young people to gain experience of working in a particular industry or sector

Changing the name of an internship does not change the law. If at any time the relationship of a volunteer, voluntary worker, student on placement, trainee or work experience student, with their employer puts them into the 'worker status' category outlined in Section 2, then national minimum wage legislation applies.

If you need tailored guidance about your obligations in these areas, you can contact the Pay and Work Rights Helpline on 0800 917 2368.

2 What are my legal obligations as an employer?

While there is no legal definition of an ‘intern’, we would expect most to have a clear set of objectives, a specific role and formal duties, and to be expected to help the arts organisation to achieve its aims.

As such, the majority of interns (as defined by these guidelines) would most likely be classified as a ‘worker’ for the purposes of the National Minimum Wage Act 1998 and its associated regulations.

A ‘worker’ is anyone who has either: a) a contract of employment, or b) any other contract (written or implied) in which they agree to carry out personally any work or services for another party – except where this party is a customer or client.

The national minimum wage does not apply to the genuinely self-employed. However, asking your interns (or anyone else) to become self-employed workers, with you as their client, to avoid paying the national minimum wage will not make them exempt from the legislation if they fulfil the conditions of ‘worker’ status.

‘BASCA’s intern programme has proven successful both for the students coming to us and as a measurable benefit to our business. We currently employ two individuals for two days per week throughout the year, paying the national minimum wage. We have gained the use of appropriately knowledgeable and enthusiastic young people and in turn they have gained invaluable experience working for a music business. It has worked so well that our first intern is now our membership manager.’ **Vick Bain, Chief Operating Officer, British Academy of Songwriters, Composers and Authors (BASCA)**

You **must** pay an individual with 'worker' status at least the full national minimum wage for their age range. The exceptions to this rule are:

- where their time with you consists entirely of shadowing an existing member of staff (which would count neither as an internship as defined by these guidelines, nor as 'work' under the National Minimum Wage Act)
- where students currently in further or higher education undertake an internship as a required part of their course, as long as it does not last more than one year. However, students undertaking internships outside of their course (for example, in their holidays) are entitled to the national minimum wage if they fulfil 'worker' status, just as with any other individual
- where you are employing the individual as part of certain government training schemes or European programmes (see www.businesslink.gov.uk for more details)

An individual with 'worker' status is also protected by all other legislation relating to employees, including the Working Time Regulations, Health & Safety law and rules around Statutory Sick Pay.

National minimum wage explained

The age of your intern will determine the minimum hourly rate that they are entitled to receive:

- workers aged 21 years or over: **£6.08** per hour (from October 2011)
- workers aged 18 to 20 inclusive: **£4.98** per hour (October 2011)
- workers aged under 18 (but above compulsory school age): **£3.68** per hour (from October 2011)
- apprentices under 19, or 19 or over and in the first year of their apprenticeship: **£2.60** per hour (from October 2011)
- apprentices over 19 who are not in the first year of their apprenticeship are entitled to the national minimum wage for their age bracket

These rates are reviewed annually by the government; up-to-date rates can be found at www.direct.gov.uk. You need to keep records of your national minimum wage payments for at least three years.

We also encourage organisations offering internships in London to pay the London Living Wage, which is £8.30 per hour (in 2011). You can find more information on this at www.london.gov.uk.

What happens if I don't adhere to national minimum wage legislation?

Any intern who satisfies the conditions of 'worker status' but has not been paid the national minimum wage is entitled to pursue a claim at an employment tribunal. For example, in November 2009, Reading Employment Tribunal ruled that Nicola Vetta, a film production intern who received expenses only, was classed as a 'worker' and won her wages in arrears. In May 2011, Keri Hudson, a web journalism intern, won five weeks' pay from a Central London Employment Tribunal for the same reason.

HM Revenue & Customs is entitled to carry out inspections of your business at any time. In addition to having to pay your interns in arrears, you might also be required to pay backdated tax and national insurance, plus a financial penalty. Failure to pay tax and national insurance arrears and any associated financial penalties is a criminal offence. HMRC is able to investigate complaints up to six years after the date of alleged underpayment. In 2011 HMRC is carrying out a targeted enforcement campaign in sectors in which internships are common.

From 1 January 2011, if you are caught flouting national minimum wage law you can be named in a press release issued by the Department for Business, Innovation and Skills (BIS). The full details of this scheme can be found at www.bis.gov.uk/assets/biscore/employment-matters/docs/n/11-529-national-minimum-wage-enforcement-prosecutions.

If you're at all concerned or confused about whether your interns should be paid the national minimum wage, the Pay and Work Rights Helpline can help (0800 917 2368 or <https://payandworkrights.direct.gov.uk>).

'Internships are a fantastic way for individuals to gain an understanding of how an organisation works and get experience within a sector. However, it is not a one-way process, and there is a lot an organisation can learn from engaging an intern and having a different perspective.' **Teresa Meek, Human Resources Manager, Youth Music**

3 How can I build a high-quality internship?

Planning

Put in place a specific policy for the recruitment, activity and assessment of interns in your organisation. It's useful to put this together with input from all levels of the organisation, including your HR department, if you have one. This means that interns are more likely to feel welcomed by all.

The policy should state clearly the circumstances in which you might take on an intern, how they can expect to be treated, and what you expect from them. You need to put a consistent contract in place, which will protect both you and your interns.

Recruitment

Make sure your recruitment practice is fair, open and transparent. Advertise the job description and all of the documents openly and in a range of relevant places. [Artsjobs.org.uk](https://www.artsjobs.org.uk), [Artsjobfinder.co.uk](https://www.artsjobfinder.co.uk), [Graduatetalentpool.direct.gov.uk](https://www.graduatetalentpool.direct.gov.uk), Jobcentre Plus and your local press are good places to start.

Ensure that your recruitment practices promote equal opportunities, and that you treat applicants of all ages, backgrounds and disabilities equally. It's a good idea to make sure your internship policy (or your wider recruitment policy) covers how you might adapt your

'Recruiting individuals who are new to the sector for short-term paid opportunities can be great fun. We include group exercises, 'selling' activities and science quizzes in our open recruitment days – whatever gives the candidates a taste of the role and lets the recruiters see them in action.' **Catherine Price, HR Manager, Thinktank, Birmingham Science Museum**

workplace for any needs the intern might have (such as an adapted keyboard, wheelchair access, or flexible working arrangements).

For help with interviewing practices and more employment relations advice, see the Advisory, Conciliation and Arbitration Service (ACAS) website at: www.acas.org.uk/index.aspx?articleid=751.

Before the intern starts

You should always have a written contract in place, defining the intern's working hours, the length of the internship, the intern's goals and their obligations.

Plan in advance any training the intern will require for their role. Share this plan with them on their first day. The training should include a health and safety induction tailored to your workplace (particularly if your organisation works in live events or deals with machinery). You should also put together a work plan, and discuss this with the intern before they start work.

Management and assessment

Assign your intern a line manager of an appropriate level and with the right skills and experience. This manager should be in a position to advise and support the intern throughout

'Our first internship programme has been a real success. This is a direct result of having involved the intern in as many areas of the business as possible and learning where their strengths lie. We also ensure that our interns are accepted as important team members, have the opportunity to express themselves as much as possible, and that there are regular feedback sessions (formal and informal) in order to establish whether our intern is enjoying the experience and benefitting from their time at Hide&Seek.'

'Treating our interns properly as a sector will mean that we have more sustainable recruitment processes and salary structures, which can only be a good thing. At Hide&Seek we benefit from the talent and loyalty of young people who truly become part of the team.' **Andrew Birley, General Manager, Hide&Seek**

their time at your organisation. They might themselves require management training in order to undertake this role.

You should offer your intern a performance appraisal at the end of their internship, looking at what went well and what didn't go so well (this can also inform your future internship policy). Depending on the length of the internship, you should also consider offering one or more mid-term performance appraisals.

Make sure that your plans for the end of the internship are stated clearly from the beginning wherever possible. For example, if there may be a chance of recruiting the intern on a permanent basis following their internship, be clear and transparent about the assessment criteria on which this decision will be made. Never knowingly mislead an intern. If you know it won't be possible to keep them on following their internship, then outline your plans for providing the intern with recommendations or helping them to look for vacancies.

How can we help our interns once they finish their time with us?

The best outcome for both the intern and the employer may be an offer of permanent or longer-term work. You should note that the promise of paid work on completion of an internship is a form of reward for work undertaken. This would imply a worker relationship, meaning that the individual would be entitled to at least the national minimum wage for the entire time they worked at the organisation.

If it is not possible to offer permanent work following an internship, there is still plenty you can do to help your interns. For example, you could offer to help them tidy up their CV, or signpost organisations or job websites that you think would interest them. You could even offer to take on a mentoring role in the long term to help guide them through the early stages of their career.

Checklist for creative and cultural employers taking on interns

- ✓ However small your business, put in place an internship and equal opportunities policy. Seek buy-in from all levels of the organisation
- ✓ Make sure you are adhering to employment law on work rights and pay (if you need more tailored advice, call the Pay and Work Rights Helpline on 0800 917 2368)

- ✓ Be honest about the type of activities you are planning to ask the intern to do – changing the name of a work placement does not change someone's worker status
- ✓ Always advertise your internships openly and transparently
- ✓ Interns (as defined by these guidelines) should always be provided with a written contract of employment
- ✓ Assign your interns a line manager and follow the management tips outlined in this guide
- ✓ Always include a health and safety risk assessment in your preparations, and in the intern's induction
- ✓ Make sure you have adequate insurance cover, including Employer's Liability and Public Liability insurance

For a more detailed checklist covering a greater range of management elements, see the Skillset, Creative & Cultural Skills and Arts Council England Guidelines, which covers a broader range of types of work experience placements: http://www.skillset.org/companies/your_staff/placements/article_7670_1.asp.

Sample internship recruitment advert – what not to do

Although it is not illegal to advertise for any position in any particular way, here is an example of poor practice that you should avoid:

ZYX Theatre Company is desperately short staffed. It has recently been successful in a grant application to perform a new work by an emerging playwright. However, its budget is limited. It decides to bring on an extra pair of hands to assist with marketing and communications – they need someone to help hand out flyers and other promotional materials and to be a general assistant to the marketing officer. They decide to place the following advert on the Arts Jobs website:

'ZYX is seeking an intern for four months to assist with marketing its amazing new production by P Laywright. We are a small company with big prospects and this role would suit a young graduate with recent experience of working in theatres. If you want to learn about working for a ground-breaking theatre company, this role is for you. It is an unpaid position, but we will reimburse you for expenses, provide you with lunch and four free tickets to a performance of your choice.'

Sample internship recruitment advert – what to do

Here is an example of good practice that these guidelines suggest is used as a basis for your internship recruitment process:

XYZ Theatre has been developing its education and outreach programme. It has raised funds, employed a project team and is ready to start work.

The board believes that the team could benefit from the knowledge, enthusiasm and perspective of a recent drama graduate to help engage their local community.

The board agrees to place an advert at the local university, in local papers and on the Arts Jobs website, along the following lines:

'XYZ Theatre Company is seeking a recent drama or performing arts graduate to act as an intern for its Education & Outreach Programme. The internship will be for three months, with an option to extend for a further three months. This is an exciting opportunity to be part of a new project working with the local community. The intern will be an integral member of the project team and will be involved in all aspects of the project. Supervision and support will be provided. The intern will be expected to work a maximum of 40 hours a week, which may involve some evening and weekend work. In return, we will pay a salary of up to £240 per week. Successful candidates will be subject to a CRB check before they can commence work. For a role description, details on how to apply and more information about XYZ Theatre, please visit our website...'

'Southbank Centre is committed to offering internships in selected teams to help develop those who are seeking a career in the arts sector. We welcome these guidelines and, in keeping with the recommendations, will be looking to make our internships more accessible, in order to enable a wider and more diverse pool of candidates to apply for these opportunities.' **Alan Bishop, Chief Executive of Southbank Centre**

4 Where can I get more help?

Pay and Work Rights Helpline: 0800 917 2368 (8am to 8pm, Monday to Friday and 9am to 1pm Saturday)

BusinessLink: National minimum wage

www.businesslink.gov.uk/bdotg/action/layer?r.l1=1073858787&r.l2=1084822773&rs=tl&topicId=1081657912

Guidelines for Employers Offering Work Experience in the Creative Industries (covering volunteering, work experience, internships, apprenticeships and traineeships)

www.skillset.org/companies/your_staff/placements/article_7670_1.asp

London Centre for Arts & Cultural Exchange – Work Placement Toolkit

www.lcace.org.uk/publications/2008/work-placement-toolkit.html

Internships that work – a guide for employers

(Chartered Institute for Personnel and Development)

www.cipd.co.uk/publicpolicy/_internships-that-work.htm

Work placements in the arts and cultural sector: diversity, equality and access (Equality Challenge Unit, 2010)

www.ecu.ac.uk/publications/files/work-placements-in-the-arts-and-cultural-sector.pdf/view

Background reading

National Minimum Wage Act 1998

www.legislation.gov.uk/ukpga/1998/39/contents

Chartered Institute of Personnel and Development (CIPD) Internship Charter

www.cipd.co.uk/publicpolicy/_promoting-productive-internships-internship-charter.htm

Why interns need a fair wage (IPPR, 2010)

www.ippr.org/publicationsandreports/publication.asp?id=765

Emerging Workers (The Arts Group, 2010)

www.artsgroup.org.uk/2010/01/emerging-workers-report-launch

Are You Free? Policy Paper (Intern Aware, 2010)

www.internaware.org/the-problem

Disconnected – Social Mobility and the Creative Industries (Social Market Foundation, 2010)

www.smf.co.uk/disconnected-social-mobility-and-the-creative-industries.html

Unleashing Aspiration: The Final Report of the Panel on Fair Access to the Professions (2009)

www.bis.gov.uk/policies/higher-education/access-to-professions/panel-on-fair-access-professions

Unleashing Aspiration: The Government Response to the Final Report of the Panel on Fair Access to the Professions (2010)

<http://webarchive.nationalarchives.gov.uk/20100407162311/interactive.bis.gov.uk/unleashingaspiration>

Key organisations and campaigns

Actors' Minimum Wage – a blog following national minimum wage news in the performing arts

<http://actorsminimumwage.wordpress.com>

The Chartered Institute of Personnel and Development – the professional body for HR and development

www.cipd.co.uk

Gateways to the Professions Internship Code of Practice

www.bis.gov.uk/policies/higher-education/access-to-professions/gateways-to-professions

Interns Anonymous – an online forum for interns

<http://internsanonymous.co.uk>

Intern Aware – a campaign focusing on fair access to internships

www.internaware.org

Internocracy – a social enterprise that aims to work with employers to set up and run their internship programmes effectively (London only)

www.internocracy.org

National Council for Work Experience – promoting, supporting and developing quality work experience for the benefit of students, organisations and the economy

www.work-experience.org

The Arts Group – a student mission group for arts students across the UK

www.artsgroup.org.uk

Arts Council England

14 Great Peter Street

London SW1P 3NQ

Telephone: 0845 300 6200

Email: enquiries@artscouncil.org.uk

Textphone: 020 7973 6564

www.artscouncil.org.uk

Charity registration no 1036733

To download this publication, or for the full list of Arts Council England publications and details of how to order them, see

www.artscouncil.org.uk

© Arts Council England and Creative & Cultural Skills, 2011

Written by Creative & Cultural Skills
on behalf of Arts Council England.

Acknowledgement: this publication is the result of the generous advice and thoughtful and expert contributions of many people working in the arts. Thank you to all.

ISBN: 978-0-7287-1508-0