Resource:

How to commission freelancers in a fair, inclusive and transparent way

This resource was produced in partnership with Museum Freelance. It provides advice on fairly and transparently commissioning freelancers for projects in your museum.

Why should you aim to commission freelancers in a fair, inclusive and transparent way?

- This is best practice and fundamental to developing a museum and a sector that are relevant and representative of all society;
- It will ensure that the procurement process is well thought through;
- You should get a bigger volume and range of relevant and quality responses to choose from;
- It will increase the likelihood of you finding a freelancer whose values and approach align with those you are looking for;
- It demonstrates respect for freelancers who commit a lot of unpaid time to apply for work.

What does this look like?

Whilst there is a degree of overlap between these three elements, below are examples of how to make the procurement process **fair, inclusive** and **transparen**t. See also our guide on 'How to write an effective freelance brief'.

Fair:

- Don't expect freelancers to provide something for free as part of their application, which you should in fact pay for (e.g. draft logo designs for your organisation).
- The application requirements should be proportional to the scope and budget of the project.
- Ensure the project is genuinely a freelance opportunity, and should not actually be classified as a PAYE employed position on your payroll. HMRC has a quiz you can take to help you determine what kind of role it is.
- Freelance briefs must have a clear closing date which you adhere to. If the closing date is extended, the extension and the reasons for it should be clearly communicated to existing applicants.
- Do not undertake a tendering process if you already know who you want to work with as that will waste everybody's time.
- Budgets should also be commensurate with the required expertise, experience and demands of the work. See also the guide on 'How to write an effective freelance brief' for more details on day rates.

Top tips:

- **This resource is correct at time of writing, March 2021. Organisations are responsible for ensuring they comply with relevant and up-to-date guidance.**

- **Find out more about working with freelancers at Museum Freelance.**

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Inclusive and accessible:

- As there is no single comprehensive site which all freelancers access to find opportunities, aim to share the brief widely in a range of places (see below).
- Allow a minimum of two weeks (ideally longer) between sharing the brief and the deadline for responses, and avoid key holidays such as Christmas when many freelancers are likely to have planned to take time off and your team are likely to be unavailable to answer queries from them.
- Ensure you ask for specific criteria only where necessary, for example:
  - Only ask for particular qualifications or professional memberships if a project requires it, and give freelancers the opportunity to demonstrate equivalent experience as well;
  - Consider being open to case studies and references from employed positions, not just freelance work.
- Set appropriate budgets for work which provide freelancers with an adequate day rate – poor rates of pay exploit freelancers who end up providing input more in a voluntary capacity, and exacerbate the lack of diversity in the sector.
- Consider accepting joint applications from a team of freelancers, sometimes called collectives.
- Take positive steps to remove barriers applicants may face because of a disability – the Equality Act 2010 covers your duty to make reasonable adjustments. For example, accept different methods of applications which might work better for neurodivergent people; be open to freelancers who are supported by the Access to Work scheme. ACAS, the CIPD and the Disability Collaborative Network have more information and examples around this.
- Consider undertaking interviews using an online video platform rather than in-person, or pay shortlisted freelancers travel expenses to attend the interview.

- Reduce unconscious bias in your procurement process – aim to identify and understand what prejudices there may be in the procurement team and process. For example: check the language used in the brief and whether your specification unnecessarily excludes people from applying; standardise and structure the process; involve several people in shortlisting and interviewing; have clear assessment criteria.

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Transparent:

- Ideally include the budget for the project, or at least a budget range or maximum in your brief.
- Share your brief in public in a range of places (see below).
- Make contact details available for applicants to ask questions about the brief, and answer questions promptly.
- Be clear on what essential criteria you are looking for and what whether there is anything else that you would consider desirable or that would add value.
- Be clear about your selection criteria and how you will make a decision about shortlisting and appointment.
- Provide a date by which all applicants will be notified, and contact all applicants about whether they have been shortlisted or appointed or not.
- Provide meaningful feedback to shortlisted freelancers that were not successful.
- Keep records of your procurement processes, decision criteria and decisions made for your own records. Funders such as Arts Council England and the National Lottery Heritage Fund may also wish to inspect and see proof of your contract appointment and competitive tendering procedures.

Where can you share a freelance brief?

Key places include:

- University of Leicester Museums Studies Jobs Desk
- Arts Council England jobs site
- The Visitor Studies Group JISCMail
- The Museums Computer Group JISCMail
- The GEM JISCMail
- The Archives-NRA JISCMail list
- Via the regional museum development organisations
- Arts Marketing Association
- Culture Briefs
- Procurement portals such as Contracts Finder
- On LinkedIn and Twitter (tag @MuseumFreelance).

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Should you always go out to public tender?

Always ensure you comply with your own organisation's procurement guidelines, as well as requirements of any funders' or local authority requirements if applicable. If you are a Public Body grantee or your project is subject to Public Procurement legislation, you must follow the relevant legislation.

For example, as of February 2021, the National Lottery Heritage Fund requires at least three competitive tenders/quotes for services worth more than £10,000, and a competitive tendering process for services worth more than £50,000. Some local authorities have much smaller caps than these.

Whilst an open tendering process will give more freelancers the opportunity to apply and you are likely to get a bigger and wider field of applicants to choose from, sometimes you may feel it is more appropriate to contact a smaller number of freelancers directly and ask them to respond. For example if:

- It is a small project;
- The timescales are very tight and you need a quick start;
- The project is very sensitive;
- There are economies of scale or it is more efficient for a freelancer who has previously undertaken work for you to take the project on.

How can you find freelancers?

Here are some tips on how to find freelancers to approach for quotes:

- Ask for recommendations:
    - from colleagues, trustees, volunteers
    - on LinkedIn and/or Twitter
    - from South West Museum Development
    - from your funder
    - from other freelancers;
- Undertake online searches – on search engines and/or LinkedIn;
- Find out who has delivered work you like for other organisations;
- Look on relevant freelancer directories such as:
    - Arts Marketing Association's freelancer directory
    - GEM's list of suppliers
    - Visitor Studies Group
    - Museums Association's Find a Supplier (their commercial members)
    - Association of Independent Museums (AIM) Suppliers Directory (see also the AIM Directory in the back of AIM's newsletters)
    - Arts Professional's Arts Services Directory.

Definitions

This guide refers specifically to freelancers, but the advice provided is also relevant to commissioning and working with consultants, agencies and other suppliers of services.

The terms 'freelancer' and 'consultant' are often used interchangeably by those individuals and organisations that appoint them – both are independent, working with multiple organisations and self-employed, responsible for their own tax and National Insurance through the self-assessment process. However, a freelancer is generally paid for a specific deliverable (e.g. write interpretation copy, run a family workshop) whilst a consultant's role is to provide professional or expert advice (e.g. develop a fundraising strategy, advise on governance models).

Glossary

- **Brief:** a formal, written outline of the work you are commissioning.

- **Contract:** a legal document that states and explains the work agreed and terms and conditions for both parties.

- **Consultant:** an independent providing professional or expert advice.

- **Force majeure:** force majeure events are usually defined as acts, events or circumstances beyond the control of the parties, such as natural disasters. Force majeure clauses are contractual clauses which alter parties' obligations and/or liabilities under a contract when an extraordinary event occurs beyond their control.

- **Freelancer:** independent self-employed individual, generally paid for a specific deliverable.

- **HMRC:** Her Majesty's Revenue and Customs.

- **ICO:** Information Commissioner's Office.

- **PAYE:** Pay as You Earn, a system of paying income tax and national insurance contributions. An employer deducts tax and national insurance contributions from employee wages before payment.

- **Procurement Portal:** a tool that organisations use to bring their purchasing processes online. Freelancers and consultants can register on procurement portals to access information about briefs and tenders, or submit proposals.

- **Professional Indemnity Insurance:** a commercial policy designed to protect the self-employed if clients claim a service is inadequate. If disagreements occur, professional indemnity insurance covers the cost of putting things right and any legal fees arising.

- **Project creep (also known as 'scope creep'):** when the timeline of a piece of work extends beyond the agreed scope and/or the required deliverables increase, usually caused by client delays or changing requirements.

- **Proposal:** a response a freelancer or consultant puts together in response to a brief or tender.

- **Tender:** an invitation to bid for a project (also known as ITT, an 'invitation to tender').

- **UK GDPR:** UK General Data Protection Regulations.

- **VAT:** Value Added Tax.

Supported using public funding by
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