



## **Equity response to the Ofcom call for evidence: Review of Regional TV Production and Programming Guidance**

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Equity is the trade union representing over 43,000 people working in the UK's film, television, theatre, dance, variety and music industries. Our membership includes actors, singers, dancers, stage managers, circus artists, theatre directors and many other performers and creative workers. We also have over 5000 student members who are currently training at accredited drama schools and other recognised higher education institutions.

We welcome this call for evidence and hope to be able to contribute constructively to the improvement of the guidance for regional productions. Equity's observations and evidence largely relate to the section of the call for evidence headed *On-screen representation and portrayal of the nations and regions* (paragraph 4.26 to paragraph 4.29) and question 31:

*We would be interested in receiving evidence or case studies from stakeholders which could develop our understanding of the contribution that regional productions currently make to representation and portrayal of the nations and regions in order to gain a sense of the scale of the consequential benefit.*

Equity believes that the regulatory conditions for regional productions could be improved by incorporating measures to take into account local casting. On-screen talent is currently excluded from the criteria for a production to qualify as 'regional', which includes productions that are currently badged as being produced in one of the UK's Nations.

There is a pressing need to ensure that opportunities are opened up to local talent. Equity has been campaigning for many years to encourage broadcasters to undertake more local casting and to encourage Ofcom to consult with stakeholders about an appropriate inclusion of on-screen talent in its definition of an Out of London production.

Reform of Ofcom's regional production guidance was the subject of motions that were put to Equity's Annual Representative Conference in 2009, 2013, 2017 and 2018. The latest motion, put forward by the union's members in Northern Ireland is included below:

### *MOTION 47: Northern Ireland Annual General Meeting*

*The use of local front-of-camera talent is essential if TV drama series want to be considered as "out of London" productions. At the moment, Ofcom has a ludicrous definition of a regional (out of London) production that specifically excludes front of camera talent or expenditure. This ARC urges Council to lobby Ofcom to redress this situation by seeking to have the expenditure on front-of-camera talent included in their definition of where a television production comes from.*

Film and television production is heavily concentrated in London and the South East, with notable declines in production having taken place during recent years in areas such as the North East of England, East Anglia and the Midlands. Equity members based in the UK's nations and regions tell us that they often struggle to find enough opportunities to sustain a career, particularly those from working class backgrounds. The recently published Panic! Report found that just over 18% of people working as performers, visual artists or musicians come from working class backgrounds, compared to a third on average for the whole workforce population. The rising cost of living in London, combined with housing shortages in the capital and welfare cuts have also led to a decline in the physical and social mobility of the performer workforce.

In response Equity has campaigned for more investment in television and film production in the nations and regions of the UK so that a greater proportion of production employment, including performer employment, is made available across the UK. Equity has supported the investments made by broadcasters including the BBC and Channel 4 to increase spending on production in the UK's nations and regions, particularly drama, comedy and entertainment programming.

Local casting, which should be a key component of regional production, is however sadly lacking. Often a programme is labelled 'BBC Northern Ireland', 'BBC Scotland' or 'BBC Wales' but in reality there are few – if any – opportunities for performers in the Nations to appear in them. Two recent series produced in Wales demonstrate this problem:

In the case of *Requiem* Equity undertook some initial research into the core cast, i.e. those characters that appeared in more than four episodes of the six part series. It was found that over 75% percent of the actors engaged are based outside of Wales. When we look anecdotally at the opportunities offered through Wales based agents to Wales based actors on this production, we find that there were limited casting opportunities offered, with minimal success, and when they did have to attend casting sessions with the producers and casting director they had to travel to London to audition. Some were auditioned in Cardiff and some were asked to submit 'Self taped' auditions for consideration but again there was minimal if any, success for these individuals in the process.

When we undertake the same exercise on *Kiri* and characters appearing in more than two episodes of the four part series, 100% of actors were found to be based outside of Wales. Equity is told anecdotally by Wales based agents that almost none of their Wales based clients were invited to casting by the Casting Director on this production.

Recruitment practices in the performing arts are often built around personal relationships, subjective judgements and networking. During the last three years a working party of Equity members has been examining ways to increase fairness and opportunities in the casting process. This work has been undertaken in partnership with the Personal Managers Association, the Cooperative Personal Managers Association and the Casting Directors Guild. Coming out of these discussions, Equity's Manifesto for Casting seeks to widen the net and open up opportunities for all parties: performers, casting directors, agents and producers. Our industries will only thrive by attracting and retaining professional talent,

regardless of background or circumstances, to meet the ever growing demands for audio and audio-visual creative content on stage, on screen, online and on demand.

The key recommendations of Manifesto for Casting are:

- Requiring performers to be paid for attending multiple auditions
- Requiring all casting spaces to be accessible and for reasonable adjustments to be made to the audition process to ensure access for all performers.
- Encouraging casting of local talent when productions take place in the UK's nations and regions
- Promoting incidental casting
- Widening the net to talent represented by smaller/boutique and cooperative agencies
- Providing appropriate lead time to enable performers – particularly those with caring and other responsibilities

The Manifesto aims to give all talented performers a chance to excel, regardless of their age, gender, ethnicity, sexuality or socioeconomic background. It also underscores that actors should not be forced to move to London to pursue their careers, or give up their ambitions when they assume caring responsibilities.

The Casting Directors Guild code of conduct, launched January 2018, echoes the Manifesto for Casting's call for local casting and asks members of the Guild to 'give due consideration to professional talent from the community or region in which the production is made or set.' This is a very welcome development and we believe, should be matched by action at producer and regulator level.

There is some evidence that the wider benefits of local casting for the creative economy are starting to be recognised. In this regard Equity has strongly welcomed the BBC's new public purpose 4:

*"To reflect, represent and serve the diverse communities of all of the United Kingdom's nations and regions and, in doing so, support the creative economy across the United Kingdom"*

Public purpose 4 encapsulates the need to achieve fair representation and portrayal of the UK's Nations and Regions and links this to the growth of the creative economy across the UK. For Equity, this linkage is crucial – much of the success of the creative sector is built on its workforce of self-employed and freelance workers including actors and other performers.

Similarly the primary intention of the Ofcom regional production guidance and its origin, the Communications Act 2003 is to 'support and strengthen the nations and regions production sector'. We agree with this intention and believe that a performing workforce is as crucial to a strong production sector as other personnel and inputs involved in production.

We also agree with the following intention included in the call for evidence: *“We are also interested in understanding the extent to which regional productions are made in a way that helps to deliver the intention of the quotas: to support and strengthen the creative economies in the UK’s nations and regions.”*

Actors and performers are a significant factor in the success of productions, including regional productions. The need to ensure that opportunities are opened up to performers and other creative workers based around the UK has, in our view, been overlooked for too long, as has the potential to achieve job growth for performers outside of London and the South East.

It is also right that the call for evidence emphasises the importance of maximising the quantity of programming made in the nations and regions and ensuring that the widest range of commissions enables this, rather than a narrow focus on regional/national portrayal targets. The added benefit of an emphasis on quantity and range of productions for Equity is the ability to recognise the diversity of talent that resides in the UK’s Nations and Regions and not to limit roles to stereotyped parts.

**Recommendation:**

Equity submits that the following options could be considered in order to recognise the importance of local casting of on-screen talent in productions based in the UK’s Nations and Regions:

**Option 1: Amending the definitions:** Currently the UK Parliament requires Ofcom to determine that a suitable proportion of programmes made by licensees should be made outside the M25 (‘out of London’). Ofcom requires two out of the following three criteria to be met:

1. “the production company must have a substantive business and production base in the UK outside the M25. A base will be taken to be substantive if it is the usual place of employment of executives managing the regional business, of senior personnel involved in the production in question, and of senior personnel involved in seeking programme commissions;
2. at least 70% of the production budget (excluding the cost of on-screen talent, archive material, sports rights, competition prize-money and copyright costs) must be spent in the UK outside the M25; and
3. at least 50% of the production talent (i.e. not on-screen talent) by cost must have their usual place of employment in the UK outside the M25. Freelancers without a usual place of employment outside the M25 will nonetheless count for this purpose if they live outside the M25.”

The purpose of requiring relevant productions to comply with two out of the three criteria, is to provide flexibility for producers to use some London-based resources, without thwarting the policy objectives of the statute, which is to buttress and strengthen regional production in the UK’. The on-screen talent exclusion could simply be deleted from criteria 2. & 3. above.

On-screen talent has to date been excluded from the criteria, to ensure that the quotas remain focused on regionally-based production expertise rather than more mobile on-screen talent. What this approach fails to address is that there is on-screen regionally-based production expertise housed in the regions and nations who choose to live and work there. Deleting on-screen talent from the criteria could address this issue.

Equity does however also recognise that on-screen talent is currently excluded by Ofcom to avoid the quotas being skewed by the significant cost of on-screen talent in some productions (including, but not limited to, drama productions). We believe that this would be a rare occurrence but it is possible. It is also not desirable, in the absence of an increase to the 70% and 50% figures in criteria 2. and 3. to dilute the employment opportunities afforded by the guidance to technical and other production workers.

**Option 2: Adding to the definitions:** Alternatively Equity believes there is merit in considering adding to or amending the three existing criteria to include an obligation on broadcasters/producers to undertake at least one casting session or set of auditions in the Region or Nation where a programme is to be 'badged'.

We believe that productions should at the very least demonstrate a willingness to explore the talent in the production base. This would not require all productions that are made in a specific Nation or Region to feature only actors that reside there but would open up more opportunities and would go some way towards recognising the financial commitment required by actors to travel, often at short notice and at peak times to London which currently acts as economic barrier to performers from all backgrounds wishing to access auditions.

Local casting sessions and auditions would however, need to be focussed on substantial and speaking roles rather than being limited to the engagement of a number of supporting artist roles.

Additional or amended criteria could also oblige broadcasters/producers to work with regionally/nationally based Casting Directors and Line Producers/Assistant Directors in order to fully investigate the talent that resides in that Region or Nation. We are aware that currently most productions employ a London based Casting Director who will have limited knowledge of what is available and will often not hold castings locally to explore this further.

Where local casting professionals have been used by producers the results are clear – two good examples of this practice being *The Fall* and *Game of Thrones* which have provided a large number of jobs for performers in Northern Ireland in a range of roles.