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Lord Jay of Ewelme
EU Home Affairs Sub-Committee
House of Lords
London
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Dear Lord Jay

Government response to the House of Lords EU Home Affairs Sub-Committee Report Brexit: ‘*Movement of People in the Cultural Sector*’

The Government recognises that our cultural sector is one of the UK's greatest success stories which is respected the world over and we are determined to ensure that this continues to be the case.

We understand that outward mobility of creative talent is key to the success of the creative industries, and recognise that this was presented in written evidence to the Committee.

We are pleased that the Committee supports the Government's aim, set out in the White Paper on the Future Relationship between the UK and the EU, to ensure workers will only pay social security in one state at a time. This will be important for UK nationals who wish to live, work or retire in the EU in the future - including those workers who tour in the cultural sector.

The Committee's specific conclusions are addressed below.

1. Individuals working in the UK cultural sector are highly mobile, and have thrived on collaboration with people from all over the world. Moreover, the country benefits enormously from the sector's contribution to its economy and society. The sector also makes an important contribution to the UK's international image and influence. (Paragraph 51)

Taken with:

2. Arrangements for EU27 workers post-Brexit will either take the form of a preferential system for EU citizens, or EU27 workers will face the same restrictions as third country nationals. We reaffirm that the Government should “pursue preferential arrangements for UKEU migration after the UK has ceased to be a member of the EU” but we underline that whatever the final shape of the UK's future immigration system, it will need to take account of the cultural sector's suggestion that self-employed artists and entertainers be permitted to enter the UK for short-term engagements. To this end, the



Government should explore whether it could extend the existing permitted paid engagement and permit-free festival arrangements to EU citizens post-Brexit. (Paragraph 53)

Taken with:

3. If the Government is to achieve its wish to establish an immigration system that meets the needs of the post-Brexit economy, the UK's negotiators will need to be flexible. This means recognising that any restrictions on EU citizens wishing to enter the UK to work may be matched by reciprocal restrictions on UK workers in the EU. (Paragraph 56)

Answer: We recognise that continued access to international talent and skills is a key issue for the cultural sector.

The Government has been clear that in the future, the same rules will apply to EU nationals as to those arriving from the rest of the world. Our immigration system will be based on skill, not nationality. And we will continue to attract the most talented people from across the world to come to the UK.

The Government will publish a White Paper setting out proposals for future immigration arrangements later this year.

4. We did not hear conclusive evidence that free movement from the EU27 had led employers to neglect the training and development of UK cultural sector workers. Brexit nevertheless gives employers an opportunity to review training and development pathways for UK citizens wishing to enter the cultural sector, or to move up the skills ladder. (Paragraph 52)

Answer: We have been clear that it is important to grow domestic talent as part of the Industrial Strategy as well as being able to continue to bring in international skills. We welcome the suggestion from the heritage sector, reflected in the Committee's report, that EU exit could be an opportunity to stimulate training in the UK.

In March 2018, DCMS launched a Creative Industries Sector Deal, set to see more than £150m investment from Government and business into the creative industries. The deal included a commitment to make up to £2m available to support an industry-led creative careers programme aiming to reach at least 2,000 schools and 600,000 pupils in two years.

Further, we will work with the Institute for Apprenticeships to prioritise apprenticeship standards development in the creative industries in areas where they are experiencing skills gaps.

5. The recently published White Paper acknowledges that "the UK and the EU will ... need provisions that allow for mobility" to facilitate the proposed "cooperative accord" with the EU on culture and education. Yet it is unclear how this accord would relate to wider immigration policy, or the existing visa system. Given the cultural sector's concerns about how it will be affected by any agreement with the EU on migration, the Government should urgently provide more detail on this proposal. (Paragraph 54)

Taken with

6. We are pleased that the Government has made a commitment in the White Paper to “support businesses to provide services and to move their talented people” post-Brexit. But because the Tier 2 visa currently admits only those cultural sector workers who are leaders in their fields, we share the concerns of some of our witnesses that it has had a negative effect on the sector’s ability to bring talent to the UK. If the Government’s intention is to extend this route to EU27 citizens, it should carry out a full assessment of any possible impacts. (Paragraph 55)

Taken with

7. Many people working in the UK cultural sector rely on their freedom, as EU citizens, to carry out short-term work in other EU countries. One of the primary aims of EU social security coordination is to support this freedom of movement. We therefore support the Government’s aim, set out in the White Paper, that “workers [will] only pay social security contributions in one state at a time”. (Paragraph 57)

Taken with

8. To encourage the EU to reciprocate, the Government should guarantee that EU citizens travelling on short-term contracts to the UK after the transition period will not pay into its social security system. Failure to secure a reciprocal commitment on social security would undermine any broader agreement on migration between the UK and EU. (Paragraph 58)

Taken with

9. The Government should also seek a commitment for an EU-wide multi-country, multi-entry short-term ‘touring visa’ for UK citizens, and offer a reciprocal commitment for EU citizens. This would enable self-employed persons to travel for short-term visits between the UK and the EU, recognising the two-way benefits that accrue from allowing artists, entertainers and other cultural sector workers to move freely between the UK and EU to tour and work on short-term contracts. (Paragraph 59)

Taken with

10. Without effective reciprocal arrangements, the UK may see a decline in skilled cultural sector workers entering the UK from the EU. Such a development would be to the detriment of the UK cultural sector, and represent a significant loss to the audiences that enjoy seeing talent from across Europe performing in the UK. (Paragraph 60)

Answer: The White Paper “The Future Relationship between the UK and the EU” set out the Government’s ambition to negotiate a framework for mobility, in line with arrangements that we might want to offer close trading partners in the future.

The White Paper set out that this framework should provide reciprocal arrangements, consistent with the ending of free movement, that support businesses to provide services and move their talented people; allow citizens to travel freely, without a visa, for tourism and temporary business activity; and facilitate mobility for students and young people, enabling them to continue to benefit from the cultural experiences the UK and the EU have to offer.

The detail of this mobility framework, and how it applies to our valuable cultural sector, including freelancers and touring arrangements, will be subject to negotiations with the EU on our future relationship.

The detail of the future immigration framework, and our negotiations with the EU on a reciprocal mobility framework, are crucially important to the cultural sector. Ministerial colleagues will continue to engage with Home Office ministers to ensure that these interests form part of the discussion on this future immigration framework.

A handwritten signature in black ink, appearing to read "Henry Ashton". The signature is written in a cursive, slightly slanted style.

Lord Ashton of Hyde

Parliamentary Under Secretary of State