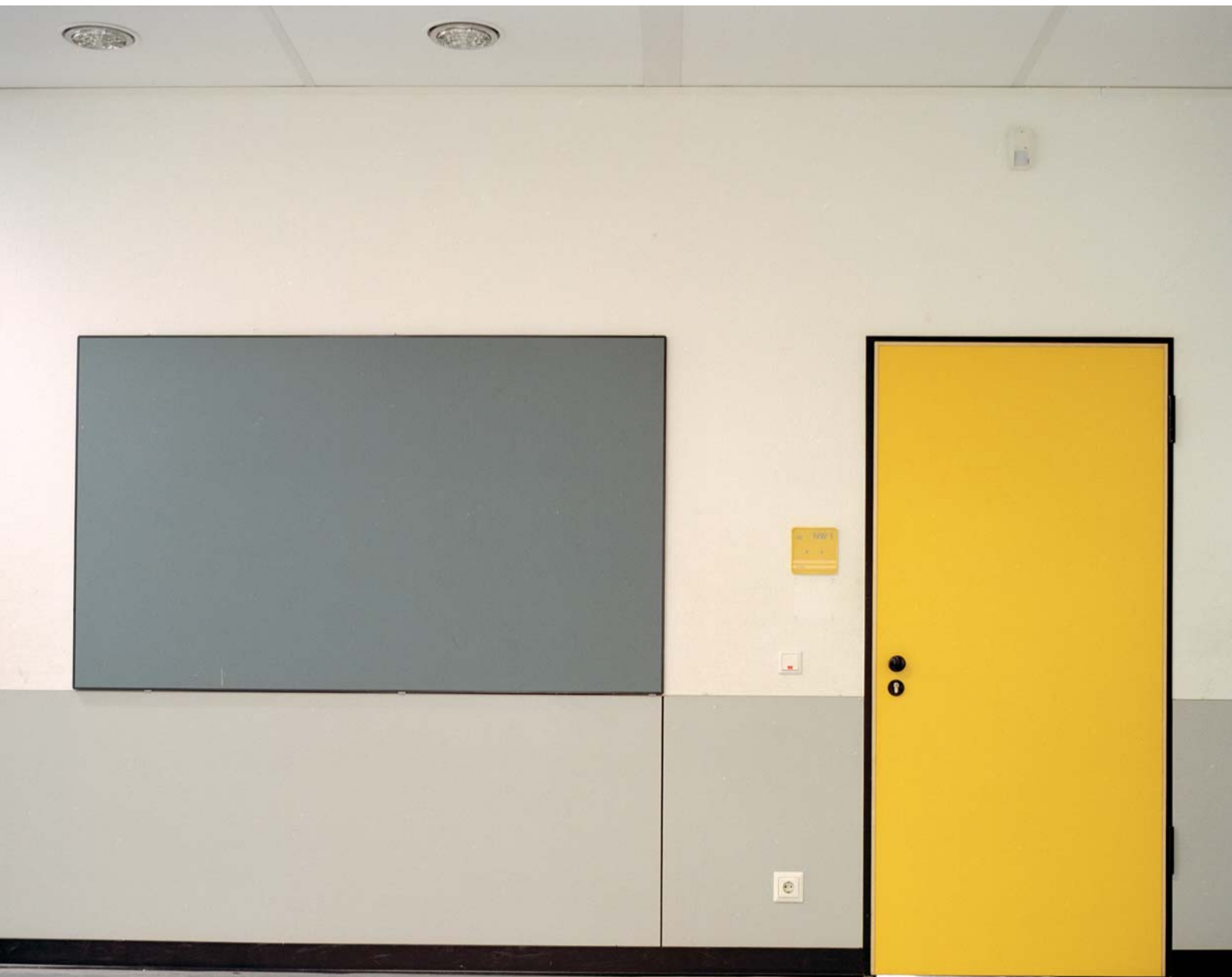


Good exhibition practice



ARTISTS' FEES & PAYMENTS

GOOD EXHIBITION PRACTICE

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Alia Syed, *Fatima's Letter*, black and white still from 16mm film, 1994.

"It's crazy to have a one-off relationship with an artist. I continuously learn from them. ... If you give a relationship space and time, I have a strong conviction that artists are the soundings for wider culture within society, a wider cultural consciousness."

Gilane Tawadros quoted in 'Eating grass', Edith-Marie Pasquier's profile of the working relationship between Tawadros and artist Alia Syed, *a-n Collections: Collaborative relationships*, a-n The Artists Information Company, 2005.



INTRODUCTION

a-n's *Code of Practice for the Visual Arts* encourages artists and arts organisers to "contribute confidently" when embarking on professional arrangements. Whilst much has already been gained from wide distribution of this publication and its companions, *Establishing a charge rate for a working artist* and *Good practice in paying artists*, that have successfully raised awareness of suitable levels of remuneration of artists when undertaking residencies and community commissions, a consistent attitude to quantifying the value of artists has yet to be adopted across the exhibition and gallery world.

Although budgets are often tight in publicly-funded venues, it is clear that artists are an essential ingredient in the exhibition equation. Whether making great work offered for sale or creating complex site-specific works or installations that provoke and question received attitudes about what an artist is and does, all professional artists need to make an income that not only enables them to develop and sustain their practice but also to contribute financially to family and private lives.

And whilst years ago artists may have expected arts funding bodies to advocate for, and 'police' schemes such as Exhibition Payment Right – albeit once it had been instigated by artists including Conrad Atkinson as members of the then Artists' Union – the sophisticated arts environment of the twenty-first century tends to rely less on such tactics and more on the commitment of each individual working within their peer group or network to act professionally and honourably.

Mindful of the 'aid or trade' debate that prefaced the 2005 G8 conference, it could be argued that rather than trying to come up with a new 'top down' scheme (that would never in any case be likely to be granted high enough levels of financial resources), artists' interests would be better served if all involved in public exhibition processes knew how to work within the parameters of good practice and had access to tools for negotiating professional arrangements. In practical terms, this could be readily delivered within the induction and training programmes for public gallery and exhibition staff and arts officers, and through assessed professional practice modules in art and design courses.

As part of a portfolio of resources on artists' fees and payments arising from a partnership with Arts Council England, *Good exhibition practice* is offered as a positive step on the road to achieving that ambition.

Susan Jones

Director of Programmes,
a-n The Artists Information
Company

Graham Fagen, *Nature Morte*, bronze, 2005.

"Professionalism is about trust in both directions and as part of a team. Building confidence in each other opens up more and more opportunities."

See Graham Fagen profile on www.a-n.co.uk



VALUING THE VISUAL: TIME TO GIVE ARTISTS A BETTER DEAL

Issues around how visual artists should be rewarded for their contributions to society in general are complex and sometimes contentious. One thing that artists and those who advocate for greater awareness of artists' value agree on is that, by and large, professional artists – the majority of whom are graduates – don't get a good financial deal when compared with similarly qualified people.

Beneath historically ingrained patterns of (under-)remuneration lie the kind of assumptions about artists' professional practice that tend to owe more to myth than reality. For example, that because artists are characterised as being more motivated by a sense of personal compulsion to achieve a heightened artistic experience, financial benefit is perhaps perceived to be of incidental importance. But as at least one artist has wryly commented: "It's almost as if it's thought that, unlike other people, artists don't have bills to pay."

In the light of the cogent arguments made in *Good practice in paying artists'* that have been endorsed by Arts Council England, and that address annual and day rates for artists at various career stages when undertaking public projects and services, we turn attention here to the issue of payments to artists for exhibiting.

A review of past strategies in this respect reveals a substantial commitment in 1987 by the then Arts Council of Great Britain (ACGB) working in collaboration with the then Council of Regional Arts Associations (CoRAA) for EPR: Exhibition Payment Right. Similar to Public Lending Right for authors, this scheme was proposed for adoption as a 'national right', the argument being that:

"EPR is based on equity, fairness and justice. All artists, regardless of their medium of expression (painting, sculpture or photography) should benefit from the consumption of their work by the public." The fee for 1988 was thus recommended at £250. But although by 1993, 14% of galleries listed in the *Directory of Exhibition Spaces*² openly declared that they paid fees to artists for exhibiting, by 1995, this had decreased to 11%.

Opportunities to exhibit have always been considered to be crucial to an artist's status in the art world. Significantly however, whilst in 1989, exhibitions accounted for 29% of the number of opportunities and 5% of the value and the average cash value of an exhibition was £504, by 2003 they accounted for 38% of opportunities but only 1% in value, an average of under £200 per exhibition³.

And although more artists may be able to earn a living from public art commissions – that tend to pay artists better rates and provide realistic additional sums for their expenses and materials costs – such commissions generally do not provide artists with the kinds of visibility and critical framework that are vital for art world and curatorial recognition.

The statistics bring into sharp focus the parallel paths that artists follow nowadays as they seek to develop their visibility whilst sustaining a professional practice. Often, they must decide between participation in

Notes

- 1 *Good practice in paying artists*, published 2005 and *Establishing a charge rate for a working artist*, published 2004, both by a-n The Artists Information Company, provide a framework for artists' remuneration based on actual overheads and artists' career stage.
- 2 *Directory of Exhibition Spaces*, a-n Publications, 1993 asked all galleries listed to state their intentions in respect of EPR.
- 3 *Art work: artists' jobs and opportunities 1989-2003*, published www.a-n.co.uk 2004
- 4 Arising from representation of artists' interests by a-n The Artists Information Company and evidence presented, *The Market for Art*, CMS committee report 2005 included in its recommendations "that compliance with a Code of Practice should become a condition of grant aid".

gallery exhibitions that provide little-or-no tangible financial support but offer a much-needed critical framework for their practice (and thus help to move them up curatorial 'ladders'), and the lure of fee-paid commissions and short-term residencies that, if nothing else, pay the professional and domestic bills.

Although the principle of paying exhibition fees to artists initially survived the creation of regional arts boards and the subsequent development of devolved arts councils in Scotland, Wales and Northern Ireland, in England it now seems to have lost impetus and currency. With the demise of the National Artists' Association (NAA) in 2002, it has not been the subject of a campaign.

Tim Eastop, Senior Officer for Artists' Development at Arts Council England, recognises that there is an absence of clear guidance on EPR:

"Since it restructured itself Arts Council England has never really got to grips with the issue again – though the principle is good and it should still be grappled with." EPR should, he believes, be part of a wider fees and payments campaign that would place an onus on commissioners and exhibition organisers to ensure professional payments, as well as on ensuring that artists demanded them. "Making it happen will be a challenge," he says. "The ambition is there, but delivery is going to take a while."

EPR has survived better north of the border than in England because it is enshrined in the funding agreements of client galleries of the Scottish Arts Council (SAC); a sliding scale of between £400 to £1,000 is

EXHIBITION PAYMENT RIGHT – A HISTORY

recommended, depending on the venue and the nature of the show. Albeit that the future of the Scottish Arts Council is now uncertain in the light of the recommendations from the Cultural Commission in June 2005 for new advocacy and funding structures, Amanda Catto, SAC's Head of Visual Arts said in 2004 that: "The Council has committed, through its submission to the Cultural Commission of the Scottish Parliament, to the development of an Artists' Charter. One of the key principles within this would be that artists should be properly paid for the work they do. We realise that to achieve our goal there is a need for additional resourcing and we intend to undertake research to identify the 'resource gap' involved."

a-n's own work to raise awareness of good practice in paying artists amongst artists and arts employers, linked with government interest in making use of a Code of practice for the visual arts a condition of grant aid⁴, moves within arts funding bodies for heightened awareness of and commitment to artists' rights and entitlements and Arts Council England's substantial review of the presentation of contemporary visual arts suggests it may be timely to propose new, imaginative strategies that properly acknowledge the essential contribution living artists make to the cultural environment.

Paul Glinkowski

with additional research by Susan Jones

A strategic campaign involving artists and Arts Council of Great Britain and the regional arts associations to secure the principle and widespread application of EPR was started way back in the 1980s, with £100 the magic figure, and when an arts officer could command the princely annual salary of £6,313, making the fee equivalent to 1.5% of this salary. Exhibition payment of £1,000 per solo show in 2004 represented 4% of an arts officer's salary of £24,100.

In 1991, a-n noted that the "Regional arts associations and arts councils have been moving towards the implementation of a national scheme of payments to artists for exhibiting". The suggestion was a minimum of £250 for a solo show. And back then, Cambridge Darkroom was paying £300-£650 for a show originated by the gallery or £250 for an incoming show.

In a-n's 1994 review of fees and payments to artists, Yorkshire and Humberside Arts 'insisted' that all clients in receipt of grant aid towards exhibition production paid £250 minimum and £60 for each venue in a touring show. By 1996, artists exhibiting in South West England could benefit from the Art Electric EPR scheme, worth £300 per solo show. However it was noted at that time that although regional arts boards and all arts councils generally endorsed the principle, "how they apply it varies. And although in some regional arts boards budgets are set aside for EPR, whether eligible artists receive it is dependent on whether the fund is exhausted".

The table below is republished from *Artists' rates of pay 1989-2004*, summarising data on EPR and other payments to artists.

Organisation	1989	1990	1991	1994	1996	2004
Arts Council of Great Britain	£250	£250				no guidance
Regional Arts Associations (best rate)	£250	£250				see above
Yorkshire & Humberside Arts			£250	£250		
Scottish Arts Council					£250	£400/ £1000
South West Arts Board					£300	
Ikon Gallery						£1000
Fruitmarket Gallery						£1000
Ormeau Baths						£2000

Note: A minimum fee for a solo show in 2005 would be £400, this figure derived by taking the 1989/90 arts funding bodies' 'approved' rate of £250 and index linking it to the retail price index – see *Artists' rates of pay 1989-2004* on www.a-n.co.uk

The growth of commissions for installation-based exhibitions has generated new ways of thinking around exhibition fees. Amongst alternative approaches to EPR is that of Film and Video Umbrella – see page 10.

ASSESSING AN OPPORTUNITY

You're looking for an exhibition. It might be your first... or something to fill a gap in your CV... or a chance to show to new audiences, or outside your immediate area... And you come across what appears to be an extremely tempting offer in the Opportunities on www.a-n.co.uk

It looks good. It's in London – which may be very attractive. There's lots of information. It sounds upbeat and positive. So, should you whizz off your CD... or is there more you need to know?

Lee Corner analyses the offer, and suggests the areas for more research.

EXHIBITION OPPORTUNITY

"I am looking for artists to exhibit in two East London venues in which I curate an on-going series of exhibitions.

The first is Fruity Tooty on Whitechapel High Street. To give some background, the bar/cafe has a tropical feel and this particular exhibition does need to reflect this style. The venue has sunny yellow walls. The clientele are mixed in age, race and sex, and are generally arts aware. There is a community spirit and children are welcome. There is a very good vegetarian cook, and special cocktails and teas are served. There are regular event nights such as chess, poetry and music. Parents and children meet there in the mornings.

There's an organic market in the large garden on Saturdays, where there is the possibility of siting sculpture, especially on the day of the local arts festival when there's art on the railings and many visitors are expected.

The garden is not secure and moveable things cannot be left unattended at other times due to energetic local youngsters.

The second venue is right next to the overground station. The Station is a Victorian pub now run as a stylish cafe/bar/gallery with a local reputation for quality artworks of a very varied nature, promoting both local and non-local artists. Delicious food is usually available, including Sunday lunch. There is soon to be a hanging system installed upstairs in the brand new gallery bar. The garden is huge and fairly secure, and can accommodate larger sculptures, possibly for longer durations.

Both venues are open seven days a week and artwork priced at under £500 sells well, although the price is up to you. I will shortly have some photographs of the space that I can then forward to you if you wish, although I recommend you come to visit the current exhibitions to get a proper idea whether the space is appropriate to you.

If you are interested in exhibiting at either of these venues: Please send to the postal address at the bottom, pictures, cds, slides, photos, but NOT emails of up to five pieces of your work. Please only send emails with or without one small jpeg due to space in my email box. (I will return hard copy only if you provide an SAE).

After an initial selection, which may take quite some time, I will run a series of short casual interviews. It is currently free to exhibit, with a deposit of £50 that is used to buy some wine at cost for your opening. Demand for the space is high and I can't guarantee an exhibition, but I am always interested in meeting new artists and seeing their work, for future events.

Shows normally last for six weeks, installed on a weekday or evening, with an opening night the following Monday, Tuesday or Wednesday evening. I have a continually growing mailing list and connections in the local media, any other publicity is at your own discretion, as is insurance, hanging and transportation of the work. I take 20% commission on all sales. 2D work is hung individually with hooks or screws on the wall, so please consider if this is possible with your work."

Mary Someone, Arts Manager, Sparkle, East London.

WHAT DOES IT TELL YOU?

WHAT DO YOU NEED TO FIND OUT?

WHAT YOU NEED TO DO

Where	East London Lots of helpful info about the location and type of venues	Who are the artists who have shown there over the last few months? Are they the kinds of artists you'd like to be associated with?	Get the artists' names and look them up on websites. Make contact with them. Find out how their shows went, whether they would recommend the venues to other artists.
When	'for future events'	You need a much clearer indication of timescale: how far in advance is she programmed; how much notice will she give you; are we talking weeks, months, years?	Ring up and find out. You can tell a lot from someone's voice and how they come over. Email may be quicker but it tells you far less. If she's hard to get hold of she's probably not prioritising this work and will leave you to fend for yourself. But if she's over keen and asks you to consider next month, there's likely to be few artists contacting her, meaning it's probably less of an opportunity than a liability.
Who	Mary Someone, Arts Manager	Is Mary independent or does she work for an organisation? How long has she been doing this work? Is this a full-time commitment for her? Who will your contract be with? Is it a body that will treat you like a professional and will be able to respond if there are problems or things go wrong?	Online, type her name + 'art' into Google and see where it leads you! Ask previous exhibitors and other galleries in the location about their working relationship with Mary.
What	There are references to 'walls' and to sculpture, and to a hanging system. From this we might deduce potential 2D and 3D pieces that can be hung or wall-mounted, and stand alone 3D pieces suitable for an outdoor site.	Are there restrictions on size? How big are the spaces? How close are tables and chairs put to the walls? What is the hanging area? Does she curate group shows or solo shows or both?	Look up the venues on the website – there may be pictures of the interior and layout.
How: selection	"..an initial selection, which might take quite some time!" "... a series of short casual interviews."	Selection by whom? And why might it take some time? What is the nature and purpose of the interview? Are expenses paid for this? If you live outside London is it possible for this conversation to be done as a telephone conversation?	If, having done the above, you're still interested ask her!
How: promotion	There are references to: An opening night; A growing mailing list; Connections in local media. "Both venues sell well..."	These are great if a little vague. How many people normally attend the opening night? How does an opening relate to normal use of the restaurant and pub? What size is the mailing list? What are its constituent parts eg local residents, art collectors, arts organisations, press, critics, influencers... Can you have examples of press releases and press coverage from previous shows? What proportion of work in an exhibition sells? Can you have average figures per show? Are there trends eg do prints sell better than paintings; items priced at £150 better than £250 etc? Do they sell consistently throughout the year or are there peaks and troughs? Have items over £500 sold? What sort?	Work out whether you can afford to show if you sell nothing and how many works you need to sell to break even. Analyse the mailing list against your own – has it got the good names on? Are the postcode areas represented the 'right' band for the of professional audience that tends to buy art?
How much will it cost?	20% commission on sales "...free to exhibit, with a deposit of £50 which is used to buy wine at cost for your opening." "any other publicity is at your own discretion, as is insurance, hanging and transportation of the work."	The commission is comparatively low which is no bad thing but it would be useful to know why. A low commission rate generally signals there is less done by the organiser to help work to sell. Is there VAT on the commission? Why is a deposit (usually considered a returnable item) used to pay for wine? What are the organiser's and venue's financial contribution to the extra marketing your exhibition offers the venue? What kind of publicity has been done for art exhibitions at this venue? Has it been effective in bringing in larger audiences than usual? What steps do the venue to take to minimise risk of theft or damage? Has work been stolen or damaged in previous shows? Has the venue been refused insurance on other (removable) items? Who is liable if your work in someway injures a customer?	Set out what you want from the show as a hard-nosed financial proposition – include a percentage of your annual overheads costs as well as direct costs such as transport, pre visits, insurance, specific print and postage costs for promotion. Calculate whether it's better to propose a higher commission on sales so that the costs of wine, insurance, etc are not paid by you up front. If the venue sells well, they should see this as a good business arrangement as they will make more income. If they look horrified, maybe the art sales aren't as good as they are claiming. Propose a marketing partnership with the venue to cover the additional print – relying on Mary's connections in media is not good enough. If your publicity promotes the venue and its excellent food/environment they benefit directly.

PANACEA

Artists Zoë Walker, Neil Bromwich and Michael Pinsky have taken 'Panacea', their new collaborative artwork – a travelling installation designed to improve people's wellbeing – to France where it made a first appearance at the CCC (Centre de Création Contemporaine) in 2005. Located in Tours, CCC is part of a network of thirty-two 'centres d'art', a distinct type of public gallery dedicated to showing new art.

The artists were attracted by the high standard of the gallery offering a vast and immaculate exhibition space and impressed by the profile of the artists that had preceded them: solo shows by Klaus Rinke, Orlan and Roman Opalka were part of the 2004 programme. Director Alain Julien-Laferrière was enchanted by 'Panacea' and insisted they should be the first to host it in France. He related this to the time he showed British artists like Liam Gillick, before they gained an international reputation.

CCC financed transport and installation of the work, travel and accommodation for the artists and publicity costs. Whilst the artists were responsible for raising funds for the production of 'Panacea', the gallery put them in contact with local streetlight manufacturer SA Claude Lefebvre, who sponsored *Life Pulse*, a sculpture made of lampposts. CCC established a partnership with *Archistorm* magazine to organise a talk with the artists, in which architect/artist Didier Faustino and art writer Jean-Louis Pradel participated.

In 2006, 'Panacea' will travel to Le Parvis, a centre d'art in a shopping centre in Ibos, a village at the doorstep of the Pyrénées. In addition to providing the same level of support and critical framework as CCC, Le Parvis will co-produce an exhibition catalogue in partnership with the show's UK tour venues Cornerhouse, Manchester and John Hansard Gallery, Southampton. These two French centres d'art were the first galleries to say yes to 'Panacea'. Their engagement at the early stage of its development has been essential to the project's realisation.

Stéphanie Delcroix



Michael Pinsky, *Life Pulse*, 2004. Photo: CCC, Tours, France

Pinsky's pole-like *Life Pulse* registers and illuminates according to visitors' heartbeats, to create ever-changing rhythms and patterns of light.

The exhibition is touring in France and the UK in 2005/06

THE CHINESE ARTS CENTRE

Formed in 1986, Chinese Arts Centre is a national agency for development and promotion of Chinese arts and culture in the UK.

Its mission is to help develop an infrastructure that allows Chinese arts, especially British Chinese artists, to flourish. Activities involve exhibitions, residencies, education, and advocacy. Based in Manchester – home to the second largest Chinese community in the UK – the centre opened a new, lottery-funded, flagship building in 2003.

Facilities include a gallery programming the best of British and international Chinese art, a residency studio and an apartment for visiting artists.

Speaking in 2004, the Chinese Arts Centre's Chief Executive Sarah Champion said that each organisation must work out a formula for paying artists that matches available resources. "It's a game that we all have to play, but which no one quite knows the rules of," she says. "We pay a basic EPR of £100 a show and then, when new work is involved, we offer an additional fee of between £500 and £3000, according to the nature and scale of the work." The fee is not dependent on career stage or experience, but Chinese Arts Centre's exhibitions tend to feature more established artists. It develops six exhibitions a year, two designed to tour. The majority of work shown is newly commissioned.

Paul Glinkowski

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CRAFTSPACE TOURING



Maria Chen Pascual with **Staaale Bruland**, *Horizon*, 2005. From the exhibition 'Re-Fashion' at the Chinese Arts Centre.

Photo: Tim McConville

The curators of 'Re-fashion' selected designers Maria Chen Pascual, Julian and Sophie and Justin Oh for this exhibition that, in a move away from recent fashion exhibitions, unearthed something of the creative process behind designers' works as opposed to purely presenting finished garments.

Maria Chen Pascual is a London-based designer with her own label. Past themes for her work have included faerie folklore, Eighties underground club culture, propaganda and war. She has had design commissions from Thomas Goode for a platinum tableware collection, Topshop for a range of clothing and an exclusive range designed for Oki-ni.



Mavis Alexander, *Photographs*, from 'Making Links' action research project black and white photographs, 2004.

'Making Links' was a residency developed through a collaboration between the Techno Elders Group, jewellers Vannetta Seecharan and Rita Patel and photographer Hannah Phillips. Work from this project was included in the exhibition 'Self', curated by Andy Horn of Craftspace and Yasmin Zanir of Bury St Edmunds Art Gallery. Participants brought photographs and jewellery which was of significance to them, which they then photographed and printed themselves at Vivid, a photographic and new media agency in Birmingham.

Established in Birmingham in 1986, Craftspace Touring has a built a national reputation for development and promotion of contemporary crafts. It initiates around two exhibitions annually, of varying scales, that tour for twelve to eighteen months, usually to UK public art galleries and museums. Craftspace seeks to increase opportunities for makers and provide access to contemporary crafts for all audiences. Development priorities include South Asian crafts, rural touring and crafts in relation to disability.

For 'Self', the touring show funded by Arts Council England's National Touring Programme, each of the fourteen artists received an exhibition payment of £250. Artists producing new commissions were offered a separate, additional contract. Although Craftspace has no fixed practice on payments for commissioned work, the minimum rate is £150 a day, but it aspires to pay £200+ where possible, depending on available funding. In 2004, Craftspace offered £3000 for ten-day commissions; at £300 a day, this rate applying to planning, meeting and evaluation days as well as to creative time.

Artists able to attend the launch of 'Self' got an additional £150. Beyond compensating the artists for their time and expenses, this helped to bring together a network on the evening. "Three artists came from Europe," says Craftspace's Director Deirdre Figueiredo, "and it really cemented our relationship to have them here. Seeing our approach in action, and the diversity of the West Midlands, really impressed them. They have become good advocates for us abroad and we are keen to use them as a link to further international work."

Craftspace also supports makers through helping to fill gaps in current provision. Working on previous exhibitions – such as the acclaimed 'Coming to our Senses', that examined contemporary design and craft aesthetics in relation to disability – revealed a lack of makers with disabilities operating at the critical edge of crafts practice. Figueiredo believes this may reflect deficiencies in support structures currently available in crafts education. "Many disabled makers," she says, "have emerged through 'outsider' routes; through therapeutic crafts training, for example, which tends to underplay the potential of intellectual creative development." Craftspace plans to set up studio-based research projects with makers with disabilities, to track and support the development of their practice in a more structured way.

Paul Glinkowski

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FILM AND VIDEO UMBRELLA

Film and Video Umbrella (FVU) is a national touring agency for artists' film and video. Its primary activity is to curate and produce artists' film and video work for exhibition at gallery and other venues in England. FVU commissions around eight new projects annually, each developed and shown in collaboration with a partner organisation before touring on to other venues. FVU oversees all stages, from commissioning through to touring. Programming activities are supplemented by publishing initiatives, encompassing exhibition catalogues, artists' CD-Rom and DVD releases, as well as monograph publications profiling artists with whom the organisation has worked over a longer period.

FVU's practice is to pay artists a combined commission and exhibition fee that represents 10% of the overall project budget. Most recent projects have been funded through Arts Council England's National Touring Programme or from ACE core funding, so the formula has ACE endorsement. It was arrived at through years of project development experience and, for FVU at least, it seems to work. "We find that it is better and easier all round to have a consistent deal that we can present to artists," says Caroline Smith, FVU's Administrative Director, "so that everyone knows at the outset what to expect. Artists are always happy to work with us on this basis. The feedback that we get is that, if anything, the fee tends to be higher than artists have been used to."

The artists' fees range from £2,000 to £7,000, reflecting the scale of projects that run from £20,000 to £70,000. Materials, accommodation and other expenses are budgeted separately. There is no differentiation according to an artist's career history, through more experienced artists tend to get the bigger projects. If works tour to more than three venues, artists are paid half the fee that is secured for each additional exhibition. Occasionally, the commissioned artists are engaged by tour venues to provide talks at a rate of around £100, exclusive of expenses.

"Sometimes we might have a desire to work with an artist but feel that the time is not yet quite right," says Smith. "In those circumstances we might provide research and development funding, calculated at ACE suggested rates, to allow artists to work up a proposal that we might consider working on together further down the line."

Paul Glinkowski

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info@fvu.co.uk www.fvumbrella.com



Johan Grimoprez, *Looking for Alfred*, production still, 2004. © the artist courtesy: Film and Video Umbrella/Zapomatik

Focusing on Alfred Hitchcock's regular cameo appearances in each of his films, *Looking for Alfred* re-enacts them with the aid of Hitchcock look-alikes, weaving an unexpected narrative from Hitch's fifty-year trail of walk-on parts. Shot amongst the atmospheric interiors of the Palais des Beaux Arts in Brussels, and making the most of the distinctive architecture of this unique location, Grimoprez's cinematic twists and turns echo the trademark manner of the 'Master of Suspense' but at the same time radiate a quiet and beguiling surrealism reminiscent of that other great modernist master, Rene Magritte.

Staged at the De La Warr Pavilion, Bexhill on Sea 17 September – 6 November 2005.

FURTHERAFIELD

Coordinated by artists Leo Fitzmaurice and Neville Gabie, the informal organisation now known as Furtherafield was founded in 1999. It emerged in response to the needs of artists and to an opportunity to develop artists' projects in flats in Liverpool tower blocks that had been vacated in preparation for demolition. Over a period of four years, these buildings became the creative backdrop for new works made on site by twenty-five artists. The tower blocks have now been demolished and Furtherafield has been developing alternative ways of enabling artists' commissions.



Marcus Coates, *The Dakota Connection*, from *Furthermore... a book of proposals*, 2004.

The first series of tower block commissions, 'Up In The Air', was realised with modest funding. The ten artists resident on site for a month got a fee of £1,000, inclusive of expenses and materials. Each artist also got twenty copies of the *Up In The Air* catalogue. "As the artists running the project we had considered what kind of legacy would be useful to everyone involved," says Leo Fitzmaurice. "Catalogues from previous projects – for some of which we got no other fee at all – had helped us raise the funding for 'Up In The Air', so the value of a catalogue was obvious."

As an additional in-kind and creative benefit, each artist had free and unfettered access to a flat of their choice. "They could take it to bits, and some people did," Fitzmaurice recalls. "That was fine, so long as they didn't annoy the neighbours." Most artists preferred to work with materials found on site. Others worked with photography or video, using equipment they already owned, so most of the £1,000 was retained as a fee.

The success of the first commissions attracted more substantial funding for the follow-up 'Further Up In The Air', in which eighteen artists got a £3,000 fee for a month's residency, plus £400 towards materials. Fitzmaurice believes, though, that artists were attracted to the project not by the size of the fee but by the creative opportunity.

The value of the tower block opportunity to each participating artist was much more than the financial reward. Some chose to stay on beyond the initial month of the residency, using the flats as free studio space. Some came back later to do additional projects. Nearly all contributed proposals to the *Furthermore* book, published in 2004, with each artist contributing paid a £1000 fee.

As a result of contacts made through the project, a number of artists were offered international residencies. Fitzmaurice and Gabie were invited to the Vitamin Creative Space in Guangzhou China, Catherine Bertola and Paul Rooney gained Triangle Arts Trust residencies in Cuba, and Rooney won the £10,000 Comme Ca art prize for his work in Flat 23. An international touring project, 'Shrinking Cities', toured documentation of the artists' work to Ivanavo (Russia), Halle (Germany) and Detroit. These opportunities arose because the tower blocks were open to the public during the Liverpool Biennale, which brought arts promoters and curators to Liverpool who wouldn't normally come. Targeted marketing, along with good critical coverage in the art press, made sure that the project maintained a high profile and long-term impact.

Paul Glinkowski

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Neville Gabie, *Kite Flying*, from *Furthermore... a book of proposals*, 2004.

THE EXHIBITION AGREEMENT

In the fast-moving world of the contemporary visual arts, it may sometimes be thought that formal agreements are unnecessary because they might restrain the creative processes or indicate a lack of trust.

But conversations in which important things are decided are open to interpretation or misunderstanding unless they are formally recorded. With the exception of things such as house purchase, assignment of copyright and credit agreements, a contract need not be in writing to be legally valid, provided it contains the four essential ingredients (an offer, acceptance, consideration and intention to enter into a legal relationship). However, although in theory a verbal agreement may be legally enforceable, in practice it cannot be relied on because of problems of evidence. The advantages of having a signed written contract will usually easily outweigh the risks of not having one. A contract can be drawn up equally well by an artist as by an exhibition organiser.

The exhibition agreement checklist provided in this publication is derived from the *The artist's contracts toolkit - Exhibition agreement*, one of a portfolio of legally-checked interactive resources on www.a-n.co.uk that aim to create a thinking and learning process around professional arrangements, including exhibitions.

The checklist takes the form of a number of headings that both artist and exhibition organiser need to consider and negotiate around whilst they plan the exhibition. In this way, the checklist can act as a comparator document against a contract provided by the gallery itself, and to identify the areas where specific negotiation needs to take place.

The checklist

1. Who are the parties to the exhibition agreement?

The parties may include the artist(s) who have made the work, the gallery or venue and an independent curator. Note however that if an exhibition is being organised by an independent curator for a gallery, a separate agreement is required to set out the arrangements between curator and venue.

2. What is the purpose of this agreement?

That is, to hold an exhibition showing of particular works, so list them in an Appendix.

3. What is the nature, scope and intention of the exhibition?

Give short description of the intention or theme and/or title, including whether solo, two-person, group and names of other exhibitors.

4. Where will the exhibition be shown?

5. When will the exhibition be open to the public?

Include dates, opening times, fixed closed days.

6. When will the preview take place?

Give date and time of preview and note who is responsible for providing refreshments, etc.

7. Will the exhibition tour?

Details of other venues, including dates should be listed in an Appendix.

8. Who will deliver the works to the venue and return them afterwards to the artist?

Includes packing, repacking and transport arrangements, and who is paying for these, as well as collection and return delivery dates to the artist. If the exhibition is touring, include these details for each venue.

9. Who is installing and deinstalling the exhibition?

This identifies who is responsible for what and when they will be doing it. Include details of any preparation by the gallery eg painting of walls, building temporary screens, supplying audio/visual equipment, etc, and also what the artist is supplying such as display material or plinths.

10. Who is taking care of loss, damage and insurance?

It is best practice for artist and gallery to note the condition of each work prior to packing and on delivery. If the work is transported by others, this 'condition report' records any changes from the original condition and thus identifies who is responsible for damage or loss. Although many small galleries say they require artists to provide their own insurance, it is a sign of a professionalism (and generally cheaper) for the gallery to take out an annual policy and, only if absolutely essential, to pass a pro-rata cost onto the artist, than for an artist to buy a one-off policy.

11. How will works for exhibition be selected?

Ideally, selection and decision on the 'hang' should be by mutual agreement although for practical reasons in the case of group or thematic exhibitions, it is usually the case that the gallery has the final say.

12. Publicity and promotion

Include here details of all printed and electronically produced publicity material including catalogue, preview card, leaflet and press release noting who is responsible for producing and distributing them and how many copies will be given to the artist, or distributed to a list provided by the artist. It is good practice for the artist to be allowed to approve any images, captions and written texts prior to distribution. List where advertisements will be placed. If there will be a press preview for which the artist is required to be present, include date and time.

13. What fees and expenses are due to be paid?

An exhibition fee, or EPR (Exhibition Payment Right) is a professional acknowledgement by the gallery of the artist providing public access to their work. A suitable fee for a solo show in 2005 would be a minimum of £400¹. It should always be recognised as an addition to reimbursing the artist's expenses for travel, accommodation and subsistence whilst installing the show. Other fees could be due (at the artist's normal rate) for designing the publicity, writing a statement for the catalogue, providing a presentation or educational workshop.

14. Will work be for sale?

Define what commission the gallery will charge and whether VAT is charged on sales as well as issues around payments to the artist and collection of sold work.

15. Copyright and reproduction rights

It remains best practice for artists to retain copyright and reproduction rights in the work. However, it is usual for artists to grant a gallery the right to reproduce any work in the exhibition for publicity and promotional purposes.

16. Moral rights

Moral rights include the right of 'paternity' that gives artists the right to be identified as the 'author' of a work whenever a work is publicly exhibited. However, this right must be 'asserted'. This is automatic where the artist is identified on the original work, its frame, or mount, and will affect anyone into whose possession the work comes. Where the artist is not identified on the original work, the assertion must be in writing, for example included within the agreement. In this case assertion only affects someone to whose notice the assertion is brought, and so is of more limited use. It is best practice for artists to assert their right of paternity.

17. Who owns the work?

Is the artist the owner or is it someone else, in which case ensure the artist confirms permission of the owner to lend the work.

18. Who is sponsoring the exhibition?

Galleries often use sponsorship of part of their income stream or for a specific show. As private sector sponsors have various affiliations, it is reasonable for the artist to be consulted on any sponsors associated with their exhibition.

19. Governing law

It is advisable to specify which country's governing law applies to the exhibition agreement eg England.

20. Force Majeure

This peculiar term means putting into an agreement a clause that provides that neither artist nor gallery will be responsible for compensating the other if the reason for its failure to go ahead with the exhibition is genuinely outside their control eg industrial action, illness, flooded venue, etc.

21. Can you change the agreement?

Sometimes you need to do this, so it is a good idea to include provision for this as something that can be done when both parties agree.

22. Whole agreement?

Similarly, it is best practice to include a 'whole agreement' clause since this ensures that neither party can later claim the signed agreement didn't contain everything that had been discussed or agreed earlier.

23. Appendices

The List of works and Tour schedule form an integral part of the agreement.

24. How can the agreement be terminated?

Say under what circumstances either party can withdraw work from the exhibition or terminate the agreement eg the artist may terminate it if the gallery is in default or breach of the agreement or becomes insolvent and the gallery may withdraw work that is considered to contravene the law or if the artist is in breach of the agreement.

25. When should it be signed?

Once the agreement has been finalised, it should be written up and signed and dated by both parties, in duplicate. The name and position of the person signing on behalf of the gallery should be stated. Only Directors of limited companies have automatic authority to sign agreements on behalf of a company; other employees need special authority if they are to sign.

This checklist is an edited version of *The artist's contracts toolkit: Exhibition agreement*, by Nicholas Sharp and Sheena Etches, published on www.a-n.co.uk

Notes

¹ This figure is derived by taking the 1989/90 arts funding bodies' 'approved' rate of £250 and index linking it to the retail price index – see *Artists' rates of pay 1989–2004* on www.a-n.co.uk for other comparators and data on EPR and other artists' work. Note that this figure excludes exhibitions especially commissioned by the venue.

THE NEGOTIATING FRAMEWORK

In the world outside the arts, when someone offers something – a house for sale, a job, work from a tradesperson, a proposal of marriage even – this is generally the opening gambit in a negotiation process by which what has been offered will be discussed and in the process, either adjusted to create something of mutual benefit, or declined. But in the visual arts there is a tendency for the offer of an exhibition by a gallery to an artist to be taken at face value and either accepted or rejected.

The intention here is to set out a mechanism for a collaborative negotiation, through which artist and gallery share their respective aspirations and intentions for a proposed exhibition, and negotiate in order to arrive at a 'win-win' situation: one in which both feel comfortable about what has been agreed because they will both benefit. Importantly, they have also created a working relationship that can be built on in the future.

A collaborative negotiation is preferable to a competitive one where the parties are essentially out to get the best for themselves regardless of the wider implications. An unhappy relationship between artist and gallery tends to ricochet around the art world and does neither any good in the longer term.

Anyone inexperienced in negotiation techniques should get some professional guidance in advance. Artists could do this by contacting a training or professional development organisation¹, an arts organiser might ask for coaching from a line manager or senior colleague.

The opening

The first phase of a collaborative negotiation on an exhibition involves gathering as much information as possible, preferably well in advance of any meeting.

- Artists – research the gallery, how it programmes, what its current interests are, which other galleries 'look to' that one because they are good at picking interesting artists, etc.
- Gallery – research the artist, the context for their work, their peer network, their other projects, etc.

What do you want to achieve?

Before you start a negotiation, set out for yourself on paper what you want to achieve from the exhibition opportunity in terms of:

- Things you *must* achieve
- Things you *intend* to achieve
- Things you'd *like* to achieve

These notes are designed to guide you through the negotiating process.

Discuss and explore

The first meeting provides an opportunity for artists and exhibition organiser to explore each other's needs, start to create a relationship and as part of this, for each to make tentative offers. Avoid stating your own preferences and ideas and instead use 'open questions' that create a space in which ideas can be explored, for example:

- What do you think about...?
- Is there something you'd like to suggest?
- From your experience, what do you find works well...?
- What other options could we look at?

Examples of the kinds of things of value to artists that they might want to include somewhere within the three categories to achieve are:

- Access to gallery visitors' book to add selected names to own mailing list
- Access to training opportunities/professional development available to gallery staff eg project management, fundraising, working with children, etc
- Being 'represented' by the gallery
- Catalogue/folded brochure profiling my work
- Critique of my work by respected curator/critic
- Exhibition fee² for making my work accessible to the public
- Exhibition offered for tour
- Exhibition organiser/curator involved in selecting works to show
- Feedback on my work from exhibition organiser
- Fees³ for associated activities eg educational workshop, gallery talk, etc
- Good-quality photographs/documentation of the show provided by gallery
- In-kind services or tangible benefits to the equivalent £ value of an exhibition fee⁴
- Introduction to a (named) curator who I'd like to see my work
- Marketing plan for the show
- My preview list sent out by the gallery
- Post-exhibition meeting – eg to discuss how the relationship worked, value to both parties of what was achieved, what else might be done
- Preview card with a good reproduction of my work
- Preview with refreshments
- Specialist equipment/materials to install the show provided by gallery
- Studio visit in advance by exhibition organiser to view work in progress
- Technical assistance to install the show
- Travel and out-of-pocket expenses covered by gallery
- Written exhibition contract

Note that the above list is neither intended to be comprehensive nor to address all exhibition situations.

Examples of the kinds of things of value to exhibition organisers that they would want to see achieved within an exhibition, that can be sorted into the three categories of achievement:

- Artist available for liaison with press
- Artist contributes to development of exhibition interpretative material
- Artist interested in getting involved in the exhibition's interpretation programme for stakeholders and community
- Artist meets target in gallery's diversity/disability action plan
- Artist provides tour of show for invigilators
- Content of artist's exhibition supports my research/ studies for a professional qualification
- Exhibition contributes to my curatorial record within my professional network
- Exhibition improves time visitors spend at gallery.
- Exhibition links into external and internal gallery education programme priorities
- Exhibition provides specific engagement opportunities for audiences
- Opportunities for income from commission on sales
- Opportunities to lever extra funding to commission work/buy specialist equipment, etc
- Opportunities to stock related products eg multiples, artists' books in gallery shop during exhibition
- Opportunity to demonstrate gallery's good practice approach
- Relationship with artist enables gallery to build stronger relationships with like-minded artists locally, regionally and (inter)nationally
- Relationship with artist/type of work/approach to practice that can be built on for future programme
- Special presentation measures provided for content/installation of work
- Sponsorship income potential
- Work addresses exhibition policies on showing work of a specific art form, artist or practice.

Note that the above list is neither intended to be comprehensive nor to address all exhibition situations.

Make a proposal

Once you've had a chance to assess each other's position, you're ready for proposals and suggestions to be made. Mindful of how you have prioritised your list of 'achievements' you can start to 'trade', all the time looking for opportunities to offer things that are 'cheap' for one party but that are of real value to the other.

For example, a local authority or academic gallery that has an in-house photographer could offer the artist high-quality visual documentation of their exhibition that would otherwise cost the artist £x. An artist may offer to recommend the gallery as a good venue to peer artists in other areas or countries, to support the gallery's 'talent spotting' aspirations.

Trading and bargaining

After this period of exploration and testing, the trading and bargaining begins in earnest.

Don't assume however, that this all has to happen at once, as you may do the testing and proposal-making some weeks or days before you sit down to bargain and finalise the arrangement. In general terms, ask for more than you expect to get and don't concede too much at the beginning because you've reduced your subsequent bargaining 'chips'.

In face-to-face discussions, be aware that body language speaks volumes – leaning back and folding your arms sends a signal that you're 'closed to discussion', whilst keeping eye contact and maintaining a normal sitting position says the reverse. It is important to listen actively, to concentrate on what the other party is saying rather than waiting for them to finish so you can jump in and make your own points. Don't always feel obliged to bring in 'new' material when you speak, you can instead summarise what has been discussed as a way of 'buying time' to decide your next move. Silence is OK too, providing time to gather thoughts for another intervention.

Nowadays, negotiation is often done via email or telephone. It's better to avoid making curt or aggressive comments that can tend to turn a collaborative negotiation into a confrontational one. Don't reply to emails or unexpected telephone calls 'off the cuff': always refer to the paperwork or notes from previous communications.

An agreement cannot be reached until the parties get to a position they can both 'live with', as a matter of course, this is generally somewhere between their respective starting points. Neither party should afterwards feel they were 'backed into a corner' or browbeaten into finalising the negotiation. If someone is pressing you to agree now it's usually because they will get more out of the arrangement than you will. So best not to.

When you've reached an agreement, write up your notes as a letter noting all the areas of agreement and send to the other party, asking them to confirm by signing, dating and returning to you a second copy that you have provided. Either artist or exhibition organiser can write up the agreement. For a checklist of what should be included in a formal exhibition agreement or contract see page 12.

Susan Jones

Notes

- 1 See www.apd-network.info for listings of organisations that provide professional development programmes for artists.
- 2 see p5 for current level of fees to artists for exhibiting.
- 3 For a framework for artists to calculate day rates for their services that take into account level of experience and specific overheads go to *The artist's fees toolkit* on www.a-n.co.uk
- 4 see p5 for current level of fees to artists for exhibiting.

GOOD PRACTICE RESOURCES FOR THE VISUAL ARTS

The leading UK commentator on contemporary visual artists' practice, a-n The Artists Information Company is a vital research resource for professional artists and all who engage and collaborate with them.

ARTISTS' FEES & PAYMENTS

Extending applications of **The Code of Practice for the Visual Arts** by demonstrating good practice in valuing and paying artists, the Artists' Fees & Payments series includes: **Establishing a charge rate for a working artist**; **Good practice in paying artists**, aimed at public sector arts employers commissioners, consultants and trainers and **Good Exhibition Practice**.

INTERACTIVE TOOLKITS

Researched and written by experts for www.a-n.co.uk, these include

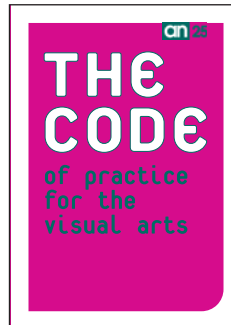
- **The artist's contracts toolkit** covering professional arrangements for commissions, exhibitions, residencies, selling and licencing reproductions.
- **The artist's development toolkit** designed for all career stages, enabling artists to review their position and explore ways of developing themselves and their practice.
- **The artist's fees toolkit** demonstrates how artists calculate annual and day rates against comparator professionals, their specific freelance costs and their experience level.

FUTURE FORECAST

Entitled **Future space** (May 05), **Social space** (August 05), **Curated space** (November 05) and **Outer space** (February 06), this series is about raising questions around future support frameworks and expectations of artists and their practice.

a-n COLLECTIONS

Examining the 'why, what and how' of artists' practice this series includes anthologies of selected articles from the a-n archive contextualised by new commentary, such as **Collaborative relationships** edited by Rohini Malik Okon (June 05), and new themed texts selected by guest editors such as **Shifting practice** edited by John Beagles and Paul Stone (July 05) and **Distributing practice** (working title) edited by Deborah Smith (October 05).



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