



November 2019

Call for Evidence: Salary Threshold and Points-Based System Commission

Migration Advisory Committee

1. UK Music is the umbrella body representing the collective interests of the UK's commercial music industry, from songwriters and composers to artists and musicians, studio producers, music managers, music publishers, major and independent record labels, music licensing companies and the live music sector.
2. UK Music exists to represent the UK's commercial music sector, to drive economic growth and promote the benefits of music to British society. A full list of UK Music members can be found in annex.
3. We welcome the opportunity to respond to this consultation on the proposals in the immigration draft legislation for a salary threshold and subsequent exploration of an Australian-style points system tasked by the new government. The UK music industry is very concerned about the impact such a threshold would have on our sector.
4. In conducting our 2018 diversity survey¹ we found that 20 per cent of the work force held a nationality other than British, with 13 per cent being European. We want to ensure that as an industry we can access the talent we need including young and emerging talent so we can remain competitive on a global scale. These members of our workforce make a vital contribution to our ever-growing UK music industry and we not only want to protect their right to live and work in the UK but be thankful of their work and be clear we value it.

Salary Threshold

¹ https://www.ukmusic.org/assets/general/UK_Music_Diversity_Report_2018.pdf

UK Music
4th floor
49 Whitehall
London, SW1A 2BX

T. 020 3713 8444
info@ukmusic.org
www.ukmusic.org

5. UK Music and our members are concerned about the proposals in the Immigration White Paper which suggest an arbitrary salary threshold of £30,000 per annum alongside the requirement for a position to be deemed RQF 3 in terms of the qualification required or equivalent.
6. We would be concerned about the impact of the salary threshold on the music industry's ability to recruit and maintain our talent pipeline. A predictable, regular and significant salary such as this is often not available or applicable to those involved in touring, recording nor indeed the development or publishing deal structure. The young and developing workforce is typically paid much less than £30,000 and we want the ability to allow young workers to come from around the world to support our industry. If we cannot access this young talent we could be put at an economic disadvantage as international competitors would benefit from this, thus the visa system could cause limitations.
7. According to the Office for National Statistics, musicians earned an average income of £23,059 in 2018 well below the proposed threshold of £30,000. There are of course many other roles in the music industry but are difficult to quantify through the current Standard Occupational Classification code system.

Freelancers

8. The immigration white paper does not clearly set out how it will enable the flow of freelancers into the UK to fulfil particular work. We must avoid punitive, bureaucratic or expensive administration which would at best restrict employment and our ability to attract talent and at worst, losing us opportunities to hire the best talent on a flexible basis.
9. The ONS reported that 72 percent of workers in the music industry are self-employed². To put this in perspective, according to that same ONS report only 15 per cent of the total working population are self-employed³.
10. A survey by the Music Producers Guild found that 94 per cent of MPG Full Members are self-employed and 80 per cent of these members' main source of income is Music Production. This includes members who hold European and non-EEA nationalities. MPG found in their survey that 10.5 per cent of members are EU nationals. These producers, engineers
11. The report Managing Expectations by the Music Manager Forum found that 56 per cent of members ran their own management companies full or part time and 25 per cent of members are self-employed. These managers have on average 2-3 clients, and work on a commission basis so that their income is linked directly to that of an

² <https://www.gov.uk/government/statistics/dcms-sectors-economic-estimates-2018-employment>

³ <https://www.ons.gov.uk/file?uri=/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/employeesandselfemployedbyindustryemp14/current/emp14may2019.xls>

artist/songwriter/producer meaning if this was disrupted, they would also lose income as a result of visa application denial of managers. The report also found that 75 per cent of managers earned below the national average of £31,000. 75 per cent of managers had equally invested their own money in their artists' career meaning that investment could be lost if managers are not allowed into the UK through the visa application system.

12. Regarding the salary threshold many workers in the industry such as those in a more technical role may earn salary on a project by project basis and as such do not receive a regular amount. Such workers are still vital and thus a solution needs to consider how specialist freelance labour can enter.
13. The MAC should consider ensuring umbrella sponsorship scheme by which certain representative bodies could facilitate the entry of self-employed workers for work in the UK. An example of this could be an umbrella body sponsoring a producer to come to the UK to work with an unsigned band.

Tier 2 Visas

14. The reformation of Tier 2 visas in line with a new immigration policy should be an opportunity to engage the industry on being able to set the terms of entry for their workforce. Industry should be allowed to clearly set terms of entry instead of arbitrary decisions on such factors. We believe industry knows what requirements it needs for a work force and would only bring in the required and best talent determined by already rigorous recruitment processes.
15. The reformed visa system should enable businesses to bring in the talent it needs and not be shaped by a desire to reduce immigration figures. We would support eliminating the cap on the number of Tier 2 visas so that talent can enter as required.

Points Based System

16. Most roles in the industry do require language proficiency in English for ease of communication and often job specifications will ask for this, therefore we accept this will be a part of assessing incoming workers.
17. The proposed system of points being awarded for applicants having studied in the UK would not often apply within the music industry or to externally qualified arrivals generally, and therefore we do not believe this should form part of the points system. However, we would welcome an allowance for graduates to stay after graduation and to extend that to apprenticeships or work-based qualifications, in the UK.
18. Work experience is the primary criterion by which candidates are judged within job applications; this could tie in with the proposed criteria for having a job offer.
19. In respect of the age of the work force our 2018 diversity survey found that 37 per cent of the work force is aged between 25-34, and 27 per cent of the work force between 45

to 64. The current Australian points-based system favours those aged from 25-32⁴, as a significant part of our workforce is outside of this age group, we would not consider age as an appropriate criterion in the application process.

20. The proposed criteria of educational attainment is not applicable to the music industry: many roles are not formally recognised by a qualification or where there is a relevant qualification, it is not perceived as educational attainment. We are more concerned about the experience candidates have for the roles they fulfil and often this is not reflected in qualifications, certainly not in RQF 3 or above.
21. The proposed criteria of having a job offer to enter is welcomed as a reasonable ask to be taken into consideration.
22. As with our broader points above we would not like to see salary thresholds reflected in a points-based system as it does not reflect a candidate's suitability for a role.
23. We would recommend that the shortage occupation list formula for 'priority' occupations is kept distinct from any points-based system to be introduced. This should remain a separate consideration as this could impact the ability of a candidate to reach the total points threshold and would require an assessment which would rank roles by points. This would have to require a thorough consultation process with industry to ensure that we can set appropriate terms for such an assessment.

Other Areas of Interest

24. It is vital to the UK live music industry that the Tier 5 exemption which allows artists to enter without a visa on a certificate of sponsorship is maintained. This allows artists of a particular calibre to tour the UK with ease. Our members have expressly fed back that this route is important to maintain and further develop.
25. We are also keen to maintain the permit free festival route and examine how this route could be expanded to allow independent and smaller festivals to benefit when bringing in artists from abroad for what are often one-time performances.

Annex

UK Music's membership comprises: -

- AIM – The Association of Independent Music – the trade body for the independent music community, representing over 850 small and medium sized independent record labels and associated music businesses.

⁴ <https://migrationobservatory.ox.ac.uk/resources/reports/the-australian-points-based-system-what-is-it-and-what-would-its-impact-be-in-the-uk/>

- BPI - the trade body of the recorded music industry representing 3 major record labels and over 300 independent record labels.
- FAC – The Featured Artists Coalition represents and promotes the interests of featured recording artists in the music industry.
- The Ivors Academy - The Ivors Academy exists to support, protect and celebrate music creators in the UK. We are the independent professional association representing songwriters and composers in all genres, whether they create song, symphony or sync. Previously known as BASCA, we can trace our history back over 70 years. As champions of music creators, we have three main activities: campaigning, cultivating and celebrating.
- MMF – Music Managers Forum - representing over 650 UK managers of artists, songwriters and producers across the music industry with global businesses.
- MPG - Music Producers Guild - representing and promoting the interests of all those involved in the production of recorded music – including producers, engineers, mixers, remixer, programmers and mastering engineers.
- MPA - Music Publishers Association - with 260 major and independent music publishers in membership, representing close to 4,000 catalogues across all genres of music.
- Musicians' Union representing 30,000 musicians.
- PPL is the music licensing company which works on behalf of over 100,000 record companies and performers to license recorded music played in public (at pubs, nightclubs, restaurants, shops, offices and many other business types) and broadcast (TV and radio) in the UK.
- *PRS for Music* is responsible for the collective licensing of rights in the musical works of 114,000 composers, songwriters and publishers and an international repertoire of 10 million songs.
- UK Live Music Group, representing the main trade associations and representative bodies of the live music sector

For more information please contact Sam Murray, Policy & Research Officer, UK Music on sam.murray@ukmusic.org or 02037 138456