

GOOD PRACTICE MANUAL FOR PROFESSIONALS IN THE CULTURAL AND CREATIVE INDUSTRIES

1. Purpose of the document

The purpose of this document is to further professionalise and improve the quality of professional services in the Creative and Cultural Industries (ICC to use the Spanish short form). The task of professionals in the ICC revolves around the efficient and effective administration of knowledge and resources, whether those resources are material, technological or communicative, so as to obtain the expected results and taking account of the risk inherent in creation and innovation. For that reason, professionals will have recourse to planning and evaluation through systems of indicators with the aim of increasing the participation, education and enjoyment of users, as well as the aim of disseminating the arts and culture, artistic innovation and the contribution of contemporary thought.

2. Specific objectives

- 1) To be a guide for responsible practice for professionals in the sector.
- 2) To promote efficient and effective work.
- 3) To recognise the obligation and duties of managers in the ICC.
- 4) To contribute to knowledge of the legal and technical regulations.

3. Good practice in the management of the Cultural and Creative Industries

3.1. Quality of management

1. The delivery of a service or the promotion of cultural activities by a manager in the ICC must promote quality. The manager must continually bear in mind aesthetic, moral and intellectual values and must be attentive to the new ways of addressing creation and must bring new focuses, empowering creative resources linked to the idea and the aesthetic.
2. The management of the ICC is a task which is continuously changing, therefore it is important that managers themselves are trained initially and on an ongoing basis.
3. The management of the ICC must be carried out by conceptualising, projecting and, above all, planning. Organisation is an indispensable task for management, which must be handled with creativity, efficiency, effectiveness and foresight.
4. Professional competence in innovation and creativity distinguish cultural processes. Whenever possible, the professional task of the manager should be governed by innovation, bringing new methodologies to the processes of management and creative languages which unleash the potential of new technologies. The use of mobile Apps, augmented reality and other technological tools must be present in cultural products and in the management of our services.
5. The professionalism of the manager shall be distinguished by a broad knowledge and familiarity with interdisciplinary collaborative processes. The manager must maintain a co-operative attitude towards all the disciplines which form part of the cultural process.

6. The management of the ICC requires an open and flexible mind, able to embrace different cultural approaches. The manager must adapt to new situations and different points of view.
7. The professional must undertake all the duties, and acquire all the skills, inherent in the profession in order to enhance it.
8. The cultural manager must ensure that all offerings or services have a high educational value and that they take into account all audiences, from children, through adolescents and adults included.
9. The professional must ensure accessibility for all and diversity so as to make the cultural and artistic content accessible to people affected by physical and mental disabilities. Article 27.1 of the Universal Declaration of Human Rights prompts us to adopt participatory and active cultural policies. The manager must promote participation in, and democratisation of, culture, and must be sensitive to multi-cultural, inter-cultural and transcultural dialogue.
10. The professional must be a mediator for the development of social rights for specific sectors affecting diversity and cultural rights, gender equality, immigration and movements of people.
11. The manager must be aware that the sector has a direct impact on the economy through GDP, that it creates jobs within the sector and stimulates other sectors linked to tourism. It is important for the manager to develop forms of collaboration seeking the qualitative improvement of projects, ensuring their economic viability and profitability.
12. In the professional management of the ICC, we should be vigilant that the public sector does not compete with the private sector and demand that public activity stimulates the development of business in the creative field in equality of opportunity with other sectors.

3.2. Development of management

1. The management professional in the ICC must have a series of instruments and tools to help the manager correctly plan the tasks to be carried out as part of a project or activity, and must establish protocols and define tools which aid in the proper evaluation of the results obtained. Organisation is an indispensable element of cultural management.
2. Before starting any project in the ICC, the manager must first prepare a viability plan. This plan must define: objectives, materials, spaces, human resources, budget, implementation plan, communication and marketing plan and results expected.
3. The manager must have a strategic plan which defines the objectives in the short, medium and long term and an evaluation system that tracks those objectives.
4. Through the carrying out of the activities of management professionals in the ICC, objectives which respond to the principle of general interest and which are proportionate to the resources available must be sought.

5. The degree of compliance of activities undertaken will be assessed periodically on the basis of reference points that will allow us to see favourable or unfavourable patterns and to take, following assessment, the appropriate reactive measures, striving for continuous improvement.
6. The manager must know which are the best channels to communicate effectively with the world, to attract new audiences and to progress the objectives established at the beginning of a project. A communication and cultural marketing strategy must be laid out to help to define actions, strategies and products with the aim of promoting cultural production, the dissemination of culture and the construction of an image of the institution, business or organisation to place it in the sector and to capture new and potential audiences. Marketing takes a segmentation strategy into account; a positioning strategy; product and brand strategy; pricing strategies; distribution and advertising strategies and communication strategies.

The phases of a communication and marketing plan may include the following:

- Situation analysis: internal, within the organisation; and external, in society, the market, the community in which the cultural service or product will be produced. Include historical analysis, trends, price movements, market surveys, SWOT (strengths, weaknesses, opportunities, threats) analysis.
 - Define the objectives and the target/targets. The objectives must be clear, specific and achievable and must define who they are aimed at and how they will be achieved.
 - Development of strategies to achieve the objectives.
 - Action plan. Timeline for work to carry out strategies
 - Definition of available financial resources for the marketing/communication plan.
 - To establish a system of controls which gives visibility to the degree of achievement of the objectives in the plan and adapts to unforeseen situations.
7. If appropriate, the manager in the ICC must know what materials he or she has at his or her disposal. To this end, the manager must make inventories of the available materials and equipment. In the inventories, the technical characteristics of any materials, their location and their cost of acquisition should be stated.
 8. The cultural manager may establish participation systems which include the social environment so as to align the cultural offering with the demand. For example, he or she could seek feedback through surveys, but any surveys must take account of the full range of possible opinions, without discrimination - on grounds of gender, culture, social states, language... - of any kind.
 9. Managers have an obligation to account for the activities carried out and to justify the costs incurred, whether they work for the government or through a subsidy granted to present accounts to the contracting party. Public cultural services and projects funded wholly or partly through grants from the public sector must be accountable to the grant-awarding bodies through the presentation of reports and accounts in accordance with applicable law.
 10. The professional must create a system of evaluation to identify the results of any activity, service or project to establish whether the objectives and the results are

consistent. It is recommended for the evaluation to be carried out in two ways: users will be asked for their opinions on their interests and the manager will evaluate his or her own activity. It is advisable that evaluation is done periodically to provide greater continuity and progressive scalable development of the project or activity to be carried out.

Evaluation criteria:

- Financial management
 - Visibility
 - Impact (on the area, users ...)
 - Relations established
 - Quality of the cultural projects, products or services managed
11. The evaluation criteria will include quantitative indicators (footfall, satisfaction, cost, etc.); qualitative indicators (based on assessments, competitiveness, efficiency, satisfaction, etc.); and impact indicators (social, economic, geographic, etc.)

3.3. Intellectual property rights of users

1. The manager must respect the intellectual property rights and rights of author, which are rights that arise in favour of authors and creators of works. In accordance with the Law on intellectual property and the freedom of creation and expression, the manager has a duty to respect this fundamental right.
2. The management professional must, in every case, address payment for rights of the author arising from the exploitation of works, whenever relevant to a management activity and when part or all of the rights of exploitation of a work are not reserved to the author or are free from any commitment to any rights management organisation through open Creative Commons licences. It is up to the author/artist to decide whether his or her work should be made available to the public through recognition of an open licence such as that mentioned above.
3. The set of rights to be respected by the cultural manager are the moral and patrimonial rights to exploit a work of the author or creator.
4. Authors have moral rights in their works even when they have ceased to be their owner of those works. Such rights are irrevocable and non-transferable.

These rights allow the author:

- To decide whether their work should be disseminated and in what manner.
- To decide whether dissemination is done under their name, under a pseudonym or anonymously.
- To demand recognition as the author of the work.
- To demand respect for the integrity of the work and to prevent any transformation of the work without their prior consent.
- To approve the manner of any exhibition, publication or diffusion of a work.

Managers in the ICC must scrupulously respect the artist's moral rights.

5. Neither the manager nor any intermediary can censure or modify the work of an artist or author with the consent of that person.
6. The manager must mention the participants and authors in the credits for any activity, those who have participated in a direct manner from a creative point of view in the development or creation of an activity, project or object.
7. The manager must respect the patrimonial rights conferred on the author of a work which are non-transferable and can be grouped into two categories. Rights to exploit and rights to be paid. The manager must respect them and reach any agreements needed with the author or artist or rights management organisation in order to be able to use their works.
8. The manager must take account in each place in which he or she carries on his or her managerial activity the law relating to intellectual property, particularly in relation to use in education and cultural, educational and scientific institutions.
9. The manager can consider the use of a patent for a given product.
10. The ICC manager is responsible for implementation of the appropriate technical and organisational measures to ensure, and to be able to demonstrate, that the processing of personal data is carried out in accordance with the applicable legal and statutory requirements. This principle requires organisations to have a conscious, diligent and proactive attitude towards all the processing of personal data that is carried out.

Managers must observe the General Data Protection Regulation in force within the European Union on the protection of natural persons with respect to the processing of personal data and the free circulation of such data. On no account will the artist's personal data be published or transferred to third parties, except with the prior written and signed consent of the artist in person.

3.4. Management of spaces

1. The manager is responsible for the proper use of the spaces and equipment under his or her responsibility, as well as for ensuring that users use them responsibly.
2. Managers must review the goods and equipment of cultural installations and continuously present reports of the measures needed for the conservation, updating and repair thereof in order to maintain the safety of buildings, associated infrastructure and equipment.
3. Managers must ensure that any transfers of equipment to other cultural initiatives are carried out under signed agreements, protocols or whatever document may best ensure their appropriate use, and that any such set out clearly the obligations assumed by the person who is to use the equipment.
4. The manager shall ensure that any equipment is accessible to all users in accordance with applicable European Union law.
5. The manager shall bear in mind the need to safeguard against workplace risks, the safety of workers and users who access whatever space or activity, in accordance with

laws in force in the place where the task is being carried out or, secondarily, in accordance with applicable European Union law.

6. If appropriate, the manager should arrange for the taking out of any necessary insurance policies to cover goods and people.
7. If there is a space for the carrying out of the service or activity arising from the professional task of the manager, there should be a health and safety plan and a plan for the maintenance of the building and any equipment to ensure the safety of workers, users and infrastructure. The plan shall include an assessment protocol for the buildings to be carried out by a specialist in accordance with applicable law.
8. Work spaces used by managers will comply with any applicable requirements in relation to safety, hygiene and work place risks. Managers will take care to ensure adequate working conditions for their staff and for external contractors. To that end, the manager will inform contractors and collaborators of the risks and working conditions in operation in accordance with applicable law.

3.5. Technical independence and collaboration

1. The manager must defend his or her professional autonomy from any pressure from outside interests.
2. The manager shall maintain his or her technical evaluation criteria and his or her planning principles. Even so, flexibility in the face of change and a willingness to reach a consensus among diverse interests and audiences are also needed from the manager.
3. A management professional in the ICC is the one who has to bring to bear rigorous evaluation criteria to develop cultural policies through the assessment of public funds intended for use in explorations, production or dissemination of contemporary creation and culture in general.
4. The manager must contribute to the development and promotion of standards and policies for cultural development.
5. Collaboration among different participants, whether in the public or the private realm, promotes dynamism in professional management in the sector.
6. The manager may contemplate making publicly available research carried out for audiences, the social and economic context, the results of an activity, etc. to contribute to our knowledge of the world, both for the benefit of public bodies and for the public at large.

3.6. Management of human resources

1. The professional shall be vigilant to ensure that contracts for externally provided services or with employees are made following processes that ensure equality of opportunity for all.

2. The manager shall appoint staff using an assessment of the profile and skills of the applicants in order to ensure that the selected candidate is capable of meeting the professional objectives that have been set.

The things to consider are:

- Definition of the job specification, skills and functions
 - Specify nature of contract, the length of the contract, salary and terms of payment.
 - Decide whether we are going to carry out the selection process ourselves or whether we are going to contract it out to a professional organisation specialised in recruitment. It is important to ensure that the person given responsibility for the selection process has the knowledge and skills to carry out a selection process, to assess candidates and to select the best professionals.
3. Selection may be carried out through purpose-specific digital platforms. Such as, LinkedIn or advertisements through professional associations.
 4. It is permissible to enter into collaboration agreements with students for work experience or scholarships but they must be for strictly educational or training purposes and any volunteer must always be a complement to a complete workforce. In either case, the functions and tasks allocated cannot be equivalent to those allocated to a professional nor may they displace a post. The undertaking of work experience may involve payment in terms of meeting living expenses and travel costs. Scholarships shall be awarded as a contribution to the costs of studying. Voluntary support cannot be paid. In any event, the relationship between the parties shall be established in a written contract or agreement.
 5. The manager shall adopt the measures needed to ensure an appropriate work-life balance for the workforce.
 6. The professional will be vigilant to ensure the creation of a large enough workforce, which is complete and stable and able to ensure the on-going operation of projects, services and spaces.

3.7. Financial management and calculation of fees

1. The professional must assess the financial viability of projects and/or activities.
2. Professionals in the sector must have a budget for income and expenditure for each project.
3. The manager in the ICC will take care to find resources to carry out projects financially, and it is recommended that they are drawn from a variety of sources to enhance the business stability of the manager.
4. The development of short, medium and long-term strategies for income generation - from direct or indirect sources, public or private, crowdfunding and community-based - and for the recycling of resources is recommended. The manager shall assess the

suitability of all types of grant (European, state, autonomous regional governments and local) and of any collaborations based on the principle of exchange.

5. The financial support channels that may be useful to the manager are sponsorship and patronage. It is advisable to draw on businesses with corporate social responsibility programmes (CSR). Businesses with negative reputations on account of the exploitation of children or disadvantaged groups, racist or xenophobic advertising, a lack of respect for gender equality or any other disrespect or harm to human and cultural rights are unacceptable sponsors. To gain sponsors it is necessary to prepare an information pack, to define a system of monitoring for any services provided, to mention the sponsor in publicity material etc.
6. The manager shall seek to optimise expenditure on projects/activities so as to enhance their sustainability and viability.
7. The professional must agree with authors, artists and creators financial terms or other compensation which are or is fair and acceptable to both parties.
8. Contracts will be entered into on the basis of market rates of payment. To that end, the manager shall seek comparators among professional services of comparable nature to establish appropriate budget figures.
9. The person who enters into a contract with an artist or creative must bear the costs of the services, productions or explorations contracted for. When a service or space commissions a new work, it must assume the whole cost and, if there is an agreement for the adaptation of an existing work, the costs of the adaptation. When the carrying out of a presentation presupposes preceding research or exploration, the contracting agent will also bear the cost fairly attributable to that professional work. In any case, if it is envisaged that a work may have a subsequent economic value and generate benefits, the producer-agent and the artists may agree at the outset the basis on which any initial investment will be repaid from any financial benefit which transpires.
10. The professional may set fees for the provision of a service. The fees must be agreed between the parties, as must those relating to rights of exploitation such as compensation and fees for the work that has been undertaken. Publication of the fees of the manager is optional.
11. To calculate fees, account will be taken of the following: the time commitment; the complexity of the work; the cost of materials; the novelty, difficulty or originality of the work; comparisons with fees for similar work, public and private; the age of the client; the repeatability or otherwise of the commission, the experience brought to bear. The professional will avoid setting fees which over- or undervalue the work to be carried out.

3.8. Acquisition and contracting for works and external services

1. When it comes to having to buy works and services from external providers in order to carry out the activity of the manager, it is advisable to take into account, as a minimum, three aspects.

2. The relationship with the professional to be engaged has to be based on reciprocity and co-responsibility, on the understanding that each party must be aware of its rights and obligations.
3. Above all, the manager should contract in writing. Having entered into a service provision contract for professional services in an ICC context between a professional and a client, neither party may terminate the contract unilaterally without the agreement of the other.

3.9. Contracts

It will be appropriate to have written contracts which regulate the basis of the professional relationship between the two parties, whether government body, business or association and the artists, author or interpreter, cultural agent, business, etc. The manager in the ICC must be familiar with the structure of contracts so that he or she can use them on both ends, as the person contracting something or as the person providing something.

The structure of a contract contains the following elements:

- Heading: title, statement of the subject matter of the contract.
- Date and place in which the contract is signed.
- Details of the parties. It is essential that the contract clearly and precisely contains the details of the contracting parties: names and surnames, whether they are of full age, marital status (if wanted), profession (if wanted), address and national identity document, passport or similar for a physical person. In the case of a legal person, the contract must contain the details of the physical person who acts as its representative, with primary importance to their address, the position that that person occupies and details of the legal person (name, nature of person, date of formation, number in notarial protocol, notary who authorised the formation, tax identification code, details of registration at the Companies Registry, etc.). In the case of a physical person who represents a commercial entity or a third party, the contract should state the details of the authorisation under which the representative acts, and it is recommended that the manager should check that the physical person does have the capacity to enter into contracts for legal person. For that reason, it is essential that the power given to a person to enable them to accept obligations on behalf of another confers sufficient capacity to allow the representative to bind the principal. It is recommended that the details given in the description of the parties to the contract are checked against the original document of authority to act.
- Acknowledgement and Recitals. The parties should mutually acknowledge their legal capacity to enter into the contract and there should be recitals which provide the background to allow the contract to be correctly interpreted. The parties now make a declaration of their intentions which consists in reciting the existence of the contract that they are to enter into which will help us subsequently to interpret it and by reciting their mutual intention to proceed to enter into the contract.
- Operative provisions. In this part, the contract sets out the terms agreed by the parties, the fruit of the free will of each. This is where the parties determine:
 - a) The purpose of the contract. It is essential to set the purpose of the contract, which will be related to an activity, service or cultural project.
 - b) The term or validity of the contract.
 - c) Financial conditions. Here we included the budget for the activity and its funding, any

- professional fees and the determination of the amount of those fees and the manner and time of payment.
- d) The situation or technical project. Description of the work to be carried out, aims, places, infrastructure provided by each party, phases, work plan and expected results.
 - e) Description of the technical conditions of the artistic or technical work.
 - f) The determination of work spaces.
 - g) Support from any other businesses or professionals which will be contracted for.
 - h) Safety and security measures and work material.
 - i) The form of payment for any rights of author, in the case of an artistic commission. The rights to exploitation in different channels will be precisely detailed in the contract.
 - j) The place, the time and the period for performance, and the procedure to follow in the event of termination.
 - k) Any dissemination which is envisaged.
 - l) The evaluation system.
 - m) Grounds for termination, force majeure, interpretation of the contract in case of doubts and disputes
- Signatures of the parties.

Bibliography of works used in the preparation of this document

Associació de Professionals de la Gestió Cultural de Catalunya (APGCC) (2011). *Guia de bones pràctiques de la gestió cultural*. [Guide to good practice in cultural management]. Barcelona: APGCC.

Bòlit Emprèn (2013). *Guia de bones pràctiques dels professionals de les Indústries Culturals i Creatives*. [Good practice guide for professionals in the Creative and Cultural Industries]. Girona: Bòlit, Centre d'Art Contemporani. Girona.

Federación Estatal de Asociaciones de Gestores Culturales (FEAGC) (2016). III Conferencia Estatal de la Cultura). [State Cultural Conference]. *Libro blanco de buenas practicas de la Gestión Cultural en España (v4)*. [White book of good practice in cultural management in Spain v4]. Valladolid: FEACG

Fuertes M. y Badillo A. (Ed) (2014). *Tendencias y buenas prácticas en las Industrias Culturales y Creativas*, Vol. I [Trends and good practice in the Cultural and Creative Industries, Vol I]. Universidad de Salamanca y Junta de Castilla y León.

Ministerio de Cultura i Deporte (2018). *Plan de Fomento de las Industrias Culturales y Creativa*. [Plan for the development of the Cultural and Creative Industries]. Madrid: Ministerio de Cultura y Deporte.