

Women and Equalities Committee

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# Misogyny in music: Government, CIISA and Office for Students responses

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Third Special Report of Session 2023–24

HC 695



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# Women and Equalities Committee

The Women and Equalities Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Government Equalities Office (GEO).

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The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No. 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

## Publication

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## Committee staff

The current staff of the Committee are Lizzie Arnold (Senior Media and Communications Officer), James Clarke (Committee Specialist), Chloë Cockett (Senior Committee Specialist), Mark Earl (Safeguarding and Witness Support Officer), Michelle Garratty (Committee Operations Manager), Roberta Guerrina (Parliamentary Academic Fellow), Phil Jones (Clerk), Jack Smith (Committee Operations Officer) and Charlotte Swift (Second Clerk).

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# First Special Report

The Committee published its Second Report of Session 2023–24, Misogyny in Music (HC 331), on 30 January 2024. The responses from the Government (received 10 April), CIISA (received on 25 March) and the Office for Students (received on 9 April) are appended below.

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# Appendix 1: Government Response

HM Government welcomes the publication of the House of Commons Women and Equalities Select Committee's 'Misogyny in music' report. We are grateful to the Committee for its consideration of this important issue.

Recommendations from the Committee are set out below in bold and are followed by the Government's response. The response focuses primarily on the recommendations which are addressed specifically to the Government. We hope and expect relevant industry bodies will carefully consider any recommendations that have been made for them.

**Recommendation: We expect the music industry to act on our recommendations and call on industry bodies to respond to the recommendations relevant to their work. (Paragraph 5)**

HM Government is clear that everyone should be able to work in the music industry without being subject to misogyny and discrimination.

Whilst it is crucial that the Government provides robust legal protections for workers, we share the Committee's view that the music industry must do all it can to ensure that workplaces are safe and supportive environments for women, and the entire workforce.

**Recommendation: Music colleges, conservatoires and other educational settings need to do more to address the gendering of instruments, roles and genres and improve the visibility of and support for female role models. The Government and industry bodies should offer increased, funded and targeted opportunities for women and girls to study subjects and to engage in training in areas of the music industry that remain male-dominated and where women are made to feel unwelcome. (Paragraph 16)**

**Recommendation: Although female representation in the music industry is improving, particularly at senior levels, progress is not uniform and gender imbalance remains entrenched in certain areas. The music industry and government should increase investment in diverse talent and make more funding available to the schemes that support it. Pathways to careers for women working in the sector must improve, particularly in key gatekeeping roles such as A&R and other**

**male-dominated areas including sound engineering and production.  
(Paragraph 42)**

All schools and colleges in the United Kingdom are already subject to the Equality Act 2010 and the Public Sector Equality Duty, meaning that all students are protected from discrimination based on their sex under the law. It is also a funding requirement that colleges take all reasonable actions to offer equality of access to learning opportunities and to close equality gaps in student learning and outcomes.

There is evidence that gender balance in students studying music in higher education has improved in recent years. The proportion of UK acceptances to music courses at UK higher education providers that are women has increased from 39.4% in 2019 to 45.4% in 2023. In addition, the number of UK female students that accepted places on higher education music courses has increased by 9.4% from 2019 to 2023.<sup>1</sup> This is in part due to improved gender balance in music education for younger students and the significant work of Government-funded Music Hubs and many music education charities over recent years in tackling disparities between girls and boys.

The National Plan for Music Education was jointly published by the Department for Education and the Department for Culture, Media and Sport in June 2022, and sets out the Government’s vision for music education up to 2030: to enable all children and young people to learn to sing, play an instrument and create music together, and have the opportunity to progress their musical interests and talents, including professionally. Central to this vision is inclusion, so that all music educators working with children and young people to 18 commit to achieving greater access and more opportunity in music education, identifying and removing barriers.

As part of achieving this ambition, the network of Music Hubs across England will have a Participation and Inclusion Strategy from September 2024 as part of their Local Plan for Music Education, including access to a range of musical instruments. All Music Hubs will also have an Inclusion Lead with the role of broadening access and improving participation in music. As education is a devolved matter, the National Plan for Music Education applies to England only.

The Government recognises the important role the music industry plays in improving access and opportunities for women. This includes the work of organisations such as Women in CTRL, whose aim is to advance sex equality in the music industry and GIRLSofGRIME, a grassroots talent development organisation supporting women in music.

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1 [UCAS, Undergraduate end of cycle data resources 2023](#)

The Government is committed to working closely with the music industry, including local music organisations, to help every young person have access to a high-quality musical education and the skills, training and advice they need to pursue a successful career in the music industry, particularly in the most deprived areas of the country.

The Government already funds a wide range of programmes to support young musicians such as the Music and Dance Scheme, Creative Careers Programme and National Youth Music Organisations, and we are confident that the progress made will continue, so that women and girls are given the opportunities to study subjects and train, and are given clear pathways into the music industry.

**Recommendation: Section 14 of the Equality Act 2010 which provides protection from discrimination on the basis of a combination of two relevant protected characteristics presents a limited understanding of how overlapping characteristics are used to discriminate against individuals and prevent the most vulnerable from bringing harassment claims based on their actual experience. The Government should bring section 14 of the Equality Act into force and consider whether an amendment to that section is required to better protect those facing intersectional inequality. Businesses are already aware of their responsibilities to equality of treatment under the Equality Act; bringing section 14 into force would impose minimal additional burdens. (Paragraph 35)**

The Courts already have the discretion to allow people to bring multiple claims on different grounds where it is justifiable to do so. For example, a person may bring an age discrimination and disability discrimination claim in respect of the same alleged act of discrimination and a Court or tribunal may consider these alongside one another.

The Cabinet Office Equality Hub is responsible for the overall framework of UK equality legislation. The Government has no plans to implement the dual discrimination provision in the Equality Act 2010 at this time. Section 14 is considered unnecessary, since the 2010 Act provides robust protection across a range of protected characteristics and an employee or service user may bring a claim under more than one ground.

**Recommendation: Reform of parental leave for freelancers is overdue. The current system places the burden of childcare onto the mother and offers no financial support for self-employed fathers or same-sex partners wanting to share childcare responsibilities. The Government should bring forward legislation to allow self-employed mothers and fathers to share parental leave and pay and for the leave to be taken non-consecutively as is the case with PAYE employees. (Paragraph 52)**

The Department for Business and Trade leads on employment rights, including statutory leave and pay entitlements for parents. An individual's employment rights are determined by their employment status, not the type of employment contract they have or the type of work they do. Employment status is based on the nature of the relationship between an individual and the person for whom services are provided. Comprehensive guidance was published in July 2022<sup>2</sup>, which sets out the different employment rights which apply to different employment statuses (worker, employee and self-employed).

The Government recognises the importance of supporting both mothers and fathers in balancing their professional and caregiving responsibilities. Government support focuses on supporting employed parents through statutory parental leave and pay, as employees do not generally have the same level of flexibility and autonomy over the time they take off work as self-employed parents do. Employees typically have a contract of employment and will be required to work regular hours, be paid for the time they work and have an employer who has control over when they work, where they work and how their work is done. Due to this, employees have the greatest level of employment protections to balance out the lack of flexibility that this employment type provides in other ways.

Maternity Allowance is available to self-employed women who meet eligibility requirements. It supports self-employed women to stop working in the later stages of pregnancy, and in the months after childbirth, to recover from the physical effects of childbirth in the interests of their own and their baby's health and wellbeing. These health and safety considerations do not apply to fathers and partners in the same way; therefore, there is no equivalent entitlement to Maternity Allowance offered to self-employed fathers and partners. If they meet the qualifying criteria, self-employed women who qualify for Maternity Allowance can choose to curtail their entitlement to create a pot of Shared Parental Leave to transfer a leave and pay entitlement to their partner, if the partner is employed and also meets qualifying criteria. There are currently no plans to introduce any entitlements to parental leave or pay for self-employed fathers or partners.

The Government also has provisions in place such as Tax Credits, Child Benefit and Universal Credit which provide support with the cost of raising children; self-employed parents are able to claim these benefits if they meet the eligibility criteria.

**Recommendation: The Government should bring forward legislative proposals to extend the protections relating to discrimination and harassment in the Equality Act 2010 to include all freelancers.**

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2 [UK Government, Employment status and employment rights: guidance for HR professionals, legal professionals and other groups](#), 26 July 2022.



**Limitation periods for Equality Act-based discrimination and sexual harassment claims should be extended to six months. In the meantime, the Government should set out clearly – in its response to this report – which freelance workers are currently entitled to protections under the Equality Act and which are excluded from that protection. (Paragraph 62)**

The Government recognises the essential contribution freelancers make to the creative industries, including music. Everyone, including freelance workers, should be able to work without fear of harassment, discrimination or violence.

The Equality Act protects those in employment, including some people who describe themselves as freelancers, from unlawful conduct such as discrimination, harassment and victimisation. The Act's definition of employment is broad, and includes a variety of working arrangements, employees, zero-hours contract workers, workers who are required to perform work or services personally (sometimes known as limb (b) workers) and some self-employed people (where they are required to perform the work personally). The Equality Act will therefore cover subcontractors and agency workers, unless they are genuinely self-employed.

Whether a person describing themselves as self-employed or freelance is protected under the Equality Act 2010 will depend on their specific circumstances, for example the degree of control over how they carry out their work. A self-employed individual may be covered by the Act if they carry out personal service – i.e. typically, where they are not permitted to subcontract any part of the work or use others to do it or otherwise where the degree of control over how they carry out their work is significantly limited. This would be for an employment tribunal to determine. There are no plans to change or extend the Act in this area at present.

The Government continues to look closely at extending the time limit for bringing Equality Act-based claims to an employment tribunal from three to six months and will take account of the Committee's report as we do so.

**Recommendation: We support the Office for Students' proposed new condition of registration aimed at protecting students from harassment and sexual misconduct. Its effectiveness will depend, in part, on students and staff feeling both able to recognise and report misconduct and that any complaints will be taken seriously. OfS guidance should stipulate that internal reporting must be clearly signposted and independent of the structures and relationships in which harassment and abuse may occur, for example internally via a dedicated pastoral officer or externally to Creative Industries Independent Standards Authority. (Paragraph 74)**

The Department for Education has been in dialogue with the Office for Students about a proposed new registration condition for some time and significant progress has been made. The Office for Students received a significant response to its public consultation on the new registration condition last year. This will ensure the finalised details will be evidence-based and familiar to higher education providers. We also welcome the Office for Students' decision to arrange a national survey of sexual misconduct in higher education, and that a pilot survey was completed last autumn. We look forward to the outcome of the Office for Students' public consultation on the new registration condition, and the pilot survey, being published in the coming months as this will form the foundation for all future work on this issue, including the planned national prevalence survey.

**Recommendation: The OfS should also require educational settings to ensure that all staff, permanent, temporary and those visiting, are aware of policies around abuse and harassment, including the consequences of inappropriate behaviour. People invited to teach students should undergo background and reference checks and be in no doubt of expectations with regard to conduct. Eminent musicians should not be exempt from these safeguarding duties. (Paragraph 75)**

The Department for Education welcomes the Committee's recommendation. This is a matter for the Office for Students.

**Recommendation: Too often in the past, institutions have put protecting their reputations ahead of a duty of care for their students. The OfS's proposals for potential loss of funding and/or accreditation should help challenge that mindset. We urge the OfS to implement the new condition as swiftly as possible and to enforce it robustly. (Paragraph 76)**

The inclusion of a ban on the use of non-disclosure agreements in cases of sexual misconduct, harassment and bullying in the Office for Students' registration condition would be consistent with the Higher Education (Freedom of Speech) Act 2023 that includes a ban on such agreements and is due to take effect on 1 August 2024.

**Recommendation: A recording studio should be a safe space for all those who work there. Frequently this is not the case, and commercial self-interest is prioritised over personal safety. We recommend that all commercial recording studios should be licensed. That licensing process should include a sexual harassment risk assessment to ensure that adequate measures are in place to protect the safety of those who work there, particularly during out of hours sessions, and clear reporting pathways when incidents do occur. Studios where there are repeated instances of harassment and abuse should lose their licence. Contracts**

**should allow for termination in the event of inappropriate behaviour.  
(Paragraph 80)**

The Government agrees that recording studios should provide a safe environment for all who work in them. There are no plans at the present time to introduce new licensing requirements for commercial recording studios.

The Secretary of State for Culture, Media and Sport welcomes the establishment of the industry-led Creative Industries Independent Standards Authority, which will help to ensure safe and inclusive workplaces for creative industry professionals through proactive interventions and advice. The Authority seeks to provide a single place of accountability where behaviours of concern can be reported and investigated, and build capability to prevent and tackle bullying and harassment, including that of a discriminatory nature.

**Recommendation: The Equality Act 2010 should be broadened to impose a duty on employers to be proactive, rather than simply reactive, in protecting workers from third party sexual harassment and for a statutory code of practice to support them in doing this. A statutory duty would create a clear and enforceable legal requirement on all workplaces to safeguard workers, and help bring about cultural change in the workplace. Employment tribunals should impose greater penalties in cases where perpetrators of harassment and bullying behaviour are found to have acted vindictively against complainants.  
(Paragraph 90)**

The Equality Act 2010 provides legal protections against sexual harassment in the workplace. In response to the Women and Equalities Select Committee's fifth report of session 2017–19, the Government held a public consultation and public questionnaire about the effectiveness of anti-harassment law. Following this, we supported the passing of the Worker Protection (Amendment of Equality Act 2010) Act 2023, which will introduce a duty on employers to take 'reasonable steps' to prevent sexual harassment of their employees from October 2024. The employer duty will send a strong signal to employers that they need to take action to prioritise prevention of sexual harassment and ultimately improve workplace practices and culture.

In each sexual harassment case, where the tribunal has found in favour of the victim and also concluded that there has been a breach of the employer duty, the employment tribunal judge may order an uplift of up to 25% on the compensation awarded for the sexual harassment.

The Government has no current plans to reintroduce employer liability for third-party harassment.

**Recommendation: Guidance for employers and employees, including freelancers, on the new duty to protect from sexual harassment, should set out how employers should prevent and manage sexual harassment coming from third parties in the absence of legal protection, including how all parties can report it, regardless of employment status.**

**Paragraph 91)**

The Equality and Human Rights Commission’s technical guidance on Sexual harassment and harassment at work includes guidance on expectations of employers regarding third party harassment<sup>3</sup>.

The Commission does have powers to investigate if it chooses to. The Commission will also publish updated guidance to support employers with the new employer duty<sup>4</sup>.

The Employment Statutory Code of Practice will also be updated after the technical guidance update has been published and will be subject to full consultation with publication anticipated in late 2024.

**Recommendation: Public funding and licensing of music venues should be made conditional on those premises taking steps to tackle gender bias, sexual harassment and abuse. This should include the training of venue staff by accredited organisations that work in the sector. The Government should review international examples, such as the measures introduced in France, Ireland and Barcelona, and introduce similar policies in the UK. The Government should consider making funding available to smaller venues to enable them to meet this condition. (Paragraph 96)**

Ensuring the safety of performers, staff and attendees at live music events is paramount. It is a legal requirement that all music venue employees must undergo mandatory health and safety training. However, it is up to individual businesses to decide whether they train their staff in sexual harassment.

The Government welcomes the work of organisations such as Safe Gigs for Women, Good Night Out, Ask for Angela and Shout-Up! in helping venues and businesses to tackle sexual and gender-based violence through specialist training. We would encourage all music venues to partner with organisations to provide training such as this to their staff.

Tackling violence against women and girls (VAWG) remains a Government priority. The Government has made significant progress and delivered a

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3 [Equality and Human Rights Commission, Sexual harassment and harassment at work, Technical guidance, January 2020](#)

4 [Equality and Human Rights Commission, News, Equality watchdog welcomes Worker Protection Bill receiving Royal Assent, 26 October 2023](#)

number of key commitments to help ensure that women and girls are safe everywhere – at home, online, at work and in public spaces. In July 2021, the Home Office published a cross-Government Tackling Violence Against Women and Girls Strategy. This was followed by a complementary cross-Government Tackling Domestic Abuse Plan, which was published in March 2022. These documents aim to transform the whole of society’s response to these crimes with actions to prevent abuse, support victims and pursue perpetrators, as well as to strengthen systems to respond to VAWG.

The Government supported the Protection from Sex-based Harassment in Public Act 2023 (sponsored by the Rt Hon Greg Clark MP and Lord Wolfson of Tredegar KC), which makes public sexual harassment a specific offence. It provides that if someone commits an offence under existing section 4A of the Public Order Act 1986 (intentionally causing harassment, alarm or distress) and did so because of the victim’s sex, then they could obtain a higher sentence (two years instead of six months).

As with any new criminal justice legislation, an implementation period is necessary to ensure all processes, systems and guidance are updated – including drawing up the statutory guidance. We will ensure the legislation comes into force as quickly as reasonably possible.

Licensing authorities are already required to take due note of the licensing objectives when considering applications and these include prevention of crime and disorder and public safety and these encompass sexual harassment and abuse. The Licensing Act 2003 sets out offences which should be taken into consideration when granting a personal licence to an individual. These were updated in 2017 to include the sexual offences listed in Schedule 3 to the Sexual Offences Act 2003.

The section 182 guidance states<sup>5</sup> :

“It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. Many of these strategies are not directly related to the promotion of the licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important [...] Statements of Licensing Policy should consider the prevalence, prevention and reporting of sexual harassment and misconduct and broader violence against women and girls crimes.”

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5 [Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, December 2023](#)

In December 2023, the Government announced its intention to provide funding for the development and delivery of a spiking-related training product, with the aim of improving understanding of how spiking can present, and how to best support victims and law enforcement in gathering evidence and identifying perpetrators. While this training is initially intended for staff in the night-time economy, we are conscious of the need for similar training in the live music/festivals sector and will consider how this product could be used in other settings.

**Recommendation: Security Industry Authority accreditation for security staff to work at live music venues should include training on dealing with discrimination, sexual harassment and abuse. That training should be survivor-led and provided by accredited organisations dedicated to improving safety for women. (Paragraph 98)**

The private security industry plays a key role in public protection, and this includes the protection of women and girls in live music venues and the wider night-time economy.

The Security Industry Authority sets training standards for Door Supervisors. The mandatory learning includes a dedicated section about keeping vulnerable people safe, and factors which cause someone to become vulnerable. There is specific content in the mandatory Security Industry Authority training which is relevant to protecting vulnerable women (and others) in the night-time economy, including: seeking help from other professionals, such as police and paramedics; awareness of local services like street marshals and ‘safe havens’; safety initiatives such as ‘Ask Angela’; and calling a trusted friend or taxi service to facilitate a safe journey home.

In order to pass the end-of-training assessment, candidates have to be able to demonstrate that they can identify behaviours exhibited by sexual predators. This includes the inappropriate use of technology (for example, upskirting); buying drinks or close monitoring of vulnerable people; and suspicious behaviour within and around venues. The mandatory learning also includes how to deal with allegations of sexual assault, such as safeguarding victims, documenting the incident, and notifying the police.

Training standards are now being reviewed and refreshed as part of the Security Industry Authority’s five-year cycle, to ensure that content keeps pace with evolving threats to public safety. As part of that process, the Security Industry Authority will consult organisations dedicated to improving safety for women on both the content of the training and the most effective means of delivering it.

In December 2023, the Security Industry Authority committed to introducing spiking related training to the licence-linked qualification. From March 2024, all new applicants for Security Industry Authority Door Supervisor

licences will receive spiking training as part of their qualification. The Security Industry Authority anticipates that this will apply to around 100,000 individuals in England and Wales in the first year. Existing licence-holders will receive this new training as part of their top-up requirements from October 2024. This is a mandatory requirement before a licence can be renewed and by October 2027, all Door Supervisors will be trained in spiking. Additionally, the Security Industry Authority will be working with expert stakeholders over the coming months to expand the guidance available in this area for the industry.

**Recommendation: We support the creation of the Creative Industries Independent Standards Authority (CIISA). It will help to shine a light on unacceptable behaviour in the music industry and in doing so, may reduce the risk of further harm. Crucially, it will be a single, recognisable body anyone in the industry can turn to for support and advice. CIISA must ensure that individuals who make reports are advised of their legal rights expeditiously to ensure legal deadlines are not missed. It will need to have in place robust safeguarding measures to protect those who report from retaliation and trained staff, including specialist counsellors, to support the mental wellbeing of those who call upon its services. (Paragraph 121)**

In June 2021, the Secretary of State for Culture, Media and Sport chaired a roundtable to hear more about allegations of bullying, harassment and discrimination in the creative industries. Following this roundtable, industry representative body Creative UK has led discussions with sectors including music, theatre, film, television and fashion, to address these issues through a bullying, harassment and discrimination working group. As laid out in the Creative Industries Sector Vision, published in June 2023<sup>6</sup>, the Government strongly supports industry’s work in this area as part of its Job Quality goal to “ensure everyone in the creative industries can thrive”, and continues to push for progress.

The Department for Culture, Media and Sport has attended quarterly meetings of this working group where the development of the Creative Industries Independent Standards Authority is regularly discussed. The Authority, developed by Time’s Up UK and in collaboration with many industry organisations, has been established to address bullying, harassment and discrimination in the creative industries, and provide trusted support and advice.

The Government wants to maximise the potential of our creative industries to create growth and jobs across the country. Everyone should have the opportunity to enjoy a creative career, while feeling safe and working in

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6 [Department for Culture, Media and Sport, Creative Industries Sector Vision](#), June 2023

a professional environment. It is important that industry comes together to tackle bullying, harassment and discrimination, so that the United Kingdom's creative sectors remain some of the best in the world to be a part of.

The Department for Culture, Media and Sport has continued to engage with the development of the Authority and has expressed support for the industry-led work happening on this agenda. As an independent body, the Authority will develop its own processes, policies and procedures, and has sought its own independent advice.

The Creative Industries Independent Standards Authority has arisen from a clear need to address concerns and set standards so there is clarity around expectations and a single point of accountability for where creative industry professionals can go when these standards are not met. In the first instance, the Authority will support creative industry professionals working in music, film, TV and theatre. Fashion, games, publishing and advertising will follow in 2025.

**Recommendation: We are concerned that legislative barriers may prevent CIISA from operating effectively. We call on the Government to discuss with CIISA the potential impact of GDPR requirements on its work and to take the steps required, including any legislative changes, to allow CIISA to properly discharge its functions. (Paragraph 122)**

The Government will continue to engage constructively with the Creative Industries Independent Standards Authority as it develops its proposals. Should the Authority identify any legal barriers that may impact its service delivery, the Government is willing to discuss this.

**Recommendation: The establishment of CIISA is an opportunity to educate the music industry on the rights of self-employed workers and the responsibilities of those hiring them. It can become a hub of expertise. Earlier in this report we set out how training should be part of the licensing conditions for live music venues. We described how France's National Centre of Music is working with grassroots organisations to provide training around sexual harassment and sexual violence. We ask CIISA to consider whether it could undertake a similar role in the UK, for live music venues seeking to meet new licensing conditions as well as other organisations such as recording studios and educational settings, and for that training to also include tackling issues of misogyny and gender bias. (Paragraph 123)**

**Recommendation: CIISA has committed to producing an annual report. That report should include an overview on the state of the music industry with respect to levels of discrimination, harassment and abuse and diversity. Reported data should be broken down by**



**protected characteristic. The report should include relevant findings on the adequacy of organisations’ internal reporting processes, support for complainants, training on dealing with incidents of sexual harassment, the safety of women on their premises and any attempts – successful or otherwise – to silence victims of unacceptable behaviour through the use of non-disclosure agreements or similar confidentiality arrangements. Organisations about which CIISA has significant concerns should be named. Events have shown that only by calling out such behaviour will the culture that protects abusers over victims change. (Paragraph 124)**

**Recommendation: Managers have a very important role in supporting artists’ careers but incidents of exploitation show that protections are required. CIISA should work with the Music Managers Forum to develop and oversee a mandatory accreditation programme for managers in the music industry. The licensing of football agents is one example of what such an accreditation process might look like. (Paragraph 129)**

**Recommendation: CIISA should collect and annually publish data on the use and threatened use of NDAs in the music industry. (Paragraph 141)**

These recommendations are addressed to the Creative Industries Independent Standards Authority. The Government hopes that the points raised by the Committee will be carefully considered.

**Recommendation: The Government should urgently bring forward legislative proposals to prohibit the use of non-disclosure and other forms of confidentiality agreements in cases involving (a) sexual abuse, sexual harassment or sexual misconduct; (b) bullying or harassment not falling within (a) and (c) discrimination relating to a protected characteristic. We are encouraged that the Government is working on such proposals but urge expediency. (Paragraph 138)**

**Recommendation: We have heard distressing evidence on the effects on the mental health of people silenced by a non-disclosure agreement. The Government should consider the potential merits of a retrospective moratorium on NDAs for those that have signed them relating to the issues we have outlined, with an assurance that they cannot be pursued for cost recovery should they choose to discuss their experiences. (Paragraph 139)**

The Department for Business and Trade is responsible for the use of non-disclosure agreements, also known as confidentiality agreements, in the employment relationship. The Ministry of Justice and the Department for Education have policy interests in NDAs, reflected in the response to these recommendations. The Government shares concerns that non-disclosure

agreements are being used to intimidate victims of discrimination and harassment into silence and is already taking action.

There are legal limits to how non-disclosure agreements can be used in employment, which means they are void and unenforceable in certain circumstances. A non-disclosure agreement will most likely be unenforceable to the extent that it seeks to prevent workers from reporting a crime to the police or cooperating in a criminal investigation, as this could be an attempt by the employer to prevent the course of justice or conceal a criminal offence.

A non-disclosure agreement would also be unenforceable if it sought to prevent a worker from whistleblowing by making a protected disclosure about wrongdoing to one of the categories of person set out in legislation, such as, a lawyer in the course of taking advice, or certain regulatory bodies or other prescribed person for whistleblowing purposes.

In employment, non-disclosure agreements tend to be used in settlement agreements between an employer and an employee or worker at the end of an employment relationship. For a settlement agreement to be valid, it is a requirement for the individual to receive advice from a relevant independent adviser.

There is comprehensive guidance available on non-disclosure agreements that has been published by the Equality and Human Rights Commission and by the Advisory, Conciliation and Arbitration Service. The guidance makes clear that non-disclosure agreements should not prevent individuals from making certain disclosures, including to the police as well as to medical and legal professionals. It seeks to address concerns that individuals, and some employers, are not aware of the legal limitations of non-disclosure agreements.

As the Committee recognises, the Government has taken significant steps to prevent the use of non-disclosure agreements in certain circumstances, including in higher education, where students are in a particularly vulnerable position. The Higher Education (Freedom of Speech) Act 2023 will prevent higher education providers from using non-disclosure agreements with staff, students, and visiting speakers in cases of sexual abuse, harassment or misconduct, and other forms of bullying or harassment. This is expected to take effect in August 2024.

The Government has also committed to bringing forward legislation to clarify that non-disclosure agreements cannot be legally enforced if they prevent victims from reporting a crime and to ensure information related to

criminal conduct can be discussed with the following groups without fear of legal action<sup>7</sup> :

- ▶ Police or other bodies with criminal law enforcement functions for the purpose of investigating or prosecuting crime
- ▶ Regulators, for the purpose of cooperating with regulatory activity in relation to misconduct
- ▶ Qualified and regulated lawyers for the purpose of seeking legal advice
- ▶ Confidential support services such as counsellors, advocacy services, or medical professionals, for the purpose of obtaining support to cope and recover from the impact of crime
- ▶ The victim's partner, child or parent for the purpose of obtaining support.

There is a legitimate place for clauses that protect commercially sensitive information, ideas or intellectual property in business transactions and disputes involving negligence claims.

When it comes to sexual harassment and discrimination, it is important to recognise that individual circumstances vary. The Government consultation on "Confidentiality clauses: measures to prevent misuse in situations of workplace harassment or discrimination" in 2019 also received evidence that many employees who sign a settlement agreement at the end of their employment with an organisation value the inclusion of confidentiality clauses, as they allow them to move on and make a clear break.

The Committee proposes that the Government should consider a retrospective moratorium on non-disclosure agreements. It would be important to clarify the intention and the legal implications of such a moratorium, in particular regarding a retrospective and wide-ranging application. There could be unintended consequences arising from such an initiative. A moratorium could create more legal uncertainty for both businesses and workers, and potentially generate more risk of litigation and uncertainty.

**Recommendation: Until the law is changed banning the misuse of NDAs, anyone being asked to sign an NDA should have an automatic right to seek advice from qualified lawyers at CIISA. No individual should be provided with legal advice by a law firm also acting for the other party. (Paragraph 140)**

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7 [Ministry of Justice, Press release, Crackdown on 'gagging orders' to protect victims' ability to access support](#), 28 March 2024

In order for a settlement agreement – which often contains confidentiality clauses – to be valid, it is already a requirement for an individual to receive advice from a relevant independent adviser, which is wider than just a lawyer and excludes some persons who are too closely connected to the other party (such as those being employed by, or acting in the matter for, the employer).

The legal profession in England and Wales is independent of the Government, and solicitors in England and Wales are regulated by the Solicitors Regulation Authority. The Solicitors Regulation Authority’s warning notice on the use of non-disclosure agreements (first published in 2018 and updated in 2020<sup>8</sup>) states that it considers non-disclosure agreements to be improperly used if they prevent a person from reporting misconduct, making a protected disclosure, reporting an offence or cooperating with criminal activity. The Authority has taken enforcement action against solicitors over the misuse of non-disclosure agreements in line with this guidance.

The Solicitors Regulatory Authority carried out a review of how non-disclosure agreements were being used in workplace complaints in 2023 and the findings were published in August 2023<sup>9</sup>. Amongst the issues highlighted in the Authority’s thematic review was the need for solicitors to be mindful of potential imbalances of power between employers and employees, and not to allow clauses to be included which might deter the reporting of inappropriate behaviour to law enforcement or regulatory bodies.

The question of whether those being asked to sign a non-disclosure agreement should have an automatic right to seek advice from qualified lawyers at the Creative Industries Independent Standards Authority is a matter for the Creative Industries Independent Standards Authority to consider.

**Recommendation: The Government must develop and introduce a new strategy in schools, aimed specifically at boys on issues of misogyny, sexual harassment and gender-based violence. (Paragraph 145)**

The Department for Education is reviewing the statutory Relationships, Sex and Health Education guidance and will publish an updated version for consultation shortly. A final version will be published once all responses received have been carefully considered. Various stakeholders, including Women’s Aid and the End Violence Against Women Coalition, were invited to contribute to the first phase of the review. The review also included the

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8 [Solicitors Regulation Authority, Warning notice, Use of non disclosure agreements \(NDAs\)](#), 12 November 2020

9 [Solicitors Regulation Authority, Thematic Review: The use of Non Disclosure Agreements in workplace complaints](#), 14 August 2023

appointment of an independent, expert panel, to advise the Secretary of State for Education on the introduction of age limits for sensitive subjects.

## Conclusion

HM Government would like to thank the Women and Equalities Select Committee for its work throughout this inquiry, which has been important in voicing concerns from across the music industry and for championing equality.

The Government maintains that everyone should be able to work without being subject to misogyny and discrimination. This response has set out the many initiatives that the Government is taking forward or the policies that are currently in place to provide legal protections for women in the workforce, including in the music industry. Whilst the Government recognises and supports the steps the music sector has taken to address many of the issues raised, we encourage organisations and individuals to do all they can to enforce and build on these initiatives, and ensure that musical workplaces are safe and supportive environments for all.

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# Appendix 2: Creative Industries Independent Standards Authority Response

Our creative industries are a true British success story that are consumed and adored across the world. Today, modern audiences care as much about how creative content is made, as the creative content itself. In the wake of the Women and Equalities Committee's Misogyny in Music report, alongside many high-profile issues shining a light on the scale and seriousness of harmful behaviour across the wider creative industries, it is essential to give assurance to our creative industry workforce and the public that those who make the music, films, tv and theatre that we all enjoy are kept safe at work.

CIISA is a significant step towards providing that critical assurance. CIISA has considerable industry backing across the creative industries to help establish consistently safe and inclusive workplaces that supports and protects the professional talent that makes the UK creative industries a world-class sector. CIISA has arisen from a clear need to both address behaviours of concern and pro-actively set standards so there is clarity of what is expected and a single point of accountability for where creative industry professionals can go to if this is not met.

We fully support the conclusions given in the Misogyny in Music report. The distressing evidence given by women facing discrimination, harassment and abuse in the music industry clearly demonstrates more needs to be done not just within the music sector, but across the creative industries as a whole, demonstrating that the principles and aims of CIISA are required now more than ever. We also welcome the clear endorsement and support for CIISA cited within specific recommendations, alongside how we consider CIISA can have an important role to help deliver in other areas. We outline our response to these recommendations below.

## **CIISA's Formal Response to the Recommendations in Misogyny in Music report**

**We expect the music industry to act on our recommendations and call on industry bodies to respond to the recommendations relevant to their work. (Recommendation, Paragraph 5)**

We welcome and support all the recommendations made in the report and will act on each recommendation relevant to our work.

In light of the evidence given in this report, we anticipate that the music sector will fully support the establishment and development of CIISA and will commit to funding us to the required amount set out in our tariff structure, to enable us to play our role in keeping our talented workforce safe.

**Music colleges, conservatoires, and other educational settings need to do more to address the gendering of instruments, roles, and genres and improve the visibility of and support for female role models. The Government and industry bodies should offer increased, funded and targeted opportunities for women and girls to study subjects and to engage in training in areas of the music industry that remain male-dominated and where women are made to feel unwelcome. (Recommendation, Paragraph 16)**

We support this recommendation. We will look to ensure that CIISA is socialised early in people's careers in music colleges, conservatoires and other educational settings should it ever be necessary to contact us.

**Section 14 of the Equality Act 2010 which provides protection from discrimination on the basis of a combination of two relevant protected characteristics presents a limited understanding of how overlapping characteristics are used to discriminate against individuals and prevent the most vulnerable from bringing harassment claims based on their actual experience. The Government should bring section 14 of the Equality Act into force and consider whether an amendment to that section is required to better protect those facing intersectional inequality. Businesses are already aware of their responsibilities to equality of treatment under the Equality Act; bringing section 14 into force would impose minimal additional burdens. (Recommendation, Paragraph 35)**

We support the report's call to bring into force Section 14 of the Equality Act highlighting the importance of recognising intersectional inequalities faced by colleagues working in the creative industries.

We will further ensure this is an area that is addressed within CIISA's Standards Framework.

**Although female representation in the music industry is improving, particularly at senior levels, progress is not uniform and gender imbalance remains entrenched in certain areas. The music industry and government should increase investment in diverse talent and make more funding available to the schemes that support it. Pathways to careers for women working in the sector must improve, particularly in key gatekeeping roles such as A&R and other male-dominated areas including sound engineering and production. (Recommendation, Paragraph 42)**

CIISA has a role to play in areas where there is under representation. We will continue to actively engage with organisations like the Music Producers Guild in terms of broadening the inclusivity of their workforce.

**To allow progress to be monitored, record labels should commit to regular publication of statistics on the diversity of their creative rosters. All organisations with more than 100 employees should be required to publish data on the diversity of their workforce and gender and ethnicity pay gaps. (Recommendation, Paragraph 43)**

We support this recommendation.

**Organisations in the music industry should provide mandatory equality, diversity and inclusion training. These steps are required because misogynistic and discriminatory behaviours remain entrenched despite increased representation. (Recommendation, Paragraph 44)**

We will provide professional training aligned with our Standards, which will play a role in dismantling the prevalence of such behaviours.

**Having children should not be a barrier to a career in the music industry, yet the evidence we have seen suggests otherwise. While large employers are taking welcome steps to support parents with childcare responsibilities, the industry as a whole need to reflect on how it can better support parents to combine parenthood with a successful career in music. Increased awareness of the time pressures on parents, improved childcare support and better flexible working arrangements are required across the music sector to relieve gender disparities and aid the progression of women to senior positions. (Recommendation, Paragraph 51)**



We support this recommendation.

**Recommendation 8: Reform of parental leave for freelancers is overdue. The current system places the burden of childcare onto the mother and offers no financial support for self-employed fathers or same-sex partners wanting to share childcare responsibilities. The Government should bring forward legislation to allow self-employed mothers and fathers to share parental leave and pay and for the leave to be taken non-consecutively as is the case with PAYE employees. (Recommendation, Paragraph 52)**

We support this recommendation.

**The Government should bring forward legislative proposals to extend the protections relating to discrimination and harassment in the Equality Act 2010 to include all freelancers. Limitation periods for Equality Act-based discrimination and sexual harassment claims should be extended to six months. In the meantime, the Government should set out clearly—in its response to this report—which freelance workers are currently entitled to protections under the Equality Act and which are excluded from that protection. (Recommendation, Paragraph 62)**

CIISA supports this recommendation to ensure there are better protections with an extended limitation period and better clarity surrounding freelancers' rights in bringing forward claims.

**We support the Office for Students proposed new condition of registration aimed at protecting students from harassment and sexual misconduct. Its effectiveness will depend, in part, on students and staff feeling both able to recognise and report misconduct and that any complaints will be taken seriously. OfS guidance should stipulate that internal reporting pathways must be clearly signposted and independent of the structures and relationships in which harassment and abuse may occur, for example internally via a dedicated pastoral officer or externally to Creative Industries Independent Standards Authority. (Recommendation, Paragraph 74)**

We have contacted the Office for Students to discuss how students will be protected in this regard, our respective roles and responsibilities and how this will work in practice.

**The OfS should also require educational settings to ensure that all staff, permanent, temporary and those visiting, are aware of policies around abuse and harassment, including the consequences of inappropriate behaviour. People invited to teach students should undergo background and reference checks and be in no doubt of expectations with regard**

**to conduct. Eminent musicians should not be exempt from these safeguarding duties. (Recommendation, Paragraph 75)**

We support this recommendation and would further recommend that it should extend to all educational settings within the creative industries.

**Too often in the past, institutions have put protecting their reputations ahead of a duty of care for their students. The OfS's proposals for potential loss of funding and/or accreditation should help challenge that mindset. We urge the OfS to implement the new condition as swiftly as possible and to enforce it robustly. (Recommendation, Paragraph 76)**

We support this recommendation and will work with the OfS as required.

**A recording studio should be a safe space for all those who work there. Frequently this is not the case, and commercial self-interest is prioritised over personal safety. We recommend that all commercial recording studios should be licensed. That licensing process should include a sexual harassment risk assessment to ensure that adequate measures are in place to protect the safety of those who work there, particularly during out 62 of hours sessions, and clear reporting pathways when incidents do occur. Studios where there are repeated instances of harassment and abuse should lose their licence. Contracts should allow for termination in the event of inappropriate behaviour. (Recommendation, Paragraph 80)**

We support this recommendation and wish the Committee to note its intentions to address licencing for specific roles and aspects across the creative industries where there is a safeguarding or specific duty of care issue that would require such an approach.

**The Equality Act 2010 should be broadened to impose a duty on employers to be proactive, rather than simply reactive, in protecting workers from third party sexual harassment and for a statutory code of practice to support them in doing this. A statutory duty would create a clear and enforceable legal requirement on all workplaces to safeguard workers and help bring about cultural change in the workplace. Employment tribunals should impose greater penalties in cases where perpetrators of harassment and bullying behaviour are found to have acted vindictively against complainants. (Recommendation, Paragraph 90)**

We support this recommendation. CIISA would look to ensure that any specific codes of practice protecting creative industry professionals from all forms of sexual harassment, would be reflected, and endorsed in our Standards.

We also strongly support the recommendation regarding a statutory duty which would provide an additional safeguard.

**Guidance for employers and employees, including freelancers, on the new duty to protect from sexual harassment, should set out how employers should prevent and manage sexual harassment coming from third parties in the absence of legal protection, including how all parties can report it, regardless of employment status. (Recommendation, Paragraph 91)**

We support this recommendation and CIISA will play an active role in helping employers, employees and freelancers understand their respective rights and responsibilities.

**Public funding and licensing of music venues should be made conditional on those premises taking steps to tackle gender bias, sexual harassment, and abuse. This should include the training of venue staff by accredited organisations that work in the sector. The Government should review international examples, such as the measures introduced in France, Ireland, and Barcelona, and introduce similar policies in the UK. The Government should consider making funding available to smaller venues to enable them to meet this condition. (Recommendation, Paragraph 96)**

We will make a case for any future public funding or licencing to stipulate the need for adoption and compliance with CIISA's Standards and the right for people to raise a concern with CIISA should something go wrong. CIISA will work proactively with the live music sector on this area.

**Security Industry Authority accreditation for security staff to work at live music venues should include training on dealing with discrimination, sexual harassment, and abuse. That training should be survivor-led and provided by accredited organisations dedicated to improving safety for women. (Recommendation, Paragraph 98)**

CIISAs agree that such training is critical for the live music sector and that training should be survivor-led and provided by accredited organisations dedicated to improving safety for women.

CIISA would look to assist in the development of such training to help ensure it is aligned with our Standards. We would be looking into training provision in the future and will continue to engage with the live sector to understand how best to address emerging training needs.

**Expecting women to change in front their male peers or in their car, or to share rooms or beds with male colleagues while on tour, is unacceptable and raises safety concerns. The music industry needs to improve its facilitation of mixed groups. As a minimum, venues that host**

**live music should provide adequate, separate dressing room facilities for women and gender nonconforming musicians. (Recommendation, Paragraph 100)**

We support this recommendation, and this expectation will be reinforced in CIISA's Standards to ensure that venues that host live music demonstrate their respect for colleagues who are performing by providing adequate, separate dressing room facilities for women and gender nonconforming musicians.

**We support the creation of the Creative Industries Independent Standards Authority (CIISA). It will help to shine a light on unacceptable behaviour in the music industry and in doing so, may reduce the risk of further harm. Crucially, it will be a single, recognisable body anyone in the industry can turn to for support and advice. CIISA must ensure that individuals who make reports are advised of their legal rights expeditiously to ensure legal deadlines are not missed. It will need to have in place robust safeguarding measures to protect those who report from retaliation and trained staff, including specialist counsellors, to support the mental wellbeing of those who call upon its services. (Recommendation, Paragraph 121)**

We are grateful to the Committee for the support given in this recommendation. We agree on the importance for CIISA to make sure individuals are aware of their legal rights (including timeframes) and get access to further support on such matters, which will be central to any advice CIISA gives.

CIISA will ensure its reporting service is safe, confidential and if needed anonymous to protect those who report. We will ensure our staff are trained to recognise and support those who have experienced harmful behaviour and will make sure people get access to specialist support, for example from an Independent Sexual Violence Advisor when needed.

**We are concerned that legislative barriers may prevent CIISA from operating effectively. We call on the Government to discuss with CIISA the potential impact of GDPR requirements on its work and to take the steps required, including any legislative changes, to allow CIISA to properly discharge its functions. (Recommendation, Paragraph 122)**

We are grateful to the Committee for this recognition and their call for Government engagement on navigating any prospective issues that may arise.

We are also grateful for the support we have received from UK Government, particularly through their endorsement of CIISA within the DMCS Creative Industries Sector Vision 2030.

We share the Committee's view that there could be legislative issues that may present CIISA with challenges that could potentially prevent us from meeting our objectives.

We have written to UK Government to discuss this specific matter and the identified mitigations required as we head into the final design of our service and will keep the Committee updated.

**The establishment of CIISA is an opportunity to educate the music industry on the rights of self-employed workers and the responsibilities of those hiring them. It can become a hub of expertise. Earlier in this report we set out how training should be part of the licensing conditions for live music venues. We described how France's National Centre of Music is working with grassroots organisations to provide training around sexual harassment and sexual violence. We ask CIISA to consider whether it could undertake a similar role in the UK, for live music venues seeking to meet new licensing conditions as well as other organisations such as recording studios and educational settings, and for that training to also include tackling issues of misogyny and gender bias. (Recommendation, Paragraph 123)**

We will look to set standards and provide training on how the music industry and the wider creative industries should approach tackling and preventing sexual harassment and sexual violence, alongside approaches to tackle misogyny and bias.

CIISA has been in contact with the French National Centre of Music on their approach as this is clearly a role model for best practice in this area.

**CIISA has committed to producing an annual report. That report should include an overview on the state of the music industry with respect to levels of discrimination, harassment and abuse and diversity. Reported data should be broken down by protected characteristic. The report should include relevant findings on the adequacy of organisations' internal reporting processes, support for complainants, training on dealing with incidents of sexual harassment, the safety of women on their premises and any attempts—successful or otherwise—to silence victims of unacceptable behaviour through the use of non-disclosure agreements or similar confidentiality arrangements. Organisations about which CIISA has significant concerns should be named. Events have shown that only by calling out such behaviour will the culture that protects abusers over victims change. (Recommendation, Paragraph 124)**

We are committed to supporting the music industry and the wider creative industries with insight reporting that identifies systemic trends and themes

alongside what learning can be taken and used to continuously strengthen the workplace and support vital cultural change.

As CIISA embeds its work, we will look to what information can and should be published that supports CIISA in this aim, which will include reporting on how organisations are doing to embed our Standards framework.

CIISA will take non-compliance with our Standards or recommendations seriously alongside ensuring we identify and address significant concerns. We will look to identify a suitable approach to how CIISA would publish details in such exceptional circumstances as we design our service.

CIISA will provide an annual report and publish aggregated data which will be broken down by protected characteristic. CIISA will name organisations where there is evidence based systemic issues of concern. CIISA will also publish non-compliance with our recommendations.

**Managers have a very important role in supporting artists' careers but incidents of exploitation show that protections are required. CIISA should work with the Music Managers Forum to develop and oversee a mandatory accreditation programme for managers in the music industry. The licensing of football agents is one example of what such an accreditation process might look like. (Recommendation, Paragraph 129)**

We will actively look to provide suitable accreditation programmes as it embeds within the creative sector. CIISA will work closely in partnership with the Music Managers Forum to address this recommendation and add value in this area.

In addition, CIISA is using our convening power to coordinate sharing best practices and current challenges with other agents and managers representing talent in other parts of the creative industries.

**The Government should urgently bring forward legislative proposals to prohibit the use of non-disclosure and other forms of confidentiality agreements in cases involving (a) sexual abuse, sexual harassment or sexual misconduct: (b) bullying or harassment not falling within (a) and (c) discrimination relating to a protected characteristic. We are encouraged that the Government is working on such proposals but urge expediency. (Recommendation, Paragraph 138)**

We strongly support this recommendation. NDAs should never be misused to silence victims, cover up harmful behaviours, and allow perpetrators to continue to abuse others.

**We have heard distressing evidence on the effects on the mental health of people silenced by a non-disclosure agreement. The Government**

**should consider the potential merits of a retrospective moratorium on NDAs for those that have signed them relating to the issues we have outlined, with an assurance that they cannot be pursued for cost recovery should they choose to discuss their experiences. (Recommendation, Paragraph 139)**

We support this recommendation to ensure individuals can freely discuss their experience and concerns to us, helping us to build a clear picture of what is happening across the music industry and wider creative industries.

**Until the law is changed banning the misuse of NDAs, anyone being asked to sign an NDA should have an automatic right to seek advice from qualified lawyers at CIISA. No individual should be provided with legal advice by a law firm also acting for the other party. (Recommendation, Paragraph 140)**

We strongly support the report's conclusions about the misuse of NDAs and the legislative solution that is required. Such restrictive clauses should never be used to stop someone from reporting discrimination or harassment, or to cover up inappropriate and harmful behaviour, especially if there is a risk of it happening again.

NDAs should also never be used pre-emptively, apart from to protect intellectual property, especially in the circumstances where there is no access to legal advice.

CIISA will look to ensure that anybody who wants to raise a relevant concern to us can do so without fear of being penalised due to an inappropriate confidentiality clause – particularly when their insight will help ensure others do not have to experience the same, repeated negative behaviours. We will look carefully at our approach to this area when designing our service, which may include identifying whether any regulatory or legislative change is needed.

As an independent body, CIISA would not be able to provide specific legal advice on NDAs on individual cases as proposed in this recommendation, as that may give rise to potential conflict of interest. CIISA will, however, make sure people get access to expert, independent support and advice from others when needed.

**CIISA should collect and annually publish data on the use and threatened use of NDAs in the music industry. (Recommendation, Paragraph 141)**

As we develop our Standards Framework, CIISA will be clear about what we expect from the creative industries to ensure NDAs are never used to attempt to silence victims or prevent them from legitimately speaking out about their experiences.

CIISA will monitor how organisations and individuals are meeting our Standards and will collect and publish data on progress. This will include what we are seeing and hearing on the use of NDAs in practice across all industries that CIISA has within its purview. In the first instance, Music, Film, TV, and Theatre.

**The Government must develop and introduce a new strategy in schools, aimed specifically at boys on issues of misogyny, sexual harassment, and gender-based violence. (Recommendation, Paragraph 145)**

We welcome the approach of early intervention in addressing issues of misogyny, sexual harassment, and gender-based violence.



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## Appendix 3: Office for Students Response

As a follow up to my letters of February and November 2023, and your recently published report ‘Misogyny in Music’, I thought it would be helpful to provide a further update on the work of the Office for Students (OfS) to protect students from sexual misconduct.

First, I want to welcome your committee’s latest report and your continuing work to ensure action is taken to tackle sexual harassment and sexual violence against women and girls in educational settings. I note a number of your recommendations (paragraph 74, 75 and 76) both reference and support the OfS’s work in this area, which is very welcome.

As you know, we are currently considering responses to our consultation on new regulatory requirements to tackle sexual misconduct in higher education. We received a significant number of thoughtful responses to our consultation and are in the final stages of considering those points and reaching final decisions about our future approach. We expect to publish our decisions next month, together with information about the responses to our pilot prevalence survey of sexual misconduct.

I understand the importance of these issues and I am determined to make sure we get our policy approach right for the benefit of students. In the meantime, you might find it helpful to know that we are in touch with the Creative Industries Independent Standards Authority to discuss how we might develop a future working relationship once that new organisation is up and running.

Our work to ensure the sector we regulate acts to prevent, and respond effectively to, sexual misconduct is a current priority and I am grateful for the committee’s support for our efforts. My colleague, David Smy, is looking forward to discussing this with you in more detail at your oral evidence session on 24 April.

Susan Lapworth

Chief Executive