Photographer

Business Opportunity Profile
BOP001 · December 2016

Introduction

Photographers produce images using both digital and 35mm analogue film cameras in a range of styles and formats for both commercial and private clients. Some specialise in one or more fields, such as promotional and advertising photography, weddings and events, photography for law firms and insurers, clinical photography, fashion photography, landscapes and portraits.

Many photographers start up on a part-time basis, having previously developed photography skills as a hobby. Some run their business from a home base, while others trade from studio premises where they both take and edit photographs, as well as preparing finished images for presentation to clients, for example in wedding albums or on DVDs. Although the sector is increasingly dominated by digital photography, some photographers continue to use 35mm film.

The photographic services market is extremely competitive due to the number of photographers who are trading in the UK, and also because developments in digital single-lens reflex (SLR) camera and smartphone technology have led to people being able to take high-quality pictures themselves, without the need to engage the services of a photographer.

This profile provides information about starting up and trading as a freelance photographer. It describes the skills required, the training available, the current market trends and some of the key trading issues. It also explains the legislation that must be complied with and provides sources of further information and support.

Qualifications and skills

There are no qualifications legally required to trade as a photographer. However, anyone starting this type of business will require artistic talent and creative flair, an in-depth understanding of photographic techniques, and the technical skills to compose, capture and edit photographs to a professional level. An up-to-date understanding of copyright law, the market for professional photography services and the latest developments in photographic technology will also be needed.

Photographers can demonstrate their professional competence and creative ability through formal qualifications, including:

- The University for Creative Art's BA (Hons) in Photography, which is delivered by the Open College of the Arts (OCA) via distance learning. The BA takes at least three years to complete, although students have up to twelve years to finish their studies, and costs around £9,500. The UCA also awards an Open Foundations qualification in photography, which takes from one year to complete, requires eight hours' study each week and costs £795. Go to www.oca.ac.uk/creative-arts-degrees/foundations-courses and select 'Open Foundations - Photography' for details.

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- Photography degrees delivered by higher education providers approved by the British Institute of Professional Photography (BIPP). Examples include Edinburgh College's BA in Professional Photography, Wiltshire College's BA (Hons) in Photography and the University of Derby's BA (Hons) in Commercial Photography. BA degrees usually take five years to complete on a part-time basis and tuition fees can be as much as £9,000 per year. Go to www.bipp.com/Default.aspx?tabid=690 for details of BIPP-approved higher-education providers.

- Licentiateship and Associateship, which are formal qualifications awarded by the BIPP on submission of a portfolio of work to a sufficient standard. The qualifications are only available to professional photographers who hold public liability and professional indemnity insurance. Licentiateship demonstrates an established professional level of photographic skills and competence and Associateship demonstrates a high standard of craftsmanship and creative ability. Go to www.bipp.com/Default.aspx?tabid=95 for details.

Suitable courses for photographers to refine and improve their skills and technique include:

- Short courses and workshops run by the BIPP, which cover topics such as portraiture, commercial photography and marketing a professional photography service. Training is usually delivered at the BIPP's headquarters in Aylesbury, Buckinghamshire. Go to www.bipp.com/Default.aspx?tabid=1203 for more information about courses and fees.

- One- and two-day workshops run by the Royal Photographic Society, which cost from £30 to £170 each or from £20 to £140 for Society members. Topics covered include studio portraiture, product photography and shooting for stock images. Go to www.rps.org/learning/workshops for workshop dates.

- Various photography courses delivered by the Academy for Distance Learning, which cover topics such as portraiture, lighting and photo-editing software. Each course costs £325 and typically requires 100 hours of study. Go to https://adlonlinecourses.com/photography for details.

- Training delivered by working photographers, which typically cover specific photographic disciplines. Examples include:

    - Children's Portrait Photography, Studio Photography and Wedding Photography, which are one-day courses run by Paul's Studio in Southend-on-Sea, Essex. Evening courses cost £125 and one-day courses cost £275 each. Go to www.paulsstudio.co.uk/photography-training for details.

    - Weekend workshops in landscape and seascape photography provided by Inspiring Photography, which typically cost around £600 each and are held at various UK locations, including the Lake District, the Scottish Highlands and the Isle of Skye. Go to https://inspiring-photography.com/workshop for details.

    - One-day workshops in wildlife photography provided by Natures Images, which cover topics such as birds of prey, butterflies and orchids, and taking digital images outside. Each workshop costs around £100. Go to www.natures-images.co.uk/workshops for details.

Anyone starting up in business as a photographer will benefit from training in general business and enterprise skills. Relevant courses include:

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- Business Start-up for Creatives, which is run online by the University of the Arts, London, at Central Saint Martins over four one-and-a-half-hour sessions, covering topics such as market research, writing a business plan, finance and funding, and intellectual property. The course fee is £520. Go to www.arts.ac.uk/csm/courses/short-courses/interdisciplinary/business-skills/business-start-up-for-creatives-online/ for more details.
- Distance-learning courses run by Aspire Photography Training, which typically cost £79 each (excluding VAT) and are delivered in the form of online evening classes. Examples include How To Go Pro, The Client Journey Step by Step and Get Your Business in Shape. Go to www.aspirephotographytraining.co.uk/online-training for details.
- Aspire's Online Photography Business Programme, which is run every summer and mid-autumn. It costs £2,000 (excluding VAT) and consists of online modules in various aspects of running a photography business, which are assessed by regular assignments. Go to www.aspirephotographytraining.co.uk/online-photography-business-programme for details.
- The Business of the Visual Arts, which is a short course lasting two hours per week that is run over ten weeks at City, University of London. The course costs £415 and includes topics relating to the management of a photographer's practice such as copyright, marketing, e-commerce, pricing structures, business planning and contracts and agreements (www.city.ac.uk/courses/short-courses/the-business-of-the-visual-art-world).
- Free webinars provided by HM Revenue & Customs (HMRC), covering topics including business expenses, self-assessment online, VAT, self-employment and becoming an employer. Go to www.gov.uk/government/collections/hmrc-webinars-email-alerts-and-videos for further information.
- The Fundamentals of Social Media Marketing, which is a collection of six free online courses run by Hootsuite Podium. Topics covered include optimising social media profiles (on LinkedIn, Twitter, Facebook, Instagram and YouTube), developing a social media strategy, building an online community of customers and creating online content that will engage followers' attention. Go to https://education.hootsuite.com/collections for more information.

Apprentices

Photographers sometimes take on trainees as apprentices. The photographer is required to provide the apprentice with appropriate training and mentoring. Funding is available towards the cost of training, depending upon the apprentice's age and where in the UK the furniture maker is based.

For more information about apprenticeships, go to:

- www.gov.uk/guidance/photo-imaging-apprenticeships and http://creativeskillset.org/who_we_help/young_creative_talent/ways_creative_industries/creative_skillset_apprenticeships/434_advanced_apprenticeship_in_photo_imaging (England).
- www.careerswales.com/employers/server.php?show=nav.9829 (Wales).
- www.apprenticeships.scot/take-on-an-apprentice (Scotland).
- www.nibusinessinfo.co.uk/content/apprenticeships-employers-apprenticeships (Northern Ireland).

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Sector developments

Photographers can keep up to date with news and developments in their sector and improve their awareness of trends by attending events and reading trade journals and industry resources, including:

- 'the Photographer', which is the BIPP's quarterly membership magazine. It features the latest news and developments affecting professional photographers, as well as reviews of new photographic equipment and practical advice and guidance. Go to www.bipp.com/Default.aspx?tabid=933 for details.
- 'Image Magazine+' (www.the-aop.org/image), which is the Association of Professional Photographers' (AOP) quarterly membership magazine. It features the latest news and developments in the photographic industry, market trends, and reviews of photographic equipment, accessories and service providers.
- 'British Journal of Photography' (www.bjp-online.com), which is a monthly print and digital journal for professional photographers that features the latest news and developments affecting their work, as well as reviews of new photographic equipment and details of training opportunities.
- Online news, blogs and Twitter feeds from the BIPP, the AOP and the Guild of Photographers. Go to https://twitter.com/thebipp and https://photoguild.co.uk/news for examples.
- Consumer magazines, which typically feature reviews of photographic equipment and accessories and 'how to' articles on topics such as shooting in low light, capturing wildlife images and editing pictures for online use. Examples include 'Amateur Photographer' (www.amateurphotographer.co.uk), 'Digital Photographer' (www.dphotographer.co.uk) and 'Outdoor Photography' (www.outdoorphotographymagazine.co.uk).
- The Photography Show (www.photographyshow.com), which is a four-day event for the photography industry that is held at the NEC, Birmingham each March. It provides opportunities to view photographic equipment and accessories from suppliers, attend talks from industry experts and view other professionals' work.
- The Societies' Photographic Trade Show, which is a three-day event that forms part of a five-day photography convention held at the Hilton London Metropole hotel each January. It provides opportunities to meet industry suppliers and attend seminars and workshops. Go to www.swpp.co.uk/convention for details.
- Online communities and forums for photography professionals and enthusiasts, such as Talk Photography (www.talkphotography.co.uk) and Photography Forum (www.photography-forum.org/portal).

Key market issues and trends

Current market issues affecting established and start-up photographers include the following:

- The creative industries, which include photography, contributed £84 billion to the UK economy in 2014, according to official statistics published by the Department of Culture, Media & Sport (DCMS) in January 2016. Film, TV, video, radio and photography accounted for around 13% of the total amount (£10.8 billion) (www.gov.uk/government/publications/

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creative-industries-economic-estimates-january-2016/creative-industries-economic-estimates-january-2016-key-findings).

- The number of people working in film, TV, video, radio and photography increased by almost 10% between 2011 and 2015, rising from 211,000 to 231,000, according to separate DCMS figures published in June 2016 (www.gov.uk/government/statistics/creative-industries-2016-focus-on).
- The DCMS figures reveal that the number of people working in film, TV, video, radio and photography within the creative industry who were self-employed rose by almost 9%, from 72,000 in 2011 to 78,000 in 2015. Go to www.gov.uk/government/statistics/creative-industries-2016-focus-on and scroll down to 'Detailed Tables' to view the figures which are set out in Table 13.
- Around one-fifth of the leading firms in the UK's photography industry are struggling, according to the 'Plimsoll Analysis - Photography' market report published in November 2016 (www.plimsoll.co.uk/market-reports/photography). Of the 809 firms assessed in the report, Plimsoll gave 178 a 'danger' rating and 118 a 'caution' rating. However, 371 operators were rated as 'strong'.
- In May 2016, a professional photographer writing for The Guardian's 'Secret Life' feature claimed that the new generation of free-content producers was putting their profession out of business, as well as lacking the legal protections and controlled distribution afforded to professional models and photographers (www.theguardian.com/commentisfree/2016/may/02/secret-life-photographer-free-online-content).
- Stock image databases are a source of both competition and opportunities for photographers. Leading databases each offer a choice of millions of images and charge fixed fees for their use, which range from around £10 for a basic image from Shutterstock to £500 for a high-resolution image from Getty Images, or from £50 per month for 50 images. Go to www.digitalartsonline.co.uk/features/illustration/best-stock-photos-best-stock-images-how-find-great-stock-images-use-in-your-next-project for more information about these agencies.
- The low amounts paid in royalties by stock image databases to contributors has frequently been criticised by professional photographers. There have also been reports of agencies 'bullying' photographers in relation to their copyright and of commercial clients using databases to commission bespoke photographs at unrealistic prices (http://petapixel.com/2016/11/22/1-billion-getty-images-lawsuit-ends-not-bang-whimper; http://resourcemagonline.com/2015/09/reebok-is-using-imagebrief-to-rip-off-and-exploit-photographers/58066).
- Changes in copyright protection law can benefit or disadvantage creative professionals such as photographers. For example, in 2016, copyright in original work that has been 'industrially exploited' (reproduced more than 50 times) was extended from 25 years to 75 years, potentially benefiting photographers. In the same year, legal changes that will make it an offence to create 2D or 3D replicas of industrial designs, such as Eames and Knolls furniture, were confirmed by the Intellectual Property Office. Go to www.digitalartsonline.co.uk/news/creative-business/how-changes-uk-copyright-laws-offers-greater-protection-for-designers and www.gov.uk/government/publications/copyright-protection-of-industrially-manufactured-artistic-works for details.

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- In June 2016, ExoLens partnered with Zeiss to launch the first 'professional' interchangeable lenses for smartphones (http://tech.firstpost.com/news-analysis/exolens-partners-with-zeiss-offers-professional-smartphone-camera-lenses-320714.html). The increasing availability of high-spec smartphone camera accessories could result in less demand for professional photography services, although it may also lower equipment costs for photographers and make it easier for them to shoot on location.

- Wedding photography is a key market for photographers. UK couples spend an average of £1,046 on wedding photography and video, according to figures relating to wedding budgets published by 'Brides' magazine in September 2016 (www.bridesmagazine.co.uk/planning/general/planning-service/2013/01/average-cost-of-wedding). However, according to a second survey of 400 wedding photographers, couples spent an average of £1,520 on wedding photography in 2015 (www.yourperfectweddingphotographer.co.uk/wedding-photography-industry-survey-results-2015/).

- Some markets for a professional photography service are highly seasonal. Demand for wedding photography is greatest during summer months, demand for school and graduation photos peaks at the end of the academic year, and demand for party entertainment is usually highest during the Christmas and New Year period.

- There are opportunities for photographers to offer specialist photographic services. Examples include:

    - Boudoir photography, which is often marketed as a way to boost women's confidence and can involve the use of airbrushing techniques to produce the final images. Dollhouse charges from £299 to £2,750 for boudoir photoshoot packages and its sister company Vamp charges from £199 for a less elaborate service (www.dollhousephotography.co.uk; www.vampboudoirphotography.co.uk).

    - Themed photoshoots for children such as fairy- and winter-themed photoshoots run by Spence Photography regularly throughout the year (www.spencephotography.co.uk); Andreas Photography also offers superhero-themed photoshoots (www.andreasphoto.co.uk/super-heroes.html) and J Photographers runs football-, princess- and superhero-themed photoshoots (www.jphotographers.co.uk/kids-themed-photo-shoots).

    - Pet portraiture and wildlife photography such as photographing pets at their owners' homes, which is often requested for animals other than dogs and cats. Go to www.katrinawilsonphotography.co.uk, www.jferrettphotography.com and www.brigittebottphotography.co.uk/pets for examples.

- In November 2016, there were around 22,720 photography services listed in the UK on Yell.com, compared to 21,000 listed in September 2014, indicating the increasingly competitive nature of the sector.

Trading, commercial and legal issues

Start-up and established photographers face the following trading, commercial and legal issues:

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Studio premises and running the business from a home-base

Photographers require a secure, well-lit studio with sufficient space for taking studio portraits of clients and storage of equipment and supplies.

A photographer renting a studio premises will need to budget for costs including solicitor's fees, rent, utility bills, water rates and business rates.

Serviced workspace and business incubators often offer small studio spaces for rent. The Business Centre Association (BCA) maintains a directory of managed workspaces and studios around the UK at www.bca.uk.com/search.

Commercial rent and business rates vary significantly depending on the location, layout and size of the premises. In England and Wales, the Valuation Office Agency (www.gov.uk/introduction-to-business-rates/overview) is responsible for determining the rateable value of premises based on their size and rental value, and this figure is used by local authority valuation officers to set local business rates.

In Scotland, the determination of business rates is the responsibility of the Scottish Assessors (www.gov.scot/Topics/Government/local-government/17999/11199/brief-guide), and in Northern Ireland, it is dealt with by Land & Property Services, part of the Department of Finance (www.finance-ni.gov.uk/topics/property-rating).

Change-of-use planning permission may be required if the premises were previously used other than for similar business purposes under either Use Class A1, which covers shops, or A2, which covers financial and professional services. Go to www.planningportal.co.uk/info/200130/common_projects/9/change_of_use for more information.

Photographers intending to operate from a home base should inform their mortgage company or landlord and check that they are allowed to do this under the terms of their mortgage or tenancy agreement. Landlords may be unwilling to grant permission if, for example, there will be an increased burglary risk or nuisance caused by a photographer keeping large quantities of camera equipment at their property or parking problems caused by clients frequently visiting the property.

The Small Business, Enterprise and Employment Act 2015 amended the Landlord and Tenant Act 1954 to allow tenants to run a home-based business from a rented residential property under a specific 'home business tenancy' granted by their landlord, as long as it is the kind of business that someone could reasonably be expected to run from their home. Go to www.landlordsguild.com/consenting-to-carrying-on-a-home-business for more information.

Photographers intending to operate from a home-based workshop should also contact their local authority to find out whether they will need planning permission to run a business from home. This is particularly important in certain circumstances, for example if an outbuilding is to be converted and used as a studio or an extension is to be built for this purpose. Go to www.planningportal.co.uk/info/200130/common_projects/9/change_of_use for more information.

Anyone running a business based at home will need to find out whether they will become liable for business rates. The Valuation Office Agency has information about rates for a home-based business in England and Wales at www.gov.uk/introduction-to-business-rates/working-at-home. Guidance for Scotland is available at www.mygov.scot/business-rates-guidance/do-

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i-need-to-pay-rates-if-i-work-from-home and guidance for Northern Ireland can be found at www.nibusinessinfo.co.uk/content/rates-and-your-business-premises.

It is also essential to obtain adequate insurance cover both for the home and for business purposes.

Commercial premises security

In addition to an alarm system, it may be necessary to install CCTV to protect the premises, depending on location. The British Security Industry Association (BSIA) provides details of suppliers at www.bsia.co.uk/find-a-security-company.aspx.

Photographers will need to notify (register with) the Information Commissioner's Office (ICO) in order to use CCTV for security purposes, and adhere to the CCTV Code of Practice. The ICO can be notified online for a fee of £35 and notification must be renewed yearly. Go to https://ico.org.uk/for-organisations/register/.

The ICO has published guidance about using CCTV at https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/.

A safe (from around £75) can be used to keep small amounts of cash secure up to the limits of insurance cover for cash held on the premises. Typical policies provide cover for between £2,000 and £5,000 kept in a safe and a further £500 out of the safe. Cash should be banked regularly to keep the amount on-site to a minimum. For examples of suppliers of safes, go to www.securesafe.co.uk and www.acesafes.co.uk.

Sourcing photography equipment

A start-up photographer will need to budget for and source a wide range of equipment from specialist suppliers.

Both fixed and portable equipment, such as lighting, background cloths and accessories, will be required for studio and on-location photography. Typical prices (including VAT) are as follows:

- Basic studio lighting kit (from £150 to £600).
- Posing tubs and cushions (from around £200 to £300 for a set of four).
- Telescopic background support systems (from £50 to £125).
- Background cloth (from £15 to £200 depending on size, quality and material).
- Portable, collapsible backgrounds (from around £40 to £150 each).

For examples of specialist suppliers of photographic studio equipment, go to www.karlu.com and www.fotosense.co.uk.

Cameras vary widely in price according to factors such as manufacturer and specification, and the most appropriate model will depend upon the photographer's specialist field. A new digital SLR (single-lens reflex) camera can cost from around £300 to £5,000. Camera lenses range in price from around £200 to upwards of £1,500, and flashes cost from around £60 to £600. Go to www.1stcameras.com and www.jessops.com for examples of suppliers.

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A professional SLR 35mm film camera costs from around £1,200. SLR cameras are also widely available second-hand from retailers such as Wilkinson Cameras (www.wilkinson.co.uk/preowned) and Camera Jungle (www.camerajungle.co.uk).

Film-processing starter kits can be purchased from around £50. A darkroom with suitable lighting and workspace will also be required to process photographs taken with 35mm film. Go to www.ag-photographic.co.uk and www.patersonphotographic.com/patersondarkroom.htm for examples of suppliers specialising in film photography and processing equipment.

Many photographers use editing software to retouch or alter images before they are supplied to clients, and increasingly supply images as digital files alongside or instead of prints. Apple Macs are used by the majority of professionals in the creative industries. A MacBook Pro laptop or Mac desktop computer can be purchased from around £1,000 to £2,500 (including VAT) depending on specification. The most expensive Mac models include Retina displays and significantly higher processing powers and memory storage levels than the cheaper versions. Go to www.apple.com/uk/mac for further details.

The full Adobe Creative Cloud suite of products, including Illustrator and Photoshop, is available for around £45 per month and provides software that is used for image editing and video editing. Go to www.adobe.com/uk/creativecloud.html for more information.

Adobe Creative Cloud Illustrator CC (www.adobe.com/uk/products/illustrator.html) or Photoshop (www.photoshop.com/products) cost from around £17 per month if purchased individually.

Free downloadable alternatives to Adobe Illustrator and Photoshop include Gimp (www.gimp.org).

Typically, for the first few months' trading, suppliers will only deal with new trade customers using pro forma invoices. Payments must be made before delivery of equipment and materials. Suppliers usually carry out credit checks on new customers applying for a trade account. This includes taking up references, reviewing published accounts (if available) and checking public registers such as County Court Judgments.

Specialist printing

Most photographers subcontract the printing of their images and production of products such as photobooks and albums to a specialist printing firm, or upload digital photographs to online suppliers of photobooks. For examples of photographic printers providing specialist printing services for professional photographers, go to www.peak-imaging.com and www.colorworldimaging.co.uk.

Professional quality photobooks and albums are available for online digital uploads through suppliers such as Blurb (www.blurb.co.uk/professional-photo-books) and AsukaBook (www.asukabook.co.uk).

Copyright and licensing

Under the Copyright, Designs and Patents Act 1988, the copyright of original artistic works, such as photographs, is protected by law. Under the Act, the copyright (or intellectual property) of original work automatically belongs to its creator, such as a photographer, who may usually publish, reproduce and sell the image in any way. Copyright of photographs remains for the photographer's lifetime, plus 70 years. Go to www.dacs.org.uk/knowledge-base/factsheets/copyright-in-photographs for further information about copyright of photographs.

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Although the copyright of photographs commissioned by a client or taken speculatively automatically belongs to the photographer, the client may have an implied limited non-exclusive licence that allows them to reproduce the work to a certain extent. Go to www.gov.uk/guidance/ownership-of-copyright-works for further details about copyright relating to commissioned work.

It is therefore important for a freelance photographer to ensure that their standard terms and conditions of business (Ts and Cs) make it clear who will own the copyright of photographs taken for the client.

Photographers who want to retain the copyright for an image can license it to their clients or third parties for a specific use. The photographer usually charges a fee for this depending on the type and duration of the licence.

A usage calculator enabling photographers to determine the appropriate fee for use of photographs according to territory, media and length of time is available on the Association of Photographers' (AOP) website at www.the-aop.org/membership/information/usage-calculator.

Many photographers are members of the Design and Artists Copyright Society (DACS, www.dacs.org.uk), which is a non-profit organisation that works on behalf of artists to ensure that they are paid for use of their work. DACS processes individual licensing applications for the work of its members, deducting a 25% fee from the cost of each licence before passing on the remainder of the fee to the member.

DACS also provides a collective licensing scheme, which ensures that photographers are compensated for the use of their work in ways that would be difficult to license individually, such as photocopying. DACS collects payments from organisations such as universities and libraries, and distributes royalties to its members after deducting a fee. Go to www.dacs.org.uk/for-artists/copyright-licensing for more information about the DACS copyright licensing service.

Photographers can also protect their intellectual property, for example by watermarking digital images or only sharing low-resolution images online. Printed images can be marked with the copyright symbol (©), in addition to the photographer's name and the year the photograph was created.

Working with agencies or commercial clients

Many photographers are engaged via commissions from creative agencies or commercial clients who require photographs for promotional or editorial purposes. For example, it is common for design, advertising, modelling and marketing agencies to subcontract work to freelance commercial photographers, as an agency may require a photographer to complete certain elements of a larger design, modelling or advertising project.

It is important that the photographer is completely clear about the client's target audience and project objectives, the schedule for the project, including timescales for any necessary location research, photographic sessions and production of printed and digital images and CDs or DVDs, copyright ownership and delivery of the final material.

The commissioning process with agencies and commercial clients typically involves:

- An initial meeting (either in person or via Skype) to determine the nature of the commission, including technical specifications, details of the type of images required, budget, timescales and deadlines.
- Submission of the photographer's quotation for the commission.

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- Acceptance of the quotation and agreement to commence the work.

Agreements or contracts should be in writing and signed by the photographer and the agency or client before the photographer commences any work. It is also good practice for photographers to provide agencies and clients with their standard terms and conditions (Ts and Cs) of business alongside their quotation.

Formal agreements or contracts with agencies and clients should typically include:

- Full details of the project.
- The responsibilities of both the photographer and the agency or client.
- A project schedule that includes the timescale for completing the work.
- The photographer's fees, a payment schedule and how the fees will be paid.
- A review and arbitration procedure for resolving any disputes.
- Where relevant, agreements regarding non-disclosure of intellectual property and confidentiality.
- The rights relating to the use and copyright ownership of the images, and the duration of any licences granted by the photographer for the reproduction and use of the photographs, film, negatives, design work, artwork, digital scan or engravings.
- A clause stating that the agency or client must provide a declaration that they hold appropriate consents, copyright or trade mark permissions for the use of any text or images they supply to the photographer or for photographs taken of models, for example for inclusion in brochures designed as part of the photographic project.
- Project termination conditions and any fees arising.
- Responsibility for checking and signing off images.
- Agreement about credits (for example those shown on websites to attribute or credit the photographer who produced the images).

It is worthwhile for the photographer to have a solicitor draft or review their standard Ts and Cs and any agreements with clients to ensure they comply with the law and do not disadvantage or place unreasonable liability on the photographer.

The AOP has published separate template Ts and Cs for England and Wales, Scotland and the Republic of Ireland, which can be viewed at www.the-aop.org/membership/information/downloads/legal-business-forms (registration required).

Tendering for public sector contracts

Public sector organisations, including local authorities, schools, colleges, universities and hospitals, can provide opportunities for photographers to tender for small contracts. They usually ask contractors to submit an expression of interest for the contract being tendered. If that is accepted, contractors will be invited to submit a formal tender.

Details of public tender opportunities throughout the UK and EU can be found at www.publictenders.net and www.gov.uk/contracts-finder.

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Scotland, Wales and Northern Ireland have their own dedicated public sector procurement websites. These are:

- Public Contracts Scotland (www.publiccontractsscotland.gov.uk).
- Sell2Wales (www.sell2wales.gov.uk).
- eSourcing NI (https://e-sourcingni.bravosolution.co.uk/web/login.shtml).

NHS contracts are published at www.supplychain.nhs.uk/suppliers. There is also a higher education tendering website at www.unibuy.com/suppliers.html.

Supplier guidance in relation to tendering for contracts has been published by various local authorities. Go to www.warwickshire.gov.uk/supplierguidance for an example.

Consumer contracts and terms and conditions of business

Photographers who supply services to clients who are consumers (meaning private individuals who are acting for purposes unconnected to their business or profession) must comply with the provisions of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (CCRs).

Under the CCRs, photographers must provide consumers with specific pre-contractual information, including details of their pricing, payment and cancellation terms, before agreeing to provide their service.

As good practice, this pre-contractual information can be included in the photographer's standard Ts and Cs of business which can either be displayed on their website or in writing on a booking form, for example when a client books them to photograph their wedding.

A photographer's standard Ts and Cs of business should typically include:

- The photographer's trading name, address and telephone number, and if applicable, their company registration number and VAT registration number.
- The business name that will appear on any credit or debit card statements, which is sometimes different to the trading name.
- Clear descriptions of the different types of photography services provided, such as the photographic style, designs, colours, formats and method of production, as well as whether images are supplied framed, in albums or digitally on CDs.
- Clear details about pricing, including any non-refundable reservation fees for wedding bookings, and fees for any additional personalisation services (for example in relation to photobooks or albums), including VAT if appropriate.
- Details about payment terms and methods of payment accepted.
- Clear details of the photographer's cancellation policy and terms, and the client's cancellation rights.

If the photographer enables consumers to place orders or make bookings online, including via a mobile app, they must also meet the requirements of the Electronic Commerce (EC Directive) Regulations 2002. This includes providing clear information about the technical steps to follow to conclude the contract, and how the consumer can identify any input errors before confirming their booking.

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The CCRs are enforced by local authority trading standards officers who can be contacted for advice and guidance about complying with consumer protection legislation.

It can be worthwhile having a solicitor review or draft Ts and Cs to ensure they comply with the law.

Other consumer protection regulations

Under the Consumer Rights Act 2015, photographers must provide their services to consumers with reasonable care and skill. Photo albums and prints supplied as part of the service must also be of satisfactory quality, as described and fit for purpose.

Under the Consumer Protection from Unfair Trading Regulations 2008, it is an offence for a photographer to mislead or otherwise act unfairly towards a consumer, for example by claiming to have knowledge, experience and qualifications that they do not have.

Under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015, photographers who fail to resolve a consumer dispute through their own complaints-handling procedure must inform consumers about a certified alternative dispute resolution (ADR) scheme relevant to their sector. ADR schemes provide consumers and traders with a way of resolving complaints without going to court.

Business protection legislation

Under the Supply of Goods and Services Act 1982, it is an implied term of business-to-business contracts (such as a photographer's contract to take promotional photographs) that the service will be carried out with reasonable care and skill.

The Business Protection from Misleading Marketing Regulations 2008 make it a criminal offence for photographers to make misleading claims to their commercial customers (for example by claiming knowledge, experience and qualifications that they do not have). The Regulations also make it a criminal offence for photographers to make unfair comparisons between their own services and those of other photographers or photographic services.

Fees, pricing and VAT

Photographers' fees vary according to the type of work, for example a commercial commission or a wedding booking, the extent of the licence granted for reproduction of the work and the location. Fees for commercial work are usually charged by the hour or day, with additional charges being made for the production of CDs or DVDs. Fees for wedding photography are usually based on fixed-rate packages for services.

For example, commercial photographers (often based outside London) typically charge fees starting from around £85 per hour or £675 per day, rising to £195 per hour or around £1,500 per day.

Portrait and corporate photographers, often based in London, usually offer a variety of fixed-price packages ranging from around £200 to £400 and specialise in 'headshots', which are photographs typically required by actors and models, or by individuals working in senior-level occupations at large corporates and public limited companies (PLCs). Portrait photographers outside London typically charge much less, and packages start from around £30 to £80 depending on the number and type of images supplied.

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Wedding photographers usually charge a non-refundable deposit of around £100 to £300 when the wedding is booked, and require the balance to be paid 30 days before the wedding takes place. Typical fees charged for wedding photography packages range from around £650 to almost £2,000, depending on the location, the number of images provided, the type of album chosen and the amount of time the photographer spends at the wedding.

Most photographers charge fees for travelling and hotel accommodation in addition to photography fees.

For examples of wedding photography prices, go to www.andyhudsonphotography.co.uk/prices/wedding-prices and www.casablancapublications.co.uk/prices.php.

For examples of commercial photography prices, go to www.northlight-images.co.uk/commercial-photo-prices.html and www.baileycooper.co.uk/business-photography/commercial-photography-prices/.

For examples of portrait and corporate photographers' rates, go to http://karlattard.com/prices-for-karl-attard-photography and vanessavalentinephotography.com/pricing,

The AOP has also published details of its surveys covering how photographers charge for digital work, photographic shoots and working with clients, which can be viewed at www.the-aop.org/membership/information/downloads/how-photographers-charge. The AOP's guidance about setting a day rate can also be viewed at www.the-aop.org/membership/information/downloads/legal-business-forms (registration required to download content).

The National Union of Journalists (NUJ) has also published guidance about fees for freelance photography work, which can be viewed at www.londonfreelance.org/feesguide/index.php?section=Photography.

Photographic work is standard-rated for VAT and photographers must register for VAT once their turnover reaches the mandatory threshold. Go to www.gov.uk/guidance/rates-of-vat-on-different-goods-and-services for more information.

Taking payment

Most photographers accept payment by cheque or cash, for example for wedding photography bookings, and as best practice should provide an invoice and receipt, including for any deposits paid in advance. Commercial and public sector customers will expect to be invoiced in arrears for contract work.

A Chip and PIN machine will be required to process credit and debit card payments. Examples of providers include www.lloydsbankcardnet.com, www.streamline.com/card-machines and www.chipandpinsolutions.com. Equipment rental costs between £15 and £35 a month, plus per-transaction charges of around 2%.

It will be necessary to apply for a merchant account to process online payments. Examples include PayPal (www.paypal.com/uk/webapps/mpp/home), Worldpay (www.worldpay.com/uk) and Nochex (www.nochex.com).

Commercial photographers typically invoice clients on completion of projects and require payment within 14 or 30 days. The AOP has published commission estimate and invoice templates, which can be viewed at www.the-aop.org/membership/information/downloads/legal-business-forms (registration required to download content).

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Criminal records checks

As best practice, photographers who intend to photograph children or vulnerable adults on a one-to-one basis or who work on a regular basis as a school photographer or provide services for law firms and insurers should undergo a criminal records check and hold a certificate as evidence of this.

In England and Wales, criminal records checks are known as Disclosure and Barring Service (DBS) checks. Individuals cannot apply directly for DBS checks, but can obtain basic checks via 'umbrella bodies', such as APCS (Access Personal Checking Services) (www.criminalrecordchecks.co.uk). Go to www.gov.uk/government/collections/dbs-checking-service-guidance--2 for details.

Photographers can check the existing DBS certificates of anyone they intend to engage or employ, such as a photographer's assistant, using the DBS update service. Go to www.gov.uk/dbs-update-service for further information about updating and checking certificates.

In Scotland and Northern Ireland, criminal records checks are referred to as 'Disclosures' and are carried out by Disclosure Scotland (www.disclosurescotland.co.uk) and AccessNI (www.nidirect.gov.uk/accessni-criminal-record-checks) respectively. Basic disclosures can be applied for by individuals. However, standard and enhanced disclosures must be obtained via umbrella bodies.

Child protection and safeguarding

The Children Act 1989 (as amended), which covers England, and equivalent child protection legislation in Wales, Scotland and Northern Ireland, protect and safeguard children by setting out procedures for reporting child protection concerns. To comply with the Act, photographers should establish a safeguarding policy to protect children aged 17 and under while they are being photographed. Detailed information about child protection legislation in the UK and in each of the four UK nations is provided by the NSPCC at www.nspcc.org.uk/preventing-abuse/child-protection-system.

The NSPCC also publishes resources for individuals and organisations to help them produce a safeguarding policy. These can be viewed at www.nspcc.org.uk/preventing-abuse/safeguarding.

Photographing child models

Anyone who intends to photograph or film child models should first obtain permission from both the child and their parent or guardian and children should not be named in captions to photographs. The NSPCC has published guidance about photographing children, which is available at www.nspcc.org.uk/preventing-abuse/safeguarding/photography-sharing-images-guidance.

Photographers who photograph children as part of fashion modelling 'shoots' should be aware that under the Children (Performance) Regulations 1968 and equivalent regulations in Northern Ireland, child models must be under the control of a licensed chaperone, parent or teacher while working. Children are defined in the Regulations as individuals under compulsory school-leaving age, which is usually 16, depending on where in the UK they live.

Chaperones (referred to as 'matrons' in the Regulations) are licensed by local authorities following a criminal records check, and at least one chaperone is required for every 12 child

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models. Go to www.essex.gov.uk/Education-Schools/Schools/Pupil-Parent-Support/Pages/Children-in-entertainment.aspx for further information.

If the photographer has been commissioned by a client such as a model agency or advertising agency, it will be the client's responsibility to apply for a licence and supply chaperones.

Model release forms

When photographing models, it is best practice for photographers to ask the individuals involved (or their parent or guardian, in the case of children aged 17 or under) to sign a model release form giving permission for the images to be used for a specific purpose, such as media advertising for the promotion of a particular brand's products. Model release forms also usually include an agreement for the images to be used for a specific period of time.

The form should include the names and addresses of both the model and the photographer, where and when the photographs were taken, and the ways in which the photograph may be used. Go to www.creativephotobook.co.uk/ModelReleaseForm.pdf for an example of a model release form. The AOP also provides example model release forms. Go to www.the-aop.org/membership/information/downloads/legal-business-forms for more information and to download forms (registration required).

Privacy and data protection

To comply with the Data Protection Act 1998 (DPA), any personal details, images of and information about clients that the photographer holds must be stored securely, either manually or electronically to protect from theft or prevent cybercrime, and used only for their clearly intended purpose.

The Information Commissioner's Office (ICO) provides a guide to complying with the Act at https://ico.org.uk/for-organisations/guide-to-data-protection.

Tax and IR35

Rules introduced by HMRC, called IR35, are intended to prevent avoidance of National Insurance (NI) Class 1 Contributions and tax payments by self-employed photographers and contracting organisations, such as wedding planners and advertising agencies. If a photographer carries out work for only one client, such as a single marketing agency, it can be difficult to prove to HMRC that the photographer is genuinely self-employed. This can lead to an increased tax and NI liability for both the photographer and the firm they are contracting with.

Photographers can ensure that they meet HMRC's criteria for self-employment by using HMRC's employment status indicator tool (www.gov.uk/guidance/employment-status-indicator).

Health and safety

Under the Management of Health and Safety at Work Regulations 1999, all employers, and some self-employed people, are required to undertake a risk assessment of their workplace and the risks they and their employees face through their work activities. They must also provide any employees with adequate health and safety training. The HSE publishes a guide to carrying out a risk assessment at www.hse.gov.uk/risk/controlling-risks.htm.

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The Provision and Use of Work Equipment Regulations 1998 and the Personal Protective Equipment at Work Regulations 1992 (and equivalent legislation in Northern Ireland) set out requirements regarding the use and maintenance of work equipment (such as studio lighting used by photographers), and the training of employees in their use. A photographer should ensure that employees wear protective clothing such as gloves when appropriate, for example when handling developing fluids used in processing film. There are guides to these Regulations on the HSE's website at www.hse.gov.uk/pubns/indg174.pdf and www.hse.gov.uk/pubns/indg291.pdf.

Under the Electricity at Work Regulations 1989, photographers must regularly assess the safety of portable electrical appliances they use in the course of their business, such as lighting rigs, for example by conducting a visual check or a formal PAT (portable appliance testing) inspection (www.hse.gov.uk/electricity/faq-portable-appliance-testing.htm).

Under the Control of Substances Hazardous to Health Regulations 2002 (COSHH), employers are required to put health and safety measures in place to protect themselves, employees and customers from health risks arising from exposure to potentially harmful substances. For example, a photographer must take care to ensure that they and their staff are protected from the potentially harmful effects of breathing in fumes from developing fluids. Go to www.hse.gov.uk/coshh and www.hse.gov.uk/pubns/indg136.pdf for more information.

According to guidance from the HSE, photographers must ensure areas used for storing these potentially harmful substances are well organised and well ventilated. Containers should be clearly labelled and heavier containers stored on lower shelves. Go to www.hse.gov.uk/pubns/guidance/ocm8.pdf to view the guidance.

Under the Manual Handling Operations Regulations 1992, photographers must assess the risk of injury to themselves and their employees, for example from lifting and moving heavy equipment and take steps to reduce them, for example, by providing information about safe lifting techniques, or dividing heavy loads into smaller ones.

Professional association membership

Membership of a professional association can provide a wide range of individual and business benefits. Relevant associations include:

- The British Institute of Professional Photography (BIPP, www.bipp.com), which is a national trade body representing photographers in the UK. Membership benefits include portfolio reviews, use of the BIPP logo, credit card processing packages and free resources such as template contracts. The annual provisional membership fee is £250.
- The Association of Photographers (AOP, www.the-aop.org), which provides members with an online portfolio, a subscription to 'Image Magazine+' and business and legal support. Applicants for Accredited Photographer Membership, which costs £315 a year (excluding VAT), must have been trading as a professional photographer for a minimum of two years.
- The Guild of Photographers (www.photoguild.co.uk), which is an association representing both professional and amateur photographers. Members benefit from help and support from experienced photographers, and can use the Guild's logo and obtain insurance cover at discounted rates. The annual standard membership fee is £90 and the annual professional membership fee is £120.

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- The Institute of Medical Illustrators (IMI, www.imi.org.uk), which represents clinical photographers. The IMI provides a Members' CPD scheme and requires them to comply with a Code of Conduct and a Code of Responsible Practice. The annual membership fee starts at £63 for students on IMI-recognised courses. The full professional membership fee is £108 per year.

Promotion

Opportunities for promoting a photography service include:

- Listing in specialist directories of photographers such as:
  - Photographers.co.uk (www.photographers.co.uk).
  - Find a Wedding Photographer (www.findaweddingphotographer.co.uk/).
  - Wedding Photographers (www.uk-wedding-photographers.com).
  - Best Photographers (www.bestphotographers.co.uk).
- Creating a five-minute video demonstration about an aspect of photography, uploading it onto online video-sharing websites such as YouTube and including a link back to the business' website. Go to www.youtube.com and enter 'wedding photography' in the search box for examples of other photographers doing this.
- Becoming a contributor to online image databases such as iStockphoto, which pays royalties ranging from between 15% and 45% for images sold through the site. Go to http://istockfaq.gettyimages.com/how-do-i-become-a-contributor for information about how to apply. Shutterstock also invites submissions from photographers. Go to http://submit.shutterstock.com for further information.
- Approaching magazine and book publishers that may commission photographs for editorial purposes. 'Writers' and Artists' Yearbook' is a directory of magazine and book publishers (www.writersandartists.co.uk).
- Creating an online portfolio, including examples of past work, on the photographer's website and uploading photographs to photo-sharing websites such as Flickr (www.flickr.com), Tumblr (www.tumblr.com), Instagram (www.instagram.com/?hl=en) and Pinterest (www.pinterest.com). Go to www.flickr.com and enter 'photographer UK' in the search box for examples of other photographers doing this.
- Offering special deals for local schools and sports clubs for group and portrait photography.
- Building links with local wedding suppliers, such as wedding planners, bridal shops, florists and reception venues, to encourage referrals. The UK Alliance of Wedding Planners (UKAWP) lists members by location at www.ukawp.com/wedding-suppliers.
- Attending wedding fairs in order to promote the service to wedding planners and couples organising weddings. For a list of forthcoming wedding fairs, go to www.guidesforbrides.co.uk/weddingfair.php.
- Creating a Facebook business page to encourage consumer referrals. Facebook pages can be customised with the photographer's name, logo and other information, and regularly updated with photos, articles and special offers, competitions, events and customer polls. Go to www.facebook.com/KarlTaylorPhotography and www.facebook.com/

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themancphotographer for examples of photographers with a Facebook business page. Go to www.facebook.com/business for more information about how to use Facebook for business promotion.

- Advertising in the hard copy and online versions of local business directories such as Yellow Pages (www.yell.com) and Thomson Local (www.thomsonlocal.com). Google My Business (www.google.co.uk/business) and Yahoo Local (https://uk.search.yahoo.com/yp) provide free listings for photographers by location.

Insurance

A photographer requires a number of insurance policies, including:

- Public liability insurance, which covers a photographer against claims for injury, loss or damage to themselves or their property from clients, suppliers and members of the public adversely affected as a result of the photographer's activities.
- Professional indemnity insurance, which covers a photographer against claims of negligence and breach of conduct, copyright, confidentiality or trust and breach of the Data Protection Act 1998.
- Legal expenses insurance, which covers a photographer against claims for defending or pursuing contractual or commercial disputes with equipment suppliers or third parties such as landlords or to defend employment tribunal cases.
- Building and contents cover for the studio, equipment and other business contents such as office and IT systems, photographic equipment and stock against accidental damage, fire, flood, theft, and any business interruption arising as a result.
- Employers' liability insurance, which is mandatory as soon as a photographer employs staff.
- Cover for theft, accidental loss or damage to the photographer's equipment.
- Cover for use of any vehicles for business purposes, which must include a minimum of third-party cover. Equipment stored in a vehicle can also be covered.

Specialist insurance for photographers, including accidental damage cover and cover for reinstatement of data and damage resulting in re-shoots, is available from insurers and brokers such as Aaduki multimedia insurance (www.aaduki.com) and Infocus Photography Insurance (www.infocusinsurance.co.uk).

Legislation

This section provides an at-a-glance list of the legislation that photographers must comply with. Professional advice about the impact of legislation should always be obtained before making any business decisions.

- The Business Protection from Misleading Marketing Regulations 2008 make it a criminal offence for photographers to promote their services in ways that are misleading or unfair to other traders, for example by making unfair comparisons between their own services and those of other photographers.
- The Consumer Protection from Unfair Trading Regulations 2008 and the Consumer Protection from Unfair Trading (Amendment) Regulations 2013 protect consumers by

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prohibiting unfair commercial practices, such as misleading advertising. If a photographer misleads a consumer, for example as to their experience or qualifications, they will have committed a criminal offence.

- The Consumer Rights Act 2015 makes it an implied term in contracts between photographers and consumers that services provided are of satisfactory quality, as described and provided with reasonable care and skill.
- The Control of Substances Hazardous to Health Regulations 2002 (COSHH) require photographers to put health and safety measures in place to protect themselves, employees and customers from health risks arising from exposure to potentially harmful substances, such as developing fluids used when processing film. In Northern Ireland, the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003 (COSHH) apply.
- The Copyright, Design and Patents Act 1988 applies to works of 'artistic craftsmanship' such as photographs and digital images. The creator of the image automatically owns the copyright in the work.
- The Data Protection Act 1998 places controls on the management and use of personal information relating to individuals. It stipulates that information must be used only for its clearly intended purpose and held securely. The ICO has information and links to the full legislation at https://ico.org.uk/about-the-ico/what-we-do/.
- The Electricity at Work Regulations 1989 place duties on employers, employees and the self-employed to ensure that all electrical equipment used in the workplace is suitable for its intended use and properly maintained and operated. The Regulations apply in England, Scotland and Wales. In Northern Ireland, similar provisions are made under the Electricity at Work Regulations (Northern Ireland) 1991.
- The Management of Health and Safety at Work Regulations 1999 require employers and certain self-employed people to carry out a risk assessment of their workplace and work activities and to provide adequate health and safety training for employees. In Northern Ireland, the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 apply.
- The Manual Handling Operations Regulations 1992 require photographers to assess the risk of injury to themselves and their employees and to ensure that any unnecessary lifting is avoided, or take steps to reduce the risk of injury.
- The Provision and Use of Work Equipment Regulations 1998 and the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999 require employees to be trained in the safe use of work equipment.
- The Supply of Goods and Services Act 1982 stipulates that it is an implied term of any contract for business-to-business services that they must be carried out with reasonable skill and care, within a reasonable time and at a reasonable charge. Some provisions of the Act have been introduced in Scotland through the Sale and Supply of Goods Act 1994. However, common law in Scotland has a similar effect to the Act.

Further information

SEC 26 Media, Creative and Publishing - Sector Update

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BOP 20 Videographer

BIF 218 A Guide to Using Copyright to Protect Your Work

Useful contacts

British Institute of Professional Photography (BIPP)
Tel: (01296) 642020
Website: www.bipp.com

Association of Photographers (AOP)
Tel: (020) 7739 6669
Website: www.the-aop.org

The Guild of Photographers
Tel: (01782) 694121
Website: www.photoguild.co.uk

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