

Strictly Private and Confidential

Lewis Silkin LLP External Review Final Report

**For the attention of:
The Town Clerk and Chief Executive
of the City of London Corporation**

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1 INFORMATION ABOUT THIS REPORT

1.1 This Final Report is provided to the Town Clerk and Chief Executive of the City of London Corporation (the “Town Clerk”) by Lewis Silkin LLP (“Lewis Silkin”). Lewis Silkin is instructed that in order to keep confidential (save for a limited group of individuals designated by the Town Clerk) the identity of those who:

- (a) gave evidence to the Lewis Silkin Review (as defined below); and
- (b) did not participate in the review but who were identified by those who gave evidence (for example, including because specific allegations were made against them and/or they may have relevant information about specific allegations or broader themes);

this report shall not contain any information about named individuals. Information about individuals shall be provided in a confidential bundle which Lewis Silkin is instructed to provide to the Town Clerk only. This bundle of documents is referred to as the “Final Report Bundle”. The Final Report Bundle includes transcripts and written submissions provided by those who gave evidence to this review – anonymised where requested.

2 SCOPE OF LEWIS SILKIN REVIEW

2.1 On 20 July 2021, Shalina Crossley of Lewis Silkin LLP was instructed by the Comptroller & City Solicitor on behalf of the Barbican Centre Board of the City of London, via the NEI sub-committee, to conduct an external review of concerns of discrimination at the Barbican Centre (the “Lewis Silkin Review”).

2.2 Lewis Silkin was informed that the Lewis Silkin Review was part of a wider External Review, full details of which have not been communicated to Lewis Silkin. The context to the Lewis Silkin Review was the publication in June 2021 of the “Barbican Stories” which, using its own description, is a collection of anonymous accounts/experiences of race discrimination written by current and former Barbican staff members.

2.3 The initial scope of the Lewis Silkin Review was set out in a letter from the Comptroller & City Solicitor, dated 20 July 2021 (the “Letter of Instruction”) (a copy of which is at tab 1 of the Final Report Bundle). The scope was broad, and Lewis Silkin was asked to “follow the evidence” and identify:

- (a) incidents which may have breached employment and discrimination law and/or City of London Corporation disciplinary codes;
- (b) discrimination arising from failings in terms of workplace policies and processes (either non-compliance with existing policies and processes or a lack of appropriate policies and processes);
- (c) weaknesses in culture and leadership which have contributed to (a) and (b) above;
- (d) broader issues of structural, environmental or working cultures which have negatively affected those who work at the Barbican or perceptions of wrongdoing; and

- (e) comment upon a 10-point plan which the Barbican has implemented as an interim measure.

Concerns relating to artistic programming and audience engagement strategy were out of scope.

- 2.4 Terms of reference (the “Lewis Silkin Review Terms of Reference”) explaining the scope of the Lewis Silkin Review (in similar terms as set out above) were provided to staff (a copy is at tab 2 of the Final Report Bundle).
- 2.5 Lewis Silkin was permitted to accept evidence from former members of staff. As far as Lewis Silkin is aware, the Barbican has not proactively contacted former staff members to provide information about how they may participate or published any information about the same. However, we note that Barbican Stories has published, on Instagram, the Lewis Silkin Review Terms of Reference and various communications from the Barbican to its staff about the Lewis Silkin Review, so it is likely that some former staff members have become aware of how they may participate through this or through current staff with whom they remain in contact. Three former employees have given evidence (including through meetings and by written submission). One former staff member who initially contacted Lewis Silkin eventually decided not to give evidence and gave no reason for their decision.
- 2.6 An email address was set up by Lewis Silkin (and only accessible by those employees at Lewis Silkin who were involved in the Lewis Silkin Review) to enable those who wished to participate in the Lewis Silkin Review to do so. At the outset, it was not known who and how many individuals would come forward and what they would say. After having undertaken around 15 meetings, it was apparent that some individuals were not clear about the scope of the Lewis Silkin Review – few specific complaints of race (or other) discrimination were being raised, rather individuals were sharing concerns about general themes relating to diversity and inclusion, racism and organisational culture, including about the Barbican’s interactions with its community/audience. In light of this, Lewis Silkin sought further instructions about the scope of the Lewis Silkin Review including whether these matters should be treated as falling within scope (see tab 3 of the Final Report Bundle).
- 2.7 On 12 August 2021 a video conference call took place to discuss the scope of the Lewis Silkin Review. In attendance were the Chair of the Barbican Centre Board and the NEI sub-committee, one of the Deputy Chairs of the Barbican Centre Board and the NEI sub-committee, the Deputy Town Clerk & Chief Executive of the City of London Corporation, the Comptroller & City Solicitor and the TOM Change & Implementation Manager. Following this call and an email from the TOM Change & Implementation Manager dated 12 August 2021 (a copy of which is at tab 4 of the Final Report Bundle), the scope of the Lewis Silkin Review was amended as follows:
 - (a) To identify and investigate specific concerns of race or other discrimination; and
 - (b) To listen and report on broader cultural themes.

Artistic programming and audience engagement remained excluded from the scope of the Lewis Silkin Review, but if any concerns regarding these issues were raised, these were to be reported as part of the broader cultural themes.

- 2.8 On 25 August 2021, Lewis Silkin was instructed to provide, by 13 September 2021:

- (a) to the Town Clerk, an interim report and transcripts of evidence obtained from interviewees (anonymised where witnesses had requested this) (the “Interim Report”). The Interim Report was to cover details of the specific allegations which had been made, recommendations as to next steps to investigate them and to report on broader cultural themes/concerns which had emerged. Lewis Silkin was instructed that the Interim Report may be provided to a very small number of City of London Corporation staff; and
 - (b) to the TOM Change & Implementation Manager and the Project Manager a summary version of the Interim Report in which names of complainants, alleged perpetrators and any other witnesses were anonymised (the “Summary Interim Report”). Lewis Silkin was instructed that the purpose of the Summary Interim Report was to provide an update on the process followed to date, a summary of the nature and volume of concerns being raised and any recommended next steps. Lewis Silkin was informed that the Summary Interim Report would be provided to the Barbican Centre Board.
- 2.9 The Interim Report and Summary Interim Report were provided as instructed. In those reports Lewis Silkin requested further instructions as to next steps in light of recommendations made in those reports. We do not repeat in this report the recommendations made.
- 2.10 On 22 September 2021 Shalina Crossley attended a meeting of the Barbican Centre Board to answer questions about the Summary Interim Report.
- 2.11 On 4 and 11 October 2021 Lewis Silkin was instructed to provide:
 - (a) to the Town Clerk and Chief Executive of the City of London Corporation a final report setting out any details of specific allegations and any additional broader cultural themes/concerns which had emerged following submission of the Interim Report and Summary Interim Report. Lewis Silkin was also asked for recommendations as to next steps to investigate any additional specific allegations. Lewis Silkin was instructed to provide copies of transcripts of any meetings which had been held following submission of the Interim Report and Summary Interim Report as well as any further written submissions; and
 - (b) to the Deputy Town Clerk and Chief Executive of the City of London Corporation, and the Project Manager the Final Report omitting any information which would identify names of complainants, alleged perpetrators and any other witnesses/individuals who had been referred to in evidence given to Lewis Silkin. Lewis Silkin was instructed that this version of the Final Report will be provided to the Barbican Centre Board and published to Barbican staff.
- 2.12 For completeness, as part of this process Lewis Silkin has been made aware that the Barbican has previously put in place various anti-racism and equality, diversity and inclusion initiatives. However, Lewis Silkin has not been instructed to consider these initiatives or their effectiveness as part of the Lewis Silkin Review.

3 METHODOLOGY/PROCESS

- 3.1 Lewis Silkin set up a team of lawyers to conduct the Lewis Silkin Review. The team is led by Shalina Crossley and includes two Associates and a Paralegal. Other lawyers, trainees, apprentices and paralegals from Lewis Silkin have also been involved as note-takers.
- 3.2 The Lewis Silkin Review investigation team has accepted written submissions of evidence and also interviewed anyone who has requested to give their evidence via a video meeting. Interviewees have been given the opportunity to provide any information about specific allegations of discrimination and broader cultural themes (and anything else they consider relevant). All video meetings have been conducted by Shalina Crossley or one of the Associates on the investigation team with a note-taker from Lewis Silkin. All interviewees were given the opportunity to comment on the transcripts of the meetings before they were finalised. Any interviewee who has not directly confirmed their agreement to the transcript has been informed (with advance notice) that their transcripts will be included as evidence. Copies of all transcripts and written submissions are provided in the Final Report Bundle. Appropriate redactions have been made to preserve anonymity where this has been requested. All parties who have requested anonymity are referred to by code to ensure confidentiality as far as possible.
- 3.3 In advance of interviews, interviewees were reminded of the confidentiality of the investigation and agreed to proceed with interviews on that basis. They were also informed that a copy of the notes of the meetings would be provided to those at the City of London Corporation instructing Lewis Silkin. Further, given the Lewis Silkin Review is an open process, interviewees were made aware that the City of London Corporation may have broader duties of disclosure for example, in the event of any litigation, data subject access request or if any regulatory action is required. While all interviewees agreed to proceed on the aforementioned basis, some witnesses later requested anonymity and/or decided to withdraw some or all of their evidence. For further details see section 6.
- 3.4 The Lewis Silkin Review Terms of Reference informed staff that they had the opportunity to be accompanied – none took this up.
- 3.5 A copy of the information given to interviewees in advance of meetings is at tab 10 of the Final Report Bundle.
- 3.6 In addition to witness testimony, Lewis Silkin also requested (where possible and relevant), contemporaneous documents. We have not included copies of these documents in the Final Report Bundle since some were given before the scope of the Lewis Silkin Review was revised and so may no longer be relevant. Further, they will need to be considered in more detail depending on what recommendations for further investigation are implemented. Copies can be provided upon request by the Town Clerk.
- 3.7 Based on its instructions and the Terms of Reference, Lewis Silkin has not contacted individuals who have not come forward voluntarily but who interviewees have suggested may have specific allegations to report or be able to provide information about specific allegations already reported.

4 ANONYMITY/CONFIDENTIALITY

- 4.1 Lewis Silkin is instructed to accept evidence anonymously. In the event interviewees requested anonymity, they were informed their evidence would not be attributed to them, but

their evidence would be reported. They were also informed that there are some limitations to anonymity – for example, where a specific allegation is made, or the information provided identifies an individual(s) identity.

- 4.2 Shalina Crossley of Lewis Silkin was asked to hold a question and answer session which took place on 6 September 2021 for staff who had questions or concerns about the Lewis Silkin Review process (the “Q&A Session”). Those who attended the Q&A Session gave feedback that understanding who would see their evidence and how it would be used would be helpful. In light of this, Barbican may wish to consider providing this information to staff and clarifying this in advance of any further stages of the investigation.
- 4.3 Upon understanding that complete anonymity could not be guaranteed and/or their evidence (even if, anonymised) may be shared with the Barbican Board and/or the Barbican Directorate, some witnesses withdrew their evidence. The reasons, where given, are set out in section 6. The Barbican may wish to reflect upon whether there are further reassurances that can be given regarding anonymity/confidentiality in advance of any further stages of the investigation.

5 OBSERVATIONS ABOUT WHO HAS PARTICIPATED

5.1 A summary of those who have come forward/contributed is as follows:

| | |
|--|----|
| Number of individuals who have contacted Lewis Silkin | 48 |
| Number of individuals interviewed | 35 |
| Number of interviews which have taken place (five individuals had more than one meeting, some individuals attended a meeting and then decided to provide a written submission instead of consenting to the transcript of their meeting to be used as evidence, some individuals attended a meeting and then decided to withdraw their evidence) | 42 |
| Number of written submissions received | 10 |
| Number of individuals who decided not to participate having initially contacted Lewis Silkin | 9 |
| Number of individuals who have withdrawn their evidence/written submission | 4 |

- 5.2 Of those who participated, very few were people of colour (circa eight to the best of our knowledge). Proportionately, there was greater participation from senior staff (e.g. directors, heads of department, managers) than there was from other roles – circa 53% have/had senior roles. Only one casual worker contributed. Further, participation tended to be from art form departments rather than operational departments notwithstanding the latter makes up a larger proportion of the workforce. Departments that were mentioned specifically in Barbican Stories and the evidence given were the Visual Arts team and the Creative Learning team. One member of the HR team gave evidence, but later withdrew it – no reason was given.
- 5.3 Several interviewees have expressed views (of their own or from colleagues) about the reason why some staff, who may have relevant information to provide, do not wish to participate in the Lewis Silkin Review and/or why individuals are not prepared to give details

of specific allegations. These are summarised in section 6. These points were also made in the “Q&A Session”.

- 5.4 Barbican Stories contacted Lewis Silkin to provide a copy of the Barbican Stories book. It stated that it could name the perpetrators and those responsible for the racism and discrimination in the accounts contained in Barbican Stories. Lewis Silkin responded and invited Barbican Stories to provide information about (a) specific allegations of racism or other discrimination at the Barbican; and/or (b) information about broader issues relating to equality, diversity and inclusion. A copy of the email exchange between Lewis Silkin and Barbican Stories is at tab 11 of the Final Report Bundle. At the time of writing this report, no further information has been provided by Barbican Stories.
- 5.5 As the Lewis Silkin Review has been able to ascertain the identity of some individuals whose experiences are reported in Barbican Stories, we recommend that Barbican stories is contacted again to give them a further opportunity to contribute, should they wish to do so, to any further investigations which may be undertaken.

6 CONCERNS ABOUT THE SCOPE AND PROCESS OF THE LEWIS SILKIN REVIEW

- 6.1 Some witnesses have raised concerns about the scope of the Lewis Silkin Review and the process which has been followed by those instructing Lewis Silkin. These fall into the following categories:
- (a) A lack of trust and confidence that the Lewis Silkin Review will lead to any real change/concerns about a lack of independence and accountability.
 - (b) A view that the scope is too narrow.
 - (c) Concern that participation is voluntary.
 - (d) A view that there has been a lack of transparency and communication about the process.
 - (e) Concern about job security/anonymity/fear of retaliation.
 - (f) A feeling that there has been a lack of sensitivity in the communications from the Barbican/City of London.
 - (g) A view that insufficient efforts have been made to engage former staff.
 - (h) A view that insufficient wellbeing support has been offered to current staff/former employees/alleged perpetrators.
- 6.2 Note that these concerns have been raised by several interviewees (save Barbican directors or heads of departments) who have informed Lewis Silkin that they are relaying concerns of other colleagues too and were raised in the Q&A Session which was attended by around 33 members of staff (many of whom have not participated in the Lewis Silkin Review). We note that the Barbican has around 350 staff and given Lewis Silkin has only interviewed 35 of them, we do not know how widely held these concerns are.
- 6.3 Several questions were posed in the Q&A Session which were outside the remit of the Lewis Silkin Review. I informed those present that I would pass these to the NEI sub-committee and I confirm that they were set out in the Interim Report and Summary Interim Report. For

completeness the questions are set out in tab 5 of the Final Report Bundle. I have not been informed whether responses to the questions posed have been provided to Barbican Centre staff.

- 6.4 The concerns identified above were included in the Interim Report and Summary Interim Report together with Lewis Silkin's recommendations. In advance of this Final Report, Lewis Silkin gave the Town Clerk and the NEI sub-committee the opportunity to consider the concerns and Lewis Silkin was informed that an all staff meeting was held on 7 October 2021, chaired by the Town Clerk in an effort to address these issues before Lewis Silkin was instructed to finalise this report. For completeness a summary of the concerns and Lewis Silkin's recommendations and the questions staff asked at the Q&A Session is included at tab 5 of the Final Report Bundle.

7 SPECIFIC ALLEGATIONS AND RECOMMENDATIONS

- 7.1 We set out at tabs 6 and 7 of the Final Report Bundle a table of specific allegations which were reported in the Interim Report (the "Specific Allegations Table") and a table of additional specific allegations which have been reported to Lewis Silkin since submission of the Interim Report (the "Additional Specific Allegations Table"). The allegations contained in these tables are those:

- (a) which have been reported during the Lewis Silkin Review; and
- (b) taken from Barbican Stories where we have been able to, through evidence given to us, identify alleged complainants and perpetrators.

As the allegations include details of individuals who have raised them, against whom they are raised and others who have witnessed them or may have relevant information about them the Specific Allegations and Additional Specific Allegations Tables will only be provided by Lewis Silkin to the Town Clerk, Deputy Town Clerk and the Project Manager.

- 7.2 When identifying specific allegations from Barbican Stories, we have excluded any allegations which involve race discrimination by members of the public and regarding programming (e.g. a lack of diversity in programming and white people making discriminatory decisions about the work (or curation of work) of artists of colour), since these relate to the issue of audience engagement and artistic programming and so are excluded from the Lewis Silkin Review. We also note that in relation to these allegations, even if the subject of the alleged discrimination could be identified, the alleged perpetrator is unlikely to be able to be identified. However:

- (a) if any evidence has been given about experiences with members of the public this has been reported in the general themes; and
- (b) we have included any allegations about Barbican staff not taking appropriate steps to support Barbican staff who have been involved in alleged discriminatory treatment by members of the public.

- 7.3 For completeness we set out details of specific allegations identified in Barbican Stories at Appendix 1 of tab 3 of the Final Report Bundle. We have been able to gather evidence in relation to some of these allegations as will be evident from our summary of specific allegations which notes this.

- 7.4 It is worth noting that when speaking to interviewees, our impression is that not all of them necessarily wish or intend for any specific allegations they have raised to be investigated through a grievance/disciplinary process. Rather, the majority of them are raising issues to illustrate their concerns about racism, other discrimination, poor management/leadership practices and a culture at the Barbican which they feel is not supportive, diverse or inclusive. They are doing so in the hope that this will force the Directorate and the Barbican Centre Board to recognise that change is imperative, albeit they are not confident that change will be forthcoming.
- 7.5 There are 121 allegations reported (8 of which are the same allegation reported by different individuals). We make the following observations about them:
- (a) Around 36% of the allegations reported involve, to the best of our knowledge, members of staff who currently work at the Barbican Centre – such matters could be investigated further.
 - (b) Around 13% of the allegations are raised by current employees about former employees – if may be possible to investigate these matters in the event that the Barbican had the contact details of the former employee. However, the former employee would have no obligation to participate in any investigation and, in the event that the allegations were well-founded, no disciplinary action could be taken against any former member of staff.
 - (c) About 8% of the allegations are made by former employees and/or relate to acts alleged to have been experienced by former employees (who may not have given evidence themselves) where the individual against whom the allegation is made is a current employee – it would be possible to investigate these matters provided that the former employee is prepared to participate in any further investigation. A former employee would not be obliged to do so.
 - (d) One allegation reported relates to matters involving two former employees – it would be possible to investigate this allegation further provided that the Barbican had contact details for both individuals and they were prepared to participate. However, in the event the allegation was well-founded, no disciplinary action could be taken against a former member of staff.
 - (e) Around 17% of the allegations were reported by individuals who were not the subject of the alleged treatment but may have witnessed the treatment or been told about it – in the event that the subject and the individual against whom the allegation is made are current members of staff, these allegations could be investigated.
 - (f) Around a third of the allegations reported are complaints of race discrimination/racism.
- 7.6 Many of the specific allegations are historic (most relate to matters which are alleged to have taken place more than a year ago and in many cases several years ago). There are some broad themes which emerge from them:
- (a) A lack of confidence in HR and concerns that HR is unable to support the change that is required in order that the Barbican can be a diverse and inclusive

organisation including that HR sweeps concerns of race or other discrimination under the carpet and encourages informal resolution of grievances but then does not support or facilitate this;

- (b) While there is a grievance policy in place, there is no training or guidance for staff as to how they can speak up if they are concerned about raising concerns formally and equally, there is no training or support for managers about what concerns should be escalated, how and to whom;
- (c) Concerns about Visual Arts and the lack of diversity in the curatorial team. Information and recommendations which relate to these matters are set out at tab 9 of the Final Report Bundle and not included here to preserve confidentiality;
- (d) A lack of confidence that the Directorate take the concerns of racism seriously, are committed to implementing change or have the skills to do so;
- (e) Members of the Directorate/Heads of Department lack awareness about equality, diversity, inclusion issues generally;
- (f) Managers failing to escalate or deal with concerns of race discrimination/racism;
- (g) Stereotypical assumptions are made about race when dealing with curatorial and programming matters;
- (h) Bullying/hierarchical behaviour by Heads of Department/members of the Directorate; and
- (i) Concerns about career development and inequity in the treatment of casual/fixed-term workers and preferential treatment being given to white members of staff/applicants and/or those who have had or are perceived to have had a private/"Oxbridge" education.

7.7 In relation to the allegations raised about HR, these include staff lacking support and confidence in the HR team to support them and concerns that HR tend to sweep allegations of race or other discrimination under the carpet. Further, a copy of a grievance (raised by a number of Barbican staff collectively) (see tab 52 of the Final Report Bundle) under the Barbican's grievance policy was submitted to Lewis Silkin. The grievance contains allegations which, in summary, are:

- (a) That the Barbican's bullying and grievance policy is ineffective and favours the Barbican (i.e. protects the Barbican and its reputation rather than staff raising concerns under it);
- (b) HR does not accurately record instances of bullying which are raised with it or about which it is made aware;
- (c) HR dismisses and/or does not take seriously complaints of bullying;
- (d) Communications about overpayments to staff were tardy which resulted in affected staff feeling stressed and adversely financially affected;

- (e) During lockdown, the terms of furlough and working from home arrangements were not communicated to staff adequately which negatively affected the mental health of staff;
- (f) Staff are unfairly kept on long-terms casual contracts which causes stress and anxiety and adversely impacts upon the mental health of affected staff;
- (g) Poor communication about policies on redundancy and recruitment and action which appears inconsistent with communications – for example, (i) staff being hired in some departments when others (i.e. the Development team) has been told there is a recruitment freeze; and (ii) staff having to reapply for jobs when they have been carrying them out under fixed term contracts whereas other staff being appointed to roles without a transparent and open recruitment process; and
- (h) HR failing to respond to the above concerns when they are raised.

7.8 Lewis Silkin was informed by those raising the grievance that they have also submitted it to members of the Barbican Directorate. Lewis Silkin has been informed that it is outside the scope of the Lewis Silkin Review to investigate the grievance and it is being dealt with under the Barbican's grievance policy.

7.9 Lewis Silkin understands that a separate review of the Barbican's HR practices and processes is being undertaken. It may be preferable for any matters related to HR reported in this report to be investigated/considered in the context of that review.

Recommendations

7.10 In the Specific Allegations and Additional Specific Allegations Tables (tabs 6 and 7 of the Final Report Bundle), we have set out our recommended next steps with respect to further investigation. We have identified which allegations were raised first-hand (i.e. by the individual who experienced the alleged treatment/the alleged perpetrator) and those which are second-hand accounts.

7.11 In light of the concerns reported in section 6 in the event that our recommendations for further investigation are accepted, it may be helpful to consider addressing the following points of process identified in the recommendations section of tab 5 of the Final Report Bundle.

7.12 Our recommendations in relation to concerns raised about the Visual Arts are contained in tab 9 of the Final Report Bundle and above, in relation to HR.

8 GENERAL THEMES

8.1 Interviewees have provided information about broader issues relating to diversity and inclusion, racism and organisational culture. A summary of these issues is as follows and further details are set out in the Appendix to this Final Report Bundle. A copy of the Appendix, which includes the identity of named individuals, is included in the Final Report bundle to preserve confidentiality (see tab 8 of the Final Report Bundle). Note that as previously stated, we have interviewed 35 of the Barbican's 350 staff, so cannot gauge how widely held these views are:

- (a) A concern that there is a lack of diversity of race, gender and socio-economic background in staff who work at the Barbican, particularly in senior and artistic

positions and differential treatment between white members of staff and staff of colour;

- (b) A concern that there is a lack of understanding of institutional racism – to focus on specific allegations misses the point since specific allegations are often not reported (e.g. for fear of job security, feelings that HR is reluctant to formalise or uphold them etc.);
- (c) A concern that anti-racism is not a priority at the Barbican – there has been a poor response and engagement on diversity and inclusion matters from senior management/leadership and there is frustration and dissatisfaction with listening exercises which have been undertaken so far;
- (d) A concern that previous listening exercises have been ill-thought through, unsupported and undertaken without due care for people of colour;
- (e) A concern that senior management see racism as a PR issue rather than an institutional problem;
- (f) A concern that there is a lack of career progression for staff;
- (g) A concern that there is a hierarchy at the Barbican which makes junior members of staff feel excluded and creates barriers to agility to implement change;
- (h) A concern that the HR department is ineffective and staff feel it does not provide support to those outside the leadership team – HR is not felt to be supportive or allied to staff;
- (i) A concern that casual staff are not sufficiently integrated or supported;
- (j) A feeling that there is a lack of communication between leadership and staff;
- (k) A view that the leadership use artists of colour or staff of colour as a PR mechanism to demonstrate that the Barbican is anti-racist;
- (l) A feeling that there is a lack of engagement with equality, diversity and inclusion in the Visual Arts team;
- (m) A concern that there is a lack of diversity and equality in programming and those who are involved in setting the programme and curating it; and
- (n) There is a mistrust in decisions made by the curatorial team – for example, some staff feel that there is an assumption that when working with a black artist, decisions taken are not endorsed by the artist or that decisions taken are on grounds of race when there may be other reasons for them.

8.2 Most of the information provided to Lewis Silkin related to alleged acts/omissions of Barbican staff. Where criticisms are made of lack of engagement/support from leadership we understand these to be made of the Barbican Directorate and/or heads of department/those on the senior leadership team. However, we have heard evidence from two individuals who wish to remain anonymous about concerns relating to the conduct of the Barbican Centre Board – these individuals have refused their consent to us sharing or using their evidence (save as set out below) due to their view that there is currently an absence of confidentiality

and safe channels for the Lewis Silkin Review. These individuals have permitted us to report the general nature of these concerns, but not any specific examples. Some of these concerns were also set out in the Interim Report. The concerns raised (in a manner acceptable to those who raised them) are as follows:

- (a) There are members of the Barbican Centre Board who are alleged to have made comments which are offensive on the grounds of race;
- (b) When members behave in a manner which is discriminatory or insensitive/inappropriate, their conduct is said not to be called out;
- (c) There is said to be no safe space in which concerns such as those identified above can be reported. When staff have raised concerns at the highest level, they say they have been chastised for doing so. As a consequence, they report there is a fear of speaking out or challenging people in senior positions;
- (d) There is a perceived contravention of standards in public life;
- (e) It is alleged that requests for training were made for the Barbican Centre Board but there was no action or response;
- (f) It is alleged that there is a mismatch between public statements made and actions (for example, taking concerns of racism seriously, allegedly inadequate EDI action while pursuing a strategy which was publicising the future of the Barbican as inclusive and reflective of the diversity of London);
- (g) It is reported that senior management have confidentially raised concerns with Board members over the year; and
- (h) It is reported that inadequate thought and pastoral care were given to the wellbeing of staff when Barbican Stories was published.

It is important to also note that one of the individuals also stated that in recent months the NEI sub-committee has been responsive and open to progressing equality, diversity and inclusion matters.

8.3 A summary of general themes that we have also identified in the Barbican Stories is set out at Appendix 2 of tab 3 of the Final Report Bundle.

9 NEXT STEPS

9.1 It will now be for the Town Clerk/NEI sub-committee to determine whether it wishes to instruct Lewis Silkin (or someone else) to investigate the specific allegations as recommended in this report and the Specific Allegations and Additional Specific Allegation Tables and to take any other steps with respect to the general themes or otherwise. It will also be appropriate for the Town Clerk/NEI sub-committee to determine who should take these matters forward in light of the feedback and recommendations set out in this report and in the Final Report Bundle.

**Shalina Crossley, Partner
Lewis Silkin LLP
3 November 2021**

Appendix
THEMES FROM THE EXTERNAL REVIEW SUBMITTED WITH THE FINAL REPORT

| Theme | Key concerns/allegations <i>Please note that the statements set out below are not findings or conclusions that we have reached, but represent a summary of the evidence reported to Lewis Silkin</i> |
|---|---|
| An alleged lack of diversity at the Barbican | <ul style="list-style-type: none"> • The staff at the Barbican and the artists whose work is shown/performed do not reflect the diversity of the City of London • Senior Barbican staff are predominantly seen to be British, male, white and middle/upper class, many of whom have been Oxbridge educated • Departments are very siloed and there is no centralised plan as to how to increase diversity • Due to the siloed nature of the Barbican, there are different approaches between departments towards anti-racism. This can cause friction when departments work together • People of colour and some women find this lack of diversity demoralising • Staff members have heard staff of colour be referred to as a “<i>diversity hire</i>”, suggesting an assumption that people of colour would not be working at the Barbican based on merit alone • Because Curators are predominantly white men, the Barbican programme is delivered through the prism of their white male perspective • The Barbican only tries to create diversity in junior roles such as traineeships, apprenticeships and internships • Some staff members in non-artistic roles perceive a sense of elitism from staff in artistic roles, who view themselves as more educated and superior • It is difficult for people from diverse backgrounds to access roles, e.g. short-term research assistant roles in Visual Arts are often sourced from students at the Courtauld which means they are from similar privileged backgrounds • It has been acknowledged that historically where someone’s way of working or ideas (particularly those of a Person of Colour) were not seen to ‘fit’ with the ‘Barbican approach’ more could have been done to ensure that those individuals thrived in their roles – this was particularly the case for work undertaken by staff in relation to arts and learning programmes |
| An alleged lack of understanding of institutional racism | <ul style="list-style-type: none"> • Staff in leadership positions don’t consider the Barbican to have a problem with institutional racism – this is because they don’t consider themselves to be racist and have not personally witnessed/experienced incidents of racism • There is no understanding of what systemic racism means. It feels more like the senior leaders see racism when something is a very explicit instance of racism, rather than continual and deeply rooted |

| Theme | Key concerns/allegations |
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| <p><i>Please note that the statements set out below are not findings or conclusions that we have reached, but represent a summary of the evidence reported to Lewis Silkin</i></p> | <p>mindsets, practices and microaggressions</p> <ul style="list-style-type: none"> • There is a spectrum of understanding of institutional racism among staff at the Barbican • Staff of colour have experienced microaggressions at the Barbican • There is no accountability among senior staff when microaggressions are pointed out • Managers are unsure about when to escalate an allegation of race discrimination (e.g. if a member of staff reports a microaggression managers are unsure about when to escalate this as a grievance and when to seek to resolve it informally or how to handle the situation when the complainant doesn't necessarily want to escalate it at that stage or at all) • Senior managers' approach to addressing racism focuses on specific allegations rather than systemic racism at the Barbican / the arts industry • White Barbican staff members see themselves as the "good guys" and are defensive about recognising and tackling institutional racism • Due to this lack of understanding, senior managers are nervous about how to tackle racism and this leads to a delayed and hesitant response • There is no mandatory training on diversity and equal opportunities, this should be treated in the same way as the mandatory health and safety training that forms part of employees' inductions. Refresher training should be offered to longstanding employees periodically to ensure that they are up to date and reminded of the importance of these issues • Assumptions are often made by Barbican staff members about artists of colour, for instance that all black artists smoke weed • There doesn't seem to be a set of values that Barbican staff subscribe to or against which leadership hold themselves to account • Because there are few formal complaints about discrimination and racism, HR say there is no problem, rather than considering the systemic issues • Many senior individuals have been in their roles for a long time and have entrenched ways of working and are resistant to change |
| <p>Anti-racism is said not to be a priority at the Barbican</p> | <ul style="list-style-type: none"> • The Barbican uses the excuse of the bureaucracy of the City of London to justify the fact that no progress has been made with regard to racism • The slow response from Barbican senior management to the Black Lives Matter movement meant that managers and senior managers |

| Theme | Key concerns/allegations |
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| <p><i>Please note that the statements set out below are not findings or conclusions that we have reached, but represent a summary of the evidence reported to Lewis Silkin</i></p> | <p>did not feel prepared to offer guidance and support to their teams</p> <ul style="list-style-type: none"> • There is no mandatory Barbican-centralised training on diversity and equal opportunities • Teams are overstretched and lack the support from HR and senior management to prioritise anti-racism • Employees don't trust the system for escalating concerns, so issues are not raised formally • There was a lot of disappointment when the Head of Arts and Learning role went to a white man as it is said to have been seen by many Barbican staff members as an opportunity to show the Barbican's commitment to changing the diversity of its senior leadership • Senior management will use the taskforce of the new EDI role as an excuse for their own lack of action on diversity issues • There is no push-back from senior management against the status quo in the arts industry / City of London (e.g. the Barbican does not challenge the continued use of the 696 / artistic risk form to flag the risks of "problematic" artists and senior directors supported the City police's decision to cancel a Just Jam concert, due to intelligence of unexplained gang activity possibly connected to the event) • Exit interviews have not been used in the past to learn from mistakes and identify patterns of discontent • It is accepted by senior management that policies of equality, diversity and inclusion have not gone far enough or been pursued rapidly enough. However, it is important to acknowledge the policies which have been pursued • It was recognised by the Directorate that it had insufficient expertise to deal with the mistrust which arose through the equality and inclusion initiatives that were intended to start to effect change. Consequently, it decided that a specialist EDI director was necessary, and the Interim Director of Equity, Diversity and Inclusion has been recruited • The Barbican Directorate rejected ideas for the strategic plan which were considered to be too challenging for example, setting targets (e.g. programming targets or employment related targets). There was a reluctance to include KPIs or milestones. It felt like the strategy was just paying lip service to E&I. It did not seem like it was a genuine priority • The Barbican Directorate didn't engage the Reflect and Initiate Taskforce sufficiently in the creation of the 10-point plan. Further, the plan which was implemented by the Barbican Directorate did not have outcomes • The Barbican Centre Board members do not challenge each other in circumstances in which members use language which may be |

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| | <p>racially offensive or display a lack of awareness of issues of racism. Senior management did not feel supported by the Barbican Centre Board when they raised concerns about this</p> <ul style="list-style-type: none"> • Barbican Stories is directly speaking about directors and senior managers and as of yet, their jobs haven't been put into question • Employees who held anti-racism sessions for their team, which incurred a substantial amount of additional time and emotional labour, were not rewarded for this time. This made the employees feel that this work was not as highly valued as management suggested it was • There is an inconsistency as to what is tolerated. For instance, staff members are aware of behaviours from right-wing members of casual staff, which have never been escalated. It is the casual workers, working in the front of house, who are most impacted by this, many of whom are people of colour |
| Concerns about previous listening exercises | <ul style="list-style-type: none"> • There is a lack of awareness and sensitivity for the experiences of staff of colour during the listening exercises which have been undertaken – some staff of colour feel emotionally exhausted and upset at having to constantly recount their experiences of racism. Some do not wish to discuss their experiences which may be private and have happened outside the workplace <p><i>Challenge listening exercise</i></p> <ul style="list-style-type: none"> • There was no brief and no pitch. Proper consideration was not given to the organisation that was best placed to conduct a listening exercise • The selection process didn't give staff confidence in the process • There was a Zoom meeting in summer 2020 hosted by Challenge. People of colour thought this was intended to be a dialogue with senior management about the Challenge report, but the Directorate and Heads of Department believed it was a listening exercise and wanted people of colour to recount their trauma again. This was insensitive and ill-judged • At the Zoom meeting, the Directors were asked whether anyone had read the Challenge report or was shocked by it, but no one responded. Staff felt that senior leaders either didn't care about the contents of the report or lacked the skills/knowledge to engage with the contents <p><i>Reflect and Initiate Group</i></p> <ul style="list-style-type: none"> • The terms of reference of the group were not sufficiently clear and there was inadequate representation of staff of different levels and roles • The group was given no resource, authority to make decisions, financial compensation for their time or support for mental health • The group was put under pressure because it was held out as one |

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| | <p>of the steps the Barbican was taking to address racism</p> <ul style="list-style-type: none"> • There is a difference in perception between the group and the Barbican Directorate about the willingness of the Barbican Directorate to engage and support the initiative • It has been reported that a Director offered to be part of the group and sponsor its work, but this offer was rejected. By contrast, participants of the group felt Directors did not engage sufficiently with it • It has been reported that a member of HR who is a person of colour, applied to be part of the group, but the group did not wish to have a participant from HR. This was seen by HR negatively and the group felt that as a consequence HR did not support/engage with it. It has been reported that the reason the group did not wish for HR to be represented was because the group wanted to discuss the fact that there was a lack of confidence in HR and in its processes • It has been reported that a number of comments were made at Directors' meetings which indicated the Directors did not consider there to be a racism issue at the Barbican. They considered the group to be seeking to cause problems where there were none • We have heard evidence that there was little communication between the Directorate and the group and that resulted in a report which some felt did not proposal radical change. It is apparent that neither the group nor the Directorate felt the project was handled as constructively as it could have been • The group wanted to interview key stakeholders across the organisation about their experiences at the Barbican to build up a picture of how people felt the Barbican was doing in terms of anti-racism and cultural issues. They were told not to do this • The group was told they could not communicate directly with people of colour on a Teams group they had created, and all communications had to be approved |
| Senior management are alleged to see racism as a PR issue rather than an institutional problem | <ul style="list-style-type: none"> • Senior management only take action on racism when complaints are made publicly • The values the Barbican reflects publicly are not reflected in how it treats staff internally • Senior management make radical statements about tackling racism, but do not follow through on them • Senior management's statements responding to Barbican Stories expressed shock and dismay, which were confronting to some members of staff who believed that these issues were already widely known • Senior management focused on their external response to the |

| Theme | Key concerns/allegations |
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| | <p><i>Please note that the statements set out below are not findings or conclusions that we have reached, but represent a summary of the evidence reported to Lewis Silkin</i></p> |
| | <p>Black Lives Matter movement (e.g. social media and statements) rather than focusing on the wellbeing of their employees</p> <ul style="list-style-type: none"> • When management was questioned about why Black staff or staff of colour were not involved in writing the Barbican’s response to George Floyd’s murder, the response was that they did not want people of colour to feel “<i>discomfort</i>” • It is accepted by senior leadership that the anti-racism statement posted in June 2020 in support of the Black Lives Matter movement may have been an inadequate response and it would have been better had they consulted staff • Senior management do not engage with the solutions put forward by staff of colour |
| <p>Perceived lack of career progression for staff</p> | <ul style="list-style-type: none"> • Staff generally feel that there is little ability to progress at the Barbican • Staff have no information on how they can progress their careers and managers have no support with how they can support their teams • There are a number of longstanding members of staff in senior roles such as Head of Department and curatorial/programming roles • There are very few staff of colour in senior positions, which makes junior staff of colour feel disheartened about the ability to progress in the Barbican • Departments are very siloed and there is no centralised approach to diversifying the recruitment process • Some staff of colour perceive senior staff to network and prioritise the careers of junior staff who have a similar background to them • There is no budget for traineeships, apprenticeships and internships to lead to permanent positions • Staff of colour enter the Barbican in junior positions such as traineeships, apprenticeships and internships, they are met with a predominantly white workforce and feel alienated by this • Junior staff members are typically on unstable fixed term contracts • The lack of people of colour in senior positions means that applicants of colour may be put-off applying to the Barbican and junior employees may think they will be unable to progress • Senior management and HR do not provide the resources or support to managers to enable them to run diverse recruitment processes • The Barbican does not have a consistent or transparent anti-racist approach to recruitment, with great disparity between different |

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| <p><i>Please note that the statements set out below are not findings or conclusions that we have reached, but represent a summary of the evidence reported to Lewis Silkin</i></p> | <p>department's approaches</p> <ul style="list-style-type: none"> • Certain departments prioritise candidates with the highest level of formal education, which can exclude some candidates of colour who have not had the opportunity to attain this |
| <p>Concerns about hierarchy</p> | <ul style="list-style-type: none"> • The Barbican has a very fixed hierarchy and old-fashioned structure • Departments are very siloed • Junior members of staff are made to think they cannot speak to senior members of staff and share their ideas • People are very concerned about what their superiors think about them • The fixed hierarchy makes it very difficult to make change • Many staff members are uncomfortable raising issues up the hierarchy as they believe they will be seen as a troublemaker • The art form teams hold power over the teams that rely on them for cooperation (e.g. Creative Learning), which means it is harder to raise issues or complaints for fear of rocking the boat |
| <p>The HR department is alleged to be ineffective</p> | <ul style="list-style-type: none"> • There is no strategic HR function which considers or devises any initiatives relating to people engagement, management, culture and career progression. It focuses on operational matters only • The HR department is spread too thinly as it services the Guildhall School of Music in addition to the Barbican. This leaves it little time to be strategic • HR does not have the resources or appetite to tackle institutional racism or to take action when complaints are made • HR are inexperienced and do not know how to deal with issues • HR do not support people who raise complaints • It is not clear who in HR to contact with a complaint about discrimination • HR does not provide a safe space to resolve disputes and concerns – while there is a formal grievance policy, there is no guidance, mechanism or training to support staff in speaking up • HR do not provide proper support to the grievance process or training to managers in how to handle difficult situations • When staff raise concerns about Heads of Department or the Barbican Directorate, they are given the impression from HR that they cannot raise grievances against them. HR have suggested that if there is no concrete evidence a grievance would not be taken seriously • Incidents of discrimination will be dealt with informally, with the |

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| | <p>perpetrator asked to apologise to the victim, rather than taking any formal action to discipline the perpetrator or educate employees</p> <ul style="list-style-type: none"> • There was a reluctance from HR to provide data for the E&I strategy • Jobs are mainly advertised internally so they go to the same types of people, rather than being advertised externally • Not enough support was offered from HR to EU citizens after Brexit • Recruitment is primarily lead by the City of London. Neither the recruitment team at the City of London nor the Barbican HR team is sufficiently experienced/skilled at how to improve diversity in applicants – for example, HR cannot provide information about where vacancies can be advertised outside the normal channels which would attract a more diverse pool of applicants • Practices and policies at the Barbican may not of themselves be discriminatory, but they lead to outcomes which don't promote diversity (e.g. a policy of appointing the best person for the job is not going to lead to a more diverse workforce since the recruitment pool itself is not diverse and/or those doing the recruitment do not know how to find a more diverse recruitment pool) • There are HR policies and they can be found on the City of London website, but there is no commentary on the Barbican intranet which makes them relevant to the Barbican or gives any guidance about them • Staff feel that HR always encourage informal resolution but provide no practical guidance on how this can be achieved. HR do not see it as their role to be involved in assisting and do not assist with the informal resolution of grievances. • HR was not involved in drafting the strategic plan for Equality and Inclusion – it was written by individuals who were not experts in equality and inclusion • There is a preference in HR to deal with matters informally in order to avoid damaging the Barbican's reputation • HR can be more concerned about ensuring it follows processes and does not offer the support and human touch that an employee who has been out of the office for a prolonged period of time needs. Members of staff do not seem to understand these processes and this causes confusion • Employees are concerned about potential repercussions of raising an issue, in particular about senior employees, with HR and/or think no action will be taken • Managers do not have trust in HR • The union has raised a vote of no confidence in HR |

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| <p>Please note that the statements set out below are not findings or conclusions that we have reached, but represent a summary of the evidence reported to Lewis Silkin</p> | <ul style="list-style-type: none"> • The name, ethnicity and other demographic information was not anonymised for applicants for the Artistic Director position. Aside from that, the correct processes were followed <p><i>Relationship between Barbican HR and City of London HR</i></p> <ul style="list-style-type: none"> • The Barbican HR team is constrained by the City of London • There is a lack of trust in the HR team to support employees. Barbican HR appears to need to check its action with the City HR team and this makes employees nervous • The City of London has staff diversity networks, but the Barbican does not have its own networks which is not ideal since the issues Barbican staff may want to raise or discuss may be quite particular to the Barbican • There was a lack of clarity over who was responsible/accountable for policies, practices, strategies relating to Diversity, Equality and Inclusion – the City of London HR team has an Acting Head of Diversity and Inclusion but until recently the Barbican had no person dedicated to this role. It has been reported that there is an HR restructure underway at the City of London which may lead to clearer lines of responsibility/accountability • The City of London has never had a Diversity, Equality and Inclusion strategy |
| <p>Concerns about casual staff</p> | <ul style="list-style-type: none"> • There could be better engagement, integration and management of casual staff. Currently, casual staff may not have regular contact with their managers and so the opportunity for any issues to be raised can be lost or is not timely • There could be better support and communication systems in place to enable casual staff or staff who interact with the public to raise concerns about any discriminatory treatment of them • People of colour are over-represented in contract and junior roles because there is a reluctance to offer permanent positions which would give job security • There is an embargo on hiring permanent roles save in exceptional circumstances • Short term funding for projects is problematic since it prevents the Barbican from being able to offer permanent roles • The Directors pit employees and casual staff against each other, creating a divide. Comments are made about how the casual workers are less committed to the Barbican than employees as they work casually • Casual staff are seen as replaceable • There could be further training for the Front of House team about how to handle concerns raised by staff about discriminatory or |

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| <p>Please note that the statements set out below are not findings or conclusions that we have reached, but represent a summary of the evidence reported to Lewis Silkin</p> | <p>abusive treatment from the public</p> <ul style="list-style-type: none"> • It is a challenge to offer casual staff flexibility as well as security in their roles |
| <p>Concerns about communication/Language</p> | <ul style="list-style-type: none"> • There is a lack of communication between management and staff • There is a lack of understanding and communication about how the Barbican is run, funded and the pressure to cut costs which influences the structure, job progression and the work it is able to do • Many staff do not know that they are employed by the City of London • The Barbican is a siloed organisation which breeds mistrust between departments and between roles of different levels within the organisation • The Creative Learning team use the phrase “<i>the culturally underserved</i>” when discussing programming issues • Some white staff feel uncomfortable and nervous because they do not feel equipped with the right language or tools to discuss issues of racism • There is a lack of awareness about the impact that language can have and has had – people of colour have been asked to explain to white colleagues what language is offensive and what language should be used and white colleagues feel nervous that what they say may be offensive but they do not know what language to use • The phrase, ‘giving people of colour a voice’ (which is referred to at page 51 of Barbican Stories) is recognised as something which is said • There is a recognition that language used in the past should not be used in the future – it would assist to have a wider discussion/training on language |
| <p>Perception of using artists of colour or staff of colour as PR to demonstrate the Barbican is anti-racist</p> | <ul style="list-style-type: none"> • The name, ethnicity and other demographic information was not anonymised for applicants for the Artistic Director position. Aside from that, the correct processes were followed |
| <p>Concerns about Visual Arts</p> | <ul style="list-style-type: none"> • There are several experiences in Barbican Stories which involve Visual Arts. First-hand evidence has also been given of these matters • Those who work in the curatorial team are predominantly white. When curating an exhibition about non-white people/artists this may mean that they are ill-informed about the impact it and the language they use may have on people of colour. An example has been given of the Masculinities exhibition which had a section called “reclaiming the black body” which some people of colour |

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| | <p>may have found offensive since it could perpetuate a stereotype about the Black body</p> <ul style="list-style-type: none"> • The Visual Arts team does not follow a formal or transparent hiring process – Research Assistant jobs all go to people who have gone to the Courtauld and have MAs, which means they are from similar (white, middle class) backgrounds. This means that only those in the know or who know people in the team have access to job opportunities • It is acknowledged that the curatorial team needs to be more diverse. However, this will take time due to the current pipeline of applicants. Curators need to have studied art/history of art to a high level, they need to be able to demonstrate that they have excellent research and writing skills. Such skills are acquired when studying for an MA. The volume of applicants received for a curator position is vast and such positions do not come up frequently. The most qualified candidates tend, therefore, to have MAs. However, it is recognised that the curatorial team needs to be more diverse and so it must look at other routes into the profession. One initiative is the traineeship which is run in partnership with Innova. In addition, the requirement for an MA has been removed and replaced with the requirement for an applicant to demonstrate they have the requisite skills and experience • The curatorial team say that they bring in consultants of colour when they put on work of artists of colour – while that is a fair way of ensuring the proper expertise is brought in, why can there not be curators of colour • There is inadequate collaboration between Creative Learning and Visual Arts. The impact of this is that learning about how best to engage audiences is often lost |
| <p>Concerns about programming</p> | <ul style="list-style-type: none"> • No work is done to expand the diversity of the Barbican's audiences and the programme • The work of non-white cultures is not properly integrated into the Barbican's programme of activities. More can be done to broaden the Barbican's programme content, which will in turn attract a diverse audience. This not a Barbican issue alone, it is relevant for other cultural institutions in the arts sector. Diversifying the Barbican's visitors will in turn help diversify its workforce • There has not been a person of colour on the main stage at the Barbican Theatre (in an acting not dance context) • There are not many orchestra members or ensemble members who are people of colour. The London Symphony Orchestra should reflect the fact that London is multi-cultural • Cinema is seen as an art form which is multi-cultural and international • From the perspective of Visual Arts, it would be helpful if there was |

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| | <p><i>Please note that the statements set out below are not findings or conclusions that we have reached, but represent a summary of the evidence reported to Lewis Silkin</i></p> |
| | more integration of programming and learning |
| Alleged third party bullying and discriminatory behaviour | <ul style="list-style-type: none">• The Barbican does not protect its staff from bullying and/discriminatory behaviour from third parties it partners with• The Barbican does not protect its staff from bullying and/discriminatory behaviour from the public. There is no mechanism for escalating concerns when a member of staff has experienced discrimination or otherwise been treated poorly by a member of the public. Staff were initially not supported when there was a request to put a sign up asking the public not to be abusive• Given that public-facing Barbican staff often work shift patterns, concerns regarding incidents with the public can be lost because staff may not see their manager soon after the incident has occurred |