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Matthews B (Barry)

Acknowledged
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From: Victoria McNicol [V.McNicol@LTScotland.org.uk]

Sent: 29 March 2007 11:13

To: Cultural Bill Consultation

Subject: Response from Learning and Teaching Scotland on the Draft Culture (Scotland) Bill

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Dear Mr Matthews

Please see the attached response from Learning and Teaching Scotland on the Draft Culture (Scotland) Bill :

<<Email Letter to Barry Matthews.doc>> <<Culture Scotland Consultation.doc>> <<Respondee information Form Culture.doc>>

Kind regards

Victoria McNicol, Administrator CEO
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Learning and Teaching Scotland
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www.LTScotland.org.uk

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AA / CMcA / VMcN

13 April 2007



Email to :
Barry Matthews
Culture Bill Team
Area 1 – A
Scottish Executive
Victoria Quay
EDINBURGH
EH6 6QQ

Dear Mr Matthews

Consultation: Draft Culture Bill and Draft Guidance

I write with reference to your email letter of 14 December 2006, inviting Learning and Teaching Scotland to comment on the draft Culture Bill and on the draft guidance on cultural planning and provision of local cultural entitlements.

I am pleased to enclose a response prepared by LT Scotland officers on the themes and questions most relevant to Learning and Teaching Scotland. As requested, a Respondee Information Form has also been enclosed.

Please do not hesitate to contact me if you wish to discuss any aspects of the response.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bernard McLeary".

Bernard McLeary
Chief Executive

t: 0141 282 5001
e: B.McLeary@LTScotland.org.uk

Encs

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Draft Culture (Scotland) Bill

A Response from Learning and Teaching Scotland



Learning and Teaching Scotland welcomes the broad principles set out in the draft Bill to encourage and nurture creative talent, to support excellence and to provide a national framework for local authorities to develop and implement the concept of 'cultural entitlement' across civic society in Scotland.

There is little in the draft Bill that explicitly relates to the provision of formal education for young people, other than in the broader cultural entitlement statements and in defining the roles and remits of Creative Scotland and the National Collections. It may be useful at some point in the future to develop guidance on the Bill and its relationship with extant education legislation and statutory obligations. Meantime, there are a number of supportive current education policy initiatives, in particular *Ambitious, Excellent Schools, Determined to Succeed* and the emerging *Curriculum for Excellence* that aim to develop successful learners; confident individuals; responsible citizens; and effective contributors. Within *A Curriculum for Excellence*, the draft Bill will support important developments in the recognition of the wider achievement of young people. Overall, the draft Bill complements and supports this ambitious educational agenda.

In addition there are a number of national programmes such as Cultural Co-ordinators and the National Youth Music Initiative delivering benefits for young people. These are however presently sometimes not implemented, or managed, consistently, locally and *A Curriculum for Excellence* should be viewed as the vehicle to drive forward creativity and culture in a coherent manner as a vital part of the learning experiences in Scotland's schools. Creativity and culture are being incorporated within work in progress in developing essential experiences and learning outcomes across the curriculum for 3-18 year-olds and will in due course be a significant contribution towards ensuring cultural entitlements.

Local cultural entitlements

1. Do you think that developing local cultural entitlements will help to increase participation in cultural activities?

The proposal to introduce 'local cultural entitlements' is a very significant part the draft Bill but will be demanding to fully plan and implement in an equitable manner in all local authorities, where the starting points vary considerably. There will be particular challenges for local authorities, Creative Scotland and the cultural bodies to ensure that opportunity and access is developed in e.g. areas of economic and social deprivation in order to increase participation for all of the population.

Draft Culture (Scotland) Bill

A Response from Learning and Teaching Scotland



Without a determined effort on this, there would remain the possibility of increased uptake of 'cultural activity' meaning a further increase where it is already healthy in the more favoured areas. The broad range of examples of what is meant by cultural activity (not just the 'high arts') is helpful and should be widely publicised; as is genuine community participation in the planning process. Local authorities are encouraged to 'respond positively and imaginatively' to community aspirations and this may mean new thinking and ways of working. This will also apply to Creative Scotland and to the cultural bodies.

2. If you believe further or alternative measures are necessary, what are they?

The measures as set out, and with the proviso of adequate long term resource allocation to develop the infrastructure, offer a sound basis for development. The quality assurance mechanisms proposed provide for monitoring; perhaps a more explicit role for research and for formal and informal evaluation should be included in guidance as the Bill is implemented.

3. How do you think the Scottish Executive and local authorities can best utilise the influence and impact of cultural activity?

The consultation document acknowledges that much good practice exists and highlights research that individual or community-based cultural activity can contribute to a range of public policy objectives, including tackling poverty and disadvantage; promoting health and wellbeing; and enhancing self-confidence. Better sharing and dissemination of this good practice locally and nationally should be one measure actively supported by the Scottish Executive. An explicit statement on the benefits of cultural activity should be built into all current and future Scottish Executive programmes of e.g. health, crime reduction or community regeneration and form an integral part of their activities. There should be greater opportunity for the celebration of cultural success stories nationally and in communities and a variety of communications' media employed to promote the positive impacts experienced. This should include the uses of information technology including those associated with the emerging 'web 2' such as blogs and podcasts, as will the permission to give power to local authorities to broadcast information.

Draft Culture (Scotland) Bill

A Response from Learning and Teaching Scotland



An annual 'national cultural festival' may be useful in the early years of the Bill to heighten awareness of opportunity and to celebrate the breadth of cultural activity possibilities. Consideration should be given a national 'cultural branding' scheme to be used locally to give status to these initiatives.

4. Do you think the initial draft guidance under this Part of the Culture Bill is clear and helpful? Is there anything else it should contain?

Much very useful preliminary work has been carried out by the Cultural Planning and Entitlements Working Group set up by the Scottish Executive and the comments received from local authorities on the guidance document that accompanies the draft Bill will be most important. Learning and Teaching Scotland commends the approach taken so far.

Creative Scotland

5. Do you agree that there should be a single national cultural development body?

Given that the interim Board of Creative Scotland has now been established and has begun preliminary work in discussions with the Scottish Arts Council and Scottish Screen, this question may well now be redundant in the context of the draft Bill. The questions for consideration are now rather on the smooth establishment of Creative Scotland and the implementation of its remit and role.

6. Do you agree with the remit proposed for Creative Scotland? Has it the right powers and functions?

The responsibilities outlined for Creative Scotland are coherent and comprehensive. The enhanced role proposed in economic development and the creative industries is welcome. Creative Scotland should work closely at pre - school, further and higher education levels to inform, motivate and support young people in career choices in the creative industries.

In 'nurturing talent' this should not be viewed as restricted to a narrow definition of, or focus on, the 'talented few' but rather to support and develop the potential, talents and achievements of all young people to the best of their abilities and aptitudes.

Draft Culture (Scotland) Bill

A Response from Learning and Teaching Scotland



Perhaps the Bill should in some way seek to formalise the working relationship anticipated by Creative Scotland with the national performing companies (see also 7 below).

7. Do you agree that Creative Scotland should work in concert with the Scottish Executive to implement national cultural policy?

This is vital to success. The relationship proposed (in 3.8) between Creative Scotland and the Scottish Executive appears to strike the right balance between an independent 'arms length' approach with an advisory role; and Scottish Ministers reserving the right to issue directions of a strategic nature to the body. This will in practice mean close dialogue on the implementation of the national cultural strategy, particularly to ensure that the roles of national performing companies within Scottish Executive control articulate with wider plans and programmes put forward by Creative Scotland and other significant stakeholders.

National Collections

8. Do you agree that the National Collections should remain as constitutionally separate centres of excellence?

Retention of the NDPB status for four of the five National Collections is supported and consideration could be given to similarly aligning the governance of the fifth (National Archive of Scotland). No reason is given in the draft Bill for excluding this option. However, if this proves not to be possible because of the statutory functions nature of some of NAS's remit, then arrangements should be put in place to ensure that NAS is included in any and all joint-working proposed amongst the National Collections to avoid an anomalous situation.

There is obvious scope for modernisation within and across the National Collections in the ways set out in the 'proposals for change' and this is supported (see also 9 below).

Draft Culture (Scotland) Bill

A Response from Learning and Teaching Scotland



9. Do you think the powers and functions proposed for the Collections in the draft Bill are right? If not, how would you improve them?

The specific roles of the National Collections and their relationships in providing leadership and support for other agencies and bodies beyond local collections should perhaps be made more explicit and be put on a more formal basis, such as exists with NAS and local authorities. These bodies would include the Scottish Museums Council, Historic Scotland and not least Creative Scotland.

Learning and Teaching Scotland has already begun to develop a collective working relationship with the education services of the National Collections and this will be further enhanced and developed, particularly in the context of utilising *Glow*, the national schools intranet, to share and disseminate learning materials and continuing professional development opportunities for teachers.

The role of the National Collections in the proposed quality assurance mechanisms should assist in providing expertise and consistency across the country. Similarly, their role in supporting cultural entitlements through making their collections more widely available locally is welcomed.

10. What do you think of the name 'National Record of Scotland'?

The draft Bill proposes to give Scottish Ministers the power to abolish RCAHMS and to replace it with a new body. LTS understands that there may be quite particular governance arrangements in respect of 'Royal Commission' bodies with Privy Council involvement in any proposed change of status or presumably name. Even with approval, the timescale involved for such a change to take place may be protracted.

A proposed change of name for RCAHMS is understandable as part of the modernisation programme for that body. The choice of the new name of 'National Record of Scotland' may not be appropriate and could prove confusing, especially for the public and indeed amongst a range of professionals: it may be seen to imply the record of *all of* Scotland's culture and heritage assets and archived documentation when there are other bodies e.g. The National Archives of Scotland (NAS) and the General Register Office for Scotland (GROS) that have clear ongoing national responsibilities in these areas.

Draft Culture (Scotland) Bill

A Response from Learning and Teaching Scotland



Further consideration should be given to a proposed new name with the aim of selecting a choice of one that reflects the specific responsibilities and activities of RCAHMS better, particularly in relation to the historic, architectural and archaeological built environment, but without creating confusion with Historic Scotland.

- 11. Do you agree that the Faculty of Advocates should be able to contribute to the board of the National Library by having at least one representative?**

Given the unique role and contribution made by the Faculty of Advocates in the National Library's establishment and development, this would seem to be a reasonable proposal and the arrangements set out in the draft Bill are acceptable.

- 12. Do you agree that the Collections have the appropriate powers to obtain, loan and dispose of objects for or from their collections? If not, what would you change?**

In general, this is supported and will be one of the tasks for trustees' attention as a part of the maintenance of the collection. Some form of appeal or independent arbitration process may require to be developed to deal with situations where the decisions taken or proposed by a National Collection ('cultural body') e.g. for disposal, are not supported by wider society. The same may apply if the cultural body refuses a request to loan an object or objects, or if there are disputes over decisions on new acquisitions. The draft Bill provides an opportunity to examine and determine protocols on the often difficult question of the 'repatriation' (within or out with Scotland) of objects currently held by the National Collections, as opposed to 'tainted' objects dealt with separately.

Dealing in tainted cultural objects

- 13. Do you agree that an offence similar to that in the 2003 Act should be introduced in Scotland?**

Yes, Scottish legislation should be aligned with the 2003 Act in this regard.

Draft Culture (Scotland) Bill

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Powers of local authorities to broadcast information

14. Do you agree local authorities should have a general power to broadcast information about their activities?

Yes, Learning and Teaching Scotland agrees that the proposal to permit local authorities to have this power is both sensible and desirable, and here again Scotland should be aligned with the 2003 Act.

15. Do you think it necessary to give authorities this power in this Bill, or should local authorities be left to rely on 'the power to advance well-being' in section 20 of the Local Government in Scotland Act 2003?

This is essentially a procedural question which should be best resolved in discussion with COSLA, and with the Scottish and UK Parliamentary authorities in order to achieve the speediest and simplest solution.