

SCOTTISH ARTISTS UNION
WRITTEN RESPONSE TO PUBLIC SERVICES REFORM
(SCOTLAND) BILL
Submitted to the parliamentary committee for Education,
Lifelong Learning & Culture, 12th August 2009



The Scottish Artists Union is the leading representative organisation for visual and applied artists in Scotland. A registered trade union, our membership exceeds six hundred artists working around the country and includes a varied cross-section of professional experience and modes of practice.

Over the past several years we have taken the opportunity to respond to the Draft Culture (Scotland) Bill and the Creative Scotland Bill as successive Scottish administrations have moved to replace the Scottish Arts Council and Scottish Screen with a new national cultural development agency. We do not oppose the principle of reform. However we have consistently opposed any piece of legislation that, in our view, would result in the visual and applied arts in Scotland receiving support equivalent to or less than current levels. If Creative Scotland cannot deliver considerably more, we see little point in the expense and upheaval to come.

In responding to the Public Services Reform (Scotland) Bill we must restrict ourselves to those parts that deal with Creative Scotland and establish to what extent our long-standing concerns are addressed. First among these is the new agency's responsibility for support and advocacy of the so-called "creative industries". Let us be clear; the SAU dislikes the term creative industry. Just as the Minister is fond of placing all cultural endeavours on a continuum between the artistic and the commercial, we contend all industry can be considered creative to a lesser or greater extent. In focusing on creative industry as a special subset the bill masks art, which can be, and demonstrably often is, wholly devoid of commercial concerns, motives or applications. That is not to say that we subscribe to the myth of the starving artist, their insight sharpened by their poverty. We are a trade union and as such exist to see visual and applied artists achieve parity with other professions. But our members' various modes of practice are diverse. While some will fit with enterprise models, many will not, and it is vital that this is not forgotten.

We accept that many in other sectors find a prescribed list of creative industries a useful tool. In the Explanatory Notes to the Creative Scotland Bill, visual art was listed as a creative industry. The PSR Bill notes however contradict this, listing the creative industries as:

PSR Bill Notes, page 10, p.60 - "advertising, architecture, arts and antiques, crafts, design, designer fashion, film, computer and video games, music, performing arts, publishing, television and radio."

The UK's Creative Culture & Skills Council does not consider visual art a creative industry and those currently in charge of Creative Scotland appear to concur. In February the current Minister for Culture's predecessor, Linda Fabiani, published a document entitled *Support for Creative Industries: Roles & Responsibilities – Framework Agreement* which described how Creative Scotland might work with other agencies in Scotland whose remits include creative industry. At that time, civil servants told us that an attempt was being made to distinguish between Creative Scotland's "new" and "inherited" work. Creative industry-themed releases would address the "new". Further releases would outline the ways in which Creative Scotland would support those art forms it would "inherit" from the existing organisations.

Since then the only other substantive written releases from the Scottish Government and Creative Scotland 2009 Ltd have been May's *Scotland's Creative Industries Partnership Report*, the follow-up to February's *Framework Agreement*, and an announcement of six diverse awards strands. This is welcome information, as is the Minister's view, stated in numerous speeches, that he considers the four key features of Creative Scotland to be: artists at the centre; access; participation; and internationalism.

However, with more than a year having passed since submissions were made during the Creative Scotland Bill's Stage 1 Consideration, and less than a year to go until the new agency is due to open its doors, the focus of its managers appears to the outsider to have been largely, if not wholly, upon creative industry. This is best illustrated by the questions the Michael Russell, Ewan Brown, and Richard Holloway faced at their public meeting at the Lyceum Theatre in June. Partly because of the perceived emphasis on creative industry and partly because of their reluctance to use language that unequivocally recognises the artist (more on this below), but mostly because they had simply nothing else to go on, creative practitioners have taken the *Framework Agreement* and *Partnership Report* to be an outline of how Creative Scotland will go about all of its business.

This goes further than a mere misunderstanding. Successive Ministers for Culture have failed to assure the wider arts community, and visual artists in particular, that Creative Scotland will not be an aggressively enterprise-minded organisation. We feel that those in the Scottish Government do not fully appreciate the sincere fears of visual artists. This specific area of practice is among the lowest funded of those supported by the Scottish Arts Council, an organisation that nevertheless has a discrete visual arts budget, officer and staff. When Scottish artists hear:

- no assurances of the same structure within Creative Scotland
- that the organisation must absorb efficiency savings
- that cuts across all public spending are inevitable
- that of the Scottish Arts Council and Scottish Screen staff some thirty full time posts will be lost (*PSR Bill Explanatory Notes, page 80, p. 483*) and those that remain will be obliged - for it is a binding feature of the act that established their organisation - to spend a portion of their time and energy “supporting and advocating“ for advertising, fashion, television et al

It is not unreasonable of them to reach the conclusion that visual art may tumble yet further down the list of priorities.

To further confuse matters, the SAU has been told in no uncertain terms by the Minister that the Scottish Arts Council and Scottish Screen’s responsibilities equal those of the new organisation and nothing in addition. This despite the following:

PSR BILL Memorandum, page 26, p.133: “The Government intends Creative Scotland to have new, wider functions than its predecessor bodies. It will also need to develop new skills, knowledge, expertise and working practices to fulfil these functions.”

If indeed the above quote is merely in reference to new and more efficient ways of supporting artists, why mention creative industry at all in the context of this bill? Why waste a considerable part of the short life span of Creative Scotland 2009 Ltd hammering out a creative industries agreement with Scottish Enterprise, Highlands & Islands Enterprise and the rest - causing Creative Scotland to slip from the proposed leading organisation to just one partner among many (“no wrong door”).

Creative Scotland will certainly receive no extra money to maintain creative industrial support structures within its organisation (structures emulated elsewhere; so hardly the model of efficiency promised by the PSR Bill as a whole). Even if these creative industries inevitably seek help from other better equipped support organisations, Creative Scotland will be bound by a PSR Act to keep a light burning for them and in turn be held back from diverting all at its disposal to the support of artists.

This brings us to our second standing objection. We have long maintained that any Bill making reference to a new agency for the arts should make special recognition of the contribution of the artist. The former, art, cannot exist without the latter, artists. The authors of the Bill have wilfully misconstrued these calls, to wit:

PSR Bill Memorandum, page 33, p.165 - "A number of responses suggested that the Bill should recognise more strongly the important contribution of artists and arts/cultural practice to Scotland by setting out a definition of "culture" or of an "artist". But any definition in statute is unlikely to provide a reference which all artists and creative practitioners will feel reflects them adequately, particularly given the diverse and constantly evolving nature of arts and cultural practice. The Government believes that statutory definitions are in themselves contradictory to the principle of artistic and creative freedom enshrined in the Bill. The Government also considers that statutory definitions would make legislation cumbersome, without any clear benefit, and that the 6 core functions proposed for Creative Scotland themselves underline the central role it wants artists and creative practitioners of all kinds to have in Scotland."

The SAU has never asked for a government definition of "artist" and is aware of no organisation that has. The contention that to use a word is to define it has been cited as the primary reason why "artist" was deliberately excluded from this and previous bills. And yet, those reading Section 3 of the PSR Bill will encounter the words "arts", "culture", "creative" and "artistic", but no appendix or explanatory note elsewhere defining these terms. Indeed it is clear Creative Scotland will have absolutely nothing to do with many facets of Scottish life intrinsic to culture and will doubtless support many endeavours that the majority will consider far from artistic. Anyone working within this sector knows language is not immutable, definitions are inadequate and categories elastic. Creative practitioners understand that labelling is a tricky matter and accept that "artist" is by necessity a very broad term. We believe the excision of the word is a telling concession to those whose work lies outside even its generous locus. Once again this sends the wrong message to the community with whom the Minister has sought to connect; specifically, that the new organisation will place at least as much of a priority on non-artistic, commercially driven endeavours as those activities that the SAC and Scottish Screen used to support.

In our submission on the Creative Scotland Bill, dated April 2008, we concluded:

- i. We believe that any broadening of Creative Scotland's remit to encompass activities not currently supported by the Scottish Arts Council and Scottish Screen must be accompanied by a concordant increase in the new agency's budget.
- ii. We believe that, unless Scottish Enterprise is to be restructured or scrapped, the new agency's first duty of care is to the art forms that are the current charges of the Scottish Arts Council and Scottish Screen.

- iii. We fail to see how those working in these art forms will be better served by a development agency that does not feature discrete departments, officers, board representatives and – crucially - budgets dedicated to each.

All three statements still stand. Clearly, Creative Scotland will have to cover more ground and with less resources; the Scottish Government promises efficiency and “more bang for every buck”, but we’ve yet to see evidence of that. Scottish Enterprise and the rest are not withdrawing support from creative industry. Therefore the unequivocal priority of Creative Scotland must be those practitioners not in creative industry and, unlike those who are, will have no other agency to turn to. Creative Scotland must recognise the value of a wider range of risk-taking practice, some of which may never be economic. And Creative Scotland 2009 Ltd must most urgently provide its recommendations for the structure of the new agency. For too long, the agency has been sketched in the vaguest of terms.

We are very disappointed and concerned to find no comfort in the contradictory messages coming from the Scottish Government, particularly as the failure of the Creative Scotland Bill after Stage 1 consideration allowed extra time for reformulation. The gap between the content of the Bill and the public statements of Creative Scotland’s transitional management are especially puzzling. Furthermore, we note the Minister’s confidence (as expressed to those gathered at the Lyceum Theatre on June 23rd) that Creative Scotland will exist in 2010 whether or not the Public Service Reform Bill is passed. How the new agency could possibly function without a mandate that defines, empowers or constrains it, is an issue that, in the SAU’s view, needs careful consideration. Will Creative Scotland exist alongside the Scottish Arts Council? Compete with it? Is this efficient, or even plausible?

The Committee for Education, Lifelong Learning & Culture is urged to consider two questions. Reform of the kind proposed happens but once or twice a century; based on what has been outlined in this Bill, will Creative Scotland offer a marked improvement upon the current structures? Does Creative Scotland fit with the broader outline of the Public Service Reform Bill, offering greater efficiency and guaranteeing a greater cultural contribution from artists in Scotland?

If the answer is anything less than an unqualified “Yes”, Part 3 of the Public Service Reform Bill should be removed at the first opportunity.



Terry Anderson
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