EDUCATION, CULTURE AND SPORT COMMITTEE

AGENDA

2nd Meeting, 2001 (Session 1)

Wednesday 17 January 2001

The Committee will meet at 10.00 am in Committee Room 3

1. **Items in Private:** The Committee will decide whether to take item 5 and item 6 in private.

2. **Film Industry Inquiry:** Michael Russell will present a report on the Scottish film industry.

3. **Remits for Committee Reporters:** The Committee will agree remits and timetable for the preparation of members’ reports.

4. **Regulation of Care Bill:** The Committee will take evidence from—

   - The Scottish Executive
     - Liz Lewis (Regulation of Care Project Leader)
     - Jane Morgan (Education Department)
     - Roddy Macdonald (Regulation of Care Bill Team)
   - HMI
     - Graham Donaldson (HM Depute Senior Chief Inspector)
     - Kate Cherry (HM Inspector of Schools)
   - Association of Directors of Education in Scotland
     - Bernard McLeary (Director of Inverclyde Education Service)
     - Linda Kinney (Stirling Council)

5. **Schools Infrastructure Inquiry:** The Committee will discuss a programme for the completion of this inquiry.

6. **SEN Inquiry:** The Committee will consider a final draft report.

Martin Verity
Clerk to the Committee
The following papers are attached for this meeting—

Report on Film Industry (Michael Russell) (Agenda item 2) ED/01/2/1

Remits for Committee Reporters (Agenda item 3) ED/01/2/2

Evidence from HMI on Regulation of Care Bill (Agenda item 4) ED/01/2/3

Evidence from ADES on Regulation of Care Bill (Agenda item 4) ED/01/2/4

Note by Clerk on SEN Inquiry Final Draft (Private Paper) (Agenda item 6)

The following papers are attached for information—

Copy of Regulation of Care Bill

Regulation of Care Bill Explanatory Notes

Schools Infrastructure Inquiry: Re-issue of Adviser's Paper (Private Paper)
INTRODUCTION

1.1 On 3rd November 1999 the Education, Culture and Sport Committee considered its work programme for 2000 and appointed a number of reporters to undertake initial broad and scene setting investigation into certain subjects which might become the focus of more detailed enquiry should the committee be persuaded of the need for such action.

1.2 I was asked to look at issues within the Scottish Film Industry. A letter inviting information and views on important topics within Scottish Film was sent to a range of organisations in early 2000 and responses were sought by 30th June. A total of 13 submissions were received, two of which arrived after the closing date.

1.3 The report was due to be considered in the early autumn of 2000 but the necessary priority given to the SQA enquiry, and then to the completion of the delayed SEN enquiry, has driven the date back.

1.4 This report is presented to the committee for its meeting of 17th January 2001 and, inter alia, recommends:

- That the Committee note the range of concerns expressed by key bodies and individuals within the Scottish Film Industry
- That the Committee express its support for a diverse and active film industry within a creative Scotland
• That the Committee place in its future work programme for the second half of 2001 an enquiry into the development of the fiscal and other incentives required to enhance both indigenous and incoming film production in Scotland..

• That the Committee also consider enquiring into the issue of training which include the possible establishment of a Scottish Film and TV School.

BACKGROUND

2.1 Whilst Scotland was a trail blazer in terms of photography, with important work being undertaken by Hill and Adamson within three years of the invention of the camera, Scotland’s place in the world of moving film is less noteworthy. None the less professional film production did take place in Scotland throughout the 20th century.

2.2 Scotland has produced a number of important figures in world cinema, most notably the founder of the modern documentary movement, John Grierson and a range of significant film actors including one of the most bankable international stars, Sean Connery. And while no feature film of Scottish origin has won an Oscar, both a Grierson documentary (Seaward the Great Ships) and short film by Scottish actor Peter Capaldi have had Oscar success.

2.3 Although the indigenous Scottish film industry has not as yet taken a place in the first rank of world cinema – though there have been notable productions - Scotland, of course, has been a sought after location for incoming production over many years. Arguable the greatest of the post war Ealing comedies, Whisky Galore, was based on a Scottish story and in recent years Holywood films such as Braveheart, and Rob Roy have presented Scottish stories from – at least in part – Scottish locations. Some few Directors and Producers have managed to work successfully between Scotland, America and other locations, the name of Bill Forsyth being perhaps the best known.

2.4 The Scottish film community has, for many years, argued for greater state assistance and intervention in their industry and have supported their case
with some evidence regarding the economic benefit of large scale film
production. The Scottish Film Council, now Scottish Screen has been the
main means by which such funding has been routed by government to film
and the monies made available have helped both film production and film
exhibition. However despite significant increases in resources in recent
years, and the advent of lottery funding for film production (now administered
by Scottish Screen) feature film production remains in Scotland, as elsewhere,
largely dependent on commercial finance, which is not easy to access.

2.5 None the less public resources have helped to provide and sustain some
important and distinctive parts of Scottish film culture. The two most
successful Regional Film Theatres in the UK are located in Glasgow and
Edinburgh and this provides a wider diversity of film exhibition than would be
available without public subsidy. The oldest continuous film festival in the
world takes places annually in Edinburgh and there have been innovations
such as the Celtic Film and TV Festival, writers and craft training and
workshops, and the development of a Film Charter for Scotland and a more
film friendly production environment which have resulted in useful progress.

2.6 It should also be noted that film, world wide and in Scotland, has become
increasingly dependent on a skills base which exists for the primary purpose of
Television production and on the resource base for television production
(including investment by television companies in film production). None the
less there are a growing number of young, talented film makers emerging in
Scotland who are devoted to the medium and who are likely to produce
significant work in the future, providing they can be supported and helped in
Scotland now.

2.7 Some of the most talented of these individuals are also working between
media, recognising that the advent of new production technologies has blurred
the distinction between “film” production – formerly understood as being for
first exhibition in cinema - television production and production for end use
in such media as computer games. It is likely that such cross media working
will grow in importance over the coming years, and that Scotland’s advantages
and progress in digital and computer production will enhance our ability to
strengthen our feature film production potential.
2.8 It is against this background that bodies and individuals working in the film, broadcasting and multimedia sectors in Scotland were invited to submit evidence to this first stage enquiry. The organisations which took up the invitation are listed in Annex 1.

KEY ISSUES

3.1 There was a wide range of key issues identified by respondents. The key issues either arose in more than one submission, or were central planks of a particular submission:

3.2 **Terms and Conditions and remuneration for those working in the industry:** The craft unions and the independent producers expressed concern about remuneration and the difficulty of attracting and retaining the necessary range of core skills within the Scottish media industries. Whilst many young people are keen to work in the media employment patterns are not consistent or secure and there is a constant downward pressure on costs, largely created by the funding companies and agencies. At the same time some justification for this downward pressure was presented by funders who were trying to get more production, and a better flow of production, from limited budgets.

3.3 **Training:** A number of respondents were concerned at the limited training opportunities available for craft skills and for production and direction and this concern was also expressed by those concerned specifically with the development of screen writers. Whilst there are professional courses available Scotland lacks a distinctive centre of excellence such as a **Film and Television School** where a critical mass for production could be built. At the same time the proliferation of **Media Studies** classes may be creating false expectations in young people about possible employment in the media. Media Studies needs to be seen as a means by which young people can become familiar with the massive influence of the modern media and can learn to critically appreciate that influence, not as a means by which young people can aspire to a media career.

3.4 **Encouraging Indigenous Production** is a central concern for most within the Scottish film industry but all recognise that there also needs to be the right
climate for **encouraging incoming production**. Means by which production might be encouraged include the development of one or more **film studios**: the **provision of tax and other fiscal incentives** and the **funding of more script and film development and distribution**.

3.5 The debate on a **film studio** (or film studios) for Scotland has attracted much media attention. Scottish Screen remains committed to a development at Pacific Quay in Glasgow for which it wishes government investment of around £6 million. A proposal for a major international commerical studio, supported with throughput from Sony, is still active although it has not yet been submitted for planning permission as the proposed location on the outskirts of Edinburgh will require re-zoning. A plan for a studio and other facilities near Inverness is apparently now confirmed for implementation during the coming year and there are proposals at various stages for studios in Perthshire as well as the possible conversion of the GPO building in Edinburgh into an ambitious and exciting media centre with studio facilities.

3.6 While there are arguments that the lack of a full sound stage in Scotland with appropriate ancillary facilities is a disincentive for some incoming production most countries are now very cautious about publicly funding such studios. The market is more likely to invest in such studios if the level of production of film can be raised to such a point that such studios are commercially viable: if there is no such level of production there is no indication at all that a studio will of itself produce it. Major sound stages are also likely to be more successful if they are located outwith city centres and the Pacific Quay site, whilst close to the proposed new BBC Broadcasting centre has little else to commend it.

3.7 There is considerably more evidence in support of **tax and other fiscal incentives** as a means to encourage both indigenous and incoming production. The well known impact tax concession in Ireland on a rapid and massive growth of production is only one example of the successful use of fiscal incentives – others can be found in the Isle of Man, in Canada and a range of other countries. Coupled with the creation of a **film friendly environment** and the building of **film commissions** (largely local authority based and working as the pro active gateways and enablers for producers) fiscal incentives could make a substantial difference to the climate for production.
3.8 The Scottish Parliament’s lack of tax powers clearly presents a difficulty in this regard. However it is possible for the Executive to take other steps to encourage business sectors and these need careful examination.

3.9 The **funding of script and project development and distribution** are also areas in which some success has already been achieved. The Scottish Film Production Fund, working with others including the Glasgow Film Fund and with specific film funders (Channel 4, other broadcasters etc) has been able to kick start a number of projects with development finance and on occasion with actual investment. Assistance with distribution has been more difficult and the lack of high level distribution expertise in Scotland is a disadvantage for the industry. However it should be noted that public finance for investment in productions, given the scale of many productions, is always likely to be a small part of the overall package and that encouragement for commercial investment in film is required in Scotland as very little commercial film finance is raised here.

3.10 It should also be noted that Lottery funding and other non commercial funding is rarely repaid and that the critical success of films made in this way is no guarantee of commercial success, and indeed that films likely to be commercially successful should not normally be encouraged to seek public financial aid.

3.11 There are also difficulties even the limited public support that does exists. The average time for a successful project to from idea to screen is three years: many projects can take longer even to attract enough funding to allow a script and budget to be produced and it is fair to say that the vast majority of film ideas never even get to that stage. The Fund has been accused of being too bureaucratic in operation and having too small a pool of decision makers. The indigenous Scottish producer with a successful track record who remains working in Scotland is a rare creature and the Fund has not been good in making the continued existence of such key individuals in Scotland a priority.

3.12 Clearly the central issue that links all of the above is the desire to increase the volume of film production in Scotland, both from indigenous producers and from incoming productions with the aim of increasing its economic, social and cultural impact.
3.13 There are a range of studies which indicate the economic impact of film production in countries furth of Scotland but there has been no comprehensive study in Scotland itself. None the less both Scottish Enterprise and Scottish Screen can and do regularly provide some information that suggests a positive benefit.

FURTHER ACTIONS

4.1 The above range of issues would provide a wide area of investigation for the committee. However it is not clear what such a broad investigation – say into the “Potential for growth of the Scottish Film Industry” might achieve.

4.2 A narrower enquiry into one or more specific issues, however, could contribute something of value. For example an enquiry into the need for fiscal measures to encourage film production would allow information from other countries to be officially sourced, expert advice consulted and a form of census of production (and its economic effect) compiled. It would also open up the issue of public funding for film in Scotland and obtain directly from producers and others their views on the issue.

4.3 Similarly an enquiry in to the issue of training and education for film and television in Scotland would open up the issue of a National Film and TV School, bring forward new information on emerging media and their needs and assist in the building of the Executive’s stated aim of developing a “creative Scotland”.

4.4 The Committee will want to note the range of concerns expressed by key bodies and individuals within the Scottish Film Industry and thank them for their participation in this very broad survey of issues. It will also wish to express its support for a diverse and active film industry within a creative Scotland.

4.5 However the Committee may wish to go further and include in its work programme for the second half of 2001 a film related topic which might be either the issue of fiscal incentives for production, or the issue of training.
CONCLUSION

5.1 This brief survey of issues, culled from evidence submitted, cannot hope to be comprehensive. However what it can do is to suggest that there are areas that the Committee might show an interest in, and be able to contribute to.

5.2 The Scottish Film Industry and its revival or renaissance is a cyclical matter. Every few years it becomes the topic of discussion and media attention. Then it tends to sink back out of the public eye.

5.3 In reality however many people in Scotland work in that industry and depend upon it for their living. It is also an industry that can project Scotland to the world – and hopefully not as a land of heather and haggis, but as a modern nation with modern problems and possibilities.

5.4 For that, and for wider cultural reasons, the Scottish Film Industry is worthy of support and interest from the Executive and the Parliament and a tangible demonstration of that interest by the committee would, I am assured, be welcomed.
List of Individuals and Organisations which submitted information

BBC Scotland

BECTU

Bob Last, Holdings Ecosse Ltd

Celtic Film and TV Festival

Channel 4 Television (Nations and Regions Office)

Edinburgh International Film Festival

Equity

Glasgow Film Office

Glasgow Film Theatre (on behalf of Scottish Regional Film Theatres)

PACT

Peter Broughan, Bronco Films Ltd

Scottish Screen

SMG Television
EDUCATION, CULTURE AND SPORT COMMITTEE

17 January 2001

Remits for Committee Reporters

Introduction

1. The Committee agreed at its meeting of 10 January to appoint reporters to inquire into a number of matters of concern to the committee, and to report back to the committee.

Remits

2. The committee is invited to consider the suggested remits for the reporters set out in Annexe A.

Timetable

3. It is suggested that Michael Russell should report by the end of May and that the other reporters should report before the beginning of the summer recess.
## Suggested remits

<table>
<thead>
<tr>
<th>Member</th>
<th>Subject</th>
<th>Remit</th>
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<tbody>
<tr>
<td>Cathy Peattie</td>
<td>Scottish traditional arts and culture</td>
<td>Arising from Petition PE307 from the Scottish Traditional Music Lobbying Group, to report to the committee on support and funding to promote traditional arts and culture in Scotland, their inclusion within the mainstream educational curriculum and the establishment of Traditional Arts Centres throughout Scotland.</td>
</tr>
<tr>
<td>Mr Frank McAveety</td>
<td>Scottish music Industry</td>
<td>To report to the committee on the Scottish music industry, particularly in relation to popular and contemporary music and the involvement of young people in the industry.</td>
</tr>
<tr>
<td>Mr Brian Monteith</td>
<td>Museums and industrial museums</td>
<td>To report to the committee on funding provision for museums and industrial museums, particularly in the context of the National Cultural Strategy.</td>
</tr>
<tr>
<td>Irene McGugan</td>
<td>Language teaching in schools.</td>
<td>To report to the committee on language teaching in schools, including Gaelic, Scots and foreign languages.</td>
</tr>
<tr>
<td>Karen Gillon</td>
<td>Sport strategy.</td>
<td>To report to the committee on sport strategy in the light of the committee’s earlier report on sport in schools.</td>
</tr>
<tr>
<td>Ian Jenkins</td>
<td>Early years education</td>
<td>To report to the committee on issues concerned with early years education.</td>
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<tr>
<td>Michael Russell</td>
<td>Gaelic television</td>
<td>To report to the committee on the question of a wider committee inquiry into Gaelic broadcasting and television, and the tenth anniversary of the Gaelic television fund, in terms of employment and impact.</td>
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Regulation of Care Bill

The following evidence is submitted to the Education, Culture and Sport Committee by HM Inspectors of Schools (HMI).

1. The inspection functions of the proposed Scottish Commission for the Regulation of Care relate directly to the work of HM Inspectors of Schools in two main areas: pre-school provision for 3-5 year-olds; and residential provision in hostels and boarding schools.

Pre-School Provision

2. For many years, HMI have systematically inspected and published reports on educational provision in local authority nursery schools and classes and in nursery classes attached to independent schools as part of their general inspection programme. In so doing, they have taken account of aspects of the care of children. National education quality standards have been developed by HMI in conjunction with key agencies and have been made publicly available. Some 170 local authority nursery schools and classes have been inspected over the last 3 years.

3. In 1996, the government undertook an initiative to expand educational provision for children aged 3-5 and promote diversity and parental choice. Voluntary and private centres providing for children aged 3-5 were required to be registered under the Children Act (1989). Education in all centres was expected to meet national education quality standards.

4. Within the 1996 initiative, HMI were given the responsibility to inspect the quality of provision. They began by evaluating profiles of educational provision submitted by centres seeking registration. Centres which passed this screening were included in a registration inspection programme. HMI then visited each centre to confirm that the quality of educational provision met the required standards. In so doing, account was taken of key aspects of the care of the children. Since 1996, HMI have inspected and reported on some 1,200 centres.

5. Centres included private nurseries, playgroups, community nurseries and childminding situations. To support the inspection process HMI have recruited and trained around 150 part-time, pre-school Associate Assessors. These Associate Assessors are experienced practitioners who, in the main, are employed by local authorities in the pre-school sector. Very good cooperation has been established between HMI and authorities in the deployment of Associate Assessors.

6. In addition to reports on individual schools and centres, HMI have produced annual national reports on the quality of pre-school education since 1996. These reports have been used extensively by authorities and centres to inform their plans for improvement.

7. The proposals in the Bill take appropriate account of HMI responsibility to inspect educational provision for 3-5 year olds as in terms of section 66 of the Education (Scotland) Act 1980, as amended by the Standards in Scotland's Schools etc Act 2000. That responsibility is fundamental to ensuring consistency of evaluation across all forms of pre-school provision and continuity with primary education. We are content that the proposals in
the Bill outline an efficient way of coordinating HMI inspections with those of the Commission to ensure that both the education and the care of young children are safeguarded. The HMI cycle of inspections will be planned to complement the programme of annual inspections by the Commission.

**Residential Provision**

8. HMI currently undertake, under the terms of the Children (Scotland) Act 1995, Care and Welfare inspections of the experience of pupils in residential provision in local authority school hostels and independent boarding schools. These inspections take place on a 5-year cycle. The Commission will take over this responsibility. HMI will continue to evaluate aspects of care and welfare of pupils as they affect the quality of the educational experience as part of the general inspection programme.

**Co-operation with the Commission**

9. HMI work co-operatively with a wide range of educational bodies and already undertake joint inspections with the Social Work Services Inspectorate and Audit Scotland. It will be important for HMI and the Commission to work together closely to ensure that their respective functions are discharged in ways which safeguard the interests of young people while avoiding duplication in external scrutiny of schools and centres.

Graham Donaldson
10 January 2001
REGULATION OF CARE (SCOTLAND) BILL

1 INTRODUCTION

ADES welcomes the Regulation of Care (Scotland) Bill.

There is general agreement that a national approach to the regulation of all aspects of care as outlined in the Bill is desirable in terms of consistency, fairness and transparency for users and providers and will ensure high quality outcome.

ADES is pleased to be involved in the consultations leading up to the Bill and commends the consultative approach to the developments of proposals in this area.

2 IMPLICATIONS OF REGULATON OF CARE (SCOTLAND) BILL FOR EDUCATION AND CHILDREN'S SERVICES

★ Integrated Services:

There is a need to recognise that there is integrated childcare and education services in thirteen of Scotland's local authorities

★ Integrated Planning:

There is a need to coordinate aspects of the legislation with outcomes of current Scottish Executive consideration of integrated planning and operation of children's services and to ensure coherence between the Bill and the national policy framework as it is developed for integrated Children's Services.

★ Role of Local Authority

There is a need to ensure that local authorities are fully consulted in relation to guidance which is developed in relation to the Bill. In addition, clarity in the respective roles of the Commission, the Council and local authorities and clear communication structures must be put in place.

★ Local Dimension

While the proposals for the commission are accepted the working relations with local authorities and groups and the place of local knowledge is critical in safeguarding children and achieving continuous improvement in early education and childcare services.

★ Staffing

Clear roles for local authority and Commission staff at pre and post registration and inspection stages must be established. In addition the operational and financial implications of staff transfer must be clarified.
Finance

There is need for transparency about regulation fees and the potential additional burden placed on local authorities in respect of their own pre-school and childcare provision.

Information Services

As part of the national childcare strategy local and national childcare information services have been established. While the Commission proposes to provide information to the public about the availability and quality of childcare services there is a need to ensure that the local dimension and provision is not neglected.

As the Commission will maintain the register of providers of care service it will be important that local authorities can access appropriate information to inform local planning of provision in the context of integrated children’s services.

3 CLARITY

A few aspects of the Bill such as the definition of daycare of children, supervised activities and the age range of services subject to registration for example in respect of childminders need to be clarified. In addition respective roles of the Commission, local authorities and providers need clarification in relation to complaints and appeals procedures.

4 ISSUES TO BE CONSIDERED

1 Harmonisation of Inspections and Standards and the role of HMI
2 Status of staff from an education or children’s services provision regarding registration with Scottish Social Services Council
3 Determination of appropriate officer(s) as named applicant for registration for all local authority provision.
4 Appropriateness of terminology and definition of staff from education or children’s services background as social service workers.
5 Clarify the registration requirements for staff with different training and qualifications working in education and children’s services.
6 Ensure that proposals are fully coherent with principles underlying Lord Cullen’s recommendation following Dunblane.
7 Consider the appropriateness of the establishment of two new independent bodies and the potential workload demands on authorities and users by their establishment. Consideration could be given to the streamlining of their responsibilities by creating one body.

More detailed response to the separate sections of the Bill to follow