

Culture, Tourism, Europe and External Relations Committee

Creative Scotland – Regular Funding 2018-21

Written submission from Fire Exit

Introduction

Please find below our concerns regarding Creative Scotland's processes for awarding regular funding. We feel that the procedure is unethical, unrigorous and unfit for purpose.

The internal assessment report

Our assessment report is highly problematic. It repeatedly ignores the data and statistics we provided and instead focuses on the personal opinions of one staff member. It does not back up these opinions with any factual evidence.

Despite being only 3100 words, the report contains:

- **38 factual inaccuracies** (1 false statement every 80 words, including the opening sentence). Specific examples are cited below, as requested by Joan McAlpine MSP.
- **34 personal opinions of the assessor**. None of these are backed up by evidence.
- **26 instances where real-world facts and statistical data are simply ignored**.
- **28 grammar and syntax errors**, sometimes obscuring the very meaning of the sentence.
- **24 arguments based on a false premise**.
- **13 criticisms not applicable to a company of our size** or funding level.
- **4 criticisms for not providing information that had never been requested by CS**.
- **2 sections left blank or incomplete**.
- **2 tacit accusations of inappropriate business dealings** against artistic director David Leddy, without providing evidence.
- **1 fake statistic** invented by the assessor, claiming that our international touring is "48-55%" of our output. This bears no relation to our work and offers no explanation of how it was calculated.

We are deeply concerned that:

- As far as we've ever been told, **this assessor has never seen our work.**
- **The report gives no explanation regarding the decision not to fund us.** Instead, it simply reiterates the decision to fund other companies and describes future potential funding streams.
- **The report completely ignores the majority of our proposed work** and focuses on one small digital work as if this is our entire output. The word 'digital' appears in the report 27 times, the word 'technology' 15 times, all referring to one sixth of our proposed new works and ignoring the other works completely.
- **The report repeatedly criticises us for fulfilling Creative Scotland's own criteria** of digital work.
- There is **no alignment between comments and ratings.** Extensive negative comments sit beside 'strong' ratings and extensive positive comments sit beside 'satisfactory' ratings without explanation.
- **8 times the report makes completely unsubstantiated criticisms regarding 'serious doubts' about the artistic value of the work,** claiming we are 'largely incapable of sustaining dramatic art'. This ignores the reality that 90% of our audience rate the work as 'excellent' or 'very good'; press describe our artistic director as a 'genius', 'institution', 'maestro', 'maverick', 'iconoclast', 'star', 'master' and 'Scotland's leading theatrical innovator' and 81% of our press reviews are 4 or 5 stars (not 3 or 4 stars, as the report incorrectly states).
- **The assessor does not appear to know if we are a theatre company or not.** The assessment repeatedly refers to our theatre shows as 'installation' work and claims there are 'significant questions' about whether or not our work qualifies as theatre. Again, this is untrue and no evidence is offered.
- **Implications of attempted inappropriate business dealings.** The report twice alleges that David Leddy is applying for public funding to deliver creative learning work for which he is paid privately elsewhere. This is entirely false. It claims 'the line between public and private business is blurred' and 'it is difficult to separate what is direct personal activity with commercial outcome from what might be described as the public interest expectation'. However, there is no 'private business' taking place and the mentoring work in question is provided to participants for free.

Specific examples of key factual errors in the assessment report:

- "The company's productions regularly earn between three and four stars." In reality, 81% of our reviews are 4 or 5 stars.
- "Installation work". The report repeatedly references our installation work. We do not make installation work.

- Numerical, date and location errors. At least 7 times the report fails to accurately count the number of proposed works, proposed co-producers, remounted productions and so on (despite them being clearly stated in our application). For example, the report states we were incorporated as a company in 2012, when in fact this happened ten years earlier in 2002.
- Digital work. The report discusses 1 proposed digital work as if it is the company's entire output, ignoring our core work of making live theatre. It claims that "the use of digital will be intensified" which is untrue. It states there are "significant questions" as to whether or not we can be considered a theatre company, despite live theatre being the vast majority of our output.
- Artistic development. The report states that no recent artistic development has taken place. In reality we have developed four new unproduced scripts, much more than is common in the sector.
- The report states that the Afterburn creative learning stream is "about income generation" when in reality it is provided free to users online.
- The report states there is not "any particular sense of expanding the aesthetic vision" when in reality this application proposed we make a piece of music theatre; a piece for children; a digital work using WhatsApp messages; and a touring interactive performance, none of which we have ever done before.
- The report states the company is not open to collaboration, when in reality this proposal contained two collaborative productions with other companies.
- The report states "the company's work can be accommodated within a project by project scenario." In reality we will need to change our output enormously in a project by project scenario because all our planning, tour booking, artistic development and creative learning are entirely reliant on our two salaried staff.
- The report states "many of the statements to justify both achievements and case for continued public support are [own] value judgements" (sic). In reality we submitted substantial external data (both qualitative and quantitative) from audiences, press, and partner organisations. The report does not discuss this data at all.

Our meeting with Creative Scotland

On 27 Feb 2018 we met with Creative Scotland. This meeting lasted 3.5 hours and one Creative Scotland staff member showed real concern and kindness to us, as well as a serious commitment to solving these problems for us and for other companies. Despite this, we found the actual content of the answers provided to our questions to be inadequate. Our questions were often sidestepped and different issues were discussed instead.

This left us with serious concerns:

- **Inaccuracies regarding emergency board meeting.** We were previously told by letter that our 'application was considered at the Board meeting' of 2 Feb 2018 for a potential reversal. However, in this 27 Feb meeting we were told that in reality the board were not shown our application or assessment report and that in fact the executive presented the board with three options, none of which included reversing Fire Exit's decision. No explanation was given as to why we were misinformed in the subsequent letter.
- **Inaccuracies in Janet Archer and Ben Thomson's evidence to parliamentary culture committee.** In our meeting of 27 Feb, no answer was given as to why Janet Archer and Ben Thomson told the committee they were unaware of inaccuracies in assessment reports (see: Official Report, 22 February 2018, Cols 13-14). Creative Scotland officials seemed to recall that when that question was raised in the Committee's meeting on 22 February, it specifically related to Ayr Gaiety. We later checked the parliamentary video and this is not the case. We had raised concerns regarding inaccuracies directly with CS, and directly with each individual board member, as did other organisations, before the emergency board meeting.
- **Reluctance to check widespread inaccuracies.** We asked CS to consider contacting all applicants regarding factual inaccuracies in their reports. Creative Scotland was averse to this because 'if there were lots of mistakes then we'd have to start the whole process all over again'.
- **Three years ago we raised serious concerns** with Creative Scotland about multiple inaccuracies in our RFO assessment report which completely misrepresented our work. We were told at that time not to worry because our application had been successful.
- **Inconsistencies regarding public outcry.** In our meeting of 27th Feb 2018, Creative Scotland insisted that public outcry played no part in reversals of funding decisions and that it was coincidence that the companies who created the most public display had their decisions reversed. They had no explanation as to why Ben Thomson appeared to tell the parliamentary culture committee that public opinion did play a part in the decision.
- **Inability to provide answers to specific issues, despite our repeated and insistent questioning:**
 - No answer as to why there are so many inaccuracies in the report.
 - No answer as to why Creative Scotland passed it through 5 stages of quality assurance.
 - No answer as to whether or not the assessor has seen any of our work over the last 17 years.

- No answer to concerns about the ethics and legality of changing the goal posts in the middle of the funding process.
- No answer as to why the decision was made not to fund us, despite asking the question multiple times. Instead the stages of the application process were reiterated and we were told about the new touring fund they plan to create. No explanation was given relating to us, our work, or how the work of other companies better fit the RFO network or CS wider strategies.
- **Assertion that the assessment reports are actually not very important in the assessment process.** We expressed confusion as to why we are sent these assessments if they are not the true assessment of our application. No explanation was given.
- **Assertion that the true assessment work takes place verbally in closed meetings of which we are not shown any record.** Creative Scotland told us they could not recall the exact content of these assessment meetings.
- **Repeatedly unaware of the content of their own reports and letters.** A Creative Scotland staff member eschewed responsibility for its letters and a report that was signed off through a quality assurance process.
- **Complaints process.** One Creative Scotland staff member showed great concern and kindness whilst repeatedly encouraging us to make a formal complaint about our experience. However, they were unable to give us an indication at the time as to what the potential outcomes of a complaint might be. We do know, however, that Creative Scotland does not allow applicants to appeal against decisions, only to complain about the process that led to them.
- **Complaints process irregularities.** We are concerned with how our complaint has been dealt with because it was initially suggested that the report should be first sent to the person being complained about.
- **Governance irregularities regarding complaint to Board.** At the same time as dealing with our complaint, a department seemingly unrelated to complaints handling took it upon itself to conflate our complaint with a separate letter we sent to CS's board. It is inappropriate for the main executive organisation to answer on behalf of the board because this would collapse the very purpose of their board as being arms-length governors of their organisation.

Recommendations for future funding models.

We would welcome a return to a **peer review system** which triangulates data from different sources and thus avoids one person's opinion unduly swaying the process.

This new system should include:

- **Focus on art rather than 'sectoral development'.** The creation of excellent art must be recognised as the largest and most important contribution that an organisation can make to the sector. Currently (by CS's own admission) this is not

the case, hence their extensive funding of bureaucratic organisations at the same time as cutting organisations to create actual work.

- **CS staff should administrate the system but not make funding decisions themselves.**
- **Independent Quality Assessments.** This system functioned well under Scottish Arts Council and should have been improved rather than abolished. Highly qualified and experienced Independent Peer Assessors would work to create detailed reports for each piece of work an organisation makes. These assessments would be rigorously structured, needing a specific rating for overall quality, artistic vision, technical standards and so on. These report structures would need to be created to fit specific artforms. The data from these reports can be presented numerically and added together over a period of years to give Peer Review Panels a clear measure of an organisation's success over time. Assessments would be carried out by different assessors over time and thus one individual's opinion could not unduly influence decision making.
- **Peer Review Panels.** This system functioned well under Scottish Arts Council and should have been improved rather than abolished. Panels of 12-15 peers would work alongside Creative Scotland officers to assess applications. They would be required to judge the applications against specific criteria relating to CS's aims. They would be provided model examples of what would be considered 'excellent', 'good', 'satisfactory' (and so on) within their sector. This would work similarly to independent examiners being given marking schemes by examination boards. This type of system already works well for the Made In Scotland fund.
- **Realistic expectations relating to organisation size and funding level.** Currently CS seems to expect all organisations to achieve all things and is particularly critical of small organisations for not doing more work, despite not having the cash to do so.

We would be happy to talk to you in more detail about any of the above information.

We have provided the Committee with the following:

- Our original application form
- Our original business plan
- Creative Scotland's report.
- Our complaint addendum to Creative Scotland, detailing each individual concern with their report.