



SMC Response to Freedom of Information (Scotland) Act 2002 Consultation on Charging Fees

Introduction

The Scottish Museums Council (SMC) is the membership organisation and representative body for Scotland's non-national museums. Our aim is to improve museum and gallery provision in Scotland for both local people and visitors. We have over 200 members who in turn manage over 360 museums. The members include all 32 Scottish local authorities, universities, regimental and independent museums, ranging in size from small voluntary trusts to large metropolitan services, attracting in excess of 1 million visitors each year.

It remains unclear whether the Scottish Museums Council will be covered by the Act – we are not currently listed in Appendix X and are not a non-departmental public body, although we perform many public functions and the Scottish Executive is our primary funder. Further guidance from the Scottish Executive would be welcome on this point. However, SMC is already committed to the principles of Freedom of Information and to ensuring transparency and accountability in the way we work. We welcome the opportunity to comment on the consultation on charging fees.

Question 1

Yes, the Prescribed Costs as set out in Regulation 3 present a clear and consistent basis for charging.

Question 2

Yes, the regulations should include a maximum level for staff costs.

Question 3

Yes, the proposed level of £15 per hour is appropriate.

Question 4

Yes, the approach towards aggregation of costs is straightforward and simple.

Question 5

The framework reflected in the Fees Regulations is straightforward and simple. However, the language that it is currently presented in is not.

- a) It is very important that guidance is provided for applicants in plain English. The Regulations are in legal language, which is difficult to understand and interpret.
- b) The Guidance to Scottish Public Authorities on Charging Fees is helpful for understanding the charging framework. It may still be necessary to have a less legalistic version for everyday use in public authorities. If public authority staff are using guidance written in plain English, it will be easier for them to explain this guidance to any applicants.

Question 6

If the framework is clearly presented to applicants in plain English, then it is less likely to deter them. The use of legal terms and very formal language may act as a barrier by making the process seem more complicated than it is. It also needs to be made explicit when during the application process charges may begin to occur. Applicants will be put off if they suspect that there may be hidden charges, or if they fear that they may suddenly be landed with a large bill.

Question 7

It would be helpful to have some provision at this stage regarding aggregate costs where two or more requests are made by one person or by two or more parties acting together. This would be preferable to waiting until public authorities are experiencing "significant difficulties" with this. The provisions made can always be revised at a later date if necessary.

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