

MEMORANDUM OF UNDERSTANDING

DATED 3 JULY 2013

1 Parties

- (1) **British Council** a company incorporated by Royal Charter and registered as a charity (under number 209131 in England & Wales and number SC037733 in Scotland), with its principal office at 10 Spring Gardens, London, SW1A 2BN ("**British Council**"); and
- (2) **Arts Council England** a company incorporated by Royal Charter and registered as a charity (under number 1036733 in England & Wales) with its principal office at 14 Great Peter Street, London SW1P 3NQ ("**Arts Council England**")

2 Background

- 2.1 An initial Memorandum of Understanding ("MoU") was agreed between Arts Council England and the British Council in 2009, which expired on 31 March 2012. It was informed by the McMaster Review, which exhorted Arts Council England and the British Council with the Department of Culture, Media and Sport to:

"work together to investigate and implement an international strategy that stimulates greater international exchange, brings the best of world culture here and takes the best of our culture to the world".

- 2.2 In November 2010 Arts Council England published "*Achieving Great Art for Everyone*"¹, a ten year strategic framework which underlined the importance of citing England as a world leading creative nation where artists derived all the artistic and financial benefits of working in an international context and where English audiences were able to experience excellent art developed through the benefit of international perspectives

3 Purpose of MoU

- 3.1 Arts Council England and the British Council are planning to work together on a number of projects in the future and have agreed to renew their collaboration.
- 3.2 The MoU attempts to define the common territory between Arts Council England and the British Council, but recognises that the two parties serve different purposes. It establishes a framework within which the two organisations can jointly develop and create programmes (i.e., a catalyst for action rather than a piece of paper). It

¹ *Achieving Great Art for Everyone*, Arts Council, England, 2010

envisages the relationship structured around programme streams (rather than projects, as previously).

4 About the Parties

4.1 Arts Council England is the lead body developing the arts in England. Arts Council England's ten-year strategy document states:

"Our mission is Great art for everyone. We work to get great art to everyone by championing, developing and investing in artistic experiences that enrich people's lives. Our aim in championing is to embed arts in public life through advocacy and brokering partnerships. In developing we commission projects or programmes to address particular challenges or seize new opportunities. In investing, we aim to make informed decisions about how best to allocate public money to ensure the arts thrive".²

4.2 Arts Council England seeks the following outcomes from its work:

Excellence
Reach
Engagement
Diversity
Innovation

4.3 Its five goals for the next ten years are:

- Talent and artistic excellence are thriving and celebrated
- More people experience and are inspired by the arts
- The arts are sustainable, resilient and innovative
- The arts leadership and workforce are diverse and highly skilled
- Every child and young person has the opportunity to experience the richness of the arts

4.4 The British Council's 2011 Vision for the Arts states:

"We believe a direct experience of the arts contributes vitally to the development of society, shared prosperity and mutual attraction which strengthens cultural relations through inspiration that results from:

- *The exchange of new and challenging ideas.*
- *The expression and sharing of emotions.*
- *The exploration of difficult issues.*
- *The increased understanding of diversity and other people's cultures.*
- *The realisation through exchange of individual creative potential.*

² *Achieving Great Art for Everyone*, Arts Council, England ,2010 p.23

*We will work with and alongside the UK's arts and creative industries sector to develop strong, sustainable partnerships overseas and at home, delivering economic benefit and contributing to a prosperous society. We will together build strong, inspiring and sustainable projects with a real and valued legacy, with partner resources as well as our own.*³

- 4.5 Its 2013 - 2015 Corporate Plan commits to
*"do more in partnership and through contracts with governments, donors, corporations and foundations, for a much greater impact than we could achieve alone".*⁴

5 Approaches to the arts and internationalism

- 5.1 Arts Council England and the British Council's respective approaches to the arts and internationalism are:

Arts Council England

Arts Council England believes that working internationally is fundamental to the health of the arts ecology and economy in England and to the best possible experience of the arts for audiences.

Arts Council England will:

- advocate the value of internationalism to the English arts sector and will contribute to critical and policy debate on the arts and internationalism in England and abroad.
- support artists and arts organisations to explore, develop and present their work in England and abroad without limitation in an international context and to develop internationally their networks and programmes, their repertoire or portfolio, their professional and business opportunities, and their profile, recognition and reputation.
- work to encourage international exchange, supporting artists and arts organisations to see the connection between local and global and make the most of it.

³ British Council Vision for the Arts 2012 p.1

⁴ British Council Corporate Plan 2013 – 15 p.6

British Council

The global creative economy thrives on the generation and exploitation of innovation and imagination. The British Council's work in this area builds opportunity and trust for arts professionals and institutions in the UK and worldwide through the sharing of knowledge and ideas, and promotes the UK's creative excellence.

This work is rooted in the vibrancy of the UK's own creative and knowledge economy, which is a powerful way to promote understanding of the UK and its positive influence in the modern world.

Taking excellent arts practice as its starting point, the British Council enables artists, audiences and participants to explore their society and its relationship with the rest of the world and encourage genuine dialogue and collaboration between people with diverse opinions, viewpoints and values. In doing so the British Council supports UK artists to work internationally, giving them access to new markets and new ideas.

6 Rationale for collaboration

- 6.1 The rationale for collaboration between the two parties is centred on the shared territory between them:
- offering the benefits of information and relationships to further artistic practice in this country
 - supporting artists and arts organisations to take the fruits of this to audiences worldwide
 - bringing the best of international practice to audiences in this country.

7 Assets

- 7.1 Individually and jointly, the two parties bring a wide range of assets to this MoU:

Arts Council England brings:	British Council brings:
Access to Government via the Department of Culture, Media and Sport	Access to Government via the Foreign & Commonwealth Office
Funds for artists and organisations working in the arts	Access to funds to enable high quality work from the UK and emerging UK talent to be seen by target audiences overseas
A broad and inclusive network of relationships with artists and organisations working in the arts (many considered world class) across most arts disciplines	An ability to act as a platform for critical debate in England about the arts and internationalism and to provide a medium for personal development and capacity building
A network of relationships with UK artists and organisations in both the subsidised and	A network of offices across the UK and in over 100 countries with access to key

commercial sectors, who have an interest in working internationally	decision-makers in the public and private sectors, cultural organisations and venues, and individual artists
A network of offices in all nine regions of England with access to key regional and local policy-makers, organisations working in the arts, arts venues and individual artists	Experience in enabling critical debate overseas about the arts and culture, and of creating opportunities for UK artists to engage and collaborate with people of world-class talent in other countries
A successful track record of engaging with international partnerships, often alongside local or regional authorities and development agencies, to secure European investment through the arts	A successful track record in EC-funded project management and of working in cultural development partnerships with European and international organisations
Access to a body of in-house data and intelligence about the international engagement of the arts in England	Access to data and intelligence about the international policies and activities of the arts and culture sectors in other countries.

- 7.2 Arts Council England and the British Council share a belief in the value of international exchange and collaboration, and a knowledge of the factors that create successful vehicles for these. Both organisations bring to the agreement a wide set of relationships with UK and international agencies and networks, and experience of direct delivery through programmes such as Artists' Fellowships, Artists' Links and Connections Through Culture.

8 Principles framing the MoU

- 8.1 Arts Council England and the British Council support a set of principles, which provide the parameters for this agreement:

- i. Arts Council England and the British Council believe that the arts sit at the heart of civil society and that individuals and communities are strengthened by the free exchange of ideas. The creation of public value for audiences is central to both organisations' work
- ii. Any work supported and the activities undertaken will be driven by a pursuit of excellence appropriate to the context and by targeted engagement with audiences
- iii. Arts Council England and the British Council will reflect both England's diverse culture, in the broader context of the UK, and a belief in the freedom of expression
- iv. Arts Council England and the British Council acknowledge the position of trust each occupies as bodies receiving public funding. Arts Council England and the British

Council will be transparent in our decision-making, and will seek always to operate at arm's length from government.

- v. Arts Council England and the British Council will aim to achieve efficient use of resources and avoid duplication
- vi. The parties' joint actions and activities will encompass the British Council's strategic and geographical priorities and Arts Council England's responsibilities to English artists and audiences

9 Proposed areas of collaboration

9.1 Arts Council England and the British Council will work together to create a joint plan of the actions needed to stimulate greater artistic international exchange, bring the best of world culture here and take the best of English culture to the world. Arts Council England and the British Council have already identified a number of programme areas, which they anticipate will form the key planks of this joint work:

- i. Brokering deep relationships and facilitating dialogue and critical engagement among artists and arts organisations
- ii. Campaigning on technical issues that are barriers to artists' mobility and cultural import and export (including visas for artists); looking outward to other agencies to inform policy development in this country through joint knowledge
- iii. Making targeted interventions in the following areas, where acting together would benefit both parties' stakeholders:
 - developing new and emerging international artistic talent
 - developing new dialogues that lead to longer and deeper relationships between artists and arts organisations
 - achieving more effective collaboration in providing market intelligence and enabling showcasing and platforms for international work
 - promoting and developing international cultural leadership
 - supporting the digital and creative economy
 - exploiting specific time-limited and high-profile opportunities European Cities of Culture and World War 1 Commemorations.

9.2 Other internationally focused initiatives the parties will consider working together on include:

- working through partnerships to develop and promote appropriate and high-quality arts content in education projects and programmes
- assisting the arts sector to develop and deliver projects that are sustainable
- being a catalyst for new thinking around themes related to the arts, internationalism and cultural relations, through, for example: a joint policy think-tank or a series of conversations drawing on our collective networks.
- With others, communicating effectively, to make clear to artists, arts organisations and audiences what the organisations do, and to engage with them on what they think we should do
- Exploring ways in which working together can bring benefit to both organisations (work exchanges, secondments, knowledge sharing, exchange of information on international plans and activities)
- Influencing cultural policy development, and meeting our joint and individual ambitions, in Europe. Recognising that Europe (and the EU in particular) represents a special case, and building on our respective relationships with the Department of Culture, Media and Sport and the Foreign and Commonwealth Office

10 Projects

10.1 Each joint project will be supported by a separate agreement (“Project Agreement”) which will include a clear plan, with agreed targets.

10.2 When carrying out each project, each party will:

- collaborate and co-operate with the other party;
- set up appropriate governance structures
- communicate openly about any major concerns, issues or opportunities relating to the project of which it becomes aware;
- share information, experience, materials and skills with the other party and develop effective working practices, and work collaboratively with the other party to identify solutions, eliminate duplication of effort, mitigate risk and reduce cost;
- adopt a positive outlook and behave in a positive, proactive manner;
- adhere to statutory requirements and best practice and comply with applicable laws and standards including data protection and freedom of information legislation;
- act in a timely manner and respond to reasonable requests from the other party within a reasonable period;
- manage stakeholders effectively;
- ensure sufficient and appropriately qualified resources are available and authorised to fulfil its responsibilities set out in this MoU; and
- act in good faith to support achievement of the project.

11 Governance

11.1 The MoU will be monitored and delivered through the following channels:

- i. an annual meeting between the two Chief Executives, to review the overall direction of travel and achievements and reconfirm the shared ambitions between the two parties;
- ii. quarterly meetings between the British Council's Director of Arts and the Director, Arts and Culture, Arts Council England to:
 - hold the overview on the relationship between the Arts Council England and the British Council;.
 - Monitor and review overall progress against the joint plan, agreed programmes of work and joint initiatives, and agree any appropriate amendments, on behalf of their respective teams;
 - agree a strategy for the future collaboration.
- iii. the day to day management of the relationship falls to International Director and (Arts Council England) and Operations and Communications Director (British Council) who will be in regular contact and provide advice and support to senior managers and assist in setting the agenda for quarterly and annual meetings;
- iv. each party to progress individual work streams within the specified programme areas. Each party will specify a named individual to be jointly responsible for each area of collaboration;
- v. periodic round-table meetings bringing together people from both parties involved in the relationship.

12 Protection of Intellectual Property Rights

The terms of ownership of intellectual property rights or the use of the other party's intellectual property rights will be set out in the relevant Project Agreements. It is not intended that there will be any intellectual property rights arising out of this MoU

13 Term

- 13.1 The term of this MoU will commence on the date on the first page of this MoU and will continue for a period 3 years (the "Initial Term"), unless sooner terminated in accordance with the provisions in clause 13.3 below.
- 13.2 Following the Initial Term, this MoU shall continue for successive intervals of one year ("Successive Terms") unless either party terminates the MoU. The Initial Term and any Successive Term may be referred to collectively as the "Term."

13.3 Either party may terminate this MoU by giving at least three months' notice in writing to the other party at any time.

14 Scope of this MoU

14.1 This MoU is intended to reflect the cooperation between the Arts Council England and the British Council, who are not in a joint venture or an agency relationship with each other. It represents the non-binding expression of the current intentions of the parties nothing in this MoU is intended to be legally binding between or against the parties.

15 Amendments and Variations

15.1 Such amendments and variations to the clauses in this MoU as may from time to time be deemed necessary may only be made in writing between the parties. Such amendments and variations would be recorded in an annex to this MoU signed by both parties.

16 Disputes

16.1 In case of a dispute, controversy, or claim arising relating to the subject matter of this MoU the parties shall attempt in good faith to reach an amicable resolution through negotiation. However if this is unsuccessful any disputes should first be escalated to the British Council's Director of Arts and the Director, Arts and Culture, Arts Council England and if they fail to reach agreement then to the respective Chief Executives of the parties.



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FOR AND ON BEHALF OF ARTS COUNCIL ENGLAND

NAME: Sir Peter Bazalgette

TITLE: Chair of Arts Council England

03/07/13

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SIGNED ON



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FOR AND ON BEHALF OF THE BRITISH COUNCIL

NAME: Sir Vernon Ellis

TITLE: Chair of British Council.

31/7/13

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SIGNED ON