

Subject: Arts Council Music Hub Investment Programme

Cabinet Member: Cllr Laura Mayes - Deputy Leader and Cabinet Member for Children's Services, Education and Skills

Key Decision: Key

Executive Summary

The purpose of this report is to:

- Request Cabinet to delegate the authority to Director of Education in consultation with the Cabinet Member for Children Services, Education and Skills, to finalise subsequent operational matters, and agreement of contract terms if we are successful in being offered the music education Hub Lead Organisation 'contract' by Arts / Council.
- In accordance with the Arts Council's Hub Investment Programme, three local authority areas are being combined (Wiltshire, Swindon, and Gloucestershire) to provide strategic leadership for the delivery of music education in schools and community settings.
- Arts Council England have invited applications to become that Hub Lead Organisation (HLO) and building on the Wiltshire Music Connect model, Wiltshire has bid to be the HLO. Gloucestershire and Swindon have also made a bid to become the HLO and following assessment, Arts Council will announce a decision in April 2024 with the new structure to be active from September 2024.
- Between April and September 2024 there will a number of decisions which need to be made swiftly in order to meet the funder's specifications & requirements: Staffing, Governance, commissioning of activity in Gloucestershire and Swindon and Wiltshire inclusive, from small and voluntary community organisations not necessarily familiar with Local Authority procurement (in order to build longer term capacity)
- The combined value of the DfE / Arts Council grant for the new combined HLO area is estimated at £1.7m per annum and it is anticipated that delegating the authority to the Director of Education and Skills will facilitate timely procurement to tie in with the Arts Council timetable.

Proposal

Cabinet is recommended to approve:

To delegate authority to the Director of Education and Skills, after consultation with the Cabinet Member for Children, Education, and Skills, to agree contract terms, approve any final operational matters and facilitate timely procurement to tie in with the Arts Council and Department for Education timelines, in the event the council is successful in being offered the music education Hub Lead Organisation 'contract' by the Arts Council.

Reason for Proposals

- This will give Wiltshire Council and Wiltshire Music Connect the opportunity to enter into funding agreements with The Arts Council in a timely manner.
- It will also enable a swift transition to become the Hub Lead Organisation should Wiltshire be selected as the lead for Wiltshire, Swindon, and Gloucestershire from 1 September 2024.
- This will facilitate timely procurement to tie in with the Arts Council timetable.

Lucy Townsend
Corporate Director, People

Wiltshire Council

Cabinet

19 March 2024

Subject: Arts Council Music Hub Investment Programme

Cabinet Member: Cllr Laura Mayes - Deputy Leader and Cabinet Member for Children's Services, Education and Skills

Key Decision: Key

Purpose of Report

1. To request Cabinet delegate authority to the Director of Education and Skills, after consultation with the Cabinet Member for Children, Education and Skills, to agree contract terms, approve any final operational matters, and facilitate timely procurement to tie in with the Arts Council and Department for Education timelines in the event the council is successful in being offered the music education Hub Lead Organisation 'contract' by the Arts Council.

Relevance to the Council's Business Plan

2. Wiltshire Music Connect and the music education hub's contribution to the Business plan can be summarised as follows and all benefits are expected to continue and in many cases be enhanced should HLO status be secured:
3. Empowered people - engaging and supporting 99% Wiltshire schools and their communities through a variety of interventions inc. musical clusters, subsidies, school music recovery fund and project funding. Much of this work is aligned to wider School Effectiveness projects and links with other services e.g. Virtual School and Youth Voice.
4. Resilient society - specific measures and support for disadvantaged and vulnerable young people. Subsidy scheme, training for staff, remissions on instruments and provision all tackling disadvantage and supporting inclusivity.
5. Thriving economy – continuing to support a music (education) economy in Wiltshire with a wider est. value of £2-3m per annum and involving approx.150 small businesses.
6. Sustainable environment – Developing and trailing innovative approaches (inc. Digital Innovation (See above) that can eventually impact on travel and reach, pedagogy, and engagement.
7. Wiltshire Council – multiple in-county partnerships with schools, providers, and agencies.

Background

8. Wiltshire Music Connect (WMC) is the music education hub for Wiltshire as defined by Department for Education (DfE)'s National Plan for Music Education. Within Education and Skills, WMC has been the hub lead organisation (HLO) since September 2012 and following the closure of Wiltshire Music Service in 2015 evolved into a purposely future facing model which clearly differentiation between strategy (led by a small team working consultatively) and a pool of quality assured provider tutors and organisations (our Associates).
9. Wiltshire Council acts as the agent to receive and account for a grant of approximately £0.620m per annum from DfE via Arts Council England (ACE). This contributes to a wider music education economy of over 130 freelance businesses and approximately twenty-five music / cultural organisations in the county with an estimated turnover of £2.0-3.0m per annum.
10. The model now has the engagement of 99% county schools with depth of engagement increasing year on year.

DfE Changes to the Music Landscape

11. Following publication of a revised National Plan for Music Education in summer 2022, DfE and ACE have set out plans for a Music (Education) Hub Investment programme.
12. From September 2024 there will be significantly fewer hub lead organisations (HLOs). There are currently approximately 120 and they have set out a plan for approximately forty.
13. They will cover geographies *prescribed* by DfE / ACE.
14. It will be an open bidding process and no existing hub lead organisations can *assume* that they will be successful in securing future grant aid. It is possible therefore (but unlikely we feel) that Wiltshire Music Connect is no longer funded from September 2024.

Timeline:

15. Deadline for applications to Arts Council; 12 October 2023
16. Arts Council "expect" to tell us in April 2024 whether we have been made a conditional offer of funding. Conditional *implies* the likelihood of additional requirements / adjustments to secure the grant. How much this may delay a definite decision is unclear.
17. April – August 2024 time for adjustments to plan and in Wiltshire's case the recruiting of staff to fill (2) vacant posts (or, in a worst-case scenario redundancy notices).
18. New HLOs will receive funding to co-ordinate and lead their Music Hubs from September 2024. Following the first year, future funding is "planned," subject to the outcome of the next government Spending Review

Explanation of Regionalised Hubs

19. DfE / ACE have grouped Wiltshire with Swindon and Gloucestershire, and we were asked to have discussions on working together towards a proposal for a partnership bid.
20. There will need to be one Hub Lead Organisation (HLO) overseeing headline strategy, finance, and monitoring and with its own Governance and an independent Chairperson. That HLO and its Governance will have the relationship with ACE / DfE and will be accountable for its decisions and use of public funding.
21. At the time of writing, it has not yet been agreed who will host the HLO function and receive the grant. We are not aware of any potential rival bids from beyond the named hubs we are working with.
22. Whilst each area will have a localised plan and delivery partners, it is expected that, over time, centralised functions will increasingly be developed to achieve economies of knowledge / experience / scale. Examples include training / CPD, communications and resources.
23. This would inevitably mean that less of the collective DfE grant (estimated at £1.7M for academic year 24-25) would filter down to localised delivery / strategy and part of the HLO role would also be to support regional and local partners' income generation and fundraising from a wider range of sources.
24. The changes and perceived benefits are also likely to be in anticipation of future cuts to Government's funding for music education, but this has not been stated within the rationale or cited as the purpose for these changes.

Impact on Wiltshire

25. The greatest risk we see is that whilst we wait for the other areas to catch up and embrace the strategy expected of HLOs, our strategic work in Wiltshire is slowed down or impaired. Similarly, if we are not chosen to lead, our ability to continue our successful trajectory may be impaired and we may be at the behest of others' decisions.
26. Many of our systems / approaches have been designed to be upscale-able or adaptable to other areas.
27. In a model like Wiltshire's, future emphasis on centralised strategy would not hit delivery as hard as some, because our current use of grant aid is not significantly invested in any one delivery agent or scheme.
28. With regards Governance, whilst operating within Wiltshire Council's structure, Wiltshire Music Connect has developed independent governance on two tiers (Board and Experts) and in doing so has demonstrated an innovative model for how a local authority can continue to 'deliver' services in a different and sustainable way even if it is not in a position to fund them.

Main Considerations for the Council

29. Wiltshire has a strategic model which is doing well and, with its stakeholders, is already 8 years into a journey of progressive change undertaken in a realistic and consultative manner. We have plenty to learn but also much (including mistakes) to share. If Wiltshire is not appointed as the HLO there could be some risk to its future development & impact.
30. There will be a need to distribute significant parts of a £1.7m grant to strategic and/or delivery partners in Swindon & Gloucestershire, without lengthy procurement processes, as that would jeopardise the basis on which the grant was awarded.
31. Initially ACE wanted employee information from existing Hubs regarding existing and potentially future TUPE arrangements. Whilst plans now are suggesting a partnership approach with portions of existing staff time allocated to collective work, it is possible that in the longer term a more formal arrangement may be required with TUPE related implications.

Safeguarding Implications

32. No impact identified for the decision requested.

Public Health Implications

33. No impact identified for the decision requested.

Procurement Implications

34. An above services threshold FTS (Finder a Tender Service) procurement will be undertaken with an approximate publishing date in April 2024, following the Public Contract Regulations (2015).
35. An above services threshold FTS (Finder a Tender Service) procurement will be undertaken as one procurement exercise split into Lots.
36. This is a relatively straight forward above threshold procurement, with the main focus needing to be on the pricing document and service specification with a like for like evaluation process to reduce any ambiguity between the Lots. Focus on the quality questions and format of the service specification linking-in consistently with the pricing document will ensure that this can be achieved.

Equalities Impact of the Proposal

37. No impact identified for the decision requested.

Environmental and Climate Change Considerations

38. Any proposal leading to future procurement has the opportunity to incorporate environmental and climate change considerations through the procurement process.
39. Whilst no impact has been identified for the decision requested, it is fully understood that procurement and climate change teams can help with relevant questions to include in the tender, and requirements in the contract (appropriate to the size of the

businesses likely to tender, size/spend of contract, and relevant to the nature of the contract).

Workforce Implications

40. No impact identified for the decision requested.
41. HR advice will be sought as appropriate as it is anticipated that a new structure will be required to service the new Hub Lead Organisation and existing locality offers to service Wiltshire, Swindon, and Gloucestershire. At this stage, there are no specific guidance notes available on The Arts Council expectations for this, but we will be expected to have appropriate levels of staffing and experience at equitable pay rates.

Risks that may arise if the proposed decision and related work is not taken.

42. The Arts Council have set a very challenging timescale from appointment of Hub Lead Organisation to delivering the new service, and any delays in signing contracts with The Arts Council in regard to grant funding and allocations could affect a delay in the start date which would impact schools and their children across all three LA areas from 1 September.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks.

43. A clear risk for us is that our leadership of a new HLO immediately encounters reputational issues because of Arts Council or indeed other bureaucratic processes.
44. Ahead of an Arts Council decision we have been collaborating with colleagues in Procurement & Legal to map out a timescale and requirements to move swiftly to advertise, receive bids for and appoint funds to strategic and delivery partners in / for the other LA areas.
45. We are also considering the staffing implications for our central operation.
46. In terms of delivery to young people and schools, our Year 1 proposals will seek to ensure continuity wherever possible whilst being clear about longer term (i.e. Year 2 onwards) changes that those working in the sector should expect and plan for in advance.

Financial Implications

47. The Council currently acts as grant recipient and accountable body on behalf of the music service and as such is legally able to accept and passport the funding to fund the various delivery routes. Should the HLO be accepted by the Arts Council to include Swindon and Gloucestershire, the grant will increase accordingly and more funding passported. Financial risk to the local authority is largely unchanged and minimised by following procurement and legal advice and we would be confident of value for money and maximisation of the grant to extend the delivery of music services to pupils in Wiltshire's young people.

Legal Implications

48. Legal Services are fully engaged in this matter and will provide advice on any agreements with the Arts Council, Swindon and Gloucestershire, and strategic and delivery partners, as required. Legal Services will also provide support in respect of procurement and subsidy control considerations as appropriate.

Overview and Scrutiny Engagement

49. The opportunity to brief an appropriate committee on the decision request is being considered.

Options Considered

50. In working through the HLO application process, we (inc. Wiltshire Music Connect's Board) considered a number of scenarios / options:
51. That Wiltshire Music Connect emerged from cross-hub discussions as the best entity to lead the new HLO with Wiltshire Council as accountable body. This would have paved the smoothest way forward but did not happen as Glos & Swindon did not want us to lead.
52. That Wiltshire Music Connect did not bid to become HLO but continued to lead on most things in Wiltshire (receiving a slightly reduced level of the DfE grant from the HLO) and was contracted by the HLO to deliver some wider services to Swindon & Glos. This remains possible but we do not have clarity on our rivals plans / proposals, and we would lose control.
53. Wiltshire Music Connect did not bid to become HLO but continued to lead on most things in Wiltshire (receiving a slightly reduced level of the DfE grant from the HLO) but no wider services to other LA areas. As above.
54. That a rival bid from outside the three current music hubs were chosen. Arts Council will not tell us if there were any bidders other than the combined Glos & Swindon bid. We think we would have heard by now through other routes, but it is not impossible.
55. Do nothing and run the high risk of Wiltshire Music Connect and its approaches / networks being marginalised or losing all funding.

Conclusions

That authority is delegated to the Director of Education and Skills, after consultation with the Cabinet Member for Children, Education, and Skills, to agree contract terms, approve any final operational matters and facilitate timely procurement to tie in with timelines from the Arts Council and Department for Education, in the event the council is successful in being offered the music education Hub Lead Organisation 'contract' by the Arts Council.

Kathryn Davis - Interim Director for Education and Skills

Report Author: Paul Redford, Head of Traded Services,
Paul.Redford@wiltshire.gov.uk, Tel: 01225 770459

Appendices

None

Additional Information and Reading:

Wiltshire Music Connect; www.wiltshiremusicconnect.org.uk

Music Hub Investment Programme; <https://www.artscouncil.org.uk/our-open-funds/music-hub-investment>

Guidance; <https://www.artscouncil.org.uk/sites/default/files/2023-07/Music%20Hub%20Investment%20Programme%20Guidance%20for%20Applicants%2006.07.23.pdf>

Proposed areas and allocations;
<https://www.artscouncil.org.uk/media/21513/download?attachment>