

Museum Estate and Development Fund (MEND) Capital Grants – Round 2

Guidance for applicants – April 2022

Supported using public funding by
Department for Digital, Culture, Media and Sport
Arts Council England



**ARTS COUNCIL
ENGLAND**

The criteria for the Museum Estate and Development Fund (MEND) have been set by the Department for Digital, Culture, Media and Sport (DCMS), Arts Council England, Historic England and The National Lottery Heritage Fund. The grants are administered, awarded and monitored by Arts Council England. Funding has been provided by DCMS.

The below is an outline summary of key information. Please see **section three** (page 17) for full eligibility criteria.

Summary of key information

What do we fund?

Capital expenditure from £50,000 to £5 million to undertake vital infrastructure and urgent maintenance backlog work to non-national Accredited museums.

We define capital expenditure as an amount spent to maintain, repair, or improve fixed assets that will be capitalised on your balance sheet.

Who can apply?

- non-national Accredited museums based in England, and/or
- local authorities based in England who are responsible for maintenance of non-national Accredited museum buildings

We will accept partnership applications between a local authority and non-national Accredited museum(s). One organisation must act as the lead organisation and submit the

application depending on who is most appropriate to meet the aims and objectives of the proposed activity.

Lead applicants must be registered with Companies House and/or with the Charity Commission or similar regulatory authority. **This fund is only open to applicants with a registered address in England.**

When are the key dates of this fund?

The fund will be managed via Arts Council England's online grant management system, Grantium.

Before you can apply, you need to create a user account and applicant profile on Grantium. As this profile approval may take up to 10 working days, you should create your user account well in advance of the deadline to submit any Expression of Interest.

If you have an existing applicant profile, check if you need to update your details.

Registration for this fund will open on Grantium at **any time**.

There will be an Expression of Interest stage (which all applicants must complete before being able to submit a full application), after which projects that are considered to have a strong potential to deliver against the aims and outcomes of the fund will be invited to submit a full application.

The online Expression of Interest form will open on Grantium at 9am on 9 May 2022. The deadline for submitting Expressions of Interest is 12pm (midday) on 17 June 2022.

The full online application form will open on Grantium at 12pm (midday) on 18 July 2022. The deadline for submitting a full application is 12pm (midday) on 23 September 2022.

How much can be applied for per application?

Between **£50,000 (minimum) and £5 million (maximum)**. Grants close to the maximum value are likely to be made only by exception.

Minimum partnership funding from other sources

For grants between £50,000 to £499,999 – 5 per cent of the total project costs must come from other sources.

For grants from £500,000 to £5 million – 10 per cent of the total project costs must come from other sources.

When must the activity take place?

Activities must **start no earlier than 17 April 2023 and no later than 15 May 2023**.

The absolute deadline to complete activities and claim payment is **31 March 2026**.

When will decisions be made?

Decisions will be made by Arts Council England. Decisions will be announced in **March 2023**.

How will the fund be managed?

Arts Council England will manage the administrative process for the fund. This includes assessing applications, issuing funding agreements and monitoring of grants.

Advice will be sought from Historic England, Department for Digital, Culture, Media and Sport (DCMS) and the National Lottery Heritage Fund as part of the assessment process. These organisations will be represented on the Programme Advisory Panel. The Programme Advisory Panel will review applications and assessments and will provide recommendations to Arts Council England who will make the final decisions on successful applications.

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Section one – introduction

Welcome from the Minister for Arts

Thank you for your interest in the Museum Estate and Development Fund (MEND).

Museums are some of the most important and beloved cultural institutions in England, playing a key role in helping to build the places and communities people want to live in, work in, and visit. Often sited in landmark buildings in the heart of our high streets, town, villages and city centres, they care for collections of international, national and local importance. They offer people places to come together and be challenged, entertained and informed.

As we emerge from the Covid-19 pandemic, I have been struck by the pivotal role museums have played and will continue to play as part of our national renewal. With the help of the Government's unprecedented Culture Recovery Fund, museums have been able to demonstrate innovation and resilience in serving the community despite frequent closures, and to develop robust plans for the future. Since becoming Minister for Arts I have been fortunate to visit museums across the country and to hear directly how staff and volunteers have risen to the challenges of the past two years, as well as their aspirations for the years ahead.

I am therefore delighted to announce that, following substantial demand for the first round of the Museum Estate and Development Fund, this next £16.9 million of funding will enable further local and regional museums to undertake vital infrastructure, repair and maintenance work. It will also help cherished institutions to contribute towards levelling up across our country, helping them to attract new investment and drive economic growth.

I wish you well with developing your projects and look forward to working with you to deliver positive outcomes for museums across England.

Lord Parkinson of Whitley Bay
Parliamentary Under-Secretary of State (Minister for Arts)

About the Department for Digital, Culture, Media and Sport (DCMS)

The Department for Digital, Culture, Media and Sport (DCMS) helps to drive growth, enrich lives and promote Britain abroad. DCMS sponsors a number of non-departmental public bodies to help deliver national priorities relating to digital, culture, media and sport. Those with responsibility for sectors covered by MEND include:

- Arts Council England – the Arts Council is the lead body charged with developing the arts, museums and libraries in England; its wide remit for ‘the arts and culture’ includes visual and performing artforms, music, dance, theatre and literature
- National Lottery Heritage Fund (NLHF) – NLHF is the largest dedicated funder of the UK’s heritage, including built, natural and intangible heritage
- Historic England – Historic England is the government’s statutory adviser on the historic environment, championing historic places and helping people to understand, value and care for them

About Arts Council England

Arts Council England champions, develops and invests in artistic and cultural experiences that enrich people's lives. We support activities across the arts, museums and libraries – from theatre to digital art, reading to dance, music to literature, and crafts to collections.

Let's Create, Arts Council England's strategy for 2020-30, is built around three Outcomes and four Investment Principles. They are designed to work together to achieve our vision of a country in which the creativity of each of us is valued and given the chance to flourish, and where every one of us has access to a remarkable range of high-quality cultural experiences.

Arts Council England will be responsible for providing pre-application advice, assessment of applications, and the payment and monitoring of grants. The organisation will deliver these functions on behalf of DCMS in line with the Arts Council's new 10-year strategy. For further information on **Let's Create**, please visit our website.

Section two – aims and outcomes of MEND

Aims of MEND

MEND is an open-access capital fund targeted at non-national Accredited museums and local authorities based in England to apply for funding to undertake vital infrastructure and urgent maintenance backlogs which are beyond the scope of day-to-day maintenance budgets.

These museums care for objects collected for or bequeathed to the public and there is therefore a public interest in ensuring their ongoing integrity. Not tackling these maintenance backlogs risks the future of museum collections, the safety of visitors and staff, the deterioration of important local buildings (which may or may not be historic and/or purpose-built) and museums' financial resilience and sustainability.

Applicants to this fund must demonstrate that the works proposed are required to be carried out within the next one to two years in comparison to any other work across their estate. Successful applicants must commit to carrying out ongoing maintenance and develop a costed management and maintenance plan.

While Accredited museums must be able to demonstrate that the urgent work is the main component of the application, this fund also encourages museums to consider:

- sourcing additional funding towards their project proposals by engaging with Local Enterprise Partnerships, other local decision-makers and funders to secure funding above the minimum partnership funding requirement set out in this guidance

- appropriate consultation of users and stakeholders and take account of these in their project proposals
- the opportunity to improve their building's environmental sustainability and energy efficiency in the course of completing urgent works
- improving physical access to provide independent access for disabled people and welcome users with diverse needs

Any project we support should help to secure a long-term sustainable future for a museum building without damaging its historical, architectural, design or archaeological significance. As part of the application process, Historic England will consider whether proposed works are likely to impact the historical, architectural or design significance of a museum site. An application for urgent repairs can consider other repairs that could form part of a cost-effective single project. We expect any work that we fund to be carried out using methods and materials appropriate to the history and condition of the building. Where replacement is necessary, it should normally be done on a like-for-like basis. Applicants will also need to consider any associated statutory consents that will be required, such as Listed Building consent.

It is anticipated that the fund will be investing in the following broad categories:

- protecting fabric/longevity of the structure
- protecting the exhibits and collections
- upgrading building services
- improving environmental performance of museum infrastructure through repairs
- dealing with equality and accessibility issues

We expect all the capital requirements you wish to apply for on one museum site to be included within one application. Multiple museum buildings can be included in one application, as long as they are on the same museum site and are accredited. You therefore need to ensure you have considered the full costs for your activity. If you have been successful in your application in a previous round of MEND you can apply again, however we will prioritise new applicants to the fund in our decision making, to spread the benefit of funding across the sector. You can only make one application per museum site to this round of MEND. If you have other non-MEND capital projects, you should speak to your Arts Council area office before applying.

Impacts and outcomes of the fund

The outcomes we expect to see from this investment are:

- museums across England who are awarded a MEND grant improve their core infrastructure by tackling their maintenance backlogs
- museums across England who are awarded a MEND grant reduce the immediate risks to buildings, visitors, staff and collections due to improved core infrastructure

The impacts we expect to see from recipients of this investment are:

- museums are more financially resilient and environmentally responsible by developing and implementing maintenance plans
- environmental performance of buildings and equipment is increased, supporting a reduction in carbon emissions in the museum sector

- improvement in museums' ability to offer independent access for disabled people and accommodation of diverse user needs
- museums have strengthened their contribution to local community and regeneration by preserving landmark buildings and ensuring locally-treasured collections are accessible to the public

Applicants should consider our requirements set out in **Section four – capital requirements** (page 26) and address these requirements in their application.

Applications of £500,000 and above must address the following additional requirements:

- commit to measuring energy data
- demonstrate operational savings have been achieved as a result of the project
- submit an evaluation return to the Arts Council via Grantium, in addition to engaging with any appointed independent evaluators as required
- provide a higher level of partnership funding as set out in this guidance at **Section three – eligibility** (page 17)
- provide the security requirements set out in **Section four – capital requirements** (page 26)

Please note that this list is not exhaustive, and we may request additional data as part of our evaluation.

We will be evaluating how effective this fund has been in meeting its aims and outcomes. We require organisations who receive a grant of £500,000 or above to submit an in-depth evaluation return at the end of their project, via Grantium. We will require all applicants to engage with Arts Council England, DCMS and any appointed independent evaluators as required.

How much funding is available?

MEND has a budget of £16.9 million for this round.

We expect to support a mix of projects of varying sizes across the English regions subject to the quality of the proposals we receive. Grants close to the maximum value are likely to be made only by exception.

This is a competitive fund. We anticipate high demand and we expect to receive more strong applications than we can support. We recommend that you consider implementing a contingency plan should you be unsuccessful.

It is recommended that applicants make clear how their project could be phased, and that cost plans clearly show how costs are calculated for each element of the project. It is possible that reduced offers will be made, to allow us to get the maximum value from the available budget and support as many museums as possible. Any reduced offers would focus on the most urgent works. Clearly presenting how the project could be phased in activity and cost plans would enable us to see how urgent works are costed.

Other capital funding

Capital funding is available through a range of other Arts Council programmes including the Libraries Improvement Fund (LIF). You may apply to other Arts Council funding programmes providing you meet the eligibility criteria for those funds, but not for the same items of expenditure. For example, if a museum and library are co-located in a single building, two applications could be made for a single building project, but they would need to be split into separate library and museum elements.

Contact us

You are strongly advised to discuss your project with your **Arts Council area office** before making an application but after reading these guidance notes. If you decide to make an application, we wish you every success.

Section three – eligibility

Please read the eligibility requirements for the fund carefully. If you do not meet any of these requirements it will not be possible to consider your application for funding.

Who can apply?

MEND is an open-access capital fund, which invites non-national Accredited museums and local authorities based in England to bid for funding to make long-term strategic investments in museums' core infrastructure.

Applicants must be:

- non-national Accredited museums based in England
- local authorities based in England who are responsible for the maintenance of non-national Accredited museum buildings
- partnerships between a local authority and a non-national Accredited museum based in England

Before you apply

Prior to submitting an application:

- applicants will need to have detailed plans and proposals for the capital work, including a recent costed condition survey (within the last five years, with costs updated within the last two years) undertaken by an appropriately qualified professional. **This will be a mandatory attachment on your Expression of Interest and application**
- plans for architectural and engineering elements must have completed at least RIBA Work Stage 3, if following RIBA Work Stages. If not following RIBA Work Stages, plans should be developed to the equivalent of RIBA Work Stage 3

- applicants should already have freehold or leasehold ownership of the land and buildings where the proposed capital activity will take place. Further details are set out in **Section four – capital requirements** (page 26)

Who cannot apply?

- individuals
- DCMS-sponsored museums or applications by and on behalf of arm's-length bodies. This includes as part of a consortium application.
(By arm's-length bodies, we mean organisations that are directly accountable to, and in receipt of Grant-in-Aid from central Government or from UK devolved Governments)
- non-Accredited museums
- organisations without a registered address in England
- organisations that have not secured the minimum partnership funding for their application
- applicants who have not completed RIBA Work Stage 3 as a minimum before applying, if following RIBA Work Stages. If not following RIBA Work Stages, applicants who have not developed their plans to the equivalent of RIBA Work Stage 3 cannot apply
- applicants who do not own the land or buildings where the proposed project will take place
- applicants who do not have a recent (last five years with costings updated within last two years) costed condition survey undertaken by an appropriately qualified professional

What activity can be supported?

We fund capital expenditure as an amount spent to maintain, repair or improve fixed assets that will be capitalised on your

balance sheet. Applicants should provide evidence that the work they have applied for is urgently needed to be carried out in the next one to two years in comparison to any other work across their estate.

We expect one application to cover the full capital requirements for one Accredited museum site.

Work that can be supported includes, but is not limited to:

Protecting the fabric/longevity of the structure – external repair works identified as urgent and necessary (within one to two years) in a recent (last five years with costings updated within last two years) costed condition survey by a suitably qualified professional.

Prioritised works are expected to include:

- roofs and high-level masonry, eg pointing and the replacement of defective water-shedding stones such as copings, mouldings and string courses
- comprehensive overhaul/repair of rainwater disposal systems, both above and below ground, including increasing numbers or sizes of gutters or outlets to improve a building's long-term sustainability and resilience to the effects of climate change
- walls
- external windows and doors
- external features such as urns, balconies, etc
- internal structures, features and fixtures. The repair and conservation of internal fixtures can be considered provided they really are fixed or integrated with the building structure (rather than an easily removed piece of furniture)
- provision of permanent access to carry out maintenance and inspection where this will make future maintenance works more practicable

Upgrading building services – upgrades to building services identified as urgently required (within one to two years) in a report by a suitably qualified professional.

Prioritised works are expected to include:

- heating, ventilation and air conditioning
- building control systems
- energy supplies (including renewable sources)
- lifts
- fire safety, detection and protection, security and alarm systems
- water, drainage and plumbing installation of appropriate fire detection systems and passive measures such as the compartmentalisation of roof spaces
- renewal of dangerous or defective wiring, where there is risk of fire damage

Protecting the exhibits and collections – upgrade or renewal of capital works which are vital to the protection of exhibits or collections, including:

- vital works to security fences
- vital works to security systems

Improving environmental performance of museum infrastructure as part of urgent repairs – where appropriate, works to increase the environmental sustainability of museum infrastructure such as:

- upgrading lighting to LEDs
- installing or retrofitting sustainable technologies
- upgrading existing building fabric to enhance thermal performance
- property protection measures to reduce the risk of flooding such as flood proofing or flood resilient works

Dealing with equality and accessibility issues

- improvements to buildings and external works (such as paths, surfacing and site boundary works) to provide inclusive access for everyone, including **Changing Places** toilets, where appropriate and identified in an access audit prepared by an independent access consultant

What activity cannot be funded?

- expenditure that will not be capitalised on your balance sheet
- activities (including buying goods or services) or any part of the projects that have already started, been bought, ordered or contracted before we make a decision about your application. This is because we cannot fund activity retrospectively
- day-to-day maintenance and minor repairs
- projects that do not meet the ownership of land and buildings requirements set out in **Section four – capital requirements** (page 26)
- exhibition/display infrastructure
- loose furniture and equipment
- costs that are already paid for by other income including your own funds or any other funding
- research or feasibility work
- development of architectural drawings up to RIBA Work Stage 3
- purchase of assets (land or building)
- assets that you plan to sell
- general running costs or overheads such as, but not limited to, staffing and insurance that are not part of your MEND project
- exhibition/display infrastructure
- goods, works or services that have not been procured in accordance with the requirements set out in **Section four – capital requirements** (page 26)

How much can be applied for?

Between **£50,000 (minimum)** and **£5 million (maximum)**. Grants close to the maximum value are likely to be made only by exception.

Minimum partnership funding from other sources

For grants between £50,000 to £499,999 – 5 per cent of the total project costs must come from other sources.

For grants from £500,000 to £5 million – 10 per cent of the total project costs must come from other sources.

This is the minimum required for eligibility of the fund, and we would encourage applicants to show higher levels of match funding in order to be competitive.

Eligible sources of partnership funding include:

- grants from trusts and foundations
- other public funding including local authority funding
- grants from other Lottery distributors
- donations from individuals or companies
- public appeals and fundraising events
- a contribution from your organisation
- in-kind support
- donations of equipment or materials subject to suitable valuations
- loan finance
- expenditure already committed in the development of the project to RIBA Work Stage 3. This should be described as support in-kind. (This excludes all other funding spent prior to the date of the funding agreement)

We expect you to have secured the required partnership funding prior to you agreeing a contract to start the construction work. You must provide evidence of how you will raise the remaining funds to complete the project in your application.

When must the activity take place?

Activities must **start no earlier than 17 April 2023 and no later than 15 May 2023.**

The deadline to complete activities is **31 March 2026.**

We are unable to pay for costs invoiced before the date you accept our funding agreement.

Partnership agreements

Applications for funding from organisations working together will be accepted. One organisation must act as the lead organisation and submit the application.

If the project is funded, Arts Council England will enter into a legally binding grant agreement with the lead organisation. This organisation must accept the Arts Council's terms and conditions of grant and will be solely accountable to the Arts Council for all monitoring information, how all the money is spent, and for the full and successful delivery of the project.

We would expect all organisations working in partnership to enter into an appropriate partnership agreement. There is further guidance about **partnership agreements** on the Arts Council England website.

Before you apply

To help you decide whether your project is sufficiently developed to make an application, please consider the following questions before applying:

- Have you considered the impact on your organisation and its activities, both during the project and on its completion?
- Have you undertaken recent research, consultation, and feasibility work to demonstrate the need for the project?
- Have you commissioned a whole building Costed Condition Survey to understand all building defects, to demonstrate the need for the project work and to show a long-term strategy to deal with any maintenance backlog? Was this survey within the last five years, with costings updated in the last two years?
- Have you identified any project constraints and risks such as, but not limited to, statutory approvals, consents (including any consents required for building works under the terms of any leases), land ownership and legal issues?
- Have you considered the resources required to deliver the project?
- Have you undertaken research to develop your budget and timetable? Have you taken appropriate professional advice?
- Have you identified other sources of funding? Would the activity happen without our investment?
- Have you considered what you will do if project costs increase? Is this reflected in your risk register, with appropriate costings?
- Have you developed architectural and engineering drawings, specifications and reports to inform your building project, if applicable?
- Have you commissioned an access audit to inform your project proposals, if applicable?

- Have you considered environmental sustainability as an integral part of your project?
- Will your project have completed RIBA Work Stage 3 before you submit your application? Please note – if it has not completed RIBA Work Stage 3 at the point of application (or an equivalent level of development if not following RIBA Work Stages) then your application will not be eligible for MEND funding.

Section four – capital requirements

Organisations applying for this fund should consider our requirements below and ensure that they have taken them into consideration in the planning, timetable and budget for their project.

RIBA Work Stage 3

For this funding programme it is required that you **complete** RIBA Work Stage 3 for all elements of the project that follow RIBA Work Stages **before** submitting your application. Details of what is involved in each Work Stage can be found here: <https://www.architecture.com/-/media/GatherContent/Test-resources-page/Additional-Documents/2020RIBAPlanofWorktemplatepdf.pdf>

We ask that applicants **complete** RIBA Work Stage 3 for all relevant elements of their project before applying because:

- the costs that you put in your application will be more accurate
- you will have submitted/be ready to submit applications for statutory consents
- your project scope will be fully established, and the associated technical drawings/specifications will be developed to the appropriate point for us to assess
- your project team will be in place/you will have taken appropriate professional advice to date

These factors will reduce delays and other risks to project delivery.

We understand that some types of capital work do not need to follow RIBA Work Stages. For example, specialist installations such as boiler replacements or undertaking a like-for-like repair which does not require a full design team approach. Please take professional advice on whether or not your project should follow the RIBA Work Stages.

We do still expect your project information to be developed to an equivalent level of detail as RIBA Work Stage 3 even if not following RIBA Work Stages.

Contingency

We need to remind you that you are responsible for any costs involved in developing your application. If successful, we will not increase the grant if your project costs increase, and you should ensure that you include a contingency sum in your project budget. The calculation of your required contingency should reflect:

- the degree of certainty on the project costs
- the stage of design or development work you have completed
- the project timetable
- the risks in relation to the type of project you are carrying out – in support of this a costed risk register will help identify and quantify the adequacy of the risk contingency allowance
- any external socio-economic risks

We expect all organisations applying for this fund to produce a fully costed risk register which will help identify the adequacy of the risk contingency allowance.

Contracts for building works

You must put in place all the necessary contracts with contractors and professional advisors, with standard terms and conditions appropriate to the project's value, size and complexity. The contractors and professional advisors must have the relevant specialist knowledge and experience and all the necessary professional indemnity insurance cover. For most projects, the main professional advisor must either be an architect, a chartered building surveyor or a chartered architectural technologist. Where your project involves a Grade I or II* listed building, you **must** appoint a **conservation-accredited professional**.

Environmental responsibility

We expect museums to take the lead in their communities in their approach to environmental responsibility and how they run their businesses and buildings: by lowering carbon emissions, increasing levels of recycling, cutting their use of single-use plastic, and reducing water consumption for example.

As building projects contribute significantly to carbon emissions and cultural buildings can have high energy consumption, applicants to this fund should consider energy efficiency as a priority. This includes helping to lead change and being innovative and responsive in the choices they make to support an overall reduction in carbon emissions in the cultural sector.

We expect you to consider:

- sourcing environmentally responsible goods and materials
- whole-life cycle costs in the selection of materials, plant and equipment
- sustainable construction practices

- the long-term environmental impacts of your buildings
- committing to energy monitoring
- improved environmental responsibility in the operation of your business including improving awareness in all building users to reduce energy demand, waste and water consumption and to maximise recycling
- developing an environmental action policy and an annual action plan to improve environmental performance and reduce carbon emissions

The **Julie's Bicycle website** provides a number of useful guides on how to embed environmental sustainability into your project including the publication, **Fit for the future: Investing in environmentally sustainable buildings – a guide for the arts**.

Government Indemnity Scheme

If the museum will take loans from national museums and galleries, we suggest you contact the Arts Council Government Indemnity Scheme at project design stage to ensure that the Government Indemnity Scheme guidelines are met.

Inclusive access

Where applicable, projects must ensure maximum independent access for disabled people and welcome diverse user needs. If your application will include works to improve physical access, you must provide an access audit prepared by an independent access consultant with your application. The access audit should be undertaken at the beginning of the project and its findings reflected in the project designs and cost plan. We have published **Building Access: A good practice guide for arts and cultural organisations** to support organisations undertaking capital development work to cultural buildings.

Management and maintenance plan

If you are offered a grant, we will expect you to prepare a costed management and maintenance plan which tells us how you will look after the physical infrastructure once the project is complete. As part of our standard terms of grant, we will also ask you to maintain the benefits of your project in the future. That means we will expect you to make sure that the work we have funded is kept in good condition. We will expect your organisation to adopt your management and maintenance plan, to integrate it into your existing policies for management and care, and to provide financial resources to implement that plan for the period of the funding agreement. Historic England have published further guidance on **maintenance plans** and **maintaining building services**.

You will be required to maintain your management and maintenance plan for **10 years from the date of your funding agreement**.

Ownership of land and buildings

If you are offered a grant, you will need to demonstrate that you own the land and/or buildings (either as a freehold or leasehold) on which you spend the grant, and that the land and/or buildings can be used for the project purposes. Please note our requirements on leasehold interests:

- for grants from £50,000 up to £499,999: a registered lease of at least 10 years, without a break clause and a permitted user clause that is compliant with the project
- for grants of £500,000 and above but less than £1,000,000: a registered and assignable lease of at least 15 years, without a break clause, no forfeiture on insolvency clause and a permitted user clause that is compliant with the project

- for grants of £1,000,000 and above but less than £5 million: a registered and assignable lease of at least 20 years, without a break clause, no forfeiture on insolvency clause and a permitted user clause that is compliant with the project
- for grants of £5 million: a registered and assignable lease of at least 30 years, without a break clause, no forfeiture on insolvency clause and a permitted user clause that is compliant with the project

The number of years that need to be remaining on your lease will be calculated from the date of the funding agreement and are noted above.

If your lease does not meet our leasehold requirements, you will need to arrange for a Deed of Variation of the lease to be completed in order that it complies. You will need to liaise with your landlord to achieve this. We would require this to be in place prior to any grant payments being released.

We will require you to comply with additional conditions in order to ensure and evidence that these leasehold requirements have been met. These will be set out as first payment conditions in the funding agreement.

Procurement

If you receive a grant from us you must comply with the following conditions when buying any goods, works or services to be used in relation to the capital project.

It is a condition of our standard terms and conditions for **MEND** (<https://www.artscouncil.org.uk/funding/museum-estate-and-development-fund-mend#section-1>) that you seek competitive tenders for all contracts in excess of £10,000 (excluding VAT) and show that you have selected the option which provides value for money.

You should also be aware that if the total value of your procurement meets or exceeds certain threshold values, then your procurement may be subject to the Public Contracts Regulations 2015 (PCR). The current thresholds are £4,733,252 for works contracts (eg contracts for the design and execution of construction work) and £189,330 (or £122,976 if you are a central government authority) for supply or services contracts.

The PCR will normally apply if you are either:

- a) subject to the PCR in your own right, eg you are a contracting authority as defined in the PCR; or
- b) a non-contracting authority, and the amount of money given solely by the Arts Council, or in conjunction with other public funding or other Lottery distributor, exceeds 50 per cent of your project costs (see regulation 13 of the Public Contract Regulations 2015 for further details).

If you are unsure about your obligations, we advise you to take professional or legal advice.

In all applications we will ask you to provide a method statement explaining how you will ensure your project complies with the above rules. If we offer you a grant, you must also provide any information we request in order to satisfy us that you have followed the correct procedure. We may not be able to pay your grant if you cannot demonstrate that the process of appointing suppliers and contractors has been made in accordance with the correct procedure.

Quality of design and construction

We want to ensure that projects meet high standards of design and construction, taking due notice of priorities such as fitness for purpose, environmental standards, energy efficiency, disabled access and inclusive design, cost effectiveness and value for money. The proposed method of procurement for construction works must be appropriate to the specialist needs of cultural buildings.

We have published **Building Access: A good practice guide for arts and cultural organisations** to support organisations undertaking capital development work to cultural buildings and it includes a selection of case studies of Arts Council funded capital projects.

Security requirements

When we make a capital grant of £500,000 or above, we must ensure that the buildings and equipment will be used for the grant purposes. This means we require you to make legal commitments to us to secure the grant purpose. The form these take depends on the amount of grant and the type of organisation receiving the grant and will be set out in the funding agreement. These will range from a deed of covenant with restriction on title to a fixed and floating charge, together with supporting legal documents relevant to the transaction. These legal commitments will need to be in place prior to the release of any grant funding, which may affect your project cashflow. Please note that you will need to instruct solicitors (at your own cost) to deal with the security requirements on your behalf.

Subsidy Control

As of 1 January 2021, EU state aid rules no longer apply in the UK for new subsidies awarded after that date, except where the grant funding will affect trade between Northern Ireland and the EU as envisaged by Article 10 of the Protocol on Ireland/Northern Ireland in the EU Withdrawal Agreement.

The UK has entered into a Trade and Cooperation Agreement with the EU which contains certain subsidy control provisions which govern the award of subsidies by UK public authorities and that may affect trade or investment between the UK and the EU.

The current rules are explained in BEIS' guidance, 'Technical guidance on the UK's international subsidy control commitments', available [here](#). Further legislation and guidance in this area is expected in the coming months. The Arts Council reserves the right to introduce new requirements and/or additional conditions based on any new emerging detail which will have an impact on this funding programme.

You must ensure that the grant funding awarded to you is compliant with any legislation on subsidy control applicable at the time the grant is awarded. You must provide any information we request in order to satisfy us that you have considered the subsidy control rules and that the grant is compliant. You may be required to repay any grant monies you receive with interest if the grant breaches the subsidy control rules.

Other documents and requirements

Depending on the type of project and capital asset that you hold, we may ask to see other legal documents and requirements before we are able to release any capital payments. These additional documents and requirements will be requested from your solicitor.

Section five – how to apply

Before you apply

Applications are made using Arts Council England's Grantium system. For further details on this, including how to set up your applicant profile, programme registration, submit your Expression of Interest and complete your full application, please see **Grantium guidance for applicants – MEND** (<https://www.artscouncil.org.uk/funding/museum-estate-and-development-fund-mend#section-1>).

Before you can start an application, you need to create a user account and applicant profile on Grantium. You cannot start your eligibility questionnaire, Expression of Interest or application until your applicant profile has been validated, which may take up to 10 working days.

Once your applicant profile has been validated and you have registered for MEND, you can begin working on your eligibility questionnaire and Expression of Interest.

You can register for this fund on Grantium **at any time** before the portal for Expressions of Interest closes.

The following list provides an overview of the required programme stages:

- Step 1: Register on Grantium
- Step 2: Complete Eligibility Questionnaire
- Step 3: Submit Expression of Interest (EOI)
- Step 4: Expert Advisory Panel Review of EOI
- Step 5: Applicants informed of EOI outcome
- Step 6: Full Application
- Step 7: Eligibility Check

- Step 8: Assessment against criteria/ risk assessment
- Step 9: Expert Advisory Panel review applications
- Step 10: ACE make final award decisions
- Step 11: DCMS and Ministers informed of decisions
- Step 12: Applicants receive decision notification.

Expression of Interest stage

The online Expression of Interest form will open on Grantium at **9am on 9 May 2022**. Expressions of Interest must be submitted by **12pm (midday) on 17 June 2022**.

Arts Council England and Historic England staff will be available to advise potential applicants during this process.

If you believe you have a proposal that meets all of the eligibility criteria and the **aims and outcomes** (page 11) of this fund as set out in this guidance, please complete an Expression of Interest through Grantium. An Expression of Interest is accessed by working through the eligibility questionnaire for MEND. It will give you the opportunity to describe your outline proposal in no more than 2,500 characters. As part of your submission you should:

- provide details of your project proposal and evidence that the work you have applied for is urgently needed to be carried out in the next one to two years in comparison to any other work across the estate
- provide a summary of findings of your recent condition survey
- identify how your project contributes to the aims and outcomes of MEND
- provide details of the preparatory work you have already undertaken, including the RIBA design stage you have reached, if applicable
- confirm how you will raise the required partnership funding

- attach a recent costed condition survey undertaken by an appropriately qualified professional. The survey must be from within the last 5 years, with costs updated within the last 2 years

We will also ask you to:

- provide brief details of your organisation and the museum collection
- provide the anticipated overall project cost and the amount you would like to request if you are invited to apply
- outline the timescale for your project
- tell us about your building, its location, who owns it, if it is a Scheduled Monument, if it is listed or in a conservation area
- confirm the number of visitors in the last 12 consecutive months of full opening
- confirm that you have had a recent costed condition survey undertaken by an appropriately qualified professional, and the date this was carried out
- confirm if you already have a costed management and maintenance plan, and the date this was carried out

Reviewing your Expression of Interest

Expressions of Interest will be reviewed by the MEND Programme Advisory Panel. If the panel considers that your proposal could make a significant contribution to the **aims and outcomes** (page 11) of the fund, you will be informed by **17 July 2022** and invited to submit a full application. If you are invited to make a full application, you will have **10 weeks** in which to develop your application and the mandatory supporting documents required, as detailed in this guidance document.

If the Programme Advisory Panel decides that your proposal does not have the potential to strongly meet the aims and outcomes of the fund, you will also be informed by **17 July 2022**. Arts Council England are unable to give detailed

feedback on behalf of the panel or engage in a discussion about why your proposal is not being taken forward at this time.

For organisations already in receipt of public funding from Arts Council England, National Lottery Heritage Fund, Historic England, other public organisations represented on the Programme Advisory Panel, local authorities or HM Government, you can expect that any formal assessments of organisational risk that have been undertaken will be considered.

If you are invited to submit a full application, this is not a guarantee that the application will go on to be successful.

The Expression of Interest process is not a grant decision-making process, and final funding decisions will be based on the detail in a full application, that has been through the assessment, balancing and review processes as outlined in this document.

Historic England will be making site visits and providing written advice to support applicants who are invited to make a full application, where appropriate. The advice and site visits will take place between **18 July 2022** and **19 August 2022** and invited organisations will be asked to facilitate a visit on the date proposed. We will provide more details of how this will be arranged when we notify applicants who are invited to submit a full application.

Please note: If the design specifications change significantly after you have been invited to apply (for example, for example if advice received from your local authority's planning team or Historic England means that you will need to make changes to your proposed project), and if these changes result in you not having completed RIBA Work Stage 3 (or equivalent level of planning if not following RIBA Work Stages) for the whole project by the point of application, you will not be able to submit your application in this round as it would not be eligible for funding.

The information in your application will be shared with National Lottery Heritage Fund, Historic England and Department for Digital, Culture, Media and Sport.

Full application process

1. Read this guidance carefully and contact us

This guidance gives you information on how to apply and answers some common questions. If you have any further questions you can contact our Customer Services team at enquiries@artscouncil.org.uk

2. Prepare and submit your application

You must apply through **Grantium**. The **Grantium guidance for applicants** (<https://www.artscouncil.org.uk/funding/museum-estate-and-development-fund-mend#section-3>) available on our website should provide you with all the information that you need about how to access the system and complete your online application.

Completing the online application

The following gives support on completing the different sections of your application and the information we ask you to provide.

Basic details

Please provide details about your organisation and the museum collection including a concise description of the activity you are asking us to support. Please confirm the amount you are requesting and the start and end dates for the activity.

Listing status

Please provide details of the listing for your building, if applicable, including the category and National Heritage List for England (NHLE) number. Historic England manages the NHLE database which provides access to up-to-date information on all nationally designated heritage assets in England. You can use the **database** to check if a building in England is listed and obtain the NHLE number.

Scheduled Monument status

Please tell us if your museum building is also a Scheduled Monument, or if there is a Scheduled Monument on the museum site. Please be aware that to be eligible for MEND funding, works to Scheduled Monuments must be part of works to an Accredited Museum. This is for information only and does not form part of our decision-making process.

Visitor numbers

Please provide the number of visitors in the last 12 consecutive months of full opening.

Conservation areas

Please tell us if your building is located in a conservation area. This is for information only and does not form part of our decision-making process.

Management and maintenance plan

Tell us if you already have a costed management and maintenance plan. If you do, please provide a copy of this document.

Finance

In this section, you will be asked to complete a budget for your activity.

Income

Complete the income section to tell us where you expect to get other funding from, how much that will be, and whether it is expected or confirmed. We expect all applications to have partnership funding. See **Section three – eligibility** (page 17) for more details of partnership funding requirements.

If you are including non-cash contributions (in-kind support), give an estimated value for each item. You should also provide details of the goods or services and who is giving the contribution under the ‘financial viability’ section of your proposal.

Expenditure

Complete the expenditure section to show the expenditure for your entire project. Expenditure should be set against the following budget headings:

- **pre-construction** – this may include specialist surveys
- **construction** – this should identify the estimated construction costs, construction contingency and inflation
- **specialist equipment** – this may include lighting, AV and digital equipment, and disabled access equipment
- **fees and charges** – this may include legal or consultants’ fees along with planning costs, local authority fees, post tender surveys, etc
- **client costs** – this may include costs such as storage, decant costs, access audit or advisers appointed to help develop the project as well as any personal access costs* you may need to deliver the project
- **contingency** – that is not shown separately above
- **irrecoverable VAT** – any VAT that you cannot claim back

You should make sure that the costs are as accurate as possible. If you have to spend more to complete your project, we will not contribute to any extra costs.

Please note: Any costs you include must be capitalised on your organisation's balance sheet. Only include any of the above costs if you are able to do this, in line with your organisation's policy.

***Personal access costs**

If there are extra costs relating to your own access needs, or those of the people you are working with, to help you deliver your project and manage your grant online (for example, a BSL interpreter) then these can be included in your budget provided they can be capitalised on your organisation's balance sheet. For example, these access costs could be for a support worker to help a project manager with access requirements to complete payment requests on our system.

Please note that you cannot apply to us to for access costs that are already covered by the Access to Work scheme.

Location

We report to local and national government on where funded activity takes place. To help us do this, please provide the current address of the museum site for which funding is being applied.

Lenders

If other lenders or funders already have security or a charge on your property, please tell us who. This will help us with the legal security arrangements we would put in place should funding be offered.

Ownership of land and buildings

You will need to demonstrate to us that you meet the ownership of land and buildings requirements as set out in **Section four – capital requirements** (page 26).

Please provide the full address of the land and/or buildings where the capital project will take place. If the capital project will take place in your current premises, please re-enter the address provided under 'location'. Provide details of your interest in the land and/or buildings where the capital project will take place, ie leasehold or freehold interest, and answer the corresponding questions. If you hold a leasehold interest, you will be asked to submit a copy of your lease.

Size of building

Provide details of the size of your building (gross internal floor area). If there will be a change in the size of your building on completion of the project, please provide details.

Statutory approvals

Please list all **statutory approvals** and consents that apply to your project.

Activity plan

The activity plan should include all milestones for the delivery of your project. The level of detail will vary depending on the size and scope of your project but in all cases it should:

- reflect all parts of your project and when each part is expected to start and finish
- provide details of the design, procurement, construction and commissioning activities
- confirm the lead manager for each task
- state when relevant statutory approvals will be applied for and when notifications are expected
- include the RIBA work stages (if applicable)

Additional information for applicants applying for £500,000 and above

Display energy certificates

If you have a display energy certificate, complete the table to provide details of your actual energy performance and power consumption and that predicted on completion of your project.

If you do not have a display energy certificate, indicate how you will measure your energy consumption prior to undertaking your project and on completion. Include details on how you will ensure there is a reduction in carbon emissions.

Sustainable technologies

Complete the table to tell us which sustainable technologies you have considered and those you propose to use. We do not expect you to have considered all these technologies.

Proposal

The proposal is divided into three sections:

- Meeting the brief
- Governance and management of the activity
- Financial viability

It should be no longer than **45,000 characters** in total. You do not need to use the full character count if you feel it is unnecessary.

Meeting the brief

Character count: up to 15,000 characters

Describe the project you are asking us to support and how it meets the aims and outcomes of the fund. This should include:

- a detailed description of the work you are proposing to undertake and the outcomes your project aims to achieve
- how the project will achieve the aims of the fund in **section two** (page 11) of this guidance
- how the work you have completed to date demonstrates the need for your project. This may include options you have explored and evaluated and why you have chosen the preferred option
- how the works in your application have been prioritised by level of urgency, with clear costs for each element, and how the works could be phased
- the impact of the project on your organisation's activities during the project's delivery and how it will improve the safety of the collection, visitor experience of the museum, and comfort of the public, staff and building users on completion
- how you have consulted with users and stakeholders in the development of your project and how any learning has been reflected in your project proposal
- where relevant to your project, tell us how the project will address inclusivity and relevance by benefitting the broadest range of people
- where relevant to your project, tell us about any specific measures included in your project that will improve access provision for all with reference to statutory requirements such as building regulations and best practice (full details should be provided in the access audit)

- where relevant, tell us how your project will support environmental responsibility including the steps taken to minimise the impact on the environment

Governance and management of the activity

Character count: up to 15,000 characters

Set out your plans for managing the project and demonstrate that you have appropriate governance and management plans in place to deliver the scale and complexity of the project proposed, including plans for managing risks. This should include:

- how the project will be managed and what controls there will be to make sure it is delivered successfully. You should tell us:
 - how progress will be reported and reviewed, including the involvement of your board and senior management in decision making
 - how the risks will be assessed and what management procedures will be adopted to manage these risks
 - who will be responsible for approving project changes such as the specifications, budgets, timetables or the use of contingency funds, including limits of delegated authority in terms of decision making along with the financial approval process
- how your project will contribute to the implementation of your organisation's equality and diversity policy
- details of your organisation's experience in managing a project of similar scope and complexity
- how you will ensure your capacity to deliver the project successfully including your plans for project management

- how you will keep other funders, stakeholders or building users involved in your plans during the capital works
- confirmation of whether you plan to work with external specialists/contractors including a conservation accredited professional, if relevant. List the relevant roles and appointments made
- confirmation of any pre-planning advice you have received on statutory consents (such as planning or listed building consent) and how this has been factored into your plans
- how the decision on your proposed timetable and sequence of works has been decided, eg through a single phase or phased
- how your project will meet high standards in the following areas:
 - how you will ensure that the proposals are well designed and appropriate for the proposed use
 - details of any standards (such as BREEAM or British Standards) you will be using in the project
 - how sustainable development has been accounted for in the design, materials selection and building services specification
 - cost effectiveness and value for money including whether the selection of plant and materials has been made with whole-life considerations
 - disabled access and inclusive design (where applicable)

Further details on procurement, quality of design and construction, including accessibility, are set out in **Section four – capital requirements** (page 26).

Additional criteria for grants of £500,000 and above:

- tell us how you will measure reductions in energy usage and the carbon footprint resulting from your project

Financial viability

Character count: up to 15,000 characters

Tell us about the work you have done to assess the project cost, including plans for raising other funding, and contingency planning. You should also demonstrate that you have considered the financial impact on your organisation, both during and after the project completes. This should include:

- the professional advice you have sought in support of the figures in your budget, including how you have calculated allowances for such things as (but not limited to) specialist equipment, sustainable technologies, furniture, fittings and equipment, contingency, inflation and VAT
- details of the options you will explore if your project goes over budget or you are unable to deliver every part of your project as originally planned
- if you are including non-cash contributions (in-kind support), details of the goods or services and who is giving the contribution
- the other sources of funding you have applied for, and the progress and timetable of other funding applications you have made
- with reference to your costed condition survey, tell us how it demonstrates that the work you have applied for needs to be carried out urgently in the next one to two years in comparison to any other work across your estate (full details should be provided in the costed condition survey)
- how you have considered your organisation's ability to operate the buildings or equipment in the longer term
- confirmation of the financial planning you have undertaken for repair, insurance, maintenance and replacing the capital asset. This should include:

- the likely timescales for replacing or upgrading new items
- details of your costed maintenance management plans following project completion and whether funding is available to carry it out
- details of any future sinking fund allowances to manage the future maintenance requirements

Additional criteria for grants of £500,000 and above:

- details of any operational savings you anticipate following the works and how you will evaluate and monitor these savings

Mandatory attachments

All applicants applying to this fund must upload the following mandatory attachments.

Allowable formats: jpg, xls, xlsx, jpeg, pdf, doc, docx, pptx, and ppt. The combined limit on file size for all the attachments taken together is 50 megabytes.

Send only the supporting information we have asked for. We will not consider any additional information you send after you have submitted your application unless we have specifically asked for it.

If your application does not contain the information we need in the format we request, we might not be able to consider your application. After you have read this guidance, if you have any further questions, please contact us.

Mandatory attachments for all applications

All applicants must upload the following mandatory attachments:

Cash flow

Please use the cash flow template provided. We will use your cash flow to determine an appropriate payment schedule for your grant. Your cash flow should demonstrate both project income and outgoings and the expected grant payments from us and should align with the income and expenditure figures already provided. You should take the following information into consideration when preparing your cash flow forecast:

- we are unable to pay for costs invoiced before the date you accept our funding agreement
- we expect the first payment to be **no later than 31 May 2023**
- we usually retain 10 per cent of the grant until the project has been completed
- activities must start no earlier than the date the funding offer is accepted
- the deadline to complete activities is **31 March 2026**

See **Section six – how decisions are made** (page 59) for more details on how we will typically schedule payments.

Cost plan

This should be prepared by a professional quantity surveyor and provide a detailed estimate of costs. It should:

- be developed to at least RIBA Work Stage 3, or equivalent
- be based on the drawings and specifications you have submitted with your application
- include costings which have been incorporated into the income and expenditure budget you completed in the application form (ie the cost plan and budget should directly relate to each other)

Costed condition survey

This is a recent condition survey or relevant specialist report undertaken by an appropriately qualified professional. It should support the proposed priorities and scope of works set out in your application. The survey should be no older than five years, with costs updated within the last two years.

It should include a costed condition and repair schedule with associated recommendations identifying the urgency of repairs and the timescale for their implementation. It should demonstrate that the work you have applied for is urgently needed to be carried out in the next one to two years in comparison to any other work across your estate. Other evidence to support the need for the proposed activity will be accepted in lieu of a costed condition survey, if this is not appropriate for your project.

Please note: The costed condition survey will be a mandatory attachment on both your Expression of Interest and your application.

Design specifications

Drawings and specifications should be provided with the scale of the drawing clearly shown and all information clearly indexed. Your design information must be submitted as one digital file. Where relevant, plans for all design components ie architecture, structural and mechanical and electrical services drawings should be developed to at least RIBA Work Stage 3 for the full project set out in your application. The RIBA Plan of Work 2020 defines Work Stage 3 as 'Spatial Coordination' and we expect your design drawings and specification to demonstrate coordinated proposals for structural design, building services systems and outline architectural specifications.

Whether or not the RIBA work stages are being followed for your project, the drawings and specification must represent the

drawings that will be submitted in the application for full planning consent and/or listed building consent and therefore be 'signed off' by your organisation for those purposes.

Inclusivity and relevance statement

This is a statement on your organisation's approach to promoting inclusivity and relevance and/or your equality and diversity policy – accompanied by an action plan that demonstrates how the implementation of your policy will be monitored and reviewed. This should be for the museum(s) you are applying for, rather than for local authorities, universities, etc, submitting applications on behalf of museums they run.

Financial statements for your previous financial year

Please submit the financial statements for your previous financial year, prepared to the relevant legal standard for an organisation of your size and status.

Management accounts

Your latest management accounts.

Partnership funding evidence or fundraising plan

Provide evidence of the funding you have secured and spent to date as outlined in your project income and expenditure. This may include:

- letters of support from potential funders
- offer letters confirming amounts already secured, including any conditions attached to this funding
- evidence of any contribution of your own funds (eg board minutes)

If you have not secured all your funding, please attach a fundraising plan outlining:

- your approach and timeline for raising the remaining funds
- the methods you will use to raise the funds, eg campaign, fundraising events
- how you will ensure you secure the required amount to start your project

Procurement method statement

This should provide the procedures that will be used to select consultants and contractors or purchase goods and equipment. If you have already procured goods, works or services for the project, you will need to tell us how you did it. In both cases, it must demonstrate that these comply with all relevant UK public regulation procurement laws and European legislation (see **Section four – capital requirements** (page 26)). Arts Council England can only fund consultancy services that meet these requirements. Relevant consultancy services for building projects may include:

- architect/conservation architect/lead designer
- principle designer (for the purposes of compliance with CDM Regulations)
- engineers such as:
 - civil
 - structural
 - mechanical and electrical
 - acoustic
- other design consultancy services such as:
 - access
 - highways
 - planning
 - ecological
- quantity surveyor/cost consultant
- project manager

Project team requirements will be project-specific, and the above list is not prescriptive nor exhaustive. Applicants should take professional advice to establish relevant project team appointments at an early stage, as professional input to date will be considered when establishing design stage eligibility at point of application.

Where relevant, please include details of your proposed method of procurement for construction works and any professional advice sought on the approach. If your organisation's procurement method statement contains a number of options, state which will be used for this project.

Risk register

Please submit a costed risk register covering all the risks you have identified with your project. It should include:

- the risk and the likelihood of the risk occurring
- the impact on your project if it does happen
- how much each risk may cost
- how you can prevent the risk or deal with it (mitigate it) if it does happen
- the person responsible for dealing with the risk
- the process for monitoring risks and reporting issues

We use your analysis of risks to the activity to help us with our assessment of **governance and management of activity** (page 47). We want you to show that you have considered risk thoroughly and have thought about how you will manage and mitigate it.

Mandatory attachments – applications from £500,000 up to £5 million

All applicants applying for £500,000 up to £5 million must upload the following mandatory attachments:

Business plan

An up-to-date business plan that covers the period of the project, including setting out the financial implications of the project on completion. It should demonstrate your sustainability before the capital project starts and after it finishes – including new costs and revenue. If you are an organisation which manages multiple sites or are, for example, a local authority, please provide the planning documents most relevant to the museum you are seeking funding for.

Project management structure

Outline the project management structure so we know who will make decisions and how you will control change during your project. Please link both external and internal project management so that a clear structure can be seen along with lines of communication, links and contractual relationships. An organogram demonstrating this will be preferable.

Timetable

Provide a detailed project timetable. It should set out and include major milestones and reflect all parts of your project. The level of detail will vary depending on the size and scope of your project but in all cases it should:

- reflect all parts of your project
- show when each part is expected to start and finish
- provide details of the design, procurement, construction and commissioning activities
- where relevant, give details of the statutory approvals applied for and when notifications are expected

Optional attachments

You may also upload up to three other relevant attachments. Examples of optional attachments include but are not limited to:

Draft partnership agreement

If your application is being submitted from organisations working together, you should provide a draft partnership agreement.

Access audit

If your application will include works to improve physical access, you must provide an access audit prepared by an independent access consultant.

Management and maintenance plan

If your organisation currently has a management and maintenance plan, please provide a copy of this.

The information you provide in your application form and any attachments will be assessed by Arts Council England and used to decide whether your application will be recommended for funding. It will be shared with the external bodies acting in an advisory commenting capacity for MEND, and also with the Programme Advisory Panel who will be making recommendations to the Arts Council's decision makers.

If your application does not contain the information required in the format requested, it may not be possible to consider your application. After you have read this guidance, if you have any further questions please contact Arts Council England for further advice.

Assistance with your application

Arts Council England are committed to being open and accessible and want to make the MEND application process accessible to everyone. If you experience any barriers within the application process or require help to make an application, the Arts Council's Customer Services team can be contacted by email: enquiries@artscouncil.org.uk

After you submit your application

You will receive an acknowledgement email confirming that your application has been received by Arts Council England. This will be sent to the email address you used to log in to the Grantium portal.

Your full application will then be checked against the criteria for this fund (see **Section three – eligibility** (page 17)) and, if the application is eligible, it will be assessed using the prompts in **Section six – how decisions will be made** (page 59). If your application is not eligible, we will not process it any further and it will not be considered for funding. If this happens, we will write to you to let you know.

Commenting process

During the assessment process, additional comments on each project will be sought from a range of external partners to ensure that expert views from a variety of sectors are incorporated into the final assessment. These partners include, but are not limited to, DCMS, National Lottery Heritage Fund and Historic England. A decision on which partners to contact for further comment will be made by Arts Council England and will be based on the nature of the activity being applied for.

We will share your application with these organisations for this purpose. Please see our **General Privacy Notice** for how we process your information.

Section six – how decisions will be made

Once you have submitted your full application, the application will be checked to ensure that you have provided all the requested information.

We will make our assessment based on the information you provide in your application and attachments, any further information that we request and, where relevant, data and information from the Charity Commission and Companies House websites relating to your constitution and audited accounts from the past two years.

Will we also use any other information we hold, for example ongoing risk monitoring.

Our assessment will use the expertise of our staff to judge how well your application meets each of the three criteria. Identifying and considering the level of risk in your project and what plans you have in place to mitigate these risks is an important part of our assessment.

We will consider how each application meets the following criteria:

- Meeting the brief
- Management of the activity
- Financial viability

Each application will be assessed using a five-point word scoring:

- **Not met**

The application does not meet the criteria

- **Potential**

The application does not meet the criteria but shows potential to do so

- **Met**

The application meets the criteria

- **Met (strong)**

The application meets the criteria and shows strong qualities

- **Met (outstanding)**

The application meets the criteria and shows outstanding qualities

Applications that do not achieve at least 'met' under all three criteria will not be recommended for funding.

The Programme Advisory Panel will review applications and assessments and will provide recommendations to Arts Council England who will make the final decisions on successful applications.

Please note: To ensure that we can use the available funding to make the maximum impact across the museum sector, we may make reduced awards (ie offer grants for less than applied for). It is therefore essential that applications make clear how costs have been calculated, how works can be phased (if relevant), and which works are most urgent.

We will assess each application against the following criteria, using the assessment prompts below:

Assessment prompts

Meeting the brief

- To what extent does the application demonstrate that the project outcomes will meet the **aims of the fund? (page 11)**
- How does the application demonstrate a need for the project? Does the application consider a range of options that have

been explored and appraised (which includes leaving things as they are)? Is the preferred option convincing?

- Does the application demonstrate the work is urgent, required within the next one to two years?
- To what extent does the application demonstrate a convincing rationale for how the capital works have been prioritised?
- What evidence is there of appropriate consultation of users and stakeholders in the project? How is this reflected in the project proposals?
- How well does the organisation demonstrate it has considered the impact of the project, both during the works and on completion? Does it demonstrate the project will improve the safety of the collection, visitor experience and comfort of the public, staff and building users?
- Will the project have an impact on the organisation's activities under other funding agreements with the Arts Council? Is there an impact on activities funded by other public funding bodies, eg National Lottery Heritage Fund?
- Does the application demonstrate the museum's activities will reach the broadest range of people?
- Where appropriate, what evidence is there that the organisation has considered the environmental impact of the project? In what way does the organisation plan to reduce any negative impact?
- Does the applicant own the land and/or buildings where the works will take place, either by owning the freehold (owning the property outright) or having a leasehold interest without a break clause for the length required in the guidance?
- If the applicant is the leaseholder, have they confirmed that the works applied for are their responsibility as the tenant?

Governance and management of activity

- To what extent does the applicant demonstrate they have experience in managing a project of similar scope and complexity?
- What evidence is there of board engagement with the project? Will progress be appropriately reported and reviewed by the board and senior management team?
- How well does the application demonstrate adequate control procedures are in place to manage changes such as the specifications, budgets, timetables or the use of contingency funds?
- To what extent does the application demonstrate procedures are in place to assess, report and manage the project risks effectively?
- To what extent does the application demonstrate appropriate plans for project management? Do they plan to work with an external project manager?
- To what extent has the applicant taken appropriate professional advice? Is the make-up of the professional team appropriate? If the building is listed Grade I or II*, has a conservation accredited professional been appointed?
- To what extent will the project affect current staff responsibilities? Does the application demonstrate the organisation has the capacity to deliver the project successfully?
- What evidence is there that the organisation has an appropriate inclusivity and relevance policy in place?
- What evidence is there to demonstrate that inclusivity and relevance has been appropriately considered within the project?
- How well does the application demonstrate that the project can be delivered to the activity plan? Does the plan demonstrate:
 - the activity start and end dates are within the timescale for this fund?

- a rationale for the proposed sequence or phasing of works?
- that all relevant statutory approvals will be in place to enable activity to commence as outlined in the activity plan?
- Does the risk register demonstrate an appropriate review of risks, consider the impact of the risks occurring and identify suitable actions to mitigate and manage these risks?
- Does the procurement method statement explain how the applicant will undertake the procurement activity for the project? Does it align with the procurement requirements set out in **section four** (page 26) of this guidance and is it appropriate for the project proposed?
- To what extent will the project achieve high standards in terms of:
 - fitness for purpose – does the design or specifications demonstrate that the project will be fit for purpose? Do the designs, if relevant, fully reflect the project brief?
 - cost effectiveness and value for money – are the costs based on whole-life considerations?
 - quality standards – does the application reference any quality standards that will be used for the project (such as BREEAM or British Standards)?
 - sustainable development – has sustainable development been accounted for in the design, materials selection and building services specification?
 - disabled access and inclusive design – has an access audit been completed and will its recommendations be implemented?

Additional criteria for grants of £500,000 and above:

- How well does the organisation describe its plans for monitoring and evaluating the project outcomes? What evidence is there that carbon reduction will be specifically monitored and measured?

Financial viability

- Is the organisation in a healthy financial position?
- Does the budget demonstrate that:
 - expenditure is for the items listed under **What activity can be supported?** (page 18)
 - the detail is appropriate to the stage of the project development?
 - costs are based on appropriate professional advice or quotations?
 - professional VAT advice has been sought?
 - appropriate allowances have been made for design and construction, inflation and professional fees? Is inflation based on accepted industry predictions?
 - a contingency allowance has been included which reflects the degree of cost certainty, the project development stage, the project timetable and the identified risks?
- Is the risk register costed and is there a clear correlation between these costings and the project contingency?
- Does the condition survey prepared by an appropriately qualified professional support the proposed priorities and scope of work? Does it tell us the current condition of the building and the works that are needed to return the building to a good condition? Have these costs been factored into the project budget?
- Has the applicant considered the effect of the project on its financial planning?
- Has a management and maintenance plan been prepared and is funding available to implement it?
- How well does the strategy for raising any remaining funds demonstrate that the level of partnership funding can be achieved? Is the timetable for raising these funds realistic?
- How well does the application demonstrate that the required funding will be in place prior to starting construction work or purchasing any goods? Does the timetable and cash flow adequately take this into account?

- What evidence is there that contingency plans have been considered if the project goes over budget or the project cannot be delivered as originally planned?
- Does the cash flow show that sources of expected project income will be in place to support the tasks outlined in the timetable?

Additional criteria for grants of £500,000 and above:

- To what extent does the business plan and financial projections detail any operational savings following the completion of the works?

The Programme Advisory Panel step, including balancing the portfolio

Based on these ratings, Arts Council England will make a recommendation to the Programme Advisory Panel on whether an application is suitable for funding. As part of this process, the Programme Advisory Panel will decide how well each application will fit into a **balanced portfolio** of grants. In doing this, they will consider five factors to balance the projects funded against the available budget. These factors will be used in addition to the main criteria to ensure a good spread of funded projects and to differentiate between proposals that are considered fundable.

The five factors we will consider are:

- **geographic spread** – we will take into account the need to support museums across England
- **Priority Places and Levelling Up for Culture Places** – we will consider whether your organisation is based in an area of low cultural engagement, as set out in the Arts Council’s **2021-24 Priority Places** for investment, our **Levelling Up for Culture Places** (<https://www.artscouncil.org.uk/LUCPs#section-1>), and as per the **Active Lives Survey**
- **risk** – the extent of the risks to the overall balance of projects

- **type of museum** – the range and type of museum (such as size, collection type and governance model)
- **project scale** – we will consider the need to achieve a mix of projects of varying grant sizes and delivery timescales within the available budget

There is no mechanistic formula for balancing the final list of awarded projects. This is a framework against which we will make an informed judgement about how each project might contribute to the overall mix in the context of the funds available to distribute.

Decision making

Once we have scored your application and a recommendation about whether to fund it has been made by the Programme Advisory Panel, Arts Council England will make the final decision. To do this, they will consider how strongly your activity scored against our criteria, as well as considering the five factors outlined above. They will also consider your activity alongside other applications to the fund.

To ensure that we can use the available funding to make the maximum impact across the museum sector, we may make reduced awards (ie offer grants for less than applied for).

If you are unsuccessful

We will write to you explaining the main reasons why your application was unsuccessful and telling you who to contact for more detailed feedback.

If you are successful

Any decision to offer funding will be subject to acceptance of a funding agreement and our **standard terms and conditions for MEND** (<https://www.artscouncil.org.uk/funding/museum-estate-and-development-fund-mend#section-3>) including any conditions specific to your project. Our offer may be for a different sum than that requested by you in your application.

The funding agreement starts on the date you accept the funding agreement by completing the online 'offer letter acknowledgement' form and ends when you've met all our terms and conditions. The submission of this form will be your formal and legal acceptance of the grant and the terms and conditions that apply to it.

Monitoring

The funding agreement will set out how we will monitor your grant, including any documentation that we will require from you to ensure your project meets the agreed outcomes. We expect you to progress your project in line with the timescales, specification and budget set out in your application.

If you have not raised all your partnership funding at the time of making your application, we will set deadlines for raising the outstanding funds in your funding agreement. If you are unable to raise the funds to meet the project timetable you outlined in your application, we may not agree to the delay and may decide to withdraw our offer of a grant.

As part of the monitoring and payment plan, we may ask you to provide us with progress reports, even if grant payments are not scheduled at that time.

We may decide to use independent advisors to help with our monitoring of your project. We will let you know as soon as possible if we are going to do this. Our advisors will request progress meetings with you, your project manager and the main members of your project team and will make site inspections. Our appointed advisors cannot agree changes to the approved purposes of your grant.

As part of our evaluation of the programme, we may require that you engage with external evaluation consultants and provide them with necessary data.

Payments

For grants between £50,000 to £499,999, we will typically schedule payments as follows:

- 50 per cent – at the start of the project, once the conditions and requirements for the first payment have been met
- 40 per cent – at the mid-point of the project and subject to satisfactory project reporting, as set out in your funding agreement
- 10 per cent – one month after your project activity is completed and all final grant monitoring requirements have been met

If your cashflow indicated that this payment structure would not be appropriate, we may change the percentage amount at each payment or add in additional payments.

For grants from £500,000 to £5 million, we will make quarterly payments in line with your projected cash flow forecast, which will be released on completion of the conditions of payment, and ongoing project reporting requirements, as set out in your funding agreement.

We will pay a proportion of the costs you have incurred based on the percentage ratio of our grant to partnership funding identified in your funding agreement. This will be your grant award divided by your total costs which we will set out in the funding agreement.

Final payments

We will not normally pay more than 90 per cent of your grant until we are satisfied that:

- the project is finished
- you have met the terms of your grant agreement with us
- we have been provided with an acceptable final activity report

- we have been provided with a final statement of total project income
- the required costed management and maintenance plan has been submitted
- appropriate funding acknowledgement is in place

For grants of £500,000 and above:

- we will also require the submission of an evaluation return prior to the release of the final payment

Section seven – Freedom of Information Act

The Arts Council is committed to being as open as possible. We believe that the public has a right to know how we spend public funds and how we make our funding decisions.

We are also listed as a public authority under the Freedom of Information Act 2000. By law, we may have to provide your application documents and information about our assessment to any member of the public who asks for them under the Freedom of Information Act 2000.

We may not release those parts of the documents which are covered by one or more of the exemptions under the Act. Please see the Freedom of Information website at www.ico.gov.uk for information about freedom of information generally and the exemptions.

We will not release any information about applications during the assessment period, as this may interfere with the decision-making process.

Section eight – data protection

The Arts Council is committed to using any personal information (or personal data) we collect on a lawful, fair and transparent basis, respecting your legal rights as an individual in accordance with the UK General Data Protection Regulation, the UK Data Protection Act 2018 and other applicable laws that regulate the use and privacy of personal data (Data Protection Law).

As part of us meeting this requirement, we have published our General Privacy Notice for you to refer to **here**. This tells you more about: the personal data the Arts Council collects; the different purposes that we use it for and on what legal basis; who we may share that personal data with; how long we keep it; and your legal rights, including your right to contact us and receive information regarding the personal data about you that we may hold from time to time.

For further information about our obligations and your rights under Data Protection Law, as well as how to report a concern if you believe that your personal data is being collected or used illegally, please also see the Information Commissioner's Office website at **www.ico.org.uk**

Section nine – other information

Making a complaint

As an organisation, we will always listen to and respond to any concerns that you may have. If you would like to make a complaint about either the service you have received from Arts Council England or the way we have handled your application, we have a process that you can use.

Please note that Arts Council England does not have an appeals process and for this reason, we are unable to accept complaints that relate solely to the decision we have made rather than how we have made it.

For more information, please visit the ‘Complaints’ section of our website, under ‘Contact us’ (www.artscouncil.org.uk/contact). Additionally, you can email complaints@artscouncil.org.uk for more information.

Public sector equality duty

Your application form gives us information we may use to report to the Government or to monitor the different backgrounds of people who receive grants. Under the public sector equality duty, we must research and monitor the different backgrounds of people who receive our grants.

Counter fraud measures

Arts Council England has a **Counter Fraud Strategy and Policy** and appropriate measures will be taken to ensure that grant holders given funding through this programme use the funding appropriately. This will include conducting checks at the point of application and award, and random sampling checks on a proportion of grants made. All grant holders are required to retain their financial and other documentation relating to the grant and maintain a full audit trail. Arts Council England reserves the right to request this at any time.

Section ten – glossary of terms

[Terms and Descriptions are as follows:]

Access audit

Part of the process of designing a building or site which considers how disabled people access a building or site now and how they will be able to access it in the future. Considers the physical environment, equipment and auxiliary aids, and policies, procedures and practices. Addresses the 'journey' to, into, through and out of the building, considering the use of all facilities and services by building users and staff. The access audit should be prepared by an independent access consultant and provide details of existing barriers and recommend specific measures to overcome these, eg ramps, lifts, induction loops, accessible toilets, clear signage. It must describe both the process followed in conducting the audit and how the proposed access provisions will provide access for all with reference to statutory requirements such as building regulations and best practice.

Assignable lease

A term used for leasehold land and buildings to show whether the land and buildings can be sold or given to another owner.

Balance sheet

A statement of the assets, liabilities, and capital of a business or other organisation at a point in time, detailing the balance of income and expenditure over the preceding period.

Break clause

A provision in a lease that allows the landlord and/or the tenant to bring the lease to an end before the full period of years has elapsed.

BREEAM

Building Research Establishment's (BRE) Environmental Assessment Method (BREEAM) is a method to assess the environmental performance of both new and existing buildings.

Building regulations

Building regulations are statutory instruments that seek to ensure that the policies set out in the relevant legislation are carried out. Building regulations approval is required for most building work in the UK. Building regulations that apply across England and Wales are set out in the Building Act 1984.

Capital asset(s)

Land, buildings, equipment and vehicles that have a useful life of more than one year.

Capital expenditure

An amount spent to acquire, maintain or improve fixed assets such as equipment, furniture, fixtures, vehicles or buildings that will be capitalised on your balance sheet.

Capitalise

In terms of accounting, an expense is a capital expenditure when the asset is a newly purchased capital asset or an investment that improves the useful life of an existing capital asset. If an expense is a capital expenditure, it needs to be capitalised.

Conservation accredited professional

Working with older buildings calls for a set of skills and expertise. Professionals use conservation accreditation to demonstrate their competence. The schemes are run by professional bodies and independent organisations. Each scheme has its own application and assessment process. Further details on the schemes can be found on **Historic England's website**.

Condition survey

Carried out on a regular basis, it considers the structure and condition of the property based on a detailed inspection of the building in order to establish its maintenance and repair condition at that time. It gives an indication of when future repairs, maintenance, decoration and renewal of each part of the building should be anticipated.

Contingency

An allowance in the project budget (usually expressed as a percentage) for unforeseen circumstances.

Flood protection works

Works aimed to reduce the impact of flooding on a property.

These typically include:

- flood proofing works – works to reduce the amount of water entering a property
- flood-resilient works – works to reduce the amount of damage caused when water enters the property

Forfeiture in Insolvency clause

A forfeiture clause that allows a landlord to take back a property from its tenant if the tenant experiences financial difficulty (eg insolvency or bankruptcy).

Freehold interest

The absolute right to own property (land and buildings) in perpetuity.

Inclusive design

Inclusive design is the process by which the needs of everybody are considered and embedded in the proposals for the design, development and subsequent management of the built environment from the outset.

Lease

A legal agreement through which property is conveyed to a person or organisation for a defined period and in return for the payment of rent.

Leasehold

A person's right to use and occupy land and/or buildings which arises under a lease as opposed to freehold ownership.

Maintenance backlog

We will not fund minor day-to-day maintenance, which applicants are expected to carry out without support. The aim of the fund is to support museums in addressing urgent major maintenance backlogs which are beyond the scope of day-to-day maintenance budgets.

Management and maintenance plan

Maintenance is most effective when carried out regularly on a planned cycle. The management and maintenance plan tells us how you will look after your building once the project is complete.

Permitted use

A provision that sets out how you will use the project asset(s) that are purchased, renovated, created or improved using the grant as detailed in your application and the offer letter.

Procurement method statement

Procurement is the process of finding, agreeing terms and acquiring goods, services or works from an external source, often through a tendering or competitive bidding process. To ensure compliance with the public procurement policy, we ask organisations to demonstrate how they will achieve value for money when purchasing goods, works and services as part of their project. All applications must include a method statement explaining how you will undertake the procurement activity for your project.

Public procurement policy

Directives, regulations, policies and guidance relating to the procurement of supplies, services and works for the public sector.

Quantity surveyor (QS)

A quantity surveyor advises on the overall economic and accounting aspects of a project. They prepare RIBA stage cost plans, the bill of quantities for the tender documents and a pre-tender estimate against which the tender returns are assessed.

Registered lease

A registered lease is a leasehold interest in real property which is recorded in the official registry at the Land Registry.

RIBA plan of work

Royal Institute of British Architects (RIBA) organises the process of managing and designing building projects and administering building contracts into a number of key work stages. The RIBA Outline Plan of Work consists of eight stages defined by the numbers 0-7.

Specification

A specification is a written document describing the materials or products to be used, standards of workmanship required, performance requirements and the conditions under which work is to be carried out. The architect is responsible for preparing the specification, with specialist help from other members of the design team. It is used at tender stage and helps the quantity surveyor to prepare the bill of quantities.

Tender

Tendering is the process of inviting and appointing a contractor, supplier or consultant to undertake work. It must be a competitive process between firms or individuals who have the necessary skills, integrity and responsibility to deliver the work.

Whole-life cost

The new facility will require maintenance, running and staffing costs that should be factored into a whole-life cost analysis. This means that decisions should be based not only on initial capital cost, but also on the costs of maintenance and day-to-day operations over the expected lifetime of an asset.

Get in touch – we're happy to help

If you have a query for us, please do check if the answer can't be found on our website. If you need to contact us, **contact our customer services team**

(<http://www.artscouncil.org.uk/contact>).

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Transcribed into Large Print by: A2i Transcription Services
Unit 4 Montpelier Central, Station Road, Bristol BS6 5EE
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Ref number: 35005