

# Transfer of leadership

## Music education hubs

The Music education project team and area senior management teams monitor all hubs with a risk rating of eight or above. Relationship managers must ensure that the risk rating of hubs is appropriate for the level of risk, particularly if there are concerns that trigger support and challenge.

If concerns for support and challenge are not resolved as agreed with the Arts Council then the Arts Council will consider a transfer of the leadership functions from the hub lead organisation. A decision should be made as to which alternative option can be pursued depending on the current lead organisation and other potential lead organisations:

- 1) Transfer the existing grant from the current grant holder to a new lead organisation if both parties are in agreement.
- 2) Withdraw funding from the current grant holder and, if there is the business case to do so, solicit a new lead organisation.
- 3) Withdraw funding from the current grant holder and run an open application process.

Exploration of the above options needs to be undertaken as soon as interventions take place.

### Key timeline:

- The novation process takes 10 weeks.
- The withdrawal process takes four months. It is possible to suspend or terminate the withdrawal of funding process at any time if the hub is able to satisfy the Arts Council that progress has been made.
- The solicitation process can take place following the withdrawal of funding process and will take one month.
- The open application process can take place following the withdrawal of funding process and will take three months.

There could potentially be a one to three month gap in provision for children and young people if novation is not possible and the withdrawal of funding process is initiated.

In the case of a transfer of leadership, employment law will need to be followed and Transfer of Undertakings (Protection of Employment) will need to be considered by the existing and new lead organisation. The Arts

Council/Department for Education will cover reasonable expenditure related to the transfer of leadership. By reasonable, we mean the relevant redundancy costs for hub staff involved in delivering the leadership functions of the hub to cover the period of the hub function being delivered.

## Processes and timelines

Novation is possible if both parties agree and the grant (and any existing liabilities) will be transferred to the new lead organisation.

<b>Timetable</b>	<b>Novation</b>
One working day	Hub relationship manager, the area senior relationship manager, children and young people, area director, director for learning, senior manager, music education and deputy chief executive discuss whether to initiate the novation process.
One working day	Relationship manager is requested by the hub that a novation be completed.
Two working days	Relationship manager and senior manager, music education collate all information for consideration including reasons for novation/variation.
One working day	The relationship manager contacts the Arts Council Legal Services Team using the legal instruction form on One Place. This form needs to be completed detailing the original funded organisation, the new funded organisation and their contact details and the contact details of any solicitors, reasons for novation/variation. A copy of the original grant agreement/contract will also need to be attached to the legal instruction form.
Two months	Legal Services will liaise with the original funded organisation/their solicitor to finalise the legal documentation through to completion (including signing the agreement). The relationship manager will be kept copied in on all correspondence and will be the instructing officer for this purpose. Once completed, Legal Services will inform the relationship manager of completion and forward on original signed legal documentation to the relationship manager. Legal Services will only keep a scanned copy.
One working day	Relationship manager uploads the novation agreement

	on to Arena and contacts the finance and risk officer to complete the novation/ variation process on Arena.
	Finance and risk officers note changes in payee details etc., on Arena and notify relationship manager.

If novation is not possible then the relationship manager should initiate the withdrawal of funding process. The relationship manager will need to work with the Arts Council's senior manager, children and young people, senior manager, music education and Legal Services to determine if there is a business case for solicitation (see solicitation policy and solicitation guidance for staff). If this is not possible, an open application process will be delivered.

<b>Timetable</b>	<b>Withdrawal of funding process</b>	<b>Timetable</b>	<b>Solicitation</b>	<b>Timetable</b>	<b>Open application</b>
Five working days	Hub relationship manager, the area senior relationship manager, children and young people, area director, director for learning, senior manager, music education and deputy chief executive discuss whether to initiate the withdrawal of funding process.				
Two working days (seven working days)	Hub relationship manager writes proposed withdrawal report (see template) – this report outlines which terms and conditions have been breached, what solutions were sought to avoid this action and attaches all relevant documents. Send to director for learning, senior manager, music education and Legal Services.				
Five working days (12 working days)	Director for learning and Legal Services feedback comments/sign off proposed withdrawal report				
Five working days (17 working days)	Director for learning sends proposed withdrawal report to area director, deputy chief executive and Department for Education for agreement Relationship manager that the process of withdrawal should be initiated.				
Seven working days (24 working days/5 weeks)	Hub relationship manager writes to the grant holder to advise them that we are proposing to withdraw their grant, attaching a copy of the proposal to withdraw report. The hub is given five working days to make a submission to the decision panel. Communications notified.		Serious discussions with other potential hub lead organisations begin		Serious discussions with other potential hub lead organisations begin
Five working days (29 working days/six weeks)	Hub relationship manager, area senior relationship manager, children and young people, area director, director for learning, senior manager, music education, deputy chief executive and Department for Education consider submission from hub if one is received.				
Two working days (31	Hub relationship manager writes final recommendation to withdraw report (see				

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working days/six weeks)	template) – this report summarises the case that we will be sending to National Council (the original decision panel) for consideration. We will include the withdrawal proposal report, any representation made by the grant holder and all supporting documentation. Hub relationship manager sends to director for learning and Legal Services.				
Five working days (36 working days/seven weeks)	Director for learning and Legal Services feedback comments/sign off final recommendation to withdraw report				
Forty days (depends on National Council meeting dates) (76 working days/15 weeks/four months)	<p>Director for learning submits final recommendation to withdraw report to National Council for consideration.</p> <p>Communication team notified of decision.</p> <p>Department for Education notified of decision.</p> <p>Hub relationship manager writes to hub to advise it of the outcome (see template).</p> <p>If funding is to be withdrawn, hub relationship manager asks finance to stop all future payments to hub and if relevant begins recovery of funds.</p>		<p>While waiting for National Council decision:</p> <p>Hub relationship manager and senior manager, music education determine if solicitation may be possible or if an open application process will be required.</p> <p>If solicitation is chosen, hub relationship manager and senior manager, music education compile a brief outline of the solicitation proposal (see solicitation guidance and policy).</p> <p>Hub relationship manager sends to director for learning for comments/sign off of brief outline of the solicitation proposal.</p> <p>Senior manager, music education asks Funded Organisations and Projects team to add Music education hub to application form drop down menu on portal.</p> <p>Senior manager, music education writes applicant and assessor guidance (see templates). A Music hub relationship</p>		<p>While waiting for National Council decision:</p> <p>Senior manager, music education writes paper for Executive Board to gain agreement to application process.</p> <p>Senior manager, music education and Funded Organisations and Projects team ensure existing prospectus and assessor prompts are fit for purpose.</p> <p>Senior manager, music education asks Funded Organisations and Projects team to add Music education hub to application form drop down menu on portal and assessment workflow is developed.</p> <p>Relationship manager is trained to undertake assessment.</p> <p>Senior manager, music education sets up initiative/project on Arena.</p>

Timetable	Withdrawal of funding process	Timetable	Solicitation	Timetable	Open application
			<p>manager is chosen to undertake assessment (this cannot be Music hub relationship manager for that area). A senior manager, children and young people is chosen to moderate the assessment.</p> <p>Senior manager, music education sets up initiative/project on Arena.</p>		
Five working days (82 working days/16 weeks/four months)	Appeals process (see appeals process document)		Senior manager, music education sends outline to director, investment to circulate to sub-set of Executive Board for agreement to undertake solicitation process.	Ten days (86 working days/17 weeks/four months)	Senior manager, music education sends paper to Executive Board
		Two working days (84 working days/17 weeks/4 months)	Hub relationship manager and senior manager, music education develop business case for solicitation paper (see template). Hub relationship manager sends to director for learning, deputy chief executive and Legal Services.		
		Five working days (89 working days/18 weeks/4.5 months)	Director for learning, deputy chief executive and Legal Services feedback comments/sign off business case for solicitation paper.		
		Five working days (94 working days/19 weeks/5 months)	Senior manager, music education sends business case for solicitation paper to director, investment to circulate to sub-set of Executive Board for decision.	Thirty working days (116 working days/21 weeks/five months)	<p>Application portal opens.</p> <p>Applications inputted into Arena.</p>
		One working day (95 working days /19 weeks/5.5 months)	<p>Relationship manager sends invitation to apply letter to proposed new hub lead organisation (see template).</p> <p>Senior manager, music education adds solicitation to Register of solicited applications.</p>		

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		Five working days (100 working days/20 weeks/5 months)	Relationship notifies proposed new hub lead organisation whom the assessor will be via email (see template).  Application period.		
		4 working days (104 working days/21 weeks/5 months)	Assessment period.		
		One working day (105 working days/22 weeks/5.5 months)	Moderation of assessment.		
		Five working days (110 working days/23 weeks/5.5 months)	Hub relationship manager and senior manager, music education writes and submits recommendation paper for Management Committee (see template) for consideration.		
		One working day (111 working days/23 weeks/5.5 months)	Hub relationship manager notifies applicant of decision via email (see template).	Two working days (118 working days/21 weeks/five months)	Applications validated.
			Hub relationship manager negotiates funding agreement with new hub lead organisation.	Five working days (123 working days/22 weeks/5.5 months)	Assessor undertakes early review and further information requests (FIRs) if required.
				Five working days (127 working days/23 weeks/5.5 months)	Assessor undertakes Stage one assessment.

Timetable	Withdrawal of funding process	Timetable	Solicitation	Timetable	Open application
				One working day (128 working days/23 weeks/5.5 months)	Area management team and director, children and young people undertake Stage two assessment – review of Relationship manager assessments; determine successful hub; finalise recommendations for decision paper
				One working day (129 working days/23 weeks/5.5 months)	Director, children and young people and senior manager, music education write paper for Executive Board summarising Stage two meeting.  Director, children and young people emails Department for Education and Department for Culture, Media & Sport our recommendation.
				Thirty working days (159 working days/27 weeks/seven months)	Executive Board agrees recommendations. Announcement made.
					Hub relationship manager negotiates funding agreement with new hub lead organisation.