

Report of: 11-19 Lead

Report to: Deputy Director, Learning

Date: 25th July 2019

Subject: Music Service Employment Contracts



Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number:10.4(5) Appendix number: 2	<input checked="" type="checkbox"/> Yes	No

Summary of main issues

1. ArtForms Music Service seeks to make changes in the way that it operates in order to guarantee its viability in the long term. It provides a high quality service to schools, settings and the community which is greatly valued by service users.
2. The changes sought will enable it to respond flexibly to a changing educational landscape and to develop its provision according to the needs of the city, delivering a traded service in a viable way.

Recommendations

3. The Deputy Director, Learning is asked to approve changes in the conditions of employment for staff employed to deliver music education by ArtForms Music Service. The Head of Music (ArtForms) will be responsible for its implementation.

1 Purpose of this report

- 1.1 The report sets out ways in which ArtForms Music Service will be able to retain and develop its provision while increasing its financial viability. The changes requested will enable ArtForms Music to respond to changes in business conditions flexibly and effectively.

2 Background information

- 2.1 ArtForms Music Service is Leeds City Council's Music Service, which is part of the 0-19 Learning Improvement Team within the Children and Families Directorate. ArtForms Music is the lead partner in the Leeds Music Education Partnership: the music education hub in Leeds. Nationally, there have been many changes to music services, with many offering a much reduced services or, in some cases, closing completely.
- 2.2 ArtForms Music operates a traded service, providing a wide range of music education services in school and out of school. Schools may take advantage of a wide range of music provision provided by ArtForms staff. Out of school provision includes seven community music centres, and City of Leeds Youth Music (CLYM): ensembles offering musical opportunities for the whole city at the highest possible standard.

3 Main issues

- 3.1 ArtForms Music operates a trusted and valued service on behalf of Leeds City Council. Music education is an important part of the development of the individual child, of school improvement and of lifelong learning, and these are all supported by the ArtForms music provision. There is a well-established and excellent middle leadership team who are dedicated to maintaining and improving the quality of what ArtForms does. The delivery team of teachers, instructors and tutors is of high quality overall and, going forward, we would not wish to do anything to jeopardise this quality. It is essential that we retain the support of those who deliver on our behalf, and the trust of schools that the service they receive will be of the quality they expect and deserve. In addition, the benefits of the city-wide provision that the service provides and co-ordinates cannot be underestimated. This includes the wide range of City of Leeds Youth Music (CLYM) groups (many of whom are nationally and internationally recognised) and the city-wide organised events such as the Leeds Schools Music Association (LSMA) events at Leeds Town Hall involving thousands of children and young people each year.
- 3.2 In 2017/18 the service received an income of £3 014 089, of which £1 098 089 was a grant from Arts Council England (ACE) and the balance of £1 916 000 was traded to schools, to parents and families and to the community – the latter through the ArtForms Music Centres. (The ACE grant is held on behalf of the Leeds Music Education Partnership). ArtForms operates its services without access to either statutory or core funding from Leeds City Council.
- 3.3 ArtForms Music employs approximately 45 FTE teachers, tutors, managers and admin who have regular duties during the week providing a regular weekly service

to schools. This covers 103 individual people. There are also 143 people who work at music centres in a variety of roles, all for between 1 and 5 hours on Saturdays only. Some, but not all, of the staff who work at music centres also work for the schools' service during the week. There are seven Music Centres managed and staffed by ArtForms, which operate on Saturday mornings in term time. Open to learners of all ages, they serve over a thousand students each week. Additionally, Artforms can call upon the services of 53 individuals who have pay numbers but no fixed hours to provide casual cover and ad hoc work. In all, there are 300 separate posts, with a number of staff with multiple contracts.

3.4 ArtForms Music is tasked with operating as a fully traded service. In order to achieve this it is necessary to be responsive to changes in need and demand from schools and learners. The service has already taken steps to reduce operating costs.

- A reduced management structure was introduced in 2015/16
- The Early Leavers' Initiative (ELI) and previous rounds of Managing Staff Reduction (MSR) processes have removed surplus capacity
- New lower cost premises have been found for the ArtForms office, for central service delivery of City of Leeds Youth Music and training and for Music Centres (there have been 5 such relocations since 2012)
- Services to schools have been streamlined to make them more cost effective, including now delivering Whole Class Ensemble Teaching with one, rather than two, members of staff.
- New employment conditions have been in place for newly appointed staff, as appropriate, since 2013 for staff serving schools and 2010 for staff in music centres which reduce staffing costs each year. ArtForms still delivers to schools with 24 FTE on teachers' pay and conditions, and 9 FTE on PO1, so this progressive saving will continue for some time as staff turnover continues.

Nevertheless, it is necessary for the service to achieve greater responsiveness to market conditions in order to achieve and maintain long-term viability. ArtForms' weekly traded hours to schools and through schools have reduced in recent years. These delivered hours are specialist: the staff delivering are expert in one area of service, but not always suitable to take on other areas of work, so within this overall picture there are frequently areas where additional capacity is needed. Trading with schools is on an annual basis, with a term's notice for cancellation or variation. Trading with individuals and families is on a termly basis.

3.5 ArtForms operates in a competitive market. Our pricing is broadly similar to other large music services operating elsewhere, but we are unable to compete on price with smaller and more flexible organisations, or with some independent providers - Leeds has a strong independent and freelance sector. An additional factor is the current significant pressure on school budgets which means schools are having to make difficult choices in key areas, such as music provision. If prices are to be kept under control, an ability to manage staffing more flexibly is essential.

3.6 At the end of the financial year 2017/18, the staffing for the schools service had 52.42 hours spare, spread across a variety of teams and individuals.

- 3.7 In order to look more closely at this issue, a Strategic Review Group comprising senior officers (from the Children and Families Directorate, HR and Finance) was established to consider the various options for introducing a different, more flexible staffing model. This would reduce, and potentially eliminate the need for the service to implement an MSR process whenever required which would create an on-going, stressful situation for staff as, in reality, we would need to do this each year as a result of changing demand – this would affect staff morale and, potentially, retention of good staff.
- 3.8 The group examined a range of options, drawn from knowledge of music services elsewhere in England. The options evaluated included: fully devolved models where there is no music service as such; commissioning models with just a small council core management/admin team acting as an agency; various versions of more flexible staffing models (with options to vary staff hours); mixed models using some elements of the these.
- 3.9 In Leeds, all of the music service staff who work in schools have employment contracts, as is still the case in some other LA-led music services. The proposed new contracts would apply to all music centre staff with the exception of those staff who are casual. There are significant risks for Leeds attached to some of the other models that have been considered, in particular the devolved and commissioned models. For this reason, we are very keen to build more flexibility into the current staffing model. The review group has considered various ways of doing this - common to all of these is the inclusion of a degree of variability in how we manage employment contracts going forward, allowing us to vary contracts according to business need more flexibly than we can at present. This would enable us to respond more effectively to increases and reductions in demand. Some of the models considered would have involved changing contracts on an annual, or even termly basis. However, after considerable discussion and consultation with union representatives, the preferred option is as follows:
- 3.10 To change the contracts of ArtForms Music staff (including Music Centre staff) to build in 20% flexibility (increase or decrease). A new contract would be established with all staff which would not be changed thereafter without a new consultation process. Staff would be engaged on contracts which show 80% of their current commitment designated 'core' hours, and 20% as 'variable' hours. These additional hours are variable according to the business needs of the service and will be reviewed and adjusted up or down as required (within the terms of the contract) once every academic year. No reduction of the 'paid' core hours would be possible without the consent of the staff member or further formal process.
- 3.11 **Criteria for amending (reducing or increasing) the hours of a member of ArtForms staff, in line with new contractual arrangements.**
- It is essential that decisions made about alterations to staff hours are effective in meeting the needs of schools and Music Centres, and fair to the staff concerned.
 - Any variation to hours will be applicable to all Artforms staff who have a teaching commitment (school staff and Music Centre staff).

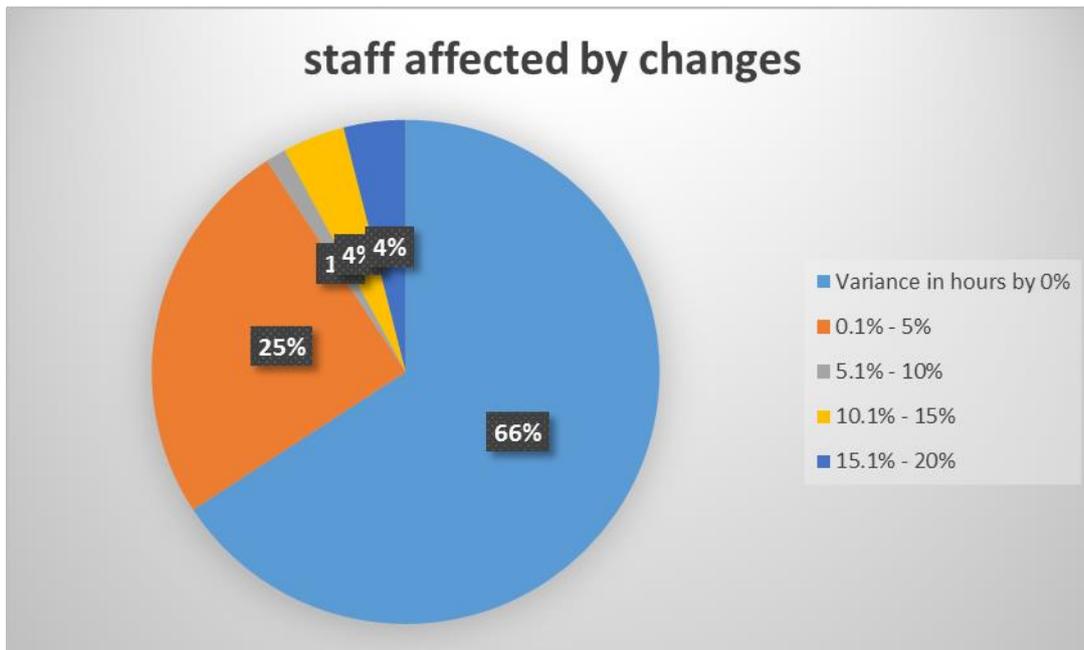
- Preference will always be given to maintaining existing provision in a school or Music Centre, unless a school requests a staffing change or there is a pressing need to deploy staff elsewhere.
- If a school reduces the amount of time which it needs, or ceases to trade with ArtForms, or if the need to provide certain Music Centre classes changes, the staff member will be deployed elsewhere if demand exists.
- If no demand exists, a member of staff may lose hours, not exceeding 20% of contracted time.
- If several members of staff may be liable to lose hours, or may be unsuitable for a particular new piece of work, selection will be done by ArtForms management according to the following criteria:
 - Staff availability at the time requested by the school or is needed to fulfil timetabling requirements at the Music Centre.
 - For school work: preference expressed by the school for a particular member of staff: although it is not always possible, or appropriate, to accede to every request from a school.
 - Geographical proximity: it is not sensible for staff to have to travel unnecessarily long distances between places of work
 - The needs of the ArtForms staff team: it may be necessary to develop the experience of a member of staff by placing her/him in a particular school or teaching situation, or to provide shadowing or support for colleagues.
 - Particular skills required at the school or Music Centre: the ability to teach a variety of instruments, for instance, or expertise in directing a particular type of ensemble.

Should any member of staff feel aggrieved by a decision made, any issues will be considered by a more senior manager within the service. The council's grievance procedure would not apply.

Specific points relating to an increase in hours:

ArtForms management may increase the hours of staff to meet demand according to the same criteria as any potential reduction. There will be no limit, up to the maximum permitted working time. If the increased hours have been worked for more than a full year, the core component of the individual's contract will be recalculated to take into account the larger amount. If the increase is for a year or less then the working time may be reduced to the original core time.

3.12 The impact of the proposed core and variable contracts: An analysis has been undertaken of the potential impact of the proposed core and variable contracts on teaching staff – for the vast majority of staff, based on the current position, the impact would be non-existent or minimal: The following chart summarises the percentages of staff potentially affected by variance in pay under the new arrangements (based on current demand for services in 2018/19):



3.13 Additional points:

- This variable contract would apply to all schools' service staff and also to music centre staff. The proposal does not differentiate between staff on different kinds of contracts – e.g. Teachers' Pay and Conditions, Instructors and tutors scales.
- Current and future staff on employment contracts would be guaranteed a regular income and all the benefits of Leeds City Council employment. The service would acquire an ability to adapt to changes in demand. Current pay grades for both school and music centre staff would be unchanged.
- 20% variability would give ArtForms management sufficient flexibility to deal with demand changes. Limiting the maximum variability to 20% would allow staff security of employment, and allow for recruitment and retention. Although the full 20% variability would not be used in many cases, a smaller variability (e.g. 10%) would not allow ArtForms the efficiency and flexibility needed.

3.14 Financial impact of implementing this option:

Based on the current figures for 2018/19, looking at the discrepancy between the hours we utilise staff, set against the hours for which they are paid, we have an over-capacity 45 delivery hours (approx. 1.25fte). Assuming top of the unqualified teacher scale as an approximate mid-point of our staffing costs, that would give a saving of approximately £50K. This figure only applies to the weekly school staff – the saving would be slightly more when music centre staff are included. Depending on the take up of the offer in subsequent years, the saving could potentially be more than this – as an extreme example, if the entire workforce reduced their hours by 20%, the saving (based on current salary spend) would be £329,000. However, for reasons outlined elsewhere in this document, a situation leading to a saving in any

one year is inconceivable and the likely maximum saving would be nearer £100,000K. Conversely, the staffing budget would increase if there was increased demand for services, with staff increasing their hours where possible and should they wish.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 This has taken place as follows:

With Deputy Director of Learning (on behalf of Children and Families Leadership – November 28th 2018 and 11th March 2019

Executive Member for Learning, Skills and Employment – 2nd July 2018, 28th January 2019, 11th February 2019 and 22nd July 2019.

With Trades Union representatives on 6th September 2018, 10th January 2019 and as detailed below. In addition, updates at have provided at Schools JCC meetings during 2019.

Consultation letters sent to all staff potentially affected on 24th January 2019 – this was the start of a two week consultation period

Within the consultation period, a staff information session was held on 30th January 2019 which was attended by 15 members of staff, two union representatives and Artforms Music leadership team members. Following the meeting, the presentation and responses to questions raised was sent to all staff.

At the end of the consultation period, union representation was made by letter on 7th February 2019 to which a response was made by letter on 8th March 2019. In addition a follow up meeting was held on 14th March 2019.

As a result of the consultation, a change will be made to the threshold that would be applied which means that staff hours would not be adjusted downwards where the weekly change is less than 30 minutes.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An Equality, Diversity, Cohesion and Integration Screening form has been completed. The overall key finding from this process is that there is no reason to expect that any implementation will affect any of the equality characteristics.

The complete form can be found in Appendix 1

4.3 Council policies and Best Council Plan

4.3.1 As a Child Friendly City, the musical and cultural opportunities to children, young people and their families are extremely important. By developing a model which

allows ArtForms music's services to work more efficiently we will guarantee their continued quality into the future.

4.3.2 By locating Music Centres in the heart of neighbourhoods across the city, and by delivering a diverse and inclusion provision at each, community strength is fostered.

4.3.3 ArtForms Music is aligned to the cultural planning for the city, a part of the Local Cultural Education Partnership and a contributor to the cultural policy developments in the city.

4.4 Resources and value for money

4.4.1 These proposals will lead to more effective use of resources and significantly increased value for money, as outlined specifically in 3.12 above

4.5 Legal Implications, Access to Information and Call In

4.5.1 Advice has been obtained from Legal Services at Appendix 2. The decision maker is asked to consider the advice as exempt under the Council's Access to Information Procedure Rule 10.4(5) as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

4.6 Risk Management

4.6.1 If the changes are not made, then the services which ArtForms music provides to schools and the community will struggle to substantially improve their financial position and guarantee their longer term viability.

4.6.2 More radical changes have been considered which would make more substantial changes in the working conditions of staff. The quality of the service's work is dependent on the recruitment and retention of quality staff, so if the conditions are changed beyond what might seem reasonable, there is a risk to the quality of staffing which can be provided.

4.6.3 The changes requested provide a balance between the different needs, enabling LCC to provide a valuable education and community service which retains and develops its quality of delivery.

5 Conclusions

The proposal outlined in this report is the result of over twelve months' detailed analysis and consideration. It is our view that it the only realistic way of achieving a sustainable future for the service

6 Recommendations

6.1 The Deputy Director, Learning is asked to approve changes in the conditions of employment for staff employed to deliver music education by ArtForms Music Service. The Head of Music (ArtForms) will be responsible for its implementation.

7 Background documents¹

None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Children and Families	Service area: ArtForms Music
Lead person: Stephen Wild	Contact number: 3782890

1. Title: Music Service Employment Contracts
Is this a: <input type="checkbox"/> Strategy / Policy <input checked="" type="checkbox"/> Service / Function <input type="checkbox"/> Other
If other, please specify

2. Please provide a brief description of what you are screening
ArtForms Music Service seeks to make changes in the way that it operates in order to guarantee its viability by making changes in the conditions of employment for staff employed to deliver music education.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		x
Have there been or likely to be any public concerns about the policy or proposal?		x
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?	x	
Could the proposal affect our workforce or employment practices?	x	
Does the proposal involve or will it have an impact on <ul style="list-style-type: none">• Eliminating unlawful discrimination, victimisation and harassment• Advancing equality of opportunity• Fostering good relations		x

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment. Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (**think about** the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

The impact on individual members of staff has been evaluated. Affected staff are as yet undecided, as this will depend on the trading demand from schools. The Artforms managers implementing the process will be guided by LCC values and practices.

All staff have been consulted by letter and have had the opportunity to speak to managers at a question and answer session. Unions have been consulted.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

Feedback from staff has been received, both directly and via the Trades Unions. No staff member has raised concerns about the implication of the proposed changes, and all Trade Union questions have been answered.

All levels of ArtForms management have been involved in drawing up this proposed change.

There is no reason to expect that any implementation will affect any of the equality characteristics.

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

The policy, when implemented, will be delivered in line with LCC values. The criteria used for determining the impact of the policy will be implemented by the ArtForms management team. This will be overseen by the Head of Music.

5. If you are **not** already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment.**

Date to scope and plan your impact assessment:	
Date to complete your impact assessment	

Lead person for your impact assessment (Include name and job title)	
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6. Governance, ownership and approval
Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Kevin Paynes 	11-19 Leadership and Management Lead	10/07/19

7. Publishing
This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

Please send a copy to the Equality Team for publishing

Date screening completed	23/04/19
Date sent to Equality Team	Sent to Information Governance for publication with DDR/DDN
Date published (To be completed by the Equality Team)	