

Decision Maker: Education Policy Development and Scrutiny Committee

Date: 12 June 2012

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **BROMLEY YOUTH MUSIC TRUST: CONTRACT REVIEW**

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Chief Officer: Kay Weiss, Assistant Director (Safeguarding and Social Care)

Ward: Boroughwide

1. Reason for report

- 1.1 The Local Authority's Music Service is delivered by the Bromley Youth Music Trust (BYMT) which provides instrumental and vocal tuition, through schools and central activities, at the Music Centre in Southborough Lane. Initially, a contract between the Council and BYMT was for a three-year period from 1 April 1994 to 31 March 1997. This was renewed in 1997 for a ten year period to provide financial stability for the Trust. The Executive approved a new contract with BYMT for provision of music services, for a further ten years from 1 April 2007. At their meeting of 26 May 2010, following a triennial review of the performance of the contract, the Council's Executive approved the continuation of a contract with Bromley Youth Music Trust (BYMT) for the delivery of the Music Service.
- 1.2 This report provides:
- (a) an Annual Review of the performance of the BYMT contract beginning at paragraph 3.8;
 - (b) information in paragraph 3.32 on the activity undertaken by BYMT to recent changes in the level of Council funding;
 - (c) information in paragraph 3.23 on the Trust's response to the introduction of new arrangements for Central Government funding for Music Education.

2. **RECOMMENDATION(S)**

- 2.1 **Members of the Education Policy Development and Scrutiny Committee (PDS) are asked to consider the report and note:**
- **performance of the BYMT contract during 2011/12;**
 - **the plans of BYMT in response to current economic constraints;**
 - **BYMT's successful application to secure funding for Music Education from the DfE.**

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Children and Young People:
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Youth Support Programme
 4. Total current budget for this head: £362,100
 5. Source of funding: Council Tax and Revenue Support Grant (£362,100):
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Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 15,000 children and young people
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

Purpose of this Report

- 3.1 This report is presented to comply with the requirements of London Borough of Bromley Financial Regulations, specifically that:
- (i) for all contracts with a value higher than £1,000,000 or which are *High Risk*, an annual report must be submitted to the *Executive*;
 - (ii) where the *Total Value* of the contract exceeds £500,000, the *Officer* must make a written report to the relevant *Portfolio Holder* evaluating the extent to which the *Procurement* need and the contract objectives (as determined in accordance with Rule 5.2) were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract and the authorisation requirements.
- 3.2 The Local Authority's Music Service is delivered by the Bromley Youth Music Trust (BYMT) which provides instrumental and vocal tuition, through schools and central activities, at the Music Centre in Southborough Lane. The Trust has been operating as a charitable company limited by guarantee since April 1994. The Council is represented on the Board of the Trust by a Councillor and Senior Officer on behalf of the Director of Education and Care Services, in a non-voting capacity.
- 3.3 Initially, a contract between the Council and BYMT was for a three-year period from 1 April 1994 to 31 March 1997 with an agreed specification. This was renewed in 1997 for a ten year period to provide financial stability for the Trust. The Executive approved a new contract with BYMT for provision of music services, for a further ten years from 1 April 2007. This new contract included provision for triennial reviews of the contract and annual review of funding to take account of the Council's overall financial position. The total value of the contract over ten years will exceed £6 million. Annual funding, until 31 March 2011, has been from two elements: Council funding and Standards Fund for Music Services. From 1 April 2011, the Standards Fund for Music Services has been replaced with a single Music Grant. This Grant combined the Music Standards Fund and Wider Opportunities elements of the Standards Fund. At their meeting of 21 February 2012 (DCYP12048) members of the Children and Young People Policy Development and Scrutiny Committee were advised that further changes in Government funding would be introduced with effect from 2012. These are detailed in para 3.23-3.31
- 3.4 Following a triennial review of the contract, at their meeting of 26 May 2010 the Executive approved continuation of the contract with the Bromley Youth Music Trust. However, the Executive, mindful of the financial context, sought efficiencies from the contract. These are detailed in para 5.3 - 5.4. Para 3.32 provides information on how BYMT is improving its efficiency and taking steps to increase revenue.

Service Specification

- 3.5 Under its contract with the Council, BYMT is required to provide a broad-based service to all schools, including the special schools and mainstream schools with units. The contract requires that the Trust:
- extends the range of musical opportunities for all children and young people, including those from different backgrounds, vulnerable and hard to reach groups;
 - ensures that access to the service is provided for pupils with special educational needs or impairment;

- has a clear policy statement on equal opportunities and access including the remission and reduction of fees;
- actively promote the Council's and the Trust's equal opportunities policy in partnership with schools, promoting race equality and access for those with disabilities;
- provide ensemble opportunities for all abilities; including, where appropriate, pathways along which learners may find their own level and make progress.

3.6 In working with schools, BYMT is expected to contribute to raising standards in music for all children and young people by providing:

- support for non-specialist Key Stage 1 and 2 teachers;
- demonstrations, workshops, festivals, and concerts;
- support for schools' music events;
- support for collaborative work between schools;
- support for youth support services;
- delivery of instrumental and vocal tuition at key Stage 2 as part of the Standard Funds "Wider Opportunities" music initiative.

3.7 BYMT is also expected to use reasonable endeavours to develop the service within the constraints of the resources made available by the Council, the DfE, other external funding bodies, and any resultant fee income. In addition, BYMT works in partnership with schools and academies, other Council youth support services and appropriate organisations operating within the Borough to:

- enhance the enjoyment and achievement in music education of all groups of children and young people within Bromley;
- identify ways in which its instrumental and vocal curriculum can support pupils' learning in the national curriculum for music and how learning in the classroom can support the development of instrumental and vocal skills;
- provide opportunities to develop pupils' skills through involvement in a coherent progression of musical ensembles/activities;
- ensure that access to the service is provided for pupils with special educational needs or impairment;
- help music staff in schools to extend, and make the most of, pupils' instrumental and vocal skills in classroom music lessons, school ensembles and the extended curriculum;
- stimulate a variety of music experiences in partnership with the local community, schools and other Local Authority and arts organisations.

Annual Review of Contract

3.8 Compliance with the contract is monitored by Education and Care Services (ECS) in three ways. Termly meetings take place with the Principal and Head of Administration, examining performance against targets; reviewing highlights of the previous term; discussing current and planned performances, and checking compliance with fee remission and other policies. Periodic reviews by Internal Audit monitors the ECS Department's contract monitoring arrangements and keeps an overview of the Trust's financial systems with no issues reported to date. The Council is represented on the Trust Board in a non-voting capacity by an elected Member (currently Councillor Kate Lymer) and the Head of Bromley Youth Support Programme as nominee of Education and Care Services. The relationship between the Council and the Trust is based on a longstanding partnership arrangement.

- 3.9 In most cases, the Trust continues to meet and exceed targets set for it under the specification, providing positive activities for a large number of children and young people in the Borough (see **Appendix 1**). BYMT continues to be successful in broadening access to musical opportunities, while continuing to maintain the highest standards in its core work of individual and group tuition. Many of its ensembles continue to win national and international competitions, which have enhanced the reputation of the Borough within this country and abroad. In 2011/12, BYMT has enjoyed an outstandingly busy if challenging year with a number of developments and special events, highlights of which are mentioned below.
- 3.10 Between 7 and 10 April 2011, Bromley Youth Symphony Orchestra visited Neuwied, and performed two concerts, in the presence of both the Mayor of Bromley and the Oberbürgermeister of Neuwied. One performance was at a local school for children with SEN and the other in Neuwied's main concert hall, in front of a packed house, who gave a standing ovation.
- 3.11 Four BYMT groups were invited to play at the National Festival of Music for Youth in Birmingham. In the autumn term, 40 Flutes (BYMT's Flute Choir) were selected to perform at the National Primary Schools Proms at the Royal Albert Hall and Big Phat Brass (a 10 piece brass ensemble) in the main Schools Proms, also at the RAH. There was not one other ensemble from any other London music service to be seen, either at the National Festival or at the Royal Albert Hall.
- 3.12 In September 2011, BYMT held an Open Day at the Centre to encourage young children to take up an instrument or learn to sing and BYMT's Busking Band visited Riverside Special School, where some of the children were given the opportunity to conduct. The Band also visited several other primary schools.
- 3.13 In December, Bromley Youth Concert Band shared its annual Christmas Concert at St George's Beckenham, together with the BYMT Adult Choir and the Band of the Welsh Guards, Director of Music Lt Col Stephen Barnwell.
- 3.14 The 2012 spring term has been memorable because BYMT has access to the new facilities at Langley Park School for Boys. From January, Saturday Strings, Concert Orchestra and Symphony Orchestra have all been rehearsing there each Saturday morning during term time. BYMT gave its first set of concerts, culminating in a performance by Bromley Youth Symphony Orchestra, to which many distinguished guests were invited. The new performance space is superb, both in acoustic and ambience.
- 3.15 On 7 February, more than 30 of BYMT's most advanced players were invited to perform side by side with the London Philharmonic Orchestra in the Royal Festival Hall as part of a schools' concert. Just under half the LPO players left the stages and the young BYMT musicians took their places.
- 3.16 A few weeks later, Bromley Youth Chamber Orchestra and Bromley Youth Concert band gave a concert at St John's Smith Square, London and shortly after that were the 2012 BYMT Schools Proms held at Fairfield, Croydon. 48 Bromley Schools took part with more than 3000 children performing and their families formed a large part of the audiences at the three concerts.
- 3.17 Bromley Youth Concert Band had the honour of being invited to share the Gala Concert at the 2012 BASBWE South Eastern Festival with the Band of the Grenadier Guards on 24th March at Ravens Wood School. The British Association of Symphonic Bands and Wind Ensembles (BASBWE) is the national umbrella organisation.

Widening Access

- 3.18 BYMT continues to run its Wider Opportunities scheme with considerable success. This is targeted at Year 3 pupils, although some schools prefer Year 4 pupils to participate in whole-class instrumental tuition. A wide range of instruments are offered, including African Drumming, Clarinet, Harmonica, Junk Percussion, Ukulele and Violin. During this year BYMT taught 3,426 children in this way (3,223 the year before). A further 1,563 were able to learn an instrument in continuation projects set up by BYMT. BYMT's 'Band on the Run' project for brass instruments was set up as a transition project between Wider Opportunities and individual/shared lessons. These are five week projects, where the costs are shared between BYMT, the parents and the school. During this last year, seven schools have participated in 'Band on the Run'.
- 3.19 Wider Opportunities classes in regular Bromley schools include every child with SEN, unless the school prefers them not to participate. It is not been possible to provide exact data as to how many children with SEN participate as BYMT is not permitted to have Unique Personal Number data and a number of schools do not provide the information. BYMT provides weekly Wider Opportunities classes at both Riverside and Marjorie McClure Special Schools, although these classes are open to children on any age who can derive benefit. Weekly instrumental tuition also takes place at these schools.
- 3.20 Progress has been made in setting up a Saturday morning music school in the Penge/Anerley district. James Dixon Primary School in Anerley has been selected as the best venue and has agreed to host the centre. Discussions are under way and it is hoped to set up this centre for September 2012, or as soon after as practicable for a pilot project. If the centre thrives, the next step will be to attempt a similar project in the Cray Valley.
- 3.21 The Trust is required to administer the Council's policy on Fee Remission in cases of hardship. This is to ensure that students in economic need are not barred from access to provision. Children of parents in receipt of Job Seekers Allowance or Income Support receive free lessons, instrument hire and group membership. In addition, pupils who do not qualify under these arrangements but are in economic need may apply under a bursary scheme. In 2011/12 205 pupils received support from this scheme. All applicants must be resident in the London Borough of Bromley and the child must attend a Bromley school. No child is refused assistance if the requested criteria are met.
- 3.22 The Trust staged an Easter holiday course for Children in Care to play Ukulele and is developing a programme of opportunities for these children to learn instruments and join BYMT groups. Discussions are also under way to provide regular opportunities for home schooled children.

Changes to Central Government Funding for Music Education

- 3.23 At their meeting of 21 February 2012, members of the Children and Young People Policy Development and Scrutiny Committee were asked to note publication of the DfE's national plan for Music Education which introduces new funding arrangements to support Music Education (DCYP12028).
- 3.24 The national plan includes:
- a new national funding formula to make sure all parts of the country get fair funding for music on a per pupil basis, with a weighting for deprivation;
 - funding of £77 million, £65 million and £60 million confirmed for the financial years 2012/15. The majority of this funding is to be allocated to new Music Education Hubs, which from 2012 will deliver music education in partnership.

- 3.25 Guidance from the DfE is clear that the Department's expectation is that the Music Education Hubs will build on the work of existing local authority music education service. As the provider of Bromley's music education service, Bromley Youth Music Trust agreed to act as the lead partner in the Bromley Music Education Hub. The role fulfils the expectation within the current specification for the Bromley Music Education Service that the Trust will provide strategic leadership for the development of music education in Bromley.
- 3.26 The Trust has formed a Music Education Partnership Group to provide multi-agency expertise and challenge to the development and subsequent operation of the Hub. The Music Education partnership Group now also forms one of the sub-committees of the BYMT Governing Board.
- 3.27 The Music Education Hub's membership includes representatives from Bromley's Primary, Secondary and Special schools, Bromley Mytime, local Arts Council and the Local Authority.
- 3.28 BYMT, with the support of the Music Education Partnership Group and from the Council's BYMT liaison officer (Head of Bromley Youth Support Programme), was lead partner in the application to the Arts Council for Music Hub Funding.
- 3.29 The application process opened on 25 November 2011 and closed on 17 February 2012. On 4 May 2012, BYMT were advised that their application had been successful and that Government funding has been secured until 2015.

Changes to the Level of Council Funding

- 3.30 Although music is part of the National Curriculum, the provision of a Music Education Service is discretionary and subject to review as necessary. When approving the continuation of the contract with BYMT in May 2010, the Executive did so on the basis that it would review the level of funding available to the contract should there be significant change in Local Government funding. The outcome of the Executive's subsequent review is described in para 5.2-5.4.
- 3.31 In view of these changes in the level of Council funding, a review of the level of service provided under the current service specification is to be undertaken in conjunction with an audit of music education in the Borough that the Trust is required to organise as a condition of the DfE Music Education Hub grant funding.

The Future Plans of BYMT in response to current economic constraints

- 3.32 The BYMT is implementing the following funding strategy to mitigate against the impact of changes in the level of Council funding.
- Individual lesson fees (currently £28.20 per hour) will be increased above inflation. Increases to fees for first year of tuition are to be kept at a lower 'introductory' level.
 - Fees for Saturday morning (bands and orchestras) activities, fees have been raised by 33% in preparation for next year and are subject to further review.
 - Evening group fees are to increase above inflation. Fees for beginner groups will remain at a lower introductory level.
 - For lesson fees and group membership fees, consideration is being given to a scale of prices where a family has more than one child learning.
 - Consideration is being given to increasing prices for out-of-borough customers, but with regard to ensuring that increased fees relative to in-borough do not act as a disincentive to take up from a potentially expanding market.

- Concert hire costs will reduce as a result of the relocation of concert events to Langley Park School for Boys.
- Equipment transport costs to and from concerts will be lower as all equipment will be available at the new concert hall.
- Concert ticket prices will be increased above inflation, justified by the high quality of the new concert hall with its much better facilities and sightlines. Consideration is being given to introducing a family ticket to provide a discount for families with more than one child.
- The Trust is working to develop its paying audiences, especially for the most advanced groups such as BYSO, BYCO and BYCB.
- The Trust has an active Fundraising Committee and has introduced an Alumni Group called The Network.
- Fees paid by schools for BYMT's Primary Schools Adviser have been increased this year above inflation and will be increased again similarly.
- Fees charged to schools will increase again above inflation.
- New income-generating group activities (including an adult orchestra) are being devised and implemented.
- Sharing of promotional costs with other organisations, such as the Bromley Arts Council.
- Connections are being developed with out-of-borough schools currently including Coloma Convent School (Croydon), Crockenhill Primary (Kent) and Somerhill Preparatory Schools (near Tonbridge). The key objective is to recruit new pupils to BYMT groups.
- The Trust is working with the newly-established Music Education Partnership Group to identify additional sources of funding.
- In the longer term, the opportunity to sell into and share services with other boroughs will be developed to enhance the Trust's capacity to generate additional income to offset reductions in funding from the Council and from Central Government.

4. POLICY IMPLICATIONS

- 4.1 BYMT contributes to the 'Building a Better Bromley' strategy for children and young people in that it helps to widen the curriculum and raise achievement of children and young people and, in conjunction with Bromley Youth Support Programme (BYSP), provides positive activities for young people.

5. FINANCIAL IMPLICATIONS

- 5.1 In 2012/13 the Council's Grant to BYMT is £350,440.
- 5.2 DfE has introduced new arrangements for funding Music Education (para 3.23 – 3.29) and has announced funding allocations set out at Local Authority area level covering the period 1 April 2012 to 31 March 2015.

2012/13	£417,359
2013/14	£360,094
2014/15	£366,321

The funding has been allocated to Local Authority areas through a process of application. With the support of the Local Authority, the BYMT acted as lead partner in the application and direct recipient of the grant and was successful in its application.

5.3 At the Council's meeting of 28 February 2011, the Council took the decision to make a reduction in the level of Council funding to BYMT of £40k to be achieved by 2012/13 as a contribution towards overall savings that the Council is required to make in the light of the Government's Comprehensive Spending Review of November 2010.

5.4 At its meeting of 1 February 2012, the Executive recommended to the Council a further reduction in the level of Council funding to BYMT to be achieved as follows:

2012/13	£20k
2013/14	£40k

At the same meeting, the Executive recommended that further work be undertaken to achieve further savings over the next two years. The reduction was ratified by Council at its meeting on 20 February 2012.

5.5 In view of these changes in the level of Council funding, a review of the level of service provided under the current service specification will be initiated during this financial year.

5.6 As outlined in para 3.32, the Trust is implementing a strategy to mitigate against the impact of changes in the level of Council funding.

6. LEGAL IMPLICATIONS

6.1 A music service, such as BYMT, is discretionary. As an educational service, when recontracted in 2007 there was no requirement on the Council to put the music service out to tender under EU Regulations, although the outcome was advertised as required in the appropriate journals. In addition, the relationship with Bromley Youth Music Trust is in the nature of a partnership rather than a commercial contract, although the latter does include necessary safeguards to ensure that the Council's interests are protected, and these will be reviewed as appropriate. Similarly, reductions in the funding from the Council or other significant changes in Government funding arrangements will prompt a review of the service level provided under the current service specification.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	DCYP12028 Changes to Central Government Funding for Music Education

BROMLEY YOUTH MUSIC TRUST

STATISTICS

AUTUMN 2010 - SUMMER TERM 2011

Indicator	Target	AUTUMN	SPRING	SUMMER
Pupils regularly receiving tuition (termly)	5,000	4,766	4,656	4,451
Pupils participating in Bromley Schools Prom (biennially)	2,500	-	-	-
Pupils participating in other projects (annually)	2,500	4,596	4,730	4,419
Pupils hiring instruments	Actual	929	542	624
Pupils receiving remission for hardship	Actual	195	187	118
Pupils participating in central activities (termly)	1,200	1,249	1,319	1,377
Beginner pupils (termly)	400	814	297	196
Concert performances (annually)	50	20	17	34
Full-time teachers	Actual	16	16	16
Licensed Teachers	Actual	170	168	162
Teacher hours (termly)	18,000	17,241	17,027	16,532
Teacher hours on central activities (annually)	4,500	4,500	4,500	4,500
Schools using BYMT teachers (termly)	80	89	89	89

BROMLEY YOUTH MUSIC TRUST

STATISTICS

AUTUMN 2011 - SUMMER TERM 2012

Indicator	Target	AUTUMN	SPRING	SUMMER
Pupils regularly receiving tuition (termly)	5,000	4,713		
Pupils participating in Bromley Schools Prom (biennially)	2,500	-	3,027	-
Pupils participating in other projects (annually)	2,500	4,406	4,436	
Pupils hiring instruments	Actual	534	534	
Pupils receiving remission for hardship	Actual	150	181	
Pupils participating in central activities (termly)	1,200	1,196	1,270	
Beginner pupils (termly)	400	1,514		
Concert performances (annually)	50	24	26	
Full-time teachers	Actual	16	16	16
Licensed Teachers	Actual	163	165	
Teacher hours (termly)	18,000	17,430		
Teacher hours on central activities (annually)	4,500	4,500	4,500	4,500
Schools using BYMT teachers (termly)	80	89	89	

Footnote: There have been small reductions in numbers of children participating in some activities between 2011 and 2012. This may be due to increased prices and exam/academic pressures from schools. However, the Trust has started a pupil/customer recruiting campaign and while the figure for beginner pupils Autumn 2011 was 814, the figure for Autumn 2012 is 1,514, a major increase. It is hoped that this will impact on group/central activities.

Some figures for the Spring term are not available at the time of compiling the report as not all staff registers have been returned. The Summer term is only partially under way but a noticeable increase in junior group membership has been evident.