

Welsh Jazz Society complaint upheld Arts Council of Wales issues an apology

Key points leading to the apology from the Arts Council of Wales.

1 The Welsh Jazz Society Ltd (This information applies up to July 2008)

The Welsh Jazz Society (WJS) employs one full time person and is a small charitable company limited by guarantee, incorporated on 27 September 1978 and registered as a charity on 17 November 1978.

The charity's principal activity is that of the promotion and advancement of education by encouraging and fostering the understanding, knowledge, appreciation and development of jazz and improvised music. The Society programmes and presents over 250 live performances each year primarily featuring Welsh based musicians. The Society maintains close contact with regional jazz societies across Wales and assists in the development of their activities through advice, publicity and promotion.

The WJS had been financed by the Arts Council of Wales (ACW) since 1979.

Funding from the ACW declined from £57,790 in 2003 to £52,010 in 2007. The WJS in the period 2003 to 2007 matched WAC funding by an average of 44%.

The ACW announced that they were withdrawing funding by letter dated 29 January 2008 and the WJS appealed against the decision on 2nd April 2008.

2 The Withdrawal of Funding

IN January 2008, as a result of a three year review of a number of ACW funded organisations, the Arts Council of Wales wrote to the WJS giving six months notice of its intention to withdraw Revenue funding. The letter stated that from the evidence gathered, the weight of the Society's activity was towards being a promoter of jazz events rather than a provider of services to the jazz music sector and that it was not operating as effectively as it could in its role as a promoter. The review concluded that the WJS did not address ACW strategic priorities and there was no clear rationale for supporting it.

The Society questioned as to why the ACW had not previously drawn attention to any alleged lapses in service provision to the jazz music sector or provided any evidence of ineffectiveness as a promoter. The ACW was unable or unwilling to provide this evidence to the Society.

In April the appeal was turned down and the WJS made a complaint to the Public Service Ombudsman. The WJS website contains full documentation including the complaint, the findings and the response to the findings. Please see www.jazzwales.org.uk

3 Events leading up to the appeal to the ACW's decision to cease funding on 2nd April 2009

3.1 Correspondence with Peter Tyndall, the then Chief Executive of ACW

Chris Hodgkins wrote to Peter Tyndall (the then Chief Executive of ACW) on the 31st January 2008 requesting, under the Freedom of Information Act "*papers and minutes of meetings that pertain to the decision to axe funding of the Welsh Jazz Society*" and requesting that he "*confirm that the people involved in the decision have a demonstrable level of expertise in jazz, its practice and management.*"

The information, despite a number of follow up requests was not delivered by the date of the appeal on the 2nd April 2008. Hodgkins made a formal complaint to the Information Commissioners Office on the 31st August 2008.

The Information Commissioners findings in a letter to Hodgkins on the 8th January 2009:

“During our conversation on 5th January 2009 you expressed your dissatisfaction with the way that ACW handled your initial request and the fact that you had to make repeated requests in order to obtain all the relevant information relating to your request.

These issues have been highlighted to ACW which has been informed that although no formal action will be taken in relation to the handling of your request, the Commissioner monitors all complaints. Any discernable trend of non-compliance may result in the Commissioner taking enforcement action against ACW.

3.2 Correspondence with Professor Dai Smith concerning the cessation of funding for the Welsh Jazz Society

During the lead up to the appeal against the ACW's decision many people wrote to Professor Dai Smith. The WJS made a number of enquiries under the Freedom of Information Act to ascertain the level of response to enquiries from supporter of the WJS who are also tax payers. The Freedom of Information enquiries revealed a disgraceful, arrogant and discourteous treatment of tax payers voicing legitimate concerns. Professor Dai Smith received 58 letters in response to the decision by the ACW to withdraw funding by the ACW. Of the 58 letters:

- 45 letters were letters of support for the WJS, one of which did not include address details.
- 12 letters were received commenting on the reduction in funding for jazz in Wales in general, all of which included addresses.
- One letter of support was received in favour of the ACW decision to withdraw its revenue funding from the WJS, with address details. There were only nine responses from the ACW to these letters:
 - One to the Welsh Jazz Society
 - One to Jazz Services Ltd
 - Seven taking the form of a general reply in response to letters of enquiry from Assembly members.

The abrogation of a duty of care to respond to enquiries by tax payers naturally leads to an analysis of the effectiveness of ACW under its current leadership in terms of value for money.

Set out below is a league table that examines the remuneration of Chairs of UK Arts Councils, total incoming funds, effectiveness of staff in disbursing incoming funds and the cost of the Chair to each employee. It will come as no surprise to see the Arts Council of Wales under the current leadership is at the bottom of the league table.

It is also worth noting that the remuneration for the Chair of ACW was £38,000 in 2006/07 and has risen to £43,160 in 2008/09, an overall increase of 13.6%. This remuneration is in respect of a three day working week.

**League Table of effectiveness of Arts Councils in England, Scotland, Northern Ireland and Wales
of part-time Chairs remuneration to staff activity in disbursing funds**

Year	Organisation	Chair's remuneration	Total Incoming Funds	Average number of full time equivalent employees	Disbursement per member of staff	Cost of Chair per employee
2008/09	Arts Council of England	Liz Forgan £40,000	£594,163,000	765	£776,683	£52
2008/09	Scottish Arts Council	Richard Holloway £21,824	£48,871,000	101.5	£481,487	£215
2007/08	Arts Council of Northern Ireland	Chair: R Kelly £ 9,855 Vice Chairs: M Bradley £2,667 D Coyle £1,167	£20,052,275	54.8	£365,917	£250
2008/09	Arts Council of Wales	Professor Dai Smith £43,160	£31,657,000	97	£326,360	£445

Source: Report & Accounts 2008/09 ACE/SAC/ACW, 2007/08 ACNI

3.3 The final review meeting with ACW

On the 9th September 2008 Brian Hennessey (Managing Director WJS) and WJS Trustee Chris Hodgkins met with three officers of the ACW – David Newland, Director (South Wales), Michael Goode, Arts Development Officer and Einion Daffyd, Senior Music Officer. Various reminders to the ACW finally produced minutes on the 3rd March 2009 – six months later. The excuse from David Newland:

"I have to apologise for the delay in getting this out to you which is due to capacity issues in my office. Unfortunately I am having to write several similar letters to clients who should have received their reports more promptly."

4 The letter of apology from the ACW as a requirement of findings of the Public Service Ombudsman for Wales

The apology from the ACW issued by the Chief Executive of the ACW merely accepted the Ombudsman's findings but without further comment. In particular there is no explanation as to how the 'error' occurred, the circumstances as to how the erroneous conclusion was made and whether the 'error' was significant in the appeal process conducted by the ACW.

5 Conclusion

The actions of the Arts Council of Wales in withdrawing funding from the Welsh Jazz Society provide a prima facie case for a thorough review of the role, culture, remuneration policy and operations of the Arts Council of Wales.

1. WJS Complaint to the Ombudsman

What do you think the Arts Council of Wales did wrong or failed to do?

1. Introduction

The Welsh Jazz Society (WJS) employs one full time person and is a small charitable company limited by guarantee, incorporated on 27 September 1978 and registered as a charity on 17 November 1978.

The charity's principal activity is that of the promotion and advancement of education by encouraging and fostering the understanding, knowledge, appreciation and development of jazz and improvised music. The Society programmes and presents over 250 live performances each year primarily featuring Welsh based musicians. The Society maintains close contact with regional jazz societies across Wales and assists in the development of their activities through advice, publicity and promotion.

The WJS has been financed by the Arts Council of Wales (ACW) since 1979.

Funding from the ACW declined from £57,790 in 2003 to £52,010 in 2007. The WJS in the period 2003 to 2007 matched WAC funding by an average of 44%.

The ACW announced that they were withdrawing funding by letter dated 29 January 2008 and the WJS appealed against the decision on 2nd April 2008. The reasons for the withdrawal of funding were that the WJS:

- Is a promoter of jazz events and does not provide services to jazz
- Is not operating effectively as a promoter
- Does not address WAC strategies and priorities

2. The Complaint

The complaint against ACW is in two stages; the maladministration of WAC leading up to the decision to withdraw funding and secondly maladministration with regard to the appeal process.

2.1 Stage 1

- 2.1.1 ACW undertook a review of the umbrella and strategic organisation sector in August 2001. It was recommended that WAC should undertake a review of support for jazz in Wales. The review did not take place.
- 2.1.2 A trustee wrote to the ACW on 28 January 2005 asking why he had not been informed of the results of the review of August 2001 as he had attended. A response to his letter of 28 January 2005 was received on 2 March 2005 saying that a copy of the report would be emailed to him as the opportunity to respond closes on the 14 January 2005.
- 2.1.3 In March 2002 Simon Lovell Jones, the Senior Development Officer, recommended that ACW conduct a far reaching review of the jazz sector in Wales. This review was never undertaken.
- 2.1.4 ACW members were informed on the 4 January 2003 that as part of the Music Development Strategy of 10 September 2002 a review of jazz has been identified as a priority for a number of years. There was no subsequent review of jazz in Wales.
- 2.1.5 A trustee attempted to apply for lottery funding for WJS touring. The trustee wrote to the ACW in November 2001 and received no reply. The trustee wrote again on 16 January 2002 and again

receiving no reply, wrote again on 18 March 2002 to elicit a response. The application was turned down.

- 2.1.6 The Director of the WJS, Brian Hennessy, wrote to David Newland of the ACW on 5 February 2004 concerning the Touring Programme of the WJS. The letter clearly pointed out the concerns that the WJS had with regard to touring. There has been no reply from David Newland.
- 2.1.7 In May 2005 ACW announced a review of WAC clients. ACW assured WJS that this would be completed by March 2006. In February 2006 WJS was advised by ACW they had decided to undertake a further review of support service providers such as WJS. The WJS "would be offered" a one year agreement and assurances were given by ACW that uncertainty would be minimised and WJS informed of development. Nothing more was heard from ACW until an email was received from a ACW consultant announcing the Second Stage review on 4 July 2006 and that it would be completed by 14 July 2006. In September 2006 WJS received a telephone call from an ACW consultant who had been engaged for the Second Stage review of clients. The consultant's report was emailed to WJS which comprised eight pages of information that had already been filed at ACW offices.
- 2.1.8 A trustee was asked to comment on the terms of the Second Stage review by 26 May 2006. The trustee wrote to ACW on 18 May 2006 and again on 3 August and received a reply on 15 August 2006 by which time the survey had been conducted, in July and August 2006, by the ACW consultant. The review process was flawed; the time frame for responses was too short and the terms of reference offered for consultation were a foregone conclusion.
- 2.1.9 Between 2002 and 2007 the ACW undertook four Annual Review meetings. The ACW states that it acts in partnership and that promotion and delivery of artistic excellence is a corporate priority for ACW. In addition it states that artistic excellence (where appropriate) will be assessed and discussed as part of the annual review meetings. There have been no adverse comments in any of the last four review meetings. Openness, fairness, transparency, honesty, natural justice and ACW's own guidelines and funding agreements dictate that any concerns regarding touring and promoting, provision of services and achieving ACW's strategic objectives should have been explicitly mentioned at review meetings. The review of service providers was completed in autumn 2006 so the ACW should have mentioned any concerns at the review meeting; no concerns were raised. This is another prima facie example of an abrogation of ACW processes and procedures.
- 2.1.10 Between 5 September 2005 and 30 April 2007 ACW attended only one board meeting out of 10 meetings, another example of ACW failing to undertake its own processes. The board of WJS has always welcomed attendance by ACW representatives as they have informed the Board's decision making processes and the work of the company.
- 2.1.11 The ACW failed to review WJS activities and events.

Clause 4 of Appendix 3 of its WAC Revenue Funding Agreement with the WJS states: "ACW will review at least two of your organisation's activities... you will receive copies of all review reports." In six years the WJS has only received one report of a concert at St David's Hall on 30 October 2001. To that extent the ACW were guilty of maladministration in that it failed to comply with its own rules.

2.1.12 In summary: the ACW was guilty of maladministration in that as a public body it failed at any time at its annual review meetings with WJS to express any concerns of the nature that led to the withdrawal of funding in January 2008 which were that the WJS:

- Is a promoter of jazz events and does not provide services to jazz
- Is not operating effectively as a promoter
- Does not address WAC strategies and priorities

By so failing the WJS were denied the opportunity of addressing those concerns before the decision was made.

1.1 Stage 2

2.2.1 The ACW failed to adhere to its own appeals processes.

ACW in its appeals procedures states in 2.6: "ACW will sometimes make policy decisions (such as a review of certain sectors) that could potentially result in the removal/reduction in funding to organisations that have been receiving grant aid. Before coming to any such policy decision ACW will consult widely with all interested parties and will make clear the implications of the introduction of its policy e.g. the possibility that some organisations may lose funding. A reasonable minimum period will be given to interested parties to respond to ACW's intention to change its policy and ACW will fully follow its consultations."

The WJS has not had sight of or been offered a copy of ACW's consultation procedures. ACW has failed to consult widely with all interested parties. Here are a few of the interested organisations who the WJS know not to have been consulted:

Preservation Jazz Society
Torfaen Jazz Society
Cardiff Jazz Society
Cambrian Arts
Swansea Jazz Society
Jazzland Swansea
Women in Jazz Swansea
Jazz Services
The Musicians' Union
Theatr Clwyd
St David's Hall
Taliesin Jazz Society
Brecon Jazz Society
Fishguard Jazz Society

2.2.2 The ACW failed to answer queries that would have assisted the WJS in its appeal.

A trustee wrote to Peter Tyndall the Chief Executive of ACW on the 31st January 2008. "I would be grateful if, under the Freedom of Information Act, you would provide me with all papers and minutes of meetings that pertain to the decision to axe funding of the Welsh Jazz Society." Despite the repeated requests for the evidence that has led to this decision, none has been forthcoming. The trustee has had to investigate through repeated requests for the evidence, which is still at the present time merely hearsay and circumstantial. The paper trail and investigation led to a ACW Internal Audit Report that brought to light minutes of, and existence of, a "Review of Service Provider Organisation Review Group" and a Senior Management Team. These papers had not been made available to WJS in spite of the request for "all papers and minutes of meetings that pertained to the decision to axe funding of the Welsh Jazz Society had been requested on 31 January 2008." The invaluable information contained in the ACW Internal Audit Report was too late to assist in the appeal on the 2nd April 2008. The trustee also

requested the minutes of the Service Provider Review Group for 25th May 2006, 31st July 2006, 23rd October 2006 and the 19th February. They have not been forthcoming.

- 2.2.3 ACW has yet to produce concrete evidence to support their decision to withdraw funding. The evidence they produce is hearsay and circumstantial.
- 2.2.4 In summary: the ACW was guilty of maladministration. The appeals process in that information was available to the ACW which was not available to the applicant. This quite clearly is in breach of the rules of natural justice and in itself alone is an example of maladministration by the ACW.

2.2.5 Documentary evidence is available from WJS in support of each matter set out herein and is available on request. In considering the application the Ombudsman's attention is drawn to the imbalance in resources of the parties. The ACW is a large publicly funded body with substantial resources whilst the WJS is a small voluntary body with one member of staff and relies heavily on volunteers.

3. Report under Section 21 of the Public Services Ombudsman (Wales) Act 2005, of an Investigation into a complaint made against the Arts Council of Wales

This report is issued under Section 21 of the Public Services Ombudsman (Wales) Act 2005 ("the Act"). In accordance with the requirements of the Act details which might identify individuals have been omitted so far as that can be done without impairing the effectiveness of the report. The report accordingly refers to the complainant as the Welsh Jazz Society (WJS) and the Arts Council of Wales as (ACW). The complaint arose from a decision of the Arts Council of Wales (ACW) to cease funding the Welsh Jazz Society (WJS). The WJS complained to the Public Services Ombudsman for Wales in January 2009. Given that the Ombudsman was the Chief Executive of the ACW at the time the matters complained about arose, he delegated authority to me, in accordance with paragraph 13 of Schedule 1 of the Act to consider the complaint. I authorised an external reviewer of cases from the Parliamentary and Health Services Ombudsman to assess, and if appropriate, to investigate the complaint. His report is appended. The ACW has seen a draft of the appended report and has agreed to implement the recommendation listed at paragraph 37.

I formally accept the external reviewer's report in accordance with the authority delegated to me by the Ombudsman.

Elizabeth Thomas
Director of Investigations Date: 1 December 2009
Signed under the authority delegated to me by the Ombudsman
Report Reference Number: 200802159

4. Report of an investigation into a complaint against the Arts Council of Wales, carried out under the Public Services Ombudsman (Wales) Act 2005

INTRODUCTION

1. In assessing the evidence submitted by the WJS in support of its complaints, I looked first to see whether it contained evidence of injustice or hardship, consequent upon maladministration or poor service by the ACW, that called for investigation. In doing so, the Ombudsman's Principles of Good Administration was taken into account.
2. As a result of the assessment, I decided that an investigation with specific terms of reference would be justified. This report covers the results of both the assessment and the investigation, but first it describes: the complaint (in summary); the context (descriptions of the two bodies concerned); the events leading to the complaint; and the evidence submitted in support of it.

THE COMPLAINT

3. The complaint alleges maladministration by the ACW in two of its processes:
 - a) The process leading up to the ACW's decision to cease funding the WJS from 31 July 2008, and
 - b) The process by which the WJS was able to appeal against that decision.
4. In respect of the process leading to the decision to cease funding, the WJS contends that the ACW failed:
 - i) To communicate to the WJS concerns about its performance that it cited in its reasons for withdrawing funding;
 - ii) To give the WJS an opportunity to respond to those concerns before the decision was taken; and
 - iii) To show evidence to support its view of the WJS's performance.
5. In respect of the appeal process, the WJS contends that the ACW failed:
 - i) to comply with its own published undertaking to consult over policy changes or reviews that could result in removal or reduction of funding, and
 - ii) to disclose information relevant to the appeal.

Context

6. The ACW was established by Royal Charter in 1994. Since 1 July 1999 it has been accountable to the National Assembly for Wales. The Welsh Assembly Government provides the ACW with money to fund the arts in Wales, and appoints the ACW's Council. The ACW is accountable to the Welsh Assembly Government for its use of the money provided to it, and operates under a remit issued by that Government. The ACW publishes, amongst other things, its aims, vision, corporate and operational plans. The ACW has discretion over the allocation of most of the money available to it, in accordance with its plans and priorities.

7. The WJS is a charitable company limited by guarantee, established in 1978. It works with other affiliated jazz societies in Wales, with the aim of encouraging and fostering the understanding, knowledge, appreciation and development of jazz music. The organisation comprises a Director, who reports to a Board of Trustees. The Board meets periodically with an Advisory Committee, representing associated jazz societies and groups.

EVENTS LEADING TO THE COMPLAINT

8. On 28 April 2006, the ACW wrote to the WJS describing the second phase of its review of revenue funded organisations, including the WJS. The letter invited comments on the proposed terms of reference for that phase of the review, and outlined the methodology, including the intention to carry out the review internally, while also using consultants to undertake a data collection and "mapping" exercise in which the WJS would be involved.
9. The WJS responded to the invitation to comment, on 18 May 2006. One of its comments was that the terms of reference did not appear to allow for the fact that the WJS not only provided services but was also a direct promoting body. In a response on 15 August, the ACW said that the review was intended to cover organisations that offered an element of service provision as part of their overall role.
10. Meanwhile, on 4 July 2006, the consultants employed by the ACW as part of the review, emailed the WJS and others explaining that the aim was to put together a factual report on each of the organisations under review. The email offered the possibility of a meeting or telephone discussion, and promised a copy of the report. It stressed that the consultants were simply "data gatherers" and any questions about the review itself and decisions arising from it should be addressed to the ACW.
11. On 2 March 2007, the ACW wrote to the WJS offering continued revenue funding for 2007-08. In the letter, the ACW said that during 2007-08 the WJS would be included in the ACW's ongoing review of Service Providers. Over the next six months the ACW planned to discuss future arrangements for funding with the WJS, adding that there was no guarantee of funding beyond March 2008.
12. On 29 January 2008, the ACW wrote to the WJS giving six months' notice of its intention to withdraw its revenue funding, from 31 July 2008. The letter said the main reason for this decision was that, following the ACW review of Service Providers, it was concluded from the evidence gathered that the weight of the organisation's activity was towards being a promoter of jazz events rather than as a provider of services to the jazz/music sector, and that it was not operating as effectively as it could be in its role as a promoter. The review had concluded that the WJS did not address ACW's strategic priorities and there was no clear rationale for supporting it.
13. The WJS appealed against this decision, under the appeal system then operated by the ACW. As the Chief Executive of the ACW had been involved in the decision making process, the appeal went directly to the appeal panel, instead of through the Chief Executive. Under the appeals system, no appeal could be made against the merits of the decision. An appeal could be upheld only if the appellant established that the ACW had failed to follow correctly the relevant procedure, or had in some other way been materially unfair to the appellant. The appeal panel would consider whether relevant information had not been considered by the ACW; whether irrelevant information had been taken into account; and whether any aspects of the procedures displayed bias.
14. The WJS, and the ACW, attended the appeal hearing on 2 April 2008, to put their respective views and arguments to the panel, which consisted of three independent members (including the chair). The panel decided not to support the appeal. In reporting its decision, the Chair said that the panel acknowledged the challenges faced by the ACW in seeking to address its strategic and funding priorities, and did not accept that the ACW had displayed any bias or shortcomings in its decision making process. The panel had also not found any extraneous pieces of information that had been considered inappropriately by the ACW.

EVIDENCE SUBMITTED BY THE WJS TO THE OMBUDSMAN

15. In support of its complaint against the ACW's decision-making process, the WJS has submitted the following case:
- i) The ACW's Review of Service Providers was not carried out in an open and consultative way. The consultants used in the review carried out a paper exercise and produced a largely factual report without interviewing those concerned in the WJS.
 - ii) The WJS had no opportunity to contribute to the Review, or respond to the issues highlighted by it. Comments the WJS made on the terms of the Reference for the Review had made no difference. The ACW took insufficient account of the imbalance between its own resources and those of the WJS.
 - iii) The ACW should have undertaken a review of the Jazz sector, as had been proposed in 2001-02.
 - iv) The ACW made insufficient use of its right to attend the Board meetings of the WJS, and was consequently ill-equipped to form judgements about the WJS' performance.
 - v) The ACW did not raise concerns about the performance of the WJS when it participated in annual review meetings, a purpose of which was to establish whether the WJS was fulfilling the terms of its funding contract.
 - vi) The ACW has not produced evidence to justify its decision to withdraw funding.
16. In support of its complaint about the appeal process, the WJS has submitted that:
- i) The ACW did not meet its undertaking, in paragraph 2.6 of its published appeal procedures, to consult with all interested parties before taking policy decisions, such as reviews of certain sectors, that could potentially result in the removal or reduction in funding to organisations that had been receiving grant aid.
 - ii) The ACW declined to provide the WJS With information that would have helped in preparing its appeal, some of which was eventually provided after the intervention of the Information Commissioner, but only after the appeal had been determined.
 - iii) The ACW failed to substantiate its decision through the appeal process.
17. The WJS identifies two injustices resulting from the alleged shortcomings in the ACW's handling of the matter:
- i) The withdrawal of funding itself, and
 - ii) Damage to the reputation of the WJS caused by one of the reasons given for the withdrawal of funding I.E, the statement that the WJS had not been operating as well as it could be as a promoter of jazz events. To remedy the first of these, the WJS argues that restoration of funding would be appropriate. For the second, the WJS asks the ACW to recognise its error of judgement.

OUTCOME OF THE ASSESSMENT OF THE COMPLAINT

18. In assessing the evidence submitted by the WJS I have taken into account that it is not part of the Ombudsman's role to review the merits of a decision by a body within his jurisdiction. Rather, the role of the Ombudsman is to see whether people have been treated unfairly or inconsiderately, or have received a bad service, through some fault on the part of the body complained against. In taking the Ombudsman's Principles of Good Administration into account, I have assessed whether any shortcomings in relation to those Principles was serious enough to lead to injustice or hardship.
19. Having assessed the complaint as put forward by the WJS, I decided that I needed to investigate it for the following purposes:
- i) To establish whether
 - a. The ACW followed appropriate procedures in order to arrive at its judgement that the WJS was not operating as effectively as it could be as a promoter of jazz events.

b. The actions of the ACW in this case were consistent with its commitment in paragraph 2.6 of Appendix F of its then Code of Best Practice, to consult interested parties about policy changes that might result in loss of funding.

ii) To consider, if any shortcomings are found in ACW's handling of the case, whether any hardship or injustice was a consequence of those shortcomings, and if so what would constitute an appropriate remedy.

The reasons for that decision were as follows.

The review of service providers 20.1 concluded that the ACW had acted reasonably in organising the review of service providers in the way that it did. I do not think it was unreasonable of the ACW to carry out the review internally, consulting the bodies under review about its scope and terms of reference, and using consultants to gather factual background in consultation with those bodies. I have borne in mind the need for the ACW to keep under review its funding of organisations, in order to keep its use of resources in line with its strategic priorities. Ultimately its funding decisions are a matter for its discretion, subject to its accountability to the Welsh Assembly Government. The fact that the ACW did not carry out a review of the Jazz sector, as the WJS would have preferred, does not, in my view, amount to evidence of any maladministration by the ACW. The ACW was open about the existence of the review, its scope and terms of reference, and its use of consultants for fact-finding. The consultants were also open with, and accessible to, the bodies under review. I did not find any evidence of maladministration in the ACW's response to the WJS's comments on the scope and terms of reference of the review. I am satisfied that the WJS knew enough about the review to be able to make representations to the ACW in support of its case for continued funding. I have found no reason to conclude that the ACW was under any obligation to involve the bodies whose funding was under review more closely in the review process itself. The dissatisfaction felt by the WJS about the level and content of communications from the ACW during the review process itself does not in my view amount to evidence of maladministration. ACW's use of WJS Board meetings and annual review meetings

21.1 concluded that the ACW's non-attendance at Board meetings of the WJS was not evidence of maladministration, although I would need to take that aspect of the complaint into account when investigating the reasons why the ACW had commented adversely on the WJS's performance as a promoter of jazz events. I found no reason to conclude that the ACW was under any obligation to attend Board meetings, or had acted unreasonably in not attending them. In general, I concluded that the ACW was entitled to use its discretion in deciding whether to exercise its right to attend the meetings.

22.1 decided to take into account, when investigating the reasons why the ACW had commented adversely on the WJS's performance as a promoter of jazz events, WJS's argument that any such adverse comments should have been raised at the annual review meetings. I did not find evidence of maladministration, however, in any failure on the part of the ACW to raise at annual review meetings any concerns it might have had about the longer term funding of the WJS. The review of longer term funding was taking place internally, in the way that had been explained to the WJS. The annual review meetings were about the use of grant provided for the year under review. I found no reason to investigate why they had not been used by the ACW for any other purpose.

Reasons for withdrawal of funding

23.1 found that the ACW had given reasons for its decision to cease funding the WJS, and concluded that I would not be justified in investigating the absence of any additional justification for the decision. In reaching these conclusions, I kept in mind that the ACW has discretion when choosing which organisations to fund, in accordance with its strategic priorities, and within the resources available to it. I also kept in mind that it is not part of the Ombudsman's role to review the merits of the decision. In general, I found no reason to conclude that it was unreasonable or unfair for the ACW to have presented its reasons for the decision in the way that it did, although I did need to investigate that part of the reasons given by the ACW which reflected negatively on the performance of the WJS as a promoter.

The commitment to consult

24. Paragraph 2.6 of the ACW's appeal procedures, as they were at the time, read:

"ACW will sometimes make policy decisions (such as a review of certain sectors) that could potentially result in the removal reduction in funding to organisations that been receiving grant aid. Before coming to any such policy decision, ACW will consult widely with all interested parties and will make clear the implications of the introduction of its policy e.g. the possibility that some organisations may lose funding." The WJS put it to the Ombudsman that this commitment had not been fulfilled. In my assessment, I concluded that this aspect of the complaint needed further investigation.

Disclosure of information

25.1 did not find any reason to investigate matters that had already been taken up by the WJS with the Information Commissioner Response of the ACW to the appeal

26.1 did not find any reason to investigate the way in which the ACW responded to the appeal, or the appeal hearing itself.

THE INVESTIGATION

27. In order to investigate the issues identified in paragraph 19 above, I invited the ACW to respond to the contentions of the WJS that:

1. The ACW could not reasonably have concluded, as a reason for withdrawing funding, that the WJS had not been operating as effectively as it could be as a promoter of jazz events; the ACW had not put forward evidence to support that conclusion, nor invited the WJS to comment on it; the ACW had not used its ability to attend WJS Board meetings, or its attendance at annual review meetings to raise any concerns about the performance of the WJS as a promoter; its declared view of WJS's performance as a promoter was therefore unfounded and unreasonable, and had caused an injustice in the form of unjustified damage to the reputation of the WJS as a promoter of jazz events; and that:
2. The WJS had not had the benefit of the process set out in paragraph 2.6 of Appendix F of its then Code of Best Practice, as it had not been consulted in advance of the decision to withdraw funding, and that failure undermined the funding decision itself.

RESPONSE OF THE ACW TO THE ISSUES UNDER INVESTIGATION

28. The response of the ACW to Issue 1 is that the adverse comment it made on the performance of the WJS as a promoter, in its letter conveying the decision to cease funding, was misleading and had been made in error.

The ACW has explained that the reasons for the withdrawal of funding were that the review had found the weight of WJS's activities to be towards promoting events, rather than providing services to the jazz sector. As such, WJS's activities were not sufficiently in line with the strategic objectives of the ACW to justify further funding. The performance of the WJS as a promoter was not relevant. The ACW also commented that the WJS did not raise this issue as part of its appeal.

29. On Issue 2, the ACW has stated that it met the commitment in paragraph 2.6 Of Appendix F of its then Code of Best Practice in the following ways:

- i) The ACW had made it clear to the WJS that its long term funding was under review, through the Review of Service Providers.
- ii) It had consulted the WJS about the scope and terms of reference of that Review, and explained its methodology.
- iii) The consultants used by the ACW as part of the Review had been open and consultative with the WJS.
- iv) The letter from the ACW offering the WJS funding for 2007-08 clearly stated that there was no guarantee of funding beyond March 2008, and the WJS accepted the offer on that basis.

- v) The ACW kept the bodies under review informed of progress during the Review and invited them to make contact if they wished.
- vi) The WJS did not ask for a meeting to discuss progress of the Review, nor offer additional information beyond that obtained by the consultants.

30. In support of the statement at i) above, the ACW has referred to a letter it sent to the WJS on 28 February 2006, which explained that the WJS would be covered in the forthcoming phase of the ACW's on-going review of revenue-funded organisations, and that it would consequently be offered a one-year funding agreement for the coming year. In support of the statements at ii) and iii) above, the ACW has referred to the correspondence outlined at paragraphs 8, 9 and 10 above. In support of its statement at iv) above, the ACW refers to the letter it sent to the WJS on 2 March 2007 (described at paragraph 11 above). In support of the statement at v) above, the ACW has referred to letters it sent to the WJS on 22 February 2007 and 21 March 2007. The first of these included the statement: "If you have any queries about the review process please do not hesitate to call me", and the second concluded: "I will forward copies of the correspondence to your ACW lead officer should you wish to discuss any of these issues in more detail."

31. Also, in support of the statement at iii) above, the ACW has stated that the consultants used in the Review of Service Providers showed their proposed report on the WJS to that organisation, and that the WJS "signed it off" before it went to the Review team.

32. More generally, the ACW has stated that it has an important responsibility to target its public funding in the ways it judges will be most effective in relation to its aims and objectives, and that how it does this is a matter for its Council. It has referred to the Wales Arts Review published by the Welsh Assembly Government in 2006, which required the ACW to adopt a new approach. As a result, the ACW decided to concentrate on two areas of activity: the funding of service delivery organisations, and community arts. The WJS came under review as one of the then funded service delivery organisations.

33. Also, in this wider context, the ACW has stated that its Policy for Managing Revenue Funded Organisations includes a statement (in section 4.1) that from time to time it will be necessary for the ACW to withdraw funding from one or more of such organisations. The ACW has also stated that the process it adopted for the Review of Service Providers has been subjected to internal audit, which found that it has been adequately managed and controlled.

CONCLUSIONS

34. On Issue 1, The ACW has not sought to substantiate its statement that the WJS had not been operating as effectively as it could be as a promoter of jazz events, nor to justify the inclusion of that statement in the reasons it gave for withdrawing the WJS's grant.

35. I conclude that it was neither reasonable nor fair for the ACW to say, in the letter conveying the decision to withdraw grant, that the WJS had not been operating as effectively as it could be as a promoter. Had the ACW wished to make an adverse comment on the performance of the WJS I think, in principle, it would have been reasonable and fair for the ACW to have offered the WJS an opportunity to respond to any concerns the ACW had, before a final view was adopted. Also, had the ACW wished to uphold its comment about the performance of the WJS in the use of its grant, I should have wished to explore further the WJS's contention that it would have been reasonable for the ACW to raise its concerns through the annual review meetings. Although the WJS could have raised this issue as part of its appeal, I do not think I should be justified in dismissing it on that account. I conclude that inclusion of the statement in the decision letter was maladministrative, and that as a consequence the WJS suffered an injustice in the form of unsubstantiated damage to its reputation as a promoter. I therefore uphold this part of the complaint.

36. My conclusion on this point does not call into question, however, the decision of the ACW to withdraw funding. I am satisfied that the other reasons the ACW gave for that decision were sufficient and reasonable i.e, that the weight of the WJS's activities were towards promotion of events rather than

provision of services, and that its activities were not therefore sufficiently close to the strategic objectives of the ACW to justify further funding.

37. To remedy the injustice in this part of the case, I recommend that the ACW formally withdraw, in a letter to the WJS, its adverse comment on the performance of the WJS as a promoter, and apologise for its inclusion in the decision letter. I am glad to say that the ACW has agreed to do this.

38. On Issue 2, I have concluded that the ACW did meet the commitment in paragraph 2.6 of Appendix F of its then Code of Best Practice. My reasons for that conclusion are as follows.

39. The commitment in that paragraph is to consult widely with interested parties before reaching a decision, as part of a policy review, to withdraw funding. It is not a commitment to consult about a proposal to withdraw funding. What the ACW did, to explain to the WJS the nature and scope of the Review of Service Providers; to engage the WJS in the fact-finding part of the Review through the consultants; to make clear that future funding of the WJS was dependent on the outcome of the Review; and to offer dialogue with the WJS during the Review, was in my view sufficient to meet the commitment in paragraph 2.6.

40. It follows that I have not found the ACW's conduct of the review, in relation to the commitment in paragraph 2.6, maladministrative, and do not therefore uphold this part of the complaint.

SUMMARY

41. My assessment of this complaint led me to conclude that I needed to investigate it for two purposes, but not for any others.

42. My investigation led me to conclude that the ACW was not justified in including in its letter notifying the WJS of its decision to cease funding that organisation a statement commenting adversely on the performance of the WJS as a promoter of jazz events. I have upheld that part of the complaint. To remedy the consequent injustice of reputational damage to the WJS, I have recommended that the ACW Withdraw the statement and apologise for including it in the letter. The ACW has agreed to do this.

43. My investigation has not led me to identify any other shortcoming in the way the ACW arrived at its decision to withdraw funding from the WJS, or handled its appeal process, including its then commitment to consult about reviews that could lead to cessation of funding. I have not therefore upheld any other part of the complaint.

5. Copy of Letter of apology from Nick Capaldi, Chief Executive of the Arts Council of Wales

10 December 2009

Mr M Coffin
Chair, Welsh jazz Society
26 The Balcony
Castle Arcade
Cardiff CF10 1BY

Complaint made to the Public Services Ombudsman for Wales by Mr Chris Hodgkins on behalf of the Welsh Jazz Society

Earlier this year, Mr Chris Hodgkins submitted a Complaint to the Public Services Ombudsman for Wales. The complaint arose from the Arts Council's decision to cease its annual revenue funding of the, Welsh Jazz Society (WJS) from 31 July 2008.

We have now received a copy of the Ombudsman's Report. I entirely accept the Report's conclusions. In particular, I note the Report's conclusion that it was "neither reasonable nor fair for the ACW to say, in the letter conveying the decision to withdraw grant that, the WJS had not been operating as effectively as it could be as a promoter."

In our evidence to the Ombudsman we accepted that this letter was misleading the comments on the performance of the WJS as a promoter of jazz events had been made in error and should not have been included. I am happy to reiterate that point here; and accept unreservedly that our comments on this matter were wrongly set out in the letter.

I would like to offer my sincere apologies for this error. We should not have made this mistake, and I regret that these misleading comments were included in our letter. I would therefore formally withdraw the adverse comments that we made about the performance of WJS as a promoter.

Yours sincerely
Nick Capaldi

PrifWeithredwr/Chief Executive
cc Mr Chris Hodgkins
Bute Place, Cardiff CF10 5AL
Tel: 0845 8734 900
Fax: 029 2044 1400
Minicom: 029 2045 1023
Email: info@artswales.org.uk
Website: www.artswales.org.uk
Plas Bute, Caerdydd CF10 5AL

6. Letter to Professor Dai Smith Chair of the Arts Council for Wales

5th March 2008

Professor Dai Smith
Chair
Arts Council of Wales
9 Museum Place
Cardiff
CF1 3NX
S Glamorgan

Dear Professor Smith

Re: Welsh Jazz Society

1. Introduction

Following a Review of Regularly Funded Organisations – ongoing since March 2005 – Arts Council of Wales (ACW) has announced the withdrawal of its funding to Welsh Jazz Society (WJS). This decision means the positive work WJS undertakes will effectively cease. WJS has always taken a prudent approach in order to meet all liabilities. Reviews of WJS conducted by ACW since 2003 gave no intimation of any serious dissatisfaction with its work in achieving its strategic priorities: despite this, the recent review states that WJS “*does not address the ACW’s strategic priorities*” and “*there is no clear rationale for supporting this organisation*”.

Despite four years of standstill funding, WJS has continued with its remit, achieving a highly impressive and innovative programme on meagre resources. WJS has continued to promote a five-nights-a-week programme at Café Jazz Cardiff, providing a valuable platform for Preservation Jazz Society, Cardiff Jazz Society, The Blues Society, Cardiff University Jazz Society, the jazz department at the Welsh College of Music and Drama and Jazz Attic, in addition to regularly presenting high profile touring musicians.

WJS also continued to promote Jazz on The Level at St David’s Hall; ran a series of successful concerts at Theatr Clwyd featuring top UK musicians; arranged two successful concerts for the Congress Theatre, Cwmbran; programmed the Cowbridge Jazz Weekend; assembled information on jazz activity in Wales and publicised it through Jazz UK, Welsh Media and regular newsletters to members. WJS also assisted requests to provide musicians for gigs and confirmed 50 bookings for Welsh based bands. WJS handles an average 60 enquiries per month via email, telephone and post from musicians, promoters and the general public seeking work, advice and information. WJS also encouraged and supported affiliated jazz societies in Wales such as Preservation Jazz Society, Cardiff Jazz Society Torfaen Jazz Society, Cambria Arts, Swansea Jazz Society, Friends of Brecon Jazz Festival, Brecon Jazz Club and Jazzland, Swansea, and works closely with other organisations in the UK such as Jazz Services, Jazzworks North West, Jazz Action and Jazz Yorkshire.

I would be grateful if the ACW would:

- Rescind its decision to withdraw revenue funding for the Welsh Jazz Society (WJS).
- Undertake an in depth review of jazz in Wales to produce a workable and sensibly costed policy for jazz in Wales.

My reasons are as follows:

2. ACW’s flawed reasons for withdrawal of funding

“The main reason for this decision is that following the ACW review of Service Providers it was concluded from the evidence gathered that the weight of the organisation’s activity is towards being a promoter of jazz events rather than as a provider of services to the jazz/music sector and that it is not operating as effectively as it could be in its role as promoter. The review concluded that the organisation does not address ACW’s strategic priorities and there is no clear rationale for supporting this organisation.”

Regrettably the reasons for withdrawal of funding are subjective and are not based on any rational analysis of business plans or ACW funding agreements. Furthermore the workings of the Review Group recommending the withdrawal of funding are not open and transparent. For example, ACW have failed to supply the names of the Review Group so people are unable to judge whether there are conflicts of interests. Furthermore, ACW have failed to convince me on the veracity of the Review Group in terms of their practice and management of jazz.

3. An opportunity to review jazz in Wales.

In 2001 a recommendation from the report on umbrella organisations has to conduct a review of the Welsh Jazz Society and the North Wales Jazz Society. The recommendation was not acted upon by ACW.

4. A second opportunity to undertake a review of jazz in Wales.

In March 2002 by Simon Lovell-Jones, Senior Arts Development Officer for Music at ACW, prepared a wide ranging discussion document to help the development of strategies for music in Wales. This document was a helpful well structured review of the jazz sector in Wales. The Music Development Strategy Paper of 10th September 2002 that followed stated inter alia *“this review has been identified as a priority for a number of years”*. The paper set out activities for a review of support for jazz currently provided by ACW.

This review, for reasons that have never been satisfactorily explained, did not take place.

5. **A level playing field for music.**

ACW, in its draft Wales Art Form Strategies 2008/2013, states on page 52 *“The present day Arts Council of Wales does not commit to one type of music over another, it does not value one form over another.”*

On the 18th February I wrote to the Chief Executive of ACW and asked if ACW *“could provide me with details of the spheres of influence policy and protocol agreed by Arts Council England and the National Opera Co-ordinating Committee”*.

I was shocked to read the response to my enquiry from CEO of ACW dated 25th February 2008, which stated *“whilst representatives of the Arts Council of Wales are involved with the National Opera Co-ordinating Committee we do not hold any information specifically you describe as relating to the spheres of influence policy and protocol agreed with them and the Arts Council of England and would suggest you contact the Arts Council England directly regarding this information.”*

I enclose a copy of the policy which has been in existence since 1978 as pointed out in the ACW Draft Strategy Document 2008/2013. Without this policy Welsh National Opera would be hard put to survive.

A policy of this magnitude and the fact ACW does not hold a copy of the policy is as astounding as it is extraordinary. The gist of this information is that if as the ACW claims, there is no hierarchy, why has WNO had a touring policy since 1978 and yet there is still no policy for jazz in Wales. I am not in the business of robbing Bryn Terfil to pay Paula Gardner, all I am asking for and what the jazz constituency expects is a level playing field. ACW may wish to dissemble and cry it is the touring policy of Arts Council England, the fact of the matter it is as much ACW's as Arts Council England, for without the music of the spheres policy and the revenues and stabilisation funding that has gone with it from Arts Council England, ACW's opera flagship could have foundered with all hands.

One is left with the conclusion that if the ACW does not know of the spheres of influence policy then what else doesn't it know!

6. Funding issues

The Welsh Jazz Society, between 1999 and 2009, will have received a total of £472,498, an average of £47,280 per annum. The ACW Report and Accounts for 2006/2007 show that £75,182 is paid to house the Welsh Amateur Music Federation and £400,646 Welsh National Opera in the Wales Millennium Centre. Under the Freedom of Act ACW stated that "*ACW's role is to administer the award on behalf of the Welsh Assembly Government*". It is a curious state of affairs when monies are available to pay rents for organisations in the Wales Millennium Centre that in one year alone amount to the same amount the Welsh Jazz Society has received over ten years. It is crystal clear that the ACW values some musics and organisations above musics such as jazz.

7. Arts council of Wales Arts Form Strategies 2008/2013.

Ambrose Bierce in his Devil's Dictionary defined "Consult" as "to seek another's approval for a course of action already decided upon." The consultation document "Wales Arts Form Strategies" is an action already decided upon. When it comes to jazz in Wales, there has been no initial consultation with the Welsh Jazz society or recognition and acknowledgement of local volunteers, jazz promoting bodies such as Jazzland Swansea, Swansea Jazz Society, Cardiff Jazz Society, Torfaen Jazz Society, Preservation Jazz Society, Brecon Jazz Society, AberJazz , Cwmbran Arts and Women in Jazz Swansea

The consultation strategy Document is flawed and does little to further the cause of jazz in Wales.

Furthermore, it raises issues such as ACW staff to grant ratio. I am enclosing my response to the document which notes that it takes 96 staff to dispense £26 million in Wales and 97 staff at the Scottish Arts Council to dispense £62 million in Scotland in 2006/2007.

ACW would do well to examine its own effectiveness, efficiency and value for money.

I write as a founder and trustee of the Welsh Jazz Society.

My final comment is that ACW should put its own house in order before it irrationally and without proper analysis and consultation withdraws funding from the Welsh Jazz Society.

Yours sincerely

Chris Hodgkins

c.c. First Minister Rhodri Morgan AM
Angela Burns AM
Paul Davies AM
David Melding AM

Andrew R.T. Davies AM
Rt. Hon Paul Murphy MP
Julie Morgan MP
Michael Connarty MP
Bob Blizzard MP
Kelvin Hopkins MP
Kim Howells MP
Lord Colwyn

7. A RESPONSE TO THE ARTS COUNCIL OF WALES ART FORM STRATEGIES 2008-2013

1. INTRODUCTION

This paper is a personal response from Chris Hodgkins.

2. BACKGROUND

The Arts Council of Wales (ACW) has recently published a paper that proposes strategies for each art form in Wales to 2013. An ACW press release dated 12 December 2007 stated interalia.

'Many people today have helped us to date in shaping ideas about the future direction of different art forms in Wales, but this is a critical period to test these ideas and receive views from a variety of perspectives. ACW welcomed the outcome of the 2006 Wales Arts (Stephens) Review, and over the last year has been working on the Review's findings and developing proposals for the foreseeable future. In preparing these strategies ACW has studied each art form individually, and collectively.

The strategies relate to the following art forms.

Applied Arts and Crafts
Visual Arts
Dance
Music
Theatre and Drama
Literature

ACW has endeavoured to look at the needs of the arts but also to place them in the broader context, and to reflect their developing role in many aspects of Welsh life including Education, the Creative Economy and Cultural Tourism. The strategies also consider how the arts embrace and promote equality, inclusion and diversity.

Findings and proposals following the consultation period will be presented to Rhodri Glyn Thomas AM, Minister for Heritage and the recently created Arts Strategy Board.

The Arts Strategy Board was set up in response to the recommendations in the Stephens Report to establish a forum, chaired by the Heritage Minister, which would ensure a more joined up approach to the development of arts policy and strategy in Wales. Rhodri Glyn Thomas has urged the arts community to take part in the consultation process to ensure a wide range of views are taken into account. Arts and Culture are dynamic and ever changing. I urge everyone who is involved or with a passionate interest in the arts to take part in this consultation.

3. THE RESPONSE

3.1 General

This response deals with the Arts Council of Wales' attempt at strategy formulation and in particular, pays attention to music. The strategy document itself reminds the author of a speech about the League of

Nations in the House of Commons between the wars. Winston Churchill was asked for his opinion of it. "Well" he said, "I thought it was very good, it must have been good for it contained, so far as I know, all the platitudes known to the human race, with the possible exception of 'prepare to meet thy God', and 'please adjust your dress before leaving'."

3.2 Strategy

Strategy is a slippery word, and there are any number of definitions, but in the authors opinion is best summed up as 'analytical thinking, a commitment of resources to action' (Drucker 1988).

3.3 Problems with the proposed strategy

3.3.1 Lack of initial consultation

The consultation document found that jazz has the highest proportion of all music genres of people travelling out of their region to somewhere else in Wales to see their most recent jazz concert. One would have thought that the proposed music strategy would reflect this, and would attempt to redress this fact by supporting local volunteer jazz promoting bodies crucial to the jazz scene in Wales. In the document there is no mention, recognition or acknowledgement of Swansea Jazzland, Swansea Jazz Society, Cardiff Jazz Society, North Wales Jazz Society, Torfaen Jazz Society, Preservation Jazz Society, Brecon Jazz Society, Aberjazz, Cambria Arts - and for that matter there is no mention of Women in Jazz Swansea who also promote as well as providing a key resource for Wales and the rest of the UK. A key part of the proposed strategy is supporting existing jazz festivals, a laudable aim but jazz on your doorstep is ignored. The consultation document should recognise that festivals only promote at most two days of events per annum, and the voluntary jazz societies around Wales promote all year round. This is not a joined up approach as required by the Stephens Report; regrettably, it would appear there was no initial consultation with the jazz community in Wales to help shape ideas.

3.3.2 Lack of situation analysis

Unfortunately there is no situation analysis for the economy, audiences, technology, regulatory environment and so forth. For example the Arts Council of Wales commissioned Arts in Wales 2005 - Music Attendance and Participation. It was a very useful piece of research, but would appear to have been buried, for example audience attendances for the different music genres in Wales are as follows:

Music	Attend Once a Year or More %
Classical Music	13
Folk Traditional & World Music	11
Jazz	10
Opera	7
Other Live Music	39

3.3.3 Matching resources to action

There are no quantified resources attached to any of the proposed actions. Furthermore there is no analysis of allocation of resources within the ACW. For example set out in Annex I is a table of staff costs for ACW, Scottish Arts Council and the Arts Council of Northern Ireland. One would have thought the ACW would have undertaken a detailed evaluation of the expenditure on staff costs and the Chairs salary, especially in the light of its funding settlements in the past three years and best value for the tax payer. Scotland received £62m in 2006/2007 and employed 97 full time staff; Wales receives £26.8m and employed 96 full time staff, and also spent circa £30,000 on agency staff. Perhaps, before ACW starts axing its clients it should take a long hard look at its own operational structure and costs.

Secondly, the Report and Accounts for 2006/2007 show a sum of £1,024,028 which is paid to organisations resident within the Wales Millennium Centre. For music alone £75,182 is paid to house the Welsh Amateur Music Federation and £400,646 to Welsh National Opera, yet it states in the proposed strategy document (Our Perspective - Page 52) 'The present day Arts Council of Wales does not commit to one type of music over another; it does not value one form over another'. It would be very useful if these words were put into action, and that the ACW attached resources to its proposed actions so that

there is no 'hierarchy' in music funding and music organisation. Perhaps then the jazz constituency could feel that for once in Wales that there is a level playing field, and no disbursements for some at the expense of the others. Finally there is no analysis of the expected deleterious effects of lottery monies being diverted to the Olympic Games

4. CONCLUSION

The Art form Strategies 2008-13 document is regrettably flawed due to:

- Lack of situation analysis of the Arts Council of Wales itself and the external environment in which the arts operate.
- An absence of quantified objectives.
- The proposed "strategic steps" have no quantified resources attached to them. The proposed strategy should be supported by budgets for the years 2008 to 2013.
- Lack of initial consultation with the jazz constituency to help 'shape' ideas about the future. The ACW should work closely with the jazz Community to develop a viable strategy for jazz in Wales that recognizes the needs and aspirations of the jazz constituency in Wales.
- Before the ACW foists a misinformed strategy on the Arts in Wales it should first put its own house in order and demonstrate that ACW functions effectively, efficiently and provides value for money.
- Whilst the Arts Council states "that it wishes to test these ideas and receive views from a variety of perspectives". However ACW need first of all to produce draft art form strategies for jazz that are viable and informed by the jazz constituency. Without this initial consultation the exercise sadly becomes a charade

Chris Hodgkins
14 February 2008

Table Annex 1

A RESPONSE TO THE ARTS COUNCIL OF WALES ART FORM STRATEGIES 2008-2013									
	Grant from Scottish Executive / Welsh Assembly/ Department of Culture and Leisure		Average Number of Full Time Equivalent Employees		Staff Costs		% of Total Funding	Chairs Remuneration	
	2005-06	2006-07	2005-06	2006-07	2005-06	2006-07		2005-06	2006-07
	£,000				£,000			£	
Scottish Arts Council	55,298	62,474	95	97	2,742	2,945	4.7%	12,500	13,984
Arts Council of Wales	26,930	26,808	93	96	1,952	2,313	8.6%	38,000	39,000
Arts Council of Northern Ireland	12,338	-	46	-	941	-	N/A	Chair 8,378 Vice Chair 4,000	
Population all ages mid 2005									
Scotland	5,095m								
Wales	2,950m								
N Ireland	1,724m								