APPENDIX 2 options appraisal and summary

EXECUTIVE SUMMARY: OPTIONS APPRAISAL

There are two headline reasons for the Trust option outscoring the Retained option.

1. ACHIEVING SAVINGS WHILST SUSTAINING SERVICES

The savings target set for Cultural Services within the Department's Transformation programme is demanding – £406k. This sum represents around an 8% reduction of the current Cultural Services budget. Together with the budget savings made in 2012-13, the Cultural Services budget will have been reduced by over £900m by the end of 2015/16. Of that £406k target, £276k is expected to be achieved by this workstream – an options appraisal to determine whether Cultural Services should be Retained and Restructured in the Council or Transferred to a Culture Trust. The delivery of this saving is scheduled to begin in financial year 2015/16. By transferring services to a Trust it will be possible to secure the entire £276k savings target from rates remission. If the services are Retained the savings will have to be found from service withdrawal and/or reduction, facility closure, and streamlined management and backroom support. The Retained option risks setting off a destructive cycle with deteriorating services struggling to adapt to changing customer/user needs and expectations, diminishing use of the services and, consequently, vulnerability to further cuts in the future.

The change agenda for Retained Services will be centred on downsizing with minimal disruption – managing a continuous, broad and deep decline. In this scenario there is little operational/management space left for services to grasp a modernisation agenda. A Trust will retain the critical mass and confidence, with targeted savings achieved largely through rates remission and frontline services intact, to grip that agenda, enter into new and wider cross-sector partnerships and invest effort and resource in improving cultural provision.

2. BEING MORE DEMAND LED AND ENTERPRISING

To stay viable, Cultural Services must bring people to the spaces, services, experiences and products they offer. People must choose to use Cultural Services. The cultural sector is one of the most volatile and dynamic environments in which to work with, for example, new digital media and content constantly challenging and changing the way people consume culture and consequently challenging Cultural Services to develop and modernise is offering to the public. A Trust is set up to be more demand and market led. With its specific focus on Cultural Services a Trust can differentiate its customer/user base and address their specific needs and expectations. The commercial outlook and acumen of a Trust will make it more sensitive and responsive to the 'culture' marketplace.

Where the long-term trend in local government funding is towards continuous reduction in expenditure, optimising opportunities to generate revenue from commercial activity is essential to preserving the quality and reach of services; a Trust is set up to trade and it will have a commercial edge and therefore the capability to make the most of income generating opportunities.

Although the Services do generate significant income from admissions, hires and lets, there are income generating opportunities open to the Services which remain largely unexploited. The governance structure of a Trust should result in greater operational flexibility and quicker decision-making and the Board can bring new ideas, experience and skills to the Trust's work.

A Trust should therefore be better positioned to take a more commercial focus to the Services' activities and capture currently unrealised income, which can then be recycled into improving the Cultural Services offer – a virtuous circle where the improved offer generates more footfall, consequently increasing revenue.

CHECKS AND BALANCES

At the same time during the options appraisal process the project managers sought out essential safeguards in the Trust option. Although a Trust will have a more commercial focus it is also a charity, and must recycle any profits back into its mainline charitable activity. In order to secure charitable status a Trust will have to define its social, cultural and educational objectives and demonstrate how it will deliver them. Its commitment to these objectives will be monitored and tested by OSCR and by the Council through its performance management framework¹. So the Cultural Services public service ethic can be safeguarded – possibly even better defined and embedded – in the charitable purposes of a Trust.

Good practice case studies show that a Trust, which builds a strong relationship with the Administration via the elected member representatives on the Board and with the corporate management team via a 'champion' (a key decision-maker at a high level within the organisation), will continue to make a strong contribution to public sector strategic partnerships and priorities.

Notes:

- 1. The Scorecard was produced from three primary sources:
 - the scorecard developed by EKOS for their 2010 options appraisal of Community Services
 - the HMIe quality improvement framework for Culture and Sport
 - the values and improvement aims laid out in the draft strategy for Scottish Borders Council Community Services
- Consultants Noble Openshaw were commissioned to quality check the Scorecard. They concluded that
 it was fit for purpose and capable of producing a robust conclusion about a preferred option. Noble
 Openshaw recommended some changes to scores which have been incorporated in this version of the
 scorecard.
- 3. Where there is a variance of more than one point between the scores for Transfer and Retention and Restructure, that variance is explained in the Rationale column.
- 4. The italics denote direct quotations.

¹ Guidance on the Trust option which emphasises a Trust's social responsibilities and differentiates the Trust purpose from a private sector business: e.g. LG Exploring the Trust Option for Museum Services [2011] "Whatever its legal form the key distinguishing features of an NPDO is that its profits cannot be distributed (e.g. to shareholders) but must be reinvested back into the organisation to further its objectives. This is the fundamental difference between a private sector share company and an NPDO. It means that all of the profits generated by the organisation are continually reinvested to improve the services provided."

LEADERSHIP & ETHOS: 'Will this arrangement enable Cultural Services to...'

Criteria	weighting	Option 1 Transfer to a Trust	Option 2 Retention Restructure	Option1 weighted	Option2 weighted	RATIONALE	EVIDENCE
1. Improve the quality of Services	5	4	2	20	10	The Trust scores higher because: — the creation of a Trust safeguards services and retains their capacity + capability to deliver improvement — a Trust is a single focus organisation and, as a result, better able to direct its attention and limited resources to specific service improvements — the Trust will create an organisation that can be more demand led and better focussed on improving the customer/user experience — the Board can bring new ideas, experience and skills to quality improvement VARIANCE BETWEEN OPTIONS The Trust Scores substantially higher here because the Retention and Restructure option will require savings to be found from a combination of service withdrawal and/or reduction, facility closure, and streamlined management and backroom support. The level of attrition to services and their management resulting from the current savings challenge will mean it is difficult for them to engage with an improvement agenda. It risks setting off a vicious cycle with deteriorating services struggling to adapt to changing customer/user needs and expectations, diminishing use of the services and, consequently, vulnerability to further cuts in the future. NOBLE OPENSHAW Leadership 1: The differential on "improve quality" is likely to be heightened by the rates benefits for the transfer to trust and the cuts or closures necessary for internal savings will damage quality. The evidence from elsewhere is that at best transfer to trust will help protect services and leaves the better chance of protecting quality, but that having to make the cuts in-house leaves no chance of doing that, however skilled and committed the remaining staff are. We recommended that the scores should more clearly reflect the differential; either elevate the Option 1 score or depress the option 2 score.	EVIDENCE (from CULTURE TRUST BOOK) Key advantages of Trust option identified in industry publications; e.g. potential advantages of Trust status identified by Audit Scotland in 'Arms Length External Organisations (ALEOs); are you getting it right' [2012] and by the Audit Commission national agency - Museums Libraries Archives (MLA) 'The opportunity of developed governance for museums, libraries and archives [2010] and 'Moving to Museum Trusts, Learning from Experience' [2006] Lawrence Graham 'Culture in Trust' the speed of decision-making when freed from local authority bureaucracy—fleet-of-foot; being a single-focused body; the opportunity for improved investment by recycling surpluses and NNDR savings; a more focused and business-like management team; and more able to control own destiny. EKOS Community Services options appraisal 2010 for Scottish Borders Council; advantages of the Trust option SBC could achieve some immediate cost savings through rates remission; this option would potentially encourage greater flexibility of operation, speed of decision-making, and accelerate service efficiencies and improvements; Business case made by other Scottish local authorities for transferring to Trust –e.g. Highland Council. "The option to transfer the delivery of CLL activity to an ALO provides the Council with the opportunity not only to preserve the delivery of Community Learning and Leisure (CLL) services for the wellbeing of its citizens, but also to potentially enhance and develop them. The analysis indicates that, within a difficult financial climate for the Council, CLL services can contribute a recurring E1Min savings for the Council in CLL services con contribute a recurring E1Min savings for the Council in CLL services on the benefit of community to look at how we can protect services in the longer term for the benefit of communities. Such models can be set up so that they are alway of delivering on the strategic priorities that they are having to become increasingly sophisticated in order to
Support and develop the workforce	3	4	3	12	9	The Trust scores higher because: — following precedents set by other Cultural Services transfers in Scotland the Council may opt to permit the Trust access to core training courses whilst the Trust will be able to devise its own programme tailored to the specific/unique training and development needs of the workforce – a best of both worlds result — the literature reviewing the experience of Trust transfers highlights improved motivation and a stronger sense of belonging amongst the workforce as a key benefit of transfer — the Board can bring new perspectives from the private and third sectors to supporting and developing the workforce NOBLE OPENSHAW Leadership 2: We feel there is no evidence to support the assertion	 EVIDENCE (from CULTURE TRUST BOOK) Key advantages of Trust option identified in industry publications e.g. from LG Survey for 'Culture in Trust [2007] 'Effect on staff of Trust Status' Staff are energised and motivated. Ability to attract a wider range of staff and skills. Increased staff training. New sense of purpose with better customer focus. e.g. NALGAO 'Outside In: Contracting Out Local Authority Arts Services' 2010 Staff morale: Independence and control provide motivation for management and staff. EKOS Community Services options appraisal 2010 for Scottish Borders Council Testimonials in industry publications

						that there will be more options and opportunities in council training and development. Experience since establishment of a trust in Highland for example shows that, where the transfer to trust includes provision for reduced cost through shared training on core matters (Health & Safety etc), there is more opportunity for the trust to ensure staff are provided with bespoke specialist training. TUPE affords protection in the short to medium term. Transfer to trust provides some assurance that staff retain their jobs at least while the budget remains the same. In-house restructure does not, either at the time of implementation or later if the budget changes. We would expect the score for Option 1 to be elevated as a result.	Evidence to Scottish Parliament 2012 by Trust managers e.g. Gerry Campbell South Lanarkshire Leisure and Culture Trust; "my experience, from across Scotland, is that when people are slightly removed from the local authority context, in an arm's-length organisation, they appear to take a more entrepreneurial approach to how services can be delivered in the best way to meet the needs of the community Many people who manage a service look at it and think, "I'd like to make some changes"; they get the opportunity to stop the bus, make the change, put something different in place and manage things differently. That has certainly been our experience my experience is that, when a person walks into a library—we have 25 libraries in South Lanarkshire—the staff will, in addition to serving and providing information, openly talk about and promote other services. Another key piece of evidence is that, at the time of transfer, absence levels among the staff who transferred were probably 5 per cent or above. However, in the 18 months over which we have transferred staff in, we have achieved an absence rate of 3.4 per cent, which would hold its own in the private sector and is up there with some of the best levels that exist in the public sector. We work with the same budgets and the work is not radically different, but people are in a smaller organisation—1,200 people, as opposed to 15,000 in the council—and feel that they are a little bit more involved in their own destiny."
3. Modernise Services and create a culture that delivers change and innovation	3	5	3	15	9	The improvement agenda for Cultural Services is a built around modernisation — transforming and innovating services to meet rapidly changing customer/user needs and expectations. So the reasons given in 1 above for the higher Trust score are equally applicable here. In addition the Trust scores higher in this criterion because: — the governance structure permits greater operational flexibility and quicker decision-making — qualities that contribute to making and managing change effectively — within the tighter focus of the Trust it should be possible to develop a unified organisational culture that prioritises change and innovation and commits to delivering modernisation — a Trust's commitment to rapid modernisation and change will always be tempered by its charitable purposes and by the social objectives embedded in its contract with the Council VARIANCE BETWEEN OPTIONS The Trust Scores substantially higher here because the Retention and Restructure option will require savings to be found from frontline services. The change agenda for the Services will be centred on downsizing with minimal disruption — managing a continuous and deepened decline. In this scenario there is little operational/management space left for services to grasp a modernisation agenda.	EVIDENCE (from CULTURE TRUST BOOK) Key advantages of Trust option identified in industry publications; e.g. Lawrence Graham 'Culture in Trust' the speed of decision-making when freed from local authority bureaucracy – fleet-of-foot; being a single-focused body; the opportunity for improved investment by recycling surpluses and NNDR savings; a more focused and business-like management team; and more able to control own destiny. EKOS Community Services options appraisal 2010 for Scottish Borders Council; advantages of the Trust option this option would potentially encourage greater flexibility of operation, speed of decision-making, and accelerate service efficiencies and improvements; Trusts are increasingly recognised and accepted as an organisational model for services of the type managed by CS. Business case made by other Scottish local authorities for transferring to Trust Testimonials in industry publications e.g. Rodney Hill, Chief Executive of Wigan Leisure and Culture Trust "Becoming a Trust was a step change and gave us the energy and focus to make a number of significant changes which might not otherwise have been possible." Evidence to the Scottish Parliament 2012 Heather Stuart (convener of VOCAL Scotland and CEO Fife Culture Trust): "the big driver for the move to trusts has often been the need to secure a future for services. It is about not just the financial savings but creativity and innovation. There is evidence of that."
4. Maintain and improve professional standards in the care and maintenance of museum and archive collections and library stock; including acquisitions and disposal.	2	4	4	8	8	Libraries, Museums and Archives manage a substantial repository of records, collections and stock of local, regional, national and international status. The services operate to strict standards for their care and maintenance – particularly the museum and archive collections. The two options score equally because: — the professional standards apply whether the records, collections and stock are in the care of the Council or in the care of a Trust — if services transfer to a Trust a Collections Agreement will be prepared to guarantee that the Trust, which will have custodianship (not ownership) of collections, applies established professional standards to their care and maintenance NOBLE OPENSHAW: Leadership 4: There is no evidence to support the assertions about collections care or visitor services. How these, or any aspect of service provision, are taken forward will rely on how priorities are set and overseen. In the case of a trust, this will focus on the SLA and the service specifications and their oversight by the council. We would expect the scores for Options 1 and 2 to be evenly applied.	EVIDENCE — Museums and Galleries Scotland guidance on the proper care and maintenance of collections (from CULTURE TRUST BOOK) — Collections Agreements produced for transfer by other Scottish local authorities — A letter from the Keeper of the Records setting out the conditions upon which archival material can transfer into Trust management

make a substantial contribution to to creative learning and skills development would sit at the centre of a Trust's charitable aims and a Trust would therefore have to make specific commitments to delivering against this agendal payment this agendal payment the great of the centre of a Trust's charitable aims and a Trust would therefore have to make specific commitments to delivering against this agendal payment thing agendal payment transfer can be written into the Council's agreement with a Trust and specified in its performance management framework. 7. Engage effectively with vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged with the Council and with north companies to the council senders are already a respective volume to the council senders are already and the vulnerable and disadvantaged within the Council and with north council the vulnerable and disadvantaged within the Council senders are already and the council within the Council senders are already and the council within the Council senders are already and the council within the Council senders are already and the council within the Council senders are already and the council s	5. Enhance access to services, museum and archive collections, and library stock	3 2	12 8	The Trust scores higher because: — widening and increasing access will be better embedded in the Services' core priorities in a Trust because this is a key determinant of charitable status and put at the centre of the social objectives of the Trust — a Trust with its clarity of focus and purpose will be better placed to make a priority of customer/user needs and demands and then to commit resources to initiatives that widen and increase access to the Trust's core resources — a Trust, with its continuing ability to concentrate effort on service development and modernisation and its more commercial edge, will be better positioned to deploy the collections and other resources as assets; consequently it will be better able to develop access initiatives with the purpose of generating more visits, higher attendances and consequently greater income — the Board can bring new skills, experience and energy to increasing access	EVIDENCE (from CULTURE TRUST BOOK) Key advantages of Trust option identified in industry publications EKOS Community Services options appraisal 2010 for Scottish Borders Council Business case made by other Scottish local authorities for transferring to Trust Testimonials in industry publications e.g. MLA 'Sharper Investment for Changing Times, Getting more out of Museums, Libraries and Archives' [2010] Testimonials from Trusts: Cllr Hazel Simmons on Luton Cultural Services Trust; "The transfer [] was the best way forward to enhance libraries, museums and arts for local people []. A charity running the services on a not-for-profit basis has meant resources not available to the council have been accessed, and speedier decisions made, meaning the focus has been on providing first class services to customers."
with vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged and strategic framework of the Council the integrated services agend and it is likely that, retained within the Council shelping to improve engagement with the vulnerable and disadvantaged. Cultural Services are already a key player in the integrated services agend and it is likely that, retained within the Council shelping to improve engagement with the vulnerable and disadvantaged. Cultural Services are already a key player in the integrated services agend and it is likely that, retained within the Council shelping to improve engagement with the vulnerable and disadvantaged. Cultural Services are already a key player in the integrated services agendand and its likely that, retained within the Council shelping to increase a long to the Council shelping to increase a long to the Council shelping to increase and very seponsibilities and voting rights as all Board members; the Council long will provide a direct link to the Council shelping to the council sheeped to a count shelping to the council sheeped to a count shelping to the council sheeped to the some procurement and stote oil rules she where the body commissioning the work that the council	learning and skills development and make a substantial contribution to	3 3	9 9	 if Cultural Services are retained within the Council and, as a consequence, have to be downsized, the current commitment of Cultural Services to learning and skills development would be safeguarded, particularly where the Services make an essential and/or unique contribution to this agenda within the Council's and wider community planning priorities learning and skills development would sit at the centre of a Trust's charitable aims and a Trust would therefore have to make specific commitments to delivering against this agenda learning and skills development targets can be written into the Council's agreement 	 EKOS Community Services options appraisal 2010 for Scottish Borders Council; advantages of the Trust option this option would potentially encourage greater flexibility of operation, speed of decision-making, and accelerate service efficiencies and improvements; Service contracts and performance frameworks produced for Trust transfer in other
transparent, accountable decision-making — if Cultural Services are retained within the Council they will operate within the Consequent democratic responsibilities consequent democratic responsibilities on the governance and legal entity of the Trust and its consequent democratic responsibilities examples in Scotland of Service Agreements made between Culture Trusts and Council	with vulnerable and disadvantaged	3 4	6 8	 the networks established within and between Council Services and the Community Planning partnerships to address the needs of vulnerable and disadvantaged groups are particularly strong; contributing to work with the vulnerable and disadvantaged will likely be easier from within the organisational and strategic framework of the Council the integrated services agenda led from within the Council is helping to improve engagement with the vulnerable and disadvantaged; Cultural Services are already a key player in the integrated services agenda and it is likely that, retained within the Council and with continuing proximity to Customer Services, they can make a more 	 project managers' assessment
	transparent, accountable	4 4		The two options score equally because: — if Cultural Services are retained within the Council they will operate within the Council's democratic framework and its open, transparent, accountable decision-making — if Cultural Services are transferred to a Trust the governance regime will make the Trust accountable to OSCR and Companies House, requiring it to demonstrate that its decision-making is robust, fair and open to scrutiny by regulators and by the public — the Board of a Trust will include Councillors with the same fiduciary responsibilities and voting rights as all Board members; the Councillors will provide a direct link to the Council's own democratic decision-making — the agreement between a Trust and the Council will specify the Council's expectations of the extent and quality of the openness and transparency shown by	 Burness guidance on the governance and legal entity of the Trust and its consequent democratic responsibilities examples in Scotland of Service Agreements made between Culture Trusts and Council link to OSCR and information on the accountability required from charitable organisations Evidence to Scottish Parliament 2012 by Trust managers e.g. Heather Stuart (convener of VOCAL Scotland and CEO Fife Culture Trust): A focus on Trusts' "governance and accountability, with a direct link back to the democratic accountability and strategic direction setting of the council. Increasingly, trusts are being set up as companies of which the council is the sole member. From a procurement perspective, that means that, where work has been awarded to an arm's-length organisation, in reality—in terms of procurement and state aid law—that organisation is deemed to be part of the body commissioning the work. That means that it is required to meet all the same procurement and state aid rules as the council, and it means that it is not vulnerable to legal challenge. It also addresses some of the concerns about a lack of sufficiently robust

RELEVANT SERVICES: 'Will this arrangement enable Cultural Services to...'

CRITERIA	weighting	Option 1 Transfer to a Trust	Option 2 Retention Restructure	Option1 weighted	Option2 weighted	RATIONALE	EVIDENCE
1. Make a stronger contribution to the delivery of strategic priorities and actions decided by the Council, community planning partners and national agencies.	5	3	3	15	15	This criterion is related to criteria 1, 3 and 7 in the Leadership and Ethos section of the scorecard and so some of the reasons stated for the scoring of these criteria above are a useful supplement to the argument below. The two options score equally because: — if Cultural Services are retained within the Council they will remain embedded in the Council's strategic infrastructure and the community planning process and therefore close to the centre of strategic decision-making — good practice case studies demonstrate that services transferred to a Trust can continue to make a strong contribution to public sector strategic priorities; this is where the Trust establishes a direct line back into the Council — back to the Administration via the elected member representatives on the Board and to corporate management team via a 'champion', a key decision-maker at a high level within the organisation; these actions ensure the Trust remains a member of the Council 'family' — the national cultural agencies will go to where strategic decision-making is taking place within the region — if Services are retained then the current partnerships with national agencies will remain in place and, if the Services are transferred to a Trust with the Trust becoming the culture agency for the region, the Trust will recreate that partnership with the national agencies	 EVIDENCE (from CULTURE TRUST BOOK) best practice case studies from appraisal and review of the Trust option study visits – e.g. to Link-4-Life (Rochdale) where the CEO sits on Council Corporate Management Team EKOS Community Services options appraisal 2010 for Scottish Borders Council; advantages of the Trust option this option would potentially encourage greater flexibility of operation, speed of decision-making, and accelerate service efficiencies and improvements; the governance model of a single-member Trust would enable SBC to retain full control but at the same time introduce commercial and community input; Trusts are increasingly recognised and accepted as an organisational model for services of the type managed by CS. business case made for transfer to Trust by other Scottish local authorities e.g. Fife "The creation of a single cultural trust would offers a strong and unique connecting voice to Creative Scotland and other national bodies on which cultural services increasingly tend to rely for additional programme and project funding" national agency support for investigating alternative governance models for Cultural Services the Trust model: e.g. Museums and Galleries Scotland Choices for Change Toolkit and MLA publications Testimonials in industry publications e.g. Rodney Hill, Chief Executive of Wigan Leisure and Culture Trust "In partnership, we have been able to make a number of key strategic changes which have helped to transform services. being at arm's length from the local authority has given us the ability to be more fleet of foot which enables decisions to be implemented more quickly; this does not preclude us working closely with the local authority in developing a wider strategy for cultural services and, in partnership, we have been able to make a number of key strategic changes which have helped to transform services; and
2. Deliver significant economic and social impact and contribute to the Scottish Borders' vibrancy and quality of life	3	4	3	12	9	 The Trust scores higher because: the governance regime for a Trust – a company limited by guarantee with a trading arm – will guarantee a commercial edge to the Trust's activities and set economic impact as a key marker of the Trust's success; the Trust is consequently better placed to focus on and deliver economic impact in order to secure charitable status a Trust will have to define its social objectives and demonstrate how it will deliver these, and its commitment to these social objectives will be monitored and tested by OSCR and by the Council through its performance management framework; a Trust will have, as a consequence, to apply more clarity and focus around social impacts a Trust, with its continuing ability to invest effort and resource in improving the reach and quality of its services will be better positioned to develop initiatives that contribute to the region's vibrancy and quality of life and promote it positively imaginatively and confidently to visitors and tourists 	 EVIDENCE (from Culture Trust Book) EKOS Community Services options appraisal 2010 for Scottish Borders Council Testimonials in industry publications e.g. Rodney Hill, Chief Executive of Wigan Leisure and Culture Trust; "operating our services as a business with the challenge of meeting both social and financial objectives, i.e. the bottom line, has led to a much keener focus on what we do;" Guidance on the Trust option which emphasises a Trust's social responsibilities and differentiates the Trust purpose from a private sector business: e.g. LG Exploring the Trust Option for Museum Services [2011] "Whatever its legal form the key distinguishing features of an NPDO is that its profits cannot be distributed (e.g. to shareholders) but must be reinvested back into the organisation to further its objectives. This is the fundamental difference between a private sector share company and an NPDO. It means that all of the profits generated by the organisation are continually reinvested to improve the services provided."
3. Produce better integrated and joined up Services	4	4	4	16	16	This criterion can be related to 1 above. The two options score equally because: — if Cultural Services are retained within the Council they will remain embedded in the Council's framework of services and closer to the Council's own and wider public sector integration initiatives: consequently they will be better positioned to promote opportunities for Cultural Services to join together with adjacent services and strengthen strategic ally and operationally. — a Trust will be a key player in the third/voluntary sector; from that position the	 EVIDENCE (from Culture Trust Book) EKOS Community Services options appraisal 2010 for Scottish Borders Council; advantages of the Trust option this option would potentially encourage greater flexibility of operation, speed of decision-making, and accelerate service efficiencies and improvements; the governance model of a single-member Trust would enable SBC to retain full control but at the same time introduce commercial and community input; Trusts are increasingly recognised and accepted as an organisational model for services of the type managed by CS.

						Trust will be better able to see and make the most of opportunities to integrate services across sectors – sharing strategic priorities and initiatives with third/voluntary sector partners as well as public sector agencies	EVIDENCE (from TCoS project) — Implemented TCoS initiatives – the integration of Libraries and Contact Centres
4. Build wider partnerships across Council services, and public, private and third sectors to sustain, develop and improve cultural provision	3	4	3	12	9	The Trust scores higher because: a Trust, working in the third sector, combining public service values with a third sector social enterprise ethos, is better placed to grow a network of cross-sectoral strategic and operational partnerships good practice case studies demonstrate that services transferred to a Trust, where they remain, through strong structural ties, a member of the Council 'family', will continue to make a strong contribution to public sector strategic partnerships and priorities a Trust, as a single purpose organisation, is better able to provide a point of focus for the cultural sector, advocate the sector and address its needs a Trust will retain the critical mass and confidence, with targeted savings achieved largely through rates remission and frontline services intact, to enter into new and wider cross-sector partnerships and invest effort and resource in improving cultural provision	 EVIDENCE (from Culture Trust Book) Key advantages of Trust option identified in industry publications; e.g. MLA 'Moving to Museum Trusts: Learning From Experience' 2006 " opportunities to make new connections and develop new partnerships (both in the museum sector and outside)." Evidence to Scottish Parliament 2012 by Trust managers e.g. Heather Stuart (convener of VOCAL Scotland and CEO Fife Culture Trust): A focus on Trusts'" In setting up what are increasingly robust contracts, authorities need someone who is an expert in contract monitoring to hold the trust to account on what must be delivered. That is the quantitative side of things. You also need a well-functioning relationship between the trust's chief executive and its senior team and senior council officers with related responsibilities or client monitoring responsibilities. With regard to democratic accountability, I strongly feel that you need some type of committee or sub-committee model where the chief executive and perhaps the board members are regularly given the opportunity to showcase the trust's work, to give performance information and to be held accountable for public money. With those three things in place, there would in many cases be a much more robust scrutiny and monitoring framework than there perhaps would be for in-house services."
5. Build a web and digital media platform to interact with customers and users and deliver services	3	4	2	12	6	Note: To remain viable, Cultural Services must bring customers and users to the spaces, services, experiences and products they offer. Most customers and users expect to find these Services easily online. They expect to find out what there is to see and do, buy tickets to see and take part in activities, buy services and products, hire venues and to interact with services – all online. The Trust scores higher because: — a Trust with its specific focus on Cultural Services can differentiate its customer/user base and address their needs and expectations with a web and digital media platform designed for them and to bring them to the services — a Trust provides a more effective organisational setup and culture – more business oriented, with greater flexible and quicker decision-making – to introduce a stronger commercial edge to Cultural Services' activities, be more demand led, and customer focussed; consequently the Trust will have stronger incentive to ensure that it builds an effective web and digital media platform for and with its customers	EVIDENCE — project managers' assessment — needs assessment – web and digital media – for Cultural Services prepared by project managers — review of Culture Trust websites
						VARIANCE BETWEEN OPTIONS The Trust Scores substantially higher here because it is much better placed to develop a web and digital media platform that is tailored exactly to the needs and expectations of Cultural Services' customers and users. Retained within the Council, Cultural Services will have to find their niche within a much bigger corporate web and digital media framework that has to deliver across all of the Council's business. It is unlikely in this scenario that the Council could make a priority of and provide investment for the specific/unique needs of Cultural Services – e.g. online selling, box office and listings functionality.	
				67	55		

RESILIENT SERVICES: 'Will this arrangement enable Cultural Services to...'

CDITEDIA		Option 1 Transfer to	Option 2 Retention	Option1	Option2	DATIONALE	EVIDENCE
CRITERIA	weighting	a Trust	Restructure	weighted	weighted	RATIONALE	EVIDENCE
1. Achieve savings and sustain services within a reduced budget	5	4	2	20	10	The Trust scores higher because: — a Trust can achieve the substantial majority of the savings target set for Cultural Services through rates remission; therefore frontline services can be safeguarded: — (see 1,3 and 7 in Leadership and Ethos and a 1 in Relevant Services) a Trust can preserve the critical mass and core strength of Cultural Services to and will therefore have greater capacity and capability to innovate and change services in the future to make them more resilient and sustainable VARIANCE BETWEEN OPTIONS In the Retention and Restructure option rates remission is not available and savings will have to be found from a diet of service reduction and/or withdrawal, the closure of facilities and streamlining frontline staff and management. Making, the level of savings required will result in considerable damage to Services and the management of decline into the foreseeable future.	 EVIDENCE (from Culture Trust Book) Key advantages of Trust option identified in industry publications; e.g. Lawrence Graham 'Culture in Trust' the speed of decision-making when freed from local authority bureaucracy − fleet-of-foot; being a single-focused body; a customer-first improved quality of service the opportunity for improved investment by recycling surpluses and NNDR savings; a more focused and business-like management team; and more able to control own destiny. Audit Scotland 'Arms Length External Organisations (ALEOS); are you getting it right' [2012]; potential advantages of Trust status clear identity and service focus; more independent of Council decisions potential cost and business rates/tax advantages Business case made by other Scottish local authorities for transferring to Trust: e.g. Highland Council. "If the Council establishes an ALO to manage and deliver CLI services it can achieve an estimated annual recurring saving of £1M;The main risk to the Council in continuing to deliver CLI services in house is the inability to achieve the estimated recurring saving of £1M and the consequent reduction in service that would be required to achieve budget savings targets" e.g. Councillor Adrian Mahoney, Convener of Leisure, Tourism and Community at Fife Council: "More than half the Councils in Scotland have already established trusts, recognising they can bring community benefits and save money. At a time when budgets are tight and local services are under extreme pressure, we need to look at all ways to protect frontine services and jobs. I'm certain the Trust will help achieve that. In addition, by setting up a charity like this, we're also giving many important community services the chance to tap into external funding not open to the Council." EKOS Community Services options appraisal 2010 f
2. Safeguard the Services' reach and impact across Scottish Borders communities	4	4	3	16	12	Note: The operating model for Cultural Services has been built on the local delivery of services from local facilities. Cultural Services has just about the longest reach of all Council services. The Library mobiles visit some of the Scottish Borders remotest rural communities and the rural housebound. The Trust scores higher because: — a Trust can preserve the reach of services by delivering savings through rates remission and, therefore protecting frontline service delivery	EVIDENCE (from Culture Trust Book) — Business case made by other Scottish local authorities for transferring to Trust: e.g. North Lanarkshire Council "Option 1 - Reconfigured in-house Services • no NNDR savings can be released; • realising f800k in recurring revenue savings would lead to significantly reduced services to communities and possible cessation of services. More specifically, reductions in employee numbers and/or building closures would be required. In respect of closures this would equate to c50 community facilities or, in employee terms, up to 30 employees (based on average salary across the service) or a combination thereof.

3. Address underperformance and declining usage	4	3	12	 Note: Across Cultural Services, there are pockets of underperformance. Mainly the result of chronic underinvestment, with most Service budgets significantly below the national average per capita spend, this underperformance nevertheless must be addressed. This criterion relates to criteria 1 and 2 in Leadership and Ethos The Trust scores higher because: a Trust can achieve the savings target for Cultural Services without having to resort to substantial service reductions which would inevitably further harm the performance of the services and accelerate the decline in their use a Trust with its clarity of focus and purpose and a more commercial outlook (new skills, ideas and experience introduced by the Board) would be better positioned to address declining use by improving the customer experience the Trust will be tied into a performance management framework and specific targets agreed with the Council; it can therefore operate with greater clarity about the expectations of Service performance and monitor and report performance more effectively NOBLE OPENSHAW: Resilient Services 3: We believe the evidence suggests that the differential between the two options could be greater. Performance will be an important element of both options, but measurement of success is by definition of greater significance to the continuation of the trust and therefore a greater preoccupation in the setting of performance measures, expectations of managers and staff training and development priorities 	 advantages of the Trust option this option would potentially encourage greater flexibility of operation, speed of decision-making, and accelerate service efficiencies and improvements; the option may help to release the trading potential within CS services, such as the development of new products and services, diversification from existing services, and the development of new markets for existing services; and
4. Manage risk 3 effectively	3	5	9 1	The Retain and Restructure option scores higher because: — risk management is embedded in the Council's culture and operation, underpinned by an expansive audit regime and, as a consequence, within this supportive framework the Retained Services will be better able to manage risk VARIANCE BETWEEN OPTIONS A Trust will not have the resources to replicate the Council's risk management and overarching internal audit regimes. It can benefit from the experience of managers wh transfer from the Council to the Trust but will have to develop a lighter touch and hence less failsafe approach to the effective management of risk.	
5. Successfully deliver change	4	3	12	This criterion is related to criteria 1-3 in the Leadership and Ethos Section and the reasons for the Trust option scoring higher there apply equally here. The Trust scores higher because: — a Trust can achieve the savings target for Cultural Services and safeguard services a Trust's change agenda and its resources can be committed to service improvement, innovation and modernisation rather than the management of decline — a Trust is a single focus organisation which can more effectively produce and deliver a change programme tailored specifically to the needs of the cultural sector — within a new organisation, that has a well-defined commitment to delivering social, economic and educational impact through cultural provision, it should possible to foster a culture that more effectively delivers change and innovation — the governance structure of a Trust should result in greater operational flexibility and quicker decision-making — qualities that contribute to making and managing change effectively — the Board can bring new ideas, experience and skills to the work of the Trust that facilitate and accelerate change	 place to deliver the required change programme. Quick wins are important. However, the real measure of success must be sustainability and continuous service improvements. Success will depend on the leadership, commitment and culture of the new organisation and importantly in this context, the willingness of the staff involved to embrace the organisational change and opportunities the NPDO presents. Audit Scotland 'Arms Length External Organisations (ALEOs); are you getting it right' [2012]: potential advantages of Trust status clear identity and service focus; more independent of Council decisions

RESPONSIVE SERVICES: 'Will this arrangement enable Cultural Services to...'

CRITERIA	weighting	Option 1 Transfer to a Trust	Option 2 Retention Restructure	Option1 weighted	Option2 weighted	RATIONALE	EVIDENCE
1. Strengthen knowledge and intelligence about the Services' customers and users	2	5	3	10	6	Note: Cultural Services depend on people crossing the threshold of its facilities, attending its programme of activities and buying its products. People must choose to use the Services and, as a result the Services must adapt quickly and effectively to changing customer and user needs and expectations. The cultural sector is one of the most volatile and innovative environments in which to work with, for example, new digital media and content, constantly challenging and changing the way people consume culture and consequently challenging Cultural Services to develop and modernise is offering to the public. The Trust scores higher because: — the governance structure of a Trust — a charitable company limited by guarantee with a trading arm — is more attuned to developing commercial activity; being more commercial means that the Trust must continually strengthen its knowledge and intelligence about customers and users — a Trust Board can introduce new commercial acumen to Cultural Services and with it new skills, ideas and experience on marketing the Cultural Services offering, based on improved knowledge and intelligence about customers and users VARIANCE BETWEEN OPTIONS A Trust is a stronger vehicle for developing Cultural Services' customer and user base. The Trust is more demand and market led. It should be possible to design into the Trust more flexibility, quicker decision—making and the ability rapidly to adapt to change. A new commercial outlook and acumen can be introduced into the Trust, particularly with the recruitment of a Board where these business skills are placed at a premium.	EVIDENCE (from Culture Trust Book) Key advantages of Trust option identified in industry publications; e.g. Lawrence Graham 'Culture in Trust' being a single-focused body; a customer-first improved quality of service a more focused and business-like management team; and EKOS Options Appraisal for Community Services 2010 the option may help to release the trading potential within CS services, such as the development of new products and services, diversification from existing services, and the development of new markets for existing services; and Trusts are increasingly recognised and accepted as an organisational model for services of the type managed by CS.
2. Be demand led; meet changing customer, user and community needs and expectations of the services Output Description:	4	4	2	16	8	This criterion relates to 1 above in this section and 5 in the Resilient Services section and the reasons for the Trust option scoring higher there apply equally here. The Trust scores higher because: — a Trust, although it has charitable purposes and must recycle profit back into its mainline charitable activity, is set up to trade; to trade successfully a Trust has to be demand led and strongly focussed on customer and users needs and expectations VARIANCE BETWEEN OPTIONS A Trust is set up to be more demand and market led. The commercial outlook and acumen of a Trust will make it more sensitive and responsive to the 'culture' market. A Trust will be better positioned to address and turn around declining use which is, currently, a significant threat to the future viability of Cultural Services.	 EVIDENCE (from Culture Trust Book) Key advantages of Trust option identified in industry publications; e.g. Lawrence Graham 'Culture in Trust' a customer-first improved quality of service a more focused and business-like management team; and EKOS Options Appraisal for Community Services 2010 the option may help to release the trading potential within CS services, such as the development of new products and services, diversification from existing services, and the development of new markets for existing services; and Trusts are increasingly recognised and accepted as an organisational model for services of the type managed by CS. Business case made by other Scottish local authorities for transferring to Trust e.g. Highland Council. "The option to transfer the delivery of CLL activity to an ALO provides the Council with the opportunity not only to preserve the delivery of CLL services for the wellbeing of its citizens, but also to potentially enhance and develop them. The analysis indicates that, within a difficult financial climate for the Council, CLL services can contribute a recurring £1M in savings for the Council through an ALO, while potentially becoming more focussed on customer needs under the direction of a Board of Directors with business and community expertise."
3. Engage with customers, users and communities on the future design and delivery of services	3	3	4	9	12	The Retained option scores higher because: — the Council is devoting resource and developing the apparatus, particularly through community planning, to engage better with communities in the Scottish Borders; this action will be accelerated in the Council and community planning partnerships by the Scottish Government's 'Empowering Communities' programme — the Council is committed to engaging with the public on the future design and delivery of services	 Council's publications on engaging and involving communities in decision-making
				35	26		

ENTERPRISING SERVICES: 'Will this arrangement enable Cultural Services to...'

CRITERIA	weighting	Option 1 Transfer to	Option 2 Retention	Option1	Option2	RATIONALE	EVIDENCE
	weighting	a Trust	Restructure	weighted	weighted		
Exploit income generating potential from commercial	5	5	3	25	15	This criterion relates to 1 and 2 in the Responsive Services section and the reasons for the Trust option scoring higher there apply equally here.	EVIDENCE (from Culture Trust Book) — reason for establishing the Borders Sports and Leisure Trust – to create "a more market-focused responsive and dynamic organisation."
activity						The Trust scores higher because: — where the long-term trend in local government funding is towards continuous reduction in expenditure, optimising opportunities to generate revenue from commercial activity is essential to preserving the quality and reach of services; a Trust is set up to trade and it will have a commercial edge and therefore the capability to make the most of income generating opportunities — a Board can introduce new skills, ideas and experiences in business and marketing to the Trust	 Business case made by other Scottish local authorities for transferring to Trust: e.g. Highland Council. a Trust can "enhance service quality and income through increased focus on service provision under the direction of the Board (and) expand business activity through trading subsidiary for catering and merchandising." e.g. Fife Council (committee report 2011) "A trust could offer room for greater flexibility & further improvement: More focused, commercially-aware and proactive management team Single focused body with a clearer sense of direction & the ability to focus
						VARIANCE BETWEEN OPTIONS Cultural Services have a public service ethic which can be safeguarded – possibly even better defined and embedded – in the charitable purposes of a Trust. Although the Services do generate significant income from admissions, hires and lets, there are income generating opportunities open to the Services which remain largely unexploited. A Trust should be better positioned to take a more commercial focus to the Services' activities and capture currently unrealised income, which can then be recycled into improving the Cultural Services offer – a virtuous circle where the improved offer generates more footfall, consequently increasing revenue.	on core business Greater flexibility and freedom to develop according to customer/audience needs EKOS Options Appraisal for Community Services 2010 the option may help to release the trading potential within CS services, such as the development of new products and services, diversification from existing services, and the development of new markets for existing services; and Trusts are increasingly recognised and accepted as an organisational model for services of the type managed by CS.
Be more strategic and successful in raising external funding and new investment	4	4	2	16	8	 The Trust scores higher because: there are external funding sources – primarily grant support from Trusts and Foundations – which are unavailable to the local authority a Trust can benefit from gift aid on donations Board members from the business community can use their networks to explore new investment opportunities VARIANCE BETWEEN OPTIONS A Trust can raise new and additional funding from sources inaccessible to the Council. It is a significant advantage of Trust status, although it is important not to overstate the scale and immediacy of the potential gain from new funding. However, in a climate where budgets are under attrition, any new fundraised income improves 	 EVIDENCE (from Culture Trust Book) Audit Scotland 'Arms Length External Organisations (ALEOs); are you getting it right' [2012]: potential advantages of Trust status opportunities to attract external investment Business case made by other Scottish local authorities for transferring to Trust: e.g. Fife Council (committee report 2011) Improved quality of service and greater customer-focus Opportunity for improved investment by recycling surpluses or savings Greater attractiveness of the stand-alone body to potential funders and donors EKOS Options Appraisal for Community Services 2010 a Trust would potentially have access to external funding and finance that SBC cannot access (e.g. grant-making trusts, social investors), although the availability of external finance should not be overestimated; Testimonials in industry publications e.g. Wigan Leisure and Culture Trust "other key advantage of Trust status has been the ability to generate investment for the library service. Money attracts money, and the ability to invest makes the service a serious partner and able to attract other resources."
3. Improve the marketing and promotion of Services	3	4	2	12	6	This criterion relates to 1 and 2 in the Responsive Services section and 1 in this section and the reasons for the Trust option scoring higher there apply equally here. The Trust scores higher because: — a Trust is set up to trade: to trade effectively and make the most of its commercial potential a Trust will have to raise the bar on the marketing and promotion of services — with its tighter focus a Trust will be better able to develop a brand for the Services which is capable of stimulating recognition/loyalty amongst potential customers and users and can contribute to increased footfall and sales — a Board can introduce new skills, ideas and experiences in marketing to the Trust VARIANCE BETWEEN OPTIONS Cultural Services have a limited opportunity within the corporate entity of the Council to differentiate themselves and market and promote their activities. At the same time the Services are unique in their need to bring customers and users to them. Declining use is a key threat to the future of the Services and this makes their effective marketing and promotion even more vital. A Trust, with its commercial edge, tighter focus and	EVIDENCE (from Culture Trust Book) Key advantages of Trust option identified in industry publications; e.g. Lawrence Graham 'Culture in Trust' a customer-first improved quality of service a more focused and business-like management team; and reason for establishing the Borders Sports and Leisure Trust – to create "a more market-focused responsive and dynamic organisation." EKOS Options Appraisal for Community Services 2010 the option may help to release the trading potential within CS services, such as the development of new products and services, diversification from existing services, and the development of new markets for existing services; and

				capacity to draw new skills, ideas and experiences in marketing and promotion to the Services is better positioned to address these demands.
=				
		53	29	

Total **322 240**