

Arts Council of Wales

Cultural Recovery Fund 3

Arts Organisations Guidance

January 2022

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Arts Council of Wales is committed to making information available in large print, braille, audio, Easy Read and British Sign Language and will endeavour to provide information in languages other than Welsh or English on request.

If you have any access needs and are thinking about making an application, we can help to make sure that you're supported during the application process. Please contact us at grants@arts.wales to discuss how we can help.

Arts Council of Wales operates an equal opportunities policy.

About the Cultural Recovery Fund

IMPORTANT - This guidance describes the process for eligible arts organisation to apply for funding.

The purpose of this fund is to support organisations that are in genuine difficulty, are at risk of closure or that jobs will be lost, unless further support is provided – this risk must be as a direct result of the ongoing impact of Covid-19.).

You should be based in Wales (both profit and not for profit), and trying to sustain a basic level of publicly accessible activity to March 2022.

You should be able to evidence that your organisation is unable to draw on reserves, or other credit arrangements / other sources of funding.

In general we expect applicants to the Cultural Recovery Fund to have already been successful in an application to the Arts Council's Cultural Recovery Fund second round (awarded in May 2021 (referred to hereafter as CRF2). If you did not receive funding via CRF2 directly from us from this previous round, but now find yourselves in a more difficult financial position then we explain later under 'Eligibility' what you need to do to request permission to apply. Please do not apply without receiving permission to do so.

You can apply for a non-repayable grant of up to £100,000 to support your activities up to 14 February 2022. Professional arts venues and other arts organisations that directly engage 'face to face' with the public on a paid for participation basis (eg community arts organisations) can also include retrospective costs back to 1st October 2021. This recognises the particular challenges that were already being faced by the lower income for these organisations even before additional restrictions in December 2021.

Others should only include costs from 1st December 2021. If you feel this limit does not meet your specific circumstances, then we encourage you to talk to us on an individual basis.

Many organisations are affected by COVID-19. But it's important that funds are given to those in the most urgent need. This fund is about survival, it is about not compensating for temporarily reduced profits. We'd therefore ask you to think carefully about whether you need to make an application to this fund.

You'll be expected to continue working to fulfil your '[Cultural Contract](#)' to encourage new ways of working and ensure greater diversity in the management, workforce and programming of your organisation.

Organisations supported through this fund will be expected to demonstrate a forward-looking commitment to the principles of the Welsh Government's Wellbeing of Future Generations Act (Wales) 2015 and the current Programme for Government.

All financial support from this fund is discretionary with competition likely for the available funds. Submitting an application does not guarantee all or some of the money you have requested.

The process is intended to be 'light-touch' and quick. We're aiming to turn around applications to ensure that successful applicants receive funding before the end of March 2022. If the number of applications we receive means that this isn't achievable, we'll let you know as soon as possible.

After March 2022 you'll be required to submit a short Completion Report confirming how the funds were used. This Completion Report will trigger any final payment of your award.

What is this fund for?

This fund is designed to help organisations to avoid financial collapse during a period of continuing financial pressure due to COVID-19. The fund will not support increased activity above what would be considered normal levels, nor will it compensate for the difference between current and more typical levels of activity. You must be able to demonstrate that you are at risk of closure or job losses. If your turnover is sufficient to support ongoing operations to March 2022, albeit perhaps at a lower level than would usually be the case, you should not submit an application. We recognise that the ongoing pressures caused by Covid-19 have created significant financial challenges for arts organisations. Helping to address these pressures is the central purpose of this fund.

The fund will consider support for arts organisations of all sizes which employ staff, including social enterprises and charitable organisations.

In making your application you may include a proportion of capital costs relating to the need to make your venue and facilities Covid-19 safe and compliant, if the cost of doing so is otherwise unaffordable without putting your organisation at risk of closure or job losses. You can include in your application to this scheme a request for a maximum of £5,000 towards capital costs.

We cannot support everyone, so the fund will be targeted towards those who support and promote publicly accessible professional arts activity in Wales and who can evidence significant financial pressures.

The funding must not duplicate any other form of Welsh Government Covid-19 related funding.

It's absolutely vital that we're able to support those who have the most urgent needs at this time. We're very aware of the significant financial challenges being faced by many organisations, most notably venues, so we want to support as many eligible applications as we can.

Applications will need to meet the published criteria. However, we might find that the number of applications is greater than the budget available to us. The assessment criteria will be the key basis for decision-making.

The criteria are explained later in these guidelines.

Eligibility

We expect organisations applying to this fund to have been successful in Arts Council of Wales' Cultural Recovery Fund second round (awarded in May 2021). If you did not apply to this round or were unsuccessful then you must contact us at grants@arts.wales to gain approval to make an application prior to making your submission. If you do not receive formal permission your application will not be eligible for assessment.

- All applicants must also satisfy the remaining criteria. You must be:formally constituted as one of the following:
 - a Company Limited by Guarantee
 - a registered charity (including charitable trusts)
 - a Charitable Incorporated Organisation (CIO)
 - a Community Interest Company (CIC)
 - a Company Limited by Shares (see public benefit criteria below)
 - an Unincorporated Association
 - a Partnership, including a Limited Liability Partnership
 - University or other Public Body running cultural activity
 - contributing to the cultural life of Wales by providing creative activities that people can enjoy and take part in
 - working mainly (50%+) in one of our supported disciplines (music, dance, theatre, literature, visual and applied arts, combined arts, Digital Art)
 - able to show a track record (within the last three years) of providing publicly accessible arts activity that has a public benefit
 - delivering the majority of your work (60%+) in Wales
 - not in default of any financial agreement or have any overdue requirements on any other funding with the Arts Council of Wales or Welsh Government
 - not confirmed as having been in breach of any previous or current Covid-19 regulations. If you are found to be in breach of any Covid-19 regulations during the period covered by an award made through this fund, we reserve the right to request repayment of the award in full

If you're an organisation that delivers for profit activity, please note that the amounts you receive cannot be used to support any of your profit-making activity or supplement commercial profit.

Please note:

This Fund does not support:

- Individuals, freelance practitioners and sole traders
- Organisations that are directly owned/operated by a Local Authority
- Festivals and Events
- Grassroots music venues and Bands, comedy venues, publishing, film and tv, creative industries
- Technical support services
- Independent cinemas, apart from those that present film as a minor part of a multi arts programme (Independent cinemas that do not form part of a larger multi arts venue may be able to apply for funding via a separate application form. You should read the separate guidance to check your eligibility)
- We're expecting applicants to 'self-define' if they're a multi-arts venue (showing film or containing a gallery as part of their mix) or primarily a cinema or gallery (where other arts provision is secondary or not offered). We haven't specified that this decision should be made on levels of income as we recognise that some activity provides larger proportions of income than others. We would accept applications from all multi arts venues unless that venue sees itself primarily as a cinema or gallery).

This funding is not to replace regular funding from a local authority or other public body. We would expect funding of this nature to continue at historic levels. It is intended to support organisations that are in immediate financial peril and are unable to call on reserves or other sources of income.

If you're a **school**, please note that schools aren't eligible as you won't be able to meet the other criteria that apply to this fund (for example, the requirement to be primarily working mainly (50%+) in one of our supported disciplines.

How much can I apply for?

- A grant of up to £100,000, to be used by 31 March 2022.
- In exceptional circumstances you may be able to apply for £500,000 (see below for details)

Please note that this is an upper limit rather than a target to aim for. You should be clear in your application about why you need the amount of funding you have requested. We anticipate most organisations will apply for less than £50,000

Please make sure you apply within the limit. If you apply for more then we may have to reject your application.

In **exceptional** circumstances organisations can request approval to apply for a higher figure than £100,000. If you feel the limit outlined in this guidance does not meet your specific circumstances, then we encourage you to talk to us on an individual basis. Please email grants@arts.wales with a clear rationale and associated budget. This must be done at least 5 working days before the fund deadline. Please note we will not, under any circumstances, consider application requests exceeding the £100,000 if you have not received approval to apply at this level.

The maximum we can fund in exceptional circumstances will be £500,000. Approvals to apply for over £100,000 will only be granted in exceptional cases and where it is demonstrated that a lower award would jeopardise the survival of the organisation

Please think carefully before applying to check that it's really necessary. It's important that funds reach those most in urgent need, and we'd ask you to bear this in mind.

UK Public Subsidies

There are rules in the UK restricting the provision of grants and other economic advantages by public authorities on a selective basis to organisations where this could potentially distort competition and trade. The rules about this are known as the **UK Subsidy Rules**.

You can find more information on subsidies later in these Guidelines.

Please note:

The above information is not legal advice. You may wish to obtain legal advice in order to ensure that you're compliant with the UK Subsidy Rules.

Deadlines

The fund opens for applications on **Wednesday 12 January 2022** and applicants will need to have submitted an online application no later than the deadline of **5.00 pm on Wednesday 26 January 2022**.

If we need to change these dates for any reason then we will publish the new dates on our website. Please check our website for the latest information.

What are the priorities for support?

Wales faces numerous social and economic challenges. Many of these are legacies of the past. But enshrined in legislation – the Well-being of Future Generations Act (2015) – is a determination from the Welsh Government to ensure that this generation doesn't, through indifference or carelessness, leave them as challenges for the next.

The Welsh Government's vision is for Wales to be a fair, prosperous and sustainable country, improving the quality of life of people in **all** its communities and working through the medium of the Welsh and English languages. The organisations that we fund will need to show how they embed the principles of equality and diversity in all that they do, including governance, workforce and through the activity that they present.

We want more people in communities and places less well-served by the arts to have opportunities to enjoy and take part in the cultural activities. We attach particular importance to organisations who demonstrate a practical commitment to working with and for D/deaf, disabled and neurodivergent people, Black, Asian, and Ethnically Diverse people, and Welsh speakers. We'll expect you to demonstrate in your application how you, as an organisation, have considered these issues and intend to apply them in the future.

The 'Cultural Contract'

Those receiving support from this fund will be expected to continue to work to the principles of the Welsh Government's 'Cultural Contract'.

The Welsh Government's vision is of a Wales that is fair, prosperous and confident, improving the quality of life of its people in all of the country's communities. The development of a 'Cultural Contract' is designed to encourage applicants to adopt new commitments that ensure that public investment is deployed with a social purpose. This will build on the Welsh Government's existing 'Economic Contract'.

Activity that we will expect applicants to demonstrate in their future plans include:

- **Growth Potential** - developing positive activity to support resilience, diversify and adapt operations through income generation, sharing resources and maximizing opportunities to engage and support freelance creative professionals in Wales

- **Fair Work** – ensuring appropriate rates of pay; board and workforce diversity to increase the involvement throughout the organisation and in the work you deliver by, with and for Black, Asian and Ethnically Diverse people, D/deaf, disabled and neurodivergent people and people with other protected characteristics, including Welsh speakers
- **Promotion of Health, Skills and Learning in the workplace** – developing skills, learning and health and well-being initiatives in the workplace and community including supporting arts and health initiatives
- **Progress in lowering your Carbon Footprint** - measures to improve environmental sustainability and reduce your Carbon Footprint

What can I apply for?

You can apply if you are facing significant financial challenge resulting from the ongoing impact of the Covid-19 pandemic. Funding can be used before March 2022 to cover activities essential to the provision of your organisation's public facing services, where the cost of doing so is otherwise unaffordable without putting your organisation at risk of closure or job losses, as a result of the financial impact of the Covid-19 pandemic, for example:

fixed business costs such as:

- staff, including those previously furloughed under the UK Government's Job Retention Scheme
- rent – excluding landlord rent holidays
- security, essential building and plant maintenance, insurances
- standing charges for utilities – water, electricity, gas, phone & internet
- Committed contractual costs – eg IT systems, office equipment
- Legal and professional costs -.payroll, accountancy

Capital costs (up to £5,000) – This is primarily a revenue fund. You can however include one-off costs directly linked to Covid-19 crisis where you are not able to secure funding from other sources or use current available cash reserves and/or costs for physically adapting to Covid safety requirements including consumables for staff working from home (but not PPE which is not eligible for support under this scheme). We anticipate that most organisations will already have undertaken the required adaptations and so requests here should be minimal.

What are the criteria that apply to this fund?

Applications will be assessed against the following criteria:

- the degree and urgency of financial need as demonstrated in your application
- Your organisational approach to how you:
- embed equalities, diversity and Welsh language in the future operations of your organisation
- embed economic, environmental, social and cultural sustainability in the future operations of your organisation
- include opportunities for freelance creatives and individual artists
- evidence that employees are paid the national minimum wage and that freelance workers are paid at least the minimum level of fee agreed with the relevant trade union or professional association

What is the application process?

1. You will need to register on the Portal of our grants management system before you can make an application. (If you've already registered, you don't need to do this again.)
2. We ask you to complete and submit a simple online application form, found [here](#). If you're unable to access the online form, or require further assistance in making your application, please contact us at grants@arts.wales.
3. After we receive your application, we'll send you an acknowledgement.
4. We'll determine your eligibility by reviewing the information provided. We might need to ask for additional information. If any information (such as a governing document or bank details) is missing on your account, we'll contact you. You'll have up to 5 working days to resolve any outstanding matters, otherwise your application may be declined.
5. The increased urgency of need for many organisations means that we will undertake basic eligibility checks and offer those that pass these checks an advance of 45% of the eligible amount requested.

You should be aware that we will still undertake a full assessment of your application following making an advance. If we then identify that you would not have received the amount you requested, we may reduce future payments or even ask for some of all of the advance to be returned.

A payment does not therefore imply that we have assessed and agreed to your request in full.

6. If we've confirmed that an application is eligible, it will proceed to assessment.
7. We'll review your application and budget information to ensure it meets with our priorities and that the figures are appropriate.
8. If your application is successful, we'll ask you to confirm your acceptance of the award. If you've not been successful, we'll explain why.
9. Once you have accepted your award we'll pay according to the following categories:
 - Second payment of 45% on acceptance, the remaining 10% will be paid on receipt of a satisfactory Completion Report.

If your circumstances require a different payment schedule we can discuss this with you following confirmation of your award.

Please note:

We'll aim to respond to all applications within a timeframe that allows for payment of successful awards prior to the end of March 2022, and will try to respond more quickly where possible. If our capacity becomes reduced due to the COVID-19 pandemic, we will contact you to discuss an amended timescale.

What Questions Will I Need to Answer?

Please note for the purposes of this application, any reference to 'project' refer to your proposal. The Cultural Recovery Fund is an Emergency Fund. Your application should not include project activity.

The application form is set out as follows:

Pre-Application Checks

Introductory information and pre-application checklist.

Contacting You

Information about the application contacts. This will include your language preferences and banking account information.

About your Request

Key information about your request, start and end date and basic budgetary information.

Current Situation

Please tell us about your current situation and how Covid-19 continues to affect your business. [3,000 character limit]

Tell us whatever you feel you're able to about what has happened to the work of your organisation as a result of Covid-19 and any current regulations.

Tell us how it impacts the period from 1 October 2021 to 31 March 2022. (We're not able to support you through this fund if your change in circumstances is not related to the Covid-19 pandemic.)

Tell us what would happen to your organisation if this funding was not available to you? Where relevant you could include information on any collections or assets you have responsibility for? Services that would no longer

be available and the impact this might have on the people who use and access your service?

Funding Requested

Why do you need the level of funding you have requested? [3,000 character limit]

How will you use this funding to support your organisation in order to ensure business continuity? What will happen if this funding is not awarded? Please provide evidence of need to support your statement, including to demonstrate that the likely impacts on your organisation are as a result of the Covid-19 pandemic). Please detail what you might do differently as a result of this funding to enable you to be more financially sustainable longer term.

We're not able to support you through this fund if your change in circumstances isn't a result of the COVID 19 pandemic.

Please explain how your requested funding is calculated. We are interested in the loss you are facing during the period. We are not looking at simply funding income gaps and so you should make particular reference to:

- The amount of any expected loss between 1 December 2021 (or 1 October for professional arts venues and other arts organisations that directly engage 'face to face' with the public on a paid for participation basis (eg community arts organisations)) and 14 February 2022. This is the difference between anticipated costs and income for the period. Be as clear as possible as to how you have calculated this figure.
- Any cost savings you expect to make (as a result of reduced activity for example)
- Any additional costs you expect to incur as a result of the current situation in order for you to remain operational.
- How you will use your reserves to assist you. If you hold reserves we would expect you to utilise these prior to making an application to this fund, unless they are restricted and genuinely inaccessible at this time (making reference to your published reserves policy where relevant). However, if your reserves are low, you may apply for funding to cover any losses during the period, but we may take your existing reserves into account and you cannot use the funding to build reserves. Tell us about your particular situation.
- What, if any, capital expenditure will you require, and why (the maximum you can apply for is £5,000)? Please provide a full breakdown of the capital costs that form part of your grant request.

When preparing the above you should take account of any other support you expect to receive so that there is no double funding of anything that you're seeking funding for.

Other Financial Assistance

Are you seeking financial assistance from anywhere else? Do you expect to be successful? [3,000 character limit]

Please detail here any other emergency funding that you're reasonably expecting to receive from other sources, including but not limited to funding from the UK and Welsh Governments.

Meeting our priorities

Please tell us about how you embed the following in the operations of your organisation:

- **Equalities, diversity and the Welsh language**
This is an opportunity for you to tell us about the work that you do to encourage and increase access to your services by under-represented groups such as people with disabilities or minority groups to promote inclusion and diversity. Tell us about how you provide opportunities for people to use and engage with the Welsh language for example do you provide welsh language interpretation or events.
- **Economic, environmental, cultural and social sustainability**
Examples could include new models of service delivery; other developments to better sustain / deliver services; improving resource efficiency; reducing energy and water usage; use of renewable energy sources; talking social isolation through volunteering opportunities; utilising digital and mobile technologies to deliver services; any regional or other partnership approaches.
Providing services to the local community What role do you have in providing local access to arts, culture and heritage? Do you provide volunteering opportunities? Special events/activities for your local community? Do you provide a space for community activities? Do you work with or support voluntary or third-sector groups?
- **Opportunities for freelance creatives and individual artists**
- Make explicit reference as to how your work demonstrates a commitment to the principals of the **Welsh Government's Wellbeing of Future Generations Act (Wales) 2015**.

Workforce

Please confirm that your employees are paid the national minimum wage and that freelance workers are paid at least the minimum level of fee agreed with the relevant trade union or professional association.

How many full-time equivalent jobs will this funding protect? (A full-time equivalent job is one of 30 hours or more a week.)

If you work with volunteers please estimate the number of volunteer hours this funding will protect during the period 1 October 2021 to 31 March 2022.

UK Subsidy

In order for us to assess whether we need to consider UK Subsidy implications in more detail it would help us if you could tell us whether you promote your organisation or its activities outside of the UK? If you do, please tell us what % of our audience typically comes from outside of the UK (including your audience when you perform outside of the UK but excluding any free streaming views). You might have to estimate or give us an average of previous years' figures.

Artform

Key information regarding the different artforms this request will protect.

Targets

Key information regarding ongoing targets, including number of exhibitions, performances, workshops, and audiences/attendees.

Language

We'll ask you to explain the impact you think this request will have on the Welsh Language:

Positive, Negative or Neutral

Location

In this section, we're asking you to tell us where your activity will take place.

Equalities

In this section we'll ask you to give us equalities monitoring information for your request.

Attachments

Budget information

This must be on the downloaded templates available in our application form and, for the purpose of this application, should be for the period from 1 October 2021 to 31 March 2022.

What other evidence will be required?

- Evidence that you have a bank account in your legal name that meets our requirements.
- Evidence that your organisation has a governance structure that meets the eligibility requirements for this fund.

See below for more information.

Completion reporting

We'll contact you around the end of March 2022 to provide us with a Completion Report explaining how you used the funding. Amongst the things that we'll be especially interested to hear about will be:

- The number of jobs safeguarded
- A report of your progress since making your application

You will be asked to include rationale for any differences to your original application

Bank Details

Your nominated bank account must fully satisfy the conditions stated within our online guidance [here](#)

Organisation Governance Arrangements

Please refer to our separate published guidance note on [Eligibility and Governance](#). This will explain the documents you will be required to upload prior making your application.

About Public Subsidies

There are rules in the UK restricting the provision of grants and other economic advantages by public authorities on a selective basis to organisations where this could potentially distort competition and trade. Following Brexit, the UK has also introduced its own rules on the provision of subsidies (the **UK Subsidy Rules**).

Further guidance on how the rules on subsidies apply in the UK can be found [here](#) and an applicant should satisfy themselves that the proposed grant will be compliant with the UK Subsidy Rules.

The UK Subsidy Rules regulate the provision of public subsidies to organisations involved in economic activities (which can sometimes include the arts, heritage and culture). If a proposed grant from the Cultural Recovery Fund does not amount to a 'subsidy', it can be

provided without having to comply with the UK Subsidy Rules. A grant will not amount to a ‘subsidy’ if the recipient can be shown not to be engaged in any commercial activities (including generating income from performances). Even if the recipient charges for its activities, it may be possible to provide a grant without it being a subsidy if the charges only represent a ‘fraction’ of the true costs.

A grant will not be a subsidy if it will have no effect on trade between the UK and the European Union and, while this is a strict test, it is likely that only grants to those arts and cultural organisations which are large and renowned or which widely promote their activities in the EU will fall within scope of the UK Subsidy Rules.

Grants which are ‘subsidies’ can still be provided from the Cultural Recovery Fund, provided certain conditions are fulfilled.

Fair Pay Guidance

The **National Minimum Wage** is the minimum pay per hour almost all workers are entitled to by law. From April 2016, a National Living Wage was introduced for workers aged 25 and older, across the UK. The Minimum Wage will still apply for workers aged 24 and under. It is a criminal offence for employers not to pay someone the National Minimum or National Living Wage, as appropriate or to falsify payment records. If you’re not paying the National Minimum /National Living Wage we cannot consider funding you.

Further guidance on National Minimum and National Living Wage rates is available at:

<https://www.gov.uk/national-minimum-wage-rates>

The Living Wage: The Living Wage is a voluntary hourly rate that is set by the Living Wage Foundation (www.livingwage.org.uk) based on the cost of living. The Living Wage Foundation encourages organisations across the UK, in all sectors, and of all sizes, to become accredited living wage employers.

Who/Link	For
a-n	The Artists Information Company for visual artists
AOP	Association of Photography
BECTU	The Broadcasting, Entertainment, Communications and Theatre Union for technical staff
Equity	For actors, singers and dancers
ISM	Incorporated Society of Musicians
itc	Independent Theatre Council for theatre practitioners
Musicians’ Union	Musicians’ Union for musicians
WGGB	The Writers’ Guild of Great Britain
UK Theatre	For theatre staff and musicians

What if I have a question?

The nature of this fund relies on the integrity of the applications. Please ensure you answer all questions fully, clearly and honestly. If you answer a question with inaccurate information, we may need to reclaim funding at a later date or take other action if we suspect fraud.

If you want to clarify if you or your request is eligible, or you wish to discuss other questions about this fund, please contact our Enquiries Service.

You can do this by email, through our website or social media:

Email: grants@arts.wales

Web: Fill out a form on our [website](#)

Twitter: Send us a tweet [@Arts_Wales_](#)

We aim to respond to all enquiries very promptly.

If you want us to call you back, please provide your contact number and we'll arrange to come back to you as soon as possible.

Freedom of Information

Arts Council of Wales is committed to being as open as possible. We believe that the public has a right to know how we spend public funds and how we make our funding decisions. You can see details of our policy [here](#).

We're listed as a public authority under the Freedom of Information Act 2000. By law, we may have to provide your application documents and information about our assessment to any member of the public who asks to see them under the Freedom of Information Act 2000.

We may not release those parts of the documents which are covered by one or more of the exemptions under the Act. Please see [Freedom of Information website](#) for information about freedom of information generally and the exemptions.

Complaints Procedure

If you're not happy with the way we dealt with your application, you can access a copy of our Complaints procedure on our website [here](#).

Please note that you can only complain if you believe we have not followed our published process when dealing with your application. You cannot use the complaints procedure to appeal against the decision.

Fraud Prevention

Information collected through the application process will be shared with fraud prevention agencies who will use it to prevent fraud and money laundering and to verify identity. Further information on how your information might be used is set out in our Privacy Policy below.

Data Protection

It's important that you're aware of the Arts Council of Wales' obligations and responsibilities under the General Data Protection Regulations (GDPR). The GDPR regulates how we collect, manage, share and store personal data and your rights in relation to our management of your data.

Further information may be found in our published [Privacy Policy](#).

We will not disclose Personal data or Sensitive Personal data, (as terms are defined in the General Data Protection Regulations) without your consent unless an overriding obligation applies (e.g. legal obligation).