

## **Guidance to accompany amendment to charging regulations for music tuition**

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### **Why do we need these new regulations?**

The previous legislation meant that instrumental lessons in groups of more than 4 pupils or vocal tuition in any size lesson could not be charged for. This restricted access to music tuition and had implications for the number of teachers required to teach such small groups. Making regulations to allow charging for groups of any size and for vocal tuition means that decisions on what size group should be taught can be made on sound educational and pedagogical principles as opposed to economics. It also means that lessons in larger groups can be offered at a lower cost per head.

### **What do the changes achieve?**

The new charging regulations for music tuition during the school day, The Charges for Music Tuition (England) Regulations 2007 ([www.opsi.gov.uk/stat.htm](http://www.opsi.gov.uk/stat.htm)), come into force on 1 September 2007. They provide the possibility of tuition in groups of any appropriate size and allow charging for vocal tuition.

A number of instrumental learning activities – for example steel drumming – make little sense in groups of four or less and moving too soon from a whole class instrumental experience to a small group or individual one may not always be appropriate. Freeing up the group size for which charges may be made will allow instrumental and vocal teachers to make sensible choices about group size based on pedagogy rather than economics.

The desired outcome is genuine equality of access and affordable tuition for all pupils who wish to continue to receive specialist tuition as part of enrichment activities. Enabling any appropriately sized group of pupils to be taught will also go some way towards addressing the shortfall in the number of specialist music teachers needed to achieve the Government's pledge of instrumental and vocal tuition for any primary school pupil who wants to learn and, where appropriate, allow more pupils to be taught at less cost per head.

### **What can be charged for under these regulations?**

Instrumental and vocal tuition, which takes place during the school day, subject to the parent/carer requesting the tuition, can now be charged for.

### **What cannot be charged for under these regulations?**

Instrumental and vocal tuition which is part of the National Curriculum or the first programme in which the whole class engages with the KS2 Programme of Instrumental and Vocal Tuition (Wider Opportunities). Instrumental and vocal tuition for children in care cannot be charged for. The regulations do not cover lessons which take place outside school hours, at weekends or during school holidays.

## **Key considerations as a result of the changes to the charging legislation**

These changes mean certain issues need to be considered when charges are made for specialist vocal or instrumental tuition, requested by a parent/carer to take place during the school day. These are set out below:

- Decisions regarding group size should be taken on sound musical and educational grounds, taking full account of health and safety issues.
- Decisions regarding lesson length should be taken on sound musical and educational grounds. The Federation of Music Services (FMS) and National Association of Music Educators' (NAME) publication "A Common Approach 2002" may be useful in determining these factors. [www.name2.org.uk](http://www.name2.org.uk)
- Charges relate to the period when pupils choose, through a request by their parent, to participate in enrichment activities with specialist tutors. The term "parent", as used in the regulations, is defined in the Education Act 1996 as including someone who is not a parent but who has parental responsibility for, or who has care of, a child.
- Charges must not apply to the first programme in which the whole class engages with the KS2 programme of Instrumental and Vocal Tuition or Wider Opportunities.
- Where regulations do not permit charging for tuition, incidental costs associated with tuition are also exempt from charging. These might include instrument hire, music books etc.
- Charges should not result in a net surplus or 'profit'. i.e. a school should not 'buy' specialist tuition at one rate and then charge parents/carers more than it actually costs.
- No pupil currently receiving music tuition should be disadvantaged by these new regulations i.e. pupils who have received free music tuition under the previous charging regime and whose position is now changed due to the changes in the regulations.
- Remissions policies should make tuition, including associated incidentals, affordable for all pupils. There is no requirement for this to include remissions for parents/carers who choose to spend disposable income on other enrichment activities and are therefore not be able to 'afford' music tuition.

## **CHILDREN IN CARE**

As a result of the regulations children in care who wish to have specialist vocal or instrumental tuition during school hours will be entitled to free tuition. Free instrumental and vocal tuition only applies to those lessons which take place during the school day and which are not part of the National Curriculum or the first programme in which the whole class engages with the KS2 programme of

Instrumental and Vocal Tuition (Wider Opportunities). This includes any incidental costs related to the specialist music tuition taking place during the school day. The exemption from charging does not apply to lessons which take place before or after school, at lunchtime, at weekends or during the holidays. The £500 set aside for each child in care should not be used to pay for musical tuition which takes place during the school day but could be used to cover tuition which takes place outside the school day and during holidays.

The term children in care is used here, as set out in the White Paper "Care matters: time for change", to include all children being looked after by a local authority, including those subject to care orders under section 31 of the Children Act 1989 and those looked after on a voluntary basis through an agreement with their parents (under section 20 of the children Act 1989).

Continuity of provision is crucial for this group of vulnerable children. For children who move in and out of care it is appropriate to consider these children as "in care" so that provision is sustained and meaningful.

## **INFORMATION FOR SCHOOLS AND LOCAL AUTHORITIES**

### **What needs to be done to prepare for the new regulations?**

You will need to look at the instrumental and vocal tuition happening in your school/Local Authority at the moment and review it in light of the new regulations. The regulations mean that all specialist music lessons, whether instrumental or vocal, which have been requested by the parent to take place during the school day can be charged for. The charges can now apply for individual lessons or groups of 2 or more. The only restrictions on group size are those which are dictated by sound musical and educational principles and health and safety issues.

### **Remissions policies**

All governing bodies and local authorities must have remissions policies in place where they have charging policies. We would expect you to review your remissions policies in relation to children who are entitled to free school meals and you may also want to consider remissions policies in relation to siblings who are receiving tuition. This is to ensure that specialist music tuition is accessible and affordable for all children. Where charging is not permitted, charging for incidental costs associated with the tuition is also not permitted.

### **Children who have been receiving free tuition prior to 1 September 2007**

For children who were receiving music tuition before September 2007 you will need to consider how these changes might affect them and ensure that they are not disadvantaged. For example, a pupil who was taught in a group of 4 but could now be taught in a group of 8 should benefit from the reduction in charges. Conversely, those pupils who received free tuition due to being taught in a group of more than 4 could now be charged for that tuition. You should make every effort to ensure that these pupils are not disadvantaged and you may wish to consider the phasing in of charges for these pupils. Equally a pupil who benefited from a remissions policy before September 2007 should continue to benefit if appropriate. Changes to charges which are likely to disadvantage pupils who have already been learning an

instrument should not be made without consultation.

### **What about music in the National Curriculum or Wider Opportunities?**

Music taught as part of the National Curriculum cannot be charged for. The first programme in which the whole class engages with the KS2 Programme of Instrumental and Vocal Tuition (Wider Opportunities) should not be charged for either. The Government allocated £3m in 2006-2007 and £23m in 2007-2008 for the KS2 Programme of Instrumental and Vocal Tuition (Wider Opportunities). Guidance on the KS2 Programme of Instrumental and Vocal Tuition can be found at <http://publications.teachernet.gov.uk/eOrderingDownload/0184-2006DOC-EN.pdf>

### **Determining cost, group size and lesson length**

Determining these three factors will be based on a number of sound educational principles to ensure that children who are accessing specialist music tuition receive the best educational experience.

Decisions should not be based on economics but on what best meets the needs of the children in question:

- A blanket approach to music tuition will not work as it may be possible to teach one instrument in a group of 15 but another instrument, due to space issues or noise levels, might only be taught in groups of 5.
- Equally a shorter lesson might be fine for a one to one lesson but in a larger group could mean that children actually get very little from the lesson.
- When deciding what group sizes are appropriate you will need to consider:
  - The instrument being learnt
  - The level of the children
  - The size of the room
  - The potential noise levels generated
  - The number of teachers and other responsible adults present
- Decisions on group size and lesson length for specialist vocal tuition will also need similar consideration.

You should work with the specialist teachers and your Local Authority Music Service or other provider to help decide how best to determine these factors.

You may find guidance on this area, such as the Federation of Music Services (FMS) and National Association of Music Educators' (NAME) publication "A Common Approach 2002" helpful. [www.name2.org.uk](http://www.name2.org.uk)

### **SEN, Gifted and Talent**

The needs of these pupils will have to be considered to ensure that they receive the best educational experience and that all their needs are met. Access to suitable opportunities and to progression routes will need to be identified.

### **Ensembles and Vocal Groups**

Many of the benefits of specialist music tuition come from playing and singing with others. Due consideration should be given to access to such groups for all children.

## **INFORMATION FOR PARENTS**

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### **My child wants to learn to sing/play an instrument – what do I do?**

If your child, or the child you have parental responsibility for, wants to learn a musical instrument or learn to sing during school hours with a specialist teacher you as a parent/carer can request this through the school.

### **What do the new regulations mean?**

The new charging regulations mean that specialist music teachers can offer lessons to more pupils as they can now charge for groups of more than four pupils. It may seem that increasing the ability to charge for specialist music tuition goes against the principle of increasing access, but by allowing charging for groups of more than four pupils, it means that if the group is larger (as long as this is educationally appropriate) the cost of that lesson to each pupil in the group is less.

Many schools are undertaking whole-class instrumental and vocal tuition programmes to give children an opportunity to experience learning a musical instrument or to sing. Following this Key Stage 2 Programme of Instrumental and Vocal Tuition any child who would benefit from continuing to learn a musical instrument or from having specialist vocal tuition should be able to do so.

### **What does “during school hours” mean?**

This means any tuition which takes place during the school day when normal class lessons are taking place. It does not include tuition before or after school, during school lunch hours, or during weekends and holidays.

### **My child is already learning an instrument – what happens now?**

If your child has already been receiving specialist instrumental tuition, the cost of learning may go down as more pupils can join the group resulting in a lower cost per head. The charge may stay the same if, for sound musical or educational reasons, it is considered better for the group size to remain as it is. The charge to you should not increase without consultation. If you are not able to afford the cost of music tuition please speak to the school or music service. Schools and music services should have remissions policies in place and you will be able to find out if your child is entitled to music tuition at a reduced cost under those policies.

### **My child was already receiving specialist music tuition for free – what happens now?**

If your child has already been receiving specialist instrumental or vocal tuition for free this may no longer be the case once the regulations come into force. Specialist vocal tuition could not previously be charged for but the new regulations mean that it can be. If you are not able to afford the additional costs please speak to the school or music service. Schools and music services should have remissions policies in place and you will be able to find out if your child is entitled to music tuition at a reduced cost under those policies.

### **Will a bigger group mean the quality of tuition will be less?**

The decision on group size should be based on sound educational principles and ensure that the quality of teaching is consistent. Lesson length will depend on the size of the group and the instrument being taught as well as the level of the

children in the group. There is plenty of guidance available to schools and music services to help them determine lesson length and group size.

**How long will lessons be and how much will they cost?**

Lesson length, group size and cost will depend on local decisions and may vary depending on what instrument is being taught, and what stage the children are at. We are not telling local authorities or schools exactly what all these variables should be as they will need to be decided locally.