

2007 No. 2239  
EDUCATION, ENGLAND

## The Charges for Music Tuition (England) Regulations 2007

### Citation, commencement and application

1. These Regulations may be cited as the Charges for Music Tuition (England) Regulations 2007 and come into force on 1st September 2007.

These Regulations apply only in relation to England.

Charges for music tuition

2. This regulation prescribes, for the purposes of section 451(3) of the Education Act 1996, the circumstances in which a charge may be made in relation to the provision of tuition in singing or in playing a musical instrument during school hours.

Subject to regulation 3, a charge may be made in respect of tuition (whether provided individually or to a group of two or more pupils) if it is provided at the request of the pupil's parent.

For the purposes of this regulation, tuition is not "provided at the request of the pupil's parent" if it is either—

(a) education provided in pursuance of a duty imposed by section 88 of the Education Act 2002(b) (implementation of National Curriculum for England), or

(b) education provided to a class of pupils in the second key stage

(c), pursuant to the Department for Education and Skills' policy 'Instrumental and Vocal Tuition at KS2'

(d) where the purpose of the education is to enable the pupils to decide whether they wish to receive further tuition in singing or playing any musical instrument (and if so which instrument).

3. No charge may be made in respect of a pupil who is looked after by a local authority (within the meaning of section 22(1) of the Children Act 1989(e)).

*(a) 1996 c.56; subsection 451(3) is substituted by section 56 of the Education and Inspections Act 2006 (c.40) which came into force, with saving provisions, on 25th May 2007. See section 579(1) of the Education Act 1996 for the definitions of "prescribed" and "regulations".*

*(b) 2002 c. 32.*

*(c) The second key stage is defined in section 82(1)(b) of the Education Act 2002(c.32).*

*(d) ISBN1-84478-681-1.*

*(e) 1989c.41.*

Andrew Adonis

Parliamentary Under Secretary of State for Schools 27 July 2007 Department for Children, Schools and Families

### EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st September 2007, prescribe the circumstances in which a charge may be made for tuition in singing or in playing a musical instrument given during school hours.

They are made under section 451(3) of the Education Act 1996 (substituted by the Education and Inspections Act 2006) which provides that Regulations may prescribe

circumstances in which the general prohibition on charging for education provided to a registered pupil at a maintained school during school hours does not apply. Regulation 2 provides that a charge may be made where the tuition is provided at the request of the pupil's parent and is provided to individual pupils or to groups of pupils. This excludes tuition provided as part of the National Curriculum, or as part of the initial period of tuition provided to a whole class of pupils pursuant to the Department for Education and Skills' policy 'Instrumental and Vocal Tuition at KS2' (DfES Ref. no. 0184-2006DOC-EN), copies of which are available on [www.teachernet.gov.uk/publications](http://www.teachernet.gov.uk/publications).

Regulation 3 provides that no charge may be made in respect of looked after children (within the meaning of section 22(1) of the Children Act 1989).

DRAFT

## **Model Charging and Fee remissions policy for musical instrumental and vocal tuition.**

..... (Name of school+ logo etc)

..... Responsible member of staff/committee

..... Date

..... Review date

\_\_\_\_\_ School/Academy is committed to offering equal opportunity to pupils who wish to receive instrumental and/or vocal tuition.

School governing bodies and local authorities, subject to the limited exceptions referred to in this advice, cannot charge for education provided during school hours (including the supply of any materials, books, instruments or other equipment). However, the provision of musical instrument and/or vocal tuition is an exception to this rule. Schools cannot charge for instrumental and vocal music tuition for pupils learning individually or in groups, unless the tuition is provided at the request of the pupil's parent / carer. Therefore \*\*\*\*\* School/Academy will request parental agreement prior to allowing pupils and students to participate in these activities.

There are specific charging regulations applying to music tuition during the school day. (The Charges for Music Tuition (England) Regulations 2007) which came into force from 1 September 2007.

For the purposes of this policy musical instrument and vocal tuition delivered to individuals or groups of any size at the request of the pupil's parent or carer is described as an optional extra for which charges can be made. This will be the cost, or an appropriate proportion of the costs (as laid out under fee remissions below), for teaching staff employed to provide tuition in playing a musical instrument, or vocal tuition. This includes replacement reeds, strings, cleaning equipment, sheet music and other necessary ancillary costs. (The CMS will provide low-cost instrument hire directly to parents/carers if requested.) Any charge made in respect of individual pupils will not exceed the actual cost of providing the optional extra activity, divided equally by the number of pupils participating. Any ancillary costs will not exceed the actual cost of providing such items.

The regulations make clear that charging may not be made if the teaching is either an essential part of the national curriculum, or is provided under the first access to the key stage 2 Instrumental and Vocal Tuition Programme. They also make clear that no charge may be made in respect of a pupil who is looked after by a local authority (within the meaning of section 22(I) of the Children Act 1989).

### **Fee Remission**

No charges can be made unless the governing body of the school or local authority has drawn up a charging policy giving details of the optional extras or board and lodging that they intend to charge for, and a remissions policy.

The governing body's policy may be more or less generous than the local authority's, as long as it meets the requirements of the law. A policy statement will take account of each type of activity that can be charged for and explain when charges will be made.

Parents/carers of pupils attending ..... school/academy will be offered remission of fees as laid out below.

<b>Qualifying criteria</b>	<b>Percentage remission</b>
Receipt of Pupil Premium	100
Other qualifying benefits e.g. tax credits, Council Tax Reduction, Carer's Allowance, Universal Credit	60
Musically talented	60
Siblings remission – 2 <sup>nd</sup> child/ 3 <sup>rd</sup> and 4 <sup>th</sup> child	30/15
Other .....	30
None	25

Pupils in receipt of fee remission will be expected to maintain an 80% attendance rate and contribute fully to the musical life of the school e.g. through membership of ensembles and choirs and through performances.