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Scotland's largest  
education trade union

## East Ayrshire Local Authority Councillor's Briefing on Instrumental Music Teachers



**Updated**

October 2024

## **Councillor Briefing: Instrumental Music Tuition**

### **Purpose of this Briefing**

This briefing aims to highlight the significant concerns which the EIS, Scotland's largest teacher trade union, has in relation to proposals to remove East Ayrshire Instrumental Music Service from the local authority's Education Department and outsource it to East Ayrshire Leisure Trust.

We are extremely concerned about both the content of the proposals and the approach which has been adopted by the Council in seeking to move a vibrant and respected Council service to an arm's length trust, without meaningful consultation with the EIS, as the trade union representing the majority of Instrumental Music Teachers (IMTs) affected by these proposals, and apparently without any consideration of the impact which they will have on children and young people in the area.

### **Lack of meaningful consultation**

Despite these proposals carrying significant implications for our members both locally and nationally, the EIS was only made aware that they extended to IMTs on 15 May 2024. Our members, working within the service, were then invited to a meeting on 21 May 'to hear more about the proposals'. However, with the meeting taking place at a time when our Local Association Secretary was class committed, there was insufficient time to allow our members to organise national representation. Nevertheless, our members attended and raised their valid concerns and questions with East Ayrshire Council (EAC) representatives who were unable to provide sufficient detail about the proposals; about the impact they would have on nationally agreed terms and conditions of employment; or provide reassurances about the continued provision of free instrumental music tuition in the authority.

Despite the clear assurances given at the full Council meeting on 17 June that EAC would engage in meaningful consultation with the trade unions, the first formal consultation meeting with the EIS took place on Friday, 11 October, less than three weeks before the final decision will be taken by Councillors and at a time, when preparation of the final report was, in all likelihood, well advanced.

One informal information session was held for staff on 5 September 2024 at which we raised a number of significant concerns about the potential impact of the proposals on both IMTs' terms and conditions of employment and their status as education professionals. We expand on these arguments later within this briefing.

During both meetings, Officials of EAC have been unable to fully explain the rationale for change, to detail the financial savings which will be made from the proposed transfer or provide essential documentation, such as an Equality Impact Assessment or Children's Rights and Well-being Impact Assessment, which we would consider integral to our assessment of the validity of the proposal; to representations which we may wish to make on members' behalf; and to meaningful consultation.

Whilst there have been individual meetings with staff, we are concerned about the approach which has been adopted, with feedback from members suggesting that the decision is a *fait accompli*. **Members have been clear with EIS representatives that they do not wish to leave the Education department within EAC but fear that if they stay, their jobs and livelihood will be at risk.** This fear seems to be borne out of discussions at individual meetings and indeed, is reflected in the submission placed before Councillors on 17 June. Paragraph 26 on page 101 of the Special Council Reports states:

*'If the Instrumental Music Service (IMS)/Creative Minds provision remains in Education, they are at risk of immediate service reduction/savings.'*

Statements such as this suggest that the issue has been predetermined and thwarts the meaningful and transparent consultation we would expect of a local authority and flies in the face of the Fair Work Framework; key Scottish Government manifesto commitments; and regulation 13 of the Transfer of Undertakings (Protection of Employment) Regulations 2006. Under these statutory provisions, failure to meaningful consult can result in financial liability for the employer.

There are a number of areas around the proposals which require detailed exploration, particularly in relation to the potential medium to long term consequences, both for the staff members affected and for the children and young people in schools, and in relation to the financial assumptions and strategy underpinning the proposed transfer.

## **Educational Objections**

The proposals fail to recognise the vital contribution which IMTs make to educational outcomes for children and young people. With performance representing 50% of the assessment in National Qualifications in Music, Instrumental Music Teachers deliver essential tuition to prepare young people to complete SQA practical assessments to the requisite standard. But their impact goes far beyond this narrow, but important, academic focus and has long been shown to support the holistic development of the young people they teach.<sup>1</sup>

Such was the role which music played in promoting health and wellbeing in the wake of the pandemic, that the Scottish Government placed music and arts education firmly within its Education Recovery Plan. It pledged in its manifesto<sup>2</sup> to remove barriers to participation, abolishing fees and providing free instrumental music tuition for all pupils. Indeed, every local authority has received in recent years additional funding from the Scottish Government to compensate for the removal of fee income and to allow local authorities to maintain the level of free instrumental music tuition and *enhance* music services, where possible.

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<sup>1</sup> - [Music Education in the 21st Century in the UK: Achievements, analysis and aspirations, Eds. Hallam and Creech, 2010; the impact of instrumental music learning on attainment at age 16: a pilot study. Hallam and Rogers, B. J. Music Ed. 2016 33:3, 247–261, Cambridge University Press 2016.](#)

<sup>2</sup> [‘Scotland’s Future’](#) (pages 61, 62 and 63)

However, the manifesto commitments went further, promising to '*mainstream music as a core subject in Scotland's education system*' and '*to ensure that Scotland's school-based instrumental music teachers receive GTCS registration...creating a professionally-recognised national music teaching force.*' Work is ongoing through the Scottish Government's Future of Instrumental Music in Schools Working Group in relation to these proposals. When they were published, these manifesto commitments gave IMTs some reassurance in terms of job security but also in relation to the ongoing commitment to widen participation in Music education for all children and young people, especially those from socio-economically disadvantaged backgrounds.

It is clear that proposals in East Ayrshire to remove instrumental music tuition from Education will not only jeopardise the professionalism of IMTs and the quality of Music education for the young people in East Ayrshire, but they are contrary to the policy direction which the Scottish Government has set nationally.

### **GTCS Registration**

This can most acutely be seen in relation to the manifesto commitment to ensure that 'school based' IMTs will be registered with the General Teaching Council for Scotland (GTCS). The EIS, along with other key Education partners, has long campaigned for the registration of IMTs with the GTCS. The commitment by the Scottish Government to further this aim was roundly welcomed.

Registration with GTCS is a mark of teacher professionalism. It recognises that IMTs perform a professional role in Education which requires a body of knowledge and the development of skills and experience to effectively deliver instrumental music tuition as part of the Broad General Education; to support the holistic development of a wide range of learners; as well as contribute to learning associated with qualifications in the senior phase. It recognises that IMTs are required to adapt their pedagogy across settings, working in both Primary and Secondary sectors. Registration with the GTCS also sends a clear message to the public that an individual has the requisite skills and experience to teach in a specific area.

Registration will:

- bring an entitlement for IMTs to engage in high-quality professional learning, informed and led by them through Professional Update;
- lead to focused participation in Professional Review and Development (PRD) processes, with colleagues who are also GTCS registered;
- encourage reflective practice;
- support collegiate discussion and sharing of good practice;
- foster an appreciation that IMTs are part of the teaching profession and recognised for the distinct and key roles they deliver;
- lead to increased intrinsic job satisfaction by being valued for the role they perform; and
- ultimately, impact positively on quality teaching and learning.

Work is ongoing at a national level to progress this manifesto commitment. In the event that GTCS registration for 'school based' IMTs is implemented, we would question how this would impact on those IMTs in East Ayrshire who will no longer

be employed by a local authority and whether registration will extend to such arrangements. We would also question how the statutory requirements around the employment of GTCS registered teachers in schools will impact on the ability of EAC to engage in these proposals. It is also unclear how PRD and Professional Update processes, which would traditionally be completed by colleagues who are GTCS registered, will be undertaken.

The removal of IMTs from Education in EAC dilutes the clear policy intent underpinning GTCS registration and undermines one of the key pillars of the Scottish Government's manifesto commitments.

### **Contractual Implications**

The terms and conditions of service of IMTs working within the service in East Ayrshire are agreed nationally, in the same manner as school teachers, via the Scottish Negotiating Committee for Teachers (SNCT). The SNCT is a tripartite negotiating body comprising of the COSLA, the Scottish Government and teaching unions.

The terms and conditions agreed by the SNCT ensure that the core conditions of service of staff within its purview, including IMTs, are consistent across Scotland's 32 local authorities. Due to the lack of meaningful consultation, it is completely unclear what the medium to long term impact of EAC's proposals will have on the staff affected through moving to an arm's length trust. A situation where a group of staff currently covered by SNCT terms and conditions are treated differently to their colleagues across Scotland is fundamentally unfair and therefore completely unacceptable to the EIS.

Under the constitution of the SNCT, local negotiating committees (LNCTs) exist in all of Scotland's 32 local authorities, including East Ayrshire. Given that the proposals of East Ayrshire could see a fundamental alteration of the employment arrangements of the staff affected, it is unsatisfactory that the LNCT at East Ayrshire has not been afforded an opportunity to discuss the implications of the proposals. Such action fundamentally undermines the collective bargaining arrangements, set nationally, to ensure equitable terms and conditions across Scotland for workers covered by the SNCT.

At the very least, the lack of consideration of these contractual implications shows an ignorance on the part of EAC Officials who are driving forward the proposals to transfer the Instrumental Music Service to an arm's length trust. At worst, it shows a wilful undermining of nationally agreed collective bargaining arrangements that the affected staff should expect to be afforded. As such, the EIS will seek to raise its contractual concerns at the LNCT in East Ayrshire, and if necessary, at the SNCT itself.

### **Lack of Transparency in relation to the Financial Strategy on Transfer**

With no educational rationale underpinning the proposals for change, it would appear that the transfer is being driven on cost-saving grounds. However, our members have been presented with insufficient information to interrogate the validity of the Council's position or indeed, to afford consideration to be given to

alternative solutions. As such, the reasoning for the proposals remains fundamentally unclear.

As highlighted above, the Scottish Government allocates funding every year to support the ongoing delivery of free instrumental music in schools. If equitable access is to be delivered in line with the Scottish Government's policy, then it is vital that this funding, as well as the additional funding provided by the local authority, reaches the Instrumental Music Service and can impact on provision in schools.

The total current budget for the Council's IMT Service is £750,000 made up of £500,000 from the Council and £250,000 from the Scottish Government. Page 122 of the Special Council Reports in June 2024 states that the Management fee, paid to the Trust under Service Level Agreement will be £586,000. **The fact that the same level of funding to operate the Service is being ringfenced in management fees to the Trust indicates to the EIS that there is no financial rationale for the decision. In fact, Council Officers have stated that Trust's business model will not be impacted either way. Simply put, if the money can be ringfenced to give to the Trust, then it should be protected such that the Service remains within Education.**

Furthermore, it is clear from the latest accounts of East Ayrshire Leisure Trust that their funding was reduced by £198,000 from East Ayrshire Council for 2023/24 and that it operated at a deficit of £742,312.

If the rationale for the Council transferring the Instrumental Music Service to the arm's length trust is predicated on financial concerns, how will the Council ensure the continued and sustainable delivery of free instrumental music tuition for the children and young people of East Ayrshire?

If the Council is not subsidising the delivery of free instrumental music tuition, then it is unclear how the Trust will sustain the level of income to ensure the delivery of quality instrumental tuition. Will the number of children and young people participating be restricted? Will there be a limit on the numbers sitting National Qualifications in Music? Or will there be a return to charging – and a return to the policy of 'Who pays, plays!' which blighted instrumental music tuition in the days and years before the pandemic?

The EIS is familiar with the consequences of charging: an end to free and equitable access to instrumental music tuition for all; an end to quality educational experiences through which untapped talent is identified and developed; an end to the significant contribution which schools in East Ayrshire can make to the cultural life of the community; and an end to the creative outlets which are a lifeline for some of our most vulnerable learners.

The EIS is clear that the children, young people and communities in East Ayrshire deserve far better than such inequity.

### **The Value of the Instrumental Music Service in East Ayrshire**

The success of the Instrumental Music Service in East Ayrshire is evident from the increase in pupil participation rates in recent years. Returning from the pandemic,

when engagement in tuition had been thwarted by COVID-19, Instrumental Music Teachers had to work harder than ever to rebuild the Service, develop new relationships and re-connect with children and young people. And their efforts have produced dividends, resulting in an almost 20% increase from 2019/20 in the numbers of children and young people in East Ayrshire participating in tuition<sup>3</sup>.

We only need to look to EAC's website to see the extensive contribution which the Instrumental Music Service provides to the children and young people in the local area.

*'The instrumental service:*

- raises the musical attainment of pupils*
- supports pupils in acquiring skills which allow them to enjoy a wide range of musical experiences contributing to the musical life of the school/community*
- promotes pupils' understanding of music in the life of their own and other cultures*
- enables pupils to realise their musical potential through playing a musical instrument*
- encourages self-confidence and a sense of personal achievement and self-expression.'*

### **The Impact of Instrumental Music Tuition on Pupils Living in Poverty in East Ayrshire**

At the heart of the Scottish Government's manifesto commitments is the drive to remove barriers to Education and ensure that all children and young people, regardless of their family's socio-economic circumstances, have equitable access to free instrumental music tuition. The contribution which this access makes to efforts to close the poverty-related achievement and attainment gap are well-recognised<sup>4</sup> and the Instrumental Music Service in East Ayrshire has sought to ensure that provision is reaching these learners.

The most recent Improvement Service report, 'Results from the IMS Survey 2023'<sup>5</sup> highlights that **21.29% of IMS pupils in EAC are resident in the two most deprived areas – over 1 in 5 participating pupils.**

The EIS is concerned that the removal of the Instrumental Music Service from local authority control to an arm's length trust may have an impact on the continued equitable access of tuition to these vulnerable learners. The experience of our members is that where instrumental music tuition has been transferred to trusts in other jurisdictions, the introduction of fees quickly follows.

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<sup>3</sup> [https://www.improvementservice.org.uk/\\_\\_data/assets/pdf\\_file/0025/46537/IMS-Survey-Report-2023.pdf](https://www.improvementservice.org.uk/__data/assets/pdf_file/0025/46537/IMS-Survey-Report-2023.pdf)

<sup>4</sup> [Widening the gap? The challenges for equitable music education in Scotland - Wilson - 2020 - Support for Learning - Wiley Online Library](#)

<sup>5</sup> [Instrumental Music Services: Results from the IMS Survey 2023 \(improvementservice.org.uk\)](https://www.improvementservice.org.uk/)

Any re-introduction of charging will further the divide and inequity between those who can afford to pay and those who cannot. The proposals to outsource Instrumental Music Tuition demonstrate a short-sighted approach which fails to recognise that in the current context of crippling poverty, rising mental health issues and austerity, music is the medium to bridge the gap of social and emotional isolation.

Given the reach of the Service in successfully impacting the holistic development of children and young people, particularly those from the most deprived areas, we would urge you to halt these proposals in their tracks and ensure that IMTs in East Ayrshire:

- can continue, as part of Education, to deliver the high-quality tuition for which they are known and respected;
- are afforded the same protection within their employment as their colleagues in local authorities across Scotland; and
- can continue to support the children and young people with Music Education locally.

**Please stop these moves to remove Instrumental Music Tuition from local government control! Stop privatisation of this essential service!**

**Stand Up for Quality Education!**





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