

ISM

INCORPORATED
SOCIETY OF

MUSICIANS

Teachers' Pack

A guide for instrumental
and vocal music teachers

Part of the Make Music Work advice series

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Incorporated Society of Musicians

Introduction

The ISM is the professional association for musicians. It promotes the importance of music and protects the rights of those working within music with a range of campaigns, support and expert practical advice. We welcome as members musicians from all musical backgrounds and genres and from all areas of the profession.

This pack is designed as a helpful guide for all instrumental and vocal teachers, whether they are employed, working freelance in schools or teaching privately. It covers issues which all music teachers need to know about, including finding work, setting rates, recovering unpaid fees, safeguarding, DBS checks and tax.

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Finding work and promoting yourself

Where to look for work

It is important that you take initiatives to find work. You should contact local music hubs and schools (particularly fee-paying schools) and other potential customers directly. Make an appointment to see the head of the music hub and perhaps heads of music at local schools. Send them your CV so that they have this on file should they have work for you in the future.

Useful websites where music job vacancies are advertised are:

- [Rhinegold Jobs](#)
- [Arts Jobs](#)
- [UK Music Jobs](#)
- [Musical Chairs](#)
- [TES](#)

Make sure your CV is professionally presented and up-to-date.

Networking

Network as much as possible. Personal recommendation is often a good way to obtain work, especially for private teachers. Take the initiative to make contact with people rather than waiting for people to make contact with you.

ISM Music Directory

The [ISM Music Directory](#) is the UK's only online directory of musicians and music teachers with verified professional credentials. ISM members can use this to promote themselves to the public for free. Remember to keep your profile up-to-date.

musicdirectory.ism.org

Website

You can create your own website using a free website builder service like Weebly. Alternatively, ISM members are entitled to up to 25% off the cost of professional website design with two companies who specialise in designing websites for musicians.

Always make sure that the information on your website is clear, accurate and up-to-date.

Improve your website's ranking in Google and other search engines by learning how to write effectively for the web. There is a lot of free advice online about 'writing for the web' and a quick Google search will reveal several marketing blogs and advice articles to help you. Always ensure there is a lot of relevant, engaging information on your website which is regularly updated. This will help optimise your website so that it can be found easily by search engines.

Find out more about [search engine optimisation \(SEO\)](#)

Think about using search engine advertising to draw attention to your website. Google Adwords is the most popular service for this.

Social media

Social media is a really important marketing tool for musicians. Set yourself up on Facebook, LinkedIn, Twitter, YouTube and Vimeo to promote yourself and showcase your work. Remember to keep your social media pages up-to-date.

Be careful to make sure that there is nothing on your publicly available pages which you would not want a prospective client to see.

ISM members are entitled to free business and career development advice, including help with marketing and promotion.

We also run free webinars to help musicians build up their business and marketing skills. These sessions are open to everyone and you can [find out more on our website](#).



Photograph by Brian Slater

Opportunities for professional development

You can find details of opportunities for [further professional development](#) run by the ISM on our website.

As a member of the ISM, you will also receive discounts and news of further opportunities for professional development from our wide range of partner organisations including [Music Education Council](#), [Music Education Solutions](#), [British Voice Association](#), [Dalcroze Society UK](#), [MMA](#), [AOTOS](#) and [Stringbabies](#).

The importance of written contracts

We strongly advise that you have a written contract for every pupil you bill directly and with every school where you teach. This ensures your rights and obligations (and those of your pupils or their parents) are clearly set out and reduces the scope for later dispute.

What should go into a contract?

Examples of what to include in a written agreement include:

- the names and addresses of the parties to the contract
- when and where lessons are to take place and their frequency
- your fee
- provision for fee reviews and increases
- payment for missed lessons
- the notice required to terminate lessons on either side and the obligation to give and pay for lessons during the notice period and
- a right for the pupil or parent to cancel the contract within 14 days of its being agreed.

What contract should I use?

The ISM provides template contracts for self-employed teachers to use. These can be adapted if necessary to suit individual needs.

Schools should not compel their self-employed visiting music teachers and their pupils' parents to use a specific form of contract.

Contracts between self-employed visiting music teachers (VMTs) and schools

- Even if you are self-employed, we strongly recommend that you have a written contract with your school as well as with your pupils' parents. Topics the former should cover include:
- the school's obligation to provide teaching facilities
 - the way in which the school will allocate pupils to you
 - the school's commitment to promote your services and introduce you to pupils
 - the extent of your obligation to teach pupils allocated to you
 - how you will be paid
 - what insurances you need
 - any room hire charges and
 - the notice period for termination.

Employment contracts

In law, all VMTs, like other employees, have the right to what is termed a written statement of terms and conditions from their employer. This must be provided within two months of employment starting and must include information such as:

- the names of the employer and employee
- job title
- the date the employment began
- place of work and hours of work
- pay
- entitlement to paid holiday
- sick pay
- any pension arrangements and
- the notice period.

Variable or zero hours contracts

VMTs are often engaged under contracts which state that their hours of work are variable and that there is no guarantee of any actual work. In such circumstances it is sensible to make sure your working hours are fixed by mutual agreement between you and your employer on a term-by-term basis, so that you have a clear idea of when you will be available for other work.

It is unlawful for an employer employing you on a zero hours contract to restrict your ability to work elsewhere.

ISM members with concerns about any contract should contact the ISM legal team.

Setting and negotiating fees

Know the market rates

Be aware of what other music teachers are charging in your area. You shouldn't charge either significantly more or significantly less than your competitors. Charging more puts you at risk of losing work to other teachers prepared to charge a lower rate. Charging less means that you are earning less than you could and you risk devaluing music tuition in general.

Employed visiting music teachers (VMTs) might want to bear in mind our [fee recommendations](#) which they can find on our website.

Use our survey data

The results of our annual surveys of music teachers' fees will give you an idea of what the going market rates are. Our surveys cover both [private teaching rates](#) and [fees paid to self-employed VMTs](#).

In using the survey results you will want to take into account factors such as:

- where your particular locality sits within the overall fee ranges
- where you fit within the overall range of fees (see next page)
- general price inflation since the survey date and
- the general economic situation and its impact upon demand for music tuition.

Where do you fit?

Different music teachers charge widely different fees. You yourself will have to take a realistic view of where you personally fit in this marketplace. You should allow for:

- your skills and qualifications: the greater these are the more you should be able to charge
- your teaching experience: our surveys have consistently shown that more experienced teachers tend to charge more than those with less experience and
- how much you want/need to attract new pupils: (in other words, if you already have a waiting list you might consider charging a rather higher rate than someone who is just starting out and wanting to expand their teaching practice).

Negotiating rates with pupils and their parents

You should:

- keep things on a business-like footing, starting with a signed teaching contract
- give plenty of notice if you intend to increase your rate: ISM members can download a [pro forma written notice of fee increase](#) from our website and
- point to our survey results as an indicator of what music teachers are charging.

Remember that you do not have to increase your rates every year. Our surveys suggest that most teachers raise their fees only once every two or three years.

Negotiating school rates

Many schools specify a uniform rate to be charged by all their VMTs. In this situation you will probably not want to insist on a higher fee in order not to risk losing pupils.

However, this should not stop you from being proactive in seeking a higher uniform fee if your school is paying a below-par rate. Review your school's rates annually, taking into account our survey results for self-employed VMTs or, if you are employed, our recommended fees for employed VMTs. This will help you to check that your school is not falling behind the pack. If your school's rates are too low, you could raise this with the school through a group representing the VMTs as a whole. Alternatively, your Head of Music might be prepared to negotiate for you.

ISM members can get advice and representation from the ISM staff team.

[Find out more on our website](#)



Recovering unpaid fees

Difficulties in recovering fees are, unfortunately, a common problem for music teachers. Here we set out a few dos and don'ts to help ensure you get paid.

Do

- insist on payment in advance
- send a written invoice in good time setting out clearly how much is due and the deadline for payment
- send written reminders if you do not receive payment by the due date
- keep copies of all correspondence
- actively look for alternative work to replace lessons which have been cancelled at short notice without being paid for
- think carefully about whether to stop teaching someone because their fees have not been paid: on the one hand, there may be a reasonable explanation for the non-payment, such as absence from home, family problems or even a cheque being forgotten in the pupil's school bag: you don't want to lose customers (both the non-payer and others) unnecessarily but it would be unwise to continue teaching if your fees have been left unpaid for a considerable period

- bank the cheque even if your debtor sends you only part of the total sum outstanding: however, in your acknowledgment, you should make it clear that you are accepting it only in partial settlement of what you are owed and
- make sure that any cheque you receive has cleared before acknowledging it.

Don't

- attempt to confront the person who owes you money in person: an encounter on their doorstep may only add fuel to an already heated situation: it may even endanger your physical safety or lead to your being accused of bullying and harassment or
- add a late payment fee: such charges are unlikely to be enforceable even if your contract explicitly provides for them.

The ISM's in-house legal team helps ISM members to recover unpaid fees.

[Find out more on our website](#)



Safeguarding and DBS checks

Training on child protection and safeguarding issues is **absolutely essential** for all teachers, whether employed or self-employed, and whether you teach in schools or privately.

If you are working in a school (whether on an employed or self-employed basis) the school should provide regular safeguarding training (and pay self-employed visiting music teachers to attend).

ISM members have access to extensive training, advice and guidance on safeguarding issues, available via our website. Members can also seek advice from our in-house legal team.

We also run seminars and free webinars on the subject of safeguarding. These are open to all music teachers and musicians working with children and vulnerable adults.

[Find out more on our website](#)

DBS checks

If you teach children at least once a week or on four or more occasions in a 30-day period you are likely to be engaged in 'regulated activity' and so qualify for a DBS Enhanced Disclosure with a barred list check.

If you teach vulnerable adults you are likely to qualify for a DBS Disclosure specific to work with vulnerable groups. If you teach both children and vulnerable adults there is a Disclosure option that covers both these 'workforces'.

If you are teaching under 18s or vulnerable adults in Scotland you will need to apply for the Scottish equivalent of the DBS Disclosure, a PVG (Protecting Vulnerable Groups) Scheme Membership and Disclosure. As with the DBS Disclosure, if you are self-employed you can arrange this through the ISM.

DBS checks can be obtained only if a specified organisation or employer wants to check an individual. The ISM can obtain DBS checks for its members. This can be particularly useful for private teachers.

All ISM members must comply with the [ISM Safeguarding and Child Protection Policy and Code of Practice](#). These documents can also be useful to non-members as a good-practice guide. You can view and download them from our website.

The DBS Update Service is designed to avoid the need for multiple DBS checks. It allows a DBS certificate to be portable between schools. This means that music teachers no longer have to apply for a new DBS check each time they take on a new job.

The cost of a subscription to the Update Service is only £13 a year. Applicants must opt in to the service either when they apply for the DBS check or within 19 days of their DBS certificate being issued.

You can find out more on the DBS website: www.gov.uk/db

[Find out more on our website](#)

Am I employed or self-employed?

There is no single clear-cut test for whether or not a contract is an employment contract. A number of different factors must be taken into account.

Three characteristics must be present in every employment contract:

1. The contract must oblige the employer to provide work for the employee and oblige the employee to carry out the work (often referred to as 'mutuality of obligation').
2. The contract must oblige the employee to perform the work in person. If the contract allows you to use deputies to do the work without restriction it is unlikely to be an employment contract.
3. The contract must give the employer control over how the work is carried out. This does not mean that the work must be carried out under the employer's close supervision but rather that the employee must carry out the work according to the employer's instructions.

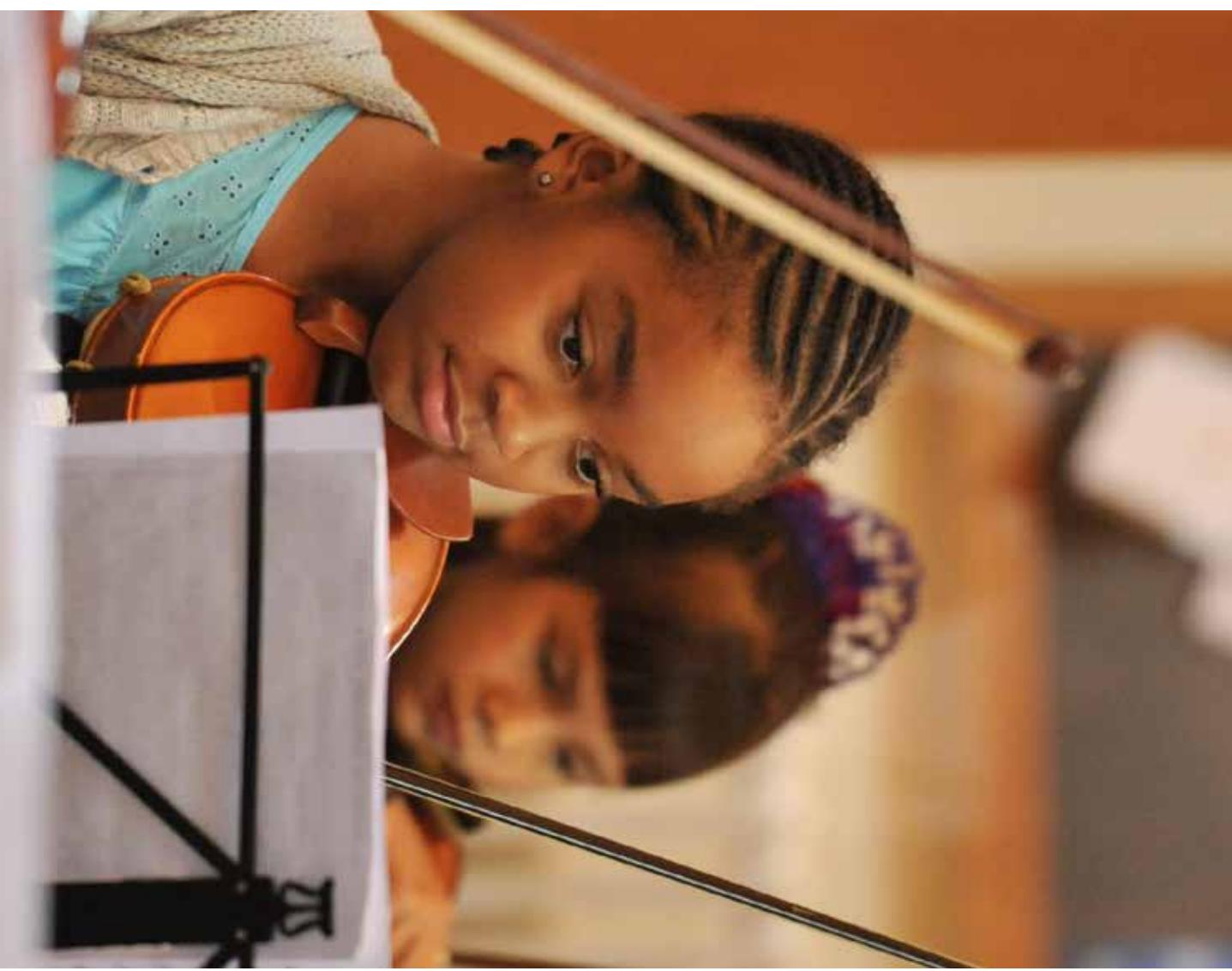
Even if all three of these characteristics are present in your contract, a number of other factors also need to be looked at in order to decide whether or not you are an employee.

They are likely to include (but are not necessarily limited to):

- whether you provide your own equipment
- whether you take a degree of financial risk in relation to the work
- whether you are in business on your own account
- whether you set your own fees and
- your tax arrangements: paying your own tax under self-assessment and Class 2 National Insurance is not, of itself, conclusive evidence that you are self-employed.

If you are in any doubt as to your status, you should seek legal advice. ISM members can get advice from the ISM's in-house legal team.

[Find out more on our website](#)



Employment or self-employment? – the pros and cons

Employment rights and benefits

Employed status brings with it a number of benefits which self-employed musicians generally do not have:

- entitlement to sick pay
- entitlement to statutory holiday pay
- entitlement to maternity and paternity leave and maternity pay
- entitlement to redundancy pay
- entitlement to a statutory minimum notice period
- often, pension contributions from the employer
- statutory protection of employees generally, eg against unfair dismissal and
- less personal financial risk.

Disadvantages of employment status

The main disadvantages of being employed as against working freelance are that:

- you can claim fewer tax-allowable expenses - but you will probably have relatively few additional expenses relating to the employed work
- you may be liable for (higher) Class 1 National Insurance and
- the school engaging you may have more control over how you work.

Combining employed and self-employed work

Taking on employed work should not prevent you from doing freelance work elsewhere at the same time. Although it is common for an employment contract to contain a provision restricting the employee's ability to work elsewhere without the consent of the employer, in practice it is unusual for the employer to withhold this consent, unless the proposed additional work is in some way damaging to the employer's commercial interests. Please note, however, that it is unlawful for an employer engaging you on a zero hours contract to restrict your ability to work elsewhere.

Having a portfolio of both employed and self-employed work should not create administrative or tax difficulties. You continue to pay tax and National Insurance on your freelance work in the usual way and the amount you owe on this should be unaffected. Your employer will usually deduct tax and National Insurance from your employed earnings under PAYE. You need to ensure that HMRC has given your employer the correct tax coding for you.

[Find out more on our website](#)

Allow for holidays, sickness and pensions

Unlike your employed counterparts, as a freelance music teacher you are unlikely to have the benefits of paid holiday and sick pay and pension contributions paid on your behalf by an employer. In assessing what is an acceptable teaching rate for you, you may want to make allowance for (i) holiday periods, (ii) possible illness and injury and (iii) retirement planning.

Our surveys of music teachers' fees have consistently indicated that self-employed VMTs in schools are paid a slightly higher rate than employed VMTs to compensate for the absence of some of the benefits of working as an employee.

Our tips for self-employed visiting music teachers

Be aware of your legal rights

Unlike employed teachers, self-employed teachers do not benefit from any statutory protection against unfair dismissal. This means that the school is entitled to terminate your contract at any time without giving any reason provided they give you notice in accordance with the provisions of your contract.

Genuinely self-employed individuals are unlikely to be protected by anti-discrimination legislation. However, as the definition of employment in discrimination law is very wide, even if you consider yourself self-employed, you should take legal advice if you think you have been discriminated against on the grounds of age, disability, gender reassignment, marriage or civil partnership status, pregnancy or maternity, race, religion or belief, sex or sexual orientation. Self-employed VMTs who are paid by the school may (as 'workers' under the relevant legislation) be entitled to statutory holiday pay.

Room hire charges

Most schools do not charge self-employed visiting music teachers (VMTs) for their use of the school's facilities and others charge a nominal fee (perhaps as little as £1 per term). However, there are some schools that charge substantially more than this. If your school is proposing a more than nominal charge, you may want to draw the school's attention to the results of our [recent survey of room hire charges](#) and, if you are an ISM member, you should contact our legal team for advice.

We disagree with the view sometimes put forward by schools that a room hire charge is necessary to demonstrate the VMT's self-employed status. Our view is that teachers who bill parents directly are unlikely to be employees.

Some music teachers pass on this room hire charge to parents, listing it as a separate item on their termly invoices.

Charging for missed lessons

When a pupil misses a lesson, for example due to sickness or a competing school activity (such as a concert or play, a trip, a sporting fixture), you should be entitled to charge for this lesson. This should be made clear in your contracts with your pupils' parents. An exception to this general principle may be made where you are given adequate notice (we recommend two weeks or more) of a competing school activity. Such notice should give you the scope to re-schedule the lesson.

Get the insurances you need

Many schools require their self-employed VMTs to take out public liability insurance. This covers you against any liability you may have for accidental damage to third parties (for example your pupils) and their property. ISM members automatically have £10m of public liability insurance cover.

Occasionally schools also ask for professional indemnity insurance.

Our view is that this is unnecessary. The risk of you being sued because your teaching was professionally negligent is remote. However, if the school insists on it, ISM members can obtain this cover at a discounted rate.

[Find out more on our website](#)

Home-based private teaching – FAQs

What household bills can I claim against tax?

If a portion of your home is used **solely** for carrying out your work you can claim a proportion of your home insurance, council tax, mortgage interest, rent and home repairs and maintenance against tax (but see below for the implications of sole business use for planning permission and liability for business rates). You can also claim a reasonable estimate of your heating, light and power costs that relate to your business even if no part of your house is used solely for your work.

Alternatively, under the simplified expenses system you can claim a flat expenses rate for each hour you work at home each month. The flat rate varies with the number of hours you work at home.

[Find out more on our website](#)

Do I need planning permission?

It is unlikely that you will need planning permission provided that the main use of your home remains residential. For example if you teach in a room which is used at other times for residential living purposes, you do not need planning permission.

However, you would need planning permission to use part of your home solely for business use, for example by converting it into a dedicated teaching room or building a music studio in your garden.

Do I have to pay business rates?

As with planning permission, you will not be liable for business rates unless part of your home is primarily used for business rather than residential purposes.

What insurances do I need?

You will need **public liability insurance** to cover you against damages claimed against you in case of injury to a pupil or damage to their goods which occurred inside your home. Our public liability insurance covers ISM members in respect of work they do at home.

When arranging **house insurance**, if you teach from home, you need to check the small print carefully to make sure that your teaching activities do not invalidate your policy.

We can put our members in touch with insurance companies who are willing to provide cover which allows for home working.

[Find out more on our website](#)

What should I do if a neighbour complains about noise nuisance?

It is always best to avoid conflict by trying to address any concerns your neighbours have about noise, eg by not playing instruments at anti-social hours.

Your neighbours could complain about noise to the local authority. However, in our experience, it is very rare for a local authority to take formal legal action in relation to the playing of musical instruments.

The position is more difficult if you live in leasehold property. Long lease or tenancy agreements often include a clause prohibiting the playing of musical instruments so as to be audible outside the property in question. Such a clause could cause you serious difficulties if you teach at home. You are strongly advised to check the terms of any tenancy or long leasehold agreement very carefully before committing yourself to it. You should also check your lease or tenancy for clauses prohibiting you from carrying on any business activity at home.

ISM members can get advice from the ISM legal team in relation to noise disputes.

[Find out more on our website](#)



Tax & National Insurance

Know your status

You need to know whether you are employed or self-employed for tax purposes. The rules for determining status for tax purposes are slightly different to those for employment law purposes (see previous pages). [HMRC has a guide](#) as to whether or not, from a tax point of view, you are likely to be considered to be employed.

If you do any self-employed work, you must register with HMRC as self-employed and you are responsible for paying the tax and National Insurance due on your self-employed earnings by the due date. For employed work, however, your employer will deduct the tax and National Insurance due on your employed earnings under PAYE.

Claim all your tax-allowable expenses
This will help to keep your tax liability to a minimum. Take a look on our website at our [list of the main tax-allowable expenses](#) which musicians are able to claim.

Allow plenty of time to file your annual return

There are financial penalties for being late. It can often take longer than you had expected to fill in all the details you have to provide. If you are using HMRC's online self-assessment service for the first time, even after you have registered for the service it can take up to seven days before you receive your activation code, which you need before you can start using the service to file your return.

Budget ahead for your tax payments

As most self-employed taxpayers pay their tax for the year in two six-monthly instalments, these can take a sizeable chunk out of your income in the payment months. It is wise to save ahead for these payments.

ISM members can get advice on all tax matters from the ISM's legal and tax helpline

[Find out more on our website](#)

Record-keeping

If you are a freelance musician you need to keep records of your dealings with clients and suppliers in order to run your business efficiently. HMRC requires self-employed taxpayers to keep records to support their tax return. Equally, an organised, comprehensive set of records makes it easier to complete a tax return and to ensure that you have claimed your full entitlement to tax-allowable expenses.

Good record-keeping also makes sound business sense. It helps you to keep track of all fees and other payments due to you. It may also provide helpful evidence should you fall into dispute with a client over what was previously agreed between you.

What records should I keep?

Paperwork you should keep carefully includes:

- work contracts
- invoices you send out
- receipts for expenses
- business mileage records and
- bank statements.

In respect of employed work, we recommend that you keep all correspondence between you and your employer, in particular:

- your written statement of terms and conditions
- your letter of appointment
- documents concerning any changes to your terms and conditions, holiday pay, pensions and retirement and
- the staff handbook if there is one
- your pay slips and
- your annual P60 form setting out your gross pay and the amount of deductions made for tax and National Insurance.

How long should I keep records for?

For tax purposes, if you are self-employed, you must keep your records for roughly six years. For your employed work HMRC requires you to keep your records for 22 months after the end of the tax year to which they relate.

From a legal point of view also, it is advisable to keep paperwork for at least six years. You can make a claim for breach of contract – and, equally, someone else can file a claim against you - for up to six years after the date of the breach. If this should occur, you will need the paperwork to support your case.

The ISM has templates, which can be downloaded from ism.org, to help members with their record-keeping.

[Find out more on our website](#)





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