



Birdham CE Primary School

CHARGING & REMISSIONS POLICY

SUMMARY

This document explains the legislation governing the charging for school activities as set out in the Education Act 1996: Sections 449-462. It covers what a governing body may and may not charge for when activities take place either during or outside of school hours, including residential activities. The need to have charging and remissions policies and requests for voluntary contributions is also addressed.

EDUCATION DURING SCHOOL HOURS

1. Education provided during school hours must be free. No charge can be made for:

- admitting pupils to maintained schools
- materials, books and equipment, including instruments
- transport provided in school hours by the Local Authority (LA) or by the school to carry pupils between the school and an activity. "School hours" are those when the school is actually in session and do not include the break in the middle of the school day. It would be good practice for schools to make this information available to parents and others.
- Tuition for pupils learning to play musical instruments if the tuition is required as part of the National Curriculum, or part of a syllabus for a prescribed public examination for which the pupil is being prepared at the school, or part of religious education. (But see para 11 below for exceptions.)

2. A school's governing body can also provide community services and facilities on the school's premises and set up a company in accordance with the powers for governing bodies set out in Section 11 of the Education Act 2002.

3. Charges may be made for:

- Any materials, books, instruments, or equipment, where parents wish their child to own them
- Optional extras (see para 8)
- Music and vocal tuition in limited circumstances (see para 12)
- Certain early years provision
- Community Facilities

EDUCATION PARTLY DURING SCHOOL HOURS

5. Sometimes an activity may happen partly during and partly outside school hours. If most of the time spent on a non-residential activity occurs during school hours, that activity counts as taking place entirely in school hours and no charge may be made. (Time spent on travel only counts as being during school hours if the travel takes place during school hours.)

6. As an example, a long-distance trip might involve much travel before and after normal school hours, but if the time spent at the destination fell mainly within school hours, the trip would count as happening in school time and be free of charge. By contrast, a trip that involved leaving school an hour or so earlier than usual in the afternoon, but then went on until quite late in the evening, would be classified as taking place outside school time. Charges would then be allowed, provided the activity was not part of the National Curriculum, and not part of religious education. (See para 8)

EDUCATION OUTSIDE SCHOOL HOURS

7. Parents can only be charged for activities that happen outside school hours when these activities are not a necessary part of the national curriculum or do not form part of the school's basic curriculum for religious education.

8. Charges may be made for other activities that happen outside school hours if parents agree to pay. The Education Act 1996 describes activities that can be charged for as "optional extras". It is up to the LA or governing body providing the activities to decide whether to make a charge, but any charge must not exceed the actual cost per individual child for whom charges are being made. Optional extras are:

- Education provided outside of school time that is not:
 - a) part of the National Curriculum
 - b) part of a syllabus for a prescribed public examination for which the pupil is being prepared at the school
 - c) part of religious education
- Transport that is not required to take the pupil to school or to other premises where arrangements have been made for the pupil to be provided with education
- Board and lodging for a pupil on a residential visit.
- Extended Day services offered to pupils e.g. before school and after school clubs.

In calculating the cost of optional extras an amount may be included in relation to:

- Any materials, books, instruments, or equipment provided in connection with the optional extra
- Cost of buildings & accommodation
- Non-teaching staff
- Teaching staff engaged under contracts for services purely to provide an optional extra. This includes supply teachers engaged specifically to provide the optional extra
- The cost, or a proportion of the costs, for teaching staff employed to provide tuition in playing a musical, where the tuition is an optional extra.

RESIDENTIAL ACTIVITIES

9. Special rules apply for residential activities. A trip counts as falling within school time if the number of school sessions missed by the pupils amounts to half or more of the number of half-days taken up by the activity. Each school day is normally divided into two sessions and each 24 hour period is divided into two half-days beginning at noon and at midnight.

10. On this basis, a term-time trip from noon on Wednesday to 9.00 p.m. on Sunday would last for nine half-days, include five school sessions and would count as taking place in school time. A trip from noon on Thursday to 9.00 p.m. on Sunday would count as seven half-days, include three school sessions and would be classified for charging as taking place outside school time. If fifty per cent or more of a half-day is spent on a residential trip, you should treat the whole of that half-day as spent on the trip.

11. If a residential activity takes place largely during school time, or is to do with the national curriculum or religious education, no charge may be made either for the education or for the cost of travel. However, charges not exceeding the actual cost for the individual pupil, can be made for board and lodging in these circumstances except for pupils whose parents are receiving:

- Income Support;
- Income based Jobseeker's Allowance; support under Part 6 of the Immigration and Asylum Act 1999;
- Child Tax Credit (providing that they are not entitled to Working Tax Credit and have an annual income, assessed by Her Majesty's Revenue and Customs, that does not exceed £16,190 for the year 2010/11);
- the guaranteed element of State Pension Credit
- an income related employment and support allowance introduced on 27th October 2008.

The school must advise all parents of the right to claim free activities if they are receiving these benefits.

MUSICAL INSTRUMENT TUITION

12. There is an exception to the rule about not charging for activities in school hours. The Education and Inspections Act 2006 introduced a regulation-making power which allowed the Department for Children, Schools and Families (DCSF) to specify circumstances where charges can be made for music tuition. The new regulations, which came into force in September 2007, provide pupils with greater access to vocal and instrumental tuition.

13. Charges may now be made for teaching either an individual pupil or groups of any appropriate size (provided that the size of the group is based on sound pedagogical principles) to play a musical instrument or to sing. Charges may only be made if the teaching is not an essential part of either the national curriculum or a public examination syllabus being followed by the pupil(s), or the first access to the Key Stage 2 Instrumental and Vocal Tuition Programme (Wider Opportunities).

ACTIVITIES NOT RUN BY THE SCHOOL OR LA

16. When an organisation acting independently of a school or LA arranges an activity to take place during school hours and parents want their children to join the activity, such organisations may charge parents. Parents must then ask the school to agree to their children being absent, just as they would if they wanted to take their children out of school for a family holiday. However, where an activity is organised by a third party and is approved by the school, is educational, or is supervised by someone authorised by the school, then it is the DCSF's view that it should be treated as if it were provided by the school and no charge should be made to the parents or pupils. Such an activity, if it takes place outside the school premises, is an "approved educational activity" within the meaning of Regulation 4A (a) of the Education (Pupil Registration) Regulations 1995 (as amended).

VOLUNTARY CONTRIBUTIONS

17. Although schools cannot charge for school-time activities, they may still invite parents and others to make voluntary contributions (in cash or in kind) to make school funds go further. All requests to parents for voluntary contributions must make it quite clear that the contributions would be voluntary. Governing bodies should also make it clear that children of parents who do not contribute will not be treated any differently. If a particular activity cannot take place without some help from parents this should be explained to them at the planning stage.

18. Where there are not enough voluntary contributions to make the activity possible and there is no way to make up the shortfall, the activity must be cancelled. The essential point is that no pupil may be left out of an activity because his or her parents cannot, or will not, make a contribution of any kind. The school must first decide which class, or group of pupils, will benefit from the activity and then look for voluntary contributions, or by general fundraising. Governors would be free to use the school budget share to meet the cost of such activities.

CHARGING POLICIES

19. The LA or governing body may not charge for anything unless it has drawn up a statement of general policy on charging. The governing body's policy may be more or less generous than the LAs, 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. If a charge is to be made for a particular type of activity, for example optional extras, parents need to know how the charge will be worked out and who might qualify for help with the cost (or even get it free). This information should be made available to parents.

20. If a charge is made for each pupil it must not exceed the actual cost. If further funds are required, for example, to help in hardship cases, this must be by voluntary contributions, general fundraising, or from the school budget share.

21. The permitted charge may include an allowance for the costs of teachers from the school who supervise the activity, but only if those teachers have been given a separate contract to provide the optional extra. A contract need not be a formal document. It could be a simple letter to a teacher asking him or her to provide a service on a particular occasion.

TRANSPORT

Schools **cannot** charge for:

- transporting registered pupils to or from the school premises, where the local education authority has a statutory obligation to provide transport;
- transporting registered pupils to other premises where the governing body or local authority has arranged for pupils to be educated;
- transport that enables a pupil to meet an examination requirement when he has been prepared for that examination at the school; and
- transport provided in connection with an educational visit.

THE LAW

N.B. As legislation is often amended and Regulations introduced, the references made in this document may be to legislation that has been superseded.

- Education Act 1996: Sections 402, 449-462
- The Education (Residential Trips) (Prescribed Tax Credits) (England)
- Regulations 2003: SI 2003/381
- The Education (Pupil Registration) Regulations 1995: SI 1995/2089 (as amended by the Education (Pupil Registration) (Amendment) Regulations 1997 SI 1997/2624, and by the Education (Pupil Registration) (Amendment) (England) Regulations: SI 2001/2802)