# Charging and Remissions Policy

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**Headteacher:** ……

West Sussex County Council

**POLICY ON CHARGING FOR SCHOOL ACTIVITIES**

**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. All three- and four-year-olds are entitled to fifteen free hours of nursery education per week, for 38 weeks per year. From January 2027, Three Bridges Primary school nursery will offer 30 hours' provision.

From September 2017 this increased to 30 hours per week providing parents meet set criteria. This is a Government initiative for families where both parents are working (or the sole parent is working in a lone-parent family) and each parent earns the equivalent of 16 hours a week at the national minimum or living wage but less than £100,000 a year.

The extended entitlement may also be available where one parent is employed and one parent:

- has substantial caring responsibilities based on specific benefits received for caring or
- is disabled or incapacitated based on receipt of specific benefits received for caring.

3. A school's governing body can also provide community services and facilities on the school's premises (guidance is available in the extended schools area of the Teachernet website) and set up a company in accordance with the powers for governing bodies set out in Section11 of the Education Act 2002.

4. Charges may be made for:

- any materials, books, instruments, or equipment, where parents wish their child to own them (see example letter 1)
- optional extras (see para. 8) (see example letter 2)
- music and vocal tuition in limited circumstances (see para. 12)

**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, not part of a syllabus for a prescribed public examination for which the pupil was being prepared at the school 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. In addition, no charge can be made for activities that are an essential part of the syllabus for an approved examination (see paragraph 14 on Public examinations).

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. (See example letter 2)

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
- examination entry fees if the pupil has not been prepared for the examination at the school
- 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. 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
- non-teaching staff
- teaching staff engaged under contracts for services purely to provide and 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, meets the requirements of the syllabus for a public examination, 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 Jobseekers Allowance
- Income-related Employment and Support Allowance
- Support from NASS under part 6 of the Immigration and Asylum Act 1999
- the guarantee element of Pension Credit
- Child Tax Credit (with no Working Tax Credit)
- Working Tax Credit run-on
- Universal Credit.

The school must advise all parents of the right to claim free activities if they are receiving these benefits. (See example letter 3)

**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. Guidance about the charging regulations can be found on TeacherNet. 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).

**PUBLIC EXAMINATIONS**

14. No charges may be made for entering pupils for public examinations that are set out in Regulations. The governing body must enter a pupil for each examination in a public examination syllabus for which the school has prepared the pupil. This does not apply if the governing body thinks there are educational reasons for not entering the pupil, or if the pupil's parents request in writing that the pupil should not be entered. The LA may not override the governing body's decision on whether to enter a particular pupil for an examination. An examination entry fee may be charged to parents if:

- the examination is on the set list, but the pupil was not prepared for it at the school;
- the examination is not on the set list, but the school arranges for the pupil to take it;
- a pupil fails without good reason to complete the requirements of any public examination where the governing body or LA originally paid or agreed to pay the entry fee.

15. Charges may not be made for any cost associated with preparing a pupil for an examination. However, charging is allowed for tuition and other costs if a pupil is prepared outside school hours for an examination that is not set out in Regulations.

**ACTIVITIES NOT RUN BY THE SCHOOL OR LOCAL AUTHORITY (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. (see example letter 4).

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 LA'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. 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.

**SCHOOL MINIBUSES**

22. Only the school's pupils, staff or parents may travel for a charge in a school's minibus, although no charge can be made to pupils when the vehicle is used during school hours or for the undertaking of educational activities outside of school hours related to the National Curriculum or prescribed examinations. (See para. 1). A school's minibus may not be used for transportation of the general public.

23. Schools may charge for transport in their minibuses only if they hold a permit issued under Section 19 of the Education Act 1985. In some cases, the permit exempts the school from Public Service Vehicle (PSV) operator and driver licensing requirements. A permit is not required if no charge is made in cash or kind. Schools should apply to their LA for a permit for each minibus.

24. Charges may recover some or all of the costs of running the vehicle, including loss of value. But the service may not make a profit, either directly through the fares charged or incidentally as part of a profit-making activity, even if any profit would go into the school's other running costs or for charitable purposes. A charge is any payment made in cash or kind (for example, a club subscription) by or on behalf of a person that gives him or her a right to be carried.

25. Further information is available from LAs or the regional Traffic Commissioners. Addresses may be found in the phone book or at the Vehicle and Operator Services Agency (VOSA) website, www.vosa.gov.uk.

**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. For an up-to-date list of legislation applying to schools, please refer to the GovernorNet website, www.governet.co.uk

Education Act 1996: Sections 402, 449-462

The Education (Prescribed Public Examinations) Regulations 1989: SI 1989/377

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)

GUIDANCE Passenger transport provided by voluntary groups (Department of Transport) PSV 385 (available free from regional Traffic Commissioners whose addresses may be found in the phone book or at www.vosa.gov.uk).

**Appendices**

**Example Letter 1 to Parents – Charges made for materials, books, instruments, or equipment, where parents wish their child to own them**

**Example Letter 2 to Parents – Charges for Optional Extras**

**Example Letter 3 to Parents – Voluntary Contributions for Residential Visits**

**Example Letter 4 to Parents – Voluntary Contributions for Educational Visits**

**Previous Charging & Remissions Policy Approved February 2017**