

Willington Primary School



Charging Policy



1. Introduction

Sections 449-462 of the Education Act 1996 set out the law on charging for school activities in schools maintained by local authorities in England. This guidance has been written to provide at-a-glance information and complements the information given in “A Guide to the Law for School Governors” (chapter 23). This guidance accurately reflects the terms of the Education Act 1996, but is not a substitute for those terms. This guide is also referred to in paragraph 1.82 in the School Admissions Code, and in paragraph 1.97 in the revised School Admissions Code (in force from 10/02/2009).

Schools must ensure that they inform parents on low incomes and in receipt of the benefits of the support available to them when being asked for contributions towards the cost of school visits.

2. Education

School governing bodies and local authorities **cannot** charge for:

- An admission application to any maintained school;
- Education provided during school hours (including the supply of any materials, books, instruments or other equipment);
- Education outside school hours if it is part of the National Curriculum, or part of a syllabus for a prescribed public examination that the pupil is being prepared for at the school, or part of religious education;
- 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 that the pupil is being prepared for at the school, or part of religious education;
- Entry for a prescribed public examination, if the pupil has been prepared for it at the school; and
- Examination re-sit(s) if the pupil is being prepared for the re-sit(s) at the school.

Schools and local authorities **can** charge for:

- Any materials, books, instruments, or equipment, where the child's parent wishes him to own them;
- Optional extras (see below); and
- Music and vocal tuition, in limited circumstances.

3. Optional Extras

Charges may be made for some activities that are known as ‘optional extras’. Where an optional extra is being provided, a charge can be made for providing materials, books, instruments, or equipment. 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 that the pupil is being prepared for at the school; or
 - c. Part of religious education.
- Examination entry fee(s) if the registered pupil has not been prepared for the examination(s) at the school;
- Transport that is not required to take the pupil to school or to other premises where the local authority/governing body have arranged for the pupil to be provided with education; and
- Board and lodging for a pupil on a residential visit.

In calculating the cost of optional extras and 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 an optional extra; this includes supply teachers engaged specifically to provide the optional extra; and
- The cost or a proportion of the costs, for teaching staff employed to provide tuition in playing a musical instrument, where the tuition is an optional extra.

Any charge made in respect of individual pupils must not exceed the actual cost of providing the optional extra activity; divided equally by the number of pupils participating. It must not therefore include an element of subsidy for any other pupils wishing to participate in the activity whose parents are unwilling or unable to pay the full charge.

Furthermore in cases where a small proportion of the activity takes place during school hours the charge cannot include the cost of alternative provision for those pupils who do not wish to participate. Therefore no charge can be made for supply teachers to cover for those teachers who are absent from school accompanying pupils on a residential visit.

Participation in any optional activity will be on the basis of parental choice and a willingness to meet the charges. Parental agreement is therefore a necessary pre-requisite for the provision of an optional extra where charges will be made.

4. Voluntary Contributions

Nothing in legislation prevents a school governing body or local authority from asking for voluntary contributions for the benefit of the school or any school activities. However, if the activity cannot be funded without voluntary

contributions, the governing body or headteacher must also make it clear to parents that there is no obligation to make any contribution.

It is important to note that no child should be excluded from an activity simply because his or her parents are unwilling or unable to pay. If insufficient voluntary contributions are raised to fund a visit, then it must be cancelled. Schools must make sure that they make this clear to parents. If a parent is unwilling or is unable to pay, their child must still be given an equal chance to go on the visit. Schools should make it clear to parents at the outset what their policy for allocating places on school visits will be.

When making requests for voluntary contributions to the school funds, parents must not be made to feel pressured into paying as it is voluntary and not compulsory. Schools should avoid sending colour coded letters to parents as a reminder to make payments into the school or maintenance funds. Schools should also ensure that direct debit or standing order mandates are not sent to parents requesting for contributions.

5. Residential Visits

Schools **cannot** charge for:

- Education provided on any visit that takes place during school hours;
- Education provided on any visit that takes place outside school hours if it is part of the National Curriculum, or part of a syllabus for a prescribed public examination that the pupil is being prepared for at the school; and,
- Supply teachers to cover for those teachers who are absent from school accompanying pupils on a residential visit.

Schools **can** charge for:

- Board and lodging and the charge must not exceed the actual cost.

When a school informs parents about a forthcoming visit, they should make it clear that parents who can prove they are in receipt of the following benefits will be exempt from paying the cost of board and lodging:

- Income Support (IS);
- Income Based Jobseekers Allowance (IBJSA);
- Support under part VI of the Immigration and Asylum Act 1999;
- Child Tax Credit; provided that Working Tax Credit is not also received and the family's income (as assessed by Her Majesty's Revenue and Customs) does not exceed £16,190;
- The guarantee element of State Pension Credit; and
- An income related employment and support allowance

6. Music Tuition

Although the law states that all education provided during school hours must be free, music lessons are an exception to this rule.

The Education and Inspections Act 2006 introduced a regulation-making power which allowed the Department for Children, Schools and Families to specify circumstances where charging can be made for music tuition. The new regulations, which came into force in September 2007, provide pupils with greater access to vocal and instrument tuition.

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).

7. 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 education authority has arranged for pupils to be educated;
- Transport that enables a pupil to meet an examination requirement when s/he has been prepared for that examination at the school; and
- Transport provided in connection with an educational visit.

8. Charging and Remissions Policies

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 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 why the charges are 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 of charge). This information should be made available to parents.

The remission policy must set out any circumstances in which the school or local authority propose to remit (wholly or partly) any charge which would otherwise be payable to them in accordance with their charging policy. For example, a school may decide to provide an Italian language evening class as an optional extra. The governing body may decide to reduce the cost for those children whose parents are in receipt of certain benefits.

9. Education partly during school hours

Where an activity takes place partly during and partly outside school hours, there is a basis for determining whether it is deemed to take place either inside or outside school hours. However, a charge can only be made for the activity outside school hours if it is not part of the National Curriculum, not part of a syllabus for a prescribed public examination that the pupil is being prepared for at the school.

10. Non-residential activities

If 50% or more of the time spent on the activity occurs during school hours, it is deemed to take place during school hours. Time spent on travel counts in this calculation if the travel itself occurs during school hours. School hours do not include the break in the middle of the day.

Where less than 50% of the time spent on an activity falls during school hours, it is deemed to have taken place outside school hours. For example, an excursion might require pupils to leave school an hour before the school day ends, but the activity does not end until late in the evening.

11. Residential Visits

If the number of school sessions taken up by the visit is equal to or greater than 50% of the number of half days spent on the visit, it is deemed to have taken place during school hours (even if some activities take place late in the evening). Whatever the starting and finishing times of the school day, regulations require that the school day is divided into 2 sessions. A 'half day' means any period of 12 hours ending with noon or midnight on any day.

Example 1: Visit during school hours

Pupils are away from noon on Wednesday to 9pm on Sunday. This counts as 9 half days including 5 school sessions, so the visit is deemed to have taken place during school hours.

Example 2: Visit outside school hours

Pupils are away from school from noon on Thursday until 9pm on Sunday. This counts as 7 half days including 3 school sessions, so the visit is deemed to have taken place outside school hours.