

# **POLICY ON CHARGES AND REMISSION OF CHARGES FOR SCHOOL ACTIVITIES**

## **1. INTRODUCTION**

There is a duty on the LA to determine and publish a policy on any charges and remission of charges to be made for pupils' school activities. The attached Policy has been subject to consultation with schools and Union Groups.

The Policy will be reviewed and, if necessary, republished, as and when it is appropriate to do so.

The Governing Body cannot charge parents and pupils for any activity unless it has drawn up a charging policy. Moreover, when made, charges per pupil cannot exceed the actual cost incurred, which means that pupils who can pay should not be charged extra to cover the costs of those who cannot afford to.

It is the responsibility of the governing body to formulate and keep under review a policy on charges; Governors have discretion over what charges they make for pupils' activities. The governing body must also formulate a remissions policy to set out the circumstances in which they would remit all or part of the charges. It is for individual governing bodies to determine their policy in relation to the Council's policy. The governing body's policy may be more or less generous than the Council's, as long as it meets the requirements of the law. It is important, however, that the Governors Policy for remissions for Educational Visits mirrors that of the LA. It should also reflect any special circumstances for the school.

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' - the policy will explain how the charge will be worked out and who might qualify for help with the cost (or even get it free). Parents have a right to ask for this information and a summary must be included in the prospectus published by the school.

Charges made per pupil will not exceed the actual cost. If further funds need to be raised, for example, to help in hardship cases, this will be achieved by voluntary contributions or general fund-raising.

The permitted charge may include an allowance for the costs of teachers or others from the school that supervise the activity, but only if those staff 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 an individual asking him or her to provide a service on a particular occasion.

In summary, a Governing Body:

- may not charge for any activities which take place in school time, apart from instrumental and/or vocal tuition, unless that tuition forms part of the National Curriculum, part of the syllabus of a prescribed examination, or the first programme in which the whole class engages with the KS2 Programme of Instrumental and Vocal Tuition (Wider Opportunities);
- may not charge for any activity which is part of the syllabus of a prescribed examination or is required to fulfil statutory duties relating to the national Curriculum or to religious education even if it out of school time;
- may invite parents and others to make voluntary contributions towards any part of the school's work;
- may charge for activities that are provided wholly or mainly outside school hours, as long as these activities are optional extras;
- may charge for board and lodging on residential courses.

This Policy is recommended to governing bodies for adoption.

## **2. LEGISLATIVE BACKGROUND**

Education Act 2002: Chapter 32. SI2002/2003

Education Act 1996: Sections 402, 450 – 458, 460

The Education (School Sessions and Charges and Remissions Policies) (Information) (England) Regulations 1999

Education (Residential Trips) (Prescribed Tax Credits) (England) Regulations 2003

The Education (Schools and Further Education) Regulations 1981

### **Further Information**

‘A Guide To The Law For School Governors’, Chapter 16 DfEE

‘Off-site Visits Policy’ – Health and Safety Team – Children’s Services Directorate

‘Health and Safety of Pupils on Educational Visits’ – DfES 1998



## **POLICY ON CHARGES AND REMISSION OF CHARGES FOR SCHOOL ACTIVITIES POLICY – Adopted by Salterlee Primary School.**

### **1. GENERAL POINTS**

- All children are entitled to a free education. With few exceptions, parents cannot be charged for it.
- No child will be unlawfully discriminated against because of any special educational need, disability or financial circumstances.
- A pupil may be excluded from some or all of the educational opportunity on the grounds that his/her behaviour would jeopardise the health and safety of themselves or others.
- The Governing Body will expect all activities wholly or mainly outside school session time not to incur a cost to the school budget unless the Governing Body has been consulted and decided otherwise.
- The Governing Body may ask for voluntary contributions for school activities that are either wholly or mainly in the school session time and incur a cost to the school that is over and above the normal day to day expenditure. However, no child will be excluded from such an activity because his or her parents cannot or will not contribute. Such activities will only take place if the cost can be met by voluntary contributions.
- All charges or requests for voluntary contributions must comply with the law.

### **2. ADMISSION**

No charge is to be made for admission into any Calderdale Metropolitan Borough Council School and education provided during school hours must be free (with the exception of musical instrument tuition). This includes materials, equipment and transport provided in school hours by the LA or the school to carry pupils between the school and an activity. "School hours" are those when the school is actually in session, and so do not include the break in the middle of the school day. Parents and others have the right to information about school hours, and this information must be included in prospectuses published by the school.

### **3. EDUCATION DURING SCHOOL HOURS**

With very few exceptions, a charge for education during normal school hours is unlikely to be legal. Where an activity is part of the syllabus of a prescribed examination or is required to fulfil statutory duties relating to the National Curriculum or to religious education, then charges may not be made for tuition, materials or transport. This includes out of school activities, and transport to swimming or other sports facilities.

No charge will be made for materials to be used in craft and home economics lessons, although a charge may be levied if parents have indicated in advance that they wish to own a finished article. Any charge will not exceed the cost of materials. Alternatively, the parent may be required to provide the materials in question.

'School hours' are those in which the school is actually in session, not the break in the middle of the day.

A non-school organisation which arranges an activity to take place during school hours may charge parents who want their child to join the activity. Parents wishing their child to participate in the activity must obtain the school's permission for their absence from school.

#### **4. MUSICAL INSTRUMENT/VOCAL TUITION**

New legislation which came into force on 1 September 2007 now allows schools to make a charge for Instrumental and vocal tuition, which takes place during the school day, subject to the parent/carer requesting the tuition.

Governors cannot, however charge for instrumental and vocal tuition which is an essential part of the National Curriculum, a public examination syllabus or the first programme in which the whole class engages with the KS2 Programme of Instrumental and Vocal Tuition (Wider Opportunities). In addition, no charge may be made for instrumental and vocal tuition for children in care.

A copy of the guidance which explains the legislation relating to music tuition during the school day is attached at Appendix 2 to this Policy.

#### **5. PROVISION OF MILK**

Governing Bodies are entitled to sell milk in school. However, in doing so, they must ensure that no charge is made for milk provided to those pupils who are entitled to free school meals.

#### **6. PUBLIC EXAMINATIONS**

No charge can be made for entry to public examinations where the pupil is being prepared for entry to the examination by the school. This does not need to apply if the governing body think there are educational reasons for not entering the pupil, or if the pupil's parents ask 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.

No charge is to be made for any books, materials, instruments, equipment or trips required for the purpose of the examination.

The cost of the examination entry may be passed to parents/carers only:

- if a pupil is entered for an examination for which he/she has not been prepared by the school;
- if the examination is not on the set list but the school arranges for the pupil to take it.
- where the pupil 'fails without good reason to meet any examination requirements for that syllabus.

## **7. CHARGES FOR OUT-OF-SCHOOL ACTIVITIES**

It is the view of this school, that an activity which take place wholly or mainly during the school day is not an 'optional extra'.

An activity that takes place outside school hours cannot be charged for if it is an essential part of the syllabus of a prescribed examination or is required to fulfil statutory duties relating to the National Curriculum or to religious education. Any other activity which takes place wholly or mainly outside school hours, both day and residential, is defined as an 'optional extra' activity and can be charged for.

Charges for 'optional extras' outside of school hours may include:

- travel, board and lodging for pupils;
- materials, books and equipment;
- entrance charges to facilities;
- staff costs – both support and teacher costs. (Where a teacher/instructor has been engaged specifically to provide the activity. These teachers should be given a separate contract to provide the optional extra);
- insurance.

With an 'optional extra':

- parents can choose whether their children attend or not;
- no profit can be included from any charges made – it is to be based on the actual cost of the activity divided by the number of pupils taking part. The charge cannot exceed the actual cost of providing the optional extra or the board and lodging;
- charges on some cannot be used to subsidise others i.e. the cost will not include a share of the cost of any remissions – if further funds need to be raised, for example, to help in hardship cases, this must be by voluntary contributions or general fund-raising;
- 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 trip.

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).

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 falls mainly within school hours, the trip would count as happening in school time and be free of charge. By contrast, a trip which involved leaving a 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 of school time. Charges would then be allowed.

## **8. RESIDENTIAL ACTIVITIES**

However, charges can be made for board and lodging in these circumstances, except for pupils whose parents are in receipt of qualifying state benefits. The school will usually tell all parents of the right to claim free activities if they are in receipt of certain benefits and will be able to inform parents which benefits qualify for remission. (See 12. below).

Where there is a need for additional staff to attend a residential activity as a result of the special needs of an individual child, the additional costs incurred in taking staff will generally

be included in the total cost of the residential experience and costed out according to the number of pupils attending.

The Governing Body will decide if a charge for the board and lodging is to be made.

## **9. SCHOOL MINIBUSES**

Some schools may choose to charge pupils, staff or parents to travel in their minibus. They are able to do this if they hold a Permit issued under Section 19 of the Transport Act 1985. The permit exempts the school from Public Service Vehicle (PSV) operator and driver licensing requirements. The permit is not required if no charge is made. Other passengers cannot be carried at a charge under the permit and charges made to pupils, staff and parents may not result in profit being made. Further information on Section 19 Permits is contained within 'Safe Operation of Minibuses' issued by the Health and Safety Team.

No charges can be made for transport provided in school hours by the LA or the school to carry pupils between the school and an activity (as detailed in the Education During School Hours section).

Schools may not raise funds to make a profit by charging for travel in their minibus.

Charges may recover some or all of the costs of running the vehicle, including loss of value. The service must not, however, 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.

## **10. ACTIVITIES NOT RUN BY THE SCHOOL OR LA**

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 view of the Department for Education and Skills that it should be treated as if it were provided by the school, and no charge to parents, or pupils, should be made. Such an activity, if it takes place outside the school premises, is classed as an "approved educational activity".

## **11. DAMAGE TO PROPERTY**

The Governing Body reserves the right to ask parents to contribute to the cost of repairs or of replacing defaced, damaged or lost property where this is a result of a pupil's inappropriate behaviour.

## **12. VOLUNTARY CONTRIBUTIONS**

We may ask parents or others to make voluntary contributions (in cash ) to make school funds go further. Such contributions are entirely voluntary and pupils whose parents have not made a contribution should be treated no differently to other pupils. Whilst no individual pupil will be left out of an activity because his/her parents cannot or will not make a contribution to the cost, a school may cancel an activity if they do not receive sufficient contributions and cannot make up the shortfall. Educational visits which take place beyond the normal school day rely on the goodwill of all staff. If there are not sufficient volunteer staff to accompany the pupils in accordance with pre-determined ratios, the visit will not take place.

If the activity cannot be funded without voluntary contribution, the governing body or head teacher must make this clear to parents at the outset. An initial letter should explain the nature of the proposed activity and its likely value in educational terms. It should then indicate

the contribution per pupil which would be required if the activity were to take place. It should emphasise that there is no obligation to contribute and that no pupil would be omitted from the activity because his or her parents were unwilling or unable to contribute, but it should be made equally clear that the activity would not take place if parents were reluctant to support it.

There is no limit to the level of voluntary contributions which parents or others can make to school activities, nor is any restriction placed upon the use which can be made of such contributions. A request for a contribution towards the cost of a particular activity could, for example, include the cost of subsidising pupils from low-income families, or the cost of travel for accompanying teachers. Alternatively, parents could be asked to contribute towards part of the cost at the time of the visit or activity, and the rest could be met from the proceeds of general fund-raising events held in preceding months. Any excess contributions will be used to support future trips and events in school.

The Governors do not ask for a voluntary contribution towards the cost of swimming sessions.

## **REMISSIONS**

The Governing Body does not wish to see any child disadvantaged by virtue of the fact that their parent(s) are unable to pay.

Children whose parents are in receipt of the following support payments will, in addition to having a free school lunch entitlement, also be entitled to the remission of charges for board and lodging costs during residential school trips. The relevant support payments are:

- Income support;
- Income Based Jobseeker's Allowance;
- Support under part VI of the Immigration and Asylum Act 1999;
- Child Tax Credit (with provisions)
- Guarantee element of State Pension Credit

The Head teacher will advise all parents of the right to claim free activities if they are receiving these benefits, this would include music and voice tuition and associated incidental costs related to the specialist music tuition taking place during the school day.

Usual free school lunch entitlement verification procedures should be applied when considering remission of these charges.

It should be noted that it is **free school lunch eligibility** and not uptake that should be regarded as the trigger for entitlement to a remission of charges for residential trips.

The Governing Body may also give consideration to remitting all or part of any charges payable by a parent or a pupil in all other instances pursuant to its charging policy.