



Millfields First School

Swift Close

Bromsgrove

Worcs

B61 7BS

Charges and Remissions Policy

Reviewed by Governors December 2015

See changes in yellow

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CHARGING FOR SCHOOL ACTIVITIES

Introduction

This policy is the Headteacher and governing body of Millfields First School policy on charging and remission for school activities and school visits.

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" (May 2012 Chapter 24). This guidance accurately reflects the terms of the Education Act 1996, but it 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 10/2/09).

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

Charging

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

- an admission application to any maintained school or academy;
- education provided during school hours (including the supply of any materials, books, instruments or other equipment);
- education provided outside school hours if it is part of the National Curriculum¹, 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

1. It should be noted that part of the National Curriculum is not restricted to learning outside the classroom experiences that are specifically subject based (e.g. geography or science fieldwork) and include, for example, activities designed to fulfil requirements under the National Curriculum inclusion statement (e.g. developing teamwork skills).

2. However, if a pupil fails, without good reason, to meet any examination requirement for a syllabus, the fee can be recovered from the pupil's parents.

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.

The school will charge for the optional 'wrap around care' outside the school teaching hours.

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 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 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 extra 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.

All three and four year olds are entitled to 15 hours a week of free Early Years provision for 38 weeks of the year. Schools receive funding to cover the cost of making this provision from the local authority through the Early Years single funding formula. A school's governing body can make additional provision available to its pupils (and other children) as part of the community services and facilities it provides under Section 27 of the Education Act 2002 (for further information see Section 22 Control and Community Use of School Premises).

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 should make this clear to parents at the outset. 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 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 pressurised 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 when requesting for contributions.

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, or part of religious education; 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 (Financial Year 2012/13);

- State Pension Credit, where the parent is in receipt of the guaranteed credit; and
- Income Related Employment and Support Allowance

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 instrumental 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 during school hours, if it is provided at the request of the parent. No charge may be made in respect of a looked after pupil. Guidance about charging for music tuition can be viewed on the DfE website.

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

The remissions 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.

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 he has been prepared for that examination at the school; and

transport provided in connection with an educational visit.

Guidance on school travel is available on the DfE website

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 and a remissions policy giving details of the optional extras or board and lodging that they intend to charge for. 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.

The remissions 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.

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 and not part of religious education.

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.

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.

ACTIVITIES NOT RUN BY THE SCHOOL OR LOCAL AUTHORITY

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 DfE'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 6(4)(a) of the Education (Pupil Registration) (England) Regulations 2006 (as amended).

SCHOOL MINIBUSES

Schools may charge for transport in their minibuses only if they hold a permit issued under Section 19 of the Transport 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.

Any charges made may be used to 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.

Further information is available from LAs or the regional Traffic Commissioners.

WHAT LEGISLATION DOES THIS REFER TO?

The Education Act 1996: Sections 402, 449-462

The Education (Prescribed Public Examinations) (England) Regulations 2010: SI 2010/2327

The Education (Residential Trips) (Prescribed Tax Credits) (England) Regulations 2003: SI 2003/381, as amended by SI 2005/1014 and SI 2011/730

The Education (Pupil Registration) (England) Regulations 2006 SI 2006/1751 as amended by SI 2010/1725 and SI 2011/1625

The Charges for Music Tuition (England) Regulations 2007 SI 2007/2239

FURTHER SOURCES OF INFORMATION

Information on passenger transport provided by volunteer groups can be found in guide PSV 385 on the Manuals and Guides Department for Transport website, also from regional Traffic Commissioners, whose addresses may be found in the phone book or at www.vosa.gov.uk