

CHARGING AND REMISSIONS POLICY

1. Is Education Free?

The general principle is that education for pupils in maintained schools must be free if it takes place in school hours and is part of the National Curriculum.

School governing bodies and Local Authorities cannot charge for:

- An admission application to any maintained school;
- Education provided 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;
- 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.

2. Is there guidance on charging from the DCSF?

The Education Reform Act 1988 defined the law on charging in all LA maintained schools and Circular 2/89 explained and provided guidance on the new provisions. This circular provides useful guidance even though the parent legislation has been superseded by the Education Act 1996 as amended by the Education Act 2002. Referral is also made to The Charges for Music Tuition (England) Regulations 2007 which came into force on 1 September 2007.

3. Can any charge be levied?

Yes, there is a legal right **that a charge may be made in respect of tuition in singing or in playing a musical instrument, if it is provided at the request of a pupil's parent and is provided to individual pupils or to groups of two or more pupils.** Instrumental and vocal tuition which is part of the National Curriculum or the first programme in which the whole class engages with the KS2 Programme of Instrumental and Vocal Tuition (Wider Opportunities). **No charge may be made in respect of a pupil who is a looked after child within the meaning of section 22(1) of the Children Act 1989. It is therefore expected that the school would cover these costs with reference to their own remissions policy.** The regulations do not cover lessons which take place outside school hours, at weekends or during school holidays. Please see attached appendix for full details. However, where it relates to a public examination a charge cannot be levied. There are other situations where a charge can be made for 'optional extras' but under no circumstances can a parent be asked for a contribution which relates to an application for school admissions.

4. Can a charge be levied for a school trip during school hours?

If the school organises a trip related to the national curriculum and it is solely in school hours then no charge can be levied even for transport.

5. Does the same situation apply if the activity is partly in school time?

The activity must be Free if more than half (including travel time) is in school hours.

e.g. A school trip leaving at 1.00 p.m. and returning at 4.30 p.m. (school normally finishes at 3 p.m.) must be Free. The same trip returning at 6 p.m. may be charged for under 'optional extras'.

6. Can a charge be levied for education outside school hours?

No charge can be made for education whether wholly or mainly outside school hours where it relates to a prescribed public examination or requirements under the National Curriculum. However, the cost of board and lodging can be charged on residential visits except for pupils whose parents are receiving: Income Support; Income-based Jobseeker's Allowance; Support under Part VI of the Immigration and Asylum Act 1999, Child Tax Credit (providing that they do not also receive Working Tax Credit and have an annual income, assessed by The Inland Revenue, that does not exceed £15,575 the guarantee element of State Pension Credit, and an Income related employment and support allowance that was introduced on 27 October 2008).

7. What are optional extras?

Charges may be made if the activity is wholly or mainly outside school hours as long as it does not conflict with paragraph 6 above. Participation in any optional extra activity will be on the basis of parental choice and a willingness to meet such charges.

8. Where an optional extra is being provided, a charge **can be made for providing materials, books, instruments or equipment. These are:**

- Education provided outside of school time that is now:
 - part of the National Curriculum;
 - part of a syllabus for a prescribed public examination that the pupil is being prepared for at the school; or
 - 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 case 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.

9. Can parents be asked to subsidise other children?

Charges made in respect of individual pupils may not exceed the actual cost of providing the optional extra activity, divided equally by the number of pupils willing to participate.

10. Can a parent in receipt of Income Support, Income-based Jobseeker's Allowance, Support under Part VI of the Immigration and Asylum Act 1999 or Child Tax Credit (providing that they do not also receive Working Tax Credit and have an annual income, assessed by The Inland Revenue, that does not exceed £15,575) be charged for board and lodging?

If the residential activity is deemed to be within school hours having regard to the 50% rule then the whole charge must be remitted.

However, if the education provided on a residential trip is to be treated as provided outside school hours and is not part of a prescribed public examination or basic curriculum situation it is unlikely that a pupil whose parents are in receipt of the relevant social security benefit will be able to go on the trip unless the

Governing Body's remissions policy extends to the situation (see paragraph 11 which defined the 50% rule)

11. How does a school determine the 50% rule for residential activities?

The test is based on the number of half days taken up by the activity, including travel, compared with the number of school sessions – For example, a term time trip from 5 a.m. on Friday to noon on Saturday is 3 half days compared with two school sessions. The two sessions are more than 50% and the trip will, therefore, be inside school hours. If the trip returned at noon on Sunday the activity is considered to be outside school hours.

12. What determines Voluntary Contributions?

The school may seek voluntary contribution for any activity, free or not, but there must be no obligation and no pupil may be omitted from a non chargeable activity because parents were unwilling or unable to contribute. A school may point out to its parents that an activity will not take place if they are unwilling to support it.

Nothing in legislation prevents a school governing body or L.A. 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 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 contributions.

13. 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.

APPENDIX

The charging regulations for music tuition during the school day provide the possibility of tuition in groups of any appropriate size and allow charging for vocal tuition. This does not include music tuition which takes place as part of the National Curriculum or as part of the first time in which the whole class engages with the KS2 programme of Instrumental and Vocal Tuition or Wider Opportunities.

A number of instrumental learning activities – such as steel drumming – make little sense in groups of four or less and moving too soon from a whole class instrumental experience to a small group or individual one may not always be appropriate. Freeing up the group size for which charges may be made will allow instrumental and vocal teachers to make sensible choices about group size based on pedagogy rather than economics.

The regulations ensure that looked after children will not be charged for specialist music tuition which takes place during the school day.

The regulations build upon the Government's pledge that over time every child at Key Stage 2, who wants to, should have the opportunity to learn to sing or play a musical instrument. This is known as the KS2 programme of Instrumental and Vocal Tuition or Wider Opportunities. Once children have had this opportunity many will develop an enthusiasm for music and want to continue tuition with a specialist teacher. By removing the restrictions on charging for specialist vocal and instrumental tuition which takes place during the school day, more children will be able to access specialist music tuition. The instrument does not allow charging for the first time in which the whole class engages with the KS2 programme of Instrumental and Vocal Tuition (Wider Opportunities) or music tuition as part of the National Curriculum.

Governing Bodies and Local Authorities are required to have remissions policies in place for any charging policies, and this should apply to those children whose families genuinely find it difficult to afford specialist music tuition. Governing Bodies and Local Authorities should ensure that no child currently receiving specialist tuition is disadvantaged by the introduction of new charging structures.