

Document type: Guidance

Charging for School Activities by the Governing Body



BARNSLEY
Metropolitan Borough Council

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Important Note on Child Tax Credit

One of the support payments which entitles a child to remission of charges is Child Tax Credit. This is included on page 10 of the Guidance and page 15 in the Model Policy.

The tax credit amount will change annually therefore schools will have to check this each year with the Local Authority.

Introduction

The purpose of this document is to provide guidance to headteachers and governing bodies on charges which can be made for activities. The Guidance will also assist in determining the school's policy on charging and remission and will be of particular benefit when considering school visits and journeys.

Schools have a duty to provide parents with information, regarding what charges can and cannot be made for services provided.

The objectives of the charging and remissions provisions set out in the legislation are:

- to maintain the right to free school education;
- to establish that activities offered wholly or mainly during normal teaching time should be available to all pupils regardless of their parents' ability or willingness to help meet the cost;*
- to emphasise that there is no statutory requirement to charge for any form of education or related activity, but to give LAs and schools the discretion to charge for optional activities provided wholly or mainly out of school hours;
- to confirm the right of LAs and schools to invite voluntary contributions for the benefit of the school, or in support of any activity organised by the school, whether during or outside school hours.

In summary the governing body:

- may not charge for any activities which take place in school time, apart from, in certain circumstances, instrumental tuition for individual pupils or pupils in groups of up to four;
- must draw up a charging policy, which meets the requirements of the law;
- 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 (see remissions at Section 7).

Application

Charges in connection with education at maintained schools applies to:

- (i) nursery units attached to primary schools;
- (ii) primary schools;
- (iii) secondary schools;
- (iv) sixth forms at secondary schools.

* (to determine whether an activity is in school time please use the calculation in Section 5)

It is good practice for the governing body to agree a schedule of visits and journeys for the school year for which charges will be made, or voluntary contributions requested, in order to assess the financial impact on families.

Section 1 Prohibited Charges

A school governing body cannot charge for:

- 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 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;
- examination re-sit(s) if the pupil is being prepared for the re-sit(s) at the school;
- education provided on any trip that takes place during school hours;
- education provided on any trip 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;
- Supply teachers to cover for those teachers who are absent from school accompanying pupils on a residential trip;
- 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 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;
- transport provided in connection with an educational trip.

It should be noted that a charge can be made for any materials, books, instruments or equipment, where the child's parent wishes him to own them.

It is expected that visits and journeys during the school day will be curriculum related.

Section 2 Voluntary Contributions

The restrictions on charging for school activities do not in any way prohibit or restrict schools from seeking voluntary contributions for the benefit of the school or in support of any school activity, whether during or outside school hours, residential or non-residential.

Contributions must be genuinely voluntary and the terms of any request inviting parents to make a contribution must make it clear that:

- a) there is no obligation to contribute; and
- b) pupils at the school will not be treated differently according to whether or not their parents have made any contribution in response to the request.

It is very important that letters must not be misleading regarding the voluntary contribution so that it appears to be a charge which parents are expected to pay in order for their child to participate in the activity. (See Annex 4)

If the activity cannot be funded without voluntary contribution, the governing body or headteacher must make this clear to parents at the outset. An initial letter should explain the nature of the proposed activity and its likely value on 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 parent 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. As a matter of good practice schools should outline in their policy how any excess contributions will be used.

The governing body need to give consideration to the cumulative effect of requesting voluntary contributions for parents throughout the year, especially the effect on parents who have more than one child of school age.

Section 3 Activities not Organised by the Authority or School

When an organisation acting independently of a school or the Authority 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 view of the DfE 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.'

In this situation a request for a voluntary contribution from the parents can be made.

Section 4 Education Outside of School Hours

Parents can only be charged for activities that happen outside of school hours when these activities:

- a) are not a part of the National Curriculum;
- b) are not part of a syllabus for a prescribed public examination that the pupil is being prepared for at the school;
- c) are not part of the school's basic curriculum for religious education.

Education outside of school hours is defined in the legislation as an 'optional extra' and charging is at the discretion of the body which would otherwise meet the cost of the optional extra. **An activity which takes place during school hours cannot, by definition, be an optional extra.** (Musical instrument tuition is an exception but not part of this guidance – where advice is required schools should contact the Authority).

Participation in any optional extra will be on the basis of parental choice and a willingness to meet such charges as are made. The agreement of parents is therefore a necessary pre-requisite for the provision of an optional extra for which charges are to be made.

Any charge 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 participating. It may 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 trip.

Where it is not permissible to charge parents, any subsidy must come from the school funds, voluntary fund raising or voluntary parental contribution.

The cost can include an appropriate element for:

- (i) pupils' travel cost;
- (ii) pupils' board and lodging;
- (iii) materials and equipment;
- (iv) non-teaching staff costs;
- (v) entrance fees to museums, theatres etc;
- (vi) insurance costs.

Any charge may also take account of the costs of engaging teaching staff specifically for the purpose of providing the activity and supplying such staff with travel, board and lodging. If any of the teaching staff are already employed by the Authority or the governing body of the school, their costs may not be included in the costs passed onto the pupils unless they are engaged on a separate contract for services to provide the optional extra.

There is no requirement to charge for optional extras. The body funding the activity is free to determine whether any charge should be made for it and, if so, how much should be charged to whom, subject to the charge not exceeding the actual cost.

Where the governing body has funded an activity from its own funds it alone will decide whether the cost should be passed on in full or in part to the parents. The school's delegated budget cannot be used to subsidise extra-curricular activities*.

In any case where the Authority is funding the activity and has determined to recover the cost, there will be a charge to parents, unless the governing body decides to use its own funds to subsidise the activity.

* Refer to Annex 3.

Section 5 Non-Residential Activities

A non-residential activity is deemed to take place during school hours if 50% or more of the period spent on the activity occurs during school hours. Time spent on travel counts for the purpose of the calculation only if the travel itself occurs during school hours.

No charge may be made in respect of any activity which is deemed to take place in school hours.

Example 1

A long distance excursion might involve some hours of travel before and after the school day, but the time spent at the destination could fall mainly within normal school hours. For the purposes of charging legislation this would be classified as an activity taking place in school time.

No charge can be made, but a voluntary contribution can be requested.

Example 2

An excursion which requires pupils to leave school earlier than usual in the afternoon but involves them in an activity which does not end until late in the evening would be less than 50% in school time and therefore would be considered to have taken place outside of school hours.

A charge can be made subject to conditions at Section 4 a, b, c.

Section 6 Residential Activities

It would not be practical to apply the 50% rule to any activity which involves nights away since school hours will always take up less than 50% of a 24 hour period.

The test to determine whether an activity is within or outside of school hours is based on the number of half days taken up by the activity (including travel) relative to the number of school sessions the pupils would have attended had the activity not taken place. The Regulations require that the school day be divided into two sessions. A 'half-day' means any period of 12 hours ending with noon or midnight on any day.

A school trip is considered to have taken place 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.

Example 1

A school trip in term time from noon on Wednesday to 9 pm on Sunday would last for 9 half days.

This would be:

- (i) 5 half days including school session; and
- (ii) 4 half days not including school session.

This would count as an activity taking place in school time.

Example 2

A school trip in term time from noon on Thursday to 9 pm Sunday would count as 7 half days.

This would be:

- (i) 3 half days including schools sessions; and
- (ii) 4 half days not including school sessions.

This trip would be classified as taking place outside school time.

If 50% or more of a half day is spent on a residential trip, that half day should be considered as time spent on the activity.

For a residential activity taking place in school time, as previously determined by the calculation, no charge may be made for:

- (i) the education provided; or
- (ii) the cost of the travel.

However, a charge can be made for board and lodging.

Section 7 Exemptions from Charging

On 6 April 2003, section 200 of the Education Act 2002 amended the legislation that deals with the remission of charges (board and lodging) for residential school trips.

The amendment aligned the eligibility criteria for the remission of charges with free school lunch eligibility.

Children whose parents are in receipt of the following support payments will in addition to free school lunch entitlement also be eligible for remission of charges for board and lodgings during residential school trips.

The relevant support payments are:

- Income Support;
- Income Based Job Seekers Allowance;
- Support under Part IV of the Immigration and Asylum Act 1999;
- Child Tax Credit, where the parent is not entitled to Working Tax Credit and whose annual income does not exceed £16,190 for the financial year 2012/13;
- the guaranteed element of State Pension Credit.

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.

Where a school intends to undertake an activity where a charge for board and lodging will be made, the headteacher should advise all parents that anyone in receipt of the support payments is entitled to claim remission. Parents who are in receipt of the support payments can be invited to make a voluntary contribution.

Example

A school undertakes a geography field trip as part of a GCSE course. The activity is integral to the course and therefore the expectation is that all pupils will attend. (In this example it does not matter whether the trip is wholly or partly in school time).

Board and lodging is a permitted charge and therefore the following would apply:

- a) a charge can be made for board and lodging;
- b) families in receipt of relevant support payments are exempt from the charges if those charges are levied. They can be invited to make a voluntary contribution, but in any case the child has a right to attend;
- c) a family who are not in receipt of support payments will be expected to pay, if they do not the child cannot attend.

There are four significant issues arising from this example:

- (i) no charge can be levied by the school unless the school has an approved Charging Policy;
- (ii) how schools will deal with low income families (to include hardship cases) who are not in receipt of support payments. This needs to be addressed in the school's policy;
- (iii) the determination on a remission of charges is made at the time the trip takes place – Is the family in receipt of support payments whilst the child is engaged on the activity;

- (iv) what provision for learning related to the trip activities will be made for any child who does not attend. (A similar provision would have to be made where illness prevents a child from participating on the trip).

Section 8 Charging and Remissions Policy

Under the charging provisions set out in the legislation governing bodies may choose to charge for certain defined activities, but only if they have first drawn up a charging and remissions policy. If the governing body choose to charge parents for the board and lodging costs of a residential visit and if the education provided is free under the terms of the legislation, the governing body must as a minimum remit the board and lodging costs for the parents who are in receipt of the support payments set out in Section 7. Otherwise, remission, like charging is at the discretion of the governing body.

The policy will include other areas than those specially related to school visits and journeys.

The legislation requires that the policy will set out what is to be charged for and in which circumstances charges will be remitted in whole or in part.

Annex 1 to this Guidance sets out those areas which governing bodies will need to consider in determining their charging and remissions policy.

Parents have a right to ask for a copy of the charges and remissions policy and a summary must be included in the school prospectus.

A model policy is provided at Annex 2.

Section 9 Minibuses

Only the school's pupils, staff or parents may travel at a charge in a school's minibus.

Schools may charge for transport in their minibuses only 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. A permit is not required if no charge is made.

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

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 a 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 which gives him or her a right to be carried.

Section 10 Transport

Schools **cannot** charge for:

- transporting registered pupils to or from the school premises, where the local authority has a statutory obligation to provide transport;
- transporting registered pupils to other premises where the governing body or local 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 which takes place in school time.

ANNEX 1

CHARGING AND REMISSIONS POLICY

When determining the policy the governing body will need to consider the following which are permissible charges.

- 1 Board and lodging on residential visits in school hours, unless the parents are in receipt of relevant benefits entitling them to exemption of these charges.
- 2 Costs associated with individual tuition of groups of up to 4 in the playing of a musical instrument whether in or out of school hours.

The exceptions are : unless it is provided as part of the syllabus for a prescribed examination or is required by the National Curriculum.
- 3 Activities which take place wholly or mainly outside school hours, but which are not provided as part of the syllabus for a prescribed public examination and are not required in order to fulfil statutory duties relating to the National Curriculum or to religious education.
- 4 The cost of entering a pupil for a public examination not prescribed in regulations, and for preparing the pupil for such an examination outside school hours.
- 5 Re-sits of prescribed public examinations where no further preparation has been provided by the school.
- 6 Consideration also needs to be given to:
 - a) the proportion of the costs where a charge is to be made;
 - b) whether any remission is to extend beyond the statutory minimum;
 - c) whether or not special consideration is to be given to hardship cases not contained within the exemptions and how this is to be determined;
 - d) the level of support from schools funds where the level of voluntary contributions is insufficient to fund the visit or journey;
 - e) arrangements for education where the parents fail to pay the charge being levied by the school.

ANNEX 2

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SCHOOL

CHARGING AND REMISSIONS POLICY

Introduction

This policy has been formulated in accordance with Authority's guidance on: Charging for School Activities by the Governing Body.

Aim

The aim of this policy is to set out what charges will be levied for activities, what remissions will be implemented and the circumstances under which voluntary contributions will be requested from parents.

Responsibilities

The Governing Body of the School are responsible for determining the content of the policy and the Headteacher for implementation. Any determinations with respect to individual parents will be considered jointly by the Headteacher and Governing Body.

Prohibition of Charges

The Governing Body of the School recognise that the legislation prohibits charges for the following:

- 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 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;
- examination re-sit(s) if the pupil is being prepared for the re-sit(s) at the school;
- education provided on any trip that takes place during school hours;
- education provided on any trip 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;
- Supply teachers to cover for those teachers who are absent from school accompanying pupils on a residential trip;

- 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;
- transport provided in connection with an educational trip.

Publication of Information

A summary of this policy will be included in the School Prospectus which will specify what charges are/are not to be made and for which activities voluntary contributions will be invited from parents.

Charges

(It will be necessary to determine for each of the following whether the governing body intends to make a charge).

- (a) board and lodging on residential visits (not to exceed the costs)
- (b) the proportionate costs for an individual child of activities wholly or mainly outside school hours ('optional extras') to meet the costs for:
 - (i) travel
 - (ii) materials and equipment
 - (iii) non-teaching staff costs
 - (iv) entrance fees
 - (v) insurance costs
- (c) individual tuition in the playing of a musical instrument
- (d) re-sits for public examinations where no further preparation has been provided by the school
- (e) costs of non-prescribed examinations where no further preparation has been provided by the school
- (f) any other education, transport or examination fee unless charges are specifically prohibited
- (g) breakages and replacements as a result of damages caused wilfully or negligently by pupils
- (h) extra-curricular activities and school clubs.

(See also Annex 1 paragraph 6).

Remissions

(Where the governing body have determined to charge for board and lodging on a school trip the following paragraph must be included).

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:

- a) Income Support;
- b) Income Based Jobseeker's Allowance;
- c) Support under part VI of the Immigration and Asylum Act 1999;
- d) Child Tax Credit, where the parent is not entitled to Working Tax Credit and whose annual income (as assessed by The Inland Revenue) does not exceed the prescribed amount for the financial year to which this policy applies;
- e) the guaranteed element of State Pension Credit.

In respect of (d) above account will be taken of any revision to the amount as advised by the Authority.

(For any other charges which are to be made the policy must set out below the remissions which will apply to each charge. If charges are not to be made the corresponding remission does not exist).

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Voluntary Contributions

(In this section the governing body have to determine whether or not voluntary contributions are to be requested from parents).

(Option A)

The Governing Body will not request voluntary contributions from parents for any activity or provision organised for the benefit of children at the school.

or

(Option B)

Parents will be invited to make a voluntary contribution for the following:

- a)
- b)
- c)
- d)
- e)

The terms of any request made to parents will specify that the request for a voluntary contribution and in no way represents a charge in addition the following will be made clear to parents:

- a) that the contribution is genuinely voluntary and a parent is under no obligation to pay; and
- b) that registered pupils at the school will not be treated differently according to whether or not their parents have made any contribution in response to the request.

The responsibility for determining the level of voluntary contribution is delegated to the Headteacher.

(Where a request for voluntary contributions is included in the policy the governors should set out the purposes to which the voluntary contributions will be put).

Voluntary contributions will be used to:

-
-
-
-
-

Date of Policy approval _____

Date of Policy review _____

Policy approved _____
Chairperson

Additional Guidance on the use of the School Budget and Verifying Eligibility for Remission of Charges

School Budget

Whilst the Regulations prescribe what the governing body may spend the school budget upon, in the area of visits and journeys this is less well defined. The restriction of not spending the school budget to subsidise extra-curricular activities can create particular problems with the transporting of pupils for inter-school competitions. Whilst some schools may have the provision to pay for this type of transport from the school funds other schools may not be able to do this.

It is the view of the DFES that expenditure of the school budget is for the educational benefit of the school's registered pupils. Education is deemed to be more than just the national curriculum but the wider pastoral and sporting functions of the school. It would therefore follow that it would be a permissible expenditure of the school budget to fund transport for inter-school competitive activities.

Schools should always give due consideration to any expenditure of the budget in those areas which are open to interpretation. Schools must always be able to defend and justify their decisions should they be challenged.

Verifying Eligibility for Remission of Charges

It is for the parent to provide the necessary evidence that they are in receipt of those support payments which entitle them to the remission of charges. Schools are not expected to undertake this task for parents.

Schools will be aware that all children entitled to free school meals (not just those who take them) are entitled to remission of charges.

Where there is any doubt regarding eligibility parents/carers must be able to provide at least one of the following:

- Child Tax Credit Award issued by the Inland Revenue **and** has a taxable income of less than the most recent published amount.
- Income Support – letter or document issued by the Department for Work and Pensions.
- Income Based Job Seekers Allowance – letter or document issued by the Department for Work and Pensions.

For support under the Immigration and Asylum Act 1999 or the State Pension Credit Act 2002 written confirmation should be requested from the parent/carer.

If a school has a particular concern regarding a child's eligibility they are advised to contact Janet Marshall, telephone 773513.

Requesting Voluntary Contributions

It is for the Governing Body to determine the Charging and Remissions Policy and therefore it would be advisable that they agree for each year/school term those activities for which parents will be requested to make a voluntary contribution. By adopting this approach it will provide Governors with the opportunity to assess the cumulative effect of requesting voluntary contributions and the impact this may have on low income families with several children attending the school.

Activities/events should normally be organised on the basis that the national curriculum is delivered free of charge funded by the school's budget. Before approving a request for a voluntary contribution the Governing Body needs to consider:

- (a) why the activity is not being funded wholly through the budget;
- (b) the purpose of the voluntary contribution.

The school should consider whether it is reasonable to fund an activity solely on the basis of voluntary contributions, thereby putting undue pressure on parents to make a voluntary contribution.

Request letter for a voluntary contribution

Points to note:

- 1 That the letter be sent from the headteacher on behalf of the Governing Body in keeping with their Charging and Remissions Policy.
- 2 Activities undertaken as part of the national curriculum are free of charge.
- 3 Any reasons why the school budget cannot fund the activity.
- 4 Make it clear all pupils can participate irrespective of whether or not a parent makes a contribution.
- 5 The purpose of the voluntary contribution.
- 6 Whether the voluntary contribution is a fixed amount or whether a smaller amount will be appreciated.
- 7 Avoid using phrases that are misleading in that there is any expectation on the part of the school that parents should pay.