



## **BIRCHWOOD**

### **CHARGING & REMISSIONS POLICY – September 19**

#### **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.

Schools must ensure that they inform parents on low incomes and in receipt of the benefits listed on page 4 of this guide of the support available to them when being asked for contributions towards the cost of school visits.

#### **Charging and Remissions Policies**

No charges can be made unless the Management Committee of the school has drawn up a charging and remissions policy giving details of the optional extras or board and lodging that they intend to charge for, and a remissions policy.

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 Management Committee may decide to reduce the cost for those children whose parents are in receipt of certain benefits.

## **Education**

School Management Committees **cannot** charge for:

- an admission application to any state funded;
- 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;
- instrumental or vocal tuition, for pupils learning individually or in groups, unless the tuition is provided at the requests of the pupil's parent/carer.
- 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 **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 .
- Community Facilities

## **Swimming Lessons**

Schools may choose to offer swimming lessons in order to meet the statutory requirement. Schools are not permitted to charge for swimming lessons in school hours or for lessons outside of school hours. However, it is permitted to request a voluntary contribution from 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.

**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 (other than transport that is 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)
- board and lodging for a pupil on a residential visit.
- Extended day services offered to pupils (for example breakfast club, after school clubs, tea and supervised homework sessions)

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;
- the cost of building and accommodation;
- 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 an appropriate proportion of the costs, for teaching staff employed to provide tuition in playing a musical instrument, or vocal tuition, 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 prerequisite for the provision of an optional extra where charges will be made.

### **Voluntary Contributions**

Nothing in legislation prevents a school Management Committee 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 head teacher should make this clear to parents at the outset. The governing body or head teacher 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, or the school cannot fund it from some other source, then it must be cancelled. Schools must ensure 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, 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 and direct debit or standing order mandates should not be sent to parents when requesting contributions.

## **Damage to School Property**

### **Deliberate Vandalism / Malicious Damage**

The school will charge for:

The school will send parents an invoice for the FULL cost of the repair to rectify the damage but will expect, at the very minimum, a contribution towards the cost of repairing the damage. This contribution will be agreed mutually between the Head Teacher and the parent.

In cases where pupils have deliberately caused damage to school property, the school will at its discretion (and dependent on the extent of the damage), call the Police and report the pupil concerned for criminal damage.

### **Accidental Damage**

The school will charge for:

In cases where pupils have accidentally caused damage to school property, the school will send parents an invoice for the FULL cost of the repair to rectify the damage but will expect, at the very minimum, a contribution towards the cost of repairing the damage. This contribution will be agreed mutually between the Head Teacher and the parent.

## **Residential Visits**

The school **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.

The school **can** charge for:

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

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

- Universal Credit;
- 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
- an income related employment and support allowance that was introduced on 27/10/08.

### ***Examples***

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.

## **Music Tuition**

Although the law states that, in general, all education provided during school hours must be free, instrumental and vocal music tuition is an exception to that rule.

The Charges for Music Tuition (England) Regulations 2007 set out the circumstances in which charges can be made for tuition in playing a musical instrument, including vocal tuition. They allow charging for tuition in larger groups than was previously the case.

Charges may now be made for vocal or instrumental tuition provided either individually, or to groups of any size, provided that the tuition is provided at the request of the pupil's parent. Charges may not exceed the cost of the provision, including the cost of the staff who provide the tuition.

The regulations make clear that charging may not be made if the teaching is either an essential part of the national curriculum, or is provided under the first access to the key stage 2 Instrumental and Vocal Tuition Programme. They also make clear that no charge may be made in respect of a pupil who is looked after by a local authority (within the meaning of section 22(l) of the Children Act 1989).

## **Transport**

The school **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 Management Committee 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.

## **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.

### **Freedom of Information Act 2000 (FOIA) and Data Protection Act 1998**

The school has a FOIA Publication Scheme and Data Protection Policy both clearly detailing the charging structure for any information requested.

### **Complaints Policy**

All complaints will be dealt with according to the schools Complaints Policy which is available on request from the school office.