

CHARGING FOR SCHOOL ACTIVITIES **Updated/revised guidance**

1. INTRODUCTION

A Summary of the updated DCSF guidance, January 2009

This guidance is designed to help head teachers and governing bodies set out their policies on charging and remission for school activities and school visits, and complements the information given in Chapter 23 of *A Guide to the Law for School Governors*¹. The law on charging for school activities is set out in Sections 449-462 of the Education Act 1996.

2. EDUCATION

School governing bodies and local authorities cannot charge for:

- an admission application to any maintained school;
- 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; 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 (see Section 6 below).

3. OPTIONAL EXTRAS

Charges may be made for some activities that are known as 'optional extras':

- 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.

Parental agreement is a necessary pre-requisite for the provision of an optional extra where charges will be made. The guidance includes other conditions that must be met, such as prohibiting charges that include any element of subsidy for participating pupils whose parents are unwilling or unable to pay the full charge.

¹ *A Guide to the Law for School Governors* can be viewed/downloaded at <http://www.governor-net.co.uk>

4. VOLUNTARY CONTRIBUTIONS

The guidance clearly states schools' entitlements under the legislation to ask for voluntary contributions 'for the benefit of the school or any school activities'. It also states that: *'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'*.

5. 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 £15,575 (Financial Year 2008/09);
- the guarantee element of State Pension Credit; and
- an income related employment and support allowance that was introduced on 27 October 2008.

Note: A range of guidance on Learning Outside the Classroom, including charging, is available at: <http://www.lotc.org.uk> > selecting 'Out and About guidance'.

6. MUSIC TUITION

The law states that all education provided during school hours must be free, but music lessons are an exception.

The *Education and Inspections Act 2006* allowed the DCSF to specify circumstances where charging can be made for music tuition. The new Regulations came into force in September 2007². [See *DSS Summary DSS 07/08 3, September 2007*].

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. 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).

² Accessible at: <http://www.teachernet.gov.uk/teachingandlearning/subjects/music> > Scroll down to 'Changes to the charging regulations for music tuition'.

7. 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.

8. CHARGING AND REMISSION POLICIES

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

Note: Three paragraphs on page 6 of the guidance address issues where education takes place partly during and partly outside schools hours; and definitions of what counts as in school hours or not relating to either residential or non-residential activities or visits.

The full updated guidance can be viewed/downloaded at:
<http://www.teachernet.gov.uk/docbank/index.cfm?id=8145>