



Heworth Grange



Consilium
Academies

Policy Name: Charges and Remissions

Policy Date: September 2019

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Policy Document

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The provisions in the Education Reform Act, recognise the principle of free school education and also reflect the Government's view that LAs should be able to charge parents for optional activities which are provided out of school hours.

The objectives of the charging provisions in the 1988 Act 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 of school hours.

Education During School Hours

The basic principle underlying the charging provisions of the Act, is that education provided should be free of charge if it takes place wholly or mainly during school hours. If the number of places available for a particular activity is limited, the school must decide which pupils should be given the opportunity to participate, without reference to parents' willingness or ability to make a voluntary contribution towards the cost.

The exception to the principle of free education which the law allows is:

that a charge may be made in respect of individual tuition in playing any musical instrument, even if such tuition takes place during school hours, except where it is provided to fulfil the requirements for a syllabus for a prescribed public examination or the requirements of the National Curriculum, when it must be provided free. If a charge is to be made, parental agreement must be obtained before the tuition is provided.

Neither the pupil nor his/her parents may be required to pay for, or to supply, any

materials, books, instruments or other equipment for use in connection with education provided during school hours

Parents may be invited to provide their children voluntarily with particular items, in order to release resources from the school budget for other purposes, but no child should be at a disadvantage because of a parent's unwillingness or inability to contribute in this way. Equipment is defined as excluding clothing: LA's will continue to have discretionary powers to provide clothing where a pupil comes to school inadequately or unsuitably dressed or where parents have not provided items such as cookery aprons or football boots. Parents can still expect the LA or the Governing Body to provide essential protective clothing such as safety goggles.

Any transport provided in school hours to carry pupils between the school and any other place where education is to be provided, must be provided free of charge. However, if a pupil makes use of transport not provided by the LA or school to travel direct from home to any activity sanctioned, though not provided, by the LA or school, then parents may be asked to meet the cost of such travel. An example of this would be to travel direct from home to work experience and vice versa, though in such a case it would be still be open to the LEA or school to consider a subsidy where parents have difficulty in meeting such a cost.

Schools must be prepared to provide or pay for any ingredients, materials, equipment etc needed for practical subjects such as Food Technology and CDT. Parents who are willing to contribute in cash or kind can, however, be encouraged to do so on a voluntary basis. The school may charge for, or require the supply of ingredients and materials if parents have indicated in advance a wish to own the finished product.

There may be occasions when an organisation other than the LA or Governing Body, arranges an activity to take place during school hours, and parents ask the school to grant their children leave of absence to join the activity. The third party would be able to levy charges direct on the parents in return for the services provided. The LA and school governing body would not take part in the transaction and it would be for parents, and any staff members similarly released for the activity, to satisfy themselves about the adequacy of the arrangements made by the third party to secure the safety and welfare of the children. The governing body and head teacher would need to consider whether the release of the pupils could be justified, given the need to meet the statutory requirements of the school curriculum in respect both of those pupils and of the pupils remaining at school. They would also need to bear in mind the requirements of the Education Regulations that a pupil must not be granted more than 2 weeks' leave of absence in any year, save in exceptional circumstances.

Education Outside School Hours

No charges may be made for education, or associated incidentals, provided wholly or mainly outside school hours where the education is provided:

- a) to fulfill any requirements specified in the syllabus for a prescribed public examination
- b) specifically to fulfill statutory duties relating to the National Curriculum

c) specifically to fulfill statutory duties relating to religious education. In these circumstances the only charges which may be made, relate to the cost of board and lodging on residential visits. Charges may be made for education provided wholly or mainly outside school hours, if the provision does not come within any of the categories outlined above. Such education is defined as an

'optional extra'. An activity which takes place during school hours cannot, by definition, be an optional extra, except where it involves individual tuition in the playing of a musical instrument.

Participation in any optional extra activity, 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 prerequisite 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 willing to participate. 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.

The cost can include an appropriate element for:

- a) a pupil's travel costs
- b) a pupil's board and lodging costs;
- c) materials, books, instruments and other equipment;
- d) non teaching staff costs;
- e) entrance fees to museums, castles, theatres etc;
- f) 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 LA or the governors of the school, their costs may not be included in the costs passed onto the pupils, unless they are:

a) employed to provide individual tuition in the playing of a musical instrument; or

b) engaged on a separate contract for services to provide the optional extra. For the purpose specified in (b), a contract for services can be a simple document or letter, written on behalf of the governing body or the LA, inviting a teacher to provide certain services for a specific activity taking place at a specified time, in return for payment or expenses, and, where appropriate, a fee. The teacher should be asked to signify agreement by signing and returning a copy of the letter.

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 and to whom, subject to the overriding factor that the charge must not exceed the actual cost.

Education Partly During School Hours

Where an activity takes place partly during and partly outside school hours, the Act prescribes a basis for determining whether it is deemed to take place either in or out of school hours. In the former case, no charge may be levied in respect of the activity, unless it involves individual tuition in the playing of a musical instrument and any fundraising must be on the basis of voluntary contributions. In the latter case, a charge may be made. The calculation to be applied in determining the status of an activity for charging purposes, depends on whether it is a daytime activity or residential. A nonresidential 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 purposes of this calculation only if the travel itself occurs during school hours. School hours do not include the break in the middle of the school day. As an example, 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. In this case the excursion would be classified for the purposes of the charging legislation as an activity taking place wholly or mainly in school time.

Where less than 50% of the time spent on a nonresidential activity falls during school hours, the activity is deemed to have taken place outside school hours. An example might be an excursion which requires the pupils to leave school an hour or so earlier than usual in the afternoon but involves them in an activity which does not end until quite late in the evening.

Section 106 defines a residential trip requiring pupils to spend one or more nights away from their usual overnight accommodation. It would not be practical to apply the 50% rule to any activity which involves nights away, since school hours will always take up considerably less than 50% of a 24 hour period. In these circumstances the test is based upon the number of half days taken up by the activity including travel relative to the number of school sessions the participants would have attended had the activity not taken place. Whatever the starting and finishing times of the school day, the Education Regulations require that the school day be divided into two sessions. A 'halfday' means any period of 12 hours ending with noon or midnight on any day.

If the number of school sessions missed by the pupils is less than 50% of the number of half days taken up by the activity, it is deemed to take place outside school hours. If the number of school sessions is more than 50% of the number of half days, the activity is deemed to take place during school hours.

Numbers of half days, or of school sessions, are to be rounded as follows:

Where 6 or more hours in a half day is spent on a residential trip, the whole of that half day counts as having been spent on the trip; where half or more of a school session is devoted to a residential trip, the entire session counts as having been spent on the trip.

On this basis, a term time trip from noon on Wednesday to 9.00 p.m. on Sunday (i.e. 9 half days including 5 school sessions) would be deemed to take place in school hours, but a trip from noon on Thursday to 9.00 p.m. on Sunday (i.e. 7 half days including 3 school sessions) would not.

Where a residential activity is deemed to take place during school hours, no charge may be made for the education provided, nor for the cost of travel, and any fundraising must be on the basis of voluntary contributions. Charges may however be made for board and lodging.

Board and Lodging

Where a school activity involves pupils in nights away from home, LA's and governing bodies are permitted to make a charge for board and lodging, whether or not the activity is deemed to have taken place in school hours. Any charges made must not exceed the actual cost of providing board and lodging for that pupil.

Special arrangements apply for pupils whose parents are in receipt of income support or family credit. Section 110 requires the LA, or Governing Body, to remit any board and lodging charges in their case if the activity is deemed to take place in school hours.

Schools may not always have comprehensive information about families where parents are in receipt of supplementary benefits. When a school intends to undertake an activity where a charge for board and lodging can be made, the head teacher should advise all parents that anyone in receipt of family credit or income support is entitled to claim remission. If the LA or governors wish to adopt a more generous remissions policy than the statutory minimum, they will be free to do so.

Public Examinations

Please see separate Examination Entry policy within the main document.

The Governing Body

The Act requires each LA and Governing Body to draw up, and keep under review, its own policies in respect of charges and remission arrangements. The Education Reform Act states no charge can be levied by an LA, or Governing Body, unless it has drawn up a statement of its policy.

The Act requires that the charging policy shall set out the provision and classes or descriptions of cases in which it is proposed to make charges. The remissions policy shall set out the circumstances in which charges will be remitted in whole or in part.

Voluntary Contributions

The restrictions on charging for school activities do not in any way prohibit or restrict an LA or school 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 nonresidential. Such contributions must, however, be genuinely voluntary and any request for contributions must make it clear:

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

If the activity cannot be funded without voluntary contributions, the Governing Body or Head would want to make this clear to parents at the outset. An initial

letter could explain the nature of the proposed activity and its likely value in educational terms. It could 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 could 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 contribution which parents 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 lowincome 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 fundraising events held in preceding months. Some schools, for example, meet the transport costs of an excursion out of money raised from social events, then ask the parents of the children taking part in the excursion if they will help with other costs such as entrance fees.

Breakages and Fines

There is no reference to breakages and fines in the Act's charging provisions. There is nothing to prevent schools from asking parents to pay for the cost of replacing a broken window or a defaced, damaged, or lost text book where this is the result of a pupil's behaviour. A member of staff observing any incidents of vandalism or breakages should complete an incident report form as soon as possible. The Head of Year will make a recommendation to the Business Manager over the appropriateness of charging parents for the cost of repair or replacement. The Head of Year will also bear in mind any other sanction which has already been used or could be used in place of charging parents. Any parent to be charged will be sent an invoice and the debt should be repaid to the school. In the case of non-payment the school may refer the debt to the Council's Solicitor for debt recovery. Parents should be given the opportunity to query any charge, normally through the Head of Year.

Recovering of Sums Payable by Parents

The Act provides that any sums payable by parents for wasted examination fees, for optional extras to which they had agreed, or for board and lodging, shall be recoverable summarily as civil debt.

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