



# BYRCHALL HIGH SCHOOL

## Charging Policy

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### Introduction

This guidance sets out the Byrchall High School policy on charging and remissions.

Information for those families on low incomes can be found on Page 4.

### Education

School governing bodies **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 Curriculum<sup>1</sup>, or part of a syllabus for a prescribed public examination that the student is being prepared for at the school, or part of religious education;
- tuition for students learning to play musical instruments, if the tuition is required as part of the Curriculum, or part of a syllabus for a prescribed public examination that the student is being prepared for at the school, or part of religious education;
- entry for a prescribed public examination, if the student has been prepared for it at the school; and
- examination re-sit(s) if the student is being prepared for the re-sit(s) at the school<sup>2</sup>.

Schools **can** charge for:

- any materials, books, instruments or equipment, where the child's parent wishes him/her to own them;
- optional extras (see below); and
- music and vocal tuition, in limited circumstances (see Page 4).

### 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.

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<sup>1</sup> It should be noted that 'part of the Curriculum' is not restricted to learning outside the classroom experiences that are specifically subject based (e.g. geography or science fieldwork) and include, for example, activities designed to fulfil requirements under the Curriculum 'inclusion statement' (e.g. developing teamwork skills).

<sup>2</sup> However, if a student fails, without good reason, to meet any examination requirement for a syllabus, the fee can be recovered from the student's parents.

### **Optional extras are:**

- education provided outside of school time that is not:
  - a) part of the Curriculum;
  - b) part of a syllabus for a prescribed public examination that the student is being prepared for at the school; or
  - c) part of religious education.
- examination entry fee(s) if the registered student has not been prepared for the examination(s) at the school;
- transport that is not required to take the student to school or to other premises where the local authority/governing body have arranged for the student to be provided with education; and
- board and lodging for a student 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 students must not exceed the actual cost of providing the optional extra activity, divided equally by the number of students participating. It must not, therefore, include an element of subsidy for any other students 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 students 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 students 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.

### **Voluntary Contributions**

Nothing in legislation prevents a school governing body 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 colour coded 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 for contributions.

### **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 student 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 students on a residential visit.

Schools **can** charge for:

- board and lodging and the charge must not exceed the actual cost.
- Music tuition.
- Any materials, books or equipment where a parent wishes their child to own them.

### **Music Tuition**

Although the law states that all education provided during school hours must be free, music lessons are an exception to this rule.

The Education and Inspections Act 2006 introduced a regulation-making power which allowed the Department for Children, Schools and Families to specify circumstances where charging can be made for music tuition. The new Regulations, which came into force in September 2007, provide students with greater access to vocal and instrumental tuition.

Charges may now be made for teaching either an individual student, 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. Guidance about these changes to the charging regulations can be viewed [here](#). 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 student(s), or the first access to the Key Stage 2 Instrumental and Vocal Tuition Programme (Wider Opportunities).

### **Transport**

Schools **cannot** charge for:

- transporting registered students to or from the school premises, where there is a statutory obligation to provide transport;
- transporting registered students to other premises where the governing body has arranged for students to be educated;
- transport that enables a student to meet an examination requirement when he/she has been prepared for that examination at the school; and
- transport provided in connection with an educational visit.

## **Families qualifying for remission or help with charges**

In order to remove financial barriers from disadvantaged students, the governing body has agreed that some activities and visits where charges can legally be made will be offered at no charge or a reduced charge to parents in particular circumstances. This policy sets out the circumstances in which charges will be waived.

### **Category A**

Parents in receipt of:

- Income support
- Income-based Jobseekers Allowance
- 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 HM Revenue and Customs) does not exceed the sum given in the Revenue and Customs rules)
- Guaranteed State Pension

Additional categories of parents may claim help with some costs in some circumstances.

## **Charging and Remissions 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 must meet 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 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.

### **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 student is being prepared for at the school and not part of religious education.

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### **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 students to leave school an hour before the school day ends, but the activity does not end until late in the evening.

### **Residential visits**

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**

Students 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**

Students 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.

### **Public Examinations**

No charges may be made for entering students for public examinations that are set out in the Regulations. The governing body must enter a student for each examination in a public examination syllabus for which the school has prepared the student. This does not apply if the governing body thinks there are educational reasons for not entering the student, or if the student's parents request in writing that the student should not be entered. The LA may not override the governing body's decision on whether to enter a particular student for an examination.

An examination entry fee may be charged to parents if:

- the examination is on the set list, but the student was not prepared for it at the school;
- the examination is not on the set list, but the school arranges for the student to take it;
- a student fails, without good reason, to complete the requirements of any public examination where the governing body paid or agreed to pay the entry fee.

Charges may not be made for any cost associated with preparing a student for an examination. However, charging is allowed for tuition and other costs if a student is prepared outside school hours for an examination that is not set out in the Regulations.

### **Activities not run by the school**

When an organisation acting independently of a school 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 DFE's view that it should be treated as if it were provided by the school and no charge should be made to the parents or students. Such an activity, if it takes place outside the school premises, is an 'approved educational activity' within the meaning of Regulation 4A(a) of the Education (Pupil Registration) Regulations 1995 (as amended).

### **School Minibuses**

Schools may charge for transport in their minibuses only if they hold a permit issued under Section 19 of the Transport Act 1985. In some cases, 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 in cash or kind. Schools should apply to the Transport Team for a permit for each minibus.

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 any 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 that gives him or her a right to be carried.

If schools intend to hire their minibus, they must ensure that their insurance covers passengers carried during the hiring.

### **Materials, books, instruments or other equipment**

A governing body may set a charge for materials used in school where a parent indicates in advance that they or the student wishes to own the finished article which incorporates the materials. Any charge will not exceed the cost of the materials. Alternatively, the parent may be required to provide the materials in question.

### **Damage to Property**

A governing body may reserve the right to ask the parents of a student whose inappropriate behaviour causes damage to contribute to the cost of repairs of replacing defaced, damaged or lost property.

### **The Law and Guidance**

Education Act 1996: Sections 449 – 462

DfE – A Guide to the Law for School Governors (Chapter 23)

DfE – Charging for School Activities

## Questions and Answers

### **What is a charging policy?**

Under the charging provisions set out in legislation, governing bodies may choose to charge for certain defined activities, but only if they have first drawn up charging and remissions policies. These policies should be made available to parents on request.

### **A visit involving staying overnight has been arranged for children at my school. Can the school charge for this?**

Where a school activity requires students to spend nights away from home, the school is allowed to make a charge for board and lodging. This is with the exception of students whose parents are receiving: Income Support; Income-based Jobseeker's Allowance; Support under Part VI of the Immigration and Asylum Act 1999 or Child Tax Credit (providing they do not also receive Working Tax Credit and have an annual income, assessed by the Inland Revenue that does not exceed the sum given in the Revenue and Customs Rules) and an income related employment and support allowance. Since April 2003, the eligibility criteria that entitle families to an exemption from paying for the cost of board and lodging on residential visits have been aligned with free school meals eligibility criteria. The headteacher must inform all parents of the right to claim free board and lodging if they are receiving these benefits.

### **With regard to the remission of board and lodging payments, can you please explain who pays for the expense, would it come out of the school budget or is there a grant available to claim?**

Although the criteria for being eligible for the remission of charges for board and lodgings is the same as free school meals, that is where the similarity ends. The costs involved in the remission of board and lodgings are to be borne by the school from their contingency funds. There is no return to be completed to re-claim the money back.

### **Our school has a large number of students eligible for free school meals, this means that they would also receive remission for board and lodgings expenses for residential school visits. How can the school fund/organise residential visits?**

The government provides funding for schools to each local authority according to a formula which recognises the different needs of each area. The same basic funding is provided for all comparable students across the country. This is then topped up according to local needs.

One of these top-ups reflects the number of students in a certain area living in deprived circumstances, as these students need extra help if they are to have an equal opportunity in life. The amount that individual schools receive from the local authority reflects their relative need compared with other local schools, through the locally agreed funding formula. All local authorities' funding formulae are required to include an element to reflect the needs of deprived students. It is for headteachers and school governing bodies to decide how to spend their available resources.

Schools cannot exclude children from taking part in an activity that is part of the Curriculum purely on the grounds that the parent or carer, cannot make, or refuses to make, a contribution. This can clearly place schools in some difficulty on occasions where a number of parents/carers might be in such a position. The school then has to decide whether they can cover the costs of such activity from within the budget or by fundraising, or whether the activity has to be cancelled.

If there is a residential activity taking place largely during school time, or which meets the requirements of the syllabus for a public examination, or is to do with the Curriculum or religious education, no charge may be made either for the education or for the cost of travel.



### **Can governing bodies charge for educating children in maintained schools?**

The governing body cannot charge for education that takes place in school hours. Nor can they charge for activities that take place outside school hours if these are part of the Curriculum, necessary as part of a syllabus for a prescribed public examination that the student is being prepared for at the school, or part of religious education. They can charge for permitted 'optional extras', provided they have drawn up a statement of general policy on charging and given details of 'optional extras' they intend to charge for. The governing body's policy must meet the requirements of the law.

### **Can a school charge for an activity that takes place out of school hours?**

This kind of activity is often referred to as an 'optional extra'. Where an optional extra is being provided, a charge can be made for providing materials, books, instruments or equipment. See guidance on optional extras.

The actual charge for the optional extra cannot exceed the actual cost of the provision. Schools cannot and must not make a profit from charging for optional extras. 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.

### **Can a school ask parents for voluntary contributions?**

Schools may invite parents and others to make voluntary contributions to make school funds go further. All requests to parents for voluntary contributions must make it quite clear that the contributions would be voluntary. It should be remembered that education provided during school hours must be free. This includes materials, equipment and transport provided in school hours by the local authority or by the school to carry students between the school and an activity. Governing bodies should also clearly explain that children of parents who do not contribute will not be treated any differently, and that the activity might be cancelled if insufficient contributions are received.

### **The school has sent letters out to parents asking for contributions towards a school visit, do parents have to pay?**

Headteachers or governing bodies may ask parents for voluntary contributions towards the cost of:

- any activity which takes place during school hours;
- school equipment; and
- school funds generally.

Children of parents who are unable, or unwilling to contribute may not be discriminated against. However, if insufficient voluntary contributions are received to cover the cost of the visit or activity, and there is no alternative method to make up the shortfall, then the school should cancel the activity/visit. It would be advisable to make parents aware of a possible cancellation to the activity/visit if insufficient voluntary contributions are received from the outset.

### **What happens if the school is not able to raise enough voluntary contribution? How does this affect their child(ren)?**

The school cannot exclude a child from taking part in an activity that is part of the Curriculum purely on the grounds that you, the parent or carer, cannot make, or refuses to make the contribution. This can clearly place schools in some difficulty on occasions where a number of parents/carers might be in such a position. The school then has to decide whether they can cover the costs of such activity from within the budget of by fundraising, or whether the activity has to be cancelled.



### **What support can a school offer a parent/carer who has difficulty making a financial contribution?**

Schools must ensure that parents in receipt of Income Support, Income Based Jobseekers Allowance, 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 the limit set by Revenue and Customs). Some schools also have funds available to enable families in financial difficulty to send their children on visits/activities. Parents should be encouraged to speak to the headteacher in order to establish if such funding arrangements exist.

No charge may be made if there is a residential activity taking place largely during school time, or which meets the requirements of the syllabus for a public examination. In addition, if the activity is to do with the National Curriculum or Religious Education, no charge may be made either for the education or for the cost of travel for any student, not just those whose parents are in receipt of benefits.

### **What about charges for transport during school hours?**

Any transport provided by the school in school hours will be provided free of charge (though a voluntary contribution could be requested).

### **Can the school charge for something like cooking ingredients or materials needed for a technology lesson?**

The school can make a charge to cover the costs of materials/ingredients for subjects such as design or food technology where parents have indicated in advance that they would like their child to bring home the finished product.

### **Can the school charge entry fees for examinations?**

An examination entry fee may be charged to parents if:

- the examination is on the set list, but the student was not prepared for it at the school;
- the examination is not on the set list but the school arranges for the student to take it; and
- a student fails, without good reason, to complete the requirements of any public examination where the governing body paid or agreed to pay the entry fee.

### **Can a school make a charge to pay for the administration required as part of the admission process?**

Paragraph 1.82 of the current School Admissions Code and Paragraph 1.93 of the revised School Admissions Code, rules out practices that can lead to covert selection, such as asking parents for a financial contribution as a condition of entry. We are clear that schools cannot ask for a voluntary contribution as part of the admissions process and where this is found, we will not tolerate it. Legislation prevents maintained schools from charging fees for admission or for providing education during school hours.

### **Can a school ask for a direct debit to the school fund?**

No. A school may ask for voluntary contributions, as long as it is clear that they are voluntary, but we are clear that state education should be free and we have no intention of changing this policy. We will not tolerate this when it is brought to our notice. No contributions may be sought as part of the admissions process.