

2017

Charging and Remissions Policy

Moorthorpe Primary School

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WMDC
1/21/2014



Charging and Remissions Policy

This guidance outlines the legal position relating to charging for school activities and gives some guidance on how to work within this framework.

The guidance includes advice on requesting voluntary contributions from parents (Section 8) and working models for school charging and remission policies (Appendix A).

Full details of contents are on the next page.

Further information/clarification

If you wish to discuss the contents of this guidance, please contact David Bowen (01924 305501).

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CHARGING FOR SCHOOL ACTIVITIES: GUIDANCE FOR SCHOOLS

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1 THE LEGAL POSITION

The legal framework

The relevant legislation is sections 450-457 of the Education Act 1986. This carries forward the equivalent sections of the Education Reform Act 1988.

The Tax Credit Act 1999 amended the 1996 Act by changing the list of benefits which mean that parents are eligible to remission of charges in certain circumstances (see third and fourth “bullet points” below).

This guide is based on DES Circular 2/89 “Charges for School Activities”. The Circular clarified the DES interpretation of the relevant sections (106-111 and 117-118) of the Education Reform Act (1988).

The guide also draws on the Education Act 2002, in particular the requirement for schools to consult (including on fees) if they are to run ‘extended services’.

The Childcare Act 2006 includes a new duty to secure sufficient childcare, which needs to link to schools, and where schools provide these services the charges must form part of the school’s fees policy.

The Education and Inspections Act 2006 includes a duty to provide sufficient positive activities for young people, some of which schools may provide and charge for.

The legal situation described in this guide applies to all maintained schools, i.e. including nursery and voluntary schools.

General Principles of the Legislation

- The law does not require that any charges be made for school activities.
- There are only a few school activities for which a charge to pupils or their parents is permitted by law (please see Section 3 of this guide).
- No charge can be made for an activity which is deemed to be “in school hours” (please see Section 4 of this guide) except for:
 - (a) board and lodging charges (which, in this case, must be paid for pupils whose parents receive Income Support, Working Families Tax Credit, Income Based Job Seeker’s Allowance or Disabled Person’s Credit);
 - (b) individual tuition in playing a musical instrument (but not vocal tuition), where this is not provided to meet the syllabus requirements of a prescribed public examination or specifically to fulfil statutory duties relating to the National Curriculum or Religious Education; and

- (c) Materials used in certain lessons, where parents opt at the outset to keep the finished product.
- No charge may be made for an activity which is provided for either of these reasons:
 - (a) to meet the syllabus requirements of a prescribed public examination;
 - (b) specifically to fulfil statutory duties relating to the National Curriculum or Religious Education.

The sole exception is that board and lodging charges are permitted (except for pupils whose parents receive Income Support, Working Families Tax Credit, Income Based Job Seeker's Allowance or Disabled Person's Credit).

- Each LA and school governing body must determine a charging policy and a remissions policy:
 - the charging policy indicates the categories of activity for which it is proposed to make charges;
 - the remissions policy indicates the circumstances in which it is proposed to remit (i.e. not make) charges, in whole or in part.
- No charge may be made unless it is in accordance with the charging and remissions policies of the LA or governing body (whichever is funding the activity).
- Schools are permitted to ask for voluntary contributions from parents or others for the benefit of the school or in support of any school activity. Such contributions must be genuinely voluntary. The terms of any request for contributions 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 a voluntary contribution.

If the activity cannot be funded without voluntary contributions, this must be made clear to parents at the outset.

Detailed advice on requesting voluntary contributions is given in Section 8 of this guidance.

- Except where a charge is made, no pupil shall be denied the opportunity to take part in a school activity because of a parent's unwillingness or inability to make a contribution towards the cost.
- If no charge is to be made and 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.

2 OPERATING THE LEGISLATION

If a school is considering making a charge for a school activity, the charge must fit all the requirements listed in this section.

- The activity is one for which a charge can be made (please see section 3 of this guide).
- (*This requirement does not apply to board and lodging charges*). The charge is **not** for an activity which is provided for either of the following reasons:-
 - (a) to meet the syllabus requirements of a prescribed public examination;
 - (b) specifically to fulfil statutory duties relating to the National Curriculum or Religious Education.
- The charge conforms to the charging policy and remissions policy of the LA or governing body (whichever is funding the activity).

If remission of charges is required by the policy, the head should advise all parents at the outset of the criteria for eligibility for remission. (The statutory minimum is that charges for board and lodging costs must be remitted in full for pupils whose parents receive Income Support, Working Families Tax Credit, Income Based Job Seeker's Allowance or Disabled Person's Credit, where the activity takes place "in school hours" or is provided to meet the syllabus requirements of a prescribed public examination or to fulfil statutory duties relating to the National Curriculum or Religious Education).

- The charge does not exceed the cost to the LA/governing body of providing the activity, divided equally by the number of pupils willing to participate. This cost may be made up of the following items only:
 - (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) teaching staff costs, where the teacher is engaged specifically for the purpose of the activity (this is explained more fully in Section 6 of this guide);
 - (f) entrance fees to museums, castles, theatres, etc.;
 - (g) insurance costs.
- The pupil's parents have agreed to the charge in advance.

3 LIST OF ACTIVITIES FOR WHICH A CHARGE MAY BE MADE

(To be read in conjunction with Section 2 of this guide).

(a) Educational Visits (i.e. non-residential)

A charge may **only** be made where less than 50% of the visit takes place in school hours. (Please see section 4 of this guide).

(b) Residential Activities

Board and lodging: a charge may be made. However, the remissions policies of LAs and governing bodies must provide, as a statutory minimum, that this charge be paid for pupils whose parents receive Income Support, Working Families Tax Credit, Income Based Job Seeker's Allowance or Disabled Person's Credit where the journey is:

- (i) deemed "in school hours" (please see Section 4 of this guidance);
- or
- (ii) is provided to fulfil the syllabus requirements of a prescribed public examination or statutory duties relating to the National Curriculum or Religious Education.

Transport and other costs: a charge may be made where the journey takes place at the weekend, in school holidays, or at other times deemed "out of school hours" (please see Section 4 of this guidance).

(c) Materials used in certain lessons (e.g. food technology or DT)

A charge for materials may only be made where parents opt at the outset to retain the finished product. Otherwise, neither a pupil nor his/her parents may be required to pay for, or supply, any materials, books, instruments, or other equipment for use in connection with education provision during school hours. Equipment is defined as excluding clothing (e.g. cookery aprons or football boots) but as including essential protective clothing such as safety goggles. Parents may be **asked** to provide their child with certain basic items, but no child must be put at a disadvantage because of a parent's unwillingness or inability to contribute in this way.

(d) Individual instrumental music tuition

A charge may be made, except where the tuition is provided to fulfil the syllabus requirements of a prescribed public examination or statutory duties relating to the National Curriculum or Religious Education. A charge cannot be made for individual vocal tuition, unless the activity is deemed "out of school hours" (please see Section 4 of this guidance).

(e) In relation to public examinations

A charge may be made:

- for wasted examination fees (criteria to be made clear before a pupil's examination entry);
- for the entry fee for resits of examinations for which the school has not provided tuition since the previous examination;
- for the additional entry fee, where a pupil wishes to take the same subject examination with more than one examining body;
- for the entry fee, and any preparation outside school hours, for any public examination not prescribed by the DCSF.

(f) Travel to and from work experience

If a pupil makes use of transport not provided by the LA or school to travel direct from home to work experience (and vice versa), parents may be charged for the cost of such travel.

(g) "Optional extras" outside the school day

A charge may be made for other activities deemed "out of school hours" which conform to the checklist in Section 2 of this guidance.

(h) Breakages or damages to school premises/equipment

Schools may ask parents to pay for damage to school property or equipment where this is the result of the pupil's behaviour. Details should be given in the school's disciplinary code.

(i) Childcare Services

Childcare services run directly by the school such as breakfast clubs, after school childcare, holiday childcare or wrap around care.

4 DETERMINING WHETHER A SCHOOL ACTIVITY IS “IN SCHOOL HOURS”, UNDER THE TERMS OF THE EDUCATION ACT 1996

Residential Activities

- (1) Consider
 - (a) the number of school sessions the participants would have attended if the journey had not taken place;
 - (b) the number of half days taken up by the journey (a half day is defined as any period of twelve hours ending with noon or midnight on any day).
- (2) The number of half days or school sessions is to be rounded up, except where less than 50% of the half day or session is devoted to the journey (in which case, the number should be rounded DOWN). So, where six or more hours in a half day are spent on a school journey, 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 school journey, the entire session counts as having been spent on the trip.
- (3) Where the number of school sessions at (1)(a) is less than 50% of the number of half days at (1)(b), the activity is deemed to take place outside school hours.
- (4) Example: A term time trip from noon on Wednesday to 9.00 pm 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 pm on Sunday (i.e. 7 half days including 3 school sessions) would not.

Other School Activities

- (1) The whole activity is deemed “in school hours” where 50% or more of the activity takes place in school hours. In all other cases, the whole activity is deemed “out of school hours”.
- (2) The mid-day break is not deemed “in school hours”.
- (3) Travelling time outside school hours must not be considered when calculating whether a non-residential activity is deemed “in school hours” or not.

5 TEACHING STAFF COSTS

Where a charge is permitted, it may 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 charged to pupils or their parents, 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 activity.

The DfE advises that the “separate contract” specified above 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 of expenses and, where appropriate, a fee. The teacher should be asked to signify agreement by signing and returning a copy of the letter.

NB This section only applies where the costs of teaching staff form part of a charge to pupils or their parents.

6 CHARGES MADE BY HOLIDAY COMPANIES AND OTHER THIRD PARTIES

There may be occasions when a holiday company, PTA, or another organisation other than the LA or school governing body arranges for an activity for pupils to take place during school hours.

- If the governing body or LA is charged for this activity by the third party, that charge can only be passed on to parents if it meets the requirements set out in Section 3 of this guide.
- If the pupils' parents are charged for the activity directly by the third party, that is allowed. However,
 - (a) the LA and school governing body would not be involved in the transaction, so that it would be for parents, and any staff 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;
 - (b) the governing body and head 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. Also, a pupil must not be granted more than two weeks' leave of absence in any year, save in exceptional circumstances;
 - (c) the governing body and LA must consider whether the release of any staff could be justified, given that the staff concerned would be participating in the activity in a private capacity.

7 PUBLIC EXAMINATIONS

It is illegal for a maintained school to offer courses leading to external qualifications not approved by the DfE (or QCA). The 1996 Act also refers to “prescribed” public examinations. These are public examinations prescribed by the DfE (or QCA). This is relevant to the law on charging, since, if the public examination is not so prescribed, a charge may be made for the entry fee and for any preparation for the examination which takes place outside school hours.

8 REQUESTING VOLUNTARY CONTRIBUTIONS FROM PARENTS

- (a) It is for the governors to decide the school's policy on asking parents for voluntary contributions for the benefit of the school or for school activities. It is suggested that this policy be drawn up along with the governors' policies on the related matters of visits and journeys, charging, and remission of charges, so far as is possible.
- (b) Where parents are asked to make a voluntary contribution to the school or school activities, the law requires that such contributions must be genuinely voluntary and that, therefore, any request for support from parents or others in the school community must ensure that people are aware:
- (i) that there is no obligation to contribute; and
 - (ii) that pupils will not be treated differently according to whether their parents have contributed or not. These points must be made clear in any letter requesting voluntary contributions. Heads must also ensure that the letter as a whole, including any reply slip provided, is in accordance with the notion of a voluntary contribution.
- (c) This does not mean that Heads cannot explain the importance of the contributions requested. The activities to be supported should be clearly identified and Heads may indicate that certain activities cannot be planned without voluntary contributions being made.
- (d) When writing to parents to invite voluntary contributions for school activities, Heads may wish to include wording similar to that suggested below, to ensure that the approach meets the legal requirements. The example given relates to voluntary contributions towards a school journey but could obviously be adapted to other circumstances.

“The total cost of the school journey which is being planned will be £50 per pupil. This is made up of £30 for board and lodging and £20 for coach fares and entrance fees. If you would like your child to go on the journey, please complete the reply slip below and return it to the school.”

“Parents will appreciate that the cost of this journey cannot be met from the school's normal resources. Schools, by law, are only permitted to charge parents for board and lodging costs for a term-time journey of this sort. This charge is £30. However, in order for the trip to go ahead, I also need to know that the cost of the coach fares and entrance fees can be met. I must, therefore, ask you to indicate on the reply slip below whether you wish to make a voluntary contribution to this cost. The average cost per pupil of the coach fares and entrance fees is £20. There is no obligation for parents to contribute and your son/daughter will not be treated differently whether you contribute or not. However, if sufficient resources are not available, I will have to cancel the journey that the school is planning.”

Reply Slip:

I would/would not like my child to go on the proposed school journey.

I agree to pay the board and lodging charge of £30.

I wish to make a voluntary contribution of ____ towards the other costs of the journey.

(Please delete as necessary)

- (e) Any letter relating to a charge for a school activity should refer to the remissions policy which applies and provide the opportunity for parents to claim remission/support.
- (f) Where schools decide to ask parents for voluntary contributions towards visits and journeys (or other school activities), two options appear to be available:
 - (i) to request voluntary contributions on an annual or termly basis, to be added to school funds (from which costs will be met);and/or
 - (ii) to request voluntary contributions in respect of each specific visit or journey when it is planned.

It would be for schools to decide on the method adopted, although there may be some advantage in seeking contributions under (a) so that visits and journeys can be planned and financed in advance of the activity.

APPENDIX A

WORKING MODEL FOR USE BY GOVERNORS IN DETERMINING THEIR CHARGING AND REMISSIONS POLICIES

You may wish to work through this model and adapt it to produce your own statements on charging and remissions policies.

In doing so, you are asked to note the following:

- (a) Paragraphs marked * and printed in italics include the major decisions to be made.
- (b) Paragraphs 1 - 3 repeat legal requirements.
- (c) Several sections will not be applicable to many schools. If paragraph 1 of the working model is included, such sections can be ignored.
- (d) You may relate statements of policy to particular activities or materials relevant to your school or introduce examples of activities that come into various categories.
- (e) Where you wish to make a charge, you may wish to specify in your policy the items which the charge will be calculated to cover.

GOVERNING BODY OF MOORTHORPE PRIMARY SCHOOL

POLICY ON CHARGING FOR SCHOOL ACTIVITIES

- 1 No charges for school activities shall be made except as specified in this policy.
- 2 No charge shall be made unless agreed in advance by the parents of the pupil concerned.
- 3 No charge shall be made which exceeds the cost to the governing body of providing the activity, divided equally by the number of pupils willing to participate. The cost shall include one or all of the following items only:
 - (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) teaching staff costs, where the teacher/instructor is engaged specifically for the purpose of the activity;
 - (f) entrance fees to museums, castles, theatres etc.;
 - (g) insurance costs.
 - (h) charges may be made for childcare that exceed the cost of running the service where this can be shown to contribute to the sustainability of running the service as a business. Appropriate guidance on pricing and cash flow forecasting can be accessed through the LA Business Support Officer

4 Activities for which a charge will be made

4.1 Educational visits

The law only allows charges for educational visits where less than 50% of the visit takes place in school hours and the visit is NOT provided to meet the syllabus requirements of a "prescribed" public examination or specifically to fulfil statutory duties relating to the National Curriculum or Religious Education.

- * *The governing body will/will not make a charge for educational visits, where the law allows it. In practice, these visits will be those taking place in the evening, at weekends, or in holidays.*

4.2 Residential activities deemed "in school hours" under the Education Act, 1996

These are residential activities which take place wholly or mainly during the school week(s). The only charges allowed by law are for board and lodging costs, and these must be subject to the governors' remissions policy (please see below).

- * *The governing body will/will not make a charge for board and lodging costs relating to school journeys deemed “in school hours”.*

4.3 Residential activities deemed “out of school hours” under the Education Act,1996

These are residential activities which take place wholly or mainly at the weekend or in holiday periods. The law allows a charge to be made for an activity of this sort unless it is provided to meet the syllabus requirements of a “prescribed” public examination or specifically to fulfil statutory duties relating to the National Curriculum or Religious Education. If the activity is provided for one of these purposes, a charge can only be made for board and lodging costs, and this charge must be subject to the governors’ remissions policy.

- * *The governing body will/will not make a charge for the costs relating to school journeys deemed “out of school hours”. (Where the school journey is provided to meet the syllabus requirements of a “prescribed” public examination or specifically to fulfil statutory duties relating to the National Curriculum or Religious Education, a charge may only be made to cover board and lodging costs).*

4.4 Materials used in certain lessons (e.g. Food technology or DT) and clothing requirements

The law only allows a charge to be made for materials where parents opt in advance to retain the finished product (this would include food to be eaten by the pupil or his/her parents). Governing bodies may continue to make reasonable requirements as to clothing (e.g. school uniform, games kit, or cookery aprons); these arrangements should be explained in the school prospectus.

4.5 Individual instrumental music tuition “in school hours” (i.e. excluding the midday break)

In law, a charge may be made, provided that the tuition is NOT provided to meet the syllabus requirements of a “prescribed” public examination or specifically to fulfil statutory duties relating to the National Curriculum or Religious Education. Where a charge may be made, this can include the cost of the teacher giving the tuition as well as the cost of sheet music and the hire and insurance of a musical instrument.

- * *The governing body will/will not make a charge for individual instrumental music tuition which is given “in school hours”.*

4.6 **Wasted examination entry fees**

Where a pupil fails, without good reason, to complete the examination requirements (including coursework requirements) for any public examination for which the governing body or LA has paid the entry fee, the law allows for the fee to be recovered from the parent. **The Authority's policy is that this should be done.**

The criteria for "failure to complete the examination requirements" and, so far as possible, "good reasons for failing to complete the requirements" should be determined by governors and made clear to pupils and their parents before entries are made.

- * *The governing body will/will not take steps to recover examination entry fees where a pupil fails to complete the examination requirements (including course work requirements), without good reason. The criteria to be adopted will be made clear to pupils and their parents before entries are made.*

4.7 **Resits of public examinations**

The law allows a charge to be made for the entry fee for any public examination for which the school has not provided tuition or where the pupil is re-sitting the examination and additional preparation has not been provided by the school since the first examination.

- * *The governing body will/will not charge parents for entry fees where the school has not provided tuition or where the pupil is re-sitting the examination and additional preparation has not been provided by the school since the first examination.*

4.8 **"Double entries" of public examinations**

Where a pupil wishes to take the same subject examination with more than one examining body, the law allows the parents of the pupil concerned to be required to provide the additional entry fee(s).

- * *Where a pupil wishes to take the same subject examination with more than one examining body, the pupil's parents will/will not be required to provide the additional entry fee(s).*

4.9 **Public examinations not "prescribed" by the DCSF**

Where a public examination is not prescribed by the DCSF, the law allows charges to be made by the school for the entry fee and for any preparation deemed "out of school hours".

- * *The governing body will/will not charge parents for the entry fee and for preparation "out of school hours" in relation to public examinations not "prescribed" by the Department for Education and Employment.*

4.10 **Travel to and from work experience**

The law allows a charge to be made for the cost of travel by pupils direct from home to work experience (and vice versa) where the pupil uses transport not provided by the LA or school.

- * *The governing body will/will not meet the cost of travel by pupils direct from home to work experience (and vice versa) where the pupil uses transport not provided by the LA or school.*

4.11 **“Optional extras”**

The law allows a charge to be made for activities “out of school hours” unless the activity is provided to meet the syllabus requirements of a prescribed public examination or specifically to fulfil statutory duties relating to the National Curriculum or Religious Education. Such activities are described as “optional extras”.

- * *The governing body will/will not make charges for the following extra-curricular activities ...*

4.12 **Breakages or damage to school premises/equipment**

The law allows schools to ask parents to pay for damage to school property or equipment where this is the result of the pupil’s behaviour. Governing bodies are advised to give details in the school’s disciplinary code.

- * *The governing body will/will not expect parents to pay for breakages or damage to school premises/equipment. Details will be given in the school’s disciplinary code.*

4.13 **Recovery of charges**

The governors may wish to add to their charging policy a statement of the legal position as regards recovery of charges. This is that any sums payable for wasted examination fees, for “optional extras” to which parents have agreed, or for board and lodging, are recoverable summarily as a civil debt.

4.14 **Voluntary contributions and donations to the school**

- * *The governors may wish to attach a statement of their policy on requesting voluntary contributions to their charging policy.*

4.15 **Childcare**

The school may charge for the following forms of childcare;

Breakfast Clubs
After School Childcare
Holiday Childcare schemes
Wrap around Nursery Care

Where the school has decided to run the services. Fees will be set to ensure that the service is sustainable and parents will be supported to access help with the cost of paying through the childcare element of the working families tax credit system via the Children's Information Service – CIS.

5 Policy on the remission of charges for school activities

- 5.1 The remissions policy must set out the circumstances in which charges made by the governing body will be remitted in whole or in part. Governors must ensure that they are able to finance the policy which they adopt.
- 5.2 The law requires that, as a minimum, board and lodging charges must be remitted in full to pupils whose parents receive Income Support, Working Families Tax Credit, Income Based Job Seeker's Allowance or Disabled Person's Credit where the activity concerned meets one or more of these criteria:
- (a) the activity is deemed to take place "in school hours";
 - (b) the activity is provided to meet the syllabus requirements of a "prescribed" public examination;
 - (b) the activity is provided to fulfil statutory duties relating to the National Curriculum or Religious Education.
- 5.3 The following methods are available to schools to assist in the remission of places for target groups and individuals in out of school hours learning, study support, after school activities or breakfast clubs:
- Re-investment of income from use of school fields / hall, or childcare services income.
 - Purchase places in fee paying after school activities / breakfast clubs on behalf of identified vulnerable groups or individuals at the head teacher's discretion.
 - To make subsidised places available in some form on all fee paying breakfast clubs or after school study support.
 - Negotiate with an incoming external provider that they will charge a rate that allows an agreed number of free places that can be allocated by the school.
 - Free places in breakfast clubs should be available for the school to allocate to tackle attendance issues or groups not having had breakfast.
 - Ensure some free provision is part of the overall offer
 - Consider use of: school volunteers, PTA as a service provider, Voluntary sector partnerships, externally funded providers, use of PESSCL partnership links for after school as well as curriculum time, Approaching local clubs

about whether their youth membership development policy might be supported by providing free taster sessions at their local school.

- Provision linked to secondary school specialisms offered to primary schools
- Sports coaching provided through Community Sports Leadership Award or Junior Sports Leadership Award participants.
- Peer run lunchtime clubs
- Shared provision across schools
- External funding applications such as Awards for All – see fit4funding website: <http://www.fit4funding.org.uk/>
- Use of School Standards Grant / Personalised Learning funding
- Partnerships with the PTA/Friends of the school may provide other opportunities where an alternative legal structure could provide access to other external funding streams. Support is available through the NCPTA and Extended Services team to enable registration as a charity, access Gift Aid, Direct debit and standing order systems and payroll giving to support the sustainability of services.

CHARGING AND REMISSIONS POLICIES OF WAKEFIELD LA

A: KEY PRINCIPLES

- 1 These policies relate to education provided for registered pupils at maintained schools.
- 2 These policies apply to education services provided by the LA centrally and not to education provided by schools. The charging and remissions policies of schools are the responsibility of the relevant governing body.
- 3 These policies shall be consistent with the Statement of Beliefs, Mission and Principles for the LA, especially the Principle of Equality of Opportunities:

“The LA asserts the entitlement of all pupils and students to a good education, irrespective of social circumstances, class, gender, race or disability; and will seek to direct extra support to those who need it to benefit from the opportunities available or to redress disadvantage”.

As a consequence, the use of charges shall be kept to a minimum.

- 4 Where charges are made, they shall, so far as possible, be remitted for pupils who are eligible for free school meals (currently, pupils whose parents are in receipt of Income Support or Income Based Job Seeker’s Allowance).
- 5 Voluntary contributions may be requested, for example for art materials or coach-hire costs. However, where voluntary contributions are requested, these must be genuinely voluntary and any request for such contributions must make clear that:
 - there is no obligation to contribute; and
 - pupils will not be treated differently according to whether or not they or their parents have made a voluntary contribution or not.

If the policy cannot be funded without voluntary contributions, this must be made clear to parents at the outset.

- 6 These policies shall be read in conjunction with Sections 450-457 of the Education Act 1996, including the definitions of “in school hours” (Section 452 and “optional extra” (Section 455).

B: POLICY ON CHARGING FOR SCHOOL ACTIVITIES

1 Approval of charges

All charges shall be approved by the Council.

2 Parental consent

No charge shall be made without the agreement of the pupil's parents in advance.

3 Educational visits

3.1 By law, no charge may be made for visits deemed "in school hours" or provided to meet any of the following requirements:

- (a) the syllabus of a prescribed public examination;
- (b) statutory duties relating to the National Curriculum;
- (c) statutory duties relating to religious education.

In all other cases, the Authority's policy is that a charge may be made.

4 Residential activities (including foreign exchanges)

4.1 The legal position is that a charge for board and lodging may be made in any circumstances (subject to the remissions policy applying). A charge for transport and other costs may be made except where the activity is

- either (a) deemed "in school hours";
or (b) is provided to meet any of the following requirements:

- the syllabus of a prescribed public examination;
- statutory duties relating to the National Curriculum;
- statutory duties relating to religious education.

4.2 The Authority's policy is to continue to make board and lodging charges for residential activities which it organises or provides, so far as the law allows.

5 Materials used in certain activities (e.g. Art or Design and Technology)

5.1 The Authority's policy is to continue to allow charging for ingredients or materials where parents have indicated in advance that they wish to retain the finished product.

5.2 Otherwise, neither a pupil nor his/her parents may be required to pay for, or supply, any materials, books, instruments, or other equipment (including essential protective clothing, such as safety goggles) in connection with a school activity (unless it is deemed an "optional extra" - please see paragraph 8 below).

6 Instrumental music tuition

6.1 The legal position is that a charge may be made for tuition in playing a musical instrument where the tuition is provided either individually or to a group of not more than four pupils unless:

- (1) the tuition is provided to meet the requirements of the syllabus for a prescribed public examination; or
- (2) the tuition is provided specifically to fulfil statutory duties relating to the National Curriculum;
- (3) the tuition is provided specifically to fulfil statutory duties relating to religious education.

On this basis, plus the fact that the balance of its provision is, in legal terms, “out of school hours”, a charge may be made for access to the LA’s Music Service.

6.2 The Authority shall make a charge for access to the LA’s Music Service.

7 In relation to public examinations

7.1 The Authority’s policy is that a charge may only be made in these circumstances:

- (a) recovery of wasted examination entry fees: where a pupil is prepared for any public examination but fails without good reason to complete the examination requirements, attempts must be made to regain the cost of the entry fee from the parents of the pupil concerned.

N.B. - the criteria to be adopted must be made clear to pupils and their parents before entries are made;

- failure to complete examination requirements includes failure to complete coursework requirements;
- good reasons for failure to complete requirements include illness (supported by a doctor’s note) and other pressing reasons as agreed by the relevant Head of Service.

- (b) where a pupil wishes to retake a particular examination, a charge for the entry fee should be made where additional tuition has not been provided since the previous examination and the entry is not recommended and supported by the relevant Head of Service.
- (c) where a pupil wishes to take the same subject examination with more than one examining body, the Authority shall pay the entry fee for only one of the examinations.
- (d) where a pupil, with the agreement of his/her parents, is entered for a public examination which is not “prescribed” by the DCSF, a charge may be made for the entry fee and, where preparation has occurred outside school hours, a charge to cover the costs of providing this optional extra may be made.

8 “Optional extras” outside the school day

A charge may be made for activities deemed “out of school hours” and not required by the syllabus of a prescribed public examination or by statutory duties relating to the National Curriculum or religious education.

9 Breakages or damages to LA premises/equipment

Heads of Service may ask parents to pay for damage to LA property or equipment where this is the result of the pupil’s behaviour. Details should be given in the brochure for the relevant service.

10 Calculation of charges

Any charge must not exceed the cost to the LA of providing the activity divided equally by the number of pupils willing to participate. This cost may be made up of the following items only:

- (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) teaching staff costs, where the teacher is engaged specifically for the purpose of the activity;
- (f) entrance fees to museums, castles, theatres, etc.;
- (g) insurance costs.
- (h) Childcare may be charged at a rate above the cost of running the service in order to support long term sustainability of the service
- (i) The long term sustainability of out of school activities and study support may require charges higher than the cost for some activities where this is needed to sustain the overall programme.
- (j) The costs of (h) and (i) can be supported through the use of the school Ofsted number to enable eligible families to claim the childcare element of the working families tax credit to support payments.

11 All permitted charges are recoverable summarily, as a civil debt.

12 This policy is to take effect from 1 September 2007.

C: POLICY ON REMISSION OF CHARGES FOR SCHOOL ACTIVITIES

1 Residential activities

1.1 The Authority's remissions policy applies to residential activities where they are:

- (a) organised or provided by the LA; and
- (b) come into any one or more of the following categories:
 - (1) the residential activity is deemed to take place in school hours, under the terms of the Education Act (1996);
 - (2) the residential activity is provided to meet the requirements of the syllabus for a prescribed public examination;
 - (3) the residential activity is provided specifically to fulfil statutory duties relating to the National Curriculum; or
 - (4) the residential activity is provided specifically to fulfil statutory duties relating to religious education.

1.2 Where a residential activity fits the requirements of paragraph 1, full remission of board and lodging charges shall be made to all pupils whose parents are in receipt of Income Support, Working Families Tax Credit, Income Based Job Seeker's Allowance or Disabled Person's Tax Credit.

2 Foreign exchanges

The Authority reserves its right to give consideration to particular instances where pupils from its schools may be invited to represent the Authority on formal exchanges and where attendance of the pupils concerned is of direct help and relevance to their school studies, particularly in modern languages.

3 The LA's Music Service

The charge for access to the LA's Music Service will be remitted to all pupils whose parents are in receipt of Income Support or Income Based Job Seeker's Allowance.

4 Commencement

This policy is to take effect from 1 September 2007.

APPENDIX C

EXTENDED SERVICES THROUGH SCHOOLS

1 The extended schools prospectus

1.1 In June 2005 the DfE published the extended schools prospectus which describes a vision for the development of a core offer of extended services to be available through all schools by 2010 (50% of Primary and 30% of Secondary schools by 2008)

1.2 The core offer:

- Childcare 8am to 6pm through the year
- After school activities
- Parenting support and family learning
- Referral to specialist services
- Community access

1.3 For more information see:
<http://www.wakefield.gov.uk/Education/Schools/ExtendedSchools/default.htm>

2 DfE extended schools planning and funding guidance

2.1 In May 2006 the DfES published 'Planning and funding extended schools: A guide for schools, Local Authorities and their partner organisations' which outlined a useful guide to the law on charging:

THE LAW ON CHARGING	
Where schools offer extended activities through third-party providers from the voluntary and private sectors, whether on the school site or elsewhere, those providers are not subject to any of the following legal constraints. Schools providing activities direct must however comply with the law, as follows:	
a. Every school governing body must devise and publish a charging and fee remission policy, in consultation with parents. A school cannot make any charges to parents unless this policy is in place. (The relevant regulations are summarised in the <i>Guide to the Law for School Governors</i> and in <i>Guidance on Charging for School Activities</i> .)	c. Any profits made by a school from providing facilities or services must be reinvested in the school or in the service.
b. School governing bodies have powers to provide any facilities or services that further any charitable purpose for pupils, their families and for people who live and work in the local community. This includes childcare.	d. Schools <u>may</u> use their delegated budgets to subsidise a child's access to chargeable extended activities, where they consider that the activities are provided for the purposes of the school, because they are of educational benefit to the child.
	e. Schools <u>may not</u> charge for: any study support activities provided <u>during</u> the school day, except for music tuition; or for provision <u>before or after the school day</u> which delivers the National Curriculum or prepares a child for a public examination.
	f. Schools <u>may</u> lawfully charge for other study support (for example, additional sport, drama and music; clubs; holiday activities; visits; additional courses, such as first aid) following consultation.

2.2 For more information see:
<http://www.teachernet.gov.uk/wholeschool/extendedschools/publications/>

3 VAT guidance

3.1 For more information about VAT and extended schools please see:

<http://www.teachernet.gov.uk/wholeschool/extendedschools/practicalknowhow/vatandextendedschools/>

4 Fee setting and collecting

- 4.1 Where you run provision yourselves you need to ensure that all of the costs are covered, however you must ensure that you do not set rates that are prohibitive for what you want to achieve. You may want to cluster activity on particular days to get best value out of additional caretaker time for example, or run activity where other provision means that the site is open anyway.
- 4.2 Fee setting also needs to take account of the market rate. Surveying demand for services and indications of what parents are willing and able to pay will also help schools and partners to determine what the market rate is for childcare and after school activities.

5 Finance Advice

Date: June 2017