

Ysgol Dyffryn Trannon



Charging Policy

Ysgol Dyffryn Trannon Governing Body

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Guidance for Governing Bodies on Charging for School Activities, the guidance for this Policy was taken from

<http://gov.wales/topics/educationandskills/publications/guidance/chargingforschoolactivities/?lang=en>

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Related Documents Copies can be found on the Welsh Government website at:

<http://wales.gov.uk/topics/educationandskills/schoolshome/fundingschools/schoolfunding/chargingforschoolactivities/?skip=1&lang=en>

School Funding

<http://wales.gov.uk/topics/educationandskills/schoolshome/fundingschools/schoolfunding/?lang=en>

School Governors Guide to the Law

<http://gov.wales/topics/educationandskills/schoolshome/fundingschools/schoolgovernance/schoolgovguide/?lang=en>

SECTION 560 of THE EDUCATION ACT 1996

SECTIONS 449-462 of THE EDUCATION ACT 1996

Part V1 of IMMIGRATION AND ASYLUM ACT 1999

Regulation 4A(a) of the Education (Pupil Registration) Regulations 1995 (as amended 2001)

Section 19 of the Transport Act 1985

Welsh Statutory Instrument 2003 No. 860 (W.107)

The Education (Remission of Charges Relating to Residential Trips) (Wales) Regulations 2003

Tax Credits Act 2002

Part 6 of the Immigration and Asylum Act 1999

The Education (Remission of Charges Relating to Residential Trips)(Wales)(Amendment) Regulations 2011

The Education (Remission of Charges Relating to Residential Trips)(Wales)(Amendment) Regulations 2013

This Charging Policy provides guidance for Ysgol Dyffryn Trannon Governing Body and Headteacher to follow when deciding what charges can be made to pupils, and for what purposes.

Charging for School Activities

1. Introduction

The purpose of this non-statutory guidance is to help head teachers and governing bodies to set out their policies on charging and remission for school activities and school visits. This guidance document provides a policy view from the Welsh Government. However, it is not legal advice, nor is it a substitute for the reader seeking their own legal advice. Examples are provided throughout the text to illustrate points. Frequently asked questions, a model procedure which governing bodies may choose to adopt, and template letters are provided in the Annexes.

2. Legal Context

Sections 449-462 of the Education Act 1996 ("the 1996 Act") set out the law regarding what charges can and cannot be made for activities in schools maintained by local authorities in Wales. The 1996 Act prescribes what activities governing bodies may and may not charge for when taking place during or outside of school hours, including residential activities. The 1996 Act also requires that every governing body and local authority in Wales should have charging and remissions policies in place and review them.

3. Charging and Remission Policies

3.1 A governing body may not charge parents for anything unless it has adopted charging and remissions policies.

3.2 The charging policy must give details of the circumstances in which the school will charge parents and in what circumstances it may ask for voluntary contributions. The remissions policy must also explain any circumstances in which the school will wholly, or partially, waive a charge.

3.3 The charging policy should list every activity that may be charged for and explain when charges will be made. It should provide clear information for parents about how a charge will be worked out and who might qualify for help with the cost or not have to pay at all.

3.4 The governing body should make sure that parents are aware of the charging and remissions policies. This can be done by placing them on a school website or publishing them in the school prospectus or annual report to parents.

3.5 Governing body and local authority policies may differ as long as they are lawful.

4. Education

4.1 School governing bodies and local authorities may not charge for:

- ☐ an admission application or admission to any maintained school for children of compulsory school age;
- ☐ 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 for education or activities that secure the school's duty to provide 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 it is part of the school's duty to provide religious education;
- ☐ entry for a prescribed public examination, if the pupil has been prepared for it at the school or for examination re-sit(s) if the pupil is being prepared for the re-sit(s) at the school; or
- ☐ any cost or charge associated with preparing a pupil for an examination.

4.2 Schools and local authorities may charge for:

- ☐ any materials, books, instruments, or equipment, where the child's parent wishes for him/her or the child to own them; ☐ optional extras (see paragraph 6); and ☐ music tuition, in limited circumstances (see paragraph 8).

5. Education partly during school hours

5.1 If an activity happens, including "connected travelling time", partly during and partly outside school hours it counts as taking place entirely in school hours if at least 50% of it takes place in school hours. No charge may be made in such circumstances. "Connected travelling time" means time spent during school hours by the children taking part in the educational activity in question in getting to or from the place where the activity takes place.

5.2 Parents can only be charged for activities that happen outside school hours when these activities are not a part of the National Curriculum, not part of a syllabus for a prescribed public examination that the pupil is being prepared for at the school, and not part of religious education.

Example of educational activity during school hours

5.3 A long-distance trip might involve much travel before and after normal school hours, but if the time spent at the destination fell mainly within school hours, the trip would count as happening in school time and no charge could be made.

Example of educational activity outside school hours

5.4 A trip that involved leaving school an hour or so earlier than usual in the afternoon, but then went on until quite late in the evening, would be classified as taking place outside school time. Charges would then be allowed, but only if the activities are not a part of the National Curriculum, not part of a syllabus for a prescribed public examination that the pupil is being prepared for at the school, and not part of religious education.

6. Optional Extras

6.1 Charges may be made for other activities that are known as 'optional extras'. It is up to the local authority or governing body providing the activities to decide whether to make a charge. Optional extras are:

☐ education provided outside of school time that is not:

a) part of the National Curriculum; b) part of a syllabus for a prescribed public examination that the pupil is being prepared for at the school; or c) part of religious education.

(For example, a skiing holiday during the school holidays or an evening visit to the theatre, providing that the performance was not part of the National Curriculum, would be classed as optional extras.)

☐ 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; ☐ materials used in practical subjects and project assignments provided parents have agreed in advance that they or the pupil wish to keep the finished product e.g. ingredients or materials; ☐ examination entry fee(s) if the registered pupil has not been prepared for the examination(s) at the school; ☐ an examination that the school has arranged for pupil to take but does not appear on a prescribed list.

Charges may also be made if a pupil fails without good reason to complete the requirements of any public prescribed examination where the governing body or local authority originally paid or agreed to pay the entry fee.

6.2 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 singing or playing a musical instrument, where the tuition is an optional extra.

6.3 Any charge made in respect of individual pupils must not exceed the actual cost of providing the optional extra activity, divided equally by the number of pupils participating. It must not therefore include an element of subsidy for any other pupils wishing to participate in the activity whose parents are unwilling or unable to pay the full charge.

6.4 Furthermore in cases where a small proportion of the activity takes place during school hours the charge cannot include the cost of alternative provision for those pupils who do not wish to participate. Therefore no charge can be made for supply teachers to cover for those teachers who are absent from school accompanying pupils on a residential visit.

6.5 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.

7. Transport

Schools cannot charge for:

☐ transporting registered pupils to or from the school premises, where the local authority has a statutory obligation to provide transport; ☐ transporting registered pupils to other premises where the governing body or local 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; or ☐ transport provided in connection with an educational visit.

8. Musical Instrument Tuition

Although the law states that all education provided during school hours must be free, music lessons are an exception to this rule. Schools may charge for musical instrument tuition provided to individual pupils, or to a group of not more than

four pupils, if the teaching is not an essential part of either the National Curriculum or a public examination syllabus being followed by the pupil.

9. School Visits

9.1 Schools may not 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; or ☐ supply teachers to cover for those teachers who are absent from school accompanying pupils on a residential visit.

9.2 Schools may charge for the actual cost of board and lodging for residential trips.

9.3 A visit counts as falling within school time 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. Each school day is divided into two sessions and each 24-hour period is divided into two half days beginning at noon and at midnight.

Example of visit during school hours

9.4 A visit from noon on Wednesday to 9pm on Sunday would count as nine half days including five school sessions. The visit is deemed as taking place in school hours.

Example of visit outside school hours

9.5 A visit from noon on Thursday to 9pm on Sunday would count as seven half days including three school sessions. The visit is deemed as taking place outside school hours. If fifty per cent or more of a half-day is spent on a residential trip, you should treat the whole of that half-day as spent on the trip.

Exemptions from paying the cost of board and lodging

9.6 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:

- a. Income Support;
- b. Income Based Jobseeker's Allowance;
- c. In receipt of any other benefit or allowance, or entitled to any tax credit under the Tax Credits Act 2002 or element of such a tax credit, as may be prescribed by regulations from time to time for any period wholly or partly

comprised in the time spent on the trip. Currently the following are prescribed:

- o support under Part 6 of the Immigration and Asylum Act 1999;
 - o Child Tax Credit, providing Working Tax Credit is not also received and the family's income (as assessed by Her Majesty's Revenue and Customs) does not exceed £16,190 i.e. children who are eligible to receive free school meals;
 - o Income Related Employment and Support Allowance.
- d. Guarantee element of the State Pension Credit.
- e. Receipt of Universal Credit.

9.7 Schools should be mindful of the financial circumstances of the families of pupils when planning residential trips. Schools should consider the cost of board and lodging of residential trips and whether they are affordable to ensure that residential trips are not too expensive for the majority of pupils' families. If trips are too expensive, uptake may be low and there is a risk that the trip would be cancelled.

9.8 Schools also need to be mindful of the funding of the remission costs for eligible families when arranging school residential trips.

9.9 Schools may wish to use their discretion and remit in full or in part, the cost of optional extras for trips, materials, books, instruments and equipment in certain circumstances where families on low incomes encounter difficulty paying for such things.

10. Asking Parents for Voluntary Contributions

10.1 Although schools cannot charge for school time activities, there is nothing in law to prevent a school governing body or local authority asking parents and others to make voluntary contributions (in cash or in kind) for the benefit of the school or to fund school activities. All requests to parents for voluntary contributions must make it clear that the contribution is voluntary; and that there is no obligation to make a contribution. The governing body or head teacher must also make it clear that children of parents who do not contribute will not be treated any differently.

10.2 If the activity cannot be funded without voluntary contributions, the governing body or head teacher should make this clear to parents when the contribution is requested. Where there are not enough voluntary contributions to make the activity possible and there is no way to make up the shortfall, the activity must be cancelled – this must be made clear to parents when asking for contributions. The essential point is that no pupil may be left out of an activity because his or her parents cannot, or will not, make a contribution. The school must first decide which class, or group of pupils, will benefit from the activity and then

look for voluntary contributions, either for that activity, or by general fund-raising. Schools should make it clear to parents at the outset what their policy for allocating places on school visits will be.

10.3 When making requests for voluntary contributions to the school funds, parents must not be made to feel pressurised into paying. Schools should avoid sending colour coded letters as reminders to make payments and letters should not be intimidating or coercive.

10.4 It is suggested that schools should not ask parents to set up direct debit or standing order mandates for servicing voluntary contributions.

Good Practice

10.5 The Welsh Government considers that it is good practice for schools to notify parents in plenty of time, ideally several weeks in advance, about forthcoming visits, charges for activities or requests for contributions. This is particularly important for costly matters such as residential visits. If the exact date and cost is not known, an indication should be given.

10.6 When practicable, it is good practice for schools to allow parents to pay for expensive trips by instalments over a reasonable period of time.

11. Child Poverty

When arranging school trips and activities governing bodies and head teachers should do as much as is practicable to ensure that children and young people living in poverty are not unfairly disadvantaged. The cost pressures on families with low incomes are significant and governing bodies and head teachers should try to ensure this is not exacerbated to the detriment of the child or young person. It is important to balance the education value of residential trips against their financial cost.

12. Activities not run by school or local authority

12.1 When a non school organisation 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. The head teacher and governing body must decide whether this is in the pupil's best interest. They must also bear in mind the requirements of the Regulation 7 of the Education (Pupil Registration) (Wales) Regulations 2010 ("the 2010 Regulations") that a pupil should not be allowed more than ten school days' absence in any year unless there are exceptional circumstances.

12.2 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 should be treated as if it were provided by the school and no charge should be made to the parents or pupils. Such an activity, if it takes place outside the school premises, is an "approved educational activity" within the meaning of Regulation 6 of the 2010 Regulations.

12.3 An “approved educational activity” is defined as either:

- ☐ an activity which takes place outside the school premises and which is:
- ☐ approved by a person authorised in that behalf by the proprietor of the school;
- ☐ of an educational nature, including work experience under section 560 of the 1996 Act and a sporting activity; and
- ☐ supervised by a person authorised in that behalf by the proprietor or the head teacher of the school.

13. School Minibuses

13.1 Schools may only charge for transport in their minibuses if they hold a permit issued under Section 19 of the Transport Act 1985, and only if the transport is for other activities that are not covered in paragraph 6 on page 8. In some cases, the permit exempts the school from Public Service Vehicle operator and driver licensing requirements. A permit is not required if no charge is made in cash or kind. Schools should apply to their LA for a permit for each minibus.

13.2 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.

13.3 Only the school’s pupils, staff or parents may travel for a charge in a school’s minibus.

14. Supplementary Information

Uniform, P.E. Kit, Calculators, Pens etc. Aprons

Parents can be invited to equip their child with items of personal equipment intended to be used solely by their child.

Breakages and Damage

Where a pupil’s behaviour results in damage to school property or equipment, parents may be asked to pay for the necessary repair or replacement. Each incident should be dealt with on its own merit and at the schools discretion.

15. Frequently Asked Questions, Model Procedure

15.1 The annexes provide materials to help governing bodies and schools in the implementation of policies on charging and remission for school activities and school

visits. There is no obligation to use them and it is not suggested that schools might not already have alternatives which are better.

15.2 **Annex 1** contains frequently asked questions.

15.3 **Annex 2** contains a model procedure on charging for school activities. There is no obligation to adopt this; a governing body may adopt a procedure of its choice if it meets the requirements of the law.

Annex 1

Frequently Asked Questions

Q What is a charging policy?

A A charging policy is a statement that takes into account of each type of activity that can be charged for and explains 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 local authority or governing body may not charge for anything unless it has drawn up a statement of general policy on charging, and in any event may only charge for those things that are prescribed by law. The governing body's policy may be more or less generous than the local authority's, as long as it meets the requirements of the law.

Q Can governing bodies charge for educating children in maintained schools?

A No charge can be made for admitting pupils to maintained schools. Education provided during school hours must be free. This includes materials and equipment, and transport provided in school hours by the local authority or by the school to carry pupils between the school and an activity. "School hours" are those when the school is actually in session and do not include the break in the middle of the school day.

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

A Parents can only be charged for activities that happen outside school hours when these activities are not a necessary part of the national curriculum or do not form part of the school's basic curriculum for religious education or for activities that are an essential part of the syllabus for an approved examination. Charges may be made for other activities that happen outside school hours if parents agree to pay. The Education Act 1996 describes activities that can be charged for as "optional extras". It is up to the local authority or governing body providing the activities to decide whether to make a charge.

Q Can a school ask for voluntary contributions?

A Yes, in some circumstances. Although generally schools cannot charge for school-time activities, they may still invite parents and others to make voluntary contributions (in cash or in kind) to make school funds go further or assist in a particular activity. All requests to parents for voluntary contributions must make it quite clear that the contributions would be voluntary. Governing bodies should also make it clear that children of parents who do not contribute will not be treated any differently. If a particular activity cannot take place without some help from parents this should be explained to them at the planning stage.

Q What happens if the school is unable to raise enough voluntary contributions to cover costs?

A Where there are not enough voluntary contributions to make the activity possible and there is no way to make up the shortfall, the activity must be cancelled. The essential point is that no pupil may be left out of an activity because his or her parents cannot, or will not, make a contribution of any kind.

Q Why must the school have a Charging and Remission Policy?

A A Charging and Remission Policy is required by law and is designed to minimise the financial barriers which may prevent some pupils from benefiting from school activities and visits.

Q Is a residential trip in or out of school time?

A Residential activity counts as falling within school time if the number of school sessions missed by the pupils amounts to half or more of the number of half days taken up by the activity. Each school day is normally divided into two sessions and each 24-hour period is divided into two half days beginning at noon and midnight. If 50% or more of a half-day is spent on a residential trip, the whole half-day is counted as spent on the trip.

Annex 2

Policy on Charging for School Activities

Purpose of Policy

The purpose of this policy is to set out what charges can and cannot be made for activities in Ysgol Dyffryn Trannon. The policy has been drawn up in accordance with Sections 449-462 of The Education Act 1996 which sets out the law regarding what charges can and cannot be made for activities in schools maintained by local authorities.

Circumstances where no charge is made

No charge will be made for:

Education in School

- ☐ Education provided wholly or mainly during school hours.
- ☐ Admission to school for children of compulsory school age.
- ☐ Activities which are part of the National Curriculum, or are part of a prescribed examination syllabus, or part of Religious Education.
- ☐ The supply of any materials, books and instruments or other equipment.

Transport

- ☐ Transporting registered pupils to or from the school premises, where the local authority has a statutory obligation to provide transport.
- ☐ Transporting registered pupils to other premises where the governing body or local 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.
- ☐ Transport provided in connection with an educational visit which is part of the National Curriculum.

Residential visits

- ☐ 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.
- ☐ Supply teachers to cover for those teachers who are absent from school accompanying pupils on a residential visit.

Music tuition

- ☐ Children learning to play musical instruments as part of the National Curriculum; or part of a syllabus for a prescribed public examination that the pupil is being prepared for by the school, or part of religious education; or
- ☐ Cost associated with preparing a pupil for an examination.

Examination fees

- ☐ Entry for a prescribed public examination if the pupil has been prepared for it at the school or for examination re-sit if the pupil is being prepared for the re-sits at the school.

Circumstances where the School may Charge Parents

Optional Extras

Charges may be made for other activities known as 'optional extras'. Where an optional extra is being provided, a charge may be made for providing materials, books, instruments, or equipment as follows:

Education

- ☐ Activities which take place mainly or wholly out of school time if they are not part of the National Curriculum, not part of a syllabus for a prescribed public examination that the pupils being prepared for at the school and not part of religious education.
- ☐ Materials used in practical subjects and project assignments provided parents have agreed in advance that they or the pupil wish to keep the finished product e.g. ingredients or materials.

Music tuition

- ☐ Musical instrument tuition provided to individual pupils or to a group of not more than four pupils if the teaching of music tuition is not part of the National Curriculum or a public examination syllabus being followed by the pupil.

Transport

- ☐ Transport that is not required to take the pupil to school or to other premises where the governing body have arranged for the pupil to be provided with education.

Examination Fees

- ☐ The examination is on the set list, but the pupil was not prepared for it at the school.

☐ The examination is not on the set list, but the school arranges for the pupil to take it.

☐ A pupil fails, without good reason, to complete the requirements of any public examination where the governing body or LA originally paid or agreed to pay the entry fee.

Board and Lodgings

☐ The cost of board and lodging for residential trips, even when taking place largely during school time. (Pupils whose parents are in receipt of certain benefits are exempt from paying the cost of board and lodging, see page 4).

Voluntary Contributions

Although schools cannot charge for school time activities, voluntary contributions may be sought from parents for activities which supplement the normal school curriculum.

Requests to parents for voluntary contributions will state that:

☐ there is no legal obligation to make a voluntary contribution;

☐ pupils will not be excluded through parents' inability or unwillingness to pay;

☐ pupils of parents who cannot contribute will not be treated any differently; and

☐ where there are not enough voluntary contributions to make the activity possible and there is no way to make up the shortfall, the activity will be cancelled.

Requests made for voluntary contributions made in respect of individual pupils must not include any element of subsidy for any other pupils wishing to participate in the activity whose parents are unwilling or unable to pay the full charge.

Remissions

Parents who can prove they are in receipt of the following benefits will be exempt from paying the cost of board and lodging of a residential trip:

a. Income Support.

b. Income Based Jobseeker's Allowance.

c. In receipt of any other benefit or allowance, or entitled to any tax credit under the Tax Credits Act 2002 or element of such a tax credit, as may be prescribed by regulations from time to time for any period wholly or partly comprised in the time spent on the trip. Currently the following are prescribed:

- o support under Part 6 of the Immigration and Asylum Act 1999;

- o Child Tax Credit, providing Working Tax Credit is not also received and the family's income (as assessed by Her Majesty's Revenue and Customs) does not exceed £16,190 (i.e. children who are eligible to receive free school meals;

- o Income Related Employment and Support Allowance.

d. Guarantee element of the State Pension Credit.

e. Receipt of Universal Credit.

The governing body may wish to remit in full or in part, the cost of other activities for parents in certain circumstances.

Supplementary Information

Uniform, P.E. Kit, Calculators, Pens etc. Aprons

Parents can be invited to equip their child with items of personal equipment intended to be used solely by their child.

Breakages and Damage

Where a pupil's behaviour results in damage to school property or equipment, parents may be asked to pay for the necessary repair or replacement. Each incident should be dealt with on its own merit and at the schools discretion.