

## 17. Charging for School Activities

### Summary

This chapter deals with charging and remissions for school activities and school visits.

### Background

1. The [Education Act 1996: Sections 449–462](#) sets out the law regarding what charges can and cannot be made for activities in schools maintained by LAs in England and Wales. The Act prescribes what activities a governing body may and may not charge for when they take place either during or outside of school hours, including residential activities. The Act also requires that every governing body should have charging and remissions policies in place.
2. The Welsh Assembly Government has produced '[Guidance for Governing Bodies on Charging for School Activities](#)'. The guidance document provides a policy view from the Welsh Assembly Government and interpretation of the relevant law regarding charging for school activities. It is not legal advice however, nor is it a substitute for the reader seeking their own legal advice. The guidance is available electronically on the Welsh Assembly Government website.

### Education during School Hours

3. No charge can be made for admitting pupils to maintained schools or education provided during school hours, including the supply of materials, books, equipment and transport provided in school hours by the LA or 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. Parents and others have a right to information about school hours, and this information must be included in prospectuses published by the school.
4. All 3 and 4-year-olds are entitled to a free part-time educational place.
5. A governing body can provide community services and facilities on the school's premises. A community focused school is one that provides a range of services and activities, often beyond the school day, to help meet the needs of its pupils, their families and the wider community. Across Wales many schools already provide some community services including adult education, study support, ICT facilities and community sports programmes. Section 27 of the [Education Act 2002](#):
  - makes it easier for governing bodies to provide facilities and services that benefit pupils, families and the local community;

- provides flexibility for governing bodies to enter into agreements with other partners to provide services on school premises; and
- enables governing bodies to charge for some services.

Further guidance is provided in Chapter 27 of this guide entitled [Community Focused Schools](#) and also [NAfW Circular 34/2003 entitled Community Focused Schools](#))

### **Education Partly During School Hours**

6. Sometimes an activity may happen partly during and partly outside school hours. If most of the time spent on a non-residential activity occurs during school hours, that activity counts as taking place entirely in school hours and no charge may be made. (Time spent on travel only counts as being during school hours if the travel takes place during school hours.)
7. As an example, 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 be free of charge. By contrast, a trip which 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 where the activities are not part of a national curriculum, not part of a syllabus for a prescribed examination that the pupil is being prepared for at the school, and not part of religious education.

### **Education Outside School Hours**

8. 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 religious education. No charge can be made for activities that are an essential part of the syllabus for an approved examination (see paragraph 12 below).
9. Charges may be made for other activities that happen outside school hours if parents agree to pay. [The Education Act 1996](#) describes activities which can be charged for as 'optional extras'. It is up to the LA or governing body providing the activities to decide whether to make a charge.

### **Residential Activities**

10. Special rules apply for residential activities. A trip 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 at midnight.
11. On this basis, a term-time trip from noon on Wednesday to 9pm on Sunday would last for nine half-days, including five school sessions, and

would count as taking place in school time. A trip from noon on Thursday to 9pm on Sunday would count as seven half-days, including three school sessions, and would be classified for charging as taking place outside school time. If 50% 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.

12. For 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 national curriculum or religious education, no charge may be made either for the education or for the cost of travel. In these circumstances charges can, however, be made for board and lodging, except for pupils whose parents are receiving any of the following:

- Income Support,
- Income Based Jobseeker's Allowance;
- 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:
  - support under [Part 6 of the Immigration and Asylum Act 1999](#);
  - 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 £16,040 (for 2009/10) (ie children who are eligible to receive free school meals.
  - Income Related Employment and Support Allowance

13. The head teacher should tell all parents of the right to claim free activities if they are receiving these benefits.

### **Charging and Remission Policies**

14. The LA or governing body may not charge for anything unless they have drawn up a charging policy and a remissions policy. The governing body's policy may be more or less generous than the LA's, as long as it meets the requirements of the law.

15. 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.

16. If a charge is made for each pupil, this should not exceed the actual cost. If further funds need to be raised, for example, to help in hardship cases, this must be by voluntary contributions or general fund-raising.

17. The permitted charge may include an allowance for the costs of teachers from the school who supervise the activity, but only if those teachers have been given a separate contract to provide the optional extra. A contract need not be a formal document. It could be a simple letter to a teacher asking him or her to provide a service on a particular occasion.

### **Public Examinations**

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

19. An examination entry fee may be charged to parents if:

- 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; or
- 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.

20. Charges may not be made for any cost associated with preparing a pupil for an examination. But charging is allowed for tuition and other costs if a pupil is prepared outside school hours for an examination that is not set out in regulations.

### **Voluntary Contributions**

21. Although 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. All requests to parents for voluntary contributions must make it quite clear that the contributions are 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 that should be explained to them at the planning stage.

22. Where there are not enough voluntary contributions to make the activity possible and there is no way to make up the shortfall, then it must be cancelled. The essential point is that no pupil may be left out of an activity because his or parents cannot or will not make a contribution of any kind. The school must first decide which class or group of pupils is to benefit from the activity and then look for voluntary contributions, either for that activity or by general fund-raising.

## Musical Instrument Tuition

23. There is an exception to the rule about not charging for activities in school hours. Currently charges may be made for teaching either an individual pupil or groups of up to four to play a musical instrument, if the teaching is not an essential part of either the national curriculum or a public examination syllabus being followed by the pupil.

24. At the time of writing of this guide, work is ongoing on new regulations relating to charges for music tuition, which are planned to come in to force during 2009. For up to date information on this please refer to the WAG Website.

## Activities not run by the School or LA

25. If a parent wishes their child to attend a non-school activity taking place outside of the school and not organised by it, they must ask the school to agree to their child being absent, just as they would if they wanted to take their child 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 Regulation 4A(a) of the [Education \(Pupil Registration\) Regulations 1995](#) that a pupil should not be allowed more than two weeks absence in any year unless there are exceptional circumstances.

26. Guidance on how to classify absence is contained in the Annex 4.i Registration Practices and Codes of the National Assembly for Wales [Circular 47/2006, 'Inclusion and Pupil Support'](#) (November 2006). This is available by e-mail: [petshare@wales.gsi.gov.uk](mailto:petshare@wales.gsi.gov.uk) or by visiting the Department for Education, Lifelong Learning and Skills website at [www.wales.gov.uk/educationandskills](http://www.wales.gov.uk/educationandskills).

## School Minibuses

27. Schools may charge for transport in their minibuses in certain circumstances 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. Schools should apply to their LA for a permit for each minibus. No charge may be made however where the transport is incidental to education provided for the pupil at the school because of [section 451](#) of [the Education Act 1996](#), or which is provided to enable the pupil to meet any examination requirement for a public exam for which they are being prepared by the school.

28. 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 which gives him or her a right to be carried.

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

30. Further information is available from LAs or the regional Traffic Commissioners (addresses in phone book or at the Vehicle Operator Services Agency (VOSA) [www.vosa.gov.uk](http://www.vosa.gov.uk)).

## In Brief

### The Governing Body:

- may not charge for any activities which take place in school time, apart from instrumental tuition for individual pupils or pupils in groups of up to four;
- must draw up a charging policy, which does not have to be the same as the LA's policy as long as it meets the requirements of the law;
- may invite parents and others to make voluntary contributions towards any part of the school's work;
- may charge for activities that are provided wholly or mainly outside school hours, as long as these activities are optional extras; and
- may charge for board and lodging on residential courses.

## The Law

[The Transport Act 1985](#), Section 19

The [Education \(Prescribed Public Examinations\) Regulations 1989](#):

SI 1989/377

[The Education Act 1996](#): [Sections 402](#), [449–462](#) and 560.

[The Education \(School Information\) \(Wales\) Regulations 1999](#)

The [Education \(Pupil Registration\) Regulations 1995](#): SI 1995/2089 (as

amended by the [Education \(Pupil Registration\) \(Amendment\)](#)

[Regulations 1997](#): SI 1997/2624, and by the [Education \(Pupil Registration\)](#)

[\(Amendment\) \(Wales\) Regulations 2001](#) SI 2001/1109

[The Immigration and Asylum Act 1999](#), Part 6

[Education \(School Hours and Policies\) \(Information\) Regulations 1989](#):

SI 1989/398

## Guidance

[Guidance for Governing Bodies on Charging for School Activities.](#)

[Passenger Transport Provided by Voluntary Groups](#) (Department of Transport) PSV 385 (available free from regional Traffic Commissioners, whose addresses may be found in the phone book or at [www.vosa.gov.uk](http://www.vosa.gov.uk))

