



LEGRA ACADEMY TRUST

Charging and Remissions

Date created	October 2015
Version	1.0
Status	Ratified
Applicable to	All Staff
Author	B.Williams
Checked by	R.Marcus
Valid from	October 2015
Review on	October 2017

Contents

Introduction	3
Expiry or review date	3
Main points	3
Academy charging	4
Education	4
Optional extras	5
Voluntary contributions	6
Music Tuition	6
Transport	7
Charging and remissions policies	7
Residential visits	7
Education partly during academy hours	8
Non-residential activities	8
Residential visits	9
State boarding Academy's	9
Frequently asked questions	10
Further sources of information	15
Associated resources (external links)	15
Other departmental advice and statutory guidance you may be interested in	15
Other departmental resources	15

1. Introduction

The Governing Body recognises the valuable contribution that the wide range of activities, including clubs, visits and residential experiences can make towards students' personal and social education. The Governing Body aims to promote and provide such activities both as part of a broad and balanced curriculum for students of our Academy's and as additional optional activities.

The policy has been formulated in accordance with Sections 449-462 of the Education Act 1996 and subsequent guidance from the DfE (see Appendix)

Academy's have a duty to provide parents with information regarding what charges can and cannot be made for services provided.

2. Expiry or review date

This advice will next be reviewed in October 2016.

3. Main points

- Academy governing bodies and local authorities, subject to the limited exceptions referred to in this advice; cannot charge for education provided during Academy hours (including the supply of any materials, books, instruments or other equipment).
- Academy's must ensure that they inform parents on low incomes and in receipt of the benefits listed on page 9 of this document of the support available to them when being asked for contributions towards the cost of Academy visits.

4. Academy charging

4.1 Education

Academy governing bodies and local authorities **cannot** charge for:

- an admission application to any state funded academy - paragraph 1.9 (n) of the 'Academy Admissions Code 2012' rules out requests for financial contributions as any part of the admissions process;
- education provided during academy hours (including the supply of any materials, books, instruments or other equipment);
- education provided outside academy hours if it is part of the national curriculum¹, or part of a syllabus for a prescribed public examination that the pupil is being prepared for at the academy, or part of religious education;
- entry for a prescribed public examination, if the pupil has been prepared for it at the academy; and
- Examination re-sit(s) if the pupil is being prepared for the re-sit(s) at the academy².

Academy's and local authorities **can** charge for:

- any materials, books, instruments, or equipment, where the child's parent wishes him/her to own them;
- optional extras (see page below);
- music and vocal tuition, in limited circumstances (see page 6);
- certain early years provision³;
- community facilities⁴.

¹ It should be noted that 'part of the national 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 national curriculum 'inclusion statement' (e.g. developing teamwork skills).

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

³ The Education (Charges for Early Years Provision) Regulations 2012

⁴ The powers to provide community facilities are under s. 27(1) of the Education Act

4.2 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. **Optional extras are:**

- education provided outside of academy 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 academy; or
 - c) part of religious education.
- examination entry fee(s) if the registered pupil has not been prepared for the examination(s) at the academy;
- transport (other than transport that is required to take the pupil to academy or to other premises where the local authority/governing body have arranged for the pupil to be provided with education);
- board and lodging for a pupil on a residential visit;
- extended day services offered to pupils (for example breakfast club, after-academy clubs, tea and supervised homework sessions).

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;
- the cost of buildings and accommodation;
- 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 an appropriate proportion of the costs, for teaching staff employed to provide tuition in playing a musical instrument, or vocal tuition, where the tuition is an optional extra.

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.

Furthermore in cases where a small proportion of the activity takes place during academy 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 academy accompanying pupils 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.

4.3 Voluntary contributions

Nothing in legislation prevents an Academy governing body or local authority from asking for voluntary contributions for the benefit of the academy or any academy activities. However, if the activity cannot be funded without voluntary contributions, the governing body or head teacher should make this clear to parents at the outset. The governing body or head teacher 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, or the academy cannot fund it from some other source, then it must be cancelled. Academy's must ensure 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. Academy's should make it clear to parents at the outset what their policy for allocating places on academy visits will be.

When making requests for voluntary contributions, parents must not be made to feel pressurised into paying as it is voluntary and not compulsory. Academy's should avoid sending colour coded letters to parents as a reminder to make payments and direct debit or standing order mandates should not be sent to parents when requesting contributions.

4.4 Music Tuition

Although the law states that, in general, all education provided during academy hours must be free, instrumental and vocal music tuition is an exception to that rule.

The Charges for Music Tuition (England) Regulations 2007 set out the circumstances in which charges can be made for tuition in playing a musical instrument, including vocal tuition. They allow charging for tuition in larger groups than was previously the case.

Charges may now be made for vocal or instrumental tuition provided either individually, or to groups of any size, provided that the tuition is provided at the request of the pupil's parent. Charges may not exceed the cost of the provision, including the cost of the staff that provides the tuition.

The regulations make clear that charging may not be made if the teaching is either an essential part of the national curriculum, or is provided under the first access to the key stage 2 Instrumental and Vocal Tuition Programme. They also make clear that no charge may be made in respect of a pupil who is looked after by a local authority (within the meaning of section 22(l) of the Children Act 1989).

4.5 Transport

Academy's **cannot** charge for:

- transporting registered pupils to or from the academy premises, where the local education 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 academy; and
- transport provided in connection with an educational visit.

5 Residential visits

Academy's **cannot** charge for:

- education provided on any visit that takes place during academy hours;⁵
- education provided on any visit that takes place outside academy 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 academy, or part of religious education;
- supply teachers to cover for those teachers who are absent from academy accompanying pupils on a residential visit.

Academy's **can** charge for:

- board and lodging and the charge must not exceed the actual cost.

When an Academy 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:

- Universal Credit in prescribed circumstances;⁶

⁵ See section 452 of the Education Act 1996 for guidance as what counts as 'during Academy hours.'

⁶ The government plans to prescribe the circumstances when Universal Credit is fully rolled out.

- Income Support (IS);
- Income Based Jobseekers Allowance (IBJSA);
- 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 £16,190 (financial year 2013/14);
- the guarantee element of State Pension Credit;
- an income related employment and support allowance that was introduced on 27 October 2008.

Guidance on academy policies for Learning Outside the Classroom, including charging, is available at <http://www.lotc.org.uk/wp-content/uploads/2012/05/GCharging-Policy-Updated-PDF-1APR09.pdf>

5.1 Education partly during academy hours

Where an activity takes place partly during and partly outside academy hours, there is a basis for determining whether it is deemed to take place either inside or outside academy hours. However, a charge can only be made for the activity outside academy hours if it is not part of the national curriculum, not part of a syllabus for a prescribed public examination that the pupil is being prepared for at the academy and not part of religious education.

If 50% or more of the time spent on the activity occurs during academy hours, it is deemed to take place during academy hours. Time spent on travel counts in this calculation if the travel itself occurs during academy hours. Academy 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 academy hours, it is deemed to have taken place outside academy hours. For example, an excursion might require pupils to leave academy an hour before the academy day ends, but the activity does not end until late in the evening.

5.2 Non-residential activities

If 50% or more of the time spent on the activity occurs during academy hours, it is deemed to take place during academy hours. Time spent on travel counts in this calculation if the travel itself occurs during academy hours. Academy 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 academy hours, it is deemed to have taken place outside academy hours. For example, an excursion might require pupils to leave academy an hour before the academy day ends, but the activity does not end until late in the evening.

5.3 Residential visits

If the number of academy 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 academy hours (even if some activities take place late in the evening). Whatever the starting and finishing times of the academy day, regulations require that the academy day is divided into 2 sessions. A 'half day' means any period of 12 hours ending with noon or midnight on any day.

5.3.1 Example 1

Pupils are away from noon on Wednesday to 9pm on Sunday. This counts as 9 half days including 5 academy sessions, so the visit is deemed to have taken place during academy hours.

5.3.2 Example 2

Pupils are away from academy from noon on Thursday until 9pm on Sunday. This counts as 7 half days including 3 academy sessions, so the visit is deemed to have taken place outside academy hours.

6 State boarding Academy's

Academy's **can** charge for:

- overnight board and lodging providing the charge does not exceed the actual cost;⁷
- extended day services offered to day pupils, for example breakfast clubs, after- academy clubs, tea and supervised homework sessions.

Any extended day services for day pupils at state boarding Academy's, and the associated charges, must be optional. Academy's cannot make attendance at and the payment of charges for extended day services compulsory.

⁷ See Section 458 of the Education Act 1996.

7 Frequently asked questions

Q. What is a charging policy?

A. Under the charging provisions set out in legislation, governing bodies and local authorities of state funded Academy's 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.

Q. How does this relate to Academy's?

A. Academy's (including free Academy's, studio Academy's and university technical colleges) are required through their funding agreements to comply with the law on charging for academy activities.

Q. A visit involving staying overnight has been arranged for children at my academy. Can the academy charge for this?

A. Where a academy activity requires pupils to spend nights away from home, the academy is allowed to make a charge for board and lodging. This is with the exception of pupils whose parents are receiving: Universal Credit; Income Support; Income-based Jobseeker's Allowance; Support under part VI of the Immigration and Asylum Act 1999; or Child Tax Credit (providing that they do not also receive Working Tax Credit and have an annual income, assessed by the Inland Revenue that does not exceed £16,190 FY 13/14) 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 academy meals eligibility criteria. The head teacher must inform all parents of the right to claim free board and lodging if they are receiving these benefits.

Q. With regard to the remission of board and lodging payments, explain who pays for the expense? Would it come out of the academy budget or is there a grant available to claim?

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

Q. Our academy has a large number of pupils eligible for free academy meals. This means that they would also receive remission for board and lodgings expenses for residential visits. How can the academy fund/organise residential visits?

A. Government funding for Academy's to each local authority recognises the different needs of each area. In terms of the allocation to Academy's, each local authority sets a funding formula which is agreed with the local Academy's forum. All local authorities are required to include an element in their formula to reflect the needs of deprived pupils. The amount that individual Academy's receive from the local authority reflects their relative need compared with other local Academy's.

In addition, Academy's receive pupil premium funding for disadvantaged pupils, based largely on those who are eligible for free academy meals. This funding is provided by the government to raise the attainment of eligible pupils and narrow the attainment gap between eligible pupils and their peers. It is for head teachers and academy governing bodies to decide how to use their formula funding and pupil premium allocation.

Academy's cannot exclude children from taking part in an activity that is part of the national curriculum purely on the grounds that the parent or carer cannot make, or refuses to make, a contribution. This can clearly place Academy's in some difficulty on occasions where a number of parents/carers might be in such a position. The academy 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 academy 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.

Q. Can governing bodies charge for educating children in maintained Academy's and Academy's?

A. The local authority or governing body cannot charge for education that takes place in academy hours. Nor can they charge for activities that take place outside academy hours if these are part of the national curriculum, necessary as part of a syllabus for a prescribed public examination that the pupil is being prepared for at the academy, 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 does not have to be the same as the local authority's policy, as long as it meets the requirements of the law.

Q. Can an Academy charge for an activity that takes place out of academy hours?

A. 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 advice on optional extras on page 4.

The actual charge for the optional extra cannot exceed the actual cost of the provision. Academy's 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.

Q. Can an Academy ask parents for voluntary contributions?

A. Academy's may invite parents and others to make voluntary contributions to make academy funds go further. All requests to parents for voluntary contributions

must make it clear that the contributions would be voluntary. It should be remembered that education provided during academy hours must be free. This includes materials, equipment, and transport provided in academy hours by the local authority or by the academy to carry pupils between the academy 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.

Q. The academy has sent letters out to parents asking for contributions towards a academy visit, do parents have to pay?

A. Head teachers or governing bodies may ask parents for voluntary contributions towards the cost of:

- any activity which takes place during academy hours;
- academy equipment; and
- academy 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 academy 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.

Q. Can a state boarding academy make compulsory charges for day pupils?

A. State funded boarding Academy's **cannot** charge for education during academy hours. They may however charge for extended services offered to day pupils, but this **must be optional**. Compulsory charges must never be made for extended day services including breakfast clubs, after-academy clubs, evening meal and supervised homework sessions whether the pupils take up these services or not. Many maintained Academy's provide wraparound services but they are not part of the academy day and it would be unlawful for state funded boarding Academy's to make wraparound services compulsory.

Q. What happens if the academy is not able to raise enough voluntary contributions to cover costs?

A. Where there are not enough voluntary contributions, and there is no way to make up the shortfall, for example academy funds and/or fundraising activities, then it must be cancelled. The possibility of the activity/visit being cancelled due to a shortfall in contributions should be made clear in the information sent to parents.

Q. What if a parent is unable, or unwilling to make a voluntary contribution? How does this affect their child(ren)?

A. The academy cannot exclude a child from taking part in an activity that is part of the national curriculum purely on the grounds that the parent or carer cannot make, or refuses to make, a contribution. This can clearly place Academy's in some difficulty on occasions where a number of parents/carers might be in such a position. The academy 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.

Q. What support can a academy offer a parent/carer who has difficulty making a financial contribution?

A. Academy's must ensure that parents in receipt of Universal Credit, 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 £16,190 (Financial Year 2013/14) are aware of the support available to them when being asked for contributions toward the costs of academy visits. Some Academy's 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 head teacher in order to establish if such funding arrangements exist.

No charge may be made if there is a residential activity taking place largely during academy 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 pupil, not just those whose parents are in receipt of benefits.

Q. What about charges for transport during academy hours?

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

Q. Can the academy charge for something like cooking ingredients or materials needed for a technology lesson?

A. The academy 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.

Q. Can the academy charge entry fees for examinations?

A. 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 academy;
- the examination is not on the set list but the academy 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 local authority originally paid or agreed to pay the entry fee.

Q. Can an Academy make a charge to pay for the administration required as part of the admission process?

A. Paragraph 1.9 (n) of the 'Academy's Admission Code 2012' rules out requests from admission authorities for financial contributions as any part of the admissions process. Legislation prevents state funded Academy's from charging fees for admission or for providing education during academy hours.

Q. Can an Academy ask for a direct debit to the academy fund?

A. No. An academy 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. No contributions may be sought as part of the admissions process.

Q. Can an Academy ask parents to contribute to (or pay in full) the cost of a tablet or computer?

A. Sections 451 and 454 of the Education Act 1996 prohibits Academy's from charging for education and the supply of materials, books, instruments or other equipment (this would include tablets), during academy hours. However, there is no prohibition on asking parents to make voluntary contributions. Additionally there is a specific exception in the legislation which enables Academy's to charge for materials where the pupil's parent wishes them to own the materials. All contribution requests to parents must make clear that the contributions are voluntary and that, if a parent cannot make or refuses to make a contribution, their children will not be treated any differently and will not be excluded from taking part in any activity or related equipment.

Q. What are community facilities?

A. Academy's are allowed to provide facilities that can be used by the local community, for example out-of hours/holiday childcare or swimming pool sessions. These facilities further any charitable purpose for the benefit of pupils at the academy or their families, or people who live or work in the locality in which the academy is situated. Academy's should seek guidance from the Charity Commission if they are in doubt. Advice from the Charity Commission can be found [here](#).

Academy's can charge for the use of these facilities, and a profit can also be generated, providing it is spent on the purposes of the academy and or on community facilities.

Maintained Academy's should check the local authority's published financial "scheme" for maintained Academy's in their area for any rules about the carry of profit from one financial year to the next. Academy's should determine fees

and charges in accordance with chapter 6 of HM Treasury's Managing Public Money.

8 Further sources of information

8.1 Associated resources (external links)

- [Council for Learning Outside the Classroom](#)
- [The Charity Commission](#)

8.2 Other departmental advice and statutory guidance you may be interested in

- [Home to Academy Transport Guidance](#)

8.3 Other departmental resources

- [The Governors' Handbook](#)