

GUIDANCE - SCHOOL CHARGING POLICY

INTRODUCTION

- Each Governing Body must establish and keep under review a charging and remissions policy which complies with statutory requirements and has regard to the Authority's policy statements on charging.
- A draft charging policy for schools is attached at Appendix A which schools can adapt to their own circumstances within any statutory requirements.

REGULATORY FRAMEWORK

- The Scheme for Financing Schools in Lancashire (Annex 4 - Charging for Educational Activities in Lancashire Schools) sets out:
 - (i) the regulatory framework relating to charging for school activities;
 - (ii) a statement of Lancashire's Charging and Remissions Policy;
 - (iii) some issues for Governing Bodies to consider
- There are also new charging regulations for music tuition during the school day. (The Charges for Music Tuition (England) Regulations 2007) which came into force from 1 September 2007. Specific guidance on these charging regulations are provided at Appendix C.

FREQUENTLY ASKED QUESTIONS

What activities cannot be charged for?

Schools cannot charge for the following activities:

- education provided wholly or mostly during school hours. This includes the supply of any materials, books, instruments, other equipment and also transport provided in school hours to carry pupils between the school and an activity;
- education provided outside school hours if it is part of the National Curriculum, or part of a syllabus for a prescribed public examination which the pupil is being prepared for at the school, or part of religious education;
- instrumental and vocal music tuition which is part of the National Curriculum or the first programme in which the whole class engages with the KS2 Programme of Instrumental and Vocal Tuition (Wider Opportunities);
- instrumental and vocal tuition for children in care;
- entry for a prescribed public examination including re-sits provided that a pupil has been prepared for it at the school.

Can we ask for voluntary contributions from parents to activities where we have no power to charge?

The school may ask for voluntary contributions towards the cost of school time activities to assist with funding subject to the following conditions:

- any children of parents who do not wish to contribute will not be treated any differently;
- where there are insufficient contributions to make the activity viable then the activity will be cancelled.

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.

What activities can be charged for?

The school may recover the full costs of the following activities but charges will not exceed actual cost:

- educational or other activities provided wholly or mainly outside school hours which are not:
 - (a) part of the National Curriculum;
 - (b) part of a syllabus for a prescribed public examination which the pupil is being prepared for at school;
 - (c) part of religious education.
- board and lodgings on residential visits (subject to remission arrangements).
- cost of entering a pupil for a public examination not prescribed in regulations, and for the cost of preparing a pupil for that examination outside school hours.
- cost of entering a pupil for a prescribed public examination including re-sits where no preparation has been provided by the school.
- provision of instrumental and vocal tuition, which takes place during the school day and which has been requested by parents/carers.
- day care facilities.

DRAFT CHARGING POLICY

DRAFT SCHOOL CHARGING AND REMISSIONS POLICY

INTRODUCTION

This charging and remissions policy complies with statutory requirements, has regard to the Authority's policy statements on charging and is reviewed on an annual basis.

CHARGING POLICY

Activities without charge

There will be no charge for the following activities:

- education provided wholly or mostly during school hours. This includes the supply of any materials, books, instruments, other equipment and also transport provided in school hours to carry pupils between the school and an activity;
- education provided outside school hours if it is part of the National Curriculum, or part of a syllabus for a prescribed public examination which the pupil is being prepared for at the school, or part of religious education;
- instrumental and vocal music tuition which is part of the National Curriculum or the first programme in which the whole class engages with the KS2 Programme of Instrumental and Vocal Tuition (Wider Opportunities);
- instrumental and vocal tuition for children in care;
- entry for a prescribed public examination including re-sits provided that a pupil has been prepared for it at the school.

Voluntary Contributions

The school may ask for voluntary contributions towards the cost of school-time activities to assist with funding subject to the following conditions:

- any children of parents who do not wish to contribute will not be treated any differently;
- where there are insufficient contributions to make the activity viable then the activity will be cancelled.

Chargeable Activities

The school may recover the full costs of the following activities but charges will not exceed actual cost:

- educational or other activities provided wholly or mainly outside school hours which are not:
 - (a) part of the National Curriculum;
 - (b) part of a syllabus for a prescribed public examination which the pupil is being prepared for at school;
 - (c) part of religious education.

(note: schools may wish to specify particular activities which are subject to charge. These could include any commissioned services)

- board and lodgings on residential visits (subject to remission arrangements).
- cost of entering a pupil for a public examination not prescribed in regulations, and for the cost of preparing a pupil for that examination outside school hours.
- cost of entering a pupil for a prescribed public examination including re-sits where no preparation has been provided by the school.
- provision of instrumental and vocal tuition, which takes place during the school day and which has been requested by parents/carers.
- day care facilities

(note: schools may wish to attach a schedule of current charges as an appendix to the policy)

Remissions Policy

- There will be no charge for board and lodgings for pupils whose parents are receiving income support, income-based job seekers allowance, family credit or disability working allowance. Charges for other 'chargeable activities' may also be fully or partly remitted. Details of any remission arrangements will be made clear when parents are informed of charges for individual activities.

SCHEME FOR FINANCING SCHOOLS IN LANCASHIRE

**(Annex 4 – Charging for Educational Activities in Lancashire
Schools)**

CHARGING FOR EDUCATIONAL ACTIVITIES IN LANCASHIRE SCHOOLS

Preamble

This annex sets out:

- the regulatory framework relating to charging for school activities;
- a statement of Lancashire's Charging and Remissions Policy;
- some issues for Governing Bodies.

REGULATORY FRAMEWORK

Provisions relating to charging for educational activities in local authority maintained schools were originally set out in sections 106-111 and 117-118 of the Education Reform Act 1988 and are now incorporated into sections 450-462 of the Education Act 1996.

The objectives behind these charging provisions were explained in DfEE Circular 2/89 "Education Reform Act 1988: Charges for School Activities" as follows:

- to maintain the right to free school education;
- to establish that activities offered wholly or mainly during normal teaching time should be available to all pupils regardless of their parents' ability or willingness to help meet the costs;
- to emphasise that there is no statutory requirement to charge for any form of education or related activity, but to give local authorities and schools the discretion to charge for optional activities provided wholly or mainly out of school hours, for example, theatre trips or homework clubs;
- to confirm the right of local authorities and schools to invite voluntary contributions for the benefit of the school, or in support of any activity organised by the school whether during or outside school hours.

Further guidance is set out in Circular 2/89 and DfEE letter of 22 September 1993 to local authorities about charging for instrumental music tuition in maintained schools, and in the DfEE booklet "School Governors: A Guide to the Law" (revised December 2009).

LANCASHIRE'S CHARGING AND REMISSIONS POLICY

Under the legislation, the local authority is required to establish a charging and remissions policy which must be kept under review.

The local authority may charge only for such educational activities as set out in the provisions of its stated charging policy.

Every local authority must determine a remissions policy, setting out those circumstances in which charges will be remitted in whole or in part. As a minimum the remissions policy must provide for the complete remission of board and lodging charges for pupils whose parents are in receipt of certain categories of benefits if they take part in a residential visit deemed to be in school hours or are required to take part in one for prescribed examination syllabuses or national curriculum purposes.

Lancashire has established the following charging and remissions policy:-

- (a) to charge local authority maintained schools in respect of pupils attending Lancashire's own outdoor education centres, subject to 80% remission of charges on the basic programmes for those pupils whose parents are in receipt of benefits that correlate to the free school meals eligibility criteria, as set out in legislation.

The eligibility criteria for remission of these charges are aligned with the free school meals eligibility criteria. These are currently Income Support, income-based Job Seekers Allowance, support under part VI of the Immigration and Asylum Act 1999, Child Tax Credit [where the parent is not entitled to Working Tax Credit and whose annual income (as assessed by the Inland Revenue) does not exceed £13,230] and the 'Guaranteed' element of State Pension Credit.

Where schools attending Lancashire's outdoor education centres require "extras" eg more demanding outdoor pursuit activities, possibly including some form of specialist tuition, full costs are payable in respect of all pupils.

- (b) to charge Lancashire's maintained schools and, where appropriate, individual pupils for instrumental music tuition taking place in groups of up to 4 pupils;
- (c) to require Governing Bodies to establish a charging and remissions policy for their school in accordance with the legislation if they wish to charge parents for any or all of those activities for which charges are permitted, as listed below:
- activities (or "optional extras") taking place wholly or mainly outside school hours (as defined in the legislation) which are not provided as part of the syllabus for prescribed public examination and are not required in order to fulfil statutory duties relating to the National Curriculum or to religious education. Such activities may include traditional activities such as outdoor pursuits and theatre visits but may also include services provided as part of a pupil-focused extended schools programme, eg breakfast clubs, homework clubs and other activities which provide an educational benefit for pupils or services that are provided as part of a wider community programme.

The legislation operates a '50%' concept. If 50% of a non-residential activity falls outside school hours (including travelling time, but excluding mid-day break), the whole activity is deemed to be outside school hours.

For residential activities, the 50% calculation is based on the number of half days on the activity, including travel, compared with the number of half days that would have been spent at school. If the number of half-day school sessions is less than 50% of the number of half days on the activity, the whole activity is deemed to be outside school hours.

- costs associated with tuition in the playing of a musical instrument or vocal tuition, as set out in Regulations (unless this is provided as part of the syllabus for prescribed public examination or is required by the National Curriculum);
- board and lodgings on residential visits, including visits to Lancashire's own outdoor education centres, subject to the remission of board and lodgings charges for those pupils whose parents are in receipt of benefits that correlate to the free school meals eligibility criteria, as set out in legislation.
- the cost of entering a pupil for public examination not prescribed in regulations, and for preparing the pupil for such an examination outside school hours;
- re-sits of prescribed public examinations where no further preparation has been provided by the school;
- the cost of entering a pupil for a prescribed public examination where no preparation, or not further preparation in the case of resits, has been provided by the school.

NB. The cost of breakages and lost and destroyed property can be recovered. However, the Governing Body is required to have a separate charging and remissions policy on this.

- (d) to empower Headteachers and Governing Bodies to seek voluntary contributions in order to fund activities taking place wholly or mainly during school hours for which the costs cannot be met from the school's budget, provided that it is made clear to parents in writing that any contribution is voluntary and failure to contribute will not involve the relevant parent's child being treated differently from any other child in the school.
- (e) to require Headteachers and Governing Bodies to include details of the school's charging and remissions policy in the school's annual prospectus and in the Governors' annual report to parents following considering of the issue, and to keep the school's policy under regular review.

A SCHOOL'S CHARGING AND REMISSIONS POLICY

Every Governing Body must establish and keep under review a charging and remissions policy for the school which has regard to the Authority's policy statements on charging and complies with statutory requirements. A charging policy must be drawn up if the school wishes to charge parents for any activities for which charges

are permitted (see (c) above). A Governing Body's remissions policy can be more or less generous than that of the local authority provided that it meets the requirements of the legislation; for example, the Governing Body may wish to address issues arising from:

- the 20% charge for pupils whose parents are in receipt of benefits that correlate to the free school meals eligibility criteria, as set out in legislation;
- the cost for transport, additional activities etc chargeable for pupils whose parents are in receipt of benefits that correlate to the free school meals eligibility criteria, as set out in legislation;
- possible remission of other permissible charges for pupils whose parents are in receipt of benefits that correlate to the free school meals eligibility criteria, as set out in legislation;
- possible remission of other permissible charges for pupils whose parents are in receipt of benefits other than those set out above.

Guidance on the selection of pupils by the school for participation in a residential visit is set out in DfEE Circular 22/94.

Parents must be made aware that a school charging and remissions policy exists and where it, and the local authority's policy, can be consulted (a requirement of the prospectus arrangements). Parents must also be provided with information in respect of school hours.

Charges sought must not exceed the actual cost of the activity.

RE-MARKING FEES LEVIED BY AWARDING BODIES

The 2002 GCSE, GCE, VCE and GNVQ Code of Practice states that each awarding body will make a charge for use of its results enquiry service (re-marking fees).

If a school deems it to be in its own interest (and/or the interest of former pupils) to seek a remarking of certain examination papers (for example where results vary significantly from expected performance and "league" position affected), then it can do so. The school can pay the appropriate re-marking fee from the school budget share under the catch-all "for the purposes of the school". It is in effect purchasing an additional service from the awards body.

In some instances, where examination results may not vary from expected performance, the parents might deem it to be in the best interests of the child to have individual papers re-marked and approach the school (as the examinations centre) to seek a re-mark on their behalf. If the school agrees to do this, then it needs to make clear to the parent that the school is acting as an agent for the parent in obtaining an additional service from the awards body, and that the parent is responsible for any fees involved. It is not the school making this charge ... a fee is being charged by an outside professional body for an additional service rendered to an individual parent, processed through the agency of the school.

If the governing body so determine, the school's remission policy could contain a provision setting out any circumstances in which a refund of any results enquiry service fees might be considered, for example for a candidate whose result changed outside specified tolerances following a "results enquiry".

Further guidance for Governing Bodies on charging for school activities is provided by the attached extract from the DfES document "A Guide to the Law for School Governors".

CHARGING FOR SCHOOL ACTIVITIES

The following information regarding charging for school activities has been taken from the DfES booklet "School Governors: A Guide to the Law" and is reproduced here to assist schools in drawing up a School Charging and Remissions Policy.

Note: A Governing Body may not charge for anything unless they have drawn up a statement of general policy on charging and remission.

CHAPTER SUMMARY

This chapter explains the legislation governing the charging for school activities as set out in the Education Act 1996: Sections 449–462. It covers what governing bodies may and may not charge for when activities take place, either during or outside of school hours, including residential activities. The need to have charging and remissions policies and requests for voluntary contributions is also incorporated.

EDUCATION DURING SCHOOL HOURS

1. No charge can be made for admitting pupils to maintained schools. Education provided during school hours must be free. This includes materials, equipment, and transport provided in school hours by the Local Authority (LA) 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. It would be good practice for schools to make this information available to parents and others.
2. All three- and four-year-olds are entitled to two and a half free hours of education per day. Schools, including maintained nursery schools, can charge for any additional hours used by the child. A school's governing body can also provide community services and facilities on the school's premises (guidance is available at www.teachernet.gov.uk/extendedschools) and set up a company in accordance with powers for governing bodies set out in Section 27 of the Education Act 2002.

EDUCATION PARTLY DURING SCHOOL HOURS

3. 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.)
4. 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 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.

EDUCATION OUTSIDE SCHOOL HOURS

5. 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. In addition, no charge can be made for activities that are an essential part of the syllabus for an approved examination (see paragraph 11 on public examinations).
6. 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 LA or governing body providing the activities to decide whether to make a charge.

RESIDENTIAL ACTIVITIES

7. 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.
8. On this basis, a term-time trip from noon on Wednesday to 9.00pm on Sunday would last for nine half-days, include five school sessions and would count as taking place in school time. A trip from noon on Thursday to 9.00pm on Sunday would count as seven half-days, include three school sessions and would be classified for charging as taking place outside school time. 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.
9. If a residential activity takes place largely during school time, 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. However, charges can be made for board and lodging in these circumstances except for pupils whose parents are receiving:
 - Income Support;
 - Income-based Jobseeker's Allowance;
 - support under Part VI of the Immigration and Asylum Act 1999;
 - Child Tax Credit (providing that they are not entitled to Working Tax Credit and have an annual income, assessed by the Inland Revenue, that does not exceed £14,155 for the year 2006–7); or
 - Guarantee element of State Pension Credit.

The headteacher should advise all parents of the right to claim free activities if they are receiving these benefits.

MUSICAL INSTRUMENT TUITION

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

PUBLIC EXAMINATIONS

11. 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 thinks there are educational reasons for not entering the pupil, or if the pupil's parents request 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.

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;
 - 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.
12. Charges may not be made for any cost associated with preparing a pupil for an examination. However, 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.

ACTIVITIES NOT RUN BY THE SCHOOL OR LA

13. When an organisation acting independently of a school or LA arranges an activity to take place during school hours and parents want their children to join the activity, such organisations may charge parents. Parents must then ask the school to agree to their children being absent, just as they would if they wanted to take their children out of school for a family holiday. However, where an activity is organised by a third party and is approved by the school, is educational, or is supervised by someone authorised by the school, then it is the Department for Education and Skills's (DfES's) view that it should be treated as if it were provided by the school and no charge should be made to the parents or pupils. Such an activity, if it takes place outside the school premises, is an "approved educational activity" within the meaning of Regulation 4A(a) of the Education (Pupil Registration) Regulations 1995 (as amended).

VOLUNTARY CONTRIBUTIONS

14. 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 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.

15. 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. 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.

CHARGING POLICIES

16. The LA or governing body may not charge for anything unless it has drawn up a statement of general policy on charging. 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. 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.
17. If a charge is made for each pupil it 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.
18. 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.

SCHOOL MINIBUSES

19. Only the school's pupils, staff or parents may travel at a charge in a school's minibus.
20. Schools may charge for transport in their minibuses only if they hold a permit issued under Section 19 of the Transport Act 1985. In some cases, the permit exempts the school from Public Service Vehicle (PSV) operator and driver licensing requirements. A permit is not required if no charge is made in cash or kind. Schools should apply to their LA for a permit for each minibus.

21. Schools may not raise funds to make a profit by charging for travel in their minibuses.
22. 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.
23. Further information is available from LAs or the regional Traffic Commissioners. Addresses may be found in the phone book or at www.dft.gov.uk/vosa

THE LAW

NB: As legislation is often amended and Regulations introduced, the references made in this Guide may be to legislation that has been superseded. For an up to date list of legislation applying to schools, please refer to the GovernorNet website www.governornet.co.uk

Education Act 1996: Sections 402, 449–462

The Education (Prescribed Public Examinations) Regulations 1989: SI 1989/377

The Education (Residential Trips) (Prescribed Tax Credits) (England) Regulations 2003: SI 2003/ 381

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) (England) Regulations 2001: SI 2001/2802)

GUIDANCE

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.dft.gov.uk/vosa)"

CHARGING REGULATIONS – MUSIC TUITION

Guidance to accompany amendment to charging regulations for music tuition

Why do we need these new regulations?

The previous legislation meant that instrumental lessons in groups of more than 4 pupils or vocal tuition in any size lesson could not be charged for. This restricted access to music tuition and had implications for the number of teachers required to teach such small groups. Making regulations to allow charging for groups of any size and for vocal tuition means that decisions on what size group should be taught can be made on sound educational and pedagogical principles as opposed to economics. It also means that lessons in larger groups can be offered at a lower cost per head.

What do the changes achieve?

The new charging regulations for music tuition during the school day, The Charges for Music Tuition (England) Regulations 2007 (www.opsi.gov.uk/stat.htm), come into force on 1 September 2007. They provide the possibility of tuition in groups of any appropriate size and allow charging for vocal tuition.

A number of instrumental learning activities – for example steel drumming – make little sense in groups of four or less and moving too soon from a whole class instrumental experience to a small group or individual one may not always be appropriate. Freeing up the group size for which charges may be made will allow instrumental and vocal teachers to make sensible choices about group size based on pedagogy rather than economics.

The desired outcome is genuine equality of access and affordable tuition for all pupils who wish to continue to receive specialist tuition as part of enrichment activities. Enabling any appropriately sized group of pupils to be taught will also go some way towards addressing the shortfall in the number of specialist music teachers needed to achieve the Government's pledge of instrumental and vocal tuition for any primary school pupil who wants to learn and, where appropriate, allow more pupils to be taught at less cost per head.

What can be charged for under these regulations?

Instrumental and vocal tuition, which takes place during the school day, subject to the parent/carer requesting the tuition, can now be charged for.

What cannot be charged for under these regulations?

Instrumental and vocal tuition which is part of the National Curriculum or the first programme in which the whole class engages with the KS2 Programme of Instrumental and Vocal Tuition (Wider Opportunities). Instrumental and vocal tuition for children in care cannot be charged for. The regulations do not cover lessons which take place outside school hours, at weekends or during school holidays.

Key considerations as a result of the changes to the charging legislation

These changes mean certain issues need to be considered when charges are made for specialist vocal or instrumental tuition, requested by a parent/carer to take place during the school day. These are set out below:

- Decisions regarding group size should be taken on sound musical and educational grounds, taking full account of health and safety issues.
- Decisions regarding lesson length should be taken on sound musical and educational grounds. The Federation of Music Services (FMS) and National Association of Music Educators' (NAME) publication "A Common Approach 2002" may be useful in determining these factors. www.name.org.uk
- Charges relate to the period when pupils choose, through a request by their parent, to participate in enrichment activities with specialist tutors. The term "parent", as used in the regulations, is defined in the Education Act 1996 as including someone who is not a parent but who has parental responsibility for, or who has care of, a child.
- Charges must not apply to the first programme in which the whole class engages with the KS2 programme of Instrumental and Vocal Tuition or Wider Opportunities.
- Where regulations do not permit charging for tuition, incidental costs associated with tuition are also exempt from charging. These might include instrument hire, music books etc.
- Charges should not result in a net surplus or 'profit'. i.e. a school should not 'buy' specialist tuition at one rate and then charge parents/carers more than it actually costs.
- No pupil currently receiving music tuition should be disadvantaged by these new regulations i.e. pupils who have received free music tuition under the previous charging regime and whose position is now changed due to the changes in the regulations.
- Remissions policies should make tuition, including associated incidentals, affordable for all pupils. There is no requirement for this to include remissions for parents/carers who choose to spend disposable income on other enrichment activities and are therefore not be able to 'afford' music tuition.

CHILDREN IN CARE

As a result of the regulations children in care who wish to have specialist vocal or instrumental tuition during school hours will be entitled to free tuition. Free instrumental and vocal tuition only applies to those lessons which take place during the school day and which are not part of the National Curriculum or the first programme in which the whole class engages with the KS2 programme of

Instrumental and Vocal Tuition (Wider Opportunities). This includes any incidental costs related to the specialist music tuition taking place during the school day. The exemption from charging does not apply to lessons which take place before or after school, at lunchtime, at weekends or during the holidays. The £500 set aside for each child in care should not be used to pay for musical tuition which takes place during the school day but could be used to cover tuition which takes place outside the school day and during holidays.

The term children in care is used here, as set out in the White Paper "Care matters: time for change", to include all children being looked after by a local authority, including those subject to care orders under section 31 of the Children Act 1989 and those looked after on a voluntary basis through an agreement with their parents (under section 20 of the children Act 1989).

Continuity of provision is crucial for this group of vulnerable children. For children who move in and out of care it is appropriate to consider these children as "in care" so that provision is sustained and meaningful.

INFORMATION FOR SCHOOLS AND LOCAL AUTHORITIES

What needs to be done to prepare for the new regulations?

You will need to look at the instrumental and vocal tuition happening in your school/Local Authority at the moment and review it in light of the new regulations. The regulations mean that all specialist music lessons, whether instrumental or vocal, which have been requested by the parent to take place during the school day can be charged for. The charges can now apply for individual lessons or groups of 2 or more. The only restrictions on group size are those which are dictated by sound musical and educational principles and health and safety issues.

Remissions policies

All governing bodies and local authorities must have remissions policies in place where they have charging policies. We would expect you to review your remissions policies in relation to children who are entitled to free school meals and you may also want to consider remissions policies in relation to siblings who are receiving tuition. This is to ensure that specialist music tuition is accessible and affordable for all children. Where charging is not permitted, charging for incidental costs associated with the tuition is also not permitted.

Children who have been receiving free tuition prior to 1 September 2007

For children who were receiving music tuition before September 2007 you will need to consider how these changes might affect them and ensure that they are not disadvantaged. For example, a pupil who was taught in a group of 4 but could now be taught in a group of 8 should benefit from the reduction in charges. Conversely, those pupils who received free tuition due to being taught in a group of more than 4 could now be charged for that tuition. You should make every effort to ensure that these pupils are not disadvantaged and you may wish to consider the phasing in of charges for these pupils. Equally a pupil who benefited from a remissions policy before September 2007 should continue to benefit if appropriate. Changes to charges which are likely to disadvantage pupils who have already been learning an

instrument should not be made without consultation.

What about music in the National Curriculum or Wider Opportunities?

Music taught as part of the National Curriculum cannot be charged for. The first programme in which the whole class engages with the KS2 Programme of Instrumental and Vocal Tuition (Wider Opportunities) should not be charged for either. The Government allocated £3m in 2006-2007 and £23m in 2007-2008 for the KS2 Programme of Instrumental and Vocal Tuition (Wider Opportunities). Guidance on the KS2 Programme of Instrumental and Vocal Tuition can be found at <http://publications.teachernet.gov.uk/eOrderingDownload/0184-2006DOC-EN.pdf>

Determining cost, group size and lesson length

Determining these three factors will be based on a number of sound educational principles to ensure that children who are accessing specialist music tuition receive the best educational experience.

Decisions should not be based on economics but on what best meets the needs of the children in question:

- A blanket approach to music tuition will not work as it may be possible to teach one instrument in a group of 15 but another instrument, due to space issues or noise levels, might only be taught in groups of 5.
- Equally a shorter lesson might be fine for a one to one lesson but in a larger group could mean that children actually get very little from the lesson.
- When deciding what group sizes are appropriate you will need to consider:
 - The instrument being learnt
 - The level of the children
 - The size of the room
 - The potential noise levels generated
 - The number of teachers and other responsible adults present
- Decisions on group size and lesson length for specialist vocal tuition will also need similar consideration.

You should work with the specialist teachers and your Local Authority Music Service or other provider to help decide how best to determine these factors.

You may find guidance on this area, such as the Federation of Music Services (FMS) and National Association of Music Educators' (NAME) publication "A Common Approach 2002" helpful. www.name.org.uk

SEN, Gifted and Talent

The needs of these pupils will have to be considered to ensure that they receive the best educational experience and that all their needs are met. Access to suitable opportunities and to progression routes will need to be identified.

Ensembles and Vocal Groups

Many of the benefits of specialist music tuition come from playing and singing with others. Due consideration should be given to access to such groups for all children.