

## OEAP EG: Charges for Off-site Activities and Visits

Employers, Heads/Managers, Curriculum Planners, EVCs and Visit/Activity Leaders must take account of the legal framework relating to charging, voluntary contributions and remissions as set out in sections 449 to 462 of the Education Act 1996.

### 1. Charges for Ventures deemed to be Statutory Requirements

The principal purpose of some ventures is deemed to be a statutory requirement of the National Curriculum. No charges for either education or transport may be levied, regardless of whether the venture is held in school or non-school time.

This applies to the following areas:

- any venture undertaken to fulfil any requirements specified in the syllabus for a prescribed public examination.
- any venture specifically to fulfil statutory duties relating to the National Curriculum
- any venture specifically to fulfil statutory duties relating to religious education.

It must be emphasised that **charges for any of the foregoing ventures must be limited to the actual cost of board and lodging**, regardless of whether they are held during school time or non-school time.

### 2. Charges for Ventures deemed to be Optional Extras

The term “optional extra” is used by the Education Reform Act 1988 to describe “any venture falling within defined non-school time” and implies that the venture is an extra to the requirements of the national curriculum.

Ventures that are regarded as statutory requirements cannot (by definition) be regarded as optional extras, even if they are promoted during non-school time, e.g. field work during school holidays.

### 3. Definition of “School Time” and “Non-school Time”

Where a venture takes place partly during and partly outside normal school hours, the 1988 Education Reform Act prescribes a basis for determining whether the venture is deemed to take place either “in” or “out” of school hours. This depends firstly on whether the venture is residential or non-residential.

#### *Single Day (Non-Residential) Ventures*

A non-residential activity is deemed to take place during school hours if 50% or more of the venture occurs during school hours (including any travelling). School hours do not include the normal midday break.

Where less than 50% of the time spent on a non-residential venture falls during school hours, the venture is deemed to take place in non-school time. An example might be an activity that requires pupils to leave school an hour or so earlier during the afternoon and which does not end until late in the evening.

No charge may be made for non-residential ventures in school time and any fund-raising must be on the basis of voluntary contributions. However, charges may be levied for non-residential ventures in non-school time except when the activity is a requirement of the national curriculum or a public examination syllabus.

## *Residential Ventures*

A residential venture is one arranged for registered pupils by or on behalf of the Authority or the establishment's Governing Body, which requires pupils to spend one or more nights away from their usual overnight accommodation.

In these circumstances a test is based on the number of half-days taken up by the venture including travel, relative to the number of school sessions the participants would have attended had the venture not taken place. (A "half-day" means a period of 12 hours ending with noon or midnight on any day.)

If the number of half-day school sessions missed is **50% or more** of the number of half-days taken up by the venture, the venture is deemed to take place during school hours.

Where a residential activity is deemed to take place during school hours or is a requirement for a public examination, no charge may be made for the education provided, nor for the cost of travel and any fund-raising must be on the basis of voluntary contribution. Charges may, however, be made for board and lodging.

### **4. Voluntary Contributions towards the Cost of ventures**

The restrictions on charging for ventures do not in any way prohibit the employer or establishment from seeking voluntary contributions in support of a venture. Such contributions must, however, be genuinely voluntary. Consequently, it must be made clear to parents that there is no obligation to contribute, and students must not be treated differently according to whether or not their parents have made any contribution.

It is important to explain in written information to those in a position of parental authority the nature of the proposed venture, the likely value in educational terms and the financial contribution per student which would be required if the activity were to take place. The information should emphasise that there is no obligation to contribute and that no student will be excluded because parents are unwilling or unable to contribute. However, it must be made equally clear if the venture is likely to be jeopardised by lack of parental support in the form of insufficient contributions.

There is no limit on the level of voluntary contribution, nor is there any restriction on the way in which such contributions may be used. Thus voluntary contributions can be used to subsidise students of lesser means and to pay the travel and accommodation costs of accompanying teachers.

The importance of voluntary contributions is that parents must be made aware of the purpose for the request and must be warned if insufficient contributions are likely to cause the cancellation of a venture.

### **5. Summary of Permissible Charges**

The extent to which charges may be levied for ventures is dependent upon the answers to the following questions:

- (i) Is the venture regarded as a statutory requirement?
- (ii) Is the venture to be held in school time?

If the answer to either question is "yes", the only charges that may be levied relate to the cost of board and lodging. No charges may be levied for either the cost of travel or education.

If the answer to both questions is "no", the activity is an "optional extra" and the full cost of the venture may be levied.