

Subject:

**EDUCATION REFORM (NI) ORDER 1989 - CHARGES IN  
GRANT-AIDED SCHOOLS FROM 1 APRIL 1992**

Circular Number:

1991/21

Date of Issue:

23 JUNE 1991

**Audience:**

- Principals and Boards of Governors of all grant-aided schools;
- Education and Library Boards;
- Council for Catholic Maintained Schools;
- Northern Ireland Curriculum Council;
- Northern Ireland Schools Examinations and Assessment Council;  
and
- Principals and Governing Bodies of Portadown and Lurgan Insts  
of FE

**Summary of Contents:**

**The purpose of this Circular is to explain and provide guidance  
regarding charges levied on parents of registered pupils in  
grant-aided schools.**

**Enquiries:**

Any enquiries about the contents of this Circular should be addressed  
to:

School Administration Branch

**GOVERNOR  
AWARENESS:  
ESSENTIAL**

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Advice for Principals and  
Boards of Governors

**Related Documents:**

None

**Superseded Documents:**

None

**Expiry Date:**

Not Applicable

**DENI Website:**

<http://www.deni.gov.uk>

Tel: (028) 91 279421

Fax: (028) 91 279319

Circular No 1991/21  
DEPARTMENT OF EDUCATION NORTHERN IRELAND  
Rathgael House  
Balloo Road  
BANGOR  
Co Down  
BT19 2PR

To: Education and Library Boards,  
The Council for Catholic Maintained Schools,  
Principals and Board of Governors of Grant-Aided Schools,  
Principals and Governing Bodies of Portadown  
and Lurgan Institutions of Further Education,  
The Northern Ireland Curriculum Council, and  
The Northern Ireland Schools Examinations  
and Assessment Council

23 July 1991

Correspondence should be addressed to  
"The Secretary"

EDUCATION REFORM (NI) ORDER 1989  
CHARGES IN GRANT-AIDED SCHOOLS FROM 1 APRIL 1992  
SECTION 1: INTRODUCTION

1. The purpose of this circular is to explain and provide guidance on Articles 127-135 and 137-138 of the Education Reform (NI) Order 1989, referred to afterwards as "the Order", which set out the circumstances in which charges can and cannot be levied on parents in respect of the education provided for registered pupils in grant-aided schools, including the technical secondary schools associated with Portadown and Lurgan Institutions of Further Education.

These provisions will come into operation on 1 April 1992

2. This circular draws attention to the need for school authorities to draw up a policy statement on charges and remissions in respect of optional extras and board and lodging on residential trips. This policy statement will form part of the information to be made available under the Education (School Information and Prospectuses) Regulations (NI) 1991. Boards and Boards of Governors should therefore aim to have their policy statements drawn up by **31 December 1991** for implementation on 1 April 1992. The Department emphasises that no charges can be made in respect of optional extras or board and lodging on residential trips unless such a policy has been determined.

3. With certain, specific, exceptions in relation to grammar schools, the provisions of the Order described in this circular.

- maintain the right to free school education for pupils enrolled in grant-aided schools;
- establish that activities organised wholly or mainly during normal teaching time should be made available to such pupils regardless of the ability or willingness of their parents to meet the cost;
- subject to specific remission arrangements, require parents to pay charges for board and lodging for their children, whether in school or on residential trips,

- confirm the right of education and library boards, and Boards of Governors to invite voluntary contributions for the benefit of the school or in support of activities organised by the school whether inside or outside school hours;
- emphasise that there is no statutory obligation on education and library boards and Boards of Governors to make any charge for any form of education or related activity in grant-aided schools.

The contents of this circular are laid Out as shown Overleaf.

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For ease of reference the provisions in the Education Reform Order (ERO) are shown in the right hand column against the paragraphs to which they relate.

	Article	ERO SECTION II: Number
PROHIBITED CHARGES IN RESPECT OF PUPILS OTHER THAN CERTAIN SPECIFIED GRAMMAR SCHOOL PUPILS APPLICATION OF SECTION II		
4. The charges prohibited by the Education Reform Order as described in this section apply to the education provided for registered pupils in grant-aided nursery, primary, secondary and special schools, and to registered grammar school pupils other than:		127(1)
i. pupils enrolled at a Group B voluntary grammar school - i.e. a school whose trustees or Board of Governors have not entered into an agreement with the Department under Schedule 6 to the Education and Libraries Order (NI) 1986. [These schools are referred to in this circular as Group B voluntary grammar schools]; and		127(2)
ii. excepted pupils in any other grammar school.		127(4)
5. An excepted pupil is defined as:		
i. a grammar school pupil who is not resident in Northern Ireland;		127(4a)
ii. a grammar school pupil whose parents are not EC nationals;		127(4b)
iii. a pupil in a grammar school preparatory department; and		127(4c)
iv. a pupil admitted to the secondary department of a grammar school as a fee-paying pupil before 1 April 1992, and who remains a fee-paying pupil. (Such a pupil who successfully meets the requirements of the review arrangements referred to in paragraph 46 of Circular 1990/47 will, at the Education and Library Board's discretion, cease to be an excepted pupil.)		127(4d)
6. Any pupil who is a boarder in a grammar school boarding department shall be regarded as resident for the purposes of paragraph 5(i) and should not be classified as an excepted pupil solely because his or her parental home is outside Northern Ireland. However a boarder may be classified as an excepted pupil under paragraph 5(ii), (iii) and (iv) above.		127(5)
7. Further guidance will issue to grammar schools about the position of children whose parents are resident in Northern Ireland but are not EC nationals.		

## SCHOOL ADMISSIONS

8. Charges may not be made in respect of the admission of pupils to a Grant-aided school other than excepted pupils or pupils being admitted to a Group B voluntary grammar school. 128(1)

## EDUCATION DURING SCHOOL HOURS

### School Hours

9. \* School hours are those hours of the day when the school is actually in session, and do not include the lunchbreak.

10. Charges may not be made in respect of the education provided wholly or mainly during school hours for a registered pupil at a grant-aided school except in respect of.. 128(2)

i. individual tuition in the playing of a musical instrument (see paragraph 31 of Section III

ii. capital expenditure on school premises and the provision of equipment in voluntary grammar schools (see Section V); and

iii. Education or educational facilities provided for pupils enrolled in a Group B voluntary grammar school or for excepted pupils (see section V).

\*Footnote:

*The Education (School Prospectuses) Regulations (Northern Ireland) 1991 will require school principals, Boards of Governors and education and library boards to make information available about the times at which each morning and afternoon school session begins and ends.*

## EDUCATION OUTSIDE SCHOOL HOURS

11. Charges may not be made in respect of the education provided for a registered pupil at a grant-aided school wholly or mainly outside school hours where the education is: 128(4)

i. required as part of any syllabus for an \*approved public examination and where the pupil is being prepared for this examination by the school; or 128(4a)

ii. provided to fulfil the statutory requirements imposed by Article (b) of the Order in relation to religious education or the teaching of the subjects listed as contributing to the prescribed areas of study within the curriculum. 128(4b) 11(1)(a) or

This prohibition does not apply to an excepted pupil or a pupil enrolled in a Group B voluntary grammar school.

12. This means that charges cannot be made for tuition outside school hours which is part of the preparation provided by the school to enable a pupil to sit an approved public examination. Nor should charges be made for any other tuition provided by the school after school hours for the purpose of fulfilling its statutory obligations in respect of the curriculum

\*Footnote:

*For the purposes of this circular, an approved public examination is taken to mean any examination leading to a qualification authenticated by an outside body or person for which registered pupils are prepared by grant-aided schools within existing arrangements.*

*It should be noted that when, in due course, Articles 9 and 34 of the Education Reform (NI) Order 1989 are brought into force, only those examinations taken in connection with syllabuses and qualifications approved by the Department will be regarded as approved examinations.*

For example, a school may decide to provide education outside school hours to compensate for essential lessons missed by a pupil during school hours because of illness, but it cannot charge for that provision. The extent to which education of this nature is provided after, rather than during, school hours is a matter for decision by the school's Board of Governors.

#### EDUCATION PARTLY DURING AND PARTLY OUTSIDE SCHOOL HOURS

13. Cases will arise where educational activities, including residential trips, will fall partly during and partly outside school hours. Where this happens, a non-residential educational activity is to be treated as:

i. Education During School Hours if 50 per cent or more of the period spent on the activity occurs during school hours; 129(1a) the period  
or

ii. Education Outside School Hours in any other case. 129(1b)

14. Time spent on travel counts for the purposes of the calculation at paragraph 13 i. above if the travel itself occurs during school hours and is spent by the pupils participating in the activity in travelling to Or from the venue of the activity. School hours do not include the break in the middle of the school day.

#### Residential Trips

15. Similarly the education provided on a residential trip which:

a. is arranged for registered Pupils by, Or On behalf Of, the board or the Board of Governors; and 128(10a)

b. requires pupils to spend one or more nights away from their usual overnight accommodation;. 128(10b)

is to be treated as:

i. Education During School Hours if the number of school sessions the participants would have attended had the trip not taken place is 50 per cent or more of the number of half days (including travelling time) spent on the trip; or 129(3a)

ii. Education Outside School Hours in any other case. 129(3b)

16. For the purposes of the calculation at paragraph 15 i. and ii. above a school session is either the morning or the afternoon session of each day on which the school is in operation. A "half-day" spent on the trip means any period of 12 hours ending at noon or midnight on any day. Where 6 129(4)

or more hours of a half-day is spent on a residential trip, the whole of that half-day should be counted as having been spent on the trip. Similarly 129(5)

where half or more of a school session is devoted to a residential trip, the entire session counts as time spent on the trip. For example a term-time trip 129(6)

from noon on Wednesday to 9 p.m. on Sunday would take up 9 half-days or 5 school sessions (i.e. 5/9 is more than 50%) and would be treated as Education During School Hours, but a trip from noon on Thursday to 9 p.m. on Sunday would

take up 7 half-days or 3 school sessions (i.e. 317 is less than 50%) and would be treated as Education Outside School Hours.

**EXAMPLE ONE: TERM-TIME TRIP FROM NOON ON WEDNESDAY TO 9.00 PM ON SUNDAY**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
School Session AM				////// ////// //////	////// ////// //////			= 5 School Sessions
School Session PM			////// ////// //////	////// ////// //////	////// ////// //////			

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
Half Day: 12 hours				////// ////// //////	////// ////// //////	////// ////// //////	////// ////// //////	= 9 half days
Half Day: 12 hours			////// ////// //////	////// ////// //////	////// ////// //////	////// ////// //////	////// ////// //////	

**EXAMPLE TWO: TERM-TIME TRIP FROM NOON ON THURSDAY TO 9.00 PM ON SUNDAY.**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
School Session AM					////// ////// //////			= 3 School Sessions
School Session PM				////// ////// //////	////// ////// //////			

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
Half Day: 12 hours					////// ////// //////	////// ////// //////	////// ////// //////	= 7 half days
Half Day: 12 hours				////// ////// //////	////// ////// //////	////// ////// //////	////// ////// //////	

**TRANSPORT**

**Transport Incidental to Education**

17. No charge may be made by a board or a Board of Governors in respect of any transport provided for registered pupils where such transport can be classified as

128(7a)

incidental to education provided for these pupils, and where no charge may be made for the education itself in the circumstances described in Paragraph 10: Education During School Hours and Paragraph 11: Education Outside School Hours. Transport is regarded as being incidental to education if it is provided to carry pupils:

- i. between parts of the school premises; or 128(8a)
- ii. to or from any place outside the school premises in which education is provided for those pupils under arrangements made by or on behalf of the Board of Governors or the board, from or to the school premises, or any other such place. 128(8b)

For example, where a school has a split site under i. above, no charge can be made for transport provided to carry pupils between classes during school hours, or after school hours if the classes are required for statutory curriculum purposes. Under ii. above, no charges can be made for transport provided to carry pupils in a school, board or hired minibus between school and the local swimming pool in which swimming is provided as part of the school's physical education programme either during or after school hours. Similarly transport provided to carry pupils between for example, a residential field centre and a local museum where education is provided free of charge under arrangements made by or on behalf of the Board of Governors or the board, would also have to be provided free of charge.

**Transport in Respect of Approved Public Examinations**

18. No charge can be made for transport provided for the purpose of enabling a pupil to meet an examination requirement for a syllabus for an approved public examination for which the pupil has been prepared by the school. An examination requirement for a syllabus is any requirement which a pupil must meet in order to qualify for assessment for the purposes of determining his or her achievements in the examination of that syllabus. Such transport must be provided free of charge irrespective of where it is provided from or to. 128(7b) 138(1d)

19. It should be noted that Home to School Transport under Article 52 of the Education and Libraries (NI) Order 1986 Will continue to be the subject of separate arrangements and is unaffected by the legislation described in this circular.

**INCIDENTALS TO EDUCATION: EQUIPMENT, MATERIALS AND CLOTHING**

20. The pupil or his or her parents cannot be required to pay for, or to supply, any materials, books, instruments or other equipment for use in connection with education which must be provided free of charge in the circumstances described in paragraphs 10 and 11. Incidentals of this nature must be paid for by the appropriate board or school. This does not prevent a school from inviting parents to provide their children with certain items of equipment for example, pens and pencils, or items of sports equipment which will therefore remain the property of the pupil concerned. However, the school, in issuing such an invitation, should have regard to the criteria set out in Section IX -Voluntary Contributions. In addition, parents may wish to purchase musical instruments for the personal use of their children at and outside school. 128(6)

21. A school is however allowed to charge for, or require the supply of, ingredients and materials used by a pupil if the parents have indicated in advance a wish to own the finished product. 137(3)



Alternatively a school may invite parents to supply the necessary ingredients and materials voluntarily or to make a voluntary contribution towards their cost in accordance with Section IX - Voluntary Contributions.

22. Incidentals include equipment not associated with the provision or alteration of the premises of voluntary grammar schools other than Group B schools, which prior to 1 April 1991 was funded under different arrangements. Therefore neither non-expected pupils nor their parents may be required to pay for, or to supply, such equipment.

23. Equipment in the context of the law excludes clothing other than essential protective items such as safety goggles. However boards will continue to have the power, under Article 60 of the Education and Libraries (NI) Order 1986 to operate a scheme of assistance for pupils who attend schools or institutions of further education inadequately or unsuitably dressed. This scheme, like the arrangements for Home to School transport, is unaffected by the legislation described in this circular. 138(1)(a)

### **PUBLIC EXAMINATION ENTRIES**

24. A grant-aided school may not charge for entering a registered pupil, other than an expected pupil, for any approved public examination if it has prepared the pupil for that examination. This also applies where the school has further prepared a pupil to resit an approved public examination and re-enters the pupil for that examination. The law regards a pupil as having been prepared by the school for the syllabus of an approved examination if any part of the necessary preparation has been provided at the school. There are a limited number of circumstances in which charges may be made for public examination entries: these are dealt with in paragraphs 34-36. 128(5)  
128(11)

### **SECTION III: PERMITTED CHARGES IN RESPECT OF PUPILS OTHER THAN CERTAIN SPECIFIED GRAMMAR SCHOOL PUPILS APPLICATION OF SECTION III**

25. The charges permitted by the Order described in this section apply to the education provided for registered pupils in grant-aided nursery, primary, secondary and special schools and to registered grammar school pupils other than:

- i. pupils enrolled in a Group B voluntary grammar school; and 127(2)
- ii. expected pupils (as defined in paragraph 5) in any other grammar school. 127(4)

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Voluntary grammar schools to which this section does apply may make the supplementary capital charges described in paragraph 54 of Section V in addition to the charges described here. The charges permitted in respect of pupils in Group B voluntary grammar schools and expected pupils are described separately in paragraphs 52 and 53 of Section V.

**OPTIONAL EXTRAS**

**Criteria for the Provision of an Optional Extra**

26. An optional extra is, with 2 exceptions, education or transport which is provided by a board or Board of Governors wholly or mainly outside school hours and which is not specifically required to meet the Board of Governors' statutory duty to deliver religious education or to deliver any component of a prescribed programme of study or of an approved public examination. 130(1 a & b)

There is no obligation on school authorities to provide optional extras nor is there any requirement to charge for them. Individual boards and Boards of Governors are free to decide whether to provide a particular optional extra.

27. When a board or Board of Governors decides to provide an optional extra it must also decide whether;

- i. to levy a charge on the parents of participating pupils based on the full per capita cost; or
- ii. to subsidise part of the cost of the activity out of school funds and levy a charge on parents of the participating pupils based on the residual per capita cost; or
- iii. to pay for the full cost of the optional extra out of its own funds and not to recoup any part of the cost from Parents; or
- iv. to subsidise part of the cost of the activity out of school funds and seek voluntary contributions to cover the remaining costs.

In cases where iv. applies the criteria set out in Section IX relating to voluntary contributions overrides that described in this section and a pupil cannot be excluded from the activity because his or her parents have failed to contribute towards the associated costs.

28. Where a Board of Governors decides to provide an optional extra and to finance it from within its delegated budget under an approved scheme of local management, or from other funds at its disposal, the Board of Governors is also responsible for deciding whether to levy a charge on parents. In all other cases the board takes this decision. The

130(9a)

130(9b)

ERO Article  
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Board of Governors, or board, as appropriate, must also determine the amount of any charge to be made subject to the overriding requirement that the charge must not exceed the actual cost. When a board is providing the optional extra and has decided to levy charges on parents the Board of Governors of a school may subsidise or meet those charges in respect of the parents of any pupil attending that school.

130(10)

29. When a board or Board of Governors decides to provide an optional extra for which charges would be payable by parents and are not to be remitted. the board or Board of Governors, as appropriate, must secure the prior agreement of parents to the provision of the optional extra and ensure that they are willing to meet the charges before the provision is actually made. 130(2) & (4)

**Optional Extra Education**

30. With the exception of individual tuition in the playing of a musical instrument, education cannot be classified as an optional extra unless it: 130(1a)

- i. is provided for a registered pupil wholly or mainly outside school hours as defined in paragraphs 13 to 16 of this circular, and
- ii. is additional to the education provided by the school for the purposes of meeting the statutory curriculum requirements imposed by Article 11 (1)(a) and (b) of the 1989 Order or for the purpose of preparing pupils for approved public examinations.

**Individual Tuition in the Playing of a Musical Instrument**

31. Individual tuition which is provided for a pupil by a board or a school in the playing of a musical instrument either during or outside school hours is to be treated as an optional extra if it is NOT required: 130(1 a)

- i. as part of a syllabus for an approved public examination for which the pupil is being prepared by the school; or
- ii. specifically to fulfil the statutory requirement imposed by Article 1 I(Mb) of the 1989 Order in relation to the teaching of Music.

It is expected that a school will usually meet its statutory duties in relation to GCSE music at i. and ii relation to ii. above through class or group tuition. Individual tuition in the playing of a musical instrument would therefore be provided either as a means of preparing a pupil to meet a requirement of an approved public examination at 'A' level or as an optional extra.

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**Vocal Tuition**

32. References to tuition in paragraph 31 do not apply to tuition in singing. Individual or group vocal tuition may only be regarded as an optional extra where it is provided mainly or wholly outside school hours and is not required for statutory curriculum purposes or for the purpose of preparing pupils for approved public examinations. 130(1 a)

**Optional Extra Transport**

33. Where transport, other than Home to School transport, is provided in circumstances other than those described in paragraphs 17 and 18 of Section 11 it must be classified as an optional extra. 130(1 a)

### **Optional Extra Examination Entries**

34. Charges may be made in respect of the entry of a pupil for an approved public examination for which he or she has not been prepared by the school: for example, where a pupil has received private tuition for the examination or where he is resitting an examination for which the school had earlier prepared him but where no additional preparation has been given since the occasion of the previous examination entry. 130(1 b)

35. Although a school is prohibited, by law, from preparing a pupil for a public examination other than one approved by the Department the school may enter a pupil for such an examination and where it decides to do so it may make a charge.

36. A school may pass on to the parent any charge which may arise as the result of a parent's request to have a pupil's examination results scrutinised.

### **Optional Extra Charges**

37. Any charge made in respect of individual pupils may not exceed the actual cost of providing the optional extra, divided equally by the number of pupils participating. It may not therefore include an element of subsidy for any pupils including those whose parents are unwilling or unable to pay the full charge. Nor, in cases where less than 50% of the optional extra takes place during school hours, may the charge include the cost of alternative provision for those pupils who are not participating. Any subsidies of this kind must come from board or school funds, or from voluntary fund-raising. 130(5-8)

38. The charge can however include an appropriate element for:

i. a pupil's travel; 130(1a)

ii. materials, books, instruments and other equipment; 130(6a)

iii. non-teaching staff costs; 130(6b)

iv. entrance fees to museums, castles, theatres etc.;

v. insurance costs.

39. The charge may also take account of the cost of engaging teaching staff under a separate contract specifically to provide the optional extra and of the cost of supplying such staff with travel, board and lodging. If any of the teaching staff are already employed by the board, CCMS or the Board of Governors of the school their costs may not be included in the costs of providing the optional extra, unless they are employed either under a separate contract or to provide individual tuition in the 130(6c)  
130(7)

playing of a musical instrument. 130(8)

40. A contract for services can be a simple document or letter, written on behalf of the board, CCMS or Board of Governors inviting a teacher to provide certain services for a specific activity taking place at a specified time, in return for payment of expenses and, where appropriate, a fee. Employers may provide advice on the format of such contracts. The teacher should be asked to signify agreement by signing and returning a copy of the letter.

**BOARD AND LODGING CHARGES**

**Residential trips for day Pupils**

41. Where a school activity involves pupils spending a night or nights away from home, boards and Boards of Governors are permitted to make a charge for board and lodging, irrespective of whether charges may be levied for the education provided through the activity itself. 130(1c)

42. Where a school meets the cost of a residential trip from within its delegated budget under an approved scheme of local management, or from other funds at its disposal, it must decide whether the cost of the board and lodging should be passed on in full or in part to parents. Where the board is funding a residential trip the board must decide whether to levy charges for the board and lodging. Where the board decides to levy such charges these will be payable by parents, unless the Board of Governors decides to use its own funds to subsidise or to Meet the full cost of the provision. In both cases where a charge is made it must not exceed the actual cost of board and lodging for that pupil. 130(9a) 130(9b) & 130(10)

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**Specific Remissions**

43. Where the educational activities organised during the residential trip must be free of charge the board or Board of Governors must remit any associated board and lodging charges in respect of pupils whose parents are in receipt of income support or family credit for any part of the duration of the trip. 131(3)

However, where the residential trip can be classified as an optional extra, the remission of board and lodging charges is at the discretion of the board or Board of Governors. When it is decided to levy charges in respect of board and lodging and those charges are to be remitted in respect of parents who are in receipt of income support or family credit, the principal should advise all parents beforehand that those in receipt of family credit or income support are entitled to claim such remission. The board or Board of Governors is free to adopt a more generous remissions policy than that required by statute if it so wishes.

## CHARGES FOR BREAKAGES AND FINES

44. Although the law does not make specific provision for charges for breakages and fines, schools are not prevented from asking parents to pay, for example, for the cost of replacing a broken window, a defaced, damaged or lost text book or item of equipment where this is the result of a pupil's behaviour. Schools should ensure that pupils and parents are aware of the school's policy on these matters.

## SECTION IV - CHARGES AND REMISSIONS POLICIES

45. Each board and the Board of Governors of each grant-aided school is required to draw up, and keep under review, a statement of its policy in relation to the charging and remission arrangements which it proposes to make in respect of any optional extra or board and lodging on a residential trip described in Section III. (This does not of course apply to Group B voluntary grammar schools which are exempt from the provisions described in Section III). It should be noted that once the charging provisions of the Order have been brought into force, boards and Boards of Governors are not permitted to levy charges for the optional extras and board and lodgings described in Section III unless they have fulfilled this requirement. 131(1)  
131(2)
46. The law requires each written policy statement to specify:
1. the provision of, and the classes or descriptions of cases in which charges will be made for any optional extra and board and lodging on a residential trip; and 131(1)
  - ii. the circumstances in which those charges will be remitted in whole or in part. 131(2bi)
47. The law also requires a school's remission's policy to indicate any circumstances in which the Board of Governors proposes to meet or subsidise any charges levied on parents by the education and library board under its separate charging policy. The charging and remissions policy adopted by a school's Board of Governors may be more or less generous than the policy of the board provided it meets the requirements of the law. However the policies of both boards and school's must at a minimum provide for the complete remission of board and lodging charges associated with a residential trip in the circumstances described in paragraph 43. 131(2bii)  
131(3)
48. The Department considers that it would be helpful if boards were to take the lead in drawing up their policies so that school's subsequent statements can take account of what charges and remissions the board intends to make.

\* Footnote:

The Education (School Prospectuses) Regulations (Northern Ireland) 1991 will require boards and Boards of Governors to make available information about their charging and remissions policies in advance of the school year beginning on

1 August 1992.

**SECTION V - CHARGES IN GRAMMAR SCHOOLS**  
**APPLICATION OF SECTION V**

49. This section deals with:

a. charges in respect of;

i. non-excepted pupils enrolled at a Group B voluntary grammar school, 133

ii. excepted pupils in any grammar school (as defined in paragraph 5); and 134

b. capital charges in respect of pupils in voluntary grammar schools other than Group B schools. 132

50. Charges in respect of non-excepted pupils in controlled grammar schools, grant-maintained integrated grammar schools and voluntary grammar schools other than Group B schools (excluding charges at paragraph 49(b) above) are dealt with in Sections II and III.

51. The provisions of the Order relating to the charges described in paragraph 49 are supplemented by the Grammar Schools (Charges) Regulations (Northern Ireland) 1992. These Regulations come into operation on 1 April 1992, and replace the Grammar Schools (Fees) Regulations (Northern Ireland) 1990 and 1991. 132-4

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**CHARGES IN GROUP 8 VOLUNTARY GRAMMAR SCHOOLS -  
NON-EXCEPTED PUPILS**

52. The Board of Governors of a Group B voluntary grammar school may charge parents for expenditure which is not grant-aided under Article 60 of the 1989 Order. This may include expenditure in respect of school capital works and equipment not grant-aided under Article 60, but a charge may not be made in respect of the entry of such a pupil for an approved public examination as described in paragraph 24. 133(2)  
133(3)

**CHARGES FOR EXCEPTED PUPILS**

53. The Board of Governors of any grammar school is permitted to make charges and to determine the amount of the charges to be made in respect of the education provided for excepted pupils at the school. This may include charges for tuition, transport other than home to school transport, and other incidentals, e.g. materials, books, instruments and 134

equipment required in connection with the provision of education. The Board of Governors of a Group B voluntary grammar school may determine the capital charges which may be levied in respect of excepted pupils at the school but the Board of Governors of any other voluntary grammar school is bound by the legislative provisions on capital charges described in paragraph 54. Excepted pupils in controlled and grant-maintained integrated grammar schools are exempt from capital charges because the capital expenditure associated with these schools is fully grant-aided.

**CAPITAL CHARGES IN VOLUNTARY GRAMMAR SCHOOLS OTHER THAN GROUP B SCHOOLS**

54. The Boards of Governors of these voluntary grammar schools, which are subject in full to the provisions on school charges described in Sections 11 to IV of this circular, may levy a capital charge in respect of any pupil at the school, for the purpose of meeting expenditure on:

132

- i. the provision or alteration of school premises; or
- ii. equipment provided in connection with the provision or alteration of school premises.

The maximum capital charge which may be made in respect of a pupil is prescribed by regulation and is £65 per annum.

ERO Article  
Number

**SECTION VI - CHARGES FOR BOARD AND LODGING AT BOARDING SCHOOLS**

55. The law requires parents to pay charges in respect of board and lodging provided by a board or Board of Governors for a pupil at any grant-aided school. The amount of the charges is for the relevant board or Board of Governors to determine. However the law provides for boards to remit or pay these charges, in full or in part, in the circumstances outlined below.

56. Where a pupil is being provided with board and lodging at a particular boarding school because the board for the area in which the pupil has his home is of the opinion that education suitable to the pupil's age, ability and aptitude and to any special educational needs the pupil may have, cannot otherwise be provided for him the board must:

- remit the full charge in respect of a pupil at a school under the board's management; 135(2a)
- or
- pay the charge levied by the appropriate board or Board of Governors in any other case. 135(2b)



57. In other cases where board and lodging is not required in connection with the provision of suitable education for a pupil but the board in whose area the pupil has his home, is satisfied that the parent will suffer hardship if he or she is required to meet the full cost of the board and lodging, the board is required to:

- remit all or part of the charge due in respect of a pupil at a school under the board's management; or 135(3a)
- pay the whole or part of the charge, levied by the appropriate board or Board of Governors in any other case. 135(3b)

In either circumstance the proportion of the charge to be remitted or paid by the board should be as much as the board considers necessary in order to avoid hardship occurring.

58. Circular 1990/58 which specifies the arrangements for the provision by boards of grammar school boarding allowances under Article 50(3) of the Education and Libraries (NI) Order 1986 is hereby cancelled.

#### **SECTION VII - RECOVERY OF CHARGES PAYABLE BY PARENTS**

59. Any sums payable by parents in respect of 137(6)  
- the provision of an optional extra to which they had agreed;

- board and lodging for a pupil on a residential trip;
- a pupil enrolled at a Group B voluntary grammar school;
- an excepted pupil in any other grammar school;
- capital charges for a non-excepted pupil in a voluntary grammar school other than a Group B school;
- board and lodging provided for a pupil at a boarding school;

and which are not covered by remission arrangements, may be recovered either by a board or Board of Governors summarily as a civil debt.

#### **SECTION VIII - CHARGES FOR ACTIVITIES ARRANGED DURING SCHOOL HOURS BY A THIRD PARTY**

60. The law described in this circular applies only to charges made by 137(4) boards and Boards of Governors and payable by parents or the pupils themselves. It is therefore possible for a third party, to levy charges directly on parents in respect of activities for which boards and Boards of Governors may not charge.

61. Boards and Boards of Governors should carefully consider their position in the use of third party arrangements. For example when a person or an organisation other than the board or Board of Governors so

arranges an educational activity the Board of Governors and principal would need to consider whether the absence of the pupils would be justified given the need for the school to meet the statutory curriculum requirements. Similarly if there are teachers in the school who wish to participate in the activity the Board of Governors must take account of the statutory curriculum needs of the pupils remaining at school.

Consideration must also be given to determining responsibility in respect of the arrangements made to secure the safety and welfare of the children and the adequacy of insurance cover.

## **SECTION IX - VOLUNTARY CONTRIBUTIONS**

62. The restrictions on charging for school activities do not in any way prevent a board or Board of Governors from seeking voluntary contributions from parents or others for the benefit of the school or in support of any school activity, whether during or outside school hours, residential or non-residential. When such a request or invitation is made the law requires the board or Board of Governors or persons acting on their behalf, to make it clear that:

i. there is no obligation to contribute; and that 137(1)

ii. registered pupils at a school will not be treated differently according to whether or not their parents have made any contribution in response to the request. 137(2b)

63. Parents must therefore always be made aware that their unwillingness or inability to make a contribution would not result in their child being singled out for omission from the activity. However, if the activity cannot be funded without voluntary contributions, parents and other prospective benefactors should be given adequate advance warning that this is the case. In these circumstances, schools may wish to explain the nature of the proposed activity, its likely value in educational terms and the contribution required per pupil to enable the activity to take place.

When a board or school is requesting a voluntary contribution towards a particular activity the amount requested may be calculated to cover all or part of the cost and may, if so desired, include the cost of subsidising pupils from low-income families, or the cost of travel for accompanying teachers.

64. The law does not put a limit on the amount of voluntary contribution which parents or others can make for the benefit of the school or for school activities; nor does it place any restriction upon the purpose for which such contributions can be sought. Boards and Boards of Governors are free to establish their own practices on this matter and may, of course, undertake other general fund-raising activities for the benefit of the school and the education of its pupils.

## **SECTION X - GENERAL**

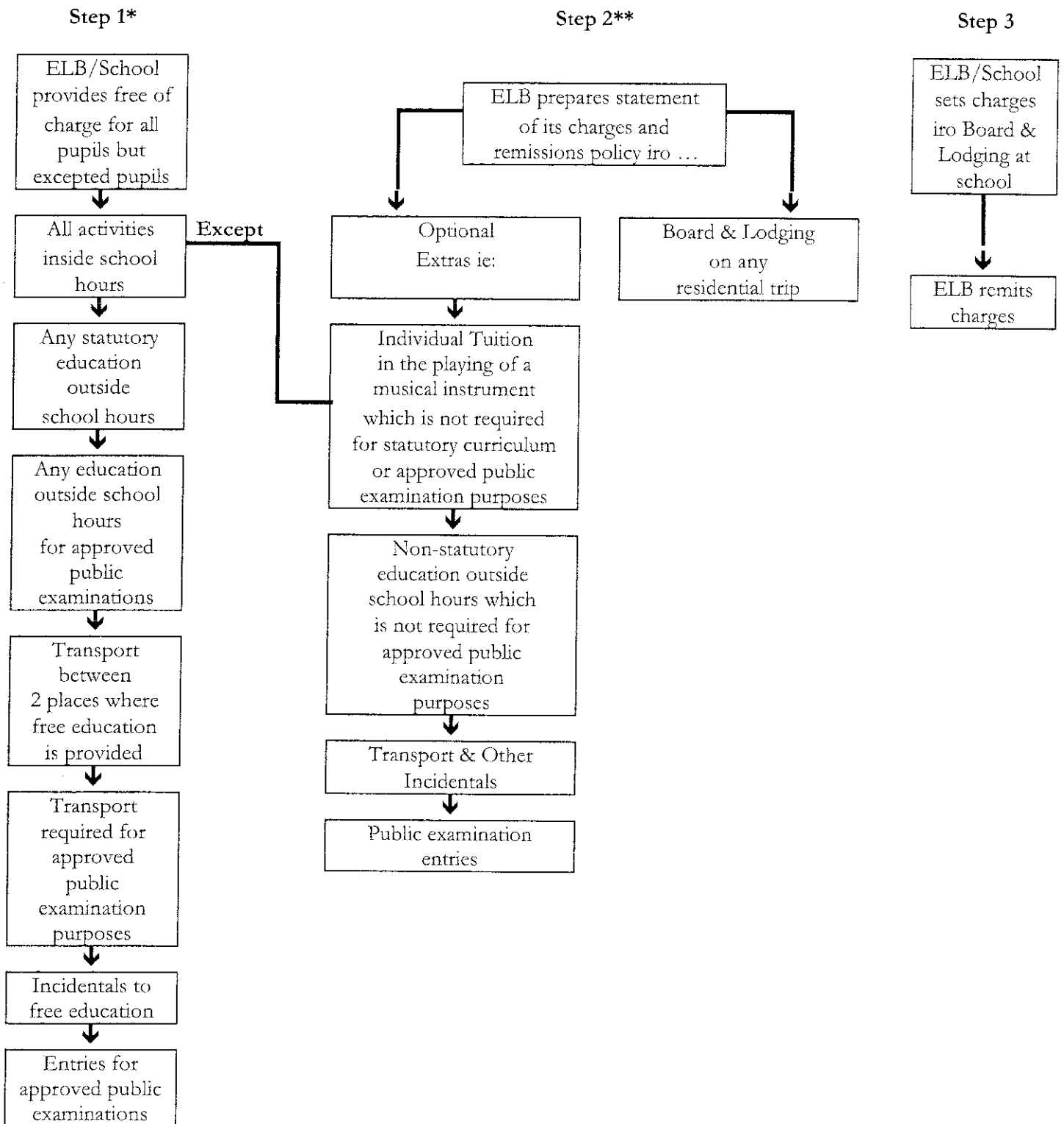
65. This circular is intended to assist boards and schools in understanding and implementing the law relating to the charges which are

normally payable by parents. However it must be emphasised that this circular is not a definitive interpretation of the law, this is a matter for the courts to determine in the light of the circumstances of each individual case. Boards and schools may therefore need to seek further administrative or professional legal advice on individual cases as the occasion demands.

66. The law described in this circular does not in any way relate to the charges payable under Article 62 of the Education Reform (NI) Order, 1989 by a person other than a school pupil or the pupil's parents for the use of a school's educational facilities and services. Guidance on these provisions is contained in the Local Management of Schools Circular 1990/20.

JS SMITH  
Assistant Secretary

## ACTION GUIDE FOR EDUCATION AND LIBRARY BOARDS (ELBs)



**NOTES:**

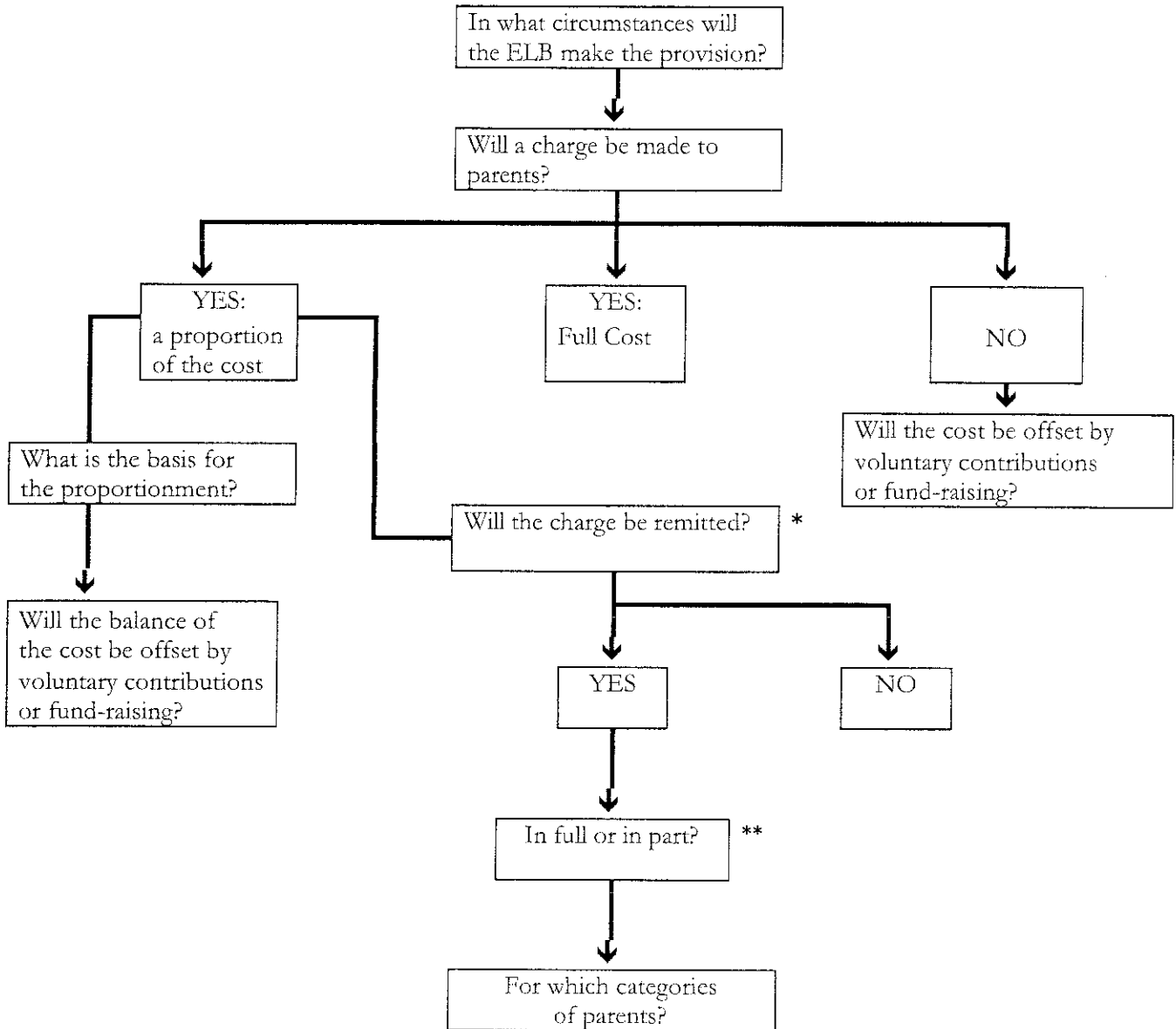
\*Responsibility for making any particular type of provision free of charge rests with the ELB or school which finances it.

\*\*Continued on next page.

## ACTION GUIDE FOR EDUCATION AND LIBRARY BOARDS (ELBs)

**STEP 2 continued**

The board's written policy statement on charges and remissions for each type of optional extra and for board and lodging on any residential trip should be determined on the following basis.

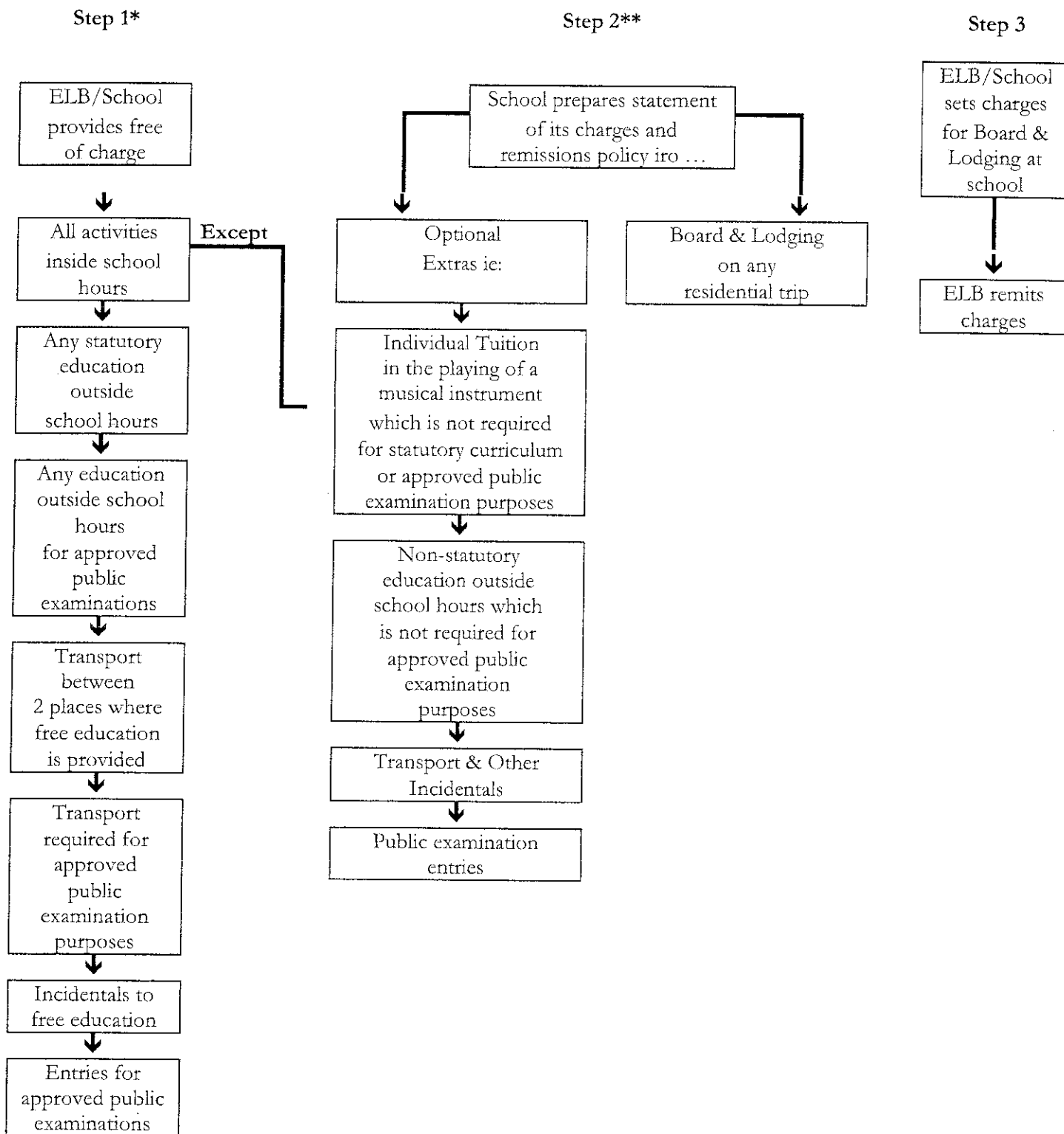


**NOTES:**

\* See statutory requirement in paragraph 43 of the circular.

\*\* Where, for example, music tuition is concerned the board might wish to remit the teaching costs but not instrument hire.

## ACTION GUIDE FOR NURSERY, PRIMARY, SECONDARY AND SPECIAL SCHOOLS



**NOTES:**

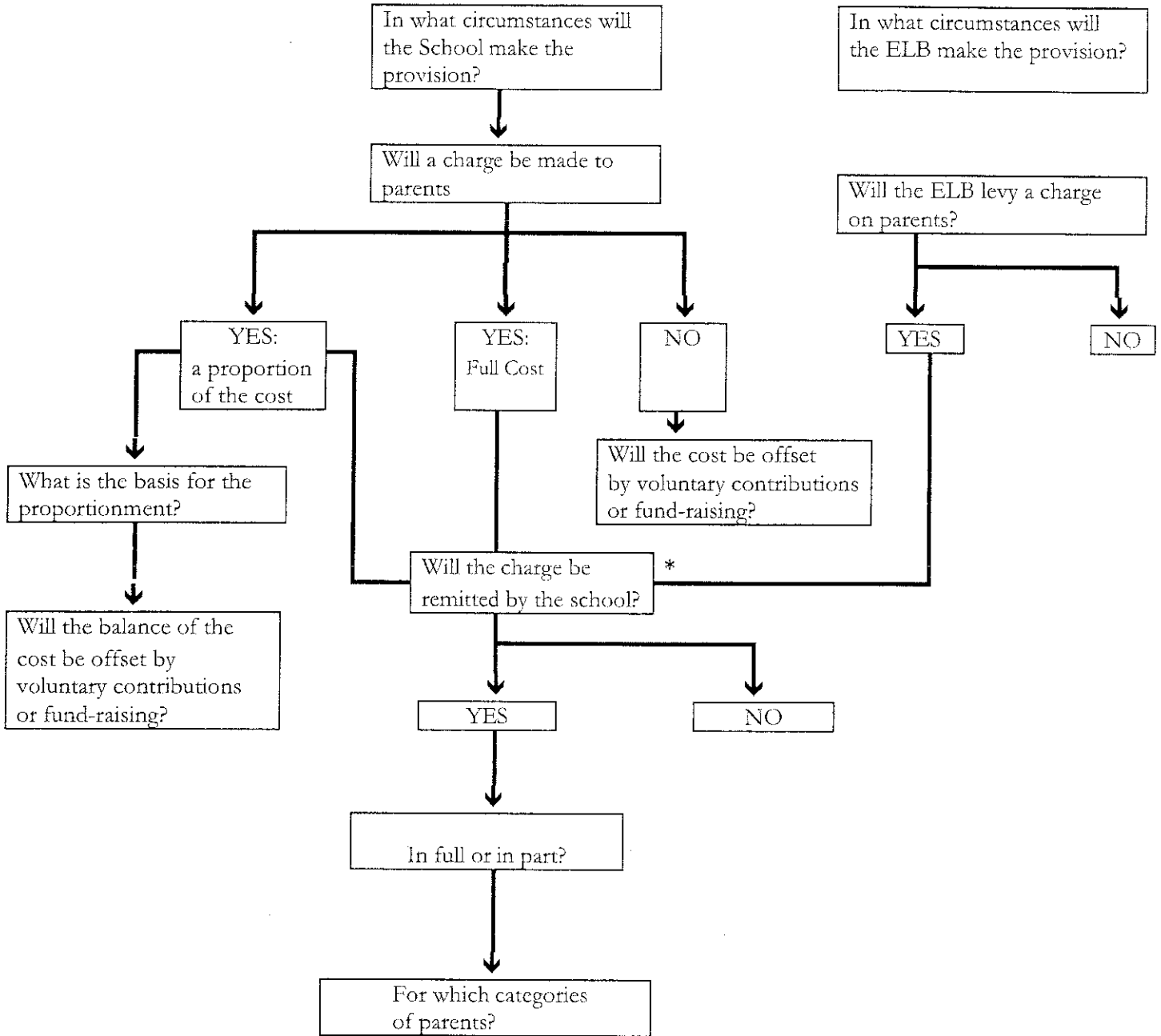
\*Responsibility for making any particular type of provision free of charge rests with the ELB or school which finances it.

\*\*Continued on next page.

## ACTION GUIDE FOR NURSERY, PRIMARY, SECONDARY AND SPECIAL SCHOOLS

**STEP 2 continued**

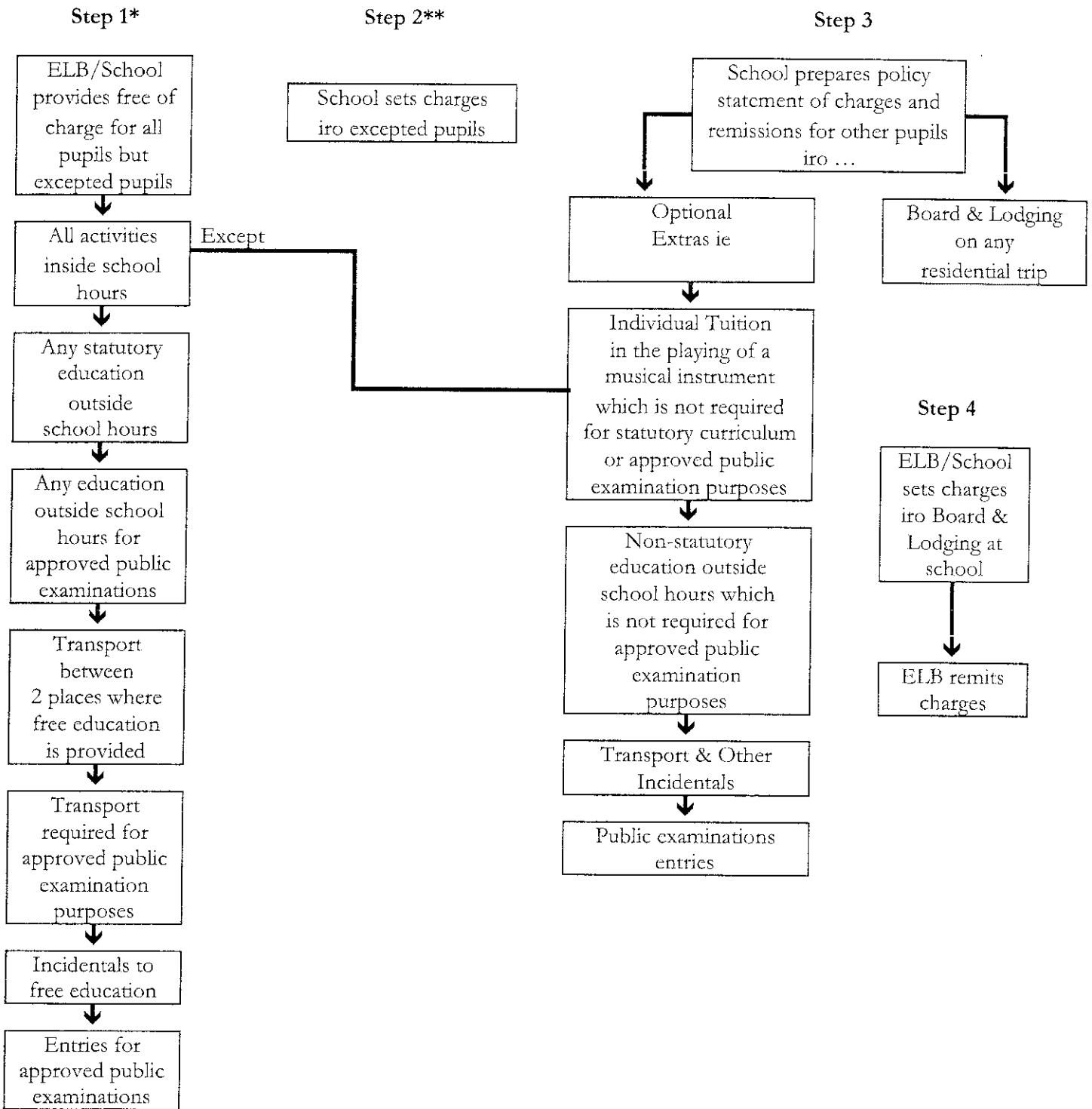
The Board of Governors' written policy statement on charges and remissions for each type of optional extra and for board and lodging on any residential trip should be determined on the following basis:-



**NOTES:**

\* See statutory requirement in paragraph 43 of the circular.

**ACTION GUIDE FOR CONTROLLED GRAMMAR AND GRANT-MAINTAINED  
INTEGRATED GRAMMAR SCHOOLS**



**NOTES:**

\*Responsibility for making any particular type of provision free of charge rests with the ELB or school which finances it.

\*\*Excludes charges for capital building works and equipment associated with new or renovated buildings.

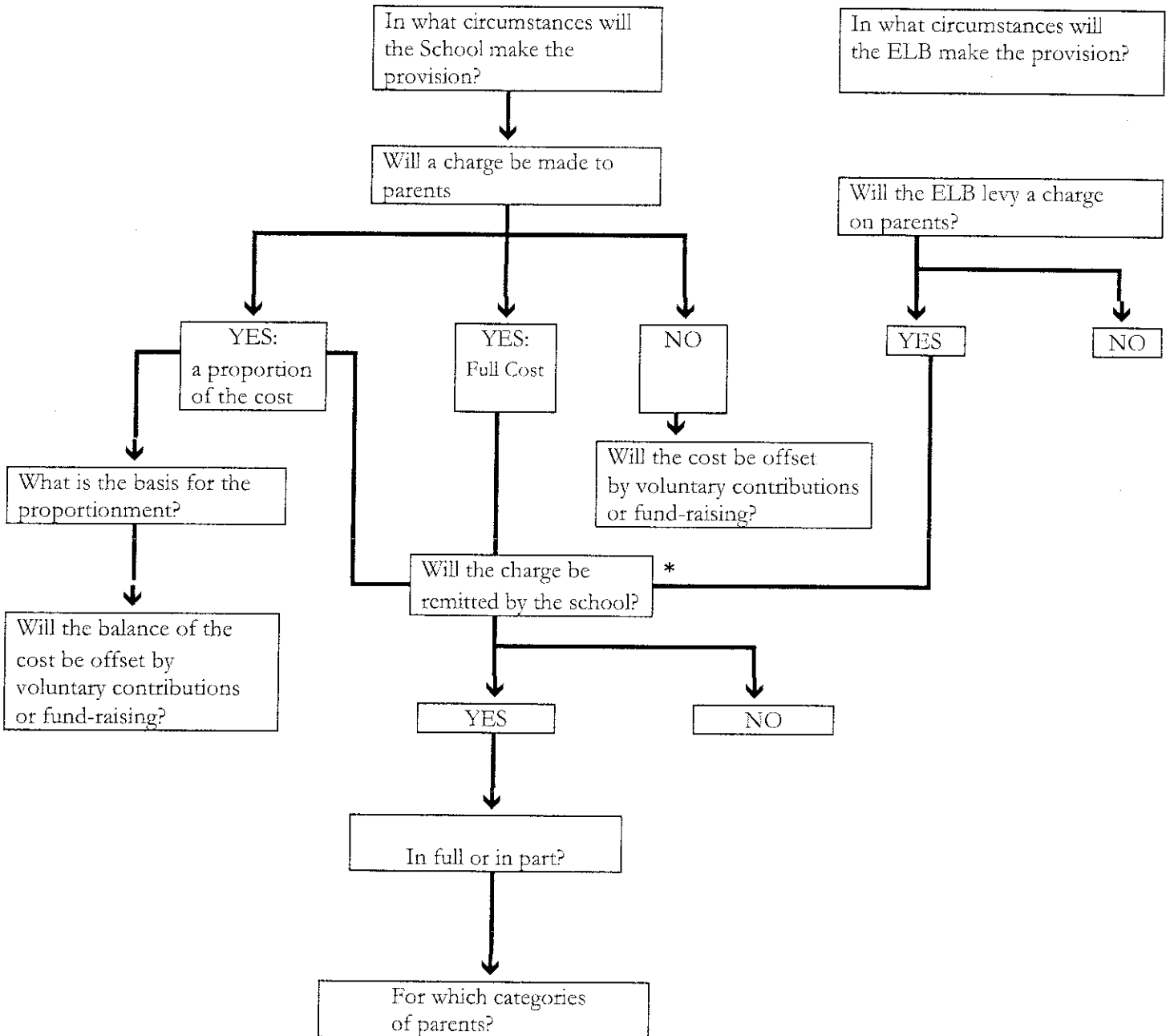
**ACTION GUIDE FOR CONTROLLED GRAMMAR AND GRANT-MAINTAINED**



## INTEGRATED GRAMMAR SCHOOLS

### STEP 3 continued

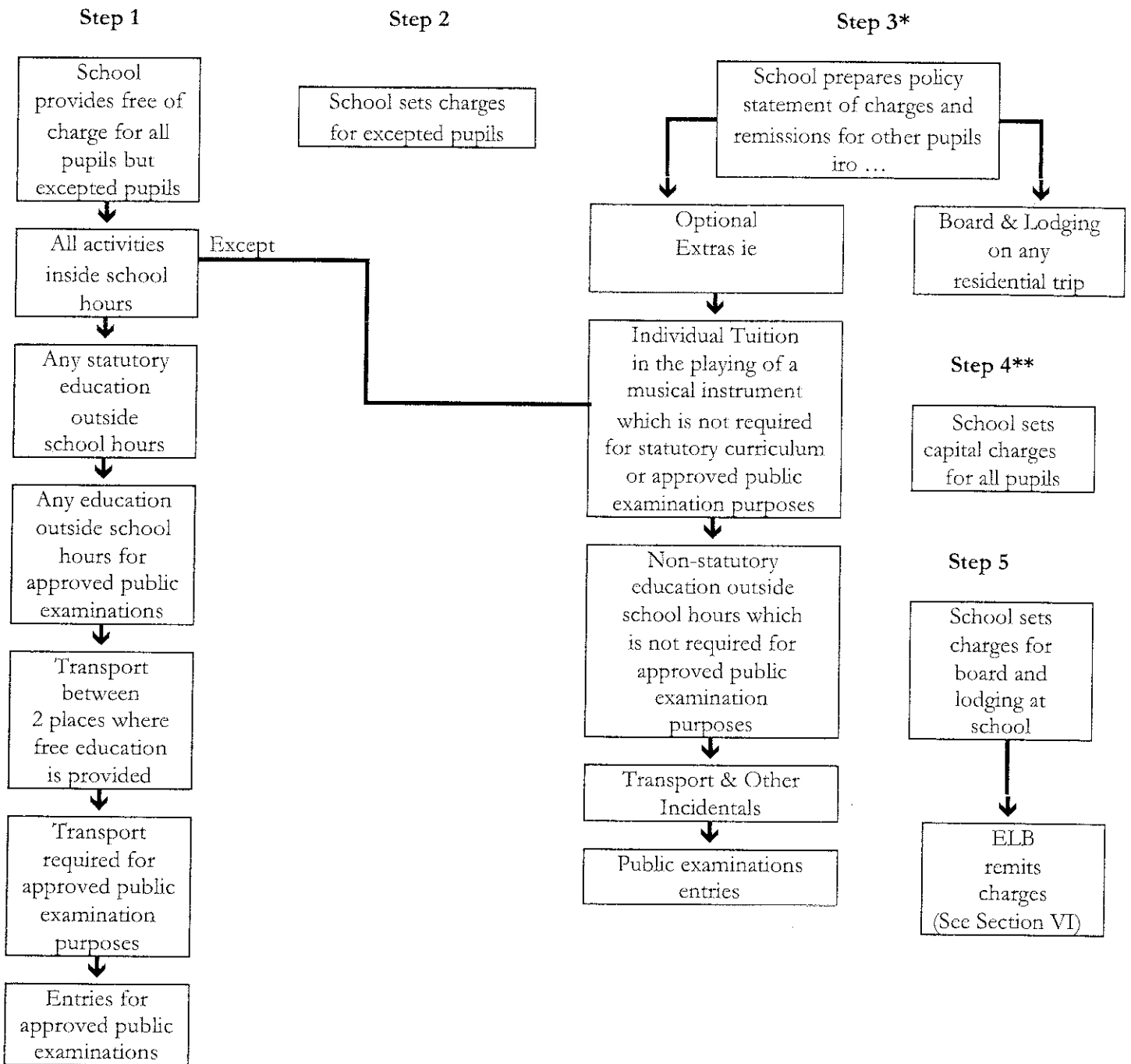
The Board of Governors' written policy statement on charges and remissions for each type of optional extra and for board and lodging on any residential trip should be determined on the following basis:-



### NOTES:

\* See statutory requirement in paragraph 43 of this circular.

**ACTION GUIDE FOR VOLUNTARY GRAMMAR (OTHER THAN GROUP B) SCHOOLS**



**NOTES:**

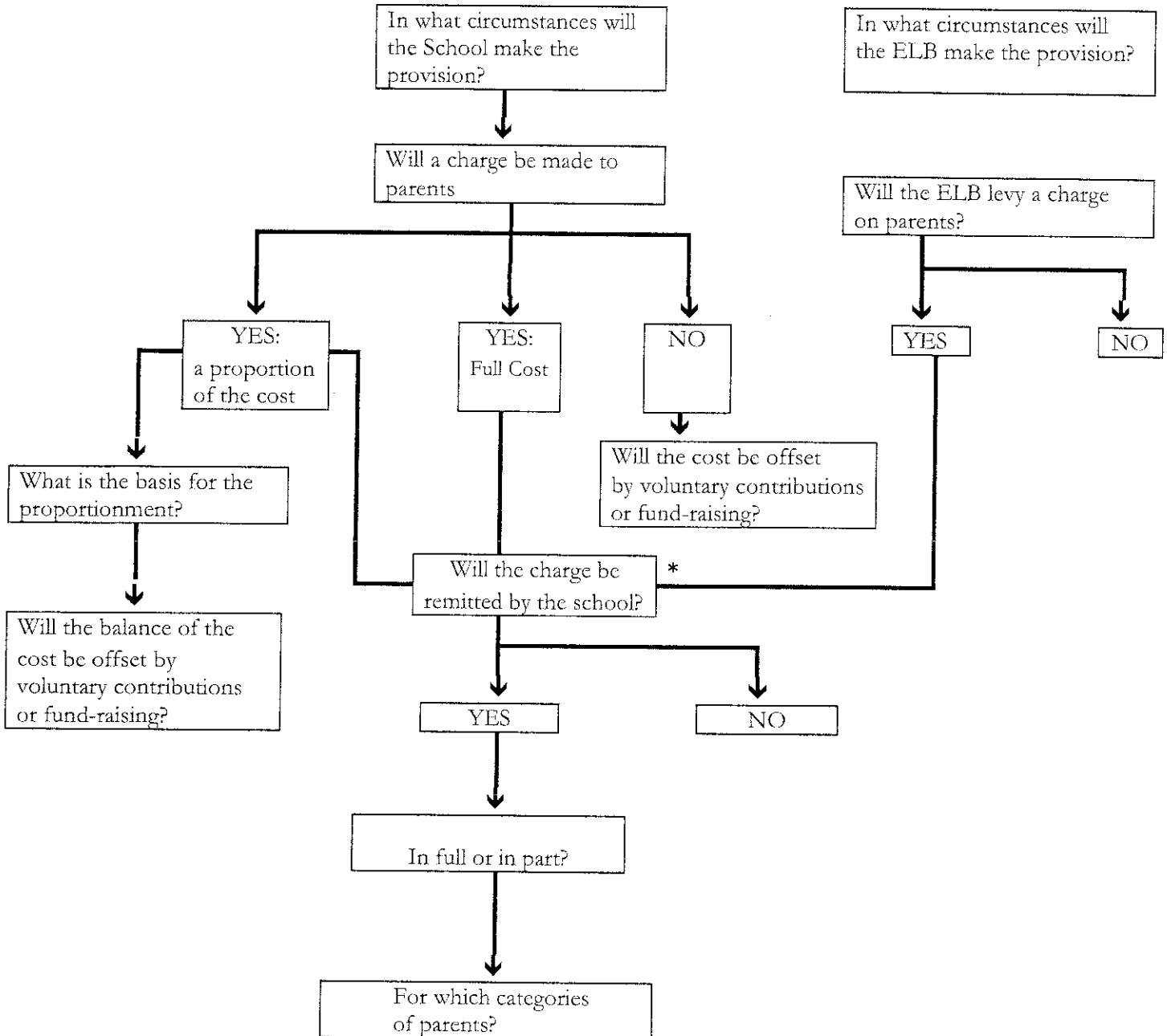
\* Continued on next page.

\*\* Subject to paragraph 54 of this circular.

## ACTION GUIDE FOR VOLUNTARY GRAMMAR (OTHER THAN GROUP B) SCHOOLS

### STEP 3 continued

The Board of Governors' written policy statement on charges and remissions for each type of optional extra and for board and lodging on a residential trip should be determined on the following basis:



#### NOTES:

\* See statutory requirement in paragraph 43 of this circular.