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STATUTORY INSTRUMENTS

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**2009 No. 1586**

**EDUCATION, ENGLAND**

The Education (Outturn Statements)  
(England) Regulations 2009

<i>Made</i>	- - - -	<i>26th June 2009</i>
<i>Laid before Parliament</i>		<i>2nd July 2009</i>
<i>Coming into force</i>	- -	<i>24th July 2009</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 52(2), (2B) and (3) and 138(7) of the School Standards and Framework Act 1998<sup>(1)</sup>.

**Citation, commencement and application**

1.—(1) The Regulations may be cited as the Education (Outturn Statements) (England) Regulations 2009 and come into force on 24th July 2009.

(2) These Regulations apply only in relation to England and only in relation to outturn statements prepared for the period prescribed in regulation 4.

**Interpretation**

2.—(1) In these Regulations—

“the 1996 Act” means the Education Act 1996<sup>(2)</sup>;

“the 1998 Act” means the School Standards and Framework Act 1998;

“the 2000 Act” means the Learning and Skills Act 2000<sup>(3)</sup>;

“the 2002 Act” means the Education Act 2002<sup>(4)</sup>;

“the 2008 Regulations” means the School Finance (England) Regulations 2008<sup>(5)</sup>;

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(1) 1998 c.31. Section 52 has been amended by section 45 of the Education Act 2002 and section 117 of, and paragraph 10 of Schedule 18 to, the Education Act 2005 (c.18). For the meaning of “prescribed” and “regulations” see section 142 of the 1998 Act.

(2) 1996 c. 56.

(3) 2000 c. 21.

(4) 2002 c. 32.

(5) S.I. 2008/228.

“the 2008 Outturn Regulations” means the Education (Outturn Statements) (England) Regulations 2008(6);

“the Budget Statements Regulations” means the Education (Budget Statements) (England) Regulations 2008(7);

a reference to “adult and community learning” is a reference to part-time education (including vocational, social, physical, recreational training and organised leisure-time occupation) provided by a LEA to persons of any age living or working in their area which is not primary education, secondary education, FE or HE(8);

an “Adult Education Programme” is a programme delivering adult and community learning;

“AEF” means aggregate external finance, which is central government revenue funding for LEAs comprising Revenue Support Grant, National Non-Domestic rates and certain specific grants;

“budget statement” means the statement referred to in section 52(1) of the 1998 Act;

“capital expenditure” means expenditure of a local authority which falls to be capitalised in accordance with proper practices, or expenditure which must be treated as capital expenditure by virtue of any regulations or directions made under section 16(2) of the Local Government Act 2003(9);

“central expenditure” means the total amount deducted by a LEA from their schools budget;

“CERA” means capital expenditure which a LEA expect to charge to a revenue account of the LEA as defined in section 22 of the Local Government Act 2003;

a reference to “community focussed extended school costs” is a reference to any costs incurred by a governing body in providing, or arranging for the provision of, services or facilities under section 27 of the 2002 Act;

a reference to “community focussed extended school facilities income” is a reference to any income of a governing body derived from charging for the provision of services or facilities under section 27 of the 2002 Act;

a reference to “community focussed extended school funding and/or grants” is a reference to any income of a governing body derived from the School Standards Grant, LSC grants or funding devolved by a LEA where the grant terms provide that monies must be spent, or the purpose of devolving such funds is, to enable the governing body to provide services or facilities under section 27 of the 2002 Act;

a reference to “community focussed extended school staff” is a reference to staff employed by, or under contract to, a governing body for the purpose of either—

- (a) providing services or facilities under section 27 of the 2002 Act, or
- (b) delivering an Adult Education Programme where the governing body manages the delivery of such a programme on behalf of the LEA;

a reference to “community focussed extended school revenue balance” is a reference to any funds paid to a governing body from any source for the purpose of providing, or arranging for the provision of, services under section 27 of the 2002 Act which remain unspent;

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(6) [S.I. 2008/1575](#).

(7) [S.I. 2008/377](#), amended by [S.I. 2009/444](#).

(8) “Primary education” is defined in section 2(1) of the 1996 Act which was substituted by section 156(2) of the 2002 Act. “Secondary education” is defined in section 2(2), (2A) and (2B) of the 1996 Act. Sub-sections (2A) and (2B) were inserted by section 110(1) of the 2000 Act and have been amended by sections 65(3), 177(1), (2)(a) and (2)(b) of the 2002 Act. “Organised leisure-time occupation” is defined in section 2(6) and (6A) of the 1996 Act. Sub-section (6A) was inserted by section 177(1) and (3) of the 2002 Act.

(9) [2003 c.26](#). Regulations made under this section are the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 ([S.I. 2003/3146](#), as amended by [S.I. 2004/534](#), [2004/2306](#), [2004/3055](#), [2006/521](#), [2007/573](#) and [2008/414](#)). “Proper practices” are defined in section 21 of that Act and regulation 31 of those Regulations.

a reference to “community services” is a reference to the income of a governing body derived from the letting of school premises to persons providing social or leisure activities for the benefit of those who live or work in the locality of the school;

the “Dedicated Schools Grant” refers to the grant of that name paid to a LEA by the Secretary of State under section 14 of the 2002 Act;

“delegated funding” means funding which a LEA allocates to schools as their budget shares for funding period 1 under section 49 of the 1998 Act(10);

“devolved funding” means funding which a LEA allocates to schools from their schools budget which does not form part of the schools’ budget shares;

“discretionary award” means an award which a LEA may bestow on persons ordinarily resident in their area in connection with attendance at education or training courses or for the purposes of conducting research under the provisions of section 2 of the Education Act 1962(11);

“Education Maintenance Allowance” means financial assistance under section 14 of the 2002 Act paid to or in respect of a person who is over compulsory school age in connection with their undertaking any course of education or training(12);

“Education Welfare Service” is a LEA service for the purpose of reducing levels of unauthorised absence from schools(13);

“FE” means further education(14);

“funding period 1” is the financial year beginning on 1st April 2008;

“governing body” means the governing body of a maintained school;

a reference to “government grants inside AEF” is a reference to the following: the Performance Standards Fund Grant; the Standards Fund – School Standards Grant (including personalisation); and the Standards Fund – Other Grant;

a reference to “government grants outside AEF” is a reference to the following: Education Maintenance Allowances; payments by the Higher Education Funding Council(15); LSC Adult and Community Learning Education; LSC Sixth Forms Grant; LSC Further Education Grant; and mandatory awards;

“HE” means higher education(16);

“ICT” means information and communication technology;

“ISB” means the individual schools budget;

“LEA” means local education authority;

“LSC” means the Learning and Skills Council for England(17);

“the LSC Adult and Community Learning Education Grant” is the sum of money paid under a grant of that name to a LEA by the LSC under section 7 of the 2000 Act;

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- (10) Section 49(4) was amended by section 215(1) of and paragraph 100(1) and (2) of Schedule 21 to the 2002 Act.
- (11) Discretionary awards are made under section 2 of the Education Act 1962. Section 2 of the Education (Fees and Awards) Act 1983 (c. 40) contains a power to make regulations about eligibility for these awards. Regulations made under this section are the Education (Fees and Awards) (England) Regulations 2007 (S.I. 2007/779 as amended by S.I. 2007/1336 and 2007/2263). Awards may also be made under section 518 of the 1996 Act. This section was substituted by section 129 of the 1998 Act.
- (12) This definition of education maintenance allowance comes from section 108(8)(a) of the Education Act 2005 (c. 18).
- (13) The functions and role of the Education Welfare Service are set out in a DfES Circular entitled “Advice and guidance to Schools and Local Authorities on managing pupil attendance” which can be found on <http://www.dfes.gov.uk/behaviourandattendance/guidance/circular1099and1199replacement/guidance.cfm>.
- (14) “Further education” is defined in section 2(3)-(5) of the 1996 Act. Sub-section (3) was amended by section 215(2) of and Part 3 of Schedule 22 to the 2002 Act, and sub-section (4) was amended by section 215(1) of and paragraph 33 of Schedule 21 to the 2002 Act.
- (15) The “Higher Education Funding Council” was established under section 62 of the Further and Higher Education Act 1992 (c.13).
- (16) “Higher education” is defined in section 579 of the 1996 Act.
- (17) The Learning and Skills Council for England was established under section 1 of the 2000 Act.

“the LSC Further Education Grant” is the sum of money paid under a grant of that name to a LEA by the LSC under section 7 of the 2000 Act;

the “LSC Sixth Forms Grant” is the sum of money paid under a grant of that name to a LEA by the LSC under section 7 of the 2000 Act;

“mandatory award” means an award which a LEA have an obligation under section 1(1) of the Education Act 1962(18), to bestow upon persons ordinarily resident in their area in respect of attendance at designated courses;

“maintained school” means a community, foundation or voluntary school, a community or foundation special school, or a maintained nursery school(19);

a reference to “music service” is a reference to expenditure by a LEA on the provision of music tuition and other activities which enable school pupils to enhance their knowledge and appreciation of music;

“nursery school” has the meaning given to this expression in section 6(1) of the 1996 Act(20);

“outturn statement” means the statement referred to in section 52(2) of the 1998 Act;

a reference to the “Performance Standards Fund Grant” is a reference to the grant of that name paid to a LEA by the Secretary of State under section 14 of the 2002 Act;

“PRC” means premature retirement costs;

“positive activities”, in relation to young people, means educational leisure-time activities and recreational leisure-time activities provided for the improvement of the well-being of persons aged 13 to 19 and certain persons aged 20 to 24 by or with the assistance of a LEA under section 507B of the 1996 Act;

a reference to “pupil focussed extended school funding and/or grants” is a reference to funds paid to a governing body for the purpose of providing, or arranging for the provision of, services or facilities under section 27 of the 2002 Act to pupils registered at the school;

a reference to “pupil support” is a reference to expenditure on a LEA’s functions under section 510 and 514 of the 1996 Act (provision of administration of clothing grants and boarding grants) and pursuant to regulations made under section 518(1)(a) of that Act(21);

“primary school” has the meaning given to this expression in section 5(1) of the 1996 Act(22);

“school” means a maintained school;

the “School Standards Grant (pupil focussed)” refers to the grant of that name paid to a LEA by the Secretary of State under section 14 of the 2002 Act;

“secondary school” has the meaning given to this expression in section 5(2) of the 1996 Act;

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(18) 1962 c. 12. This Act was repealed by the Teaching and Higher Education Act 1998 with transitional and savings provisions. The repeal does not affect the continued operation of the provisions that relate to the making of subordinate legislation. Relevant regulations made under section 1(1) are: the Education (Mandatory Awards) Regulations 2003, [SI 2003/1994](#), the Education (Mandatory Awards) (Amendment) Regulations 2004, [SI 2004/1038](#) and the Education (Mandatory Awards) (Amendment) (No. 2) Regulations 2004, [SI 2004/1792](#). These regulations describe the designated courses and the methodology for calculating grants. Regulation 8 of the Education (Mandatory Awards) Regulations 2003 modifies section 1(1) of the 1962 Act in relation to ordinary residence.

(19) This definition reflects subsection (1A) of section 45 of the 1998 Act which was inserted by paragraph 99 of Schedule 21 to the 2002 Act.

(20) Subsection (1) was amended by paragraph 11 of Schedule 7 to the Education Act 1997 (1997 c. 44) and section 156(1) of the 2002 Act.

(21) Section 510 was amended by section 140(1) and (3) and paragraph 134 of Schedule 30 to the 1998 Act and section 6(2), Sch 1, paragraphs 2 and 5 of the Education and Inspections Act 2006 (c.40). Section 514 was amended by section 140(1) and paragraph 135 of Schedule 30 to the 1998 Act. Section 518 was substituted by section 129 of the 1998 Act. Regulations made under section 518(1)(a) are the Local Education Authority (Payment of School Expenses) Regulations 1999. (S.I. 1999/1727).

(22) Section 5(1) was amended by section 215(2) of and Part 3 of Schedule 22 to the 2002 Act.

“special educational needs” (“SEN”) and “special educational provision” have the meanings given to those expressions in section 312 of the 1996 Act<sup>(23)</sup>;

“special school” has the meaning given to this expression in section 6(2) of the 1996 Act<sup>(24)</sup>; references to “Standards Fund – School Standards Grant (including personalisation)” and to “Standards Fund – Other” are references to the grants of those names paid to a LEA or a governing body by the Secretary of State under section 14 of the 2002 Act<sup>(25)</sup>;

a reference to “Standards Fund - non-devolved” is a reference to money paid to a LEA under the Standards Fund Grant which has not been devolved to schools or spent by the LEA on any class or description of expenditure prescribed for the purposes of section 45A(2) of the 1998 Act<sup>(26)</sup>;

a reference to “student support” is a reference to expenditure incurred by a LEA on assessment of eligibility for, and administration of, mandatory awards, discretionary awards and other allowances and grants paid to FE and HE students ;

a reference to “teacher development” is a reference to expenditure on Teacher and Curriculum Centres, and on the employment of staff to train teachers at those centres;

a reference to “visual and performing arts” is a reference to expenditure on activities which enable school pupils to enhance their knowledge and appreciation of visual and performing arts, other than music; and

“youth work” means a service provided by or with the assistance of a LEA under section 15B<sup>(27)</sup>, 507A or 507B<sup>(28)</sup> of the 1996 Act or section 68 of the Education and Skills Act 2008<sup>(29)</sup>.

(2) In these Regulations, unless the context otherwise requires, references to primary or secondary schools do not include special schools.

### **Revocation and saving**

3. The 2008 Outturn Regulations are revoked, but continue to apply in relation to the preparation of outturn statements for the financial year beginning on 1st April 2007.

### **Period to which an outturn statement must relate**

4. For the purposes of section 52(2) of the 1998 Act, the period prescribed in accordance with section 52(2B) is funding period 1.

### **Prescribed form of, and information to be contained in, outturn statements**

5.—(1) For the purposes of section 52(3)(a) of the 1998 Act, an outturn statement must be prepared in two parts and contain the following information prescribed for the purposes of section 52(2).

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(23) Section 312 was amended by section 57(1) of and paragraph 23(a) and (b) of Schedule 7 to the Education Act 1997 (c.44); section 140(1) and (3) and paragraph 71(a) and (b) of Schedule 30 to the 1998 Act; section 149 of and paragraphs 1 and 56 of Schedule 9 to the 2000 Act; and section 6(2) of and paragraphs 2 and 3 of Schedule 1 to the Education and Inspections Act 2006 (c. 40).

(24) Section 6(2) was amended by section 140(1) of and paragraph 60 of Schedule 30 to the 1998 Act.

(25) The Standards Fund comprises a number of different grants paid by the Secretary of State to LEAs and schools. These grants are listed in guidance which is available on <http://www.teachernet.gov.uk/management/schoolfunding/schoolfunding2008to11/specificgrants200811/>

(26) Section 45A(2) has been amended by section 101 of and paragraphs 3(1), 4(a), (b) and (5) of Schedule 16 to, the Education Act 2005 (2005 c.1386).

(27) Section 15B was inserted by paragraph 55 of Schedule 9 to the 2000 Act.

(28) Sections 507A and 507B were inserted by section 6(1) of the Education and Inspections Act 2006 (c.40).

(29) 2008 c.25.

(2) Part 1 must be in the form prescribed in Schedule 1 and contain the information specified in that Schedule with respect to—

- (a) a LEA's planned expenditure from their schools budget as specified in the budget statement prepared by the LEA in respect of funding period 1,
- (b) expenditure incurred by schools,
- (c) expenditure incurred by the LEA, or treated as having been incurred by the LEA, from their schools budget, including funds delegated or devolved to schools, and funds expended on schools and Academies directly by the LEA from central expenditure,
- (d) any other resources allocated to schools by the LEA,
- (e) other accountable resources held and expended by schools; and
- (f) expenditure on youth work by the LEA

during funding period 1.

(3) Part 2 must be in the form prescribed in Schedule 2 and contain the information specified in that Schedule in relation to each school maintained by them with respect to—

- (a) the school's planned budget share, as specified in the budget statement prepared by the LEA in respect of funding period 1,
- (b) expenditure incurred by the LEA, or treated as having been incurred by the LEA, in respect of that school,
- (c) any other resources allocated by the LEA to that school; and
- (d) other accountable resources held and expended by that school

during funding period 1.

#### **Prescribed manner and time of publication of outturn statements**

**6.—(1)** For the purposes of section 52(3)(b) of the 1998 Act, a LEA must publish the outturn statement by—

- (a) supplying a copy to the Secretary of State for Children, Schools and Families; and
- (b) making a copy available for inspection at all times free of charge—
  - (i) at each principal office of the LEA; and
  - (ii) on a website maintained by the LEA and accessible to the public.

(2) A LEA must publish their outturn statement before 25 August 2009.

(3) A LEA must revise their outturn statement where they discover any errors in that statement.

(4) Where a LEA revise their outturn statement, the revised statement must be in the form prescribed by regulation 5 and must be published in accordance with the requirements of paragraph (1).

26th June 2009

*Vernon Coaker*  
Minister of State  
Department for Children, Schools and Families

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

FORM OF PART 1 OF AN OUTTURN STATEMENT

CHILDREN, SCHOOLS AND FAMILIES DATA COLLECTION Year 2006-09 TABLE A		LA Contact Tel No	LA No	Version	Email	Completion date					
SPENDING BY SCHOOLS											
(a)		Nursery Schools £	(b)	Primary Schools £	(c)	Secondary Schools £	(d)	Special Schools £	(e)	Total £	(f)
EXPENDITURE											
1	Teaching staff (E01)										
2	Supply teaching staff (E02)										
3	TOTAL TEACHING STAFF										
4	Education Support Staff (E03)										
OTHER EMPLOYEE COSTS											
5	Premises staff (E04)										
6	Administrative & clerical staff (E05)										
7	Catering Staff (E06)										
8	Cost of other staff (E07)										
9	Indirect employee expenses (E08)										
10	Development and training (E09)										
11	Supply teacher insurance (E10)										
12	Staff related insurance (E11)										
13	TOTAL OTHER EMPLOYEE COSTS										
RUNNING EXPENSES											
14	Building maintenance and improvement (E12)										
15	Grounds maintenance and improvement (E13)										
16	Cleaning and caretaking (E14)										
17	Water and sewerage (E15)										
18	Energy (E16)										
19	Rates (E17)										
20	Other occupation costs (E18)										
21	Learning resources (not ICT) (E19)										
22	ICT learning resources (E20)										
23	Examination fees (E21)										
24	Administrative supplies (E22)										
25	Other insurance premiums (E23)										
26	Special facilities (E24)										
27	Catering supplies (E25)										
28	Agency supply teaching staff (E26)										
29	Bought-in professional services - curriculum (E27)										
30	Bought-in professional services - other (E28)										
31	Loan interest (E29)										
32	Community focussed extended school staff (E31)										
33	Community focussed extended school costs (E32)										
34	TOTAL RUNNING EXPENSES										
35	TOTAL GROSS EXPENDITURE										

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<b>FUNDING</b>					
36 Funds delegated by the LEA (I01)					
37 Funding for sixth form students (I02)					
38 SEN funding (Not for special schools) (I03)					
39 Funding for minority ethnic pupils (I04)					
40 Standards Fund (I05)					
41 Other government grants (I06)					
42 School Standards Grant (SSG) pupil focussed (I14)					
43 Pupil focussed extended school funding and/or grants (I15)					
44 Community focussed extended school funding and/or grants (I16)					
45 <b>TOTAL FUNDING</b>					
<b>INCOME</b>					
46 Other grants and payments (I07)					
47 Income from facilities and services (I08)					
48 Income from catering (I09)					
49 Receipts from supply teacher insurance claims (I10)					
50 Receipts from other insurance claims (I11)					
51 Income from contributions to visits etc (I12)					
52 Community focussed extended school facilities income (I17)					
53 <b>Total income NOT including donations and/or voluntary funds</b>					
54 Donations and/or voluntary funds (I13)					
55 <b>TOTAL INCOME INCLUDING DONATIONS AND/OR VOLUNTARY FUNDS</b>					
56 <b>SCHOOLS NET CURRENT EXPENDITURE</b>					
57 Capital Expenditure from Revenue - CERA (E30) (Schools)					
<b>BALANCES</b>					
Opening balances at 01/04/2008					
58 Committed revenue balance (B01)					
59 Uncommitted revenue balance (B02)					
60 Community focussed extended school revenue balance (B06)					
Closing balances at 31/03/2009					
61 Committed revenue balance (B01)					
62 Uncommitted revenue balance (B02)					
63 Community focussed extended school revenue balance (B06)					



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LEA BUDGET	LA CENTRAL FUNCTIONS	Training staff	Education support staff	Other employees	Special Expenses	TOTAL EXPENDITURE	Income	NET Grant Expenditure	Govt. Grants		LEA NET Revenue Expenditure	Inter-authority recoupment included in (f)	Capital Expenditure (including CERAs)	Home to school transport: Nursery	Home to school transport: Primary	Home to school transport: Secondary	Home to school transport: College/Special
									including AEP	including LSC							
	LA CENTRAL FUNCTIONS																
	General Administration																
	80 Council Administration																
	81 Teacher Development																
	84 HEFE courses run on behalf of the authority																
	85 PFC, Redundancy, Existing Early Retirement and Pension liabilities costs																
	86 SUB-TOTAL CENTRAL ADMINISTRATION (lines 82 to 86)																
	Support and Access																
	87 Pupil Support																
	88 Other support services: expenditure falling within the definition of the LEA budget																
	89 Home to school transport: SEN transport expenditure																
	90 Home to school transport: other home to school transport expenditure																
	91 Home to school transport: other home to school transport expenditure																
	92 Home to college transport: other home to college transport expenditure																
	93 SUB-TOTAL SUPPORT AND ACCESS (lines 87 to 92)																
	94 SUB-TOTAL LA CENTRAL FUNCTIONS (line 86 + line 93)																
	YOUTH AND COMMUNITY																
	Services to young people																
	96 Positive activities for young people																
	97 Positive activities for young people: funded by young people																
	97 Positive activities for young people: on Friday and Saturday nights																
	98 Youth Work																
	99 Concessions																
	100 Concessions: supplementary Mandatory awards																
	101 Other Concessions																
	102 Adult and Community Learning																
	103 SUB-TOTAL YOUTH AND COMMUNITY (lines 96 to 102)																
	104 TOTAL LA BUDGET (line 94 + line 103)																
	105 TOTAL SPENDING BY LA (inc CERAs) (Schools and LA budget) (lines 89 to 96 + line 104)																
	106 Capital Expenditure from Revenue (CERA) (LA)																
	107 Capital Expenditure from Revenue (CERA) (Youth & Community)																
	108 TOTAL LEA BUDGET (including CERAs) (line 104 + line 106 + line 107)																
	109 TOTAL EDUCATION SPENDING (including CERAs) (lines 78 and 104)																
	110 TOTAL EDUCATION SPENDING (including CERAs) (line 81 + line 109)																



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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe the form and content of, and the publication requirements for, the outturn statement of a LEA for funding period 1 (the financial year beginning 1st April 2008).