
STATUTORY INSTRUMENTS

1987 No. 359

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Block Grant (Education
Adjustments) (Wales) Regulations 1987**

<i>Made</i>	- - - -	<i>5th March 1987</i>
<i>Laid before Parliament</i>		<i>9th March 1987</i>
<i>Coming into force</i>	- -	<i>1st April 1987</i>

The Secretary of State for Wales, in exercise of the powers conferred upon him by paragraphs 2, 5, 6 and 7 of Schedule 10 to the Local Government, Planning and Land Act 1980⁽¹⁾ and after consulting in accordance with paragraph 8 of that Schedule such associations of local authorities as appeared to him to be concerned, hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as The Block Grant (Education Adjustments) (Wales) Regulations 1987.

(2) These Regulations shall come into force on 1st April 1987.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Local Government, Planning and Land Act 1980;

“authority” means a local education authority in Wales;

“financial year” means a period of 12 months ending on 31st March;

“further education”, “primary education”, “secondary education”, “registered pupil”, and “school” have the meanings assigned thereto by section 114 of the Education Act 1944⁽²⁾;

“redundancy payments” means payments under Part VI of the Employment Protection (Consolidation) Act 1978⁽³⁾;

“salary” includes employer’s superannuation and social security contributions;

(1) 1980 c. 65.

(2) 1944 c. 31.

(3) 1978 c. 44, modified in relation to certain employees by S.I.1983/1160.

“standard rates” means such standard rates at which the cost of tuition may be agreed or determined for the purposes of section 51 of the Education (No. 2) Act 1986⁽⁴⁾ or determined for the purposes of section 52 of that Act;

“travelling pupils” means pupils who have no fixed abode by reason of the nomadic way of life of their parents; and

“year” means calendar year.

(2) For the purposes of these Regulations a pupil shall be treated as not belonging to the area of any local education authority in England or Wales if he is so treated for the purposes of paragraph 5(5) of Schedule 10 to the Act by virtue of paragraph 10 of that Schedule and regulations⁽⁵⁾ from time to time in force under section 38(5) of the Education Act 1980.

Expenditure to which the Regulations apply

3.—(1) These Regulations do not apply to any expenditure from revenue in respect of capital outlay but, subject thereto, apply to expenditure incurred after 31st March 1987 being—

- (a) expenditure in connection with further education of an advanced character specified in paragraph (2) below; and
- (b) other educational expenditure specified in paragraph (3) below.

(2) The expenditure in connection with further education of an advanced character mentioned in paragraph (1)(a) above and specified hereby for the purposes of paragraph 6(3) of Schedule 10 to the Act is expenditure incurred in connection with the provision, or in assisting the provision, by an establishment of further education of any course specified in paragraph 1 of the Schedule to these Regulations, but does not include any such expenditure as is referred to in paragraph (3)(a), (b), (c), (d) or (e) below.

(3) The educational expenditure mentioned in paragraph (1)(b) above and specified hereby for the purposes of paragraph 5(3) of Schedule 10 to the Act is expenditure incurred—

- (a) by way of payments made by a local authority as compensating authority under the Colleges of Education (Compensation) Regulations 1975⁽⁶⁾;
- (b) by way of payments to teachers who, in consequence of a direction given by the Secretary of State under—
 - (i) Regulation 3(2) of the Further Education Regulations 1975⁽⁷⁾,
 - (ii) Regulation 15 of the Education (Schools and Further Education) Regulations 1981⁽⁸⁾, being a direction relating to a course for the training of teachers, or
 - (iii) Regulation 16 of the said 1981 Regulations,

have ceased to be employed in a college for the training of teachers or in a department for the training of teachers in any other establishment of further education, being payments of the amount by which the salary to which any such teacher is entitled under section 1(2) of the Teachers' Pay and Conditions Act 1987⁽⁹⁾ or by virtue of any agreement of a kind referred to in that subsection, exceeds the salary which would normally be appropriate to the post held by him;

- (c) by way of payments in respect of persons who, on or after 1st April 1981, ceased or cease to be wholly or mainly employed, either in connection with the provision at an

(4) 1986 c. 61.

(5) The Regulations currently in force are the Education (Areas to which Pupils belong) Regulations 1980 (S.I. 1980/917), amended by S.I. 1980/1862 and 1983/260.

(6) S.I. 1975/1092.

(7) S.I. 1975/1054.

(8) S.I. 1981/1086, amended by S.I. 1983/262.

(9) 1987 c. 1.

establishment of further education of any course specified in paragraph 1 of the Schedule to these Regulations, or otherwise than in such a connection at an establishment where the majority of students are engaged on such courses, being either—

- (i) redundancy payments; or
- (ii) payments made in pursuance of the Local Government (Compensation for Premature Retirement) Regulations 1982⁽¹⁰⁾, the Local Government (Compensation for Redundancy and Premature Retirement) Regulations 1984⁽¹¹⁾ or the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1985⁽¹²⁾ or of other regulations made after 5th March 1987 under section 24 of the Superannuation Act 1972⁽¹³⁾, or in pursuance of any contract or arrangement made by a local authority in the expectation that regulations providing for such payments would be made under the said section 24;
- (d) by way of payments under the Teachers (Compensation) (Advanced Further Education) Regulations 1983⁽¹⁴⁾;
- (e) in defraying expenditure attributable to the operation of the Wales Advisory Body for Local Authority Higher Education;
- (f) in making provision for the primary, secondary or further education of pupils not belonging to the area of any local education authority in England or Wales and in the payment of awards to such pupils, excluding any provision or award relating to a course specified in paragraph 1 of the Schedule to these Regulations.

Ascertainment of expenditure and provision of information

4.—(1) Every authority shall furnish to the Secretary of State, in such form as he may direct—

- (a) not later than 30th November in each financial year, an estimate of—
 - (i) the expenditure incurred by the authority in the previous financial year;
 - (ii) the expenditure likely to be so incurred in the current financial year;
 - (iii) the expenditure likely to be so incurred in the ensuing financial year;
 - (iv) if the Secretary of State so requires, the numbers for the current financial year of such categories of staff and students as he may specify; and
 - (v) if the Secretary of State so requires, the likely numbers for the ensuing financial year of such categories of staff and students as he may specify;
- (b) as soon as is practicable after the authority's accounts have been audited, an account of the expenditure incurred in the year to which the audit relates;
- (c) as soon as practicable after the end of each financial year and if the Secretary of State so requires, the actual numbers for that year of such categories of staff and students as the Secretary of State may specify.

(2) Where an authority fails to furnish any estimate of expenditure or of numbers or likely numbers in accordance with or required under paragraph (1)(a) above, the Secretary of State may himself make such estimate.

(3) For the purposes of paragraphs (1) and (2) above, expenditure means expenditure to which these Regulations apply.

⁽¹⁰⁾ S.I. 1982/1009, as amended by S.I. 1984/740.

⁽¹¹⁾ S.I. 1984/740.

⁽¹²⁾ S.I. 1985/1181.

⁽¹³⁾ 1972 c. 11.

⁽¹⁴⁾ S.I. 1983/856.

Expenditure which is to be taken into account

5.—(1) The amount of the expenditure falling within Regulation 3(1)(a) which is to be taken into account for the purpose of these Regulations in any financial year is such sum as, after consultation pursuant to paragraph 8 of Schedule 10 to the Act, may be specified by the Secretary of State in the preceding year, together with such additional sums if any as he may, after like consultation, specify before the end of the financial year in question.

(2) The amount of the expenditure falling within Regulation 3(1)(b) which is to be taken into account for the purpose of these Regulations is—

- (a) the full amount of any expenditure specified in Regulation 3(3)(c)(i), less the amount of any rebates paid to the authority under section 104 of the Employment Protection (Consolidation) Act 1978(15);
- (b) 90 per cent of any expenditure specified in Regulation 3(3)(c)(ii) or 3(3)(d);
- (c) except as provided in sub-paragraphs (d) and (e) below, 45 per cent of any expenditure specified in Regulation 3(3)(f) which is attributable to tuition costs, at standard rates;
- (d) subject to sub-paragraph (e) below, the full amount of any expenditure specified in Regulation 3(3)(f) which is attributable to tuition costs, at standard rates, in respect of the actual attendance at schools of travelling pupils;
- (e) 75 per cent of any expenditure specified in Regulation 3(3)(f) which is attributable to special provision for travelling pupils, if the amount so calculated exceeds the amount which would otherwise be taken into account under sub-paragraph (d) above;
- (f) the whole of the other expenditure specified in Regulation 3(3).

Apportionment of expenditure

6.—(1) The expenditure taken into account in pursuance of paragraph (1) or (2) of Regulation 5 shall be so apportioned among authorities that each authority's share—

- (a) of the aggregate of such expenditure as is specified in Regulations 3(2) and 3(3)(a) to (e) bears the same proportion thereto as the number of students belonging to the area of that authority attending a course to which this Regulation applies (counted in accordance with paragraph (3) below) bears to the total number of students (so counted) belonging to the area of an authority attending such a course in Wales;
- (b) of the aggregate of such expenditure as is specified in Regulation 3(3)(f) bears the same proportion thereto as the school population of the authority (ascertained in accordance with paragraph (4) below) bears to the aggregate school population of all authorities.

(2) This Regulation applies to any course specified in paragraph 1 of the Schedule to these Regulations provided at an establishment of further education maintained or assisted by an authority.

(3) For the purpose of counting under paragraph (1)(a) above the number of students belonging to the area of an authority attending a course to which this Regulation applies—

- (a) those attending a full-time course shall each be counted as 1, those attending a sandwich course shall each be counted as 0.9, those attending a part-time course wholly or partly by day shall each be counted as 0.4 and those attending a course wholly in the evening shall each be counted as 0.2;
- (b) those attending a course of less than 19 weeks duration shall not be counted;

(15) Section 104 was amended by paragraph 6(3) of Schedule 2 to the Employment Act 1982 (c. 46), and by section 27 of the Wages Act 1986 (c. 48).

- (c) a student shall be counted as belonging to the area of an authority if he would fall to be treated as belonging to that area for the purposes of section 51 of the Education (No. 2) Act 1986(16).
- (4) The school population of an authority shall be treated as the aggregate of the numbers of children who have attained the age of five years and are—
 - (a) pupils belonging to the area of the authority who are registered pupils at schools maintained or assisted by any local education authority in England and Wales or who receive education otherwise than at school in accordance with arrangements made by the authority;
 - (b) pupils not belonging to the area of any local education authority in England or Wales who are registered pupils at schools maintained or assisted by the authority; and
 - (c) pupils at other schools the fees for whose tuition are paid in full by the authority.
- (5) The data necessary for making any apportionment under this Regulation in respect of expenditure incurred or estimated as likely to be incurred in any financial year shall, for each authority, be the latest available to the Secretary of State on the 30th November preceding that financial year.

Determination of each authority's share of advanced further education expenditure

- 7. The Secretary of State shall—
 - (a) apportion among authorities any sum specified by him in respect of any financial year in accordance with Regulation 5(1) in such shares as he, after consultation with the Wales Advisory Body for Local Authority Higher Education, may determine; and
 - (b) notify each authority as soon as practicable of the amount of its share of the expenditure so determined.

Adjustment of block grant

- 8.—(1) The amount by which the block grant payable to each authority for any financial year shall be increased or decreased in pursuance of paragraph 6(2) or 5(2) of Schedule 10 to the Act shall be the amount by which the allowable expenditure of that authority within the meaning of paragraph (2) (a) or (b) below for that year exceeds or falls short of its share under Regulation 6 of the expenditure falling to be taken into account in pursuance of Regulation 5(1) or (2), as the case may be.
 - (2) For the purpose of this Regulation the allowable expenditure of each authority is—
 - (a) as regards expenditure falling within Regulation 3(1)(a) the amount determined by the Secretary of State as its apportioned share in accordance with Regulation 7(a);
 - (b) as regards expenditure falling within Regulation 3(1)(b) its expenditure which is to be taken into account in pursuance of Regulation 5(2).
 - (3) The amount by which the block grant payable to each authority for any financial year shall be increased or decreased in pursuance of paragraph 2(2) of Schedule 10 to the Act shall be ascertained by reference to the amount fixed under paragraph 1 of that Schedule (being the amount by which the Welsh block grant for that year is increased or decreased in accordance with that paragraph) and—
 - (a) where the Welsh block grant for that year is increased, shall be that proportion of the amount fixed under paragraph 1 of that Schedule as is mentioned in Regulation 6(1)(a) as it applies to that authority;
 - (b) where the Welsh block grant for that year is decreased, shall be an amount which bears the same proportion to the amount fixed under paragraph 1 of that Schedule as the number

(counted in accordance with Regulation 6(3)) of Welsh students in England belonging to the area of that authority bears to the total number (so counted) of Welsh students in England.

(4) In paragraph (3) and subject to the provisions thereof, “Welsh student in England” means a student belonging to the area of an authority attending any course specified in paragraph 1 of the Schedule to these Regulations provided in England at an establishment of further education maintained or assisted by a local education authority in England.

Time for ascertaining adjustment to block grant

9.—(1) The estimated amount of the increases and decreases of block grant which fall to be made in respect of any financial year shall be ascertained before the commencement of that year.

(2) The actual amounts of those increases and decreases shall be so ascertained as soon as is reasonably practicable after the Secretary of State has received accounts for the relevant year from all authorities under Regulation 4(1)(b).

Amendment of previous Regulations and consequential provisions

10.—(1) The Block Grant (Education Adjustments) (Wales) Regulations 1986(17), which apply to certain educational expenditure incurred after 31st March 1985 shall cease to apply to any such expenditure incurred after 31st March 1987, and Regulation 3(1) of those Regulations shall accordingly be amended by the insertion, after the words “incurred after 31st March 1985”, of the words “but before 1st April 1987”.

(2) Anything done under any provision of the Regulations specified in paragraph (1) above with reference to expenditure incurred after 31st March 1987 shall have effect as if done under the corresponding provision of these Regulations.

SCHEDULE

Regulations 3(2) and (3), 6(1) and (2) and
8(4)

ADVANCED FURTHER EDUCATION COURSES TO WHICH THE REGULATIONS APPLY

1. The courses specified in this paragraph are—
 - (a) any course for the further training of—
 - (i) teachers (other than a course leading to a qualification of the City and Guilds of London Institute), or
 - (ii) persons who are employed full-time as youth workers or community centre wardens in connection with the provision of such facilities for further education as are mentioned in section 41(b) of the Education Act 1944⁽¹⁸⁾ and who are qualified as mentioned in paragraph 2,and
 - (b) any such course as is mentioned in paragraph 3.
2. A youth worker or community centre warden shall be treated as qualified for the purpose of paragraph 1—
 - (a) if he has satisfactorily completed one of the following courses—
 - (i) a three year degree course in youth and community work provided at the University of Ulster, or a four year degree course incorporating youth and community work training provided at Brunel University;
 - (ii) a two year full-time diploma or certificate course of initial training for youth workers and/or community centre wardens provided at or sponsored by—
 - Aberdeen College of Education
 - Bradford and Ilkley Community College
 - Bulmershe College of Higher Education
 - Crewe & Alsager College of Higher Education
 - Derbyshire College of Higher Education
 - Dundee College of Education
 - Durham University
 - Goldsmiths College, London
 - Jordanhill College of Education, Glasgow
 - Leicester Polytechnic
 - Manchester Polytechnic
 - Moray House College of Education, Edinburgh
 - National Council of Young Men's Christian Associations, in association with North-East London Polytechnic
 - North-East Wales Institute
 - Sunderland Polytechnic
 - University of Ulster
 - Westhill College of Education, Birmingham;

⁽¹⁸⁾ 1944 c. 31.

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- (iii) a one year full-time course of postgraduate training for youth workers and/or community centre wardens, provided at or sponsored by—

Aberdeen College of Education

Dundee College of Education

Manchester Polytechnic

Swansea, University College (the course for the Diploma in Social and Community Education, formerly known as Diploma in Adolescent Development)

Westhill College of Education, Birmingham;

- (iv) a part-time course of training for youth workers and/or community centre wardens provided at—

Avery Hill College of Education, London

University of Ulster

National Council of Young Men's Christian Associations, in association with North-East London Polytechnic

Thames Polytechnic;

- (b) if he is a qualified teacher within the meaning given by Regulation 13 of the Education (Teachers) Regulations 1982⁽¹⁹⁾;
- (c) if he possesses a qualification which has been approved jointly by the Secretary of State for Education and Science or the Secretary of State for Wales and the Joint Negotiating Committee for Youth Workers and Community Centre Wardens;
- or
- (d) if he had been recognised on or before 1st April 1984 by the Joint Negotiating Committee for Youth Workers and Community Centre Wardens as a qualified youth worker or community centre warden.

3.—(1) The courses referred to in paragraph 1(b) are—

- (a) a post-graduate course or a course comparable to such a course;
- (b) a first degree course or a course comparable to such a course;
- (c) a course for the Diploma of Higher Education;
- (d) a course for the Higher National Diploma or Certificate (including Certificate of Supplementary Study), the Higher National Diploma or Certificate of the Business & Technician Education Council, or the Diploma in Management Studies;
- (e) a course in preparation for a professional examination of a standard above that of the examinations for the National Certificate or Diploma of the Business & Technician Education Council or the examinations at advanced level for the General Certificate of Education;
- (f) a course for the Certificate in Education;
- (g) any other course in preparation for an examination of a standard above that of the National Certificate or Diploma of the Business & Technician Education Council or the examination at the advanced level for the General Certificate of Education being a course which, disregarding exceptions made in individual cases or classes of case, may be taken only by students who have attained the age of 18 years and (subject to sub-paragraph (2)) hold—

⁽¹⁹⁾ S.I. 1982/106.

- (i) an Ordinary National Certificate, or
- (ii) the National Certificate or Diploma of the Business & Technician Education Council, or
- (iii) a General Certificate of Education recording that the student attained grade C or above in at least five subjects in the examinations at ordinary level, or
- (iv) a General Certificate of Education recording that the student passed in at least 2 subjects in the examinations at advanced level or so passed in one subject and attained grade C in at least one other subject in the examinations at ordinary level, or
- (v) a certificate or other qualification indicative of a comparable or higher level of attainment.

(2) For the purposes of sub-paragraph (1) any reference to a General Certificate of Education recording that a student attained grade C or above in a subject in the examinations at ordinary level shall be construed as including a reference—

- (a) to such a certificate recording that he attained at least grade C at ordinary level in the examinations in that subject at advanced level, and
- (b) to a Certificate of Secondary Education recording that he attained grade 1 in the examinations in that subject for that certificate.

5th March 1987

Nicholas Edwards
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for adjustment of the block grant payable to local authorities in Wales in respect of the financial year 1987/8 and subsequent years. The extent of the adjustment to be made is determined by reference to certain education expenditure of each authority during the year in question. In substance the Regulations provide for a re-allocation between authorities of this expenditure.

These Regulations supersede the Block Grant (Education Adjustments) (Wales) Regulations 1986 which cease to apply to expenditure incurred after 31st March 1987 (Regulation 10(1)). The main changes are first, that expenditure on courses for the further training of teachers leading to a qualification of the City and Guilds of London Institute is now expressly excluded from that which counts as expenditure on advanced further education (Regulation 3(2) and the Schedule to the Regulations). Secondly changes have been made to Regulation 3(3) (which specifies the various kinds of expenditure incurred by local authorities in the exercise of their functions as education authorities to which the Regulations apply) so that the Regulations no longer apply to expenditure on the in-service training of teachers, youth and community workers, educational psychologists and education advisers or inspectors or to expenditure on the training of educational psychologists. Thirdly, a change has been made to the provision relating to consultation by the Secretary of State prior to his determining, under Regulation 7, the share to which each authority is entitled, of the amount of expenditure on advanced further education specified by the Secretary of State

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under Regulation 5(1). Such consultation will in future be with the Wales Advisory Body for Local Authority Higher Education.

Information concerning expenditure to which the Regulations apply must be supplied to the Secretary of State under Regulation 4. Regulation 6 provides for the amount (determined under Regulation 5) of the total expenditure of the relevant kinds incurred by the authorities to be apportioned among individual authorities in accordance with formulae which take account respectively of the number of students belonging to the authority's area attending specified courses and the number of school children for which it provides. Provision is made for converting the numbers of students (counted in accordance with Regulation 6(3)) who attend sandwich courses or who do not attend full-time into the equivalent number of students attending full-time.

Each authority's grant is adjusted, under Regulation 8(1), by the amount by which the sum apportioned to it differs from its "allowable expenditure" (comprising the share apportioned to it by the Secretary of State under Regulation 7 and a proportion of the authority's actual education expenditure). A further adjustment is made under Regulation 8(3) if the Secretary of State has exercised powers under paragraph 1 of Schedule 10 to the Local Government, Planning and Land Act 1980 to increase or decrease the total grant payable to authorities in Wales to take account of the uneven burden of education expenditure as between authorities in England and in Wales.

The Regulations made in 1986 are amended by Regulation 10(1) so as to apply only to expenditure incurred before the 1st April 1987. Regulation 10(2) provides that anything done under the 1986 Regulations with reference to expenditure incurred after the 31st March 1987 shall have effect as if done under the corresponding provision of these Regulations.