
STATUTORY INSTRUMENTS

1990 No. 549

**The Education (Grant-maintained
Schools) (Finance) Regulations 1990**

**PART 2
GRANTS**

Determination of amount of maintenance grant

4.—(1) This regulation applies for the purpose of determining the amount of maintenance grant payable by the Secretary of State to the governing body of a school for a financial year in respect of which the former maintaining authority are required to prepare a statement under section 42 of the Act, and is subject to regulations 6, 7 and 8.

(2) Subject to paragraphs (3) and (6), the Secretary of State shall determine in relation to the financial year in question an amount which he is satisfied (on the information available to him on a date determined by him and notified by him to the former maintaining authority) is or approximates to an amount which the former maintaining authority could have determined, by the application of their allocation formula in relation to a comparable maintained school covered by their scheme, as such a school's budget share.

(3) Where it appears to the Secretary of State that, in relation to the financial year in question, such a school's budget share so determined would have been determined wholly or mainly by reference to expenditure (whether actual, estimated, notional or otherwise characterised) for the purposes of that school in a previous financial year, he may determine the amount referred to in paragraph (2)—

- (a) where the school was a grant-maintained school at any time in the previous financial year, by reference to its maintenance grant for that year, adjusted by such amount as the Secretary of State is satisfied is fair and reasonable having regard to, among other things—
 - (i) any increase or decrease in the actual or planned level of spending of the former maintaining authority in respect of the primary or secondary schools, as the case may be, maintained by them occurring during or since the end of the immediately preceding financial year, and
 - (ii) any significant change in the characteristics of the school occurring as aforesaid or which it appears to the Secretary of State will be likely to occur before the end of the financial year in relation to which grant is being determined; or
 - (b) where the school was not a grant-maintained school at any time in the previous financial year, in accordance with regulation 5(2) to (7), save that, in the definition of "relevant schools" in regulation 5(4)(c), for the reference to "section 50" there shall be substituted a reference to "section 42", and paragraphs (4) to (6) below shall not apply.
- (a) (4) (a) There shall be added to the amount determined in accordance with paragraphs (2) or (3)(a) above an amount which, in relation to that year, the Secretary of State is satisfied (on the information available to him on a date determined by him) represents that proportion of the amount described in sub-paragraph (b) below which corresponds to the proportion which the number of registered pupils at a comparable maintained primary

or secondary school, as the case may be, bears to the number of registered pupils at all primary or secondary maintained schools required to be covered by the authority's scheme, as the case may be.

For the purposes of this sub-paragraph "number of registered pupils" means, in relation to—

- (i) a comparable maintained primary or secondary school, the number determined by the Secretary of State as a number which appears to him to be or to approximate to a number of registered pupils at such a school which could under the authority's scheme be used in applying the allocation formula under the scheme for initial determination of the school's budget share for that year, and
 - (ii) all primary or secondary maintained schools required to be covered by the authority's scheme, the number which appears to the Secretary of State to be or to approximate to the aggregate of the number of registered pupils at each such primary or secondary school, as the case may be, required under the authority's scheme to be so used.
- (b) The amount referred to in sub-paragraph (a) is that part which the Secretary of State considers is attributable to primary schools (if the school is a primary school) or to secondary schools (if the school is a secondary school) of the amount remaining after deducting from the authority's general schools budget for the year—
- (i) their aggregated budget for that year;
 - (ii) the authority's planned expenditure on those heads or items specified in Schedule 3 (except to the extent that such expenditure falls within their aggregated budget);
 - (iii) the authority's planned expenditure on the provision of school meals, and
 - (iv) any amount appropriated for meeting expenditure in respect of contingencies.
- (a) (5) (a) The sum of the amounts determined in accordance with paragraphs (2) and (4) or (3)(a) and (4), as the case may be, together with such amount (if any) as appears to the Secretary of State to be an amount which the school, had it continued to be maintained by the authority, would have been eligible in accordance with the authority's scheme to receive in respect of contingencies, and an amount in respect of the provision of school meals calculated by the application of the formula in sub-paragraph (b) below shall be the amount of maintenance grant payable in respect of the school for the financial year in respect of which the determination under this regulation is made.
- (b) The formula referred to in sub-paragraph (a) above is:

$$\frac{(M \times F)}{(P)} + \frac{(S \times G)}{(B)},$$

where

M is the number of registered pupils in receipt of free school meals at the school;

F is the total of the authority's planned expenditure for the year in providing meals to pupils in receipt of free school meals at relevant schools;

P is the number of registered pupils in receipt of free school meals at relevant schools;

S is the number of registered pupils at the school who bought meals at the school on a date in the immediately preceding financial year determined by the Secretary of State;

G is the total of the authority's planned expenditure for the year on school meals, other than free school meals, at relevant schools and excluding expenditure to be met from any charges for such meals;

and B is the number of registered pupils at relevant schools who bought meals at those schools on a date in the immediately preceding financial year determined by the Secretary of State.

(c) In this paragraph—

“number of registered pupils” means the number of pupils on a school’s register on a date determined by the Secretary of State;

“planned expenditure” means the initial amount appropriated by the authority for meeting expenditure at all relevant schools; and “relevant schools” means all primary or all secondary schools maintained or formerly maintained by the authority required to be covered by a statement for the year under section 42 of the Act, according as to whether the school is a primary or secondary school.

(6) Where there is not available to the Secretary of State (on a date determined by him and notified by him to the former maintaining authority) sufficient information as will, in his opinion, allow him to determine the amounts referred to in paragraphs (2) to (5), or where precise calculation for the purpose of determining any of those amounts in his opinion would be impracticable, would not significantly affect the amount or would be disproportionately costly having regard to the complexity of the calculation and the likely effect on the amount, the Secretary of State may determine as the amount of maintenance grant payable in respect of the school for the financial year in question such amount as appears to him to be fair and reasonable in the light of the former maintaining authority’s scheme having regard to any information which is available to him.

(a) (7) (a) Subject to paragraph (8), references in this regulation to a maintained school are references to a school maintained by the former maintaining authority concerned, and references to a comparable maintained school are references to a maintained county school, any characteristics of which relevant for the purposes of any formula of a kind referred to in paragraph (2) are identical to any such characteristics of the grant-maintained school and are references (in particular) to a school—

(i) the number of registered pupils in each age group at which is identical to the number of such pupils in each age group at the grant-maintained school; and

(ii) any other factors affecting the needs of which (including in particular, the number of registered pupils at the school who have special educational needs and the nature of the special educational provision required to be made for them) are identical to any other factors affecting the needs of the grant-maintained school.

(b) For the purposes of sub-paragraph (a) above the number of registered pupils (and the number of such pupils who have special educational needs) at the grant-maintained school is that number (in each case) determined by the Secretary of State as a number which appears to him to be or to approximate to a number of registered pupils which could under the authority’s scheme have been used in applying the allocation formula under the scheme for initial determination of the school’s budget share for the financial year in question, had the school continued to be maintained by the authority.

(8) For the purposes of this regulation, it is to be assumed that there is a comparable maintained school covered by the former maintaining authority’s scheme whether or not there is in fact such a school.

(9) References in paragraph (3)(a), regulation 5(5), regulation 6(b) and regulation 8(1), to any change in the characteristics of the school include, in particular, references to any change in the number of registered pupils thereat.

5.—(1) This regulation applies for the purpose of determining the amount of maintenance grant payable by the Secretary of State to the governing body of a school for a financial year other than

one in respect of which the former maintaining authority are required to prepare a statement under section 42 of the Act, and is subject to regulations 6, 7 and 8.

(2) The Secretary of State shall determine an amount which he is satisfied represents, in relation to the financial year ending last before the incorporation date, the amount of relevant expenditure incurred by the former maintaining authority in respect of the school.

(3) The reference in paragraph (2) to relevant expenditure is a reference to the amount of expenditure incurred by the authority in that year in respect of the school on the heads or items specified in Schedule 1, but does not include any expenditure on the heads or items specified in Schedule 3.

(a) (4) (a) There shall be added to the amount so determined an amount in respect of the authority's planned expenditure on centrally provided services obtained by applying the formula in sub-paragraph (b) below.

(b) The formula referred to in sub-paragraph (a) above is:

$$\frac{(N \times E)}{(T)} + \frac{(M \times F)}{(P)} + \frac{(S \times G)}{(B)},$$

where

N is the number of registered pupils at the school;

E is the total of the authority's planned expenditure on centrally provided services for the year at relevant schools, other than planned expenditure on school meals;

T is the number of registered pupils at relevant schools; and

M, F, P, S, G and B represent the matters respectively denoted by those letters in regulation 4(5)(b).

(c) In this paragraph,

“expenditure on centrally provided services” means expenditure on the heads or items specified in Schedule 2 but excludes any expenditure on the heads or items specified in Schedule 3;

“number of registered pupils” means the number of pupils on a school's register on a date to be determined by the Secretary of State;

“planned expenditure” means the initial amount appropriated by the authority for meeting expenditure at all relevant schools; and

“relevant schools” means all primary or all secondary schools maintained or formerly maintained by the authority required to be covered by a statement for the year under section 50 of the Act, according as to whether the school is a primary or secondary school.

(5) The amount determined in accordance with paragraphs (2) and (4) may be adjusted by such amount as the Secretary of State is satisfied is fair and reasonable having regard to, among other things—

- (i) any increase or decrease in the actual or planned level of spending of the former maintaining authority in respect of the primary or secondary schools, as the case may be, maintained by them occurring during or since the end of the financial year ending last before the incorporation date, and
- (ii) any significant change in the characteristics of the school occurring as aforesaid or which it appears to the Secretary of State will be likely to occur before the end of the financial year in relation to which grant is being determined.

(6) The sum of the amounts determined in accordance with paragraphs (2) and (4) shall, subject to any adjustment made in accordance with paragraph (5), be the amount of maintenance grant payable to the governing body of the school for the financial year in respect of which the determination under this regulation is made.

(7) Where there is not available to the Secretary of State (on a date determined by him and notified by him to the former maintaining authority) sufficient information as will, in his opinion, allow him accurately to determine the amounts referred to in paragraphs (2) or (4), or both, he may determine such amount or amounts as appears or appear to him to be fair and reasonable having regard to any information which is available to him, and his determination shall have effect as if determined under paragraph (2) or (4), as the case may be.

6. Notwithstanding the provisions of regulations 4 and 5 but subject to regulations 7 and 8, the Secretary of State may, after consulting the governing body or prospective governing body (as the case may be) of the school and the former maintaining authority, determine the amount of maintenance grant payable by the Secretary of State—

- (a) to the governing body of a school for a financial year in respect of which the former maintaining authority are required to prepare a statement under section 42 of the Act in accordance with the provisions of regulation 5(2) to (7), save that, in the definition of “relevant schools” in regulation 5(4)(c), for the reference to “section 50” there shall be substituted a reference to “section 42”; or
- (b) to the governing body of a school for any financial year, by reference to the school’s maintenance grant for the immediately preceding financial year adjusted by such amount as the Secretary of State is satisfied is fair and reasonable having regard to, among other things—
 - (i) any increase or decrease in the actual or planned level of spending of the former maintaining authority in respect of the primary or secondary schools, as the case may be, maintained by them occurring during or since the end of the immediately preceding financial year;
 - (ii) any significant change in the characteristics of the school occurring as aforesaid or which it appears to the Secretary of State is likely to occur before the end of the financial year in relation to which grant is being determined, and
 - (iii) any difference between the amount of grant in respect of school meals produced by the application of the formula in regulation 4(5)(b) and the amount of such grant which would have been produced in accordance with regulation 3(4)(b) of the 1989 Regulations had that provision applied for the purpose of determining maintenance grant for the financial year in question.

Apportionment of maintenance grant

7. In the case of any school which acquires grant-maintained status otherwise than at the beginning of a financial year, the annual amount of maintenance grant payable to the governing body of the school for the first such year shall be apportioned in accordance with the following formula—

$$\frac{A \times B \times F}{C}$$

where

- A is the number of days in the financial year falling on or after the incorporation date of the school;
- B is the amount of maintenance grant determined in accordance with (as the case may be) regulation 4, 5 or 6;
- C is 365; and
- F bears the value ascribed to it in the Table below according to the incorporation date of the school—

incorporation date 1 April–31 July	F = 1.0
incorporation date 1 August–31 December	F = 1.015
incorporation date 1 January–31 March	F = 1.02.

Adjustments

8.—(1) Where—

- (a) after determining the amount of maintenance grant payable in respect of any school for any financial year (or any part of such a year) in accordance with these Regulations, it appears to the Secretary of State that, by reason of any change in the characteristics of the school or the level of spending by the former maintaining authority, or otherwise, the amount so payable should be revised, or
- (b) the Secretary of State is satisfied that his determination of the amount of maintenance grant in respect of any school for any financial year (or any part of such a year) was made in ignorance of, or was based on a mistake as to, some material fact, or was not in accordance with these Regulations,

he may redetermine the amount of such grant payable in respect of the school for that year (or any part of that year) in accordance with these Regulations and, if the amount so redetermined is different from the amount previously determined, revise his determination accordingly and give notice thereof to the governing body of the school and to the former maintaining authority.

(2) A determination which has been revised in accordance with paragraph (1) may be further revised in accordance with that paragraph and may be so further revised notwithstanding that the Secretary of State is satisfied that the revised determination was not made in accordance with these Regulations.

Requirements which may be attached to payment of maintenance grant

9.—(1) The requirement set out in paragraph 1 of Schedule 4 is specified as a requirement which may be imposed by the Secretary of State on governing bodies to whom payments of maintenance grant are or have been made.

(2) The Secretary of State may determine, for the purposes of the application of section 79(7) of the Act to such governing bodies, any requirement referred to in paragraphs 2 to 4 of Schedule 4.

Capital grants

10. The Secretary of State may pay capital grants in respect of expenditure of a capital nature of a class or description specified in Schedule 5 incurred or to be incurred by the governing body of a school.

Special purpose grants

11.—(1) The Secretary of State may pay special purpose grants in respect of expenditure of any class or description specified in Schedule 6 incurred or to be incurred by the governing body of a school—

- (a) for or in connection with the educational purposes so specified, or
- (b) in respect of any expenses so specified being expenses which it appears to the Secretary of State the governing bodies of schools cannot reasonably be expected to meet from maintenance grant.

(2) Special purpose grants may be paid on a regular basis in respect of expenditure of a recurrent kind or by reference to expenditure incurred or to be incurred on particular occasions or during any particular period.

Requirements which may be attached to payment of special purpose grants

12.—(1) The requirements set out in paragraph 1 of Schedule 4 and paragraph (2) below are specified as requirements which may be imposed by the Secretary of State on governing bodies to whom payments of special purpose grants are or have been made.

(2) The requirements referred to in paragraph (1) are—

- (a) a requirement that any such payment shall be applied for the purpose of defraying expenditure in respect of which it was made and for no other purpose; and
- (b) a requirement that such a payment shall be so applied before a date specified by the Secretary of State.

(3) The Secretary of State may determine for the purposes of the application of section 79(7) of the Act to such governing bodies as are referred to in paragraph (1)—

- (a) any requirement referred to in paragraphs 2 to 4 of Schedule 4;
- (b) any requirement formulated with a view to the Secretary of State satisfying himself that a requirement imposed in accordance with paragraph (2) is being, or has been, complied with including, in particular, requirements as to the furnishing by the governing body of audited statements relating to expenditure in respect of which the grant has been paid together with such accounts, receipts, invoices and other information as he may require in order to verify the same; and
- (c) any requirement as to the repayment, in whole or in part, of payments made to the governing body in respect of such grant if any other requirement imposed by him in accordance with this regulation subject to which the payments were made is not complied with.