
EXPLANATORY NOTE

(This note is not part of the Regulations)

The provisions of Chapter VI of Part II of the Education Act 1993 (funding of grant-maintained schools) apply, with certain modifications, to grant-maintained special schools by virtue of regulation 23 of the Education (Grant-maintained Special Schools) Regulations 1994 (as substituted by regulation 11 of the Education (Grant-maintained Special Schools) (Amendment) Regulations 1994).

These Regulations accordingly provide for the determination by the Funding Agency for Schools of amounts of maintenance grant and the payment by them of capital and special purpose grants for grant-maintained special schools situated in England which were formerly special schools maintained by local education authorities. They also prescribe the total amount recoverable by the Secretary of State under section 93 of the 1993 Act from local education authorities in respect of the maintenance grant paid to such schools (regulation 18). The Regulations apply in relation to the 1994-95 financial year.

Amounts of maintenance grant consist of the following elements—

- (a) the amount remaining unspent when the school becomes a grant-maintained special school of its budget share for the year under its former maintaining authority's scheme for the local management of schools (regulation 4);
- (b) the percentage specified in Schedule 1 of the proportion of the school's budget share for the year reflecting the period of the year for which the school is a grant-maintained special school (regulation 5);
- (c) amounts in respect of—
 - (i) the provision of school meals (regulation 6(2) and (4));
 - (ii) contingencies (regulation 6(5));
 - (iii) (where applicable) nursery education (regulation 6(6));
 - (iv) the employment of staff to make special provision for pupils belonging to ethnic minorities (regulation 6(7)); and
 - (v) (where applicable) the surplus on the school's budget share for any year whilst the school was subject to the former maintaining authority's local management scheme (regulation 7).

The Funding Agency may alternatively determine amounts of maintenance grant by reference to the amount spent by the former maintaining authority on the school in the 1993-94 financial year and the authority's planned provision for school meals for the 1994-95 financial year, adjusted for relevant changes and apportioned to reflect the period of the financial year for which the school is a grant-maintained special school (regulations 8 and 9). Where applicable, amounts for the employment of staff to make special provision for pupils belonging to ethnic minorities and the surplus on the school's budget share for any year before the school became a grant-maintained special school are to be added (regulation 10).

Determinations are to be made by reference to the information available to the Funding Agency on 1st September 1994 or another date determined by them (regulation 11). Adjustments may be made to the amount of maintenance grant determined for a school to take account of subsequent changes or to correct errors (regulation 12).

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

The kinds of capital grants which may be paid to a school are specified. These are restricted in the case of a special school established in a hospital (regulation 15 and Schedule 4). The purposes for which special purpose grants may be paid are specified (regulation 16 and Schedule 5). The Regulations also specify requirements which may be imposed by the Funding Agency on governing bodies to whom maintenance, capital or special purpose grants are paid under the Regulations (regulations 14 and 17 and Schedule 3).