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STATUTORY INSTRUMENTS

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**1996 No. 889**

**EDUCATION, ENGLAND AND WALES**

**The Education (Grant-maintained and Grant-maintained Special Schools) (Finance) Regulations 1996**

<i>Made</i>	- - - -	<i>20th March 1996</i>
<i>Laid before Parliament</i>		<i>21st March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

In exercise of the powers conferred by sections 81(2), 82, 83(1) and (2), 84(2) and (6), 94 and 301(6) of the Education Act 1993(1) the Secretary of State hereby makes the following Regulations:

**PART 1**

**GENERAL**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) Regulations 1996 and shall come into force on 1st April 1996.

(2) These Regulations apply in relation to the financial year beginning on that date.

**Interpretation.**

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

“the 1988 Act” means the Education Reform Act 1988(2);

“the 1993 Act” means the Education Act 1993;

“Central AMG” means the amount determined under regulation 8 or under that regulation as it has effect by virtue of regulation 10 or 13, as the context may require;

“Direct AMG” means the amount determined under regulation 6, 7, 12 or 19;

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(1) 1993 c. 35. Sections 81 to 95 apply to grant-maintained special schools and their governing bodies by virtue of regulation 23 of the Education (Grant-maintained Special Schools) Regulations 1994, S.I. 1994/653, as substituted by regulation 11 of the Education (Grant-maintained Special Schools) (Amendment) Regulations 1994, S.I. 1994/1231. For the meaning of “regulations” see section 305(1) of the 1993 Act.

(2) 1988 c. 40.

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*Status: This is the original version (as it was originally made).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

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“financial year in question” means the financial year beginning in 1996;

“local education authority” means—

- (a) in relation to any primary or secondary school and any financial year relating to such a school, the local education authority for the area in which the school is situated; and
- (b) in relation to any special school and any financial year relating to such a school, the local education authority by which the school was maintained immediately before it became a grant-maintained special school;

“preceding financial year” means the financial year beginning in 1995;

“pupils with statements of special educational needs” means pupils for whom statements of their special educational needs are maintained under section 168 of the 1993 Act;

“the 1995 Regulations” means the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) Regulations 1995(3);

“school”, except in Schedule 4, means a grant-maintained school situated in England the governing body of which was incorporated under Chapter II, Chapter IV pursuant to proposals published by promoters under section 49, or Chapter IX of Part II of the 1993 Act or a grant-maintained special school situated in England not being such a school established in pursuance of proposals made by the funding authority under section 183 of the 1993 Act.

(2) Expressions used in these Regulations set out in the first column of the following table shall have the meanings attributed to them by the provisions set out opposite thereto in the second column, references to regulations being references to regulations of these Regulations—

aggregated budget	section 33(4)(b) of the 1988 Act
allocation formula	section 38(2) of the 1988 Act
capital grants	section 83(1) of the 1993 Act
change in the characteristics of the school	regulation 6(13)
comparable maintained school	regulation 6(9)
date of implementation of the proposals	section 37(2) of the 1993 Act
delegated budget	section 33(6)(b) of the 1988 Act
financial year	section 305(1) of the 1993 Act
general schools budget	section 33(4)(a) of the 1988 Act
maintained school	regulation 6(9)
maintenance grant	section 81(1) of the 1993 Act
relevant authority	regulation 37(2)
relevant date	regulations 27(7) and 44(7)
relevant expenditure	regulation 16(3)
relevant percentage	regulation 8(3)
scheme	section 51(2)(a) of the 1988 Act(4)
school’s budget share	section 51(2)(b) of the 1988 Act

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(3) S.I. 1995/936; amended by S.I. 1995/1554.

(4) Section 51(2)(a) was amended by section 274(4) of the Education Act 1993.

special purpose grants

section 82(1) of the 1993 Act.

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(3) In these Regulations references to a school becoming a grant-maintained school are references to a school acquiring grant-maintained status under Chapter II, Chapter IV pursuant to proposals published under section 49 or Chapter IX of Part II of the 1993 Act or becoming a grant-maintained special school in pursuance of Part 2 of the Education (Grant-maintained Special Schools) Regulations 1994<sup>(5)</sup>.

(4) For the purposes of these Regulations, a school becomes a grant-maintained school on the date of implementation of the proposals in respect of the school under Chapter II, IV or IX of Part II of the 1993 Act.

(5) In these Regulations references to primary or secondary schools do not include such schools which are special schools.

(6) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered Part, regulation or Schedule is a reference to the Part, regulation or Schedule in these Regulations so numbered; and
- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears.

#### **Revocation and transitional provisions.**

3.—(1) The 1995 Regulations are revoked.

(2) Notwithstanding the provisions of these Regulations—

- (a) the Education (Grant-maintained Schools) (Finance) Regulations 1989<sup>(6)</sup> (“the 1989 Regulations”) shall continue to apply for the purposes of—
  - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a primary or secondary school for the financial year ending on 31st March 1990, and
  - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of a primary or secondary school in respect of that year;
- (b) the Education (Grant-maintained Schools) (Finance) Regulations 1990<sup>(7)</sup> (“the 1990 Regulations”) shall continue to apply for the purposes of—
  - (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a primary or secondary school for the financial year ending on 31st March 1991, and
  - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of a primary or secondary school in respect of that year;
- (c) the Education (Grant-maintained Schools) (Finance) Regulations 1991<sup>(8)</sup> (“the 1991 Regulations”) shall continue to apply for the purposes of—

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<sup>(5)</sup> S.I. 1994/653; amended by S.I. 1994/1231.

<sup>(6)</sup> S.I. 1989/1287.

<sup>(7)</sup> S.I. 1990/549, amended by S.I. 1990/2279, 1991/353.

<sup>(8)</sup> S.I. 1991/353.

- (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a primary or secondary school for the financial year ending on 31st March 1992, and
  - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of a primary or secondary school in respect of that year;
- (d) the Education (Grant-maintained Schools) (Finance) Regulations 1992(9) (“the 1992 Regulations”) shall continue to apply for the purposes of—
- (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a primary or secondary school for the financial year ending on 31st March 1993, and
  - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of a primary or secondary school in respect of that year;
- (e) the Education (Grant-maintained Schools) Finance Regulations 1993(10) (“the 1993 Regulations”) shall continue to apply for the purposes of—
- (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a primary or secondary school for the financial year ending on 31st March 1994, and
  - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of a primary or secondary school in respect of that year;
- (f) the Education (Grant-maintained Schools) (Finance) Regulations 1994(11) (“the 1994 Regulations”) shall continue to apply for the purposes of—
- (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a primary or secondary school for the financial year ending on 31st March 1995, and
  - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the local education authority (within the meaning of those Regulations) of a primary or secondary school in respect of that year;
- (g) the Education (Grant-maintained Special Schools) (Finance) Regulations 1994(12) (“the 1994 Special Schools Regulations”) shall continue to apply for the purposes of—
- (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a special school for the financial year ending on 31st March 1995, and
  - (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the former maintaining authority (within the meaning of those Regulations) of a special school in respect of that year;
- (h) the 1995 Regulations shall continue to apply for the purposes of—

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(9) S.I. 992/555; amended by S.I. 1992/1095.

(10) S.I. 1993/568; amended by S.I. 1993/843.

(11) S.I.1994/938.

(12) S.I. 1994/2111.

- (i) determining, apportioning and redetermining the amount of maintenance grant payable in respect of a school for the financial year ending on 31st March 1996, and
- (ii) determining (and revising) the total amount of maintenance grant which the Secretary of State may recover from the local education authority (within the meaning of those Regulations) of a school in respect of that year.

(3) Paragraph (1) is without prejudice to the continued operation after 31st March 1996 of any requirements imposed by the Secretary of State or the funding authority on a governing body to whom payments in respect of maintenance grant, capital grant and special purpose grant have been made under one or more of (as the case may be) the 1989, 1990, 1991, 1992, 1993 and 1994 Regulations, the 1994 Special Schools Regulations and the 1995 Regulations.

## PART 2

### MAINTENANCE GRANT-SCHEME REPLICATION

#### **Application of Part 2**

**4.** This Part applies for the purpose of determining the amount of maintenance grant payable in respect of—

- (a) a primary school which is not a primary school referred to in regulation 37(1)(b);
- (b) a secondary school which is not situated in the area of a relevant authority within the meaning of Part 3;
- (c) a secondary school situated in such an area which becomes a grant-maintained school after 1st April in the financial year in question; or
- (d) a special school.

#### **Determination of amount of maintenance grant.**

**5.—(1)** Subject to regulation 31 (which provides an alternative method of determining maintenance grant in certain circumstances) the amount of maintenance grant payable for the financial year in question in respect of a school whose maintenance grant falls to be determined under this Part,—

- (a) in the case of a school which becomes a grant-maintained school on or after 1st April in the financial year in question pursuant to proposals published under section 49 of the 1993 Act, shall be the aggregate of the following amounts—
  - (i) an amount (Direct AMG) determined in accordance with regulation 19,
  - (ii) an amount (Central AMG) determined in accordance with regulation 8 (or that regulation as it has effect in accordance with regulation 13 (apportionment)), and
  - (iii) an amount determined in accordance with regulation 9 (Section 11 funding), regulation 11 (as it has effect in accordance with regulation 20(1)) or regulation 20(2) (school meals), regulation 22 (contingencies) and regulation 23 (nursery education), subject, in the case of such a school which becomes a grant-maintained school after 1st April in the financial year in question, to apportionment under regulation 21; and
- (b) in any other case, subject to regulation 15 (which provides an alternative method of determining the amount of maintenance grant for such schools which became grant-maintained in the financial year in question), shall be the aggregate of the following amounts—

- (i) an amount (Direct AMG) determined in accordance with (as the case may be) regulation 6, 7 or 12,
- (ii) an amount (Central AMG) determined in accordance with regulation 8 (or that regulation as it has effect in accordance with regulation 10 (cash protection) or 13 (apportionment)),
- (iii) an amount determined in accordance with regulation 9 (Section 11 funding), regulation 11 (school meals) (or that regulation as it has effect in accordance with regulation 14 (apportionment)), regulation 22 (contingencies) and regulation 23 (nursery education), and
- (iv) (where applicable) an amount determined in accordance with regulations 24, 25 and 26 (additions or deductions representing unspent sums from previous budget shares, budget deficits from previous years and deductions from current year's budget share).

(2) Where in the opinion of the funding authority precise calculation for the purpose of determining any of the amounts referred to in paragraph (1)—

- (a) would be impracticable;
- (b) would not significantly affect the amount; or
- (c) would be disproportionately costly having regard to the complexity of the calculation and the likely effect on the amount,

paragraph (1) shall have effect as if it required the funding authority to determine as the amount of maintenance grant payable for the financial year in question such amount as appears to them to be fair and reasonable having regard in particular to the local education authority's scheme.

**Determination of Direct AMG for a complete financial year by reference to a comparable maintained school's budget share.**

6.—(1) Subject to regulation 7 (alternative method of determining Direct AMG where the school became a grant-maintained school before 1st April) and paragraph (2) below, this regulation applies in the case of a school which became a grant-maintained school on or before 1st April in the financial year in question.

(2) This regulation shall not apply in the case of a school which becomes a grant-maintained school on 1st April in the financial year in question pursuant to proposals published under section 49 of the 1993 Act.

(3) In any case to which this regulation applies, and subject to paragraph (8) and to regulation 7, the funding authority shall determine an amount which appears to them to be equal or approximate to an amount which the local education authority could have determined, by the application (subject to the following provisions of this regulation) of the allocation formula in their scheme in relation to a comparable maintained school covered by the scheme, as such a school's budget share for the financial year in question.

(4) Where—

- (a) at any time before the beginning of the financial year in question the allocation formula included a particular factor; and
- (b) the scheme has been revised, varied or replaced under section 35 of the 1988 Act<sup>(13)</sup> at any time before the relevant date in relation to the school as initially determined in accordance with regulation 27(2), and for the financial year in question—
  - (i) no such provision is included in the allocation formula, or

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(13) A new section 35 was substituted by section 274(2) of the Education Act 1993.

- (ii) the proportion of a comparable maintained school's budget share derived from the application of that provision would be less than it would have been had the scheme not been so revised, varied or replaced,

the allocation formula shall be deemed, for the purposes of determining the amount under paragraph (3), to include such provision for taking into account any such factor as it had effect immediately before the scheme was so revised, varied or replaced:

Provided that the funding authority shall add to, or subtract from, any sum derived from the application of the said provision such amount as appears to them to be fair and reasonable having regard to any increase or decrease in the actual or planned level of spending of the local education authority in respect of schools maintained by them occurring during or since the preceding financial year.

(5) Where, by or in consequence of a structural or boundary change (or both such changes) within the meaning of section 14 of the Local Government Act 1992(14), effected by an order made under section 17 of that Act, a local education authority ("the transferor authority") ceases on a particular date to exercise functions in relation to an area, paragraph (4) shall apply as if the scheme of the transferor authority had been the scheme of the authority ("the transferee authority") by which such functions are exercisable in relation to that area on and after that date and the transferee authority's scheme was a revision, variation or replacement of the transferor authority's scheme under section 35 of the 1988 Act.

(6) Where—

- (a) by the application of the allocation formula a part of a school's budget share is determined by reference to—
  - (i) an amount of expenditure attributable to each registered pupil of each relevant age or falling within each relevant age group,
  - (ii) an amount or amounts (as the case may be) of expenditure attributable to any unit of measurement adopted for any factor included in the allocation formula, or
  - (iii) the amount or amounts (as the case may be) of expenditure attributable to any other such factor; and
- (b) the proportion that any such amount is of a comparable maintained school's budget share is less in the financial year in question than it would have been in a previous financial year,

the amount or amounts of expenditure so attributable shall be deemed by the funding authority, in applying the allocation formula for the purpose of determining the amount under paragraph (3), to be the amount or amounts determined in accordance with paragraph (7).

(7) For the purposes of paragraph (6), the funding authority shall determine as the amount or amounts of expenditure so attributable for the purposes of the allocation formula the amount or amounts so attributable in such previous financial year as the funding authority shall decide, adjusted by such amount or amounts as appears or appear to them to be fair and reasonable having regard, in particular, to—

- (a) any increase or decrease in the actual or planned level of spending of the local education authority in respect of schools maintained by them occurring during or since that year; and
- (b) any significant change in the characteristics of the school occurring as aforesaid or which it appears to the funding authority will be likely to occur before the end of the financial year in question.

(8) Where a school which became a grant-maintained school pursuant to proposals published under section 49 of the 1993 Act possesses a characteristic which is relevant to its needs and the allocation formula does not include a factor which relates to that characteristic then the funding

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(14) 1992 c. 19.

authority may, after consultation with the local education authority and the governing body of the school, in determining the amount under paragraph (3) add such an amount in respect of that characteristic as appears to them to be fair and reasonable.

(9) Subject to paragraphs (10), (11) and (12), references in this Part to a maintained school are references to a school maintained by the local education authority in question, and references to a comparable maintained school are—

- (a) in the case of a primary or secondary school, references to a maintained county school, any characteristics of which relevant for the purposes of any formula of a kind referred to in paragraph (3) 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; and
- (b) in the case of a special school, references to a maintained special school any characteristics of which relevant for the purposes of any formula of a kind referred to in paragraph (3) are identical to any such characteristics of the grant-maintained special school.

(10) Where the allocation formula includes provision for taking into account the amount of any non-domestic rate payable in respect of a school, the funding authority shall, in applying the allocation formula for the purpose of determining the amount under paragraph (3), apply the provision as if the amount of the non-domestic rate payable was—

- (a) in the case of a school which was a charity before becoming a grant-maintained school, that payable in respect of a comparable maintained school which is a charity; and
- (b) in the case of a school which was not a charity before becoming a grant-maintained school, that payable in respect of a comparable maintained school which is not a charity.

(11) For the purposes of this regulation, it is to be assumed that there is a comparable maintained school covered by the local education authority's scheme whether or not there is in fact such a school; and, for the purposes of paragraph (10), it is to be further assumed that a comparable maintained school is capable of being a charity.

(12) In this regulation—

“charity” means an institution established for charitable purposes only;

“factor” means, in relation to the allocation formula, any circumstance, fact or matter affecting the needs of individual schools and subject to variation from school to school which is to be taken into account in accordance with the allocation formula; and

“relevant” in relation to “age” and “age group” means an age group separately treated in the allocation formula for the purposes of determining that part of each school's budget share which is to be determined by reference to numbers of registered pupils.

(13) References in these Regulations to any change in the characteristics of the school include, in particular, references to any change in the number of registered pupils thereat.

**Alternative method of determining Direct AMG for a complete financial year by reference to historic data.**

7.—(1) Subject to paragraph (2), in any case where the school became a grant-maintained school before 1st April in the financial year in question, the funding authority may if they think fit, and after



consulting the local education authority and the governing body of the school, instead of determining an amount under regulation 6(3), determine an amount in accordance with paragraph (3).

(2) This regulation shall not apply in the case of a school which is situated in the area of a local education authority which, by or in consequence of a structural or a boundary change (or both such changes) within the meaning of section 14 of the Local Government Act 1992, effected by an order made under section 17 of that Act, is not the local education authority which maintained it in the preceding financial year.

(3) Where the funding authority decide to determine an amount in accordance with this paragraph they shall determine an amount by—

- (a) taking the amount which was determined under regulation 6, 7, 8 or 9 of the 1995 Regulations as the amount of maintenance grant, comparable to a maintained school's budget share, payable in respect of the school for the preceding financial year; and
- (b) adjusting that amount by such amount as appears to them to be fair and reasonable having regard, in particular, to—
  - (i) any increase or decrease in the actual or planned level of spending of the local education authority in respect of the schools maintained by them occurring since that financial year; and
  - (ii) any significant change in the characteristics of the school occurring as aforesaid or which it appears to them is likely to occur before the end of the financial year in question.

#### **Determination of Central AMG.**

**8.—**(1) Subject to regulations 10 (cash protection) and 13 (apportionment), the funding authority shall determine an amount for Central AMG which is equal to the relevant percentage of the aggregate of the amount determined in respect of the school for Direct AMG and the amount referred to in paragraph (2).

(2) The amount is the amount, if any, which the funding authority estimate will be the amount of special purpose grants which they will pay to the governing body of the school in the financial year in question in respect of expenditure, being expenditure of the kind referred to in paragraph 2(a) of Schedule 7, for or in connection with the provision of education for a child who has attained the age of four years and which is provided at any time preceding his first school term starting after his fifth birthday (or, if he does not attend school, before the latest time at which he might reasonably have been expected to have begun to attend school if he had attended school).

(3) In these Regulations the relevant percentage is the percentage determined in accordance with Schedule 1.

#### **Section 11 funding.**

**9.—**(1) Subject to paragraph (2), the funding authority shall determine in respect of the period in the financial year in question during which the school is a grant-maintained school ("the period in question"), the amount, if any, which it appears to them, were the school maintained by the local education authority, could have been allocated for the purposes of the school in accordance with the authority's scheme in support of expenditure of the kind referred to in section 11 of the Local Government Act 1966(15) in respect of posts approved by the Secretary of State for the purpose of making grants in respect of such expenditure, not being expenditure expected to be offset by income received as central government grants or grant from any of the European Communities.

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(15) 1966 c. 42, as substituted by section 1(1) of the Local Government (Amendment) Act 1993 (c. 27). Section 11 is extended by section 211 of the Education Reform Act 1988 to which there are amendments not relevant to these Regulations.

(2) If no such amount as referred to in paragraph (1) could have been so allocated in respect of the period in question the funding authority shall determine—

- (a) the amount which could have been so allocated in respect of an equivalent period in the last financial year, if any, in which any amount could have been so allocated; or
- (b) if no such amount as is referred to in sub-paragraph (a) above could have been so allocated such amount as appears to them to be fair and reasonable, being not more than half of the amount of “approved expenditure” which they estimate will be incurred by the governing body of the school for the period in question.

(3) In paragraph (2)(b) “approved expenditure” means expenditure of the kind referred to in section 11 of the Local Government Act 1966 both in respect of posts and of an amount approved by the Secretary of State for the purpose of making grants in respect of such expenditure.

#### **Cash protection for Central AMG and Section 11 funding.**

**10.**—(1) Subject to paragraphs (3) and (4), paragraph (2) applies in the case of a school which became a grant-maintained school before 1st April in the financial year in question and in respect of which the amount first referred to in regulation 8(1) (determination of Central AMG) or, where the funding authority determine an amount under regulation 9 (Section 11 funding) in respect of the school, the aggregate of those amounts is less than 87.5% of the amount which was determined in respect of the school for the preceding financial year under (as the case may be) regulation 10 (amount of percentage addition) (ignoring for this purpose the effect of regulation 11 (cash protection)) or regulation 18(4) (amount of percentage addition under alternative method of determining amount of maintenance grant) of the 1995 Regulations.

(2) In any case to which this paragraph applies, regulation 8 (determination of Central AMG) shall have effect as if it required the funding authority to determine an amount equal to 87.5% of the amount which was determined in respect of the school for the preceding financial year under the aforementioned regulations of the 1995 Regulations.

(3) Paragraph (4) applies where a school, which became a grant-maintained school before 1st April in the financial year in question, is significantly enlarged, as part of proposals involving the discontinuance of another school which also became a grant-maintained school before 1st April in the financial year in question, and in respect of the first mentioned school the amount first referred to in regulation 8(1) (determination of Central AMG) or, where the funding authority determine an amount under regulation 9 (Section 11 funding) in respect of that school, the aggregate of those amounts is less than 87.5% of the amount which was determined in respect of both the schools referred to above for the preceding financial year under (as the case may be) regulation 10 (ignoring for this purpose the effect of regulation 11) or regulation 18(4) of the 1995 Regulations.

(4) In any case to which this paragraph applies, regulation 8 (determination of Central AMG) shall have effect as if it required the funding authority to determine such amount as appears to them to be fair and reasonable, being not less than the amount first referred to in regulation 8(1), or, where the funding authority determine an amount under regulation 9 (Section 11 funding) in respect of the school, the aggregate of those amounts, and not more than an amount equal to 87.5% of the amount which was determined in respect of both schools for the preceding financial year under the aforementioned regulations of the 1995 Regulations.

#### **Calculation of an amount in respect of the provision of school meals.**

**11.**—(1) Subject to regulations 14 (apportionment) and 20 (schools becoming grant-maintained in the financial year in question pursuant to proposals published under section 49 of the 1993 Act), the funding authority shall determine an amount in respect of the provision of school meals calculated by the application of the following formula—

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

where

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

F is the total of the local education authority's planned expenditure for the financial year in question 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 preceding financial year determined by the funding authority;

G is the total of the local education authority's planned expenditure for the financial year in question 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 preceding financial year determined by the funding authority.

(2) In paragraph (1)—

“number of registered pupils” means the number of pupils on a school's register on a date determined by the funding authority;

“planned expenditure” means the initial amount appropriated by the local education authority for meeting expenditure at all relevant schools excluding any such expenditure falling within their aggregated budget; and

“relevant schools” means all primary or all secondary schools or all special schools maintained or formerly maintained by the authority required to be covered by a statement for the year under section 42 of the 1988 Act<sup>(16)</sup>, according as to whether the school is a primary school, a secondary school or a special school.

### **Determination of Direct AMG for part of a financial year.**

**12.**—(1) This regulation applies in the case of a school which becomes a grant-maintained school after 1st April in the financial year in question, other than a school which does so pursuant to proposals published under section 49 of the 1993 Act (*where regulation 19 applies*).

(2) In any case to which this regulation applies the funding authority shall determine an amount in accordance with paragraph (3).

(3) The funding authority shall determine an amount which appears to them to be equal or approximate to that amount of the school's budget share for the financial year in question in respect of which, immediately before the school became grant-maintained, sums had neither been deducted by the maintaining local education authority in accordance with their scheme nor made available pursuant to section 36(2) and (3)<sup>(17)</sup> of the 1988 Act, or, if made available, had not been spent by the governing body of the school in exercise of their powers under section 36(5) of the 1988 Act.

### **Determination of Central AMG-apportionment for schools becoming grant-maintained part way through a financial year.**

**13.**—(1) This regulation applies in the case of a school which becomes a grant-maintained school after 1st April in the financial year in question.

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<sup>(16)</sup> Section 42 was amended by sections 275(1) and 307(3) of, and Schedule 21 to, the Education Act 1993.

<sup>(17)</sup> Section 36 was amended by section 12(6) of the Further and Higher Education Act 1992 (c. 13) and section 307 of, and paragraph 125 of Schedule 19 to, the Education Act 1993.

(2) Where this regulation applies, regulation 8 (determination of Central AMG) shall have effect as if it required the funding authority to determine the relevant percentage of the amount determined in accordance with the following formula—

$$\frac{(A \times J)}{365} + N,$$

where

J is the amount of the school's budget share for the financial year in question or, in the case of a school which becomes a grant-maintained school pursuant to proposals published under section 49 of the 1993 Act, the amount determined in respect of the school in accordance with regulation 19,

A is the number of days in the financial year falling on or after the date on which the school becomes a grant-maintained school, and

N is the amount referred to in regulation 8(2).

**Apportionment in respect of the provision of school meals for schools becoming grant-maintained part way through a financial year.**

**14.**—(1) This regulation applies in the case of a school which becomes a grant-maintained school after 1st April in the financial year in question other than a school which does so pursuant to proposals published under section 49 of the 1993 Act (*where regulation 20 applies*).

(2) Where, in the case of any school to which this regulation applies, the amount of maintenance grant is determined in accordance with regulation 5(1)(b), the amount of maintenance grant payable in respect of the provision of school meals determined under regulation 11 for the financial year in question shall be apportioned in accordance with the following formula—

$$\frac{(A \times C \times F)}{B},$$

where

A is the number of days in the financial year falling on or after the date on which the school becomes a grant-maintained school;

B is 365;

C is the amount determined in accordance with regulation 11 (school meals);

F bears the value ascribed to it in the table below according to the date on which the proposals in respect of the school were implemented—

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date of implementation of the proposals 1st April-31st July	F=1.0
date of implementation of the proposals 1st August-31st December	F=1.015
date of implementation of the proposals 1st January-31st March	F=1.02

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**Alternative method of determination of maintenance grant by reference to historic data for schools which become grant-maintained in the financial year in question.**

**15.**—(1) The funding authority, in the case of a school which becomes a grant-maintained school in the financial year in question, may, subject to paragraph (2), instead of making a determination

under regulation 5(1)(b), determine the amount of maintenance grant payable in respect of the school for that year in accordance with the following provisions of this regulation.

(2) This regulation shall not apply in the case of a school which is situated in the area of a local education authority which, by or in consequence of a structural or a boundary change (or both such changes) within the meaning of section 14 of the Local Government Act 1992, effected by an order made under section 17 of that Act, is not the local education authority which maintained it in the preceding financial year.

(3) In any case to which this regulation applies, the amount of maintenance grant payable in respect of the school for the financial year in question shall be the sum of the amounts determined in accordance with regulations 16(1) and 17.

(4) The funding authority shall consult the local education authority and the governing body of the school before determining the amount of maintenance grant payable in respect of the school for the financial year in question in accordance with this regulation.

**16.—**(1) The funding authority shall determine an amount which is the sum of the amounts determined in accordance with paragraphs (2), (4) and (5), subject to any adjustment made in accordance with paragraph (6).

(2) The funding authority shall determine an amount which appears to them to be equal or approximate to the amount of relevant expenditure incurred by the maintaining local education authority in respect of the school in the preceding financial year.

(3) Schedule 2 shall have effect for the purposes of determining the amount of relevant expenditure incurred by the authority in that year.

(4) The funding authority shall determine an amount which is equal to the relevant percentage of the amount determined in accordance with paragraph (2).

(5) The funding authority shall determine an amount in respect of the local education authority's planned expenditure on the provision of school meals calculated by the application of the following formula—

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

where

M, F, P, S, G and B represent the matters respectively denoted by those letters in regulation 11.

(6) The sum of the amounts determined in accordance with paragraphs (2), (4) and (5) may be adjusted by such amount as the funding authority are satisfied is fair and reasonable having regard, in particular, to—

- (a) any increase or decrease in the actual or planned level of spending of the local education authority in respect of the schools maintained by them occurring during or since the end of the preceding financial year; and
- (b) any significant change in the characteristics of the school occurring as aforesaid or which it appears to the funding authority will be likely to occur before the end of the financial year in question.

**17.** The funding authority shall determine—

- (a) an amount equal to the amount which would have been determined in respect of the school in accordance with regulations 24, 25 and 26 (additions or deductions representing unspent sums from previous budget shares, budget deficits from previous years and deductions from current year's budget share) if the amount of maintenance grant for the school were to be determined under regulation 5(1)(b); and

- (b) where, if the amount of maintenance grant for the school were to be so determined, an amount would have been determined in respect of the school in accordance with regulation 9 (Section 11 funding), that amount.

**Apportionment of maintenance grant determined by reference to historic data for schools which become grant-maintained after 1st April in the financial year in question.**

18. Where in the case of a school which becomes a grant-maintained school after 1st April in the financial year in question the amount of maintenance grant is determined in accordance with regulation 15 (which provides for the determination of the amount of maintenance grant by an alternative method to that provided for in regulation 5(1)(b)), the amount of maintenance grant payable in respect of the school for the financial year in question shall be apportioned in accordance with the following formula—

$$\frac{(A \times C \times I)}{B} + G,$$

where

C is the amount determined in respect of the school in accordance with regulation 16(1);

G is the amount or amounts determined in respect of the school in accordance with regulation 17; and

A, B, and F represent the matters respectively denoted by those letters in regulation 14(2) (apportionment of provision for school meals).

**Determination of Direct AMG for a school which becomes grant-maintained in the financial year in question pursuant to proposals published under section 49 of the 1993 Act.**

19.—(1) This regulation applies in the case of a school which becomes a grant-maintained school on or after 1st April in the financial year in question pursuant to proposals published under section 49 of the 1993 Act.

(2) Subject to paragraph (3), in any case to which this regulation applies, the funding authority shall determine an amount (Direct AMG) which appears to them to be equal or approximate to an amount which the local education authority could have determined, by the application (subject to the following provisions of this regulation) of the allocation formula in their scheme in relation to a comparable maintained school covered by the scheme, as such a school's budget share for the complete financial year in question.

(3) Where the allocation formula determines a part of a school's budget share by reference to the number of registered pupils at the school on a date or dates which are before the date on which the school became a grant-maintained school, the funding authority may in determining the number of registered pupils at the school for the purposes of paragraph (2) substitute for that date or dates a date or dates in the first school term during which the school was a grant-maintained school.

(4) Paragraphs (4), (5), (8), (10), (11) and (12) of regulation 6 (allocation formula) shall also apply to this regulation.

**Determination of an amount in respect of the provision of school meals for a school which becomes grant-maintained in the financial year in question pursuant to proposals published under section 49 of the 1993 Act.**

20.—(1) In the case of a school which becomes a grant-maintained school on or after 1st April in the financial year in question pursuant to proposals published under section 49 of the 1993 Act, the formula in regulation 11 (school meals) shall apply but "S" shall be the number of registered pupils

at the school who bought meals at the school on a date in the financial year in question (which may be no later than a date in the second term of the school year) determined by the funding authority.

(2) Without prejudice to regulation 28 (adjustments), until such time as the funding authority are able to determine an amount by the application of the formula in regulation 11, as modified by this regulation, having regard to the date determined by them for the purposes of “S”, the funding authority shall determine such amount (“the estimated amount”) in respect of the provision of school meals as appears to them to be fair and reasonable and if the amount subsequently determined in accordance with the said formula is different from the estimated amount, they may revise their determination accordingly (whether or not this reduces the amount of maintenance grant payable in respect of the school for the financial year in question).

**Apportionment of maintenance grant determined under regulation 5(1)(a) for a school which becomes grant-maintained pursuant to proposals published under section 49 of the 1993 Act.**

**21.** The amount of maintenance grant payable for the financial year in question in respect of a school which becomes a grant-maintained school after 1st April in the financial year in question, pursuant to proposals published under section 49 of the 1993 Act, shall be the amount determined in accordance with regulation 5(1)(a) apportioned in accordance with the following formula—

$$\frac{(A \times C \times F)}{(B)} + \frac{(A \times D)}{(B)} + E,$$

where

A, B and F represent the matters respectively denoted by those letters in regulation 14(2) (apportionment of provision for school meals);

C is the amount determined in accordance with regulation 11 (as it has effect in accordance with regulation 20(1)) or regulation 20(2) (school meals);

D is the sum of the amounts determined in accordance with regulation 19 (Direct AMG); and

E is the amount determined in accordance with regulation 8 or that regulation as it has effect in accordance with regulation 13 (apportionment) (Central AMG), regulation 9 (Section 11 funding), regulation 22 (contingencies) and regulation 23 (nursery education).

**Contingencies.**

**22.** The funding authority shall determine the amount which it appears to them, were the school maintained by the local education authority, could have been allocated for the purposes of the school in accordance with the authority’s scheme in respect of contingencies.

**Nursery Education.**

**23.—**(1) Subject to paragraph (2), in cases where the school provides education for junior pupils who have not attained the age of five years, the funding authority shall determine an amount in respect of such provision which they are satisfied is fair and reasonable having regard in particular to the extent to which, in their opinion, the cost of such provision ought to be met from the amount determined in accordance with (as the case may be) regulation 6, 12 or 19 (Direct AMG).

(2) This regulation shall not apply to such education where, were the school maintained by a local education authority, grant would be payable in pursuance of the Education (Grants for Education Support and Training: Nursery Education) (England) Regulations 1996(18) in respect of expenditure

incurred or to be incurred on or in connection with its provision (grants payable to certain local education authorities in connection with vouchers for nursery education).

**Determination of an amount representing the unspent sum of a previous financial year's budget share.**

**24.**—(1) This regulation applies in the case of a school which becomes a grant-maintained school on or after 1st April in the financial year in question.

(2) In any case to which this regulation applies the amounts to be added together for the purpose of determining the amount of maintenance grant payable in respect of the school under regulation 5(1)(b) shall include an amount determined in accordance with paragraph (3).

(3) The funding authority shall determine the amount which appears to them to be equal or approximate to that amount of the school's budget share for any financial year prior to the financial year in question in respect of which sums had neither been deducted by the maintaining local education authority in accordance with their scheme nor made available pursuant to section 36(2) or (3) of the 1988 Act, or, if made available, had not been spent by the governing body in exercise of their powers under section 36(5) of that Act.

**Determination of an amount in respect of a budget deficit in previous financial years.**

**25.**—(1) This regulation applies in the case of a school which becomes a grant-maintained school between 1st April 1995 and 1st April 1996 inclusive.

(2) In any case to which this regulation applies the amounts to be added together for the purpose of determining the amount of maintenance grant payable in respect of the school under regulation 5(1)(b) shall have deducted from them an amount determined in accordance with paragraph (3).

(3) The funding authority, having consulted the former maintaining local education authority and the governing body of the school, shall determine such amount, if any, as appears to them to be fair and reasonable, in respect of any deficit incurred by the school in respect of its budget share in any previous financial year, having regard, in particular, to the following matters—

- (a) the existence and the terms of any agreement in writing between the then governing body of the school and the maintaining local education authority regarding the repayment of such deficit;
- (b) the existence in the maintaining local education authority's scheme of provision permitting schools to anticipate their budget shares for the following year in order to finance planned items of expenditure;
- (c) evidence that the maintaining local education authority took steps to reduce schools' budget shares where deficits have occurred and did not allow schools to carry over deficits from one year to the other with no planned reduction; and
- (d) the amount, if any, previously determined in respect of the school by the funding authority in accordance with regulation 15(3), 16(3) or 30(10) of the 1995 Regulations.

**Determination of an amount in respect of sums deducted from a school's budget share.**

**26.**—(1) This regulation applies in the case of a school which becomes a grant-maintained school after 1st April in the financial year in question.

(2) In any case to which this regulation applies the amounts to be added together for the purpose of determining the amount of maintenance grant payable in respect of the school under regulation 5(1)(b) shall include an amount determined in accordance with paragraph (3).

(3) The funding authority, having consulted the former maintaining local education authority and the governing body of the school, shall determine such amount, if any, as appears to them to be fair



and reasonable, being all or part of any sum deducted from the school's budget share for the financial year in question by the maintaining local education authority in respect of any deficit incurred by the school in respect of its budget share in any previous financial year, having regard, in particular, to the following matters—

- (a) the existence and the terms of any agreement in writing between the then governing body of the school and the maintaining local education authority regarding the repayment of such deficit;
- (b) the existence in the maintaining local education authority's scheme of provision permitting schools to anticipate their budget shares for the following year in order to finance planned items of expenditure; and
- (c) evidence that the maintaining local education authority took steps to reduce schools' budget shares where deficits have occurred and did not allow schools to carry over deficits from one year to the other with no planned reduction.

**Relevant date.**

27.—(1) Subject to regulation 35 (relevant date for the purposes of a redetermination of the amount of maintenance grant), any amount required to be determined by the funding authority under this Part shall be determined on the information available to them on the relevant date.

(2) In paragraph (1), the relevant date is such date as the funding authority may determine and different dates may be determined for different cases or classes of case.

(3) The funding authority may, in any case where they consider it appropriate to do so, redetermine the relevant date.

(4) Where—

- (a) the funding authority determine the relevant date, in respect of any school for the financial year in question, in accordance with paragraph (2); or
- (b) they redetermine the relevant date in accordance with paragraph (3),

they shall notify the governing body of the school and the local education authority in writing of that fact.

(5) Where there is not available to the funding authority on the relevant date sufficient information as will, in their opinion, allow them to determine any amount referred to in paragraph (1) they may determine the amount of maintenance grant payable in respect of the school on such basis as appears to them to be fair and reasonable having regard to the information available to them on the relevant date.

(6) The funding authority shall not take into account any information made available to them after the relevant date (but before the date of their determination) for the purposes of determining the amount of maintenance grant payable in respect of a school for the financial year in question.

(7) References in this Part to the relevant date are references to the date referred to in paragraph (2) unless the relevant date has been redetermined in accordance with paragraph (3) in which case it is a reference to that date as redetermined.

**Adjustments.**

28.—(1) Without prejudice to paragraph (5) but subject to regulation 34 (transfer of site), this paragraph applies where—

- (a) after determining the amount of maintenance grant payable in respect of any school for the financial year in question in accordance with this Part it appears to the funding authority that, by reason of—

- (i) any change in the characteristics of the school,
- (ii) any change in the level of spending by the local education authority,
- (iii) any other change affecting the needs of the school, or
- (iv) the level of spending by the local education authority on any matter included in accordance with regulation 4(a) of the Education (School Financial Statements) (Prescribed Particulars etc.) Regulations 1995(19) in Part 1 of the authority's statement prepared under section 42(6) of the 1988 Act for the financial year beginning in 1995 exceeding the planned level of spending on that matter included in accordance with Schedule 1 to those Regulations in Part 1 of the authority's statement prepared under section 42(3) of that Act for that year,

the amount so payable should be revised; or

- (b) the funding authority are satisfied that their determination of the amount of maintenance grant payable in respect of any school for the financial year in question was made in ignorance of, or was based on a mistake as to, some material fact, or was not in accordance with these Regulations.

(2) In any case to which paragraph (1) applies, the funding authority may redetermine the amount of maintenance grant payable in respect of the school for that year in accordance with these Regulations and, if the amount so redetermined is different from the amount previously determined, revise their determination accordingly.

(3) Subject to paragraph (4), paragraph (2) shall not enable the funding authority to revise their determination of maintenance grant so as to reduce the amount of grant payable in respect of the school concerned for the financial year in question.

(4) The funding authority may revise their determination of maintenance grant so as to reduce the amount payable where—

- (a) that determination was made in ignorance of, or was based on a mistake as to, some material fact; and
- (b) such ignorance or mistake was not attributable to an act or omission of the local education authority.

(5) Where it appears to the funding authority that, by reason of any extraordinary circumstances, the amount of maintenance grant determined in respect of a school for the financial year in question is insufficient to enable the governing body of the school adequately to carry out their functions with respect to the conduct of the school, they may redetermine the amount of maintenance grant payable in respect of the school for that year in accordance with paragraph (6), and revise their determination accordingly.

(6) Where the funding authority decide to redetermine the amount of maintenance grant by virtue of paragraph (5), they shall redetermine that amount by adding to it such amount as appears to them to be necessary for the purpose of enabling the governing body adequately to carry out their functions with respect to the conduct of the school.

### **Schools with wide age ranges.**

**29.**—(1) This regulation applies in the case of a primary or secondary school which provides full-time education suitable to the requirements of pupils within an age range which spans from between 5 and 7 years of age inclusive to between 16 and 18 years of age inclusive.

(2) Where it appears to the funding authority that the amount of maintenance grant determined in respect of a school to which this regulation applies for the financial year in question is insufficient

because of the nature of such a school to enable the governing body of the school adequately to carry out their functions with respect to the conduct of the school, they may, after consultation with the local education authority and the governing body of the school, redetermine the amount of maintenance grant payable in respect of the school for the year and revise their determination by adding such amount as appears to them to be fair and reasonable for the purpose of enabling the governing body adequately to carry out their functions with respect to the conduct of the school.

**Schools situated in the area of a local education authority which is not the area of the former maintaining authority.**

**30.**—(1) Subject to paragraph (2), where a primary or secondary school is situated in the area of a local education authority which is not the area of the local education authority which maintained it immediately before it became a grant-maintained school, the funding authority may redetermine the amount of maintenance grant payable in respect of the school for the year and revise their determination by adding to or deducting from the amount so determined such sum as, having consulted the local education authority and the governing body of the school, appears to them to be fair and reasonable in all the circumstances having regard in particular to the differences between the scheme of the former maintaining local education authority and the scheme of the local education authority in whose area the school is situated.

(2) Paragraph (1) shall not apply where the circumstances referred to in that paragraph exist only by or in consequence of a structural or a boundary change (or both such changes) within the meaning of section 14 of the Local Government Act 1992(20) effected by an order made under section 17 of that Act.

**Late supply of budget statements.**

**31.**—(1) Notwithstanding the provisions of regulation 5, the funding authority may—

- (a) in the case of a school which is situated in the area of a local education authority ('the transferee authority') which, by or in consequence only of a structural or a boundary change (or both such changes) within the meaning of section 14 of the Local Government Act 1992, effected by an order made under section 17 of that Act, is not the local education authority which maintained it in the preceding financial year; and
- (b) that transferee authority has not supplied a copy of the statement referred to in section 42(3) of the 1988 Act ('the budget statement') to the funding authority by 1st April 1996,

then the funding authority shall, subject to paragraph (2), determine as the amount of maintenance grant payable for the financial year in question in respect of such school such amount as appears to them to be fair and reasonable in all the circumstances.

(2) If the budget statement is supplied to the funding authority by 1st May 1996 then the funding authority shall redetermine the amount of maintenance grant payable in respect of the school for that year in accordance with these Regulations (other than in accordance with paragraph (1) above) and, if the amount so redetermined is different from the amount previously determined, revise their determination accordingly (whether or not this reduces the amount of maintenance grant payable in respect of the school concerned for the financial year in question).

**Notice of revisions to the governing body and the local education authority.**

**32.** Where in accordance with regulation 20 (redetermination of school meals), 28 (adjustments), 29 (schools with wide age ranges), 30 (schools situated in the area of a local education authority which is not the area of the former maintaining authority) or 31(2) (late supply of budget statements) the funding authority revise the amount of maintenance grant payable in respect of any school for

the financial year in question they shall give notice thereof to the local education authority and to the governing body of the school.

**Further revisions.**

**33.** A determination which has been revised in accordance with regulation 28, 29 or 30 may be further revised in accordance with those regulations and may be so further revised notwithstanding that the funding authority are satisfied that the revised determination was not made in accordance with these Regulations.

**Transfer of site.**

**34.—(1)** Where, after the funding authority have determined under this Part the amount of maintenance grant payable in respect of any school for the financial year in question, the school is transferred to a new site in the area of another local education authority (not being a relevant authority within the meaning of Part 3), the provisions of this Part shall apply for the purposes of redetermining the amount of maintenance grant payable in respect of the school for that year as if the school had not been so transferred.

(2) Where, after the funding authority have determined under Part 3 the amount of maintenance grant payable in respect of any school for the financial year in question, the school is transferred to a new site in the area of another local education authority (not being a relevant authority within the meaning of Part 3), the provisions of that Part shall continue to apply for the purposes of redetermining the amount of maintenance grant payable in respect of the school for that year as if the school had not been so transferred.

**Application of relevant date provisions to a redetermination of the amount of maintenance grant.**

**35.—(1)** In its application for the purposes of any redetermination under regulation 28 (adjustments) or 31(2) (late supply of budget statements) of the amount of maintenance grant payable in respect of a school for the financial year in question, regulation 27 (relevant date) shall have effect subject to the following provisions of this regulation.

(2) Where the redetermination of maintenance grant is under regulation 31(2), or under regulation 28(2) on one or more of the grounds specified in paragraph (1)(a) of that regulation, the funding authority may take into account for the purposes of the redetermination any information received by them after the relevant date which relates to any of the reasons for making the redetermination.

(3) Where the redetermination of maintenance grant under regulation 28(2) is made on the grounds, specified in paragraph (1)(b) of that regulation, that the funding authority are satisfied that their determination was made in ignorance of, or was based on a mistake as to, some material fact, they may take into account any information received by them after the relevant date which relates to that fact.

(4) Where in accordance with paragraphs (2) and (3) any additional information is taken into account by the funding authority for the purposes of redetermining grant under regulation 28(2), they may take that information into account for the purposes of making any further redetermination under that regulation.

(5) Regulation 27 (relevant date) shall not apply where a redetermination is made by the funding authority in accordance with regulation 28(5) and (6) (redetermination by reason of extraordinary circumstances).

(6) Where the redetermination of maintenance grant is in accordance with regulation 20 (redetermination of school meals), the funding authority may take into account information received

by them after the relevant date which relates to the number of registered pupils at the school who bought meals at the school on the date determined by the funding authority.

**Requirements which may be attached to payment of maintenance grant.**

**36.**—(1) The requirement set out in paragraph 1 of Schedule 3 (conduct of school) is specified as a requirement which may be imposed by the funding authority on governing bodies to whom payments of maintenance grant are or have been made.

(2) The funding authority may determine, for the purposes of the application of section 84(1) and (2) of the 1993 Act to such governing bodies, any requirement referred to in paragraphs 2 to 4 of Schedule 3 (requirements as to accounts and financial affairs).

## PART 3

### MAINTENANCE GRANT-COMMON FUNDING FORMULA

**Application and interpretation of Part 3**

**37.**—(1) This Part applies for the purpose of determining the amount of maintenance grant payable in respect of—

- (a) a secondary school situated in the area of a relevant authority which became a grant-maintained school on or before 1st April in the financial year in question; or
- (b) a school which is deemed to be a primary school by virtue of the Education (Middle Schools) Regulations 1980(21) but which, in the financial year in question, had, prior to a change in its character, been a secondary school whose maintenance grant was determined under this Part.

(2) In this Part—

“CFF floor” in relation to a school means the amount determined for that school under regulation 43;

“CFF share” in relation to a grant-maintained secondary school or a secondary school maintained by a local education authority means the share determined for that school under regulation 40(1) or, where regulation 40(2) applies, the amount of that share as redetermined in accordance with regulation 40(2)(b) or the aggregate of that amount and the amount added to it in accordance with regulation 40(2)(c), as the case may be;

“existing CFF area” means the area of a relevant authority falling within part (a) of the definition of “relevant authority” in this regulation;

“new CFF area” means the area of a relevant authority falling within part (b) of the definition of “relevant authority” in this regulation;

“relevant authority” means any of the following local education authorities—

- (a) The London Borough of Barnet
- The London Borough of Brent
- The London Borough of Bromley
- Calderdale Metropolitan Borough Council
- Cambridgeshire County Council
- The London Borough of Croydon

Cumbria County Council  
The London Borough of Ealing  
The London Borough of Enfield  
Essex County Council  
Gloucestershire County Council  
Hertfordshire County Council  
The London Borough of Hillingdon  
Kent County Council  
The Royal Borough of Kingston upon Thames  
The London Borough of Lambeth  
Lincolnshire County Council  
Surrey County Council  
The London Borough of Sutton  
Walsall Metropolitan Borough Council  
The London Borough of Wandsworth  
Wiltshire County Council

(b) Derbyshire County Council;

“secondary schools total” in relation to any relevant authority means the amount determined by the Secretary of State under regulation 38(1);

references to grant-maintained secondary schools, except in paragraph (1), include schools referred to in paragraph (1)(b);

references to age bands are references to the age bands described in paragraphs 2 to 5 of Schedule 4.

#### **Secondary schools total.**

**38.**—(1) For the purposes of section 81(2) of the 1993 Act the Secretary of State shall determine for each relevant authority and in respect of the financial year in question the amount which appears to her, after consultation with the authority, to be the appropriate amount of expenditure of a recurrent nature to be incurred on grant-maintained secondary schools situated in the area of the authority and secondary schools maintained by the authority.

(2) For the purposes of paragraph (1) expenditure is “of a recurrent nature” if it is not of a class or description specified in Schedule 6.

(3) The Secretary of State shall notify the funding authority and the relevant authority of the secondary schools total determined by her in respect of that relevant authority.

#### **Determination of amount of maintenance grant.**

**39.**—(1) The amount of maintenance grant payable for the financial year in question in respect of a school whose maintenance grant falls to be determined under this Part shall be the aggregate of the amount of the CFF share for the school for that year and any amounts determined by the funding authority in respect of the school and that year in accordance with regulations 41(1)(c) and 42(2) to (6).

(2) Where in the opinion of the funding authority precise calculation for the purpose of determining any of the amounts referred to in paragraph (1)—

- (a) would be impracticable;
- (b) would not significantly affect the amount; or
- (c) would be disproportionately costly having regard to the complexity of the calculation and the likely effect on the amount,

paragraph (1) shall have effect as if it required the funding authority to determine as the amount of maintenance grant payable for the financial year in question such amount as appears to them to be fair and reasonable having regard in particular to the relevant authority's scheme.

#### **Determination of a school's CFF share.**

**40.**—(1) The funding authority shall determine for each grant-maintained secondary school situated in the area of a relevant authority and each secondary school maintained by that authority the amount of the school's share of the secondary schools total for that authority and year obtained by dividing that total between those schools in accordance with Schedule 4.

(2) Where the amount of the CFF share for any such school is less than the CFF floor for that school the funding authority shall—

- (a) calculate the amount per pupil (within the meaning of paragraph 16A to D of Schedule 4) which would be required, if the amount of the CFF share of each grant-maintained secondary school situated in the area of the relevant authority concerned and each secondary school maintained by them were to be redetermined in accordance with that Schedule (but substituting for the amount per pupil referred to in that paragraph in relation to the authority the recalculated amount per pupil), to produce within the secondary schools total for the authority for the financial year in question the amount (referred to below as the "supplementary amount") required to permit the amount of the CFF share of each school which is less than the amount of its CFF floor or which would be less than that amount if the amount of the CFF share of each school were to be redetermined as aforesaid, to equal the amount of the school's CFF floor, by adding a share of the supplementary amount to the amount of the school's CFF share;
- (b) redetermine the amount of the CFF share of each grant-maintained secondary school situated in the area of the relevant authority concerned and each secondary school maintained by them in accordance with Schedule 4 but substituting for the amount per pupil referred to in paragraph 16A to D of that Schedule the amount calculated in accordance with sub-paragraph (a) above; and
- (c) add to the amount of the CFF share (as so redetermined) of each school which is less than the amount of its CFF floor the amount by which the latter amount exceeds the former amount.

#### **Link to budgets.**

**41.**—(1) Where the amount of the secondary schools budget for any relevant authority for the financial year in question (defined in paragraph (2)) exceeds the secondary schools total for that authority and year, the funding authority shall—

- (a) determine the amount (referred to in sub-paragraph (b) below as "the increased amount") by which that budget exceeds that total;
- (b) determine to two decimal places the percentage which the increased amount is of the secondary schools total for the authority; and
- (c) add to the amount of the CFF share for each grant-maintained secondary school situated in the area of the authority the amount obtained by multiplying the amount of that share by that percentage.

(2) For the purposes of paragraph (1) the amount of an authority's secondary schools budget for the financial year in question is the sum for that financial year of the amounts specified in sub-paragraphs (a) to (d) below less the amount specified in sub-paragraph (e) below—

- (a) the aggregate of the amounts which the funding authority determine would be the amounts of maintenance grant in respect of all grant-maintained secondary schools situated in the area of the authority if those amounts were determined in accordance with Part 2 and regulation 10 (cash protection) did not apply in the case of any school;
- (b) the aggregate of the budget shares (as initially determined before the beginning of the financial year) of all secondary schools maintained by the authority;
- (c) the aggregate of the amounts which equal the relevant percentage of the budget shares referred to in sub-paragraph (b) above;
- (d) the aggregate of the amounts which it appears to the funding authority would be the amounts determined under regulation 11 (school meals) in respect of all secondary schools maintained by the authority if those schools had been grant-maintained schools to which that regulation applies; and
- (e) where under the relevant authority's scheme amounts for—
  - (i) pupils with statements of special educational needs,
  - (ii) in the case of Cumbria County Council only, identified pupils with special educational needs who do not have statements and in respect of whom funding is allocated other than on the basis referred to in paragraph 7(8) of Schedule 4, and
  - (iii) places in schools, other than special schools, for pupils with special educational needs,

are included in the authority's aggregated budget for that financial year, the aggregate of such amounts for all secondary schools in the area of the relevant authority.

#### **Sums to be added to or deducted from the CFF share.**

**42.—**(1) Where, in the case of any school whose maintenance grant for the financial year in question falls to be determined under this Part, it appears to the funding authority that regulation 10 (cash protection) would have applied if that grant had fallen to be determined under Part 2, they shall determine the amount which would have been determined in accordance with regulation 10 in respect of the school (referred to in paragraph (2) below as "the protected amount").

(2) In any case to which paragraph (1) applies the funding authority shall add to the amount of the CFF share for the school the amount by which the protected amount exceeds the difference between the amount of that share and the CFF floor.

(3) Where, in the case of any school whose maintenance grant for the financial year in question falls to be determined under this Part, it appears to the funding authority that an amount would have been determined under regulation 9 (Section 11 funding) if that grant had fallen to be determined under Part 2, they shall determine that amount and add it to the amount of the CFF share for the school.

(4) Where, in the case of any school whose maintenance grant for the financial year in question falls to be determined under this Part, it appears to the funding authority that the amount determined under regulation 6, if that grant had fallen to be determined under Part 2, would have included an amount representing a comparable maintained school's share of funding treated by the authority under their scheme as funding for—

- (a) pupils with statements of special educational needs allocated in accordance with the allocation formula under the authority's scheme;



- (b) in the case of Cumbria County Council only, identified pupils with special educational needs who do not have statements and in respect of whom funding is allocated other than on the basis referred to in paragraph 7(8) of Schedule 4; or
  - (c) places in schools, other than special schools, for pupils with special educational needs,
- they shall determine that latter amount and add it to the amount of the CFF share for the school.

(5) The funding authority shall add to the amount of the CFF share of any school which became a grant-maintained school on 1st April in the financial year in question, an amount which appears to them to be equal or approximate to that amount of the school's budget share for any financial year prior to the financial year in question in respect of which sums had neither been deducted by the maintaining local education authority in accordance with their scheme nor made available pursuant to section 36(2) or (3) of the 1988 Act, or, if made available, had not been spent by the governing body in exercise of their powers under section 36(5) of that Act.

- (a) (6) (a) The funding authority shall deduct from the amount of the CFF share of any school which became a grant-maintained school between 1st April 1995 and 1st April 1996 inclusive an amount determined in accordance with sub-paragraph (b) below.
- (b) The funding authority, having consulted the former maintaining local education authority and the governing body of the school, shall determine such amount, if any, as appears to them to be fair and reasonable, in respect of any deficit incurred by the school in respect of its budget share in any previous financial year, having regard, in particular, to the following matters—
  - (i) the existence and the terms of any agreement in writing between the then governing body of the school and the maintaining local education authority regarding the repayment of such deficit,
  - (ii) the existence in the maintaining local education authority's scheme of provision permitting schools to anticipate their budget shares for the following year in order to finance planned items of expenditure,
  - (iii) evidence that the maintaining local education authority took steps to reduce schools' budget shares where deficits have occurred and did not allow schools to carry over deficits from one year to the other with no planned reduction, and
  - (iv) the amount, if any, previously determined by the funding authority in accordance with regulation 15(3), 16(3) or 30(10) of the 1995 Regulations.

#### **CFF floor.**

**43.—**(1) In the case of a school situated in an existing CFF area its CFF floor shall, subject to the following provisions of this regulation, be the amount determined by the Secretary of State on or before 1st April 1996, for the purposes of section 81(2) of the 1993 Act, as the school's CFF floor for the financial year in question and if no amount is so determined it shall be the amount determined as the school's CFF floor under regulation 31 of the 1995 Regulations.

(2) In the case of a school situated in a new CFF area its CFF floor shall be the amount determined by the funding authority in accordance with the following provisions of this regulation.

(3) In the case of a school situated in a new CFF area, which was a grant-maintained school throughout the preceding financial year, the funding authority shall determine the amount of the maintenance grant determined (or, subject to paragraph (4), if that amount was redetermined in the preceding financial year, the amount as most recently so redetermined) under the 1995 Regulations for the school for that year—

- (i) increased by such amount as appears to the funding authority to be required, where regulation 11(2) or (4) of the 1995 Regulations (cash protection) applied for the purpose of determining (or redetermining) that grant, to reflect the amount which would have been

determined under regulation 10(1) of those Regulations (determination of an amount as a percentage addition) for that purpose if regulation 11(2) or (4) of those Regulations had not so applied, and

- (ii) reduced by an amount equivalent to any amounts for pupils with statements of special educational needs or for places in schools, other than special schools, for pupils who have special educational needs included in the relevant authority's aggregated budget under their scheme as it applied in that year.

(4) To the extent that the amount of maintenance grant referred to in paragraph (3) was redetermined as mentioned in that paragraph by reason of any increase or decrease in the number of registered pupils at the school, no account shall be taken of that redetermination for the purposes of that paragraph.

(5) In the case of a school situated in a new CFF area, which was not a grant-maintained school at any time during the preceding financial year, the amount is the aggregate of the following amounts—

- (a) the amount of the school's budget share for the preceding financial year as initially determined (or, subject to paragraph (6), if that share was revised in the preceding financial year, as most recently so revised)—

- (i) increased by the amount which it appears to the funding authority would have been the amount required to be determined for the school and that year under regulation 10(1) of the 1995 Regulations (determination of an amount as a percentage addition) if the school had been a grant-maintained school and the relevant percentage for the purposes of that regulation (instead of the percentage determined in accordance with Schedule 1 to those Regulations) had been the percentage determined in accordance with Schedule 1 to these Regulations,

- (ii) reduced by an amount equivalent to any amounts for pupils with statements of special educational needs or for places in schools, other than special schools, for pupils who have special educational needs included in the relevant authority's aggregated budget under their scheme as it applied in that year; and

- (b) the amount which it appears to the funding authority would have been the amount required to be determined for the school and that financial year under regulation 13 of the 1995 Regulations (determination of an amount in respect of school meals, contingencies, nursery education and expenditure due to ethnic minority population) (disregarding any amount which would have been required to be determined under regulation 13(6) (contingencies) of those Regulations in respect of changes in the number of registered pupils at the school), if the school had been a grant-maintained school throughout that year,

apportioned, where proposals under section 12 of the Education Act 1980(22) to cease to maintain the school fall to be implemented on a date in the financial year in question, in accordance with the formula

$$R \times \frac{Q}{365}$$

where—

R is the aggregate amount determined in accordance with sub-paragraphs (a) and (b) above; and

Q is the number of days in that year which precede the date on which the authority are to cease to maintain the school.

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(22) 1980 c. 20; section 12 was amended by section 31(4) of the Education Reform Act 1988 and section 229 of the Education Act 1993.

(6) To the extent that the amount of the school's budget share referred to above in paragraph (5)(a) was revised as therein mentioned by reason of any increase or decrease in the number of registered pupils at the school, no account shall be taken of that revision for the purposes of that sub-paragraph.

(7) In the case of a school, situated in a new CFF area, which became a grant-maintained school after 1st April in the preceding financial year, the aggregate of the amount referred to in paragraph (3), leaving out of account its apportionment under regulation 21 of the 1995 Regulations, and of the amount referred to in paragraph (5), adjusted in each case pro-rata according to the date in that financial year on which the school became a grant-maintained school.

(a) (8) (a) Where it appears to the funding authority that in the preceding financial year the maintenance grant or budget share of a school, situated in a new CFF area, was determined on the basis of an incorrect estimate of the numbers of registered pupils at the school for any part of that year and the relevant authority's scheme makes provision for adjustments to be made in relation to incorrect estimates of pupil numbers, then the funding authority shall add to the amount determined in accordance with the foregoing provisions of this regulation in respect of that school an amount calculated in accordance with sub-paragraph (b) below.

(b) The amount is an amount arrived at by—

(i) taking the number which appears to the funding authority to be the number of registered pupils at the school in each age band on the date to which the estimate relates less the estimated number of pupils in each age band on that date multiplied by 7/12;

(ii) multiplying the amount for each age band under (i) above by the amount set out in, whichever is appropriate of, column (1), (2), (3) or (4) for that age band and in respect of that relevant authority in the table in Schedule 5; and

(iii) multiplying the sum of the amounts derived from (ii) above by the unit cost for age band 3 as shown in column (5) in the table in Schedule 5.

(9) The funding authority shall add to the amount determined in respect of each school under the preceding provisions of this regulation an amount calculated by—

(a) multiplying the number of registered pupils in each age band on 18th January 1996, less the number of registered pupils which it appears to the funding authority were in each age band on 19th January 1995, by the amount set out in, whichever is appropriate of, column (1), (2), (3) or (4) in the table in Schedule 5 for that age band in respect of that relevant authority; and

(b) multiplying the aggregate of the amounts derived from sub-paragraph (a) above by the unit cost for age band 3 as shown in column (5) in the table in Schedule 5.

(10) The funding authority shall multiply the amount determined in respect of each school in accordance with the preceding provisions of this regulation by a figure which is the aggregate of the amounts determined in respect of all schools to which this regulation applies in the area of the relevant authority in accordance with paragraphs (1) to (7) divided by the sum of the amounts so determined in accordance with paragraphs (1) to (9).

(11) If the aggregate of the amounts determined in respect of each school in the area of a relevant authority by the funding authority in accordance with paragraph (10) is greater than—

(a) the secondary schools total for that authority; or

(b) in the case of the London Borough of Brent, the secondary schools total less the total contingency amount referred to in paragraph 16D(2) of Schedule 4 ("the adjusted secondary schools total"),

then the funding authority shall multiply the amount so determined in respect of each school by a figure which is the secondary schools total for that authority, or, in the case of the London Borough

of Brent, the adjusted secondary schools total, divided by the aggregate of the amounts determined in respect of each school in the area of that authority in accordance with paragraph (10).

(12) In the case of a school situated in a new CFF area, the funding authority shall adjust the amount determined in accordance with the foregoing provisions of this regulation by such amount, if any, as appears to them to be fair and reasonable, having consulted the relevant authority, to take into account any transfer of an amount of funding in respect of a pupil pursuant to section 262 of the 1993 Act.

#### **Relevant date.**

**44.**—(1) Subject to regulation 50, any amount required to be determined by the funding authority under this Part shall be determined on the information available to them on the relevant date.

(2) In paragraph (1), the relevant date is such date as the funding authority may determine and different dates may be determined for different cases or classes of case.

(3) The funding authority may, in any case where they consider it appropriate to do so, redetermine the relevant date.

(4) Where—

(a) the funding authority determine the relevant date in respect of any school for the financial year in question in accordance with paragraph (2); or

(b) they redetermine the relevant date in accordance with paragraph (3),

they shall notify the governing body of the school and the local education authority in writing of that fact.

(5) Where there is not available to the funding authority on the relevant date sufficient information as will, in their opinion, allow them to determine any amount referred to in paragraph (1) they may determine the amount of maintenance grant payable in respect of the school on such basis as appears to them to be fair and reasonable having regard to the information available to them on the relevant date.

(6) The funding authority shall not take into account any information made available to them after the relevant date (but before the date of their determination) for the purposes of determining the amount of maintenance grant payable in respect of a school for the financial year in question.

(7) References in this Part of these Regulations to the relevant date are references to the date referred to in paragraph (2) unless the relevant date has been redetermined in accordance with paragraph (3) in which case it is a reference to that date as redetermined.

#### **Adjustments.**

**45.**—(1) Without prejudice to paragraph (10) but subject to paragraph (9) and regulation 49(1) and (2), where, after the funding authority have determined the amount of maintenance grant payable in respect of any school for the financial year in question, any of paragraphs (2) to (5) apply, the funding authority may redetermine the amount of maintenance grant payable in respect of the school for that year in accordance with paragraphs (6) to (8).

(2) This paragraph applies where it appears to the funding authority that the number of registered pupils at a school exceeds the number of pupils used for the purposes of determining the amount of its maintenance grant for the financial year in question, and that the relevant authority's scheme makes provision in relation to such increases in pupil numbers at a school.

(3) This paragraph applies where proposals published under section 96 or 97 of the 1993 Act to make a significant change in the character of the school fall to be implemented in the financial year in question.

(4) This paragraph applies where it appears to the funding authority that the relevant authority in whose area the school is situated have increased the amount of their secondary schools budget (within the meaning of regulation 41(2)) for the financial year in question.

(5) This paragraph applies where after determining the amount of maintenance grant payable in respect of any school for the financial year in question in accordance with this Part it appears to the funding authority that, by reason of—

- (a) any change in the characteristics of the school,
- (b) any other change affecting the needs of the school, or
- (c) the level of spending by the local education authority on any matter included in accordance with regulation 4(a) of the Education (School Financial Statements) (Prescribed Particulars etc.) Regulations 1995(23) in Part 1 of the authority's statement prepared under section 42(6) of the 1988 Act for the financial year beginning in 1995 exceeding the planned level of spending on that matter included in accordance with Schedule 1 to those Regulations in Part 1 of the authority's statement prepared under section 42(3) of that Act for that year,

the amount so payable should be revised.

(6) In any case to which paragraph (3) applies, the funding authority may redetermine the amount of maintenance grant payable in respect of the school for the financial year in question by adding to it the amount calculated by the formula—

$$Z \times \frac{A}{365},$$

where

Z is the amount which equals (b) \$JA (a) where (a) is the amount of the CFF share for the school (or, where that amount has been redetermined for the purposes of redetermining the amount of maintenance grant in accordance with regulation 48(1), that amount as so redetermined) less the amount if any, added under regulation 40(2)(c); and (b) is the amount determined in accordance with paragraph (7); and

A is the number of days in the financial year falling on or after the date on which the proposals referred to in paragraph (3) fall to be implemented.

(7) For the purposes of paragraph (6) the funding authority shall—

- (a) redetermine the total number of funding units for the school in accordance with Schedule 4, substituting for the number of registered pupils at the school in the particular age band or bands affected by the change in character required to be determined in accordance with that Schedule the number which the funding authority estimate will be the number of registered pupils at the school in that age band or bands on the date on which the proposals fall to be implemented; and
- (b) multiply the total number of funding units for the school redetermined in accordance with sub-paragraph (a) above by the amount per pupil for the relevant authority in whose area the school is situated determined in relation to that authority in accordance with paragraph 16A to D of Schedule 4 (or where that amount has been recalculated in accordance with regulation 40(2)(c), that amount as so recalculated) for the purposes of the initial determination of maintenance grant for the school for the financial year in question.

(8) The funding authority may redetermine the amount of maintenance grant payable in respect of the school for the financial year in question—

- (a) in any case to which paragraph (2) applies, by adding such amount as appears to them would have been payable to the school under the relevant authority's scheme, had the school been covered by the scheme, in relation to such increases;
- (b) in any case to which paragraph (4) or (5) applies, in accordance with the provisions of this Part, and

if the amount so redetermined is different from the amount previously determined, revise their determination accordingly.

(9) Where, after redetermining the amount of maintenance grant payable in respect of a school for the financial year in question under any of paragraphs (6) to (8), the funding authority further so redetermine that amount, they shall reduce that amount (as so redetermined) by such amount (if any) as seems to them to be appropriate, having regard to any redetermination of the amount of maintenance grant payable in respect of the school for the financial year in question previously made by them under any of those paragraphs.

(10) Where it appears to the funding authority that, by reason of any extraordinary circumstances, the amount of maintenance grant determined in respect of a school for the financial year in question is insufficient to enable the governing body of the school adequately to carry out their functions with respect to the conduct of the school, they may redetermine the amount of maintenance grant payable in respect of the school for that year in accordance with paragraph (11).

(11) Where the funding authority decide to redetermine the amount of maintenance grant by virtue of paragraph (10), they shall redetermine that amount by adding to it such amount as appears to them to be necessary for the purpose of enabling the governing body adequately to carry out their functions with respect to the conduct of the school.

(12) Where the funding authority revise the amount of maintenance grant payable in respect of any school for the financial year in question in accordance with this regulation they shall give notice thereof to the governing body of the school and to the local education authority.

#### **Further revisions.**

**46.** A determination which has been revised in accordance with regulation 45, 47 or 48 may be further revised in accordance with those regulations and may be so further revised notwithstanding that the funding authority are satisfied that the revised determination was not made in accordance with these Regulations.

#### **Deemed primary schools.**

**47.—(1)** This regulation applies in the case of a school referred to in regulation 37(1)(b) (middle school deemed to be a primary school).

(2) Subject to regulation 49(1) and (2), where it appears to the funding authority that the amount of maintenance grant determined in respect of a school to which this regulation applies for the financial year in question is insufficient because of the nature of such a school to enable the governing body of the school adequately to carry out their functions with respect to the conduct of the school, they may after consultation with the local education authority and the governing body of the school redetermine the amount of maintenance grant payable in respect of the school for the year by adding to it such amount as appears to them to be fair and reasonable for the purpose of enabling the governing body adequately to carry out their functions with respect to the conduct of the school.

(3) Where the funding authority revise the amount of maintenance grant payable in respect of any school for the financial year in question in accordance with this regulation they shall give notice thereof to the governing body of the school and to the local education authority.

### **Redetermination because of mistake.**

**48.**—(1) Subject to regulation 49(1) and (2), where the funding authority are satisfied that their determination of the amount of the CFF share for any school for that 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, they may redetermine that amount in accordance with the provisions of this Part and, if the amount so redetermined is different from the amount previously determined, revise their determination in respect of that school and, if appropriate, in respect of any or all grant-maintained secondary schools in the area of the relevant authority in question and secondary schools maintained by that authority, accordingly.

(2) Where the funding authority revise the amount of maintenance grant payable in respect of any school for the financial year in question in accordance with this regulation they shall give notice thereof to the governing body of the school and to the local education authority.

### **Transfer of site.**

**49.**—(1) Where, after the funding authority have determined under this Part the amount of maintenance grant payable in respect of any school for the financial year in question, the school is transferred to a new site in the area of another relevant authority, regulations 45, 47, 48 and 52 shall apply as if the school had not been so transferred.

(2) Where, after the funding authority have determined under Part 2 the amount of maintenance grant payable in respect of any school for the financial year in question, the school is transferred to a new site in the area of a relevant authority, the provisions of that Part shall continue to apply for the purposes of redetermining the amount of maintenance grant payable in respect of the school for that year as if the school had not been so transferred.

### **Application of relevant date provisions to a redetermination of the amount of maintenance grant.**

**50.**—(1) In its application for the purposes of any redetermination under regulation 45, 48 or 52 of the amount of maintenance grant payable in respect of a school for the financial year in question, regulation 44 shall have effect subject to the following provisions of this regulation.

(2) Where the redetermination of maintenance grant under regulation 45 is made on one or more of the grounds specified in paragraphs (2) to (5) of that regulation the funding authority may take into account for the purposes of the redetermination any information received by them after the relevant date which relates to any of the reasons for making the redetermination.

(3) Where the redetermination of maintenance grant under regulation 48 is made on the grounds specified therein that the funding authority are satisfied that their determination was made in ignorance of, or was based on a mistake as to, some material fact, they may take into account any information received by them after the relevant date which relates to that fact.

(4) Where in accordance with paragraphs (2) and (3) any additional information is taken into account by the funding authority for the purposes of redetermining grant under regulation 45 or 48, they may take that information into account for the purposes of making any further redetermination under that regulation.

(5) Regulation 44 shall not apply where a redetermination is made by the funding authority in accordance with regulation 45(10) and (11).

### **Requirements which may be attached to payment of maintenance grant.**

**51.** Regulation 36 applies for the purposes of this Part as it applies for the purposes of Part 2.

### **Pupil number contingencies in the London Borough of Brent.**

**52.**—(1) The funding authority shall, as soon as practicable after 1st October in the financial year in question, redetermine in accordance with, and so far as required by, the following provisions of this regulation the amount of maintenance grant payable in respect of each school situated in the area of the London Borough of Brent (“the authority”) whose maintenance grant falls to be determined under this Part.

(2) If, on 1st October in the financial year in question, it appears to the funding authority that the GM contingency amount is greater than or equal to the aggregate of pupil increase amounts for each school whose maintenance grant falls to be determined under this Part in the area of the authority then the funding authority shall redetermine the amount of maintenance grant payable in respect of each such school (in so far as required by the following provisions of this paragraph) by adding to it—

- (a) the pupil increase amount for that school; and
  - (b) where the GM contingency amount is greater than the aggregate of pupil increase amounts, an amount determined in accordance with paragraph (3).
- (3) (a) The funding authority shall determine in respect of each school whose maintenance grant falls to be determined under this Part in the area of the authority the number appearing to them to be the number of registered pupils at the school on 18th January 1996.
- (b) The funding authority shall determine the aggregate of the numbers determined in accordance with sub-paragraph (a) above.
  - (c) The funding authority shall determine the amount obtained by dividing the GM contingency amount, less the aggregate of pupil increase amounts, by the number determined under sub-paragraph (b) above.
  - (d) The funding authority shall determine, as the amount to be added under paragraph 2(b), the amount obtained by multiplying the amount determined under sub-paragraph (c) above by the number of registered pupils at the school determined under sub-paragraph (a) above.

(4) If, on 1st October in the financial year in question, it appears to the funding authority that the GM contingency amount is less than the aggregate of pupil increase amounts for each school whose maintenance grant falls to be determined under this Part in the area of the authority then the funding authority shall redetermine the amount of maintenance grant payable in respect of each such school (in so far as required by the following provisions of this paragraph) by adding to it the amount which is equal to—

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

where

A is the GM contingency amount;

B is the aggregate of pupil increase amounts for each school whose maintenance grant falls to be determined under this Part in the area of the authority; and

C is the pupil increase amount for the school.

(5) In this regulation—

“GM contingency amount” means the amount referred to in paragraph 16D(7) of Schedule 4;

“pupil increase amount” means the pupil increase credit multiplied by the amount per pupil for the authority calculated under paragraph 16D of Schedule 4 or as recalculated under regulation 40(2)(a); and

“pupil increase credit” means



$$\frac{7}{12} \times (Y \times Z).$$

where

Y is the number by which the number, appearing to the funding authority to be the number of registered pupils at the school on a date in September 1996 determined by the Secretary of State, exceeds the number appearing to them to be the aggregate of—

- (a) the number of registered pupils at the school on 18th January 1996; and
- (b) 5% of that number or 15, whichever is the smaller; and

Z is the number in column (3) opposite the entry for the authority in the table in Part V of Schedule 4.

(7) Where the funding authority revise the amount of maintenance grant payable in respect of any school for the financial year in question in accordance with this regulation they shall give notice thereof to the governing body of the school and to the local education authority.

## PART 4

### CAPITAL AND SPECIAL PURPOSE GRANTS

#### Capital grants

**53.**—(1) Subject to paragraph (2), the funding authority may pay capital grants in respect of expenditure of a capital nature of a class or description specified in Schedule 6 incurred or to be incurred by the governing body of a school.

(2) In the case of a special school which is established in a hospital, paragraph (1) shall apply only in respect of expenditure of a class or description specified in paragraph 1(d) of Schedule 6.

#### Special purpose grants.

**54.**—(1) The funding authority may pay special purpose grants in respect of expenditure of any class or description specified in Schedule 7 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 funding authority 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 capital or special purpose grants.

**55.**—(1) The requirements set out in paragraph 1 (conduct of the school) of Schedule 3 and paragraph (2) below are specified as requirements which may be imposed by the funding authority on governing bodies to whom payments of capital or 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 funding authority.
- (3) The funding authority may determine for the purposes of the application of section 84(1) and (2) of the 1993 Act to such governing bodies as are referred to in paragraph (1)—
  - (a) any requirement referred to in paragraphs 2 to 4 (requirements as to accounts and financial affairs) of Schedule 3;
  - (b) any requirement formulated for the purpose of assisting the funding authority to be satisfied 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 the funding authority 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 the funding authority in accordance with this regulation subject to which the payments were made is not complied with.
- (4) The funding authority may determine for the purposes of the application of that section to such governing bodies as are referred to in paragraph (1), requirements as to the payment to the funding authority, if any conditions specified in the requirements are satisfied, of the whole or any part of the amount referred to in section 84(7) of the 1993 Act (subject always, where any payment is made in respect of capital grants, to the provisions of section 84(8) of that Act).

## PART 5

### RECOVERY OF AMOUNTS IN RESPECT OF MAINTENANCE GRANT FROM A LOCAL EDUCATION AUTHORITY

#### **Determination of amount to be recovered**

**56.**—(1) Subject to paragraph (2) below, the total amount which the Secretary of State may recover by virtue of section 93 of the 1993 Act from a local education authority named in a determination under that section applying that section in respect of any school in relation to the financial year in question is the amount determined in accordance with these Regulations as the amount of the maintenance grant payable in respect of the school and financial year in question (as from time to time revised).

(2) The amount which would otherwise fall to be determined in accordance with paragraph (1) above as the total amount recoverable from a local education authority by virtue of section 93 of the 1993 Act in respect of any school for the financial year in question may be reduced by an amount not exceeding the amount outstanding in respect of any excess amount recovered from the authority under that section in respect of the school in relation to any previous financial year.

## SCHEDULE 1

Regulation 8(3)

## DETERMINATION OF THE RELEVANT PERCENTAGE

1. This Schedule applies for the purposes of determining the relevant percentage under regulation 8(1), 16(4) or 41(2)(c)

2. For the purposes of regulation 8(1), the relevant percentage in respect of any primary or secondary school is whichever is the greater of the percentages determined for the school in accordance with paragraphs 5 and 6 and in respect of any special school is whichever is the greater of the percentages determined for the school in accordance with paragraphs 5 and 7

3. For the purposes of regulation 16(4), the relevant percentage in respect of any school is the percentage determined in accordance with paragraph 5

4. For the purposes of regulation 41(2)(c), the relevant percentage is the percentage determined in accordance with paragraph 6

5. For the purposes of this paragraph, the percentage is that specified—

- (a) where the school is a primary school, in the second column of the table;
- (b) where the school is a secondary school, in the third column of the table; or
- (c) where the school is a special school, in the fourth column of the table,

opposite the reference in the first column of the table to the local education authority in whose area the school is situated.

Local Education Authority	Primary	Secondary	Special
London Borough of <b>Barking and Dagenham</b>	12.3	9.4	18.9
London Borough of <b>Barnet</b>	10.9	7.6	10.4
<b>Barnsley</b> Metropolitan Borough Council	11.8	7.5	10.6
<b>Bath and North East Somerset</b> District Council	0	0	0
<b>Bedfordshire</b> County Council	12.5	9.4	8.8
<b>Berkshire</b> County Council	9.7	6.8	9.4
London Borough of <b>Bexley</b>	9.6	6.3	10.9
<b>Birmingham</b> City Council	12.4	8.9	8.7
<b>Bolton</b> Metropolitan Borough Council	13.3	9.2	8.8
<b>Bradford</b> City Council	8.4	6.8	13.8

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Local Education Authority	Primary	Secondary	Special
London Borough of <b>Brent</b>	9.4	7.0	6.4
City of <b>Bristol</b> Council	0	0	0
London Borough of <b>Bromley</b>	11.8	8.4	10.0
<b>Buckinghamshire</b> County Council	15.4	10.8	12.0
<b>Bury</b> Metropolitan Borough Council	11.0	8.1	9.9
<b>Calderdale</b> Metropolitan Borough Council	9.8	7.0	8.4
<b>Cambridgeshire</b> County Council	10.8	7.6	5.6
London Borough of <b>Camden</b>	15.0	11.2	15.6
<b>Cheshire</b> County Council	10.9	7.6	11.5
<b>Common Council of the City of London</b>	19.9	N/A	N/A
<b>Cornwall</b> County Council	8.7	6.2	14.3
<b>Coventry</b> City Council	12.2	8.6	8.6
London Borough of <b>Croydon</b>	11.3	8.5	12.7
<b>Cumbria</b> County Council	9.0	6.8	12.3
<b>Derbyshire</b> County Council	10.6	6.5	9.3
<b>Devon</b> County Council	8.2	5.7	9.4
<b>Doncaster</b> Metropolitan Borough Council	12.5	8.2	10.1
<b>Dorset</b> County Council	13.2	9.2	12.7
<b>Dudley</b> Metropolitan Borough Council	6.2	4.4	8.2

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Local Education Authority	Primary	Secondary	Special
<b>Durham</b> County Council	12.2	8.4	13.0
London Borough of <b>Ealing</b>	9.5	7.5	11.3
<b>East Riding</b> of Yorkshire District Council	0	0	0
<b>East Sussex</b> County Council	14.6	9.6	13.5
London Borough of <b>Enfield</b>	11.5	8.1	8.6
<b>Essex</b> County Council	11.3	8.1	7.3
<b>Gateshead</b> Metropolitan Borough Council	17.7	12.6	16.9
<b>Gloucestershire</b> County Council	8.6	6.3	4.5
London Borough of <b>Greenwich</b>	10.3	7.7	9.8
London Borough of <b>Hackney</b>	15.8	11.3	11.5
London Borough of <b>Hammersmith and Fulham</b>	11.8	8.6	11.2
<b>Hampshire</b> County Council	13.0	9.6	12.4
London Borough of <b>Haringey</b>	21.7	16.1	4.8
London Borough of <b>Harrow</b>	10.7	7.7	3.7
<b>Hartlepool</b> Borough Council	0	0	0
London Borough of <b>Havering</b>	10.1	6.6	6.2
<b>Hereford and Worcester</b> County Council	9.8	7.5	11.1
<b>Hertfordshire</b> County Council	7.1	4.9	4.2
London Borough of <b>Hillingdon</b>	11.8	8.4	11.7

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Local Education Authority	Primary	Secondary	Special
London Borough of <b>Hounslow</b>	13.0	10.0	14.3
The Council of the <b>Isles of Scilly</b>	18.9	10.7	N/A
<b>Isle of Wight</b> County Council	12.7	9.8	22.5
London Borough of <b>Islington</b>	8.2	6.6	11.0
The Royal Borough of <b>Kensington and Chelsea</b>	11.2	8.1	10.6
<b>Kent</b> County Council	13.7	9.4	9.6
<b>Kingston upon Hull</b> City Council	0	0	0
The Royal Borough of <b>Kingston upon Thames</b>	12.0	8.4	13.9
<b>Kirklees</b> Metropolitan Borough Council	14.5	10.1	11.7
<b>Knowsley</b> Metropolitan Borough Council	8.9	6.2	7.9
London Borough of <b>Lambeth</b>	13.5	9.2	13.9
<b>Lancashire</b> County Council	13.5	9.3	9.6
<b>Leeds City Council</b>	8.7	6.5	8.1
<b>Leicestershire</b> County Council	12.8	9.1	11.5
London Borough of <b>Lewisham</b>	15.0	11.0	10.7
<b>Lincolnshire</b> County Council	12.2	8.0	11.1
<b>Liverpool</b> City Council	8.9	5.9	14.7
<b>Manchester</b> City Council	12.0	7.5	9.6
London Borough of <b>Merton</b>	10.7	8.1	11.3
<b>Middlesbrough</b> Borough Council	0	0	0

Local Education Authority	Primary	Secondary	Special
<b>Newcastle upon Tyne</b> City Council	14.9	10.4	6.9
London Borough of <b>Newham</b>	14.6	9.6	18.3
<b>Norfolk</b> County Council	8.0	5.4	12.3
<b>North Lincolnshire</b> District Council	0	0	0
<b>North East Lincolnshire</b> District Council	0	0	0
<b>North Somerset</b> District Council	0	0	0
<b>North Tyneside</b> Metropolitan Borough Council	8.9	6.4	9.2
<b>North Yorkshire</b> County Council	0	0	0
<b>Northamptonshire</b> County Council	10.3	7.4	5.3
<b>Northumberland</b> County Council	10.1	7.9	9.5
<b>Nottinghamshire</b> County Council	18.0	13.4	12.7
<b>Oldham</b> Metropolitan Borough Council	15.1	10.2	15.7
<b>Oxfordshire</b> County Council	9.7	7.4	10.9
London Borough of <b>Redbridge</b>	13.7	9.0	26.5
<b>Redcar and Cleveland</b> Borough Council	0	0	0
London Borough of <b>Richmond upon Thames</b>	9.7	7.6	12.2
<b>Rochdale</b> Metropolitan Borough Council	9.7	6.4	9.9
<b>Rotherham</b> Metropolitan Borough Council	13.6	9.9	15.9

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Local Education Authority	Primary	Secondary	Special
<b>St. Helens</b> Metropolitan Borough Council	13.5	9.2	9.0
<b>Salford</b> City Council	11.9	8.1	11.6
<b>Sandwell</b> Metropolitan Borough Council	16.6	11.0	15.8
<b>Sefton</b> Metropolitan Borough Council	15.7	10.1	19.8
<b>Sheffield</b> City Council	15.2	11.2	14.5
<b>Shropshire</b> County Council	12.2	7.9	15.4
<b>Solihull</b> Metropolitan Borough Council	6.5	4.6	5.2
<b>Somerset</b> County Council	9.2	6.7	11.2
<b>South Gloucestershire</b> District Council	0	0	0
<b>South Tyneside</b> Metropolitan Borough Council	14.0	10.1	18.1
London Borough of <b>Southwark</b>	14.4	10.9	8.2
<b>Staffordshire</b> County Council	9.1	6.5	10.0
<b>Stockport</b> Metropolitan Borough Council	9.7	6.9	10.4
<b>Stockton-on-Tees</b> Borough Council	0	0	0
<b>Suffolk</b> County Council	10.0	7.3	9.8
<b>Sunderland</b> Metropolitan Borough Council	9.5	6.9	9.3
<b>Surrey</b> County Council	10.8	8.6	7.0
London Borough of <b>Sutton</b>	12.9	9.3	14.9



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Local Education Authority	Primary	Secondary	Special
<b>Tameside</b> Metropolitan Borough Council	11.8	8.4	8.1
London Borough of <b>Tower Hamlets</b>	9.6	7.4	9.1
<b>Trafford</b> Metropolitan Borough Council	14.3	8.3	13.5
<b>Wakefield</b> Metropolitan District Council	14.5	10.0	13.9
<b>Walsall</b> Metropolitan Borough Council	13.4	9.3	11.3
London Borough of <b>Waltham Forest</b>	9.8	7.0	6.5
London Borough of <b>Wandsworth</b>	17.7	13.4	15.8
<b>Warwickshire</b> County Council	16.9	11.9	3.0
<b>Westminster</b> City Council	10.9	8.4	14.3
<b>West Sussex</b> County Council	13.9	9.5	12.3
<b>Wigan</b> Metropolitan Borough Council	10.2	6.8	5.6
<b>Wiltshire</b> County Council	12.8	8.6	4.8
<b>Wirral</b> Metropolitan Borough Council	12.7	8.5	9.5
<b>Wolverhampton</b> Metropolitan Borough Council	13.8	9.1	8.3
<b>York</b> District Council	0	0	0

6.—(1) For the purposes of this paragraph, the funding authority shall determine the percentage which the amount determined in accordance with sub-paragraph (2) below is of the amount determined in accordance with sub-paragraph (4) below.

(2) The funding authority shall determine an amount by the application of the following formula—

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

where

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A is the amount of the local education authority's general schools budget for the financial year in question which, in the opinion of the funding authority, would remain after deducting from it—

- (a) their aggregated budget for the year;
- (b) subject to sub-paragraph (3) below, the authority's planned expenditure on those descriptions of expenditure listed in paragraph 2 of Schedule 2;
- (c) the authority's planned expenditure on the provision of school meals; and
- (d) any amount appropriated for meeting expenditure in respect of contingencies:

Provided that in determining the amounts under items (b) to (d) above the funding authority shall exclude any such expenditure, or, in the case of expenditure in respect of contingencies, any amount appropriated by the authority for meeting such expenditure, falling within their aggregated budget;

B is the number of registered pupils on a date determined by the funding authority at all primary schools or all secondary schools maintained or formerly maintained by the local education authority (according as to whether the school is a primary school or a secondary school) which are required to be covered by a statement for the financial year in question under section 42 of the 1988 Act; and

C is the number of registered pupils on that date at all such schools whether primary or secondary.

(3) For the purposes of sub-paragraph (2)(b) above the reference in paragraph 2(d) of Schedule 2 to "the preceding financial year" shall be read as a reference to "the financial year in question".

(4) The funding authority shall determine an amount which appears to them to be equal to the amount of the local education authority's aggregated budget which is available for allocation to all primary schools or all secondary schools maintained or formerly maintained by them which are required to be covered by the authority's scheme for the financial year in question, according as to whether the school is a primary school or a secondary school.

7.—(1) For the purposes of this paragraph, the funding authority shall determine the percentage which the amount determined in accordance with sub-paragraph (2) below is of the amount of the local education authority's aggregated budget for special schools for the financial year in question included, in accordance with regulation 3(a) of, and notes (5) and (8) in Schedule 1 to, the Education (School Financial Statements) (Prescribed Particulars etc.) Regulations 1995<sup>(24)</sup> ("the 1995 Regulations"), in Part 1 of the authority's statement prepared under section 42(3) of the 1988 Act for that year ("the statement").

(2) The funding authority shall determine the amount remaining after the sum of the amount of the local education authority's aggregated budget referred to in sub-paragraph (1) above and the aggregate of the amounts referred to in sub-paragraph (3) below is deducted from the amount of the authority's general schools budget for special schools for the financial year in question included, in accordance with regulation 3(a) of, and notes (5) and (44) in Schedule 1 to, the 1995 Regulations, in the statement.

(3) The amounts referred to in sub-paragraph (2) above are the amounts included in the statement, in accordance with regulation 3(a) of, and the relevant notes in Schedule 1 to, the 1995 Regulations, in respect of the following matters—

- (a) capital expenditure (35);
- (b) capital financing costs (36);
- (c) provision of transport for pupils between home and school (25);

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(24) S.I. 1995/208.

- (d) existing commitments to pay compensation for redundancy, dismissal or premature retirement of staff (40)(b);
  - (e) assessing pupils' special educational needs, making special educational provision for pupils with statements of special educational needs and reviewing such statements (13)(a) and (39);
  - (f) education welfare services (37);
  - (g) educational psychology services (38);
  - (h) provision for pupils of clothing, board and lodging and financial support (28);
  - (i) expenditure expected to be offset by income received as grant (41)(a)(i) and (b);
  - (j) provision of school meals and milk (26)(a) and (b);
  - (k) contingencies (31);
  - (l) expenditure of the kind referred to in section 11 of the Local Government Act 1966<sup>(25)</sup> not expected to be offset by income received as central government grant or grant from any of the European Communities (41)(a)(ii); and
  - (m) expenditure which is expected to be offset by income received from Her Majesty's Chief Inspector of Schools in England (27).
- (4) For the purposes of sub-paragraph (3) above "the relevant notes" means, in relation to each matter set out in items (a) to (m) in that sub-paragraph, note (5) and the note indicated in respect of that matter.

## SCHEDULE 2

Regulation 16(3)

### RELEVANT EXPENDITURE

1. Subject to paragraph 2, the following heads or items of expenditure are to be included for the purposes of determining in accordance with regulation 16(2) the amount of relevant expenditure incurred by the local education authority in the preceding financial year:

- (a) salaries of, and other costs attributable to, staff employed to work wholly or partly at the school other than staff employed in the provision of school meals;
- (b) expenditure on books, stationery and other educational equipment for use at the school;
- (c) expenditure on telephones and postage for the purposes of the school;
- (d) examination fees incurred in relation to registered pupils at the school;
- (e) expenditure relating to the school premises, including in particular—
  - (i) heating and lighting;
  - (ii) caretaking and cleaning; and
  - (iii) rent, non-domestic rates, water rates and charges for the supply of water or the provision of sewerage services; and
- (f) any other expenditure treated by the authority as forming part of the direct costs of the school

2. The heads or items of expenditure referred to in paragraph 1 are not to be included for the purposes of determining the amount of relevant expenditure to the extent that they fall within any of the following descriptions of expenditure, namely—

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<sup>(25)</sup> 1966 c. 42, as substituted by section 1(1) of the Local Government (Amendment) Act 1993 (c. 27). Section 11 is extended by section 211 of the Education Reform Act 1988 to which there are amendments not relevant to these Regulations.

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- (a) expenditure treated by the local education authority as expenditure of a capital nature;
- (b) expenditure in respect of the repayment of the principal of, the payment of interest on and the discharge of any financial obligation in connection with, any loan raised to meet expenditure of a capital nature;
- (c) expenditure which is offset by income received as central government grant in support of specific expenditure;
- (d) expenditure required to meet the liabilities of the local education authority in respect of compensation for premature retirement of—
  - (i) persons formerly employed by them to work at a school maintained by them; or
  - (ii) persons formerly employed by the governing body of a school maintained by them, where the decision to credit a person with a period of service for the purposes of payment of compensation for premature retirement was made before 1st April in the preceding financial year;
- (e) expenditure on the following items and on any necessary administrative costs associated therewith—
  - (i) transport for pupils between home and school;
  - (ii) the provision of clothing and board and lodging for pupils;
  - (iii) the granting of scholarships, exhibitions, bursaries or other allowances to pupils over compulsory school age, to enable them to take advantage of educational facilities without hardship to themselves or their parents;
  - (iv) education welfare officers, education social workers and educational psychologists where the expenditure is incurred in connection with the performance of a duty or the exercise of a power by the local education authority which is to be performed or exercised by them both in relation to pupils at schools maintained by them and in relation to pupils at grant-maintained schools; and
  - (v) making assessments of, and making, maintaining and reviewing statements for, children with special educational needs and making the special educational provision for pupils with statements of special educational needs specified in their statements;
- (f) expenditure in respect of the provision of education in special schools;
- (g) expenditure in respect of the provision of education under section 298 of the 1993 Act;
- (h) expenditure offset by income received from Her Majesty's Chief Inspector of Schools in England; and
- (i) expenditure of the kind referred to in section 11 of the Local Government Act 1966 in respect of posts approved by the Secretary of State for the purpose of making grants in respect of such expenditure, not being expenditure expected to be offset by income received as central government grant or grant from any of the European Communities.

### SCHEDULE 3

Regulations 36 and 55

#### REQUIREMENTS WHICH MAY BE ATTACHED TO PAYMENT OF MAINTENANCE, CAPITAL AND SPECIAL PURPOSE GRANTS

**1.** A requirement that the governing body shall secure, so far as their powers extend, that the school is conducted in accordance with any requirements imposed by or under any enactment including, in particular, any imposed by or under the 1988 Act or the 1993 Act or the instrument or articles of government for the school

2. Requirements with respect to the maintenance of proper accounts including, in particular, requirements as to—
  - (a) the appointment by the governing body of a person who will be responsible to them for the administration of their financial affairs;
  - (b) the accounting systems and methods to be adopted by the governing body and the form of their accounts and supporting records;
  - (c) internal financial controls including, in particular, requirements as to the procedures to be adopted with respect to the receipt and disbursement of money by the governing body; and
  - (d) the publication of the governing body's accounts
3. Requirements as to audit and inspection of the governing body's accounts, including, in particular, requirements as to—
  - (a) the procedure to be adopted in appointing and replacing auditors;
  - (b) any qualifications the auditors are to possess;
  - (c) the duration of auditors' appointments;
  - (d) the frequency of audits;
  - (e) the functions which are to be performed by the auditors in respect of the school;
  - (f) the inspection of accounts and supporting records on request by any person authorised by the funding authority; and
  - (g) examinations by persons authorised by the funding authority or the Comptroller and Auditor General into the economy, efficiency and effectiveness with which the governing body of the school have used their resources in discharging their functions
4. Such further requirements relating to the conduct of the school's financial affairs as the funding authority think fit.

#### SCHEDULE 4

Regulation 40(1)

#### DIVISION OF THE SECONDARY SCHOOLS TOTAL

A reference in this Schedule to a Part numbered I to VI is a reference to a Part of this Schedule so numbered.

### PART I

#### Relevant Authorities

#### **London Borough of Barnet.**

- (a) 1. (1) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of the London Borough of Barnet and each secondary school maintained by that authority, the numbers in paragraphs 2 (the date for estimates in the pupil count being 2nd September 1996), 6(1), 7(7), 8(1), 9, 11(4) and 12(1) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16A the amount of each such school's CFF share.

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### **London Borough of Brent**

- (a) (2) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of the London Borough of Brent and each secondary school maintained by that authority, the numbers in paragraphs 3, 6(1), 7(6), 9, 11(5) and 12(2) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of funding units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16D the amount of each such school's CFF share.

### **London Borough of Bromley.**

- (a) (3) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of the London Borough of Bromley and each secondary school maintained by that authority, the numbers in paragraphs 2 (the date for estimates in the pupil count being 16th January 1997), 6(1), 7(1), 9, and 12(3) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16A the amount of each such school's CFF share.

### **Calderdale Metropolitan Borough Council.**

- (a) (4) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of Calderdale Metropolitan Borough Council and each secondary school maintained by that authority, the numbers in paragraphs 2 (the date for estimates in the pupil count being 16th January 1997), 6(1), 7(2), 9 and 11(1) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16A the amount of each such school's CFF share.

### **Cambridgeshire County Council.**

- (a) (5) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of Cambridgeshire County Council and each secondary school maintained by that authority, the numbers in paragraphs 4 (the date for estimates in the pupil count being 16th January 1997), 6(1), 7(1) and 9 and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16A the amount of each such school's CFF share.

### **London Borough of Croydon.**

- (a) (6) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of the London Borough of Croydon and each secondary school maintained by that authority the numbers in paragraphs 2 (the date for estimates in the pupil count being 16th January 1997), 6(1), 7(5), 9 and 12(4) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).

- (b) The funding authority shall then determine in accordance with paragraph 16A the amount of each such school's CFF share.

**Cumbria County Council.**

- (a) (7) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of Cumbria County Council and each secondary school maintained by that authority, the numbers in paragraphs 2 (the date for estimates in the pupil count being 16th January 1997), 6(1), 7(8), 9, 10(1), 11(6) and 12(5) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16A the amount of each such school's CFF share.

**Derbyshire County Council.**

- (a) (8) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of Derbyshire County Council and each secondary school maintained by that authority, the numbers in paragraphs 2 (the date for estimates in the pupil count being 16th January 1997), 6, 7(1), 8(4), 9, 10(5), 11(10) and 12(10) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16B the amount of each such school's CFF share.

**London Borough of Ealing.**

- (a) (9) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of the London Borough of Ealing and each secondary school maintained by that authority, the numbers in paragraphs 3, 6(1), 7(4), 9 and 12(6) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of funding units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16C the amount of each such school's CFF share.

**London Borough of Enfield.**

- (a) (10) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of the London Borough of Enfield and each secondary school maintained by that authority, the numbers in paragraphs 2 (the date for estimates in the pupil count being 16th January 1997), 6(1), 7(9), 8(1), 9, 10(2) and 11(1) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16A the amount of each such school's CFF share.

**Essex County Council.**

- (a) (11) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of Essex County Council and each secondary school maintained by that authority, the numbers in paragraphs 3, 6(1), 7(2), 8(1), 9, 11(2), 13(1)

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and 14 and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of funding units for the school).

- (b) The funding authority shall determine in accordance with paragraph 16C the amount of each such school's CFF share.

**Gloucestershire County Council.**

- (a) (12) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of Gloucestershire County Council and each secondary school maintained by that authority, the numbers in paragraphs 2 (the date for estimates in the pupil count being 16th January 1997), 6(1), 7(4) and 9 and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16A the amount of each such school's CFF share.

**Hertfordshire County Council.**

- (a) (13) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of Hertfordshire County Council and each secondary school maintained by that authority, the numbers in paragraphs 4 (the date for estimates in the pupil count being 16th January 1997), 6(2), 7(1), 9, 12(7) and 14 and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16A the amount of each such school's CFF share.

**London Borough of Hillingdon.**

- (a) (14) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of the London Borough of Hillingdon and each secondary school maintained by that authority, the numbers in paragraphs 2 (the date for estimates in the pupil count being 19th September 1996), 6(1), 7(3), 9, 10(1) and 11(3) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16A the amount of each such school's CFF share.

**Kent County Council.**

- (a) (15) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of Kent County Council and each secondary school maintained by that authority, the numbers in paragraphs 5, 6(1), 7(7), 9, 11(7), 12(8) and 14 and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of funding units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16C the amount of each such school's CFF share.

**Royal Borough of Kingston upon Thames.**



- (a) (16) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of the Royal Borough of Kingston upon Thames and each secondary school maintained by that authority, the numbers in paragraphs 3, 6(1), 7(4), 8(1) and 9 and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of funding units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16C the amount of each such school's CFF share.

**London Borough of Lambeth.**

- (a) (17) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of the London Borough of Lambeth and each secondary school maintained by that authority, the numbers in paragraphs 3, 6(1), 7(7), 9, 10(1), 11(8) and 12(9) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of funding units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16C the amount of each such school's CFF share.

**Lincolnshire County Council.**

- (a) (18) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of Lincolnshire County Council and each secondary school maintained by that authority, the numbers in paragraphs 3, 6(1) and 9 and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of funding units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16C the amount of each such school's CFF share.

**Surrey County Council.**

- (a) (19) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of Surrey County Council and each secondary school maintained by that authority, the numbers in paragraphs 2 (the date for estimates in the pupil count being 19th September 1996), 6(1), 7(7), 8(1), 9, 10(4), 11(1) and 12(10) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16A the amount of each such school's CFF share.

**London Borough of Sutton.**

- (a) (20) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of the London Borough of Sutton and each secondary school maintained by that authority, the numbers in paragraphs 3, 6(1), 7(4), 8(3), 9 and 15 and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of funding units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16C the amount of each such school's CFF share.

**Walsall Metropolitan Borough Council.**

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- (a) (21) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of Walsall Metropolitan Borough Council and each secondary school maintained by that authority, the numbers in paragraphs 2 (the date for estimates in the pupil count being 13th September 1996), 6(1), 7(4), 9 and 12(11) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16A the amount of each such school's CFF share.

**London Borough of Wandsworth.**

- (a) (22) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of the London Borough of Wandsworth and each secondary school maintained by that authority, the numbers in paragraphs 2 (the date for estimates in the pupil count being 26th September 1996), 6(1), 7(10) and 9 and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of base units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16A the amount of each such school's CFF share.

**Wiltshire County Council.**

- (a) (23) (a) The funding authority shall determine, in the case of each grant-maintained secondary school situated in the area of Wiltshire County Council and each secondary school maintained by that authority, the numbers in paragraphs 5, 6(3), 7(7), 8(2), 9, 10(3), 11(9) and 13(2) and the aggregate of such numbers (which aggregate constitutes for the purposes of this Schedule the number of funding units for the school).
- (b) The funding authority shall then determine in accordance with paragraph 16C the amount of each such school's CFF share.

## PART II

### PUPIL NUMBERS

**Relevant Authorities, with no middle schools deemed secondary schools, which use estimates of pupil numbers**

(Barnet, Bromley, Calderdale, Croydon, Cumbria, Enfield, Gloucestershire, Hillingdon, Surrey, Walsall and Wandsworth)

- (a) (a) The number which is the aggregate of—
  - (i) the number appearing to the funding authority to be the number of registered pupils at the school on 18th January 1996 who had not attained the age of 14 on 31st August 1995 multiplied by 5/12, and
  - (ii) the number which they estimate will be the number of registered pupils at the school on the date for estimates in the pupil count who will not have attained the age of 14 on 31st August 1996 multiplied by 7/12,(being for the purposes of these Regulations the number of registered pupils in age band 3);
- (b) the number which is the aggregate of—

- (i) the number appearing to them to be the number of registered pupils at the school on 18th January 1996 aged 14 or 15 on 31st August 1995 multiplied by 5/12, and
  - (ii) the number which they estimate will be the number of registered pupils at the school on the date for estimates in the pupil count aged 14 or 15 on 31st August 1996 multiplied by 7/12,
- (being for the purposes of these Regulations the number of registered pupils in age band 4) multiplied by the number in column (3) opposite the entry for the authority in the table in Part V;
- (c) the number which is the aggregate of—
    - (i) the number appearing to them to be the number of registered pupils at the school on 18th January 1996 aged 16 or over on 31st August 1995 multiplied by 5/12, and
    - (ii) the number which they estimate will be the number of registered pupils at the school on the date for estimates in the pupil count aged 16 or over on 31st August 1996 multiplied by 7/12,
- (being for the purposes of these Regulations the number of registered pupils in age band 5) multiplied by the number in column (4) opposite the entry for the authority in the table in Part V.

**Relevant Authorities, with no middle schools deemed secondary schools, which do not use estimates of pupil numbers**

(Brent, Ealing, Essex, Kingston, Lambeth, Lincolnshire and Sutton)

- (a) (a) The number appearing to the funding authority to be the number of registered pupils at the school on 18th January 1996 who had not attained the age of 14 on 31st August 1995 (being for the purposes of these Regulations the number of registered pupils in age band 3);
- (b) the number appearing to them to be the number of registered pupils at the school on 18th January 1996 aged 14 or 15 on 31st August 1995 (being for the purposes of these Regulations the number of registered pupils in age band 4) multiplied by the number in column (3) opposite the entry for the authority in the table in Part V;
- (c) the number appearing to them to be the number of registered pupils at the school on 18th January 1996 aged 16 or over on 31st August 1995 (being for the purposes of these Regulations the number of registered pupils in age band 5) multiplied by the number in column (4) opposite the entry for the authority in the table in Part V.

**Relevant Authorities, with middle schools deemed secondary schools, which use estimates of pupil numbers**

(Cambridgeshire and Hertfordshire)

- (a) (a) The number which is the aggregate of—
    - (i) the number appearing to the funding authority to be the number of registered pupils at the school on 18th January 1996 who had not attained the age of 11 on 31st August 1995 multiplied by 5/12, and
    - (ii) the number which they estimate will be the number of registered pupils at the school on the date for estimates in the pupil count who will not have attained the age of 11 on 31st August 1996 multiplied by 7/12,
- (being for the purposes of these Regulations the number of registered pupils in age band 2) multiplied by the number in column (1) opposite the entry for that authority in the table in Part V;

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- (b) the number which is the aggregate of—
- (i) the number appearing to them to be the number of registered pupils at the school on 18th January 1996 who have attained the age of 11, 12, or 13 on 31st August 1995 multiplied by 5/12, and
  - (ii) the number which they estimate will be the number of registered pupils at the school on the date for estimates in the pupil count who will have attained the age of 11, 12, or 13 on 31st August 1996 multiplied by 7/12,
- (being for the purposes of these Regulations the number of registered pupils in age band 3);
- (c) the number which is the aggregate of—
- (i) the number appearing to them to be the number of registered pupils at the school on 18th January 1996 aged 14 or 15 on 31st August 1995 multiplied by 5/12, and
  - (ii) the number which they estimate will be the number of registered pupils at the school on the date for estimates in the pupil count aged 14 or 15 on 31st August 1996 multiplied by 7/12,
- (being for the purposes of these Regulations the number of registered pupils in age band 4) multiplied by the number in column (3) opposite the entry for the authority in the table in Part V;
- (d) the number which is the aggregate of—
- (i) the number appearing to them to be the number of registered pupils at the school on January 18th 1996 aged 16 or over on 31st August 1995 multiplied by 5/12, and
  - (ii) the number which the funding authority estimate will be the number of registered pupils at the school on the date for estimates in the pupil count aged 16 or over on 31st August 1996 multiplied by 7/12,
- (being for the purposes of these Regulations the number of registered pupils in age band 5) multiplied by the number in column (4) opposite the entry for the authority in the table in Part V.

**Relevant Authorities, with middle schools deemed secondary schools, which do not use estimates of pupil numbers**

(Kent and Wiltshire)

- (a) (a) The number appearing to the funding authority to be the number of registered pupils at the school on 18th January 1996 who had not attained the age of 11 on 31st August 1995 (being for the purposes of these Regulations the number of registered pupils in age band 2) multiplied by the number in column (1) opposite the entry for the authority in the table in Part V;
- (b) the number appearing to them to be the number of registered pupils at the school on 18th January 1996 aged 11, 12 or 13 on 31st August 1995 (being for the purposes of these Regulations the number of registered pupils in age band 3);
- (c) the number appearing to them to be the number of registered pupils at the school on 18th January 1996 aged 14 or 15 on 31st August 1995 (being for the purposes of these Regulations the number of registered pupils in age band 4) multiplied by the number in column (3) opposite the entry for the authority in the table in Part V;
- (d) the number appearing to them to be the number of registered pupils at the school on 18th January 1996 aged 16 or over on 31st August 1995 (being for the purposes of these Regulations the number of registered pupils in age band 5) multiplied by the number in column (4) opposite the entry for the authority in the table in Part V.

## PART III OTHER FACTORS

### **Fixed Costs**

(All relevant authorities except Hertfordshire and Wiltshire)

6.—(1) The number in column (5) opposite the entry for the authority in the table in Part V.

*(Hertfordshire)*

(2) The number which, if the aggregate of the pupil numbers determined under paragraph 4 in respect of the school is less than 1400, appears to the funding authority to be the difference between 1400 and that aggregate, multiplied in the case of a middle school by 0.6, and then in all cases, divided by 100 and multiplied by the number in column (5) opposite the entry for the authority in the table in Part V.

*(Wiltshire)*

(3) The number in column (5) opposite the entry for the authority in the table in Part V in the case of a middle school and that number multiplied by 1.5 in all other cases.

### **Special Educational Needs.**

(Bromley, Cambridgeshire, and Hertfordshire)

7.—(1) The number appearing to the funding authority to be the number of registered pupils at the school who on 18th January 1996 were entitled to be provided with free school meals under section 22(3) or (3A) of the Education Act 1980 multiplied by the number in column (6) opposite the entry for the authority in the table in Part V.

*(Calderdale and Essex)*

(2) The number (expressed as a percentage) appearing to the funding authority to represent the share treated by the authority under their scheme (or, where the school is a grant-maintained school, the share which would have been so treated had the school been covered by the scheme) as the school's share of funding, allocated in accordance with the allocation formula based on reading test data, for pupils who have special educational needs but who do not have statements multiplied by the number in column (6) opposite the entry for the authority in the table in Part V.

*(Hillingdon)*

(3) The number appearing to the funding authority to be the number of points allocated to the school in accordance with the allocation formula under the authority's scheme, prepared by the Hillingdon Association of Secondary Headteachers on a date in the financial year beginning in 1995 before these Regulations were made, based on reading tests administered to pupils in that financial year, multiplied by the number in column (6) opposite the entry for the authority in the table in Part V.

*(Ealing, Gloucestershire, Kingston, Sutton and Walsall)*

(4) The number appearing to the funding authority to be the number treated by the authority under their scheme (or, where the school is a grant-maintained school, the number which would have been

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so treated had the school been covered by the scheme) for the purposes of determining the budget share of the school for the financial year in question as the number of registered pupils at the school who have special educational needs but who do not have statements multiplied by the number in column (6) opposite the entry for the authority in the table in Part V.

*(Croydon)*

(5) The number appearing to the funding authority to be the aggregate of the numbers of registered pupils at the school on 20th January 1994, 19th January 1995 and 18th January 1996 who were entitled to be provided with free school meals under section 22(3) or (3A) of the Education Act 1980 divided by 3 and multiplied by the number in column (6) opposite the entry for the authority in the table in Part V.

*(Brent)*

(6) The number appearing to the funding authority to represent the school's share (or, where the school is a grant-maintained school, the share which would have been the school's share had the school been covered by the scheme) of funding treated by the authority under their scheme as funding for pupils who have special educational needs but who do not have statements and allocated in accordance with the allocation formula under the authority's scheme multiplied by the number in column (6) opposite the entry for the authority in the table in Part V.

*(Barnet, Kent, Lambeth, Surrey and Wiltshire)*

(7) The number appearing to the funding authority to be the number treated by the authority under their scheme (or, where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) as the number of points allocated to the school in accordance with the allocation formula under the authority's scheme for pupils who have special educational needs but who do not have statements multiplied by the number in column (6) opposite the entry for the authority in the table in Part V.

*(Cumbria)*

(8) The number appearing to the funding authority to be the number treated by the authority under their scheme having regard to the "Richmond Test" (or, where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) for the purpose of determining the budget share of the school for the financial year in question as the number of registered pupils at the school who have special educational needs but who do not have statements multiplied by the number in column (6) opposite the entry for the authority in the table in Part V.

*(Enfield)*

(9) The number appearing to the funding authority to be the number treated by the authority under their scheme, for the purposes of the SEN audit as therein referred to, (or, where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) as the number of registered pupils at the school who have special educational needs but who do not have statements multiplied by the number in column (6) opposite the entry for the authority in the table in Part V.

*(Wandsworth)*

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- (a) (10) (a) The number determined in (b) below, multiplied by the number in column (6) opposite the entry for the authority in the table in Part V.
- (b) The number appearing to the funding authority to be the number treated by the authority under their scheme (or, where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) as the number of points allocated to the school in accordance with the allocation formula under the authority's scheme for pupils who have special educational needs but who do not have statements, multiplied—
  - (i) in respect of so many of the said points which relate to free school meals entitlement, by 3.9630, and
  - (ii) in respect of so many of the said points which relate to the results of National Curriculum tests and tasks administered to pupils at Key Stage 2, by 20.7089.

**Additional Special Educational Needs Provision.**

(Barnet, Enfield, Essex, Kingston and Surrey)

8.—(1) The number appearing to the funding authority to be the number of registered pupils at the school who on 18th January 1996 were entitled to be provided with free school meals under section 22(3) or (3A) of the Education Act 1980 multiplied by the number in column (7) opposite the entry for the authority in the table in Part V.

**(Wiltshire)**

(2) In cases where the average number, calculated on a monthly basis between 1st January 1995 and 31st December 1995, of registered pupils at the school who are entitled to be provided with free school meals under section 22(3) or (3A) of the Education Act 1980, or whose mothers are in Women's Refuges (within the meaning of the scheme), or both, (represented by "A" below) is more than 10 per cent of the number appearing to the funding authority to be the number of registered pupils at the school (represented by "B" below) on 18th January 1996, the number calculated in accordance with the formula—

$$\frac{A}{B} \times A \times \text{the number in column (7) opposite the entry for that authority in the table in Part V.}$$

*(Sutton)*

(3) Where it appears to the funding authority that the school is treated by the authority in accordance with their scheme (or, in the case of a grant-maintained school, would have been so treated had the school been covered by the scheme) as attracting an additional learning support supplement as defined in the scheme, the number in column (7) opposite the entry for the authority in the table in Part V.

*(Derbyshire)*

- (a) (4) (a) If it appears to the funding authority that, having regard to the terms of the authority's scheme for the financial year beginning in 1995, the number of registered pupils at the school entitled to be provided with free school meals under section 22(3) or (3A) of the Education Act 1980, expressed as an average of the percentage of the total number of registered pupils at the school in each of the three years preceding the financial year in question, is greater than 8.15 per cent, the number calculated in accordance with the formula—

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(A 8.15)

100

(where

A is the average percentage)

multiplied by—

- (i) the aggregate of the pupil numbers in the various age bands determined in respect of the school under paragraph 2, and
  - (ii) the number in column (7) opposite the entry for the authority in the table in Part V.
- (b) The funding authority shall in determining the numbers of registered pupils, entitled to be provided with free school meals and the total number of registered pupils referred to in (a) above use—
- (i) in the case of secondary schools maintained by the authority, the numbers determined by the authority in the autumn term in each of those three years, and
  - (ii) in the case of grant-maintained secondary schools, the numbers on 19th January 1995, 20th January 1994 and 21st January 1993, determined by the funding authority.

**Free School Meals (actual take up).**

(All relevant authorities)

9. The number appearing to the funding authority to be the number of registered pupils at the school on 18th January 1996 (or, if that date, in the opinion of the funding authority, is not representative, such other date in January as the funding authority may determine) who were provided with free school meals under section 22(3) or (3A) of the Education Act 1980 multiplied by the number in column (8) opposite the entry for the authority in the table in Part V.

**Small Schools.**

(Cumbria, Hillingdon and Lambeth)

10.—(1) Where it appears to the funding authority that the school's budget share for the financial year in question determined in accordance with the authority's scheme includes (or, in the case of a grant-maintained school, that the school's budget share so determined, had the school been covered by the scheme, would have included) an amount by reason of the small number of registered pupils at the school, the number appearing to the funding authority to be the number applicable (or, in the case of a grant-maintained school, which would have been applicable) to the school in accordance with the authority's scheme in respect of that factor multiplied by the number in column (9) opposite the entry for the authority in the table in Part V.

(Enfield)

(2) The number (if it appears to the funding authority that there are fewer than 730 registered pupils at the school) which appears to the funding authority to be the difference between the number of registered pupils at the school on 18th January 1996 and 730, multiplied by the number in column (9) opposite the entry for the authority in the table in Part V.

(Wiltshire)

(3) The number (if it appears to the funding authority that there are fewer than 187 registered pupils at the school) which appears to the funding authority to be the difference between the number



of registered pupils at the school on 18th January 1996 and 187, multiplied by the number in column (9) opposite the entry for the authority in the table in Part V.

**(Surrey)**

(4) Where it appears to the funding authority that the school's budget share for the financial year in question determined in accordance with the authority's scheme includes (or, in the case of a grant-maintained school, that the school's budget share so determined, had the school been covered by the scheme, would have included) an amount by reason of the small number of registered pupils at the school, the number appearing to the funding authority to be the number arrived at by calculating the difference between the aggregate of the following numbers—

- (a) the number appearing to them to be the number of registered pupils at the school on 18th January 1996 multiplied by 5/12; and
- (b) the number which they estimate will be the number of registered pupils at the school on 19th September 1996 multiplied by 7/12, and

either 720 (if greater than that aggregate number) in the case of a school without a sixth form or 870 (if greater than that aggregate number) in the case of a school with a sixth form, and then multiplying that difference by the number in column (9) opposite the entry for the authority in the table in Part V.

*(Derbyshire)*

(5) The number (if it appears to the funding authority that there are fewer than 700 registered pupils at the school) which appears to the funding authority to be the difference between the aggregate of the pupil numbers in the various age bands determined under paragraph 2 in respect of the school, and 700, multiplied by the number in column (9) opposite the entry for the authority in the table in Part V.

**Split Site.**

(Calderdale, Enfield and Surrey)

**11.—(1)** (Where it appears to the funding authority that the school is treated by the authority in accordance with their scheme (or, in the case of a grant-maintained school, would have been so treated had the school been covered by the scheme) as having a split site, the number in column (10) opposite the entry for the authority in the table in Part V.)

*(Essex)*

(2) Where it appears to the funding authority that the school is treated by the authority in accordance with their scheme (or, in the case of a grant-maintained school, would have been so treated had the school been covered by the scheme) as having a split site—

- (a) the number in column (10) opposite the entry for the authority in the table in Part V; or
- (b) the number in (a) multiplied by 2, in the case of a school appearing to the funding authority to have at least two sites—
  - (i) more than 0.5 but less than 4 kilometres apart as measured by the shortest available route from main door to main door in the principal building on each site, and
  - (ii) where pupils travelling between those sites have to go along a public footway or road outside the curtilage of the school; or
- (c) the number in (a) multiplied by 4, in the case of a school appearing to the funding authority to have at least two such sites 4 kilometres or more apart.

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*(Hillingdon)*

- (a) (3) (a) In the case of The Douay Martyrs School, the number in column (10) opposite the entry for the authority in the table in Part V; and
- (b) in the case of Bishop Ramsey School, twice the number in column (10) opposite the entry for the authority in the table in Part V.

*(Barnet)*

(4) Where it appears to the funding authority that the school is treated by the authority in accordance with their scheme (or, in the case of a grant-maintained school would have been so treated had the school been covered by the scheme) as having a split site, the number in column (10) opposite the entry for the authority in the table in Part V, multiplied in the case of—

- Copthall School by 1.13,
- Hasmonean High School by 1.70,
- East Barnet School by 1.92, and
- St. James' Catholic High School by 2.21.

*(Brent)*

- (a) (5) (a) In the case of Alperton High School, the number in column (10) opposite the entry for the authority in the table in Part V; and
- (b) in the case of Kingsbury High School, the number in column (10) opposite the entry for the authority in the table in Part V multiplied by 1.76.

*(Cumbria)*

(6) Where it appears to the funding authority that the school is treated by the authority in accordance with their scheme (or, in the case of a grant-maintained school, would have been so treated had the school been covered by the scheme) as having a split site, the aggregate of the numbers determined under paragraph 2 multiplied by the number in column (10) opposite the entry for the authority in the table in Part V.

*(Kent)*

(7) Where it appears to the funding authority that the school is treated by the authority in accordance with their scheme (or, in the case of a grant-maintained school, would have been so treated had the school been covered by the scheme) as having a split site, the aggregate of the pupil numbers in the various age bands determined under paragraph 5 in respect of the school multiplied by the number in column (10) opposite the entry for the authority in the table in Part V.

*(Lambeth)*

(8) Where it appears to the funding authority that the school is treated by the authority in accordance with their scheme (or, in the case of a grant-maintained school, would have been so treated had the school been covered by the scheme) as having a split site, the number of points applicable to the school for this factor under the authority's scheme, multiplied by the number in column (10) opposite the entry for the authority in the table in Part V.

*(Wiltshire)*

- (a) (9) (a) Where it appears to the funding authority that the school is treated by the authority in accordance with their scheme (or, in the case of a grant-maintained school, would have been so treated had the school been covered by the scheme) as having a split site—
- (i) the number in column (10) opposite the entry for the authority in the table in Part V, or
  - (ii) in the case of a school which received the higher of two possible allocations under the authority’s scheme for the preceding financial year, the number in column (10) opposite the entry for the authority in the table in Part V multiplied by 1.5.
- (b) In the case of Hardenhuish School, the number in column (10) opposite the entry for the authority in the table in Part V.

*(Derbyshire)*

(10) Where it appears to the funding authority that the school is treated by the authority in accordance with their scheme (or, in the case of a grant-maintained school would have been so treated had the school been covered by the scheme) as having a split site, the number in column (10) opposite the entry for the authority in the table in Part V, multiplied in the case of the schools listed in column (1) of the table below by the figure in column (2) of that table—

(1)	(2)
New Mills School	2.27
Swanwick Hall School	2.63
Lady Manners School	3.10
Highfields School	3.27
Merrill College	4.98
Long Eaton Community School	5.62
Queen Elizabeth’s School, Ashbourne	5.71
The Dronfield School	6.03
Newbold Community School	6.39
Bolsover School	6.93
Glossopdale Community College	8.63.

**Floor area.**

*(Barnet)*

**12.—**(1) The number appearing to the funding authority to be the number (expressed in thousands of square metres) treated by the authority under their scheme (or, where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) as the building cleaning area—

- (a) adjusted by such amount, if any, as appears to the funding authority to be fair and reasonable to take into account any likely increases in area during the financial year in question; and

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- (b) multiplied by the number in column (11) opposite the entry for the authority in the table in Part V.

*(Brent)*

(2) The number appearing to the funding authority to be the number (expressed in thousands of square feet) treated by the authority under their scheme (or, where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) as representing the floor area of the school buildings—

- (a) adjusted by such amount, if any, as appears to the funding authority to be fair and reasonable to take into account any likely increases in area during the financial year in question; and
- (b) multiplied by the number in column (11) opposite the entry for the authority in the table in Part V.

*(Bromley)*

(3) The number appearing to the funding authority to be the number (expressed in thousands of square feet) which represents the floor area of the school buildings—

- (a) adjusted by such amount, if any, as appears to the funding authority to be fair and reasonable to take into account any likely increases in area during the financial year in question, and
- (b) multiplied by the number in column (11) opposite the entry for the authority in the table in Part V.

*(Croydon)*

(4) The number appearing to the funding authority to be the number (expressed in acres) treated by the authority under their scheme (or where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) as representing the site area of the school grounds—

- (a) adjusted by such amount, if any, as appears to the funding authority to be fair and reasonable to take into account any likely increases in area during the financial year in question, and
- (b) multiplied by the number in column (11) opposite the entry for the authority in the table in Part V.

*(Cumbria)*

(5) The number appearing to the funding authority to be the number (expressed in thousands of square metres) treated by the authority under their scheme (or, where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) as the cleaned floor area of the school buildings, as therein defined,—

- (a) adjusted by such amount, if any, as appears to the funding authority to be fair and reasonable to take into account any likely increases in area during the financial year in question, and
- (b) multiplied by the number in column (11) opposite the entry for the authority in the table in Part V.

*(Ealing)*

(6) The number appearing to the funding authority to be the number (expressed in thousands of square feet) treated by the authority under their scheme (or, where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) as representing the cleaned floor area of the school buildings, as therein defined,—

- (a) adjusted by such amount, if any as appears to the funding authority to be fair and reasonable to take into account any likely increases in area during the financial year in question, and
- (b) multiplied by the number in column (11) opposite the entry for the authority in the table in Part V.

*(Hertfordshire)*

(7) The number appearing to the funding authority to be the number (expressed in thousands of square metres) treated by the authority under their scheme (or, where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) as the area of the kitchen, swimming pool and rest of the site excluding the grounds, as therein defined,—

- (a) adjusted by such amount, if any, as appears to the funding authority to be fair and reasonable to take into account any likely increases in area during the financial year in question, and
- (b) multiplied by the number in column (11) opposite the entry for the authority in the table in Part V.

*(Kent)*

(8) The number appearing to the funding authority to be the number (expressed in thousands of square metres) which represents the area of the site, referred to in the authority's scheme as the building maintenance area,—

- (a) adjusted by such amount, if any, as appears to the funding authority to be fair and reasonable to take into account any likely increases in area during the financial year in question, and
- (b) multiplied by the number in column (11) opposite the entry for the authority in the table in Part V.

*(Lambeth)*

(9) The number appearing to the funding authority to be the number treated by the authority under their scheme (or, in the case of a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) as representing the school's floor area (expressed in square metres)—

- (a) adjusted by such amount, if any, as appears to the funding authority to be fair and reasonable to take into account any likely increases in area during the financial year in question, and
- (b) multiplied by the number of registered pupils at the school on 18th January 1996 then divided by one million and then multiplied by the number in column (11) opposite the entry for the authority in the table in Part V.

*(Derbyshire and Surrey)*

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(10) The number appearing to the funding authority to be the number (expressed in thousands of square metres) treated by the authority under their scheme (or, where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) as representing the floor area of the school buildings—

- (a) adjusted by such amount, if any, as appears to the funding authority to be fair and reasonable to take into account any likely increases in area during the financial year in question, and
- (b) multiplied by the number in column (11) opposite the entry for the authority in the table in Part V.

*(Walsall)*

(11) The number appearing to the funding authority to be the number (expressed in thousands of square metres) treated by the authority under their scheme (or, where the school is a grant-maintained school, the number which would have been so treated had the school been covered by the scheme) as representing the floor area of the school for the purposes of routine maintenance and restoration, as therein defined,—

- (a) adjusted by such amount, if any, as appears to the funding authority to be fair and reasonable to take into account any likely increases in area during the financial year in question, and
- (b) multiplied by the number in column (11) opposite the entry for the authority in the table in Part V.

### **Turnover.**

*(Essex)*

**13.**—(1) Where it appears to the funding authority that the school's budget share for the financial year in question determined in accordance with the authority's scheme includes (or, in the case of a grant-maintained school, that the school's budget share so determined, had the school been covered by the scheme, would have included) an amount in respect of the turnover of pupils, the number appearing to the funding authority to be the number by which the turnover of pupils for the school determined in accordance with the authority's scheme (or, in the case of a grant-maintained school, that would have been so determined, had the school been covered by the scheme) exceeds the number appearing to them to be the threshold for turnover determined in accordance with the authority's scheme (or, in the case of a grant-maintained school, that would have been so determined, had the school been covered by the scheme) multiplied by the number in column (12) opposite the entry for the authority in the table in Part V.

*(Wiltshire)*

(2) In cases where the number of registered pupils at the school who have a parent serving in the armed forces of the Crown, expressed as an average monthly percentage of the number of registered pupils at the school in each month between 1st January 1995 and 31st December 1995, is—

- (a) between 20 per cent and 35 per cent inclusive, the number appearing to the funding authority to be the number of registered pupils at the school on 18th January 1996, multiplied by the number in column (12) opposite the entry for the authority in the table in Part V; and
- (b) more than 35 per cent, the number appearing to the funding authority to be the number of registered pupils at the school on 18th January 1996, multiplied by twice the number in column (12) opposite the entry for the authority in the table in Part V.

### **London Weighting.**

(Essex, Hertfordshire and Kent)

14. Where it appears to the funding authority that the school is treated by the authority in accordance with their scheme (or, in the case of a grant-maintained school, would have been so treated had the school been covered by the scheme) as in the London Weighting area, the number appearing to the funding authority to be the aggregate of the numbers determined under paragraph 3, 4 or 5 in respect of the school, multiplied by the number in column (13) opposite the entry for the authority in the table in Part V.

### **Training Targets.**

(Sutton)

15. Where it appears to the funding authority that the school's budget share for the financial year in question determined in accordance with the authority's scheme includes (or, in the case of a grant-maintained school, that the school's budget share so determined, had the school been covered by the scheme, would have included) an amount in respect of training targets, the number appearing to the funding authority to be the number applicable (or, in the case of a grant-maintained school, which would have been applicable) to the school in accordance with the authority's scheme in respect of that factor multiplied by the number in column (14) opposite the entry for the authority in the table in Part V.

## **PART IV**

### **CALCULATION OF A SCHOOL'S CFF SHARE**

References in this Part to "the date for adjustment of last year's estimates" mean in respect of a relevant authority the date shown opposite that authority in the table below.

Relevant Authority	Relevant Part of Paragraph 16	Date for adjustment of last year's estimates
Barnet	A	19th October 1995
Brent	C	N/A
Bromley	A	18th January 1996
Calderdale	A	18th January 1996
Cambridgeshire	A	18th January 1996
Croydon	A	18th January 1996
Cumbria	A	18th January 1996
Derbyshire	B	18th January 1996
Ealing	C	N/A
Enfield	A	18th January 1996
Essex	C	N/A
Gloucestershire	A	18th January 1996
Hertfordshire	A	18th January 1996
Hillingdon	A	15th September 1995

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Relevant Authority	Relevant Part of Paragraph 16	Date for adjustment of last year's estimates
Kent	C	N/A
Kingston	C	N/A
Lambeth	C	N/A
Lincolnshire	C	N/A
Surrey	A	21st September 1995
Sutton	C	N/A
Walsall	A	15th September 1995
Wandsworth	A	28th September 1995
Wiltshire	C	N/A

#### **Calculation of a school's CFF share in existing CFF areas : Authorities which use estimates of pupil numbers**

**16A.**—(1) Where the number which appears to the funding authority to be the number of registered pupils in a particular age band at the school on the date for adjustment of last year's estimates differs from the number of registered pupils of that particular age band which it was estimated for the purposes of determining the amount of that school's annual maintenance grant or budget share, as the case may be, in the preceding financial year, would be at the school on that date then the funding authority shall, subject to sub-paragraph (3), determine an amount in respect of each such category of pupils by—

- (a) subtracting that estimated number from that actual number of registered pupils and multiplying the resulting amount by the amount specified in relation to the authority in whichever is the appropriate of column (1), (2), (3) or (4) in the table in Part VI in relation to that age band and by 7/12;
  - (b) multiplying the number calculated in accordance with (a) above by the "amount per pupil" used in respect of the school under the 1995 Regulations;
  - (c) subtracting from the amount calculated in accordance with (b) above any amount previously made available for the purposes of the school because of an increase in the number of registered pupils at the school; and
  - (d) subtracting from or adding to, as appropriate, the amount calculated in accordance with (c) above such amount, if any, as appears to them to be fair and reasonable, having consulted the authority, to take into account any transfer of an amount of funding in respect of a pupil pursuant to section 262 of the 1993 Act.
- (2) For the purposes of this paragraph—
- (a) the amount referred to in respect of each school as "the 1995-96 CFF floor" is the amount determined in respect of each school under regulation 43(1);
  - (b) the amount referred to in respect of each school as "the pure 1995-96 CFF share" is the amount calculated in respect of each school under regulation 30(2) or (3)(b) of the 1995 Regulations (as the case may be);
  - (c) the amount referred to in respect of each school as "the deviation from the CFF floor" is the amount which equals the 1995-96 CFF floor less the pure 1995-96 CFF share. (*Where a school's pure 1995-96 CFF share is less than its 1995-96 CFF floor this figure will be positive, and where the pure 1995-96 CFF share is greater than the 1995-96 CFF floor this figure will be negative.*)



(3) The funding authority shall, in a case where regulation 31 (10) of the 1995 Regulations applied, reduce the amount determined under sub-paragraph (1) to zero and otherwise shall—

- (a) in a case where the amount determined under sub-paragraph (1) is greater than the deviation from the CFF floor and the deviation from the CFF floor is greater than zero reduce the amount determined under sub-paragraph (1) by a sum equal to the deviation from the CFF floor;
- (b) in a case where the amount determined under sub-paragraph (1) is either—
  - (i) greater than zero and less than the deviation from the CFF floor, or
  - (ii) less than zero and the deviation from the CFF floor is greater than zero, reduce the amount determined under sub-paragraph (1) to zero;
- (c) in a case where the amount determined under sub-paragraph (1) is less than the deviation from the CFF floor and the deviation from the CFF floor is less than zero, redetermine the amount determined under sub-paragraph (1) to be equal to the deviation from the CFF floor.

(4) The funding authority shall determine the number (referred to in sub-paragraph (5) as the “total number of base units for the authority”) which is the aggregate of the number of base units for each school determined under that part of Part I applicable to the authority.

(5) The funding authority shall determine the amount (referred to in sub-paragraph (6) as the “amount per pupil”) obtained by dividing the secondary schools total for the authority, less the aggregate for the authority of the amounts for each category of pupils in each school determined under sub-paragraph (1), by the total number of base units for the authority.

(6) The funding authority shall determine the amount (referred to in sub-paragraph (7) as the “number of funding units for the school”) obtained by adding to the figure which is the number of base units for the school the amount which is equal to the figure determined under sub-paragraph (1) divided by the amount per pupil.

(7) The funding authority shall determine as the amount of each school’s CFF share the amount obtained by multiplying the amount per pupil by the number of funding units for the school.

#### **Calculation of a school’s CFF share: Derbyshire County Council.**

**B.—**(1) Where the number, which appears to the funding authority, to be the number of registered pupils in a particular age band at the school on the date for adjustment of last year’s estimates, differs from the number of registered pupils of that particular age band which it was estimated, for the purposes of determining the amount of that school’s annual maintenance grant or budget share, as the case may be, in the preceding financial year, would be at the school on that date then the funding authority shall, determine an amount in respect of each such category of pupils by—

- (a) subtracting that estimated number from that actual number of registered pupils and multiplying the resulting amount by the amount specified in relation to the authority in whichever is the appropriate of column (1), (2), (3) or (4) in the table in Schedule 5 in relation to that age band and by 7/12;
- (b) multiplying the number calculated in accordance with (a) above by the age band 3 unit cost for the authority in column (5) in the table in Schedule 5;
- (c) subtracting from the amount calculated in accordance with (b) above any amount previously made available for the purposes of the school because of an increase in the number of registered pupils at the school; and
- (d) subtracting from, or adding to, as appropriate, the amount calculated in accordance with (c) above such amount, if any, as appears to the funding authority to be fair and reasonable, having consulted the authority, to take into account any transfer of an amount of funding in respect of a pupil pursuant to section 262 of the 1993 Act.

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(2) The funding authority shall determine the number (referred to in sub-paragraph (3) as the “total number of base units for the authority”) which is the aggregate of the number of base units for each school determined under paragraph 1(8) in Part I.

(3) The funding authority shall determine the amount (referred to in sub-paragraph (4) as the “amount per pupil”) obtained by dividing the secondary schools total for the authority, less the aggregate for the authority of the amounts for each category of pupils in each school determined under sub-paragraph (1), by the total number of base units for the authority.

(4) The funding authority shall determine the amount (referred to in sub-paragraph (5) as the number of funding units for the school) obtained by adding to the figure which is the number of base units for the school the amount which is equal to the figure determined under sub-paragraph (1) divided by the amount per pupil.

(5) The funding authority shall determine as the amount of each school’s CFF share the amount obtained by multiplying the amount per pupil by the number of funding units for the school.

**Calculation of a school’s CFF share : Authorities which do not use estimates of pupil numbers other than the London Borough of Brent.**

**C.—**(1) The funding authority shall determine the number (referred to in sub-paragraph (2) as the “total number of funding units for the authority”) which is the aggregate of the number of funding units for each school determined under that part of Part I applicable to the authority.

(2) The funding authority shall determine the amount (referred to in sub-paragraph (3) as the “amount per pupil”) obtained by dividing the secondary schools total for the authority by the total number of funding units for the authority.

(3) The funding authority shall determine as the amount of each school’s CFF share the amount obtained by multiplying the amount per pupil by the number of funding units for the school.

**Calculation of a school’s CFF share: London Borough of Brent.**

**D.—**(1) The funding authority shall determine the number (referred to in sub-paragraph (3) as the “total number of funding units for the authority”) which is the aggregate of the number of funding units for each school determined under paragraph 1(2) in Part I.

(2) The funding authority shall determine an amount which is 0.8 per cent of the secondary schools total for the authority (“the total contingency amount”).

(3) The funding authority shall determine the amount (referred to in sub-paragraph (4) as the “amount per pupil”) obtained by dividing the secondary school’s total for the authority, less the total contingency amount defined in sub-paragraph (2), by the total number of funding units for the authority.

(4) The funding authority shall determine as the amount of each school’s CFF share the amount obtained by multiplying the amount per pupil by the number of funding units for the school.

(5) The funding authority shall determine an amount (referred to in sub-paragraph (6) as the “additional amount per pupil”) by dividing the total contingency amount by the aggregate of the numbers appearing to them to be the numbers of registered pupils referred to in paragraph 3 in Part II on 18th January 1996 at each grant-maintained secondary school in the area of the authority and each secondary school maintained by it.

(6) The funding authority shall add to the CFF share for each secondary school maintained by the authority an amount which is the number of registered pupils at the school on 18th January 1996 multiplied by the additional amount per pupil.

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(7) The funding authority shall determine as the “GM contingency amount” the amount which is the difference between the aggregate of the amounts referred to in sub-paragraph (6) for each secondary school maintained by the authority and the total contingency amount.

## PART V

### FACTOR NUMBERS TABLE

CFF Area	(1) Age Band 2	(2) Age Band 3	(3) Age Band 4	(4) Age Band 5	(5) Fixed	(6) SEN	(7) SEN Additional	(8) FSM	(9) Small	(10) Split	(11) Area	(12) Turnover	(13) Condition	(14) Training Weighting
Barnet		1.00001	.24001	.64001	68.5100	0.02740	0.04900	0.1393			35.39671	1.9203		
Brent		1.00001	.10001	.30001	23.9280	0.0824		0.1449			80.7778	0.6549		
Bromley		1.00001	.22001	.94001	74.4320	0.3126		0.1709				0.5657		
Calderdale		1.00001	.22001	.25001	54.5334	0.8065		0.1091			21.8132			
Cambridge		1.00001	.27001	.66001	110.3604	0.961		0.1657						
Croydon		1.00001	.06001	.53001	7.77330	0.2563		0.0816				3.8188		
Cumbria		1.00001	.20001	.57001	15.9040	0.3483		0.11720	0.20370	0.01378	1.1365			
Derbyshire		1.00001	.20001	.42001	32.7690	0.15780	0.31260	0.19240	0.20679	0.129312	1.6978			
Ealing		1.00001	.19001	.25001	40.6890	0.0367		0.1429				0.9048		
Enfield		1.00001	.28001	.64001	128.5204	0.3720	0.18160	0.15230	0.465837	2.2084				
Essex		1.00001	.22001	.57001	108.3587	0.2370	0.07310	0.1813			20.9986	0.33390	0.0200	
Gloucestershire		1.00001	.28001	.68001	117.7078	0.248		0.2081						
Hertfordshire		1.00001	.28001	.39001	10.5950	0.2428		0.1152			5.0614		0.0200	
Hillingdon		1.00001	.17001	.50001	50.4680	0.1451		0.11130	0.170435	0.0036				
Kent	0.69001	0.00001	.14001	.50001	28.4160	0.0895		0.1478			0.01309	0.3457		0.0200
Kingston		1.00001	.00001	.46001	109.0096	0.9390	0.18620	0.1573						
Lambeth		1.00001	.12001	.30001	4.78950	0.0734		0.13560	0.37544	0.24589	0.8644			
Lincolnshire		1.00001	.00001	.48001	47.7749			0.0924						
Surrey		1.00001	.13001	.59001	80.7360	0.12390	0.09220	0.14800	0.207330	0.1900	0.6134			
Sutton		1.00001	.07001	.52001	88.9590	0.63524	0.58140	0.1833						0.2471
Walsall		1.00001	.29001	.41001	59.6890	0.2803		0.1655			6.6181			
Wandsworth		1.00001	.62001	.87001	65.3380	0.0320		0.1399						
Wiltshire	0.77001	0.00001	.32001	.77001	74.6770	0.82150	0.25020	0.23810	0.760132	0.5627		0.0280		

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## PART VI

### TABLE

This is the table, referred to in paragraph 16A of Schedule 4, used to calculate retrospective pupil number adjustments for existing CFF areas which use estimates of pupil numbers in their pupil counts.

Existing CFF Areas with estimates	(1) Age Band 2	(2) Age Band 3	(3) Age Band 4	(4) Age Band 5
Barnet		1.00000	1.24000	1.64000
Bromley		1.00000	1.22000	1.94000
Calderdale		1.00000	1.22000	1.25000
Cambridgeshire	0.73000	1.00000	1.27000	1.66000
Croydon		1.00000	1.06000	1.53000
Cumbria		1.00000	1.20000	1.57000
Enfield		1.00000	1.28000	1.64000
Gloucestershire		1.00000	1.28000	1.70000
Hertfordshire	0.69000	1.00000	1.28000	1.39000
Hillingdon		1.00000	1.05000	1.42000
Surrey		1.00000	1.13000	1.59000
Walsall		1.00000	1.29000	1.41000
Wandsworth		1.00000	1.62000	1.87000

### SCHEDULE 5

Regulation 43(8) and (9)

#### Amounts for Age Bands and Age Band 3 Unit Costs

### TABLE

This table is used in the determination of the CFF floor of a school situated in a new CFF area to adjust for incorrect estimates of registered pupils (regulation 43(8)). It is also used in the determination of the CFF floor of a school situated in the area of any relevant authority to adjust for increases and decreases in the number of registered pupils between 19th January 1995 and 18th January 1996 (regulation 43(9)). The table is also used in paragraph 16B of Schedule 4 in the calculation of retrospective pupil number adjustments.

Relevant Authority	(1) Age Band 2	(2) Age Band 3	(3) Age Band 4	(4) Age Band 5	(5) Age Band 3 Unit Cost £
Barnet		1.00000	1.24455	1.64354	1,570.40
Brent		1.00000	1.10390	1.29870	1,780.01

Relevant Authority	(1) Age Band 2	(2) Age Band 3	(3) Age Band 4	(4) Age Band 5	(5) Age Band 3 Unit Cost £
Bromley		1.00000	1.22000	1.94000	1,552.00
Calderdale		1.00000	1.22000	1.25000	1,580.42
Cambridgeshire 0.72651		1.00000	1.26875	1.66250	1,467.58
Croydon		1.00000	1.05507	1.53296	1,785.19
Cumbria		1.00000	1.20212	1.57306	1,375.34
Derbyshire		1.00000	1.19847	1.41953	1,452.96
Enfield		1.00000	1.27516	1.63851	1,672.37
Essex		1.00000	1.22000	1.57000	1,521.46
Gloucestershire		1.00000	1.28000	1.73000	1,208.00
Hertfordshire 0.69269		1.00000	1.27707	1.38927	1,660.10
Hillingdon		1.00000	1.05000	1.42000	1,628.71
Kent 0.68712		1.00000	1.14375	1.49976	1,602.16
Kingston		1.00000	1.00000	1.45600	1,762.74
Lambeth		1.00000	1.12414	1.29652	2,056.49
Lincolnshire		1.00000	1.00010	1.47895	1,777.72
Surrey		1.00000	1.13452	1.59086	1,528.67
Sutton		1.00000	1.06893	1.51746	1,601.35
Walsall		1.00000	1.29130	1.41340	1,363.74
Wandsworth		1.00000	1.62444	1.87460	1,554.58
Wiltshire 0.77109		1.00000	1.31740	1.77495	1,569.98

## SCHEDULE 6

Regulation 53

## EXPENDITURE OF A CAPITAL NATURE

1. Expenditure of a capital nature is expenditure on, or in connection with—
  - (a) the acquisition, reclamation, improvement or laying out of any land;
  - (b) the acquisition, construction, enlargement, improvement, repair or demolition of any building, wall, fence or other structure, or any playground or other hard-standing;
  - (c) the laying out of playing fields and other facilities for social activities and physical recreation; or
  - (d) the provision of any furniture, plant, machinery, apparatus, vehicles, vessels and equipment,

used or intended to be used for the purposes of a school
2. In paragraph 1 “building” includes any fixtures and fittings affixed to a building.

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## SCHEDULE 7

Regulation 54(1)

## EXPENDITURE IN RESPECT OF WHICH SPECIAL PURPOSE GRANTS MAY BE PAID

## 1. In this Schedule—

“eligible training” means—

- (a) the training or further training as teachers of persons other than qualified teachers who are employed by the governing body of a school; and
- (b) the further training of any qualified teacher who is employed by the governing body of a school; and

“trainee” means a person undergoing eligible training in respect of whom special purpose grant is being paid under these Regulations

## 2. The expenditure in respect of which special purpose grants may be paid is—

- (a) expenditure for or in connection with any of the purposes relevant to schools for which grants for education support and training are for the time being payable to local education authorities by virtue of regulations made under section 1 of the Education (Grants and Awards) Act 1984<sup>(26)</sup>;
- (b) expenditure for or in connection with the training of any teacher or other member of the staff of a school including, in particular, expenditure on—
  - (i) tuition fees, examination fees and residential and other charges payable in respect of eligible training;
  - (ii) travelling, subsistence and other incidental expenses of a trainee;
  - (iii) that part of the remuneration of persons whose employment is necessary to free the trainees for training which relates to the period during which their employment is so necessary; and
  - (iv) the cost of providing (including the provision of premises), planning, co-ordinating, monitoring and evaluating eligible training:
 

provided that where such costs are incurred for such purposes and for other purposes special purpose grant shall be payable only in respect of such proportion of those costs as is attributable to the provision, planning, co-ordinating, monitoring or evaluation of eligible training;
- (c) expenditure in respect of expenses which it appears to the funding authority the governing bodies of schools cannot reasonably be expected to meet from maintenance grant being expenses incurred or to be incurred for or in connection with—
  - (i) any structural survey which the funding authority have required to be carried out in respect of any building used for the purposes of the school;
  - (ii) the dismissal (whether by reason of redundancy or otherwise) or for the purpose of securing the resignation of any person who is or was a member of the staff of the school, and the premature retirement of such a person;
  - (iii) any costs incurred by the school in respect of Value Added Tax;
  - (iv) insurance of the school premises;
  - (v) meeting any urgent need of the school which in the opinion of the funding authority was occasioned by circumstances outside the control of the governing body;

<sup>(26)</sup> 1984 c. 11. Section 1 was amended by section 278 of the Education Act 1993. The current Regulations are the Education (Grants for Education Support and Training) (England) Regulations 1996 (S.I. 1996/734).

- (vi) the acquisition by the school of grant-maintained status, and the transfer to the governing body of the responsibility for the conduct of the school, where those expenses are incurred within 12 months of the date of implementation of the proposals in respect of the school;
- (vii) the implementation of that part of the curriculum for the school falling outside the curriculum referred to in section 2(1) of the 1988 Act; and
- (viii) the transfer of land to trustees to be held on trust for the purposes of the school pursuant to section 130 of the 1993 Act;
- (d) expenditure of a class or description relevant to schools and for or in connection with the purpose for which grants are for the time being payable by virtue of regulations made under section 210 of the 1988 Act<sup>(27)</sup>; and
- (e) expenditure in respect of expenses which it appears to the funding authority the governing bodies of primary schools with fewer than 150 registered pupils cannot reasonably be expected to meet from maintenance grant being expenses incurred or to be incurred for or in connection with—
  - (i) the procurement of professional advice for the purposes of the school; and
  - (ii) staff absences.

20th March 1996

*Robin Squire*  
Parliamentary Under Secretary of State,  
Department for Education and Employment

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## EXPLANATORY NOTE

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

These Regulations, which are made under sections 81 to 84 and 94 of the Education Act 1993, replace with modifications the Education (Grant-maintained and Grant-maintained Special Schools) (Finance) Regulations 1995 (“the 1995 Regulations”) which are revoked. The Regulations apply to schools, including special schools, situated in England which have acquired grant-maintained status and in relation to the 1996-97 financial year. The main changes to the provision made by the revoked Regulations are set out below.

Part 2 of the Regulations provides for the determination and redetermination of the amount of maintenance grant to be paid to the governing bodies of primary schools, secondary schools situated outside the areas of the local education authorities specified in Part 3, secondary schools situated in those areas which acquire grant-maintained status after 1st April 1996 and special schools, on a similar basis to that provided for under Part 2 of the 1995 Regulations, save that—

- (1) the percentages specified in the table in Schedule 1 are revised;
- (2) provisions are made in respect of local education authorities and schools affected by local government reorganisation (*regulations 6(5), 7(2), 15(2), 30(2) and 31*);

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<sup>(27)</sup> The current Regulations are the Education (Grants) (Travellers and Displaced Persons) Regulations 1993 (S.I. 1993/569; amended by S.I. 1995/543).

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

(3) in the case of a school, which becomes grant-maintained pursuant to proposals published under section 49 of the Education Act 1993 and which possesses a characteristic which is relevant to its needs but which is not reflected in the allocation formula in the local education authority's scheme, the funding authority may, in determining the amount of maintenance grant payable in respect of that school, add such amount in respect of that characteristic as they consider to be fair and reasonable (*regulations 6(8) and 19(4)*);

(4) Central AMG, being a notional amount representing certain kinds of expenditure for the purposes of the school which, in the case of a school maintained by a local education authority, do not form part of the school's budget share, is calculated on the basis of an aggregate sum which includes the amount which the funding authority estimate they will pay to the governing body of the school as special purpose grant in respect of specified nursery education (*regulation 8(2)*);

(5) additional provision is made in respect of expenditure on employment of teaching staff to make special provision for pupils belonging to ethnic minorities where the local education authority's scheme not only makes no such provision for the financial year in question but has never made any such provision (*regulation 9(2)(b) and (3)*);

(6) the provisions relating to cash protection for schools are modified (*regulation 10*);

(7) the provision under which the funding authority may determine an amount, in respect of the education of junior pupils who have not attained the age of 5 years, which they are satisfied is fair and reasonable is modified to take into account grant payable to certain local education authorities in connection with vouchers for nursery education (*regulation 23*);

(8) the provision made in the 1995 Regulations for the funding authority to deduct from the amount of maintenance grant amounts in respect of deficits incurred in the school's budget share in previous financial years before it became grant-maintained is modified so that in the financial year beginning on 1st April 1996 the funding authority take into account, in determining how much of such deficits to deduct, amounts which they have already deducted in that respect from the school's maintenance grant in the preceding financial year under the 1995 Regulations, (thereby allowing the funding authority to deduct over a number of years amounts representing the total amount of such deficits) (*regulation 25(3)*);

Part 3 of the Regulations makes provision with respect to the determination and redetermination of the amount of maintenance grant payable in respect of a secondary school, or in certain circumstances a primary school which was formerly a secondary school, situated in the area of any of the 23 listed local education authorities, which became a grant-maintained school on or before 1st April 1996. Part 3 does not apply to special schools. The basis of determination is similar to that under Part 3 of the 1995 Regulations save that—

(1) provision is made to allow the funding authority to add to the CFF share (as defined in regulation 37(2)) of a school whose maintenance grant falls to be determined under Part 3, an amount determined by reference to funding for pupils with statements of special educational needs or, in the case of Cumbria County Council only, identified pupils with special educational needs who do not have statements, or places in schools, other than special schools, for pupils with special educational needs allocated in accordance with the allocation formula under the local education authority's scheme (*regulation 42(4)*);

(2) the provision made in the 1995 Regulations for the funding authority to deduct from a school's CFF share deficits incurred in the school's budget share in previous financial years before it became grant-maintained is modified so that in the financial year beginning on 1st April 1996 the funding authority take into account, in determining how much of such deficits to deduct, amounts which they have previously deducted in that respect from the school's CFF share in the preceding financial year under the 1995 Regulations (thereby allowing the funding authority to deduct over a number of years amounts representing the total amount of such deficits) (*regulation 42(6)*);



(3) the existing provision regarding the calculation of a minimum figure (its CFF floor) below which a school's maintenance grant may not fall is modified and allows the Secretary of State to determine the amount of the floor (*regulation 43*);

(4) provision is made for increases in funding for schools in the London Borough of Brent which have increases in pupil numbers and whose maintenance grant falls to be determined under Part 3 (*regulation 52 and paragraph 16D of Schedule 4*).

Part 4 of the Regulations provides for the payment of capital and special purpose grants on a similar basis to that provided for under Part 4 of the 1995 Regulations save that special purpose grants may also be paid to meet expenditure in respect of expenses incurred or to be incurred by the governing bodies of primary schools with fewer than 150 registered pupils for or in connection with staff absences and the procurement of professional advice.

The funding authority may also impose requirements as to the repayment of the amount of capital grant or as to the payment of the value of any premises or equipment in respect of which capital grant was paid, if conditions specified in those requirements are satisfied. The funding authority already has this power in relation to special purpose grants.

Consequent on section 93 of the 1993 Act, Part 5 of the Regulations, as did Part 5 of the 1995 Regulations, prescribes the total amount of maintenance grant which may be recovered by the Secretary of State from the local education authority named in a determination under that section.