
STATUTORY INSTRUMENTS

1997 No. 514

EDUCATION, ENGLAND AND WALES

**The Education (Grants for Education Support
and Training) (England) Regulations 1997**

<i>Made</i>	- - - -	<i>25th February 1997</i>
<i>Laid before Parliament</i>		<i>5th March 1997</i>
<i>Coming into force</i>	- -	<i>1st April 1997</i>

In exercise of the powers conferred upon the Secretary of State by sections 484, 489 and 569(4) of the Education Act 1996⁽¹⁾ the Secretary of State for Education and Employment hereby makes the following Regulations;

Citation and commencement and application

1.—(1) These Regulations may be cited as the Education (Grants for Education Support and Training) (England) Regulations 1997 and shall come into force on 1st April 1997.

(2) These Regulations apply in relation to local education authorities in England.

Interpretation

2.—(1) In these Regulations—

“the 1989 Act” means the Local Government and Housing Act 1989⁽²⁾;

“the 1996 Act” means the Education Act 1996;

“the 1995 Order” means the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) (England) Order 1995⁽³⁾;

“approved expenditure” means any expenditure which is approved as provided in regulation 3 below;

“basic curriculum” has the meaning given to it in section 352 of the 1996 Act;

“classroom assistant” means an employee of an education authority or of the governing body of a school who is normally present in a classroom with a teacher and who assists the teacher;

“determine” means determine by notice in writing;

⁽¹⁾ 1996 c. 56; see section 579(1) for the definition of “regulations”.

⁽²⁾ 1989 c. 42.

⁽³⁾ S.I.1995/2071 amended by S.I. 1996/2114.

“education authority” means a local education authority;

“family literacy programmes” means programmes which enable parents to improve their own literacy skills whilst helping their children to read and write;

“grant” means a grant under these Regulations;

“key stage 2” means the second key stage referred to in section 355(1)(b) of the 1996 Act;

“maintained school” means a school maintained by an education authority;

“non-maintained special school” means a special school which is neither a maintained special school nor a grant-maintained special school;

“prescribed expenditure” means

- (a) expenditure by an education authority for or in connection with any of the purposes specified in paragraphs 1–15, 16(a) or 17–19 of the Schedule; or
- (b) expenditure by an education authority which satisfies the conditions specified in paragraph (2) below for or in connection with the purpose specified in paragraph 16(b) of the Schedule;

“relevant lender” means—

- (a) the Public Works Loan Board;
- (b) the Bank of England;
- (c) the European Investment Bank;
- (d) a body mentioned in any of paragraphs 1 to 17, or in paragraphs 28, 29 or 30, of Part II of the Schedule to the Local Authorities (Capital Finance) (Approved Investments) Regulations 1990⁽⁴⁾;
- (e) an authorised institution (within the meaning of the Banking Act 1987⁽⁵⁾);
- (f) a building society (within the meaning of the Building Societies Act 1986⁽⁶⁾);

“specialist school” means a maintained school which specialises in—

- (a) mathematics, science and technology;
- (b) modern foreign languages;
- (c) the fine arts and performing arts; or
- (d) sport;

“standard task assessment” has the same meaning as in article 5 of the 1995 Order;

“teacher” means a person who by virtue of regulations⁽⁷⁾ relating to the employment of teachers from time to time in force under section 218 of the Education Reform Act 1988⁽⁸⁾ is qualified to be employed as a teacher at a school of the kind described in subsection (12) of that section; and

“youth and community worker” means a person employed or working in a voluntary capacity in connection with the provision of facilities of a kind mentioned in sections 2(3)(b) and 508 of the 1996 Act other than a person undertaking duties that are solely administrative, secretarial, clerical or manual.

⁽⁴⁾ S.I. 1990/426; relevant amending instruments are S.I. 1992/1353, 1995/850 and 1996/568.

⁽⁵⁾ 1987 c. 22.

⁽⁶⁾ 1986 c. 53.

⁽⁷⁾ The regulations currently in force are the Education (Teachers) Regulations 1993 (S.I. 1993/543), amended by S.I. 1994/222, section 14(2) of the Education Act 1994 (c. 30), S.I. 1995/602 and 2594 and 1996/1603.

⁽⁸⁾ Section 218 was amended by paragraph 49 of Schedule 8 to the Further and Higher Education Act 1992, section 14(1) and (3) of, and paragraph 8(4) of Schedule 2 to, the Education Act 1994 and by paragraph 76 of Schedule 73 to the 1996 Act.

(2) The conditions referred to in sub-paragraph (b) of the definition of “prescribed expenditure” in paragraph (1) above are that on 1st April 1997 the education authority—

- (a) has a credit ceiling, as determined under Part III of Schedule 3 to the 1989 Act which was nil or a negative amount; and
- (b) had no money outstanding by way of borrowing other than—
 - (i) short-term borrowing (within the meaning of section 45(6) of the 1989 Act); or
 - (ii) borrowing undertaken before 24th August 1995, other than borrowing by the issue of stock on or after 15th December 1993 from a person who is not a relevant lender.

Expenditure in respect of which grants are payable

3. Grants shall only be payable in respect of prescribed expenditure incurred or to be incurred in a financial year to the extent to which that expenditure is approved for that year by the Secretary of State for the purposes of these Regulations.

Grants in respect of payments to third parties

4. Where—

- (a) an education authority incurs expenditure in making payments, whether by way of maintenance, assistance or otherwise, to any other body or persons (including another education authority) who incur expenditure for or in connection with educational purposes, and
- (b) that expenditure of the recipient of the payments or any part thereof would be prescribed expenditure if it were expenditure of the authority,

such payments shall to that extent be treated as prescribed expenditure for the purposes of these Regulations.

Rate of Grant

5.—(1) Except as provided in paragraph (2) below, grants in respect of approved expenditure incurred on or after 1st April 1997 shall be payable at the rate of 60 per cent. of such expenditure.

(2) Grants in respect of approved expenditure incurred by an education authority after 1st April 1997 in respect of items referred to in the paragraphs of the Schedule listed in the left hand column of the table below shall be paid at the percentage rate of such expenditure specified in relation thereto in the right hand column of the table.

TABLE

Paragraph in Schedule	Rate (%)
12	100
13	75
16	100
17	80

Conditions for payment of grant

6.—(1) No payment of grant shall be made except in response to an application in writing from an education authority to the Secretary of State, authenticated by the officer of the authority responsible for the administration of their financial affairs or his deputy.

(2) Applications for the payment of grant which relate to expenditure incurred on or after 1st April 1997 shall relate to expenditure over one or more of the periods specified in paragraph (3) below and shall specify the approved expenditure in respect of which grant is applied for which has been or which it is estimated will be incurred by the education authority during each such period.

(3) The periods referred to in paragraphs (2), (4) and (6) of this regulation are—

- (a) 1st April to 31st July;
- (b) 1st August to 31st December;
- (c) 1st January to 31st March.

(4) Where an application relating to approved expenditure which has been or which it is estimated will be incurred during the period commencing on 1st January in any year is submitted under paragraph (1) above, such payment as the Secretary of State may determine but not exceeding three-quarters of the grant applied for in respect of that expenditure may be made forthwith, but no further payment of grant shall be made in respect of that expenditure until a statement has been submitted in accordance with paragraph (5)(a) below.

(5) Each education authority that has received or seeks to receive a payment of grant in respect of expenditure incurred during any financial year shall, before 31st July in the following financial year or as soon as practicable after that date—

- (a) submit to the Secretary of State a statement which shall specify the approved expenditure in respect of which grant has been or is being applied for which has been incurred by the education authority during that year; and
- (b) secure the submission to the Secretary of State of a certificate signed by the auditor appointed by the Audit Commission for Local Authorities and the National Health Service in England and Wales to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 13(5), (5A) and (6) of the Local Government Finance Act 1982⁽⁹⁾ certifying that in his opinion the particulars stated in the statement submitted by the authority pursuant to this paragraph are fairly stated and that the expenditure incurred was approved for the purposes of section 484 of the 1996 Act.

(6) No payment of grant shall be made in respect of expenditure incurred by an education authority in the period beginning on 1st August in any year or any subsequent period if grant was paid to the authority in respect of expenditure in the previous financial year but the Secretary of State has not yet received the auditor's certificate referred to in paragraph (5)(b) above for that year.

(7) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (5)(b) above shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant to the education authority, be adjusted by payment between the authority and the Secretary of State.

7. Where at the time of approving expenditure for the purposes of these Regulations, the Secretary of State requests information in respect of any purpose listed in the Schedule, payment of grant in respect of that purpose shall be conditional on that information being included in the education authority's application for payment of grant.

(9) 1982 c. 32; subsection (5) of section 13 was amended by section 20 of, and paragraph 3 of Schedule 4 to, the National Health Service and Community Care Act 1990 (c. 19).

8.—(1) The Secretary of State may from time to time determine further conditions on the fulfilment of which the making of any payment under these Regulations shall be dependent.

(2) Where conditions have been determined under this regulation no grant shall be payable unless such conditions have either been fulfilled or been withdrawn under paragraph (3) below.

(3) The Secretary of State may determine to withdraw or, after consulting the education authority, vary conditions determined under this regulation.

Requirements to be complied with

9. Any education authority to whom a payment of grant has been made shall, if so required by the Secretary of State, furnish her with such further information as may be required to enable her to verify that any grant paid has been properly paid under these Regulations.

10.—(1) Any education authority to whom a payment of grant has been made shall comply with such requirements as may be determined by the Secretary of State in the case in question.

(2) Requirements determined under this regulation may include requirements as to—

- (a) the repayment of grant;
- (b) the payment to the Secretary of State of other sums related to the value of assets acquired, provided or improved—
 - (i) with the aid of grant; or
 - (ii) by any other body or persons referred to in regulation 4(a) above with the aid of payments made by the authority in respect of which grant has been paid; or
- (c) the payment of interest on sums due to the Secretary of State.

11.—(1) The Secretary of State may require any education authority to whom a payment of grant in respect of the items specified in paragraphs 1, 2(b), (c) or (d), 4, 5, 13, 14, 16 or 18 of the Schedule is made to delegate decisions about the spending of—

- (a) such grant, and
- (b) the amount allocated by the authority to meet the prescribed expenditure approved in accordance with regulation 3,

to the governing body of a maintained school.

(2) The Secretary of State may determine to withdraw or, after consulting the education authority, vary requirements determined in pursuance of this regulation.

Amendment of the Education (Grants for Education Support and Training: Nursery Education) (England) Regulations 1996

12.—(1) The Education (Grants for Education Support and Training: Nursery Education) (England) Regulations 1996(10) shall be amended as follows.

(2) In regulation 6(5)(b) for “1st April 1997” there shall be substituted “1st July 1997”.

Revocation and transitional provisions

13.—(1) The Education (Grants for Education Support and Training) (England) Regulations 1996(11) and the Education (Grants for Education Support and Training) (England) (Amendment) Regulations 1996(12) are hereby revoked.

(10) S.I. 1996/235.

(11) S.I. 1996/734.

(12) S.I. 1996/3066.

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

(2) Nothing in paragraph (1) above shall prevent the Secretary of State making payments of grant authorised by the Regulations revoked by that paragraph in respect of expenditure incurred on or before 31st March 1997 or affect any condition or requirement determined by or in accordance with any of those Regulations.

25th February 1997

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

SCHEDULE

Regulations 2, 5 and 11

PURPOSES FOR OR IN CONNECTION WITH WHICH GRANTS ARE PAYABLE

1. Support for schools by—
 - (a) measures to improve the effectiveness of teachers and classroom assistants;
 - (b) measures to improve the quality of school governance, management and strategic planning;
 - (c) other measures (including the provision of books, information technology and other equipment) to support the effective implementation of the basic curriculum; and
 - (d) the establishment or development of arrangements to increase the availability and use of comparative data and to encourage benchmarking (that is to say the comparison of performance in various matters between similar institutions or groups of institutions) and target setting in schools.
 - (a) (a) The verification of standard task assessments in accordance with article 6 of the 1995 Order;
 - (b) support for arrangements in schools for assessing pupils in relation to National Curriculum attainment targets under Part V of the 1996 Act including the provision of additional staff to assist schools for the period during which teachers are administering and marking standard task assessments in accordance with the requirements of the 1995 Order;
 - (c) the further training of teachers employed in maintained schools in assessing pupils at key stage 2 in English, Mathematics and Science; and
 - (d) the further training of teachers employed in maintained schools in assessing pupils in subjects other than English, Mathematics and Science in accordance with articles 5 to 9 of the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1996(13).
3. The further training of teachers of junior pupils in basic curriculum subjects.
 - (a) (a) The further training of teachers of children with special educational needs and special support assistants employed in maintained schools and in non-maintained special schools; and
 - (b) support and training for governors of maintained schools and for those employed in such schools as teachers and in other capacities in developing policies for pupils with special educational needs.
5. Support and training for teachers—
 - (a) in preparation for the introduction in schools of vocational courses leading to General National Vocational Qualifications;
 - (b) in preparation for the introduction of National Certificates and National Advanced Diplomas; and
 - (c) for the development of courses leading to GCE A level and AS examinations (that is to say General Certificate of Education advanced level and advanced supplementary examinations).
 - (a) (a) Action to improve rates of attendance in schools; and
 - (b) action to improve provision for pupils whose behaviour poses difficulties for schools.

(13) S.I. 1996/2116.

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

7. Training for teachers and classroom assistants employed in maintained schools and non-maintained special schools teaching classes containing pupils whose first language is not English to give such pupils the skills necessary to enable them to gain access to the National Curriculum.

- (a) (a) Training for teachers with responsibility for providing education in schools relating to the misuse of drugs; and
- (b) other measures (including the development of the school's curriculum) to assist schools in providing education about the misuse of drugs.

9. Training for careers teachers, and training for other teachers who contribute to careers education and guidance at schools.

- (a) (a) Support for programmes to increase levels of literacy and numeracy in primary schools including training of teachers and the provision of additional staff to assist schools for the period during which teachers are undergoing such training; and
- (b) the provision of books and equipment for use in connection with the teaching of literacy and numeracy.

11. The training of youth and community workers.

12. The assessment and training of qualified teachers undertaking the National Professional Qualification for Headship.

13. Measures including training to improve the security of school premises and the personal safety of pupils and persons working at the school.

14. In-service training of teachers with responsibility for child protection.

15. The improvement of literacy skills of parents and children through family literacy programmes for—

- (a) families with children aged 3 to 6, 8 to 9 or 11 to 12 years; or
 - (b) families from linguistic minorities.
- (a) (a) Support, equipment and training for the teaching of—
 - (i) mathematics, science and technology in specialist schools specialising in those subjects;
 - (ii) modern foreign languages in specialist schools specialising in those subjects;
 - (iii) the fine arts and performing arts in specialist schools specialising in those subjects; and
 - (iv) sport in specialist schools specialising in that subject; and
 - (b) the improvement or alteration of the premises of specialist schools, other than a significant enlargement of such premises which has been approved by the Secretary of State under section 37 or 43 of the 1996 Act, or which the education authority has determined should be implemented under section 38 of that Act.

17. The provision of courses for the training of classroom assistants as specialist teacher assistants that is to say persons who can provide assistance and support for teachers in teaching subjects including reading, writing and mathematics to primary school pupils.

18. Training for teachers to carry out the assessment of children on entry to primary school to assist the planning of their education and the measurement of their future educational achievements and support for arrangements in schools for carrying out such assessments including the provision of additional staff to assist schools for the period during which teachers are carrying out the assessments.

19. The development of simplified and standardised tendering and negotiation procedures for contracts for the construction, alteration, repair or management of school premises.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supersede the Education (Grants for Education and Training) (England) Regulations 1996 as amended which are revoked.

There are some minor and drafting amendments to the regulations and the purposes for or in connection with which grants are payable set out in the Schedule have been revised. A number of purposes have been deleted or amended and paragraphs 12, 13, 14, 15 and 18 contain new purposes.

The regulations also make a minor amendment to the Education (Grants for Education Support and Training: Nursery Education) (England) Regulations 1996.