

SCHEDULE 4

Regulation 18

PROTECTED LEVEL OF FUNDING

1.—(1) This Schedule applies for the purpose of determining the protected level of funding for a school, to which regulation 18 (transitional funding for schools in England) applies, in respect of the financial year beginning on 1st April 1998.

(2) References in paragraph 2 to a numbered regulation or Schedule are references to the regulation or Schedule in the 1998 Regulations bearing that number.

(3) References in this Schedule to a scheme are to a scheme within the meaning of the 1996 Act.

2.—(1) Subject to paragraphs 6, 7 and 8, the Secretary of State shall calculate the protected level of funding for the financial year beginning on 1st April 1998 for each school to which regulation 18 applies according to the formula

$$\frac{a-b}{c} \times d,$$

where

“a”, “b”, “c” and “d” have the meanings ascribed to them by this paragraph and paragraphs 3, 4 and 5 respectively.

(2) For the purposes of the formula in sub-paragraph (1) above and subject to sub-paragraph (4) below, “a”, in the case of a school whose maintenance grant was determined in the financial year beginning on 1st April 1998 in accordance with the 1998 Regulations, other than in accordance with regulation 15, is the aggregate of the following amounts, in each case as last determined or redetermined by the Funding Agency for Schools in respect of the school before 15th December 1998—

- (a) the amount (Direct AMG) determined in accordance with regulation 6, 7, or 19;
- (b) in the case of a school whose Direct AMG was determined in accordance with regulation 12, the amount which appeared to the Funding Agency for Schools to be equal or approximate to the amount of the school’s budget share for that financial year;
- (c) the amount (Central AMG) determined in accordance with regulation 8;
- (d) the amount of transitional funding determined in accordance with regulation 9;
- (e) the amount determined in accordance with regulation 11 (or that regulation as it has effect in accordance with regulation 20(1)) or regulation 20(2) (school meals);
- (f) the amount determined in accordance with regulation 22 (contingencies) in respect of contingencies arising other than from increases in pupil numbers at the school during the course of that financial year;
- (g) the amount determined in accordance with regulation 23 (nursery education);
- (h) the amount added or deducted under regulation 32 (schools situated in the area of the authority which is not the area of the former maintaining authority);
- (i) the amount added under regulation 33 (capital expenditure from the revenue account).

(3) For the purposes of the formula in sub-paragraph (1) above and subject to sub-paragraph (4) below, “a” in the case of a school whose maintenance grant was determined in the financial year beginning on 1st April 1998 in accordance with regulation 15, is the aggregate of the following amounts, in each case as last determined or redetermined by the Funding Agency for Schools in respect of the school before 15th December 1998—

- (a) the amount determined under regulation 15;
- (b) the amount added under regulation 33 (capital expenditure from the revenue account).

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(4) For the purpose of determining the amounts referred to in sub-paragraphs (2) and (3) above no account shall be taken of—

- (a) funding for pupils with statements of special educational needs of a kind which the local education authority could have determined, by the application of the allocation formula in their scheme in relation to a comparable maintained school covered by the scheme, as part of such a school's budget share for all or part of the financial year beginning on 1st April 1998, in so far as such funding or a corresponding percentage of such funding could not also have been determined in accordance with the authority's formula for the equivalent period in the financial year beginning on 1st April 1999;
- (b) regulation 10 and 17(b) (Section 11 funding);
- (c) regulation 13 (apportionment of Central AMG);
- (d) regulation 14 (apportionment of school meals funding);
- (e) regulations 18 and 21 (apportionment of maintenance grant);
- (f) regulation 22 (contingencies) in respect of contingencies arising from increases in pupil numbers at the school during the course of the financial year;
- (g) regulations 17(a), 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);
- (h) regulations 27 and 28 (deductions representing excessive surpluses in previous years and excessive severance payments);
- (i) regulation 31 (schools with wide age ranges).

(5) In the case of a school to which regulation 4(2) of the 1998 Regulations applied (precise calculation of maintenance grant impracticable etc.) the Secretary of State shall determine as the amount of "a" such amount as appears to him to be fair and reasonable having regard to the amount of maintenance grant which the Funding Agency for Schools determined in respect of the school in accordance with the 1998 Regulations and the provisions of sub-paragraphs (2) and (4) above.

3.—(1) For the purposes of the formula in paragraph 2(1), "b"—

- (a) in the case of a school which is, or was immediately before 1st April 1999, a grant-maintained or grant-maintained special school which was not a charity before acquiring grant-maintained status or being established as a grant-maintained school under Part III of the 1996 Act or becoming a grant-maintained special school in pursuance of Part 2 of the Education (Grant-maintained Special Schools) Regulations 1994(1), has the value ascribed to it by sub-paragraph (2) below; and
- (b) in all other cases is zero.

(2) In the case of a school described in sub-paragraph (1)(a) above, "b" is $x-y$ where x has the meaning ascribed to it by sub-paragraph (3) below and y has the meaning ascribed to it by sub-paragraph (4) below.

(3) x is—

- (a) in the case of a school in respect of which the governing body have made a preliminary decision in accordance with the Education (Allocation of Grant-maintained and Grant-maintained Special Schools to New Categories) Regulations 1998(2) that the school should be allocated to the category of community, voluntary controlled or community special school on the appointed day(3), one third; or

(1) S.I.1994/653; amended by S.I. 1994/1231 and read with paragraph 1(4) of Schedule 39 to the 1996 Act.

(2) S.I. 1998/1969.

(3) 1st September 1999.

(b) in any other case, four fifths,

of the amount appearing to the Secretary of State to be payable in respect of non domestic rates by the governing body in respect of the school premises in the financial year beginning on 1st April 1998 as if sections 43(6) and 47 of the Local Government Finance Act 1988(4) (mandatory and discretionary rate relief) did not apply.

(4) y is the greater of zero and an amount which is the amount referred to at sub-paragraph (3) (b) above (whether or not sub-paragraph (3)(b) applied in that case) less 2.1 per cent. of

$(a + z)$

where

“a” is the amount determined under paragraph 2(2), (3) or (5) as the case may be; and

“z” is—

in the case of a school referred to in paragraph 2(2) or (3), the aggregate of the following amounts, in each case as last determined or redetermined by the Funding Agency for Schools in respect of the school before 15th December 1998 in accordance with the following provisions of the 1998 Regulations—

- (i) regulations 10 and 17(b) (Section 11 funding);
- (ii) regulation 22 (contingencies) in respect of contingencies arising from increases in pupil numbers at the school during the course of the financial year;
- (iii) regulations 17(a), 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); and

in the case of a school referred to in paragraph 2(5), such amount as the Secretary of State determines is fair and reasonable having regard to the amount of maintenance grant which the Funding Agency for Schools determined in respect of the school in accordance with the 1998 Regulations and the provisions of sub-sub-paragraphs (i) to (iii) above.

4. For the purpose of the formula in paragraph 2(1), “c” is

- (a) the number appearing to the Secretary of State to be the number of registered pupils at the school on 15th January 1998; or
- (b) in the case of a special school, the number of places for which the school is funded under the authority’s scheme for the financial year beginning on 1st April 1998, or
- (c) where proposals published under section 259 or 260 of the 1996 Act to make a significant change in the character of the school were—
 - (i) implemented wholly or partly in that financial year, and
 - (ii) not funded under regulation 22 of the 1998 Regulations,

such number of pupils determined by the Secretary of State, having consulted the local education authority, being a composite number based on a proportion of the number of registered pupils at the school on 15th January 1998 and a proportion of the number which the Secretary of State estimates will be at the school at a later date in the financial year beginning on 1st April 1998 determined by him.

5. For the purpose of the formula in paragraph 2(1), “d” is the number appearing to the Secretary of State to be—

- (a) the number of registered pupils at the school on 21st January 1999; or

(4) 1988 c. 41.

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- (b) in the case of a special school, the appropriate number of places for which the school could be funded in accordance with these Regulations for the financial year beginning on 1st April 1999.

6.—(1) In the case of a special school which has places for both day and boarding pupils, the Secretary of State shall calculate the protected level of funding for the financial year beginning on 1st April 1998 for the school according to the formula $((e \times f) \times g) + ((h \times i) \times j)$, where $e + h = a - b$.

(2) For the purposes of the formula in sub-paragraph (1) above,

“a” is the amount determined under paragraph 2(2), (3) or (5) as the case may be;

“b” is the amount determined under paragraph 3;

“e” is that part of the “a–b” which the Secretary of State determines relates to places for day pupils at the school;

“h” is that part of “a–b” which the Secretary of State determines relates to places for boarding pupils at the school;

“f” is the number of places for day pupils for which the special school is funded for the financial year beginning on 1st April 1998;

“i” is the number of places for boarding pupils for which the special school is funded for the financial year beginning on 1st April 1998;

“g” is the number appearing to the Secretary of State to be the appropriate number of places for day pupils for which the special school could be funded in accordance with these Regulations for the financial year beginning on 1st April 1999;

“j” is the number appearing to the Secretary of State to be the appropriate number of places for boarding pupils for which the special school could be funded in accordance with these Regulations for the financial year beginning on 1st April 1999.

7. The protected level of funding for the financial year beginning on 1st April 1998 for—

Uppingham Community College, Rutland,

Casterton Community College, Rutland,

Vale of Catmose Community College, Rutland,

shall be as last determined before 15th December 1998 in accordance with regulation 5 of the 1998 Regulations less an amount calculated in the same way as “b” under paragraph 3.

8. Where it appears to the Secretary of State that, by reason of the particular circumstances of the school, the protected level of funding, calculated in accordance with the preceding paragraphs of this Schedule, is too low, he may after consultation with the governing body of the school and the local education authority, increase it by such amount as he considers to be fair and reasonable having regard to all the circumstances of the case.