
STATUTORY INSTRUMENTS

2002 No. 510

The Education Standards Fund (England) Regulations 2002

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Educational Standards Fund (England) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations apply only in relation to England.

Interpretation

2.—(1) In these Regulations—

“the 1989 Act” means the Local Government and Housing Act 1989⁽¹⁾;

“the 1996 Act” means the Education Act 1996;

“the 1998 Act” means the School Standards and Framework Act 1998⁽²⁾;

“advanced skills teacher” means a teacher who has been certified by an assessor appointed by the Secretary of State for Education and Skills as eligible for appointment to that post and who has been so appointed;

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

“asylum seeker” means a person who has made a claim for asylum which has been recorded by the Secretary of State as having been made and which has not been recorded by the Secretary of State as having been finally determined or abandoned;

“claim for asylum” means a claim that it would be contrary to the United Kingdom’s obligations under the Convention relating to the Status of Refugees done at Geneva on 28th July 1951⁽³⁾ and the Protocol to that Convention for him to be removed from, or required to leave, the United Kingdom;

“class” means a group in which pupils are taught in an ordinary teaching session;

“determine” means determine by notice in writing;

“education authority” means a local educational authority;

“Excellence in Cities” means the programme of action by the Department for Education and Skills to raise education standards in selected urban areas;

“financial year” means a period of 12 months beginning on 1st April;

“fresh start school” means a school which replaces a discontinued school—

- (i) which immediately before its discontinuance was a school to which section 15 of the 1998 Act applied, or

⁽¹⁾ 1989 c. 42.

⁽²⁾ 1998 c. 31.

⁽³⁾ UKTS 39 (1954), Cmd 9171.

- (ii) which was a secondary school, less than 15 per cent of whose candidates for the General Certificate of Secondary Education in the academic year ending immediately before its discontinuance obtained at least 5 grades A* to C;

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

“key stage 3” means the third key stage referred to in section 355(1)(c) of the 1996 Act;

“learning support unit” means a unit which provides separate short-term teaching and support programmes for pupils who need intensive support;

“National Grid for Learning” means a system of inter-connecting networks and education services based on the Internet which is designed to support teaching, learning, training and administration in schools, the wider education service, and the community;

“nursery education” means full-time or part-time education suitable for children who have not attained compulsory school age (whether provided at schools or elsewhere);

“prescribed expenditure” means—

- (a) expenditure by an education authority for or in connection with any of the purposes specified in Schedule 1 other than the purpose specified in paragraphs 6(c); 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 6(c) of Schedule 1;

“pupil” means a person for whom education is being provided at a school;

“relevant lender” has the meaning given to it in regulation 65(1) of the Local Authorities (Capital Finance) Regulations 1997(4);

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

“small school” means—

- (a) a primary school other than a special school with no more than 200 registered pupils, or
- (b) a secondary school other than a special school with no more than 600 registered pupils.

“standards fund grant” means a grant under these Regulations;

“study support centre” means a centre providing an out of school hours learning programme aimed at raising standards in literacy and numeracy;

“teacher” means a person who by virtue of regulations(5) relating to the employment of teachers from time to time in force under section 218 of the Education Reform Act 1988(6) is qualified to be employed as a teacher at a school of the kind described in subsection (12) of that section;

“teaching 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.

(2) The conditions referred to in sub-paragraph (b) of the definition of “prescribed expenditure” in paragraph (1) above are that on 1st April 2002 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—

(4) S.I.1997/319; amended by S.I. 1998/1937.

(5) The regulations currently in force are the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999 (S.I. 1999/2166); amended by S.I. 2001/3737, 2002/2896 and 2001/1209.

(6) Section 218 was amended by paragraph 49 of Schedule 8 to the Further and Higher Education Act 1992 (c. 13), section 14(1) and (3) of, and paragraph 8(4) of Schedule 2 to, the Education Act 1944, paragraph 76 of Schedule 73 to the 1996 Act, section 49(1) to (4) of the Education Act 1997 and sections 11 and 13 and prospectively section 18 of the Teaching and Higher Education Act 1998 (c. 30).

- (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 standards fund grants are payable

3. Standards fund 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 period by the Secretary of State for the purposes of these Regulations.

Standards fund 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 by the recipient of the payments or any part thereof would be prescribed expenditure if it were expenditure by the authority,

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

Rate of standards fund grant

5.—(1) Standards fund grants in respect of approved expenditure incurred on or after 1st April 2002 shall be payable at the rate of 100 per cent. of such expenditure in respect of items referred to in paragraphs 1(b), 2(b), 3(a), (c) and (d), 4, 5(a) and (c) and 6(a) and, (c) of Schedule 1.

(2) Standards fund grants in respect of approved expenditure incurred on or after 1st April 2002 in respect of items referred to in paragraphs of Schedule 1 other than those mentioned in paragraph (1) above shall be payable at the rate of 52 per cent of such expenditure.

Conditions for payment of standards fund grant

6.—(1) No payment of standards fund grant shall be made except in response to an application from an education authority to the Secretary of State.

(2) An education authority shall, when requested by the Secretary of State, inform her of the approved expenditure in respect of which an application for grant has been made which has been or which it is estimated will be incurred by the education authority during the course of the financial year.

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 Schedule 1, payment of standards fund grant in respect of that purpose shall be conditional on that information being included in the education authority's application for payment of grant.

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 standards fund 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 standards fund grant has been made shall furnish the Secretary of State with such further information as she may require in connection with her functions in relation to the payment of standards fund grant.

10.—(1) Any education authority to whom a payment of standards fund 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 in particular include requirements as to—

- (a) the repayment of standards fund 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 standards fund 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 standards fund 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 standards fund grant in respect of any of the items specified in Schedule 1 is made to delegate decisions about the spending of—

- (a) such grant, and
- (b) the amount allocated by the authority to meet the approved expenditure,

to the governing body of a school.

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

Revocation and transitional provisions

12.—(1) The Regulations specified in schedule 2 are hereby revoked.

(2) Notwithstanding paragraph (1), Regulations made under section 484 of the 1996 Act⁽⁷⁾ shall continue to apply in relation to financial years beginning before 1st April 2002 for the purpose of paying grant in respect of expenditure incurred in those financial years and any condition or requirement determined by or in accordance with any of those Regulations shall continue to apply.

6th March 2002

Stephen Timms
Minister of State,
Department for Education and Skills

(7) The relevant Regulations, in addition to those referred to in paragraph (1) above, are S.I. 1999/606 (amended by 1999/1955 and 1999/3211).