STATUTORY INSTRUMENTS

2005 No. 345

EDUCATION, ENGLAND

The Education (Budget Statements) (England) Regulations 2005

Made - - - - 16th February 2005

Laid before Parliament 4th March 2005

Coming into force - - 31st March 2005

In exercise of the powers conferred upon the Secretary of State by sections 52(1), (3) and (4) and 138(7) of the School Standards and Framework Act 1998(1), the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

- **1.**—(1) These Regulations may be cited as the Education (Budget Statements) (England) Regulations 2005 and come into force on 31st March 2005.
- (2) These Regulations apply only in relation to England and only in relation to budget statements prepared for the financial year beginning on 1st April 2005.

Interpretation

2.—(1) In these Regulations—

"the 1996 Act" means the Education Act 1996(2);

"the 1998 Act" means the School Standards and Framework Act 1998;

"the 2000 Act" means the Learning and Skills Act 2000(3);

"the 2002 Act" means the Education Act 2002(4);

"the 2004 Regulations" means the Financing of Maintained Schools (England) Regulations 2004(5);

^{(1) 1998} c. 31. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. For the meaning of "prescribed" and "regulations" see section 142(1).

⁽**2**) 1996 c. 56.

^{(3) 2000} c. 21.

^{(4) 2002} c. 32.

⁽⁵⁾ S.I. 2004/3130.

- "the Budget Regulations" means the LEA Budget, Schools Budget and Individual Schools Budget (England) Regulations 2004(6);
- "allocation formula" means the LEA's formula under regulation 7 of the 2004 Regulations used to determine schools' budget shares;
- "AWPU" means age-weighted pupil unit;
- "baseline exclusions" means the exclusions referred to in Schedule 2 to the 2004 Regulations;
- "budget statement" means the statement referred to in section 52(1) of the 1998 Act;
- "capital expenditure" means expenditure which the LEA propose to capitalise in their accounts in accordance with proper practices being those accounting practices—
- (i) which the LEA are required to follow by virtue of any enactment, or
- (ii) which so far as they are consistent with any such enactment, are generally regarded whether by reference to any generally recognised published code or otherwise, as proper accounting practices to be followed in the keeping of the accounts of local authorities, either generally or of the description concerned(7);
- "central expenditure" has the meaning used in paragraph 1 of Schedule 2 to the Budget Regulations;
- "CERA" means capital expenditure which the LEA expects to charge to a revenue account of the LEA as defined in section 22 of the Local Government Act 2003(8);
- "DfES grants" for the purposes of the table in Schedule 1 means the Excellence in the Cities grant, School Standards grant, Standards Fund grant, Threshold grant, Performance Pay grant, Transitional Support grant and any other grant paid to the LEA by the Department for Education and Skills for educational purposes;
- "EFSS" means education formula spending share as defined in the Local Government Finance Report (England) 2004/2005(9);
- "EiC" means the Department for Education and Skills' programme known as Excellence in Cities under which partnership agreements are made between an LEA, the Secretary of State and one or more of the LEA's schools;
- "EiC grant" means the specific formula grant paid to LEAs in the EiC programme;
- "factor" means one of the factors or criteria taken into account in the allocation formula;
- "FE" means further education;
- "FF formula" means the fair funding formula and is the formula referred to in regulation 7 of the 2004 Regulations;
- "FTE" means full time equivalent;
- "ghost-funding" means funding in accordance with regulation 12(2) of the 2004 Regulations;
- "HE" means higher education;
- "ISB" means the individual schools budget;
- "KS" means a key stage as defined in section 82 of the 2002 Act;
- "LEA" means a local education authority;

⁽⁶⁾ S.I. 2004/3131

^{(7) &}quot;Capital expenditure" is defined by section 16 of the Local Government Act 2003 (c. 26) and regulations 25 and 26 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 (S.I.2003/3146). "Proper practices" are defined in section 2 of that Act and regulation 61 of those Regulations.

^{(8) 2003} c. 26.

⁽⁹⁾ Report by the Secretary of State under section 78A of the Local Government Finance Act 1988 (c. 31) (ISBN. 0102927243). Section 4 provides for the calculation of formula spending shares.

- "LSC" means the Learning and Skills Council for England(10);
- "maintained school" means a maintained nursery school, a community, foundation or voluntary school or a community or foundation special school;
- "minimum funding guarantee" has the same meaning as in Part 2 of the 2004 Regulations;
- "Performance Grant" means the sum of money paid under that name to the LEA by the Secretary of State under section 14 of the 2002 Act;
- "place-led funding" has the same meaning as in Part 2 of the 2004 Regulations;
- "prudential borrowing costs" means expenditure incurred in borrowing money for the purpose of facilitating the modernisation and rationalisation of the school estate where the LEA—
- (a) has consulted its schools forum on the amount of any proposed borrowing,
- (b) reasonably believed in incurring the expenditure that the revenue savings that would be achieved were equal to or more than any expenditure that would have been incurred in borrowing the money, and
- (c) is able to demonstrate to the satisfaction of the Secretary of State that such revenue savings will be or have been achieved;
- "pupil-led funding" has the same meaning as in Part 2 of the 2004 Regulations;
- "relevant" in relation to "age", "age group" and "year group" means an age, age group or year 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;
- "relevant financial year" means the financial year to which the budget statement relates; "SB" means schools budget;
- "school" means a maintained school;
- "School Standards Grant" means the sum of money paid under that name to the LEA by the Secretary of State under section 14 of the 2002 Act;
- "SEN" means special educational needs:
- "SFSS" means schools formula spending share as defined in the Local Government Finance Report (England) 2004/2005;
- "special educational needs" and "special educational provision" have the meanings given to those expressions by section 312 of the 1996 Act;
- "specific formula grant" means the grant known as specific formula grant paid in accordance with section 31 of the Local Government Act 2003(11);
- "Standards Fund grant" means the sum of money paid under that name to the LEA by the Secretary of State under section 14 of the 2002 Act;
- "statement" in relation to a pupil with special educational needs means a statement made under section 324 of the 1996 Act;
- "support for schools in financial difficulty" has the meaning used in paragraph 33 of Schedule 3 to the Budget Regulations;
- "Threshold administration costs" means the costs incurred by the LEA in distributing and determining the distribution of the Threshold and Performance Pay grants;
- "Threshold grant" means the sum of money paid under that name to the LEA under section 14 of the 2002 Act;

⁽¹⁰⁾ The Learning and Skills Council for England was established under section 1 of the 2000 Act.

^{(11) 2003} c. 26.

"Transitional Support grant" means the sum of money paid under that name to the LEA under section 14 of the 2002 Act as support for schools in financial difficulty;

"youth service" means services provided by the LEA under sections 15B and 508 of the 1996 Act and section 114 of the 2000 Act.

- (2) In these Regulations—
 - (a) references to primary or secondary schools do not include special schools;
 - (b) references to the number or numbers of registered pupils at one or more schools are references to the number or numbers of such pupils required under the allocation formula to be used for the initial determination of that school's budget share or those schools' budget shares for the year but ignoring any weighting in accordance with paragraph (6) of regulation 8 of the 2004 Regulations or any adjustment under paragraph (7) of that regulation; and
 - (c) a reference to a particular class or description of expenditure in relation to maintained schools and to pupils registered at such schools includes any such expenditure of that class or description as the LEA may incur in relation to Academies(12) and to pupils registered at Academies.

Prescribed form of, and information to be contained in, budget statements

- **3.** A budget statement is prepared in five parts, and contains the information prescribed for the purposes of section 52(1) of the 1998 Act, as follows—
 - (a) Part 1 is in the form prescribed in Schedule 1 and contains information in respect of both the relevant financial year and also the previous financial year regarding the level of funding available to the LEA for expenditure on schools according to the source of funding and as a percentage of national funding;
 - (b) Part 2 is in the forms prescribed in Schedule 2 and contains information in respect of the LEA as a whole relating to the LEA's planned expenditure for both the LEA budget and the schools budget in respect of the relevant financial year, information in respect of the LEA's central expenditure within the schools budget, and also information on expenditure in respect of the relevant financial year in relation to the LEA's youth service;
 - (c) Part 3 is in the forms prescribed in Schedule 3 and contains for the relevant financial year the budget share and the amount allocated in respect of each pupil and each place in each school and the calculation of the budget share in relation to each of the LEA's schools;
 - (d) Part 4 is in the form prescribed in Schedule 4 and contains information relating to the minimum funding guarantee; and
 - (e) Part 5 is in the form prescribed in Schedule 5 and contains information relating to the LEA's allocation formula.

Prescribed manner and time of publication of budget statements

- 4. For the purposes of section 52(3)(b) of the 1998 Act, a budget statement is published by—
 - (a) supplying a copy to the Secretary of State for Education and Skills; and
 - (b) making a copy available for inspection at all reasonable times and free of charge—
 - (i) at education offices of the LEA; and
 - (ii) on a website maintained by the LEA and accessible to the public.
- **5.**—(1) A budget statement must be published before the beginning of the relevant financial year.

- (2) A budget statement may not be revised during the relevant financial year other than to correct errors in the statement as previously published.
 - (3) A revised budget statement is subject to regulations 3, 4, 5(2) and 6.
- **6.** The LEA must furnish the governing body and head teacher of each school maintained by it with a copy of Parts 1, 2 and 5 of the budget statement and with a copy of the parts of Parts 3 and 4 of the budget statement which relate to the school in question, save that if the governing body or the head teacher so request the LEA must furnish them with a complete copy of Parts 3 and 4 of the budget statement.

Stephen Twigg
Minister of State
Department for Education and Skills

16th February 2005

Regulation 3(a)

Table 0 - Transparent account

FORM OF PART 1 OF A BUDGET STATEMENT

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SECTION 52 EDUCATION BUDGET STATEMENT

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Regulation 3(b)

FORM OF PART 2 OF A BUDGET STATEMENT

Part 2 of a budget statement is in the following forms

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SECTION	N 52 EDUCATION	BUDGET	STATEMENT			Annex to Table	1: Youth Service
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SCHEDULE 3

Regulation 3(c)

FORM OF PART 3 OF A BUDGET STATEMENT

Part 3 of a budget statement is in the following forms

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Regulation 3(d)

FORM OF PART 4 OF A BUDGET STATEMENT

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Regulation 3(e)

FORM OF PART 5 OF A BUDGET STATEMENT

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form and contents of the budget statement of a local education authority in England for the financial year beginning on 1st April 2005 under section 52(1) of the School Standards and Framework Act 1998.