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STATUTORY INSTRUMENTS

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**2017 No. 44**

**EDUCATION, ENGLAND**

The School and Early Years Finance  
(England) Regulations 2017

*Made* - - - - 23rd January 2017  
*Laid before Parliament* 25th January 2017  
*Coming into force* 16th February 2017

THE SCHOOL AND EARLY YEARS  
FINANCE (ENGLAND) REGULATIONS 2017

PART 1

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2. Revocation
3. Amendments

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9. Consultation
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Signature

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SCHEDULE 1 — CLASSES OR DESCRIPTIONS OF PLANNED EXPENDITURE  
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1. Special educational provision
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3. Expenditure on monitoring the provision for pupils in schools for...
4. Expenditure on collaboration with other statutory and voluntary bodies to...
5. Expenditure in connection with— (a) the provision of parent partnership...
6. Expenditure on carrying out the authority's child protection functions under...
7. Expenditure incurred in entering into, or subsequently incurred under, an...
8. Schools causing concern
9. Access to education
10. Expenditure in relation to the authority's functions under sections 508A...
11. Expenditure on the provision of support for students under regulations...
12. Expenditure on discretionary grants paid under section 1(6) or 2...
13. Expenditure on the payment of 16-19 Bursaries.
14. Additional education and training for children, young persons and adults
15. Expenditure on the provision by the local authority under sections...
16. Other functions
17. Expenditure on making pension payments, other than in respect of...
18. Expenditure on insurance, other than for liability arising in connection...

SCHEDULE 2 — CLASSES OR DESCRIPTIONS OF PLANNED EXPENDITURE  
PRESCRIBED FOR THE PURPOSES OF THE SCHOOLS  
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1. CERA incurred for purposes not falling within any other paragraph...
2. Expenditure in respect of— (a) prudential borrowing;
3. Any deductions under any of paragraphs 1 and 2(a), 2(b),...

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4. Expenditure due to a significant growth in pupil numbers as...
5. Expenditure to be incurred due to a decline in pupil...
6. Expenditure to be incurred before the opening of new schools...
7. Expenditure to make provision for extra classes in order to...
8. Expenditure on licences which are negotiated centrally by the Secretary...
9. Expenditure on the operation of the system of admissions of...
10. Expenditure under section 18 of the 1996 Act in making...
11. Remission of boarding fees payable in connection with the attendance...
12. Expenditure in connection with the authority's functions under section 47A...
13. Expenditure on pay arrears due to staff employed at maintained...

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14. Asset management
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16. Other functions
17. Expenditure in connection with the authority's functions in relation to...
18. Expenditure in connection with powers and duties performed under Part...

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19. Expenditure in relation to consultation and functions preparatory to consultation...
20. Expenditure on the authority's functions in relation to the exclusion...
21. Expenditure in relation to provision of information to or at...
22. Expenditure on education functions related to revenue budget preparation, preparation...
  - PART 4 — Central Early Years Expenditure
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  24. Expenditure on determining— (a) the eligibility for free school meals...
  25. Expenditure on an early years contingency fund, for subsequent distribution...
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  27. Expenditure in respect of pupils— (a) with special educational needs...
  28. Expenditure in respect of persons provided with further education who...
  29. Expenditure on support services for children who have attained compulsory...
  30. Expenditure on services for children who have not attained compulsory...
  31. Expenditure for the purposes of encouraging— (a) collaboration between special...
  32. Expenditure incurred in relation to education otherwise than at school...
  33. Expenditure on the payment of fees in respect of children...
  34. Expenditure on hospital education services, aside from expenditure on hospital...
  35. Expenditure on special schools and pupil referral units in financial...
  36. Expenditure on costs in connection with private finance initiatives and...
  37. Expenditure on the purchase of CRC Energy Efficiency Scheme allowances...
  38. Expenditure on the provision of special medical support for individual...
    - PART 6 — Items That May Be Removed From Maintained Schools' Budget Shares – Primary and Secondary Schools
    39. Expenditure (other than expenditure referred to in Schedule 1 or...
    40. Expenditure on determining the eligibility of a pupil for free...
    41. Expenditure on making payments to, or in providing a temporary...
    42. Expenditure on making payments to, or in providing a temporary...
    43. Expenditure on making payments to, or in providing a temporary...
    44. Expenditure on making payments to, or in providing a temporary...
    45. Expenditure on insurance in respect of liability arising in connection...
    46. Expenditure on services to schools provided by museums and galleries....
    47. Expenditure on library services.
    48. Expenditure on licence fees or subscriptions paid on behalf of...
    49. Expenditure on the schools' specific contingency.
    50. Expenditure for the purposes of— (a) improving the performance of...
    51. Expenditure incurred for the purposes of supporting the improvement of...
      - PART 7 — Items That May Be Removed From Maintained Schools' Budget Shares – Primary, Secondary and Special Schools, and Pupil Referral Units
      52. Expenditure in relation to the authority's functions under section 510...
      53. Expenditure on the provision of tuition in music, or on...
      54. Expenditure incurred in enabling pupils to enhance their experience of...
      55. Expenditure on outdoor education centres, but not including centres wholly...
      56. Expenditure in relation to functions of the authority under Part...

57. Expenditure in relation to authorisation and monitoring of expenditure in...
58. Expenditure in relation to the authority's monitoring of compliance with...
59. Expenditure in relation to internal audit and other tasks necessary...
60. Expenditure in relation to the authority's functions under regulations made...
61. Expenditure in relation to investigations which the authority carries out...
62. Expenditure in relation to functions of the authority in relation...
63. Expenditure in relation to advice, in accordance with the authority's...
64. Expenditure in relation to determination of conditions of service for...
65. Expenditure in relation to the authority's functions regarding the appointment...
66. Expenditure in relation to consultation and functions preparatory to consultation...
67. Expenditure in relation to compliance with the authority's duties under...
68. Expenditure in relation to provision of information to or at...
69. Expenditure in relation to the authority's functions pursuant to regulations...
70. Expenditure in relation to the authority's functions under the discrimination...
71. Expenditure on establishing and maintaining those electronic computer systems, including...
72. Expenditure on the appointment of governors, the making of instruments...
73. Expenditure on education functions related to revenue budget preparation, preparation...
74. Expenditure on monitoring National Curriculum assessment arrangements required by orders...
75. Expenditure on retrospective membership of pension schemes and retrospective elections...
76. Expenditure on landlord responsibilities in relation to maintained schools, and...
77. Expenditure in respect of the dismissal or premature retirement of,...
78. Expenditure on inspecting attendance registers under the Education (Pupil Registration)...

SCHEDULE 3 — ADDITIONAL REQUIREMENTS, OR FACTORS OR CRITERIA WHICH MAY BE TAKEN INTO ACCOUNT, IN A LOCAL AUTHORITY'S FORMULA UNDER REGULATION 20

PART 1 — Applicable only to budget shares for maintained schools

1. A single sum for primary schools— (a) other than middle...
2. A single sum for secondary schools— (a) other than middle...
3. (1) Subject to sub-paragraph (5), in respect of pupils at...
4. In respect of pupils at key stages 3 and 4,...
5. A single per pupil amount for each pupil, based on...
6. A single per pupil amount for each pupil, based on...
7. (1) Where the total number of pupils to whom sub-paragraph...
8. Where the total number of pupils at key stages 3...
9. A single per pupil amount, based on the number of...
10. Funding for schools with split sites, where the funding must...
11. Non-domestic rates payable in respect of the premises of each...
12. Payments in relation to a private finance initiative (including actual...
13. Differential salaries of teachers at schools in the county councils...
14. (1) In respect of all primary schools to which sub-paragraph...
15. (1) Where sub-paragraph (2) applies in respect of secondary schools,...

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PART 2 — Applicable only to budget shares for, and amounts to be allocated to, providers of funded early years provision

16. The rurality or sparsity of the population of the area...
17. Pupils and children whose first language is not English.
18. The qualifications of staff.
19. The sharing of expertise with other early years providers.
20. The degree to which providers offer flexible provision to parents....

SCHEDULE 4 — MINIMUM FUNDING GUARANTEE

1. (1) In this Schedule— (a) references to the number of...
2. Where (A/B) is less than (C/D) then the guaranteed funding...
3. Where a new school opens during the funding period and...
4. In calculating the guaranteed level of funding under paragraph 3...

SCHEDULE 5 — CONTENTS OF SCHEMES

1. The carrying forward from one funding period to another of...
2. Amounts which may be charged against schools' budget shares.
3. Amounts received by schools which may be retained by their...
4. The imposition, by or under the scheme, of conditions which...
5. Terms on which the authority provides services and facilities for...
6. The payment of interest by or to the authority.
7. The times at which amounts equal in total to the...
8. The virement between budget heads within the delegated budget.
9. Circumstances in which a local authority may delegate to the...
10. The use of delegated budgets and of sums made available...
11. Borrowing by governing bodies.
12. The banking arrangements that may be made by governing bodies....
13. A statement as to the personal liability of governors in...
14. A statement as to the allowances payable to governors of...
15. The keeping of a register of any business interests of...
16. The provision of information by and to the governing body....
17. The maintenance of inventories of assets.
18. Plans of a governing body's expenditure.
19. A statement as to the taxation of sums paid or...
20. Insurance.
21. The use of delegated budgets by governing bodies to satisfy...
22. The provision of legal advice to a governing body.
23. Funding for child protection issues.
24. How complaints by persons working at a school or by...
25. Expenditure incurred by a governing body in the exercise of...

Explanatory Note