
STATUTORY INSTRUMENTS

2024 No. 66

**The School and Early Years Finance and Childcare
(Provision of Information About Young Children)
(Amendment) (England) Regulations 2024**

PART 2

Action to be taken by a local authority

CHAPTER 1

Determination of the non-schools education budget, schools
budget, individual schools budget, and budget shares

Determination of allocation of budget shares etc. for the funding period

11.—(1) Except as provided for in paragraphs (2), (4) and (9), not later than 29th February 2024, a local authority must determine the budget share for each school which it maintains, using the formula referred to in regulation 10(1) in accordance with Chapter 1 of Part 3.

(2) Paragraph (1) does not apply to any determination of amounts to be included in budget shares under regulation 28 (sixth form funding) and in relation to such determination the local authority must make the determination and notify the school to which the determination relates within a reasonable period after the notification given by the Secretary of State under regulation 28(1).

(3) When making the determination under paragraph (1), the local authority must identify within each budget share an amount calculated by reference to the requirements, factors and criteria specified in Chapter 1 of Part 3 which are relevant to pupils with special educational needs; such amount must be calculated using a threshold sum of £6,000 per pupil below which the school will be expected to meet the additional costs of pupils with special educational needs from its budget share.

(4) A local authority must, not later than 29th February 2024 and in accordance with Chapter 1 of Part 3, determine the budget share for each of the special schools and pupil referral units it maintains.

(5) After the local authority has made a determination under paragraph (1) but before giving notice under paragraph (10), the authority may apply to its schools forum under regulation 12(1), or to the Secretary of State under regulation 12(2), for authorisation to redetermine schools' budget shares by removing any of the expenditure referred to in Part 6 of Schedule 2 from the budget shares of—

- (a) all primary schools other than nursery schools;
- (b) all secondary schools; or
- (c) all primary schools other than nursery schools and all secondary schools,

where the expenditure is instead to be treated as if it were part of central expenditure.

(6) After the local authority has made a determination under paragraph (1) or (4) but before giving notice under paragraph (10), the authority may apply to its schools forum under regulation 12(1), or to the Secretary of State under regulation 12(2), for authorisation to redetermine schools' budget

shares by removing any of the expenditure referred to in Part 7 of Schedule 2 from the budget shares of the schools specified in paragraph (7), where the expenditure is instead to be treated as if it were part of central expenditure.

(7) For the purposes of paragraph (6), the specified schools are all primary schools other than nursery schools, all secondary schools, all special schools and all pupil referral units.

(8) Where the local authority makes an application referred to in paragraph (6), the amount by which the budget share is to be redetermined, except in relation to the expenditure referred to in paragraph 53 of Part 7 of Schedule 2 (expenditure incurred for the purposes of supporting the improvement of standards in maintained schools), must be set out—

- (a) in the case of a maintained school which is not a special school, on an amount per pupil basis; and
- (b) in the case of a maintained school which is a special school or a pupil referral unit, on an amount per place basis.

(9) Not later than 31st March 2024, a local authority must determine—

- (a) the budget share for each of the nursery schools maintained by it;
- (b) the amount to be allocated in respect of each nursery class in schools maintained by it;
- (c) the amount to be allocated to each relevant early years provider in its area; and
- (d) the amount to be allocated in respect of community early years provision in schools maintained by it,

using the formula referred to in regulation 10(3), in accordance with Chapter 2 of Part 3.

(10) Not later than 31st March 2024, a local authority must give notice of—

- (a) each budget share or amount determined under paragraphs (1), (4) and (9); or
- (b) where the budget share has been redetermined under paragraph (5) or (6), the redetermined budget share,

to the governing body of the school or the relevant early years provider concerned.

(11) Save as provided in this regulation and in regulations 22 (risk protection arrangement), 28 (sixth form funding), 29 (new schools, merged schools and closing schools), 30 (federated schools), 31 (special arrangements for early years), 33 (early years pupil premium), 34 (disability access fund), 35 (differential funding), 39 (pupils excluded from or leaving schools), 40 (correction of errors and changes in non-domestic rates) and 41 (alternative arrangements approved by the Secretary of State), the authority must not redetermine a school's budget share or the amount allocated to a relevant early years provider.