
STATUTORY INSTRUMENTS

2024 No. 66

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

PART 3

Determination of budget shares etc.

CHAPTER 3

Adjustments, correction of errors, and alternative
arrangements authorised by the Secretary of State

Alternative arrangements approved by the Secretary of State

41.—(1) Subject to paragraph (2), on application by a local authority, the Secretary of State may authorise the authority to—

- (a) disregard the limits referred to in paragraph 3 of Schedule 2 when deducting any expenditure referred to in regulation 8(4) (historic commitments);
- (b) disregard the requirements in regulation 8(9) (deductions etc. of expenditure relating to deficit in the budget for a previous funding period);
- (c) deduct any expenditure referred to in regulation 8(14)(a) (expenditure falling outside Schedule 2);
- (d) include additional factors or criteria in its formula under regulation 10(1) (formula for determining budget shares) where the nature of a school's premises exceptionally gives rise to significant additional cost;
- (e) include additional factors or criteria that the authority proposes to include in its formula under regulation 10(3) (early years single funding formula);
- (f) alter the operation of regulation 11(3) (additional expenditure on children with special educational needs);
- (g) determine (including redetermine) budget shares of schools maintained by it;
- (h) determine (including redetermine) amounts to be allocated in respect of nursery classes in schools maintained by it;
- (i) determine (including redetermine) amounts to be allocated to relevant early years providers in its area;
- (j) disregard regulation 13 (pupil numbers);
- (k) alter the operation of regulation 14(3) or (5) (places in pupil referral units or in hospital education);
- (l) alter the operation of regulation 21 (the sparsity factor) in respect of particular schools;

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- (m) alter the operation of regulation 26 (minimum per pupil amount) in respect of particular schools;
 - (n) alter any or all of the year group values D, E or F set out in regulation 26(5) for all the schools that are subject to the formula decided by the authority under regulation 10(1);
 - (o) alter the operation of regulation 27 (minimum funding guarantee) and Schedule 3 in respect of particular schools;
 - (p) alter the operation of regulation 29 (new schools, merged schools and closing schools) in respect of particular schools;
 - (q) alter the operation of regulation 36 (early years 95% requirement);
 - (r) disregard the requirement in regulation 38(4) (requirement for a provider's per child amount in respect of disadvantaged two year olds to be equal to, or more than, the per child amount in respect of working parent two year olds).
- (2) The Secretary of State may authorise the matters in paragraph (1) to such extent as the Secretary of State may specify in accordance with arrangements approved in place of the arrangements provided for by these Regulations.