
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 the individual schools budget for the funding period and limit on increase
in central expenditure**

8.—(1) Subject to the following provisions of this regulation and not later than 29th February 2024, a local authority must deduct from its schools budget such of the classes or descriptions of planned expenditure set out in Schedule 2 as it proposes to deduct in order to determine its individual schools budget.

(2) Under paragraph (1), a local authority—

- (a) must not deduct from its schools budget such of the classes or description of planned expenditure set out in Part 6 of Schedule 2 (items that may be removed from maintained schools' budget shares – primary and secondary schools); and
- (b) may only deduct from its schools budget such of the classes or descriptions of planned expenditure set out in Part 7 of Schedule 2 (items that may be removed from maintained schools' budget shares – primary, secondary and special schools and pupil referral units) if that deduction is to be made under paragraph (15).

(3) Expenditure referred to in paragraphs 1 and 2 of Part 1 of Schedule 2 (historic commitments) may only be deducted by the local authority where the expenditure is to be incurred as a result of decisions taken before 1st April 2013 which commit the authority to incur expenditure in the funding period.

(4) In deducting the expenditure referred to in Part 1 of Schedule 2, a local authority must not exceed the limits referred to in paragraph 3 of Schedule 2, unless it is authorised to do so under regulation 41(1)(a) (authorisation by the Secretary of State to disregard limits relating to expenditure in respect of historic commitments).

(5) A local authority must not deduct the expenditure referred to in paragraphs 4 to 6 of Schedule 2 (growth fund, falling rolls and new schools) unless the criteria for determining the expenditure have been authorised by its schools forum under regulation 12(1), or by the Secretary of State under regulation 12(3).

(6) Where a local authority agrees with a maintained school (other than a special school, pupil referral unit or nursery school) or an Academy school (other than a special Academy) in its area

to provide an extra class to meet a need due to significant growth in pupil numbers in its area, the criteria referred to in paragraph (5) must include provision such that the amount allocated to that school is at least £1,550 in respect of each pupil to be accommodated in the extra class, multiplied by the ACA applying in relation to the area in which the school is situated.

(7) Except as provided for in paragraphs (8), (15) and (16), a local authority must obtain authorisation from its schools forum under regulation 12(1), or from the Secretary of State under regulation 12(3), before deducting the expenditure referred to in Schedule 2.

(8) Paragraph (7) does not apply to expenditure under the following provisions of Schedule 2—

- (a) paragraph 8 (expenditure on licences);
- (b) Part 5 (children and young people with high needs); and
- (c) Part 8 (deficit from previous funding period).

(9) Where a local authority has expenditure falling within Part 8 of Schedule 2, it must—

- (a) deduct all of that expenditure from its schools budget;
- (b) deduct such part of that expenditure as the authority may determine and carry forward the remaining part to the next funding period; or
- (c) carry forward all of that expenditure to the next funding period.

(10) A local authority may apply to the Secretary of State for authorisation under regulation 41(1) (b) to disregard the requirements in paragraph (9).

(11) Any amount of expenditure which was deducted under paragraph 4, 5, 6 or 7 (extra infant classes) of Schedule 2 to the 2023 Regulations for the previous funding period and which remains unspent may be used by the local authority in the funding period for the purposes listed in those paragraphs of Schedule 2 to the 2023 Regulations that applied to such expenditure.

(12) A local authority must deduct the expenditure referred to in paragraph 32(b) of Schedule 2 (expenditure on services for children who have not attained compulsory school age with special educational needs or who are subject to an EHC plan, other than expenditure in respect of funding provision specified in an EHC plan).

(13) Where—

- (a) under regulation 11(5) of the 2023 Regulations, a local authority treated expenditure described in Part 6 of Schedule 2 (items that may be removed from maintained schools' budget shares – primary and secondary schools) as central expenditure for the previous funding period; and
- (b) any such amounts remain unspent,

those amounts may be used by the local authority in the funding period for the purposes listed in Part 6 of Schedule 2 of the 2023 Regulations that applied to such expenditure.

(14) A local authority may apply to the Secretary of State for authorisation under regulation 41(1) (c) to—

- (a) deduct from its schools budget any expenditure falling outside the classes or descriptions of planned expenditure specified in Schedule 2, in order to determine its individual schools budget; and
- (b) alter the operation of regulation 11(3) (additional costs - pupils with special educational needs).

(15) A local authority may deduct the expenditure specified in paragraph (16) from the schools budget without authorisation from its schools forum under regulation 12(1) or from the Secretary of State under regulation 12(3), in which case it must be treated as if it were part of the non-schools education budget prescribed in regulation 4.

(16) The specified expenditure for the purposes of paragraph (15) is the description of expenditure referred to in the following provisions of Schedule 2—

- (a) paragraphs 9 to 12 (expenditure on local authority’s functions in relation to schools admission, pupils attending non-maintained schools, remission of boarding fees and schools forums);
- (b) Part 3 (other central education expenditure); and
- (c) Part 7.

(17) References to planned expenditure in this regulation and Schedule 2 are references to that expenditure net of—

- (a) any related specific grant;
- (b) all related fees, charges and income; and
- (c) any funding received from the Secretary of State in respect of a charge payable by a local authority under a private finance transaction, as defined in regulation 16 of the Local Authorities (Capital Finance) Regulations 1997⁽¹⁾.

(18) The expenditure referred to in Schedule 2 includes expenditure on associated administrative costs and overheads.

(19) In paragraph (17), “specific grant” means any grant paid to a local authority under conditions which impose restrictions on the particular purposes for which the grant may be used other than—

- (a) the Dedicated Schools Grant; or
- (b) any sixth form grant.

(1) [S.I. 1997/319](#). These Regulations have lapsed but article 11 of [S.I. 2004/533](#) contains a savings provision for regulation 16 of those Regulations. Regulation 16 was substituted by [S.I. 1998/371](#) and amended by [S.I. 1999/1852](#) and [2003/515](#).