

SCHEDULE 1

Regulation 4

Classes or Descriptions of Planned Expenditure Prescribed for the Purposes of the LEA Budget of a Local Authority

*Expenditure of a class or description referred to in this Schedule
includes expenditure on associated administrative costs and overheads*

Additional learning needs

1. Expenditure on services provided by educational psychologists.
2. Expenditure in connection with the authority's functions under sections 321 to 331 of the 1996 Act (which functions relate to the identification and assessment of children with special educational needs and the making, maintaining and reviewing of statements for such children).
3. Expenditure on monitoring the provision for pupils in schools (whether or not maintained by the authority) for the purposes of disseminating good practice in relation to, and improving the quality of educational provision for, children with special educational needs.
4. Expenditure on collaboration with other statutory and voluntary bodies to provide support for children with special educational needs.
5. Expenditure in connection with—
 - (a) the provision of parent partnership services or other guidance and information to the parents of pupils with special educational needs which, in relation to pupils at a school maintained by the authority, is in addition to the information usually provided by the governing bodies of such schools; or
 - (b) arrangements made by the authority with a view to avoiding or resolving disagreements with the parents of children with special education needs.
6. Expenditure incurred in relation to the preparation of any part of the authority's Children and Young People's Plan relating to the education of children with behavioural difficulties.

Health and child protection

7. Expenditure on carrying out the authority's child protection functions under the Children Act 1989⁽¹⁾ and under section 175 of the 2002 Act and other functions relating to child protection.
8. Expenditure incurred in entering into, or subsequently incurred pursuant to, an arrangement under section 31 of the Health Act 1999⁽²⁾ or regulations made under section 33 of the National Health Service (Wales) Act 2006⁽³⁾.
9. Expenditure in providing special medical support for individual pupils in so far as such expenditure is not met by a National Health Service Trust, Local Health Board or the Welsh Ministers.

School improvement

10. Expenditure incurred by the authority in respect of action to support the improvement of standards in the authority's schools, including, in particular—

(1) 1989 c. 41.

(2) 1999 c. 8.

(3) 2006 c. 42.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) expenditure incurred in connection with the exercise of their functions under section 197 of the 2002 Act (partnership agreements);
- (b) expenditure incurred in connection with entering into a contract pursuant to a direction under section 63 of the 2002 Act⁽⁴⁾ (contracts to obtain services of an advisory nature in respect of schools with serious weaknesses or schools requiring special measures);
- (c) expenditure incurred in connection with the exercise of their functions under section 14 to 17 of the 1998 Act⁽⁵⁾ (powers of intervention, of appointment of additional governors and of suspension of delegated budgets in schools causing concern); and
- (d) expenditure on the appointment and remuneration of interim executive members under section 16A of the 1998 Act⁽⁶⁾.

Access to education

11. Expenditure in relation to the following matters—

- (a) management of the authority's capital programme including preparation and review of an asset management plan and negotiation and management of private finance transactions;
- (b) the authority's functions in relation to the exclusion of pupils from schools or pupil referral units, excluding the making of any provision of education to such pupils, but including advice to the parents of an excluded pupil;
- (c) administering the system for admissions of pupils to schools (including admissions appeals and carrying out consultations under section 89(2) of the 1998 Act⁽⁷⁾);
- (d) expenditure incurred in connection with the authority's functions under section 85A of the 1998 Act⁽⁸⁾ (which provides for the establishment and maintenance of admission forums);
- (e) the authority's functions under the Learner Travel (Wales) Measure 2008⁽⁹⁾;
- (f) the authority's functions under sections 510 and 514 of the 1996 Act (provision and administration of clothing grants and boarding grants), and pursuant to regulations made under section 518(1) of the 1996 Act⁽¹⁰⁾.

12. Expenditure on the Education Welfare Service and other expenditure arising from the authority's functions under Chapter 2 of Part 6 of the 1996 Act (school attendance).

13. Expenditure on the provision of support for students under section 1(1) of the Education Act 1962⁽¹¹⁾ and under section 22 of the Teaching and Higher Education Act 1998⁽¹²⁾.

14. Expenditure on discretionary grants under section 1(6) or 2 of the Education Act 1962 (awards for designated and other courses).

15. Expenditure on the payment to persons over compulsory school age of allowances pursuant to regulations made under section 518(1)(b) of the 1996 Act.

(4) Section 63 was amended by section 61 of the Education Act 2005, and section 71 of, and Schedule 7 to, the Education and Inspections Act 2006.

(5) 1998 c. 31. Sections 14 to 17 have been amended by sections 55 to 57 of, and Schedule 5 and paragraphs 92 to 94 of Schedule 21 to, the Education Act 2002, and by paragraphs 14 to 18 of Schedule 9 to the Education Act 2005.

(6) Section 16A was inserted by section 57 of the Education Act 2002.

(7) Section 89(2) was substituted by section 51 of, and paragraph 5 of Schedule 4 to, the Education Act 2002, and amended by section 45 of the Education and Inspections Act 2006.

(8) Section 85A was inserted by section 46 of the Education Act 2002, and amended by section 41 of the Education and Inspections Act 2006.

(9) 2008 nawm 2.

(10) Section 518 was substituted by section 129 of the School Standards and Framework Act 1998.

(11) 1962 c. 12.

(12) 1998 c. 30.

16. Expenditure on the payment to persons over compulsory school age of allowances in connection with education or training made under section 14 of the 2002 Act or pursuant to regulations made under section 181(1) of the 2002 Act.

Education, training and services for young persons and adults

17. Expenditure on the provision of education and training and of organised leisure time occupation and other provision under sections 15A and 15B of the 1996 Act(13).

18. Expenditure on the provision by the local authority under sections 15A and 508 of the 1996 Act(14) of recreation and social and physical training, and on the authority's provision of services under section 123 of the 2000 Act to encourage and enable the participation by young people in education and training.

19. Expenditure in relation to the local authority's functions in connection with the local curriculum under sections 116A to 116O of the 2002 Act(15) and sections 33J to 33L of the 2000 Act(16).

Strategic management

20. Expenditure in their capacity as a local education authority in relation to—

- (a) functions of the Chief Education Officer and his or her personal staff;
- (b) planning for the education service as a whole including—
 - (i) planning and managing the supply of school places, and functions in relation to the establishment, alteration or discontinuance of schools pursuant to Chapter 2 of Part 2 of the 1998 Act or section 113A of, and Schedule 7A to, the 2000 Act;
 - (ii) the preparation of any part of the authority's Children and Young People's Plan relating to school organisation and school improvement; and
 - (iii) responding to policy statements and consultation papers;
- (c) functions of the authority under Part 1 of the Local Government Act 1999(17) (Best Value) or Part 1 of the Local Government (Wales) Measure 2009(18) (local government improvement) and the provision of advice to assist governing bodies in procuring goods and services with a view to securing continuous improvement in the way the functions of those governing bodies are exercised, having regard to a combination of economy, efficiency and effectiveness;
- (d) revenue budget preparation; the preparation of information on income and expenditure relating to education, for incorporation into the authority's annual statement of accounts; the external audit of grant claims and returns relating to education and functions of the authority under section 44 of the 2002 Act;
- (e) administration of grants to the authority (including preparation of applications), functions imposed by or under Chapter 4 of Part 2 of the 1998 Act and, where it is the authority's duty to do so, ensuring payments are made in respect of taxation, national insurance and superannuation contributions;

(13) Section 15A was inserted by section 140 of, and paragraph 63 of Schedule 30 to, the School Standards and Framework Act 1998, and was amended by section 149 of, and paragraph 54 of Schedule 9 to, the Learning and Skills Act 2000. Section 15B was inserted by section 149 of, and paragraph 55 of Schedule 9 to, the Learning and Skills Act 2000.

(14) Section 508 was amended by section 137 of the Learning and Skills Act 2000, and section 6(2) of the Education and Inspections Act 2006.

(15) Sections 116A to 116O of the 2002 Act were inserted by sections 4 to 18 of the [Learning and Skills \(Wales\) Measure 2009](#) (nawm 1).

(16) Sections 33J to 33L of the 2000 Act were inserted by sections 31 to 33 of the Learning and Skills (Wales) Measure 2009.

(17) 1999 c. 27.

(18) 2009 nawm 2.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (f) authorisation and monitoring of—
 - (i) expenditure which is not met from schools' budget shares; and
 - (ii) expenditure in respect of schools which do not have delegated budgets, and all related financial administration;
- (g) the authority's monitoring of compliance with the requirements of their financial scheme maintained under section 48 of the 1998 Act⁽¹⁹⁾;
- (h) the authority's functions under section 27 of the 2002 Act (provision of community facilities by governing bodies);
- (i) tasks necessary for the discharge of the authority's chief finance officer's responsibilities under section 151 of the Local Government Act 1972⁽²⁰⁾;
- (j) recruitment, training, continuing professional development, performance management and personnel management of staff who are funded by expenditure not met from schools' budget shares and who are paid for services carried out in relation to those of the authority's functions and services which are referred to in this Schedule;
- (k) investigations which the authority carry out of employees or potential employees of the authority or of governing bodies of schools, or of persons otherwise engaged or to be engaged (with or without remuneration) to work at or for schools;
- (l) functions of the authority in relation to superannuation, including the administration of teachers' pensions, other than functions which have been delegated to the governing bodies of schools;
- (m) retrospective membership of pension schemes and retrospective elections made in respect of pensions where it would not be appropriate to expect the governing body of a school to meet the cost from the school's budget share;
- (n) advice, in accordance with the authority's statutory functions, to governing bodies in relation to staff paid, or to be paid, to work at a school, and advice in relation to the management of all such staff collectively at any individual school ("the school workforce"), including in particular advice with reference to alterations in remuneration, conditions of service and the collective composition and organisation of such school workforce;
- (o) determination of conditions of service for non-teaching staff and advice to schools on the grading of such staff;
- (p) the authority's functions relating to the appointment or dismissal of employees;
- (q) consultation and functions preparatory to consultation with or by governing bodies, pupils and persons employed at schools or their representatives, or with other interested bodies;
- (r) compliance with the authority's duties under the Health and Safety at Work etc Act 1974⁽²¹⁾ and the relevant statutory provisions as defined in section 53(1) of that Act in so far as compliance cannot reasonably be achieved through tasks delegated to the governing bodies of schools; but including expenditure incurred by the authority in monitoring the performance of such tasks by governing bodies and where necessary the giving of advice to them;
- (s) the investigation and resolution of complaints including action taken to assist a governing body in handling a complaint;

⁽¹⁹⁾ Section 48 was amended by section 40 of, and paragraph 2 of Schedule 3 to, the 2002 Act, by section 117 of, and paragraph 7 of Schedule 18 to, the 2005 Act, and by sections 57 and 184 of, and paragraph 3 of Schedule 5 and Part 6 of Schedule 18 to, the Education and Inspections Act 2006.

⁽²⁰⁾ 1972 c. 70.

⁽²¹⁾ 1974 c. 37.

- (t) legal services relating to the statutory functions of the authority;
- (u) the preparation and review of plans involving collaboration with other local authority services or with public or voluntary bodies;
- (v) the preparation and publication of any part of the authority's Children and Young People's Plan relating to early years development and childcare and the provision of (but not the expenditure authorised by) an early years development and childcare partnership under section 119 of the 1998 Act;
- (w) provision of information to or at the request of the Welsh Ministers, a government department or any body exercising functions on behalf of the Crown and the provision of other information which the authority are under a duty to make available;
- (x) the authority's duties under Article 4(2) and (5) of the Race Relations Act 1976 (Statutory Duties) Order 2001⁽²²⁾;
- (y) the remittance of fees payable to the General Teaching Council for Wales by virtue of sections 4(4) and 9(1) of the Teaching and Higher Education Act 1998 and the provision of information required by the Council pursuant to regulations made under section 12 of that Act⁽²³⁾;
- (z) expenditure incurred in connection with the authority's functions pursuant to regulations made under section 12 of the 2002 Act (supervising by authorities of companies formed by governing bodies); and
- (aa) expenditure incurred in connection with the authority's functions under the Disability Discrimination Act 1995⁽²⁴⁾ in so far as compliance cannot reasonably be achieved through tasks delegated to the governing bodies of schools; but including expenditure incurred by the authority in monitoring the performance of such tasks by governing bodies and where necessary the giving of advice to them.

21. Expenditure in connection with monitoring the performance of schools, monitoring the management of delegated budgets and with monitoring the management and governance of schools.

22. Expenditure on establishing and maintaining electronic computer systems, including data storage, in so far as they link, or facilitate the linkage of, the authority to schools which they maintain, such schools to each other or such schools to other persons or institutions.

23. Expenditure on monitoring National Curriculum assessment arrangements required by orders made under section 108 of the 2002 Act.

24. Expenditure in connection with the authority's functions in relation to the Standing Advisory Council on Religious Education constituted by the authority under section 390 of the 1996 Act or in the reconsideration and preparation of an agreed syllabus of religious education in accordance with Schedule 31 to the 1996 Act.

25. Expenditure in respect of the dismissal or premature retirement of, or for the purpose of securing the resignation of, or in respect of acts of discrimination against, any person.

26. Expenditure in respect of a teacher's emoluments under section 19(9) of the Teaching and Higher Education Act 1998.

27. Expenditure on making pension payments, other than in respect of staff employed in schools.

(22) S.I.2001/3458.

(23) 1998 c. 30. Section 12 was amended by sections 148 and 215 of the Education Act 2002 and paragraph 8 of Schedule 12 and paragraph 81 of Schedule 21 to that Act.

(24) 1995 c. 50.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

28. Expenditure in pursuance of a binding agreement, where the other party is a local authority, or other parties include one or more local authorities, in relation to the operation of a facility provided partly but not solely for the use of schools.

29. Expenditure in respect of the functions of an appropriate body under regulations pursuant to section 19(2)(g) of the Teaching and Higher Education Act 1998(25).

30. Expenditure on the appointment of governors, the making of instruments of government, the payment of expenses to which governors are entitled and which are not payable from a school's budget share and the provision of information to governors.

31. Any expenditure on insurance other than for liability arising in connection with schools or school premises.

32. Expenditure incurred in connection with the authority's functions under section 47A of the 1998 Act (the establishment and maintenance of, and consultation with, schools forums).

SCHEDULE 2

Regulation 7

Classes or Descriptions of Planned Expenditure which may be Deducted from the Schools Budget of a Local Authority

Expenditure of a class or description referred to in this Schedule includes expenditure on associated administrative costs and overheads

Expenditure to support grants

1.—(1) Expenditure (other than expenditure incurred in connection with any other paragraph of this Schedule or any paragraph of Schedule 1) which the authority is obliged to incur as a condition of a specific grant paid to the authority and which is taken into account in determining the amount of such specific grant.

(2) Any amount which the authority is obliged to make available as a condition of grant paid under section 14 of the 2002 Act or under section 484 of the 1998 Act and which is taken into account in determining the amount of such grant, decisions regarding the expenditure of which are delegated to the governing body of a maintained school.

Additional learning needs

2. Subject to paragraphs 3 and 4, expenditure in making the provision specified in a pupil's statement of special educational needs except where the pupil is—

- (a) a registered pupil at a special school maintained by the authority; or
- (b) a registered pupil at a nursery, primary or secondary school maintained by the authority who occupies one of a number of places at that school which are recognised by the authority as being reserved for children with special educational needs.

3. Where a pupil falls within paragraph 2(a) or (b) and the cost of the provision specified in the pupil's statement of special educational needs is significantly greater than the average cost of the provision for the other pupils at the special school or the other pupils occupying the reserved places at the school in question, the amount by which that cost is greater.

(25) See the Education (Induction Arrangements for School Teachers (Wales) Regulations 2005, S.I. 2005/1818.

4. Expenditure in making the provision specified in a pupil's statement of special educational needs where the pupil falls within paragraph 2(b) but the places which are recognised by the authority as being reserved for children with special educational needs are for such pupils with visual, hearing, speech or language impairments or other communication disorder.

5. Expenditure in respect of specialist support provided to assist the governing bodies of schools in meeting the particular needs of pupils with statements of special educational needs or who are within the scope of School Action Plus as described in the Code of Practice issued under section 313 of the 1996 Act⁽²⁶⁾ (being expenditure that it would be inappropriate to expect to be met from the school's budget share).

6. Expenditure (being expenditure that it would be inappropriate to expect to be met from the school's budget share) for purposes connected with the encouragement of—

- (a) collaboration between special schools and maintained nursery, primary and secondary schools to enable children with special educational needs to engage in activities at maintained nursery, primary and secondary schools;
- (b) the education of children with special educational needs at maintained nursery, primary and secondary schools; and
- (c) the engagement of children with special educational needs at maintained nursery, primary and secondary schools in activities at the school with children who do not have special educational needs.

7. Expenditure in relation to education otherwise than at school under section 19 of the 1996 Act or in relation to a pupil referral unit as defined in that section.

8. Expenditure (other than expenditure incurred under Schedule 1 or any other paragraph of this Schedule) incurred on services relating to the education of children with behavioural difficulties and on other activities for the purpose of avoiding the exclusion of pupils from schools.

9. Expenditure on the payment of fees in respect of pupils with special educational needs—

- (a) at independent schools or at special schools which are not maintained by a local authority, under section 348 of the 1996 Act; or
- (b) at an institution outside England and Wales, under section 320 of the 1996 Act.

10. Expenditure on payments to another local authority pursuant to section 493 or 494 of the 1996 Act or section 207 of the 2002 Act (recoupment between local authorities).

Staff

11. Expenditure in making payments to, or in providing a temporary replacement for, a woman on maternity leave or to a person on adoption leave.

12. Expenditure in making payments to, or in providing a temporary replacement for, persons—

- (a) carrying out trade union duties or undergoing training under sections 168 and 168A of the Trade Union and Labour Relations (Consolidation) Act 1992⁽²⁷⁾;
- (b) taking part in trade union activities under section 170 of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (c) performing public duties under section 50 of the Employment Rights Act 1996⁽²⁸⁾;
- (d) undertaking jury service;

⁽²⁶⁾ Section 313 was amended by section 140 of, and paragraph 72 of Schedule 30 to, the School Standards and Framework Act 1998, and by sections 195 and 215 of, and paragraphs 1 and 2 of Schedule 18 and paragraph 36 of Schedule 21 to the Education Act 2002.

⁽²⁷⁾ 1992 c. 52.

⁽²⁸⁾ 1996 c. 18.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (e) who are safety representatives under the Safety Representatives and Safety Committee Regulations 1977⁽²⁹⁾;
- (f) who are representatives of employee safety under the Health and Safety (Consultation with Employees) Regulations 1996⁽³⁰⁾;
- (g) who are employee representatives for the purposes of Chapter 2 of Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992 as defined in section 196 of that Act or the Transfer of Undertakings (Protection of Employment) Regulations 2006⁽³¹⁾;
- (h) taking time off for ante-natal care under section 55 of the Employment Rights Act 1996;
- (i) undertaking duties as members of the reserve forces as defined in section 1(2) of the Reserve Forces Act 1996⁽³²⁾;
- (j) suspended from working at a school;
- (k) who are members of the General Teaching Council for Wales or a committee thereof; or
- (l) who are appointed learning representatives of trade unions, in order for them to analyse training requirements or to provide or promote training opportunities, and to carry out consultative or preparatory work in connection with such functions.

13. Expenditure in making payments to, or in providing a temporary replacement for, a person who is seconded on a full-time basis for a period of three months or more other than to a local authority or the governing body of a school.

14. Expenditure in making payments to, or in providing a temporary replacement for, persons who have been continuously absent from work because of illness for 21 days or more.

15. Expenditure, not falling within Schedule 1, in relation to the recruitment, training, continuing professional development, performance management and personnel management of staff who are funded by expenditure not met from schools' budget shares.

Other expenditure

16. Expenditure on the provision of tuition in musical instruments or choral instruction (either to individuals or groups).

17. Expenditure on supporting travelling theatres so far as such expenditure is not covered by specific grants.

18. Expenditure in connection with the provision of Welsh language teaching by teachers who are employed to work otherwise than at a single school so far as such expenditure is not covered by specific grants.

19. Expenditure on the provision to schools of premises and facilities for sporting activities and outdoor activities (including premises provided on the site of a school for the benefit of the community at large).

20. Expenditure pursuant to section 512, 512ZA, 512ZB or 513 of the 1996 Act which in relation to secondary schools relates to the provision of milk and in relation to any other school relates to the provision of milk or meals and other refreshment.

21. Expenditure on the repair and maintenance of a school kitchen where expenditure on meals in relation to the school concerned is deducted from the authority's schools budget pursuant to paragraph 20.

⁽²⁹⁾ S.I. 1977/500.

⁽³⁰⁾ S.I. 1996/1513.

⁽³¹⁾ S.I. 2006/246.

⁽³²⁾ 1996 c. 14.

22. Expenditure on determining the eligibility of a pupil for free school meals.
23. Expenditure pursuant to section 18 of the 1996 Act in making any grant or other payment in respect of fees or expenses (of whatever nature) which are payable in connection with the attendance of pupils at a school which is not maintained by any local authority.
24. Expenditure in connection with the provision of nursery education except where such provision is made at a maintained school.
25. Expenditure on insurance in respect of liability arising in connection with schools and school premises except to the extent that governing bodies receive funding for insurance as part of their schools' budget shares.
26. Expenditure on licence fees or subscriptions paid on behalf of schools provided that the expenditure does not amount in total to more than 0.2 per cent of the authority's schools budget.
27. Expenditure incurred in responding to a report of an inspection under section 28 of the Education Act 2005.
28. Expenditure on library services and museum services for schools.
29. Expenditure without which the education of pupils at a school would be seriously prejudiced and which because of either—
 - (a) its size and unexpectedness; or
 - (b) its size and unavoidability,it would not be reasonable to expect the governing body to meet from the school's budget share.
30. Expenditure on increases to a school's budget share to which the school is entitled by virtue of the authority's formula or the re-determination of budget shares under the authority of the Welsh Ministers or expenditure on the correction of errors.
31. Expenditure for purposes not falling within any other paragraph of this Schedule provided that the expenditure does not amount in total to more than 0.1 per cent of the authority's schools budget.
32. CERA incurred for purposes not falling within any other paragraph of this Schedule or Schedule 1.
33. Expenditure incurred pursuant to section 22 of the Education Act 2002 in the training of governors to enable the effective discharge of their functions in so far as this is not provided by specific grants.
34. Expenditure incurred in relation to the training of clerks to the governing bodies to enable the effective discharge of their functions.

SCHEDULE 3

Regulation 18

Additional Factors or Criteria which may be Taken into Account in a Local Authority's Formula under Regulation 18

1. Special educational needs of pupils determined in a manner that the authority consider appropriate as a means of assessing such needs.
2. Pupils for whom English or Welsh is not their first language.
3. Turnover of pupils other than as part of the general admissions process at a school.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

4. The extent to which the authority meet the cost of admission arrangements at a school other than from the school's delegated budget.

5. The size and condition of a school's buildings and grounds relative to those of other schools maintained by the authority: the funding must be in accordance with scales published by the authority which reflect (so far as appropriate) the statutory duties of governing bodies in relation to school premises and their eligibility for grant from the Welsh Ministers or any government department.

6. A school which has a split site: the funding must be in accordance with criteria published by the authority.

7. Facilities, for the education of pupils, found at some schools only.

8. Rates payable in respect of the premises of each school (including actual or estimated cost).

9. Charges for water and sewerage (including actual or estimated cost).

10. Use of energy by schools.

11. Rent payable in respect of school premises or payments in respect of the use by a school of facilities not exclusively occupied by that school (including actual or estimated cost).

12. Cleaning of school premises.

13. Transport to and from activities outside the school premises which form part of the school's curriculum (including actual or estimated cost).

14. Hire of facilities outside school premises (including actual or estimated cost).

15. In cases where an amount in respect of insurance is to be included in the school's budget share—

(a) where the authority insure, the appropriate proportion of the authority's planned expenditure on insurance; or,

(b) where the authority do not insure, the appropriate proportion of the amount that the authority would have spent had they insured,

to be determined on a basis decided by the authority which must have regard to the number of registered pupils at the school.

16. Payments in relation to a private finance transaction (including actual or estimated cost).

17. Amounts payable to a school which is, as the result of the discontinuance of one or more maintained schools, either established or, pursuant to Chapter 2 of Part 2 of the 1998 Act, the subject of prescribed alterations, to reflect the extent to which a school which has been discontinued has spent more than or has not spent all of its budget share in any funding period. Any such factor or criteria must provide that any amount deducted must not exceed the amount which the school receives during the funding period as part of its budget share by virtue of being a new school.

18. Whether the school is to be discontinued in the funding period in question or the following funding period.

19. School milk, meals and other refreshment: the authority may not treat any element of this expenditure as having a negative value.

20. Salaries at a school (including actual or estimated cost): the funding must be in accordance with a scale published by the authority.

21. Safeguarding of salaries in accordance with orders made from time to time under section 122 of the 2002 Act or safeguarding other salaries.

22. Social priority allowances in accordance with a School Teachers' Pay and Conditions Document having effect in accordance with an order under section 122 of the 2002 Act (including actual or estimated cost).

23. The need for single payments to be allocated to primary, secondary or special schools, or any combination of such schools, regardless of size.

24. The need for payments to be allocated to schools, of a size and satisfying other conditions, specified by the authority.

25. Schools whose budget shares would otherwise be reduced year-on-year by more than 5 per cent: the funding must be in accordance with a scale published by the authority.

26. Contracts to which the governing body of a school are bound by virtue of a provision in the authority's scheme (including actual or estimated cost).

27. Payroll administration costs: the funding must be based on the number of staff at the school, unless factors permitted elsewhere in these Regulations are used.

28. Any other factors or criteria not otherwise falling within this Schedule provided that the total amount allocated in accordance with the authority's formula, having regard to such factors or criteria, does not exceed 1 per cent of the authority's schools budget.

29. Effect of taxation on schools.

30. Incidence of pupils from ethnic minorities having below average levels of academic achievement in relation to other pupils in the authority's area, to be determined on a basis decided by the authority.

31. Incidence of nursery classes and places recognised by the authority as reserved for children with special educational needs.

32. Incidence of Newly Qualified Teachers.

33. Housing development or armed forces' movements leading to an increase or reduction in numbers on roll at a school of at least 20% within the funding period in question.

34. Prior attainment of pupils entering a school.

35. Infant class sizes limited by Regulations made under section 1 of the 1998 Act: the authority may include a sum which reflects any increase in expenditure incurred as a direct result of those Regulations.

36. Junior class sizes limited to a maximum of 30 pupils: the authority may include a sum which reflects any increase in expenditure incurred as a direct result of conditions contained in any special grant made in accordance with section 88A of the Local Government Finance Act 1988 or any arrangements for financial assistance provided in accordance with section 14 of the 2002 Act which requires an improvement of school standards by reducing class sizes.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 4

Regulation 26

Content of Financial Schemes

The matters referred to in regulation 26, being matters connected with the financing of schools maintained by a local authority, required to be dealt with in the local authority's scheme are as follows:

1. The carrying forward from one funding period to another of surpluses and deficits arising in relation to schools' budget shares.
2. Amounts which may be charged against schools' budget shares.
3. Amounts received by schools which may be retained by their governing bodies and the purposes for which such amounts may be used.
4. The imposition, by or under the scheme, of conditions which must be complied with by schools in relation to the management of their delegated budgets and of sums made available to governing bodies by the authority which do not form part of delegated budgets, including conditions prescribing financial controls and procedures.
5. Terms on which services and facilities are provided by the authority for schools maintained by them.
6. The payment of interest by or to the authority.
7. The times at which amounts equal in total to the school's budget share are to be made available to governing bodies and the proportion of the budget share to be made available at each such time.
8. The virement between budget heads within the delegated budget.
9. Circumstances in which the authority may delegate to the governing body the power to spend any part of the authority's LEA budget or schools budget in addition to those set out in section 49(4) (a) to (c)(33) of the 1998 Act.
10. The use of delegated budgets and of sums made available to the governing body by the authority which do not form part of delegated budgets.
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 respect of schools' budget shares having regard to section 50(7) of the 1998 Act.
14. A statement as to the allowances payable to governors of a school which does not have a delegated budget in accordance with the scheme made by the authority for the purposes of section 519 of the 1996 Act(34).
15. The keeping of a register of any business interests of the governors and the head teacher.
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 use that a governing body proposes to make of a surplus in the school balance which exceeds 5% of the school budget share or £10,000, whichever is the greater.

(33) Section 49 is amended by paragraph 100(2) of Schedule 21 to the Education Act 2002.

(34) Section 519 was amended by paragraphs 57 and 139 of Schedule 30 to the 1998 Act.

20. A provision under which—
 - (a) the authority may direct the governing body as to how to spend a surplus in the school balance for a funding period, if—
 - (i) in the case of a primary school the surplus is £50,000 or more, and
 - (ii) in the case of a secondary school or a special school the surplus is £100,000 or more;
 - (b) the authority may, if the governing body do not comply with such a direction, require the governing body to pay all or part of that surplus to the authority to be applied as part of their schools budget for the funding period in question.
21. A statement as to the taxation of sums paid or received by a governing body.
22. Insurance.
23. The use of delegated budgets by governing bodies so as to satisfy the authority's duties imposed by or under the Health and Safety at Work etc Act 1974⁽³⁵⁾.
24. The provision of legal advice to the governing body.
25. Funding for child protection issues.
26. School meals.
27. To whom in the authority complaints should be made by persons working at the school or by school governors about financial management or financial propriety at the school and how such complaints will be dealt with.
28. Expenditure incurred by a governing body in the exercise of the power conferred by section 27 of the Education Act 2002.
29. Provision by governing bodies of returns and information for teacher pensions' purposes.

(35) 1974 c. 37.