
S T A T U T O R Y I N S T R U M E N T S

1980 No. 877

LOCAL GOVERNMENT, ENGLAND AND WALES
The Rate Support Grants (Adjustment of Needs Element)
Regulations 1980

<i>Made</i> - - - -	24th June 1980
<i>Laid before Parliament</i>	2nd July 1980
<i>Coming into Operation</i>	24th July 1980

In exercise of the powers conferred upon the Secretary of State by section 10 (3) of the Local Government Act 1974(a) and paragraphs 3 and 3A of Schedule 2 thereto (read with section 32(2) of the Education Act 1980(b)) and by section 32(3) and (4) of the said Act of 1980, and after consulting in accordance with section 10 (5) of the said Act of 1974 such associations of local authorities as appeared to me to be concerned, I hereby make the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Rate Support Grants (Adjustment of Needs Element) Regulations 1980.

(2) These Regulations shall come into operation on 24th July 1980 and shall have effect—

- (a) for the purposes of Regulation 10 (b), (c) and (d) as from 1st April 1977; and
- (b) for all other purposes as from 1st April 1980.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“allowable expenditure” means the expenditure which, as provided in Regulation 5, is to be taken into account for the purpose of these Regulations;

“authority” means local education authority;

“financial year” means a period of 12 months beginning on 1st April;

(a) 1974 c. 7; as amended by section 32(1) of the Education Act 1980 (c. 20).

(b) 1980 c. 20.

“further education” and “school” have the meanings assigned thereto by section 114(c) of the Education Act 1944(a);

“salary” includes employer’s superannuation and National Insurance contributions;

“Secretary of State” means Secretary of State for Education and Science;

“travelling pupils” means pupils who have no fixed abode by reason of the nomadic way of life of their parents;

“year” means a period of 12 months beginning on 1st January; and

“youth and community worker” means a person who is employed full-time as a youth worker or a community centre warden in connection with the provision of such facilities for further education as are mentioned in section 41(b) of the Education Act 1944, and who is qualified as mentioned in Schedule 1.

(2) For the purposes of these Regulations a pupil in respect of whom provision is made by an authority for—

- (a) primary or secondary education, or
- (b) further education

shall be treated as not belonging to the area of any authority as he would be so treated for the purposes of paragraph (a) or, as the case may be, paragraph (b) of section 32 (2) of the Education Act 1980 and, accordingly, (subject, until 1st August 1980, to paragraph 3(1) to (3) of Schedule 4 to the Education Act 1980 (Commencement No. 1) Order 1980(b)) in accordance with section 38 (5) of that Act and Regulations made thereunder for the purposes of section 32(2) (a) or (b).

Expenditure to which the Regulations apply

3.—(1) These Regulations do not apply to any capital expenditure from revenue in respect of minor works other than that specified in paragraph (3)(a)(ii) below but, subject thereto and to Regulation 10, apply to expenditure incurred after 31st March 1980 being—

- (a) expenditure in connection with further education of an advanced character as specified in paragraph (2) below; and
- (b) other educational expenditure specified in paragraph (3) below.

(2) The expenditure in connection with further education of an advanced character mentioned in paragraph (1)(a) above and specified hereby for the purposes of paragraph 3A(6) of Schedule 2 to the Local Government Act 1974 is expenditure incurred in connection with the provision, or in assisting the provision, by an establishment of further education of any course specified in Schedule 2, but does not include any expenditure to which paragraph (3)(a), (c) or (d) below refer.

(3) The educational expenditure mentioned in paragraph (1)(b) above and specified hereby for the purposes of paragraph 3 (4) of Schedule 2 to the Local Government Act 1974 is expenditure—

- (a) incurred in connection with the provision referred to in paragraph (2) above being—
 - (i) payments in respect of loan charges, rent or other outgoings under leases, or contributions made to an authority’s repair or renewal funds in accordance with the practice, established before 1st April 1980, of that authority; or

(a) 1944 c. 31.

(b) S.I. 1980/489.

- (ii) capital expenditure from revenue on minor works in any financial year not exceeding £100,000 in respect of any one establishment of further education recognised by the Secretary of State as a polytechnic, or £40,000 in respect of any other establishment of further education;
 - (b) in respect of the attendance of such a person as is specified in the first column of Schedule 3 at a course of training of a kind specified in the second column thereof, but excluding expenditure described in paragraph (4) below;
 - (c) by way of payments made by a local authority as compensating authority under the Colleges of Education (Compensation) Regulations 1975(a);
 - (d) by way of payments to teachers who, in consequence of a direction given by the Secretary of State under Regulation 3(2) of the Further Education Regulations 1975(b) (or under any corresponding provision of regulations for the time being in force under section 27(6) of the Education Act 1980), have ceased to be employed in colleges for the training of teachers or in institutions having a department for the training of teachers being payments of the amount by which the salary to which any such teacher is entitled under a document such as is mentioned in section 5(2) of the Remuneration of Teachers Act 1965(c) exceeds the salary which would normally be appropriate to the post held by him;
 - (e) in making provision for primary and secondary education, or further education (otherwise than is mentioned in Regulation 3(2)) of pupils not belonging to the area of any authority, and in the payments of awards to all such pupils;
 - (f) in respect of the attendance of persons at courses for their initial or further training as educational psychologists or in respect of educational psychologists seconded as tutorial staff of such a course;
 - (g) in the payment of ground rent in respect of the Hereward College of Further Education for the Physically Handicapped or of loan charges in respect of capital expenditure incurred or contracted for before 1st September 1977 in connection with the provision of site, buildings, car parks, furniture and equipment of the said college.
- (4) The expenditure to which paragraph (3)(b) above applies shall exclude—
- (a) the salary of a person during his attendance at a course if his attendance is either full-time for a period of less than four consecutive weeks, or part-time;
 - (b) any subsistence allowance other than a special cost of living addition paid to a person attending a course outside the United Kingdom.

Ascertainment of expenditure

4. Every authority shall, for the financial year beginning in 1980, as soon as practicable, and, for each subsequent financial year, not later than 31st October in that year, furnish to the Secretary of State, in such form as he may direct—

- (a) in relation to expenditure falling within Regulation 3(1)(a) an estimate of—
 - (i) the expenditure incurred in the previous financial year;
 - (ii) the expenditure likely to be incurred in the ensuing financial year;

(a) S.I. 1975/1092.

(b) S.I. 1975/1054.

(c) 1965 c. 3.

- (b) in relation to expenditure falling within Regulation 3(1)(b)—
 - (i) estimates of expenditure as required in sub- paragraphs (i) and (ii) above, together with an estimate of the expenditure likely to be incurred in the current financial year;
 - (ii) as soon as is practicable after the authority's accounts for the financial year in question have been audited, an account of the expenditure incurred in that year.

Expenditure which is to be taken into account

5.—(1) Subject to paragraph (2), the amount of the expenditure referred to in Regulation 3(2) which is to be taken into account for the purpose of these Regulations in relation to any financial year is the sum of—

- (a) the lesser of—
 - (i) the aggregate of the estimates of such expenditure for that year submitted by authorities in accordance with Regulation 4(a)(ii); and
 - (ii) such other sum as the Secretary of State may for the purpose hereof determine (except in the case of the financial year beginning in 1980) not later than 30th November in the preceding year, and
- (b) such additional amounts, if any, as the Secretary of State may by 30th November determine by reason of any increase which has taken place in the level of prices, costs or remuneration during the preceding 12 months.

(2) Before making any determination under paragraphs (1)(a)(ii) or (1)(b) above, the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.

(3) The amount of the expenditure referred to in Regulation 3 (3) which to be taken into account for the purpose of these Regulations is—

- (a) 75% of any expenditure specified in paragraph (b) thereof, so far as it is attributable to the salary of persons attending courses of further training;
- (b) except as provided in paragraphs (c) and (d) below, 45% of any expenditure specified in paragraph (e) thereof which is attributable to tuition costs, at standard rates;
- (c) subject to paragraph (d) below, the full amount of any expenditure specified in paragraph (e) thereof which is attributable to tuition costs, at standard rates, of travelling pupils in respect of their actual attendance at schools;
- (d) 75% of any expenditure specified in paragraph (e) thereof which is attributable to special provision for travelling pupils, if the amount so calculated exceeds the amount which would otherwise be taken into account under paragraph (c) above;
- (e) the whole of all other expenditure specified in Regulation 3(3).

Apportionment of expenditure

6.—(1) The allowable expenditure shall be so apportioned among authorities that each authority's share—

- (a) of the aggregate of the whole of such expenditure as falls within Regulation 3(3)(e) to (g) and 69% of such expenditure as falls within

- Regulation 3(2) and 3(3)(a) to (d) bears the same proportion thereto as the school population of the authority in the relevant financial year bears to the aggregate school population of all authorities in that year;
- (b) of the remaining 31% of such expenditure as falls within Regulation 3(2) and 3(3)(a) to (d) bears the same proportion thereto as the rateable value of the authority's area in the relevant financial year bears to the aggregate rateable value of the areas of all authorities in that year.
- (2) The school population of an authority shall be treated as the aggregate of the numbers of—
- (a) pupils belonging to the area of the authority who are registered pupils at schools maintained or assisted by any authority or who receive education otherwise than at school in accordance with arrangements made under section 56 of the Education Act 1944(a);
- (b) pupils not belonging to the area of any authority who are registered pupils at schools maintained or assisted by the authority; and
- (c) pupils at other schools the fees for whose tuition are paid in full by the authority.
- (3) The rateable value of the area of an authority shall be treated as the difference between—
- (a) the aggregate of the rateable values as ascertained in the relevant financial year for the purposes of paragraph 2(2)(b) of Schedule 5 to the General Rate Act 1967(b) of the areas of rating authorities within the area of the authority; and
- (b) the aggregate, as certified by the valuation officer, of the rateable values in that year of the dwelling houses within the meaning of that Act in those areas.
- (4) In so far as any apportionment made under this Regulation is in respect of expenditure estimated as likely to be incurred in an ensuing financial year, the data specified in paragraphs (2) and (3) above shall, for each authority, be the latest which is available on the preceding 30th November.

Adjustment of needs element

7.—(1) The needs element payable to each authority for each financial year shall be increased or decreased by the amount, determined in accordance with paragraphs (3) and (4) below, by which the allowable expenditure of the authority respectively exceeds or falls short of the share attributable to the authority by virtue of Regulation 6.

(2) In this Regulation—

A represents the allowable expenditure as specified in Regulation 5(1)(a);

D represents the amount (if any) by which A exceeds the total of the allowable expenditure of all authorities calculated in accordance with paragraph 3(a) below; and

E_1 and E_2 represent the authority's expenditure estimated in accordance with paragraphs (i) and (ii) respectively of Regulation 4(a); and

T_1 and T_2 represent the total expenditures of all authorities estimated in accordance with paragraphs (i) and (ii) respectively of Regulation 4(a); and

X represents the amount or amounts, if any, determined under Regulation 5(1)(b); and

(a) 1944 c. 31.

(b) 1967 c. 9.

Y represents the sum of the amounts allocated to the authority under paragraphs (3)(a) and (b) below.

(3) As regards expenditure to which Regulation 3(2) applies, the allowable expenditure of each authority is the sum of—

(a) the lesser of E_2 and an amount calculated in accordance with the following formula—

$$\frac{A}{2} \times \left(\frac{E_1}{T_1} + \frac{E_2}{T_2} \right)$$

(b) subject to the total allowable expenditure of an authority under this sub-paragraph and sub-paragraph (a) above not exceeding E_2 , a further amount or amounts calculated (or re-calculated as necessary) in accordance with the following formula—

$$\frac{D}{2} \times \left(\frac{E_1}{T_1} + \frac{E_2}{T_2} \right)$$

(c) an amount calculated in accordance with the following formula—

$$X \times \frac{Y}{A}$$

(4) As regards expenditure to which Regulation 3(3) applies, an authority's allowable expenditure is the whole of the allowable expenditure specified in Regulation 5(3).

Time for ascertaining adjustments to needs element

8.—(1) In relation to expenditure referred to in Regulation 3(2), the amount of the increases and decreases of the needs element to be made shall be ascertained as soon as practicable for the financial year beginning in 1980 and, for each subsequent financial year, not later than the preceding 31st December.

(2) In relation to expenditure referred to in Regulation 3(3), the estimated amount of the increases and decreases of the needs element which ought to be made for—

- (i) the current financial year;
- (ii) the preceding financial year; and
- (iii) the ensuing financial year

shall be ascertained not later than 31st December; and the actual amount of those increases and decreases shall be ascertained as soon as is practicable after the Secretary of State has received the audited account of every authority.

Notification to authorities of allowable advanced further education expenditure

9. The Secretary of State shall, as soon as practicable for the financial year beginning in 1980, and for each subsequent financial year not later than the preceding 31st December, notify each authority of the amount of its allowable expenditure under Regulation 7(3).

Amendment and modification of previous Regulations

10. The Rate Support Grants (Adjustment of Needs Element) Regulations 1976(a) ("the 1976 Regulations") are hereby amended and modified as follows:—

- (a) in Regulation 2, after the words "These regulations do not apply" there shall be inserted the words "to expenditure incurred after 31st March 1980 or".
- (b) for sub-paragraph (b) of Regulation 2 (or, in its application to the financial year beginning in 1977 sub-paragraph (f)(iii) thereof) there shall be substituted the following provisions:—
 - “(h) by way of payments made by a local authority as compensating authority under the Colleges of Education (Compensation) Regulations 1975;
 - (i) by way of payments to teachers who in consequence of a direction given by the Secretary of State under Regulation 3(2) of the Further Education Regulations 1975, have ceased to be employed in colleges for the training of teachers or in institutions having a department for the training of teachers being the amount by which the salary to which any such teacher is entitled under a document such as is mentioned in Section 5(2) of the Remuneration of Teachers Act 1965 exceeds the salary which would normally be appropriate to the post held by him;”.
- (c) in Regulation 4(1) of the 1976 Regulations—
 - (i) in its application to the financial year beginning in 1977 for the words “regulation 2(d) to (f)” there shall be substituted the words “regulation 2(d) to (f)(ii) and 2(h) and (i)”;
 - (ii) in its application to the financial years beginning in 1978 and 1979 for the words “regulation 2(a), (b), (c) and (h)” in both cases where they occur there shall be substituted the words “regulation 2(a), (b), (c), (h) and (i)”.
- (d) In the application of the 1976 Regulations to the financial years beginning in 1977, 1978 and 1979, so far as they relate to the expenditure referred to in Regulation 2(h) and (i) thereof—
 - (i) Regulation 3 shall have effect with the substitution for paragraph (a) of the following paragraph—
 - “(a) not later than 31st October 1980 an estimate of the expenditure incurred in the financial years beginning in 1977, 1978 and 1979”; and
 - (ii) Regulation 6 shall have effect with the substitution for paragraphs (i), (ii) and (iii) of the words “the financial years beginning in 1977, 1978 and 1979” and the substitution for the words “31st December” of the words “31st December 1980”.

Regulation 2(1)

SCHEDULE 1

QUALIFICATIONS FOR YOUTH WORKERS AND
COMMUNITY CENTRE WARDENS

A youth worker or community centre warden shall be treated as qualified for the purpose of these Regulations—

- (a) if he has satisfactorily completed one of the following—
- (i) a two year full-time diploma or certificate course of initial training for youth workers and/or community centre wardens held or sponsored by—
- Bulmershe College of Higher Education
 - Crewe & Alsager College of Higher Education
 - Durham University, in co-operation with the National Association of Boys' Clubs
 - Goldsmiths College, London
 - Ilkley College, Yorkshire
 - Leicester College of Education
 - Manchester Polytechnic (Certificate Course)
 - Matlock College of Education
 - National Council of Young Men's Christian Associations, in association with the North-East London Polytechnic
 - Sunderland Polytechnic
 - Westhill College of Education, Birmingham
- Aberdeen College of Education (Diploma Course)
- Dundee College of Education (Diploma Course)
- Jordanhill College of Education, Glasgow
- Moray House College of Education, Edinburgh
- North-East Wales Institute
- Ulster College, the Northern Ireland Polytechnic.
- (ii) a one year full-time course of postgraduate training for youth workers and/or community centre wardens, held at—
- Manchester University
 - Swansea, University College (Diploma in Social and Community Education, formerly known as Diploma in Adolescent Development)
 - Westhill College of Education, Birmingham
 - Dundee College of Education
 - Aberdeen College of Education
- (iii) a part-time course of training at—
- Avery Hill College of Education, London
 - Ulster Polytechnic (In-service)
- (b) if he is a qualified teacher within the meaning of Regulation 16 of the Schools Regulations 1959(a).
- (c) if he possesses—
- (i) a United Kingdom University or Council for National Academic Awards Diploma or degree of a Social Sciences faculty; or
 - (ii) such other qualification as the Secretary of State for Education and Science or the Secretary of State for Wales and the Joint Negotiating Committee for Youth Workers and Community Centre Wardens may approve.
- (d) if he had been recognised on or before 1st April 1977 by the Joint Negotiating Committee for Youth Workers and Community Centre Wardens as a qualified youth worker or community centre warden.

Regulation 3(2)(a)

SCHEDULE 2

ADVANCED FURTHER EDUCATION COURSES TO WHICH THE REGULATIONS APPLY

- (a) a course of post-graduate or post-diploma instruction;
- (b) a course of study in preparation for a degree, a Diploma of Higher Education, a Higher National Diploma, a Higher National Certificate, a Diploma in Management Studies, or a final professional examination of a standard above that of the examination for the Ordinary National Certificate or General Certificate of Education (advanced level);
- (c) any other course in preparation for an examination of a standard above that of the examination for the Ordinary National Certificate or General Certificate of Education (advanced level) for which the normal age of entry is not less than 18 years and the normal minimum qualification for entry is, or is of a standard not below, one of the following:—
 - (i) an Ordinary National Certificate;
 - (ii) five passes in examinations for Certificates of Education being passes at the ordinary level in the examination for the General Certificate of Education or at the grade 1 level in the examination for the Certificate of Secondary Education;
 - (iii) two passes in the examination for the General Certificate of Education, one of which is at the advanced level;
- (d) a course, other than one described above, for the further training of teachers or youth and community workers.

Regulation 3(3)(b)

SCHEDULE 3

<i>Description of person attending a course</i>	<i>Type of course</i>
A teacher or youth and community worker in respect of whom the authority are satisfied that he could not reasonably be expected to attend a part-time course in preparation for a degree or a diploma.	A full-time course in preparation for a degree or for a diploma of a university or the Council for National Academic Awards.
Any teacher or youth and community worker.	A part-time course in preparation for a degree or for a diploma of a university or the Council for National Academic Awards.
Any teacher or youth and community worker.	Any course approved by the Secretary of State for the purpose of these regulations.
A teacher in an establishment of further education or a youth and community worker in whose case the authority are satisfied that it is in the interests of the provision of further education, or of the youth and community service, as the case may be, that he should be seconded, or assisted, to attend the course.	Any other course of training attended full-time for a period of not less than four weeks nor more than one year or part-time for an equivalent period.

24th June 1980.

Mark Carlisle,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the adjustment of the needs element of the rate support grants payable in any year from 1st April to a local education authority. The Regulations provide for the adjustment of the needs element in respect of the expenditure specified in Regulations 3 and 5 by apportioning that expenditure among authorities in the manner prescribed by Regulation 6.

Regulation 7 prescribes for the purpose of the adjustment the amount of an authority's actual expenditure which may be offset against the expenditure apportioned to it under Regulation 6.

Regulations 1 to 9 have effect retrospectively from 1st April 1980, by virtue of section 32(4) of the Education Act 1980.

Regulation 10, which by virtue of section 32(3) of the Education Act 1980 has effect retrospectively from 1st April 1977, amends and modifies the Rate Support Grants (Adjustment of Needs Element) Regulations 1976 as regards their application to the financial years beginning in 1977, 1978 and 1979.

