

1987 No. 96

EDUCATION, ENGLAND AND WALES

The Education (Training Grants) Regulations 1987

Made - - - - 26th January 1987

Laid before Parliament 5th February 1987

Coming into force 1st March 1987

In exercise of the powers conferred on the Secretary of State by sections 50 and 63 of the Education (No. 2) Act 1986(a), read with section 114 of the Education Act 1944(b), and (as respects the revocation made by regulation 13) by sections 3(a) and 4 of the Education Act 1962(c), I hereby make the following Regulations:-

Citation and operation

1. These Regulations may be cited as the Education (Training Grants) Regulations 1987 and shall come into force on 1st March 1987.

Interpretation

2.—(1) In these Regulations -

“authority” means a local education authority;

“determine” means determine by notice in writing;

“eligible training” means training of a kind mentioned in regulation 4;

“expenditure” means expenditure of a kind mentioned in regulation 5;

“expenditure incurred by an authority” includes expenditure incurred -

(a) by the governors of an aided school,

(b) by the persons responsible for the maintenance of a further education establishment, or

(c) by persons employing youth and community workers

and reimbursed by the authority;

“further education establishment” means a further education establishment provided by an authority or designated by or under regulations(d) made under section 27 of the Education Act 1980(e) as an establishment substantially dependent for its maintenance on assistance from local education authorities;

“grant” means a grant in pursuance of these Regulations;

“higher rate” means 70 per cent;

“lower rate” means 50 per cent;

(a) 1986 c.61. (b) 1944 c.31 (section 114(1) defines “prescribed”), S.I.1964/490, 1970/1536 and 1978/274. (c) 1962 c.12. Sections 3 and 4 are set out, as substituted, in Schedule 5 to the Education Act 1980 (c.20). (d) Regulations in which such establishments are currently designated are the Education (Teachers) Regulations 1982 (S.I.1982/106) and the Education (Schools and Further Education) Regulations 1981 (S.I.1981/1086) to which there are relevant amendments in S.I.1983/262. (e) 1980 c.20.

“qualified teacher” means a person who, in pursuance of the regulations^(a) relating to the employment of teachers from time to time in force under section 27 of the Education Act 1980, is qualified to be employed as a teacher at a school to which that section applies;

“trainee” means a person undergoing eligible training in respect of whom grant is payable under these Regulations; and

“training in a national priority area” means eligible training of a kind approved by the Secretary of State for the purpose of these Regulations as training eligible for grant at the higher rate.

(2) In these Regulations a reference to a regulation is a reference to a regulation contained therein and a reference in a regulation to a paragraph is a reference to a paragraph of that regulation.

Employment connected with leisure-time facilities

3. All categories of employment connected with leisure-time facilities, excluding those of a solely administrative, secretarial, clerical or manual nature, are hereby prescribed for the purpose of the definition of “youth and community worker” in section 50(4) of the Education (No. 2) Act 1986.

Grants by the Secretary of State

4. The Secretary of State is hereby authorised, subject to and in accordance with these Regulations, to make grants to authorities to facilitate and encourage –

- (a) the further training as teachers of qualified teachers, whether or not they are employed as such;
- (b) the training or further training as teachers of persons other than qualified teachers who are employed as teachers by an authority, by the governors of an aided school or by the persons responsible for the maintenance of a further education establishment;
- (c) the training of qualified teachers (whether or not they are employed as such) and other persons who are employed as teachers by an authority, by the governors of an aided school or by the persons responsible for the maintenance of a further education establishment as –
 - (i) youth and community workers;
 - (ii) educational psychologists;
 - (iii) education authority inspectors;
 - (iv) education advisers;
- (d) the training or further training of those employed –
 - (i) as youth and community workers;
 - (ii) as educational psychologists;
 - (iii) as education authority inspectors;
 - (iv) by an authority as education advisers.

Expenditure in respect of which grants are payable

5. Grants shall be payable only in respect of expenditure incurred by an authority on or after 1st April 1987 on –

- (a) tuition fees, examination fees and residential and other charges payable in respect of eligible training;
- (b) travelling, subsistence and other incidental expenses of a trainee;
- (c) that part of the remuneration of persons whose employment is necessary to free the trainee for training which relates to the period during which their employment is so necessary;
- (d) the cost of providing (including the provision of premises), planning, co-ordinating, monitoring and evaluating eligible training:

(a) The Regulations currently in force are the Education (Teachers) Regulations 1982.

Provided that where such costs are incurred for such purposes and for other purposes grant shall be payable only on such proportion of those costs as is attributable to the provision, planning, co-ordinating, monitoring or evaluation of eligible training.

Conditions for payment of grant

6. It shall be a condition for the payment of grant to any authority that the authority shall have submitted to the Secretary of State proposals for expenditure to be incurred by them on eligible training –

- (a) in such form,
- (b) at such time,
- (c) containing such particulars of expenditure which the authority proposes to incur on training in each national priority area (including such training on which the authority does not propose to claim grant), and
- (d) containing such particulars of expenditure which the authority proposes to incur in respect of such other eligible training (including such training on which the authority does not propose to claim grant)

as the Secretary of State may determine.

7.—(1) The Secretary of State shall notify the authority in writing of –

- (a) the maximum amount of expenditure to be incurred by the authority on training in each national priority area that will, subject to regulation 9, be eligible for grant at the higher rate, and
- (b) the maximum amount of expenditure to be incurred by the authority on eligible training that will be eligible for grant at the lower rate

which maximum amount may, in any case, be nil.

(2) Where it appears to the Secretary of State that an authority does not expect to incur expenditure up to, or wishes to incur expenditure in excess of, a maximum amount notified under paragraph (1) the Secretary of State may, after consulting the authority, by notice in writing to the authority reduce or increase the maximum amount of expenditure so notified. A notice given under this paragraph shall, for the purposes of these Regulations, be deemed to be a notice of the maximum amount of expenditure to be incurred by the authority on training in the national priority area concerned under paragraph (1)(a) or on eligible training under paragraph (1)(b), as the case may be.

8.—(1) Grant at the higher rate shall, subject to regulation 9, be payable on any expenditure incurred by an authority on training in a national priority area up to the maximum amount for such expenditure notified for that area under regulation 7(1)(a).

(2) Grant at the lower rate shall be payable on expenditure incurred by an authority on eligible training up to the maximum amount for such expenditure notified under regulation 7(1)(b).

9.—(1) Where an authority incurs expenditure on training in a national priority area in excess of the maximum notified for that area under regulation 7(1)(a), then, if that authority has incurred, on training in such other national priority areas as may be determined by the Secretary of State for this purpose before or at the time of making such notification, expenditure less than the maximum so notified, grant on that excess expenditure shall be payable at the higher rate up to the aggregate amount of the shortfall of expenditure in those other areas, subject to a limit in respect of each other area of 10% of the maximum amount so notified for that area.

(2) Any expenditure incurred by an authority on training in a national priority area not eligible for grant at the higher rate under regulation 8(1) or paragraph (1) shall be eligible for grant at the lower rate to the extent that the expenditure can be accommodated within the maximum notified under regulation 7(1)(b).

10.—(1) No payment of grant shall be made except in response to a claim in writing from an authority to the Secretary of State, authenticated by the officer of the authority responsible for the administration of their financial affairs or his deputy.

(2) Claims for the payment of grant shall relate to expenditure over one or more quarters.

(3) Claims which relate to expenditure during the quarters commencing on 1st April, 1st July and 1st October in any year shall specify the expenditure in respect of which grant is claimed which it is estimated has been or will be incurred by the authority during that quarter and shall be accompanied by an estimate of expenditure which the authority expects to incur in the remainder of the financial year.

(4) Each authority that has received or seeks to receive a payment of grant in respect of expenditure incurred during the year ending on 31st March shall, during the quarter commencing on 1st April or as soon as practicable thereafter –

- (a) submit to the Secretary of State a claim which shall specify the expenditure in respect of which grant has been or is being claimed which has been incurred by the authority during that year; and
- (b) secure the submission to the Secretary of State of a certificate, signed by the auditor appointed by the Audit Commission to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 13(5) and (6) of the Local Government Finance Act 1982(a), certifying that in his opinion the particulars stated in the claim submitted by the authority pursuant to this paragraph are fairly stated and that grant at the rate claimed is properly payable pursuant to these Regulations.

(5) No payment of grant shall be made in respect of expenditure by an authority incurred in the quarter beginning on 1st October in any year or any subsequent quarter, if grant was paid to the authority in respect of expenditure in the year ending on the preceding 31st March but the Secretary of State has not received the auditor's certificate referred to in paragraph (4) for that year.

(6) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (4) shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant to the authority, be adjusted by payment between the authority and the Secretary of State.

(7) In this regulation, a "quarter" means a period of three calendar months commencing on 1st January, 1st April, 1st July or 1st October in any year.

11. Any authority to whom a payment of grant has been made shall, if so requested by the Secretary of State, furnish him with such further information as may be determined by him to enable him to verify that any grant paid has been properly paid under these Regulations.

Further Conditions and Requests

12.—(1) The Secretary of State may from time to time determine further conditions on the fulfilment of which the making of any payment in pursuance of these Regulations shall be dependent.

(2) Where conditions have been determined in pursuance of this regulation no grant shall be payable unless such conditions have been fulfilled.

(3) The Secretary of State may from time to time after consulting the authority concerned determine further requests with which any authority to whom a payment has been made in pursuance of these Regulations shall comply.

Revocation and Transitional Provisions

13. The Education (Grants for Teacher Training) (No. 2) Regulations 1985(b) are hereby revoked but nothing in this revocation shall prevent the Secretary of State making payments of grant in respect of training to which those regulations applied carried out on or before 31st March 1987.

26th January 1987

Angela Rumbold
Minister of State
Department of Education and Science

(a) 1982 c.32.

(b) S.I. 1985/1883.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the payment by the Secretary of State to local education authorities of grants to encourage and facilitate the training of teachers, youth and community workers, educational psychologists, education authority inspectors and education advisers employed by an authority. The kind of training eligible for grant is set out in Regulation 4.

The expenditure on which grant is payable includes fees and charges payable in respect of eligible training, the costs of providing the eligible training and the remuneration of necessary staff to replace the trainee (Regulation 5). It includes, in addition to expenditure incurred by the authority itself, expenditure incurred by governors of aided schools and by persons who maintain further education establishments assisted by the authority and by persons employing youth and community workers, where such expenditure is reimbursed by the authority.

Authorities wishing to claim grant are required to submit proposals for expenditure on eligible training in such form and containing such particulars (including particulars of training in a national priority area) as the Secretary of State may determine. "National priority area" is defined in Regulation 2(1) to mean eligible training of a kind approved by the Secretary of State for the purpose of the Regulations as training eligible for grant at the higher rate. The Secretary of State will then notify authorities of the maximum level of expenditure eligible for grant at the higher rate of 70% in each national priority area and the maximum level of expenditure that will be eligible for grant at the lower rate of 50%. Provision is made for varying the maximum levels and for payment of grant at the higher rate on expenditure in a national priority area in excess of the maximum notified for that area where less expenditure has been incurred on another area. (Regulations 6 to 9).

Claims for grant are to be made quarterly and the manner of making claims and the other requirements relating thereto are set out in Regulation 10. Authorities are required to furnish the Secretary of State with such further information as he may determine (Regulation 11).

The Secretary of State may determine further conditions on the fulfilment of which the payment of grant shall be dependent. He may also determine further requests with which authorities to whom grant has been paid must comply (Regulation 12).

"Youth and community worker" is defined by section 50(4) of the Education (No. 2) Act 1986 as meaning a person who is employed (whether or not by a local education authority) in such category of employment connected with leisure-time facilities as may be prescribed by regulations. Regulation 3 prescribes for this purpose all categories of employment connected with such facilities except those of a solely administrative, secretarial, clerical or manual nature. "Leisure-time facilities" is defined in the 1986 Act as meaning only those which local education authorities are, by virtue of a scheme of further education or the requirements of section 53(1) of the Education Act 1944, under a duty to provide.

The Education (Grants for Teacher Training) (No. 2) Regulations 1985 are revoked, but grant may still be paid where training to which those Regulations applied has been carried out before 31st March 1987.