
STATUTORY INSTRUMENTS

1999 No. 521

The Education (Education Standards Grants) (Wales) Regulations 1999

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Education Standards Grants) (Wales) Regulations 1999 and shall come into force on 1st April 1999.

(2) These Regulations apply in relation to local education authorities in Wales.

Interpretation

2.—(1) In these Regulations—

“the 1996 Act” means the Education Act 1996;

“the 1998 Act” means the School Standards and Framework Act 1998(1);

“annual review meeting” means a meeting to review a statement of special educational needs such as is referred to in regulations 15(5), 16(3) and 17(3) of the Education (Special Educational Needs) Regulations 1994(2);

“approved expenditure” means any expenditure which is approved as provided in regulation 3;

“baseline assessment scheme” has the meaning given to it in section 15 of the Education Act 1997(3);

“classroom assistant” means an employee of an education authority or of the governing body of a school who is normally present in a classroom with a teacher and who assists the teacher;

“determine” means determine by notice in writing;

“early years development partnership” means a body established in accordance with section 119(1) of the 1998 Act;

“early years development plan” means a statement prepared by an education authority in conjunction with the early years development partnership of their proposals for the provision of good quality nursery education and care for children in their area;

“education authority” means a local education authority in Wales;

“education strategic plan” means an education development plan prepared by an education authority in accordance with section 6 of the 1998 Act;

“financial year” means a period of twelve months ending with 31st March;

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

“key stages 1, 2, 3 and 4” means the periods specified in paragraphs (a), (b), (c) and (d) respectively of section 355(1) of the 1996 Act;

(1) 1998 c. 31.

(2) S.I.1994/1047.

(3) 1997 c. 44.

“leisure time facilities” means facilities of a kind which education authorities are under the duty imposed by sections 2(3)(b) and 508(1) of the 1996 Act to secure are provided within their areas;

“mainstream school” means a maintained school other than a special school;

“maintained school” means–

- (a) (prior to 1.9.99) a school maintained by an education authority, a grant-maintained school or a grant-maintained special school; or
- (b) (on and after 1.9.99) a school maintained by an education authority;

“member of the Inspectorate” has the meaning given to it in section 46(1) of the School Inspections Act 1996(4);

“mentor” means an experienced head teacher giving advice and assistance to support the professional development of an inexperienced head teacher;

“named person” means a person whom the education authority are satisfied is able (having regard to any criteria set out in the Code of Practice issued by the Secretary of State under section 313 of the 1996 Act(5)) to provide accurate information and sound advice to a parent about his child’s special educational needs, and is agreeable to being named as a person from whom the parent may seek such information and advice when the education authority serve a copy of the child’s statement of special educational needs on the parent pursuant to paragraph 6 of Schedule 27 to the 1996 Act;

“National Grid for Learning” means a system of inter-connecting networks and education services based on the internet which is designed to support teaching, learning, training and administration in schools, the wider education service, and the community;

“nursery education” has the meaning given to it in section 117 of the 1998 Act;

“prescribed expenditure” means expenditure by an education authority for or in connection with any of the purposes specified in the Schedule hereto;

“pupil” has the meaning given to it in section 3 of the 1996 Act;

“qualified teacher” means a person who, by virtue of the regulations(6), relating to the employment of teachers from time to time in force under section 218 of the Education Reform Act 1988(7), is qualified to be employed as a teacher at a school of the kind described in subsection (12) of that section;

“registered inspector” means a person who is registered as an inspector in accordance with section 7(1) and (2) of the School Inspections Act 1996;

“school development plan” means a plan prepared by the governing body of the school in question setting out the goals of the school and the action necessary over the next few years to enable the school to move towards achieving those goals;

“school site” has the meaning given to it in section 62(1) of the 1996 Act;

“special educational needs” has the meaning given to it in section 312(1) of the 1996 Act;

(4) 1996 c. 57.

(5) s.313 is prospectively amended by paragraph 72 of Schedule 30 to the School Standards and Framework Act 1998.

(6) The regulations currently in force are the Education (Teachers) Regulations 1993 (S.I. 1993/543), amended by S.I. 1994/222, 1995/2594, 1997/368, 1997/2679 and 1998/1584.

(7) Section 218 was (so far as relevant to these Regulations) amended by paragraph 49 of Schedule 8 to the Further and Higher Education Act 1992 (c. 13); by section 14(1) and (3) of and paragraph 8(4) of Schedule 2 to, the Education Act 1994; by paragraph 76 of Schedule 37 to the Education Act 1996; by section 49(1)–(4) of the Education Act 1997 and is prospectively amended by paragraph 17 of Schedule 30 to the School Standards and Framework Act 1998 and by sections 10, 11 and 13 of the Teaching and Higher Education Act 1998 (c. 30).

“special needs assistant” means an employee of an education authority or of the governing body of a school who is normally present in a classroom with a teacher and who assists the teacher in relation to children with special educational needs;

“special school” has the meaning given to it in section 337(1) of the 1996 Act⁽⁸⁾;

“summer literacy school” means a scheme taking place during the summer holidays which aims to raise standards of literacy in pupils who are about to join secondary school;

“summer numeracy school” means a scheme taking place during the summer holidays which aims to raise standards of numeracy in pupils who are about to join secondary school;

“young person” has the meaning given to it in section 579(1) of the 1996 Act;

“youth and community worker” means a person employed in connection with leisure-time facilities, other than in a solely administrative, secretarial, clerical or manual capacity.

(2) In these Regulations a reference to a regulation is a reference to a regulation contained herein, a reference in a regulation to a paragraph is a reference to a paragraph of that regulation, and a reference to the Schedule is a reference to the Schedule to these Regulations.

Expenditure in respect of which grants are payable

3. Grants shall only be payable in respect of prescribed expenditure incurred or to be incurred in a financial year to the extent to which that expenditure is approved for that year by the Secretary of State for the purposes of these Regulations.

Grants in respect of payments to third parties

4. Where—

(a) an education authority incur expenditure in making payments, whether by way of maintenance, assistance or otherwise, to any other body or persons (including another education authority) who incur expenditure for or in connection with educational purposes, and

(b) that expenditure of the recipient of the payments or any part thereof would be prescribed expenditure if it were expenditure of the authority,

such payments shall to that extent be treated as prescribed expenditure for the purposes of these Regulations.

Rate of Grant

5. Grants in respect of approved expenditure incurred on or after 1st April 1999 on the kind referred to in the paragraphs of the schedule listed in the left hand column of the table below shall be payable at the percentage rate of such expenditure specified in relation thereto in the right hand column of the table.

TABLE

Paragraph of schedule	Percentage rate of grant
24	100
35	100
30	70

⁽⁸⁾ Section 337(1) is prospectively amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

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

Paragraph of schedule	Percentage rate of grant
All other paragraphs	60

Conditions for payment of grant

6.—(1) No payment of grant shall be made except in response to an application in writing from an education 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) Applications for the payment of grant which relate to expenditure incurred on or after 1st April 1999 shall relate to expenditure over one or more of the periods specified in paragraph (3) and shall specify the approved expenditure in respect of which grant is applied for which has been or which it is estimated will be incurred by the education authority during each such period.

(3) The periods referred to in paragraph (2) are—

- (a) 1st April to 31st July;
- (b) 1st August to 31st December;
- (c) 1st January to 31st March.

(4) Where an application relating to approved expenditure which has been or which it is estimated will be incurred during the period 1st January to 31st March in any year is submitted under paragraph (1), such payment as the Secretary of State may determine but not exceeding, save where he determines otherwise in the case of an application relating to approved expenditure of the kind referred to in paragraph 24 of the Schedule, three-quarters of the grant applied for in respect of that expenditure may be made forthwith, but no further payment of grant shall be made in respect of that expenditure until a statement has been submitted in accordance with paragraph (5)(a).

(5) Each education authority which has received or seeks to receive a payment of grant in respect of expenditure incurred during any financial year shall, before 31st July in the following financial year or as soon as practicable after that date—

- (a) submit to the Secretary of State a statement which shall specify the approved expenditure in respect of which grant has been or is being applied for which has been incurred by the education 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 for Local Authorities and the National Health Service in England and Wales to audit the accounts of the authority or any auditor qualified for such appointment by virtue of sections 3(5), (6) and (7) of the Audit Commission Act 1998⁽⁹⁾ certifying that in his opinion the particulars stated in the statement submitted by the authority pursuant to this paragraph are fairly stated and that the expenditure incurred was approved for the purposes of section 484 of the 1996 Act⁽¹⁰⁾.

(6) No payment of grant shall be made in respect of expenditure incurred by an education authority in the period 1st August to 31st December in any year or any subsequent period if grant was paid to the authority in respect of expenditure in the previous financial year but the Secretary of State has not yet received the auditor's certificate referred to in paragraph (5)(b) for that year.

(7) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (5)(b) shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant to the education authority, be adjusted by payment between the authority and the Secretary of State.

⁽⁹⁾ 1998 c. 18.

⁽¹⁰⁾ Section 484 was amended by section 7(10) of and paragraph 125 of Schedule 30 to the School Standards and Framework Act 1998.

7. Where at the time of approving expenditure for the purpose of these Regulations, the Secretary of State requests information in respect of any purpose listed in the Schedule, payment of grant in respect of that purpose shall be conditional on that information being included in the education authority's application for payment of grant.

8.—(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 the Regulations shall be dependent.

(2) Where conditions have been determined in pursuance of this regulation no grant shall be payable unless such conditions have either been fulfilled or been withdrawn in pursuance of paragraph (3).

(3) The Secretary of State may determine to withdraw or, after consulting the education authority, vary conditions determined in pursuance of this regulation.

Requirements to be complied with

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

10. Any education authority to whom a payment of grant has been made shall comply with such requirements (including requirements as to the repayment of grant or the payment to the Secretary of State of other sums related to the value of assets acquired, provided or improved with the aid of grant or interest on sums due to him) as may be determined by the Secretary of State in the case in question.

11.—(1) The Secretary of State may require any education authority to delegate decisions about the spending of—

- (a) grant, and
- (b) amounts allocated by the authority to meet prescribed expenditure approved in accordance with regulation 3,

to the governing body of a maintained school.

(2) The Secretary of State may determine to withdraw or, after consulting the education authority, vary requirements determined in pursuance of this regulation.

Revocation and transitional provisions

12. The Education (Grants for Education Support and Training) (Wales) Regulations 1998⁽¹¹⁾ and the Education (Grants for Education Support and Training) (Wales) (Amendment) Regulations 1998⁽¹²⁾ are hereby revoked, but nothing in this regulation shall prevent the Secretary of State from making payments of grant authorised by those Regulations in respect of expenditure incurred on or before 31st March 1999 or affect any condition or requirement determined by or in accordance with any of the Regulations so revoked.

(11) S.I. 1998/392.

(12) S.I. 1998/1489.