STATUTORY INSTRUMENTS

2002 No. 377

EDUCATION, ENGLAND

The Financing of Maintained Schools (England) Regulations 2002

Made	21st February 2002
Laid before Parliament	22nd February 2002
Coming into force	15th March 2002

THE FINANCING OF MAINTAINED SCHOOLS (ENGLAND) REGULATIONS 2002

PART I

INTRODUCTION

- 1. Citation, commencement, application and interpretation
- 2. Revocation of the 2000 Regulations and operation of the 2001 Regulations

PART II

LOCAL AND INDIVIDUAL SCHOOLS BUDGET

- 3. Local schools budget
- 4. Exceptions
- 5. Individual schools budget

PART III

SCHOOLS' BUDGET SHARES: MAIN PROVISIONS

- 6. Determination of budget shares
- 7. Allocation of individual schools budget
- 8. Timing of determination of budget shares
- 9. Consultation
- 10. Formula for determination of budget shares
- 11. Pupil numbers
- 12. Dates for ascertaining pupil numbers
- 13. Pupil numbers: Dual registration
- 14. Places

- 15. Differential funding
- 16. Additional factors or criteria
- 17. Sixth form funding
- 18. Budget share adjustments in relation to the financial year beginning on 1st April 2001: Pupil numbers
- 19. Budget share adjustments in relation to the financial year beginning on 1st April 2001: Non-pupil number factors
- 20. New and reorganised schools
- 21. Transitional funding
- 22. Redetermination of budget shares
- 23. Pupils permanently excluded or admitted following a permanent exclusion
- 24. Additional provisions for redeterminations in relation to financial years beginning on or before 1st April 2000: (1) Former grant-maintained or grant-maintained special schools in the period before they became such schools and (2) Schools which were never such schools
- 25. Additional provisions for redeterminations in relation to the financial years beginning on 1st April 1999 or 1st April 2000: Former grant-maintained or grant-maintained special schools
- 26. Additional provisions for redeterminations in relation to financial years beginning on or before 1st April 1998: Former grant-maintained or grant-maintained special schools
- 27. Percentage of "pupil-led" funding

PART IV

ADDITIONAL AMOUNT TO BE ADDED TO AMOUNT DETERMINED UNDER PART III

- 28. Definition for Part IV
- 29. Determination of additional amount
- 30. Redeterminations of budget shares under Part III

PART V

CORRECTION OF ERRORS AND ADDITIONAL ARRANGEMENTS APPROVED BY THE SECRETARY OF STATE

- 31. Correction of errors
- 32. Additional arrangements approved by the Secretary of State

PART VI

SCHEMES

- 33. Required content of schemes
- 34. Manner of publication
- 35. Additional occasions when schemes require publication Signature

SCHEDULE 1 — CLASSES OR DESCRIPTIONS OF PLANNED EXPENDITURE WHICH MAY BE DEDUCTED FROM THE LOCAL SCHOOLS BUDGET OF A LOCAL EDUCATION AUTHORITY

1. Expenditure supported by specific and certain other grants

- 2. Expenditure, not falling within paragraph 1, but taken into account...
- 3. Special educational provision
- 4. Expenditure, not falling within paragraph 3, in connection with the...
- 5. Subject to paragraphs 6 and 7, expenditure in making the...
- 6. Where a pupil falls within paragraph 5(a) or (b) and...
- 7. Expenditure in making the provision specified in a pupil's statement...
- 8. Expenditure in respect of specialist support provided to assist the...
- 9. Expenditure on monitoring the provision for pupils in schools (whether...
- 10. Expenditure for purposes connected with the encouragement of—
- 11. Expenditure in connection with— (a) the provision of guidance and...
- 12. Expenditure in relation to education otherwise than at school under...
- 13. Expenditure, not falling within any other paragraph of this Schedule,...
- 14. Expenditure on carrying out the authority's functions under the Children...
- 15. Expenditure on the payment of fees in respect of pupils...
- 16. Expenditure incurred in entering into, or subsequently incurred pursuant to,...
- 17. Expenditure in providing special medical support for individual pupils in...
- 18. School improvement
- 19. Access to education
- 20. Expenditure on milk, meals and other refreshment pursuant to section...
- 21. Expenditure on the repair and maintenance of a school kitchen...
- 22. Expenditure on determining the eligibility of a pupil for free...
- 23. Expenditure pursuant to section 18 of the 1996 Act in...
- 24. Expenditure on the provision of tuition in music or on...
- 25. Expenditure which enables pupils to enhance their experience of the...
- 26. Expenditure on outdoor education centres but not including centres wholly...
- 27. Strategic management
- 28. Expenditure in connection with the authority's functions in relation to...
- 29. Expenditure in respect of the dismissal or premature retirement of,...
- 30. Expenditure in respect of a teacher's emoluments under section 19(9)...
- 31. Expenditure without which the education of pupils at a school...
- 32. Expenditure on increases to a school's budget share to which...
- 33. Expenditure on establishing and maintaining electronic computer systems, including data...
- 34. Expenditure on insurance except to the extent that governing bodies...
- 35. Expenditure in making payments to, or in providing a temporary...
- 36. Expenditure in making payments to, or in providing a temporary...
- 37. Expenditure in making payments to, or in providing a temporary...
- 38. Expenditure in making payments to, or in providing a temporary...
- 39. Expenditure on the appointment of governors, the making of instruments...
- 40. Expenditure on services to schools provided by museums and galleries....
- 41. Expenditure on library services for primary and special schools, other...
- 42. Expenditure on licence fees or subscriptions paid on behalf of...
- 43. Expenditure in pursuance of a binding agreement, where the other...
- 44. Expenditure on monitoring National Curriculum assessment arrangements required by orders...
- 45. Expenditure for purposes not falling within any other paragraph of...

SCHEDULE 2 — ADDITIONAL FACTORS OR CRITERIA WHICH MAY BE TAKEN INTO ACCOUNT IN A LOCAL EDUCATION AUTHORITY'S FORMULA UNDER REGULATION 10

1. Special educational needs of pupils determined in a manner that...

- 2. Pupils for whom English is not their first language.
- 3. Turnover of pupils other than as part of the general...
- 4. Admission arrangements at a school.
- 5. The size, condition and characteristics of a school's buildings and...
- 6. A school which has a split site: The funding must...
- 7. Facilities found at some schools only.
- 8. Rates payable in respect of the premises of each school...
- 9. Use of energy by schools.
- 10. Rent payable in respect of school premises (including actual or...
- 11. Transport to and from activities outside the school premises which...
- 12. Hire of facilities outside school premises (including actual or estimated...
- 13. Insurance: the funding must be the appropriate proportion of the...
- 14. Payments in relation to a private finance transaction as defined...
- 15. Amounts payable to a school which is, as the result...
- 16. Whether the school is to be discontinued in the financial...
- 17. School milk, meals and other refreshment: The authority may not...
- 18. Salaries at a school (including actual or estimated cost): The...
- 19. Safeguarding of salaries in accordance with a School Teachers' Pay...
- 20. Social priority allowances paid in accordance with a School Teachers'...
- 21. Differential costs of London weighting of salaries.
- 22. The need for single payments to be allocated to primary,...
- 23. The need for payments to be allocated to schools, of...
- 24. Schools whose budget shares would otherwise be reduced year-on-year by...
- 25. Contracts to which the governing body of a school are...
- 26. Effect of taxation on schools.
- 27. Housing development or armed forces movements leading to a reduction...
- 28. Such items of expenditure in connection with provision for pupils...

SCHEDULE 3 — PROTECTED LEVEL OF FUNDING

- 1. (1) This Schedule applies for the purpose of determining the...
- 2. Subject to paragraphs 3, 4 and 5, the protected level...
- 3. (1) In the case of a special school which has...
- 4. The protected level of funding for the financial year beginning...
- 5. Where a school is to close during the financial year,...

SCHEDULE 4 — CONTENTS OF SCHEMES

- 1. The carrying forward from one financial year to another of...
- 2. The carrying forward from one financial year to another of...
- 3. Amounts which may be charged against schools' budget shares.
- 4. Amounts received by schools which may be retained by their...
- 5. The imposition, by or under the scheme, of conditions which...
- 6. Terms on which services and facilities are provided by the...
- 7. The payment of interest by or to the authority.
- 8. The times at which amounts equal in total to the...
- 9. The virement between budget heads within the delegated budget.
- 10. Circumstances in which the authority may delegate to the governing...
- 11. The use of delegated budgets and of sums made available...
- 12. Borrowing by governing bodies.
- 13. The banking arrangements that may be made by governing bodies....
- 14. A statement as to the personal liability of governors in...
- 15. A statement as to the allowances payable to governors of...
- 16. The keeping of a register of any business interests of...

- 17. The provision of information by and to the governing body....
- 18. The maintenance of inventories of assets.
- 19. Plans of a governing body's expenditure.
- 20. A statement as to the taxation of sums paid or...
- 21. Insurance.
- 22. The use of delegated budgets by governing bodies so as...
- 23. The repayment to the Secretary of State of loans made...
- 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...

Explanatory Note