STATUTORY INSTRUMENTS

2006 No. 511

EDUCATION, ENGLAND

The Education (Budget Statements) (England) Regulations 2006

Made	27th February 2006
Laid before Parliament	6th March 2006
Coming into force	27th March 2006

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred upon the Secretary of State by sections 52(1), (1A), (3) and (4) and 138(7) of the School Standards and Framework Act 1998(1).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Budget Statements) (England) Regulations 2006 and come into force on 27th March 2006.

(2) These Regulations apply only in relation to England, and only in relation to budget statements prepared for the period prescribed in regulation 3.

Interpretation

- **2.**—(1) In these Regulations—
 - "the 1996 Act" means the Education Act 1996(2);
 - "the 1998 Act" means the School Standards and Framework Act 1998;
 - "the 2000 Act" means the Learning and Skills Act 2000(3);
 - "the 2002 Act" means the Education Act 2002(4);
 - "the 2006 Regulations" means the School Finance (England) Regulations 2006(5);

"allocation formula" means the LEA's formula under regulation 9 of the 2006 Regulations used to determine schools' budget shares;

^{(1) 1998} c. 31. Section 52 was amended by section 117 of, and paragraphs 2 and 10 of Schedule 18 to, the Education Act 2005 (c. 18). By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. For the meaning of "prescribed" and "regulations" *see* section 142(1).

⁽**2**) 1996 c. 56.

^{(3) 2000} c. 21.
(4) 2002 c. 32.

⁽⁴⁾ 2002 C. 32. (5) S I 2006/469

⁽⁵⁾ S.I. 2006/468.

"AWPU" means age-weighted pupil unit;

"budget statement" means the statement referred to in section 52(1) of the 1998 Act;

"capital expenditure" means expenditure of a local authority which falls to be capitalised in accordance with proper practices, or expenditure which shall be treated as capital expenditure by virtue of any regulations or directions made under section 16 of the Local Government Act 2003(6);

"central expenditure" means the total amount deducted by a LEA from their schools budget;

"central expenditure limit" means the limit on central expenditure imposed by Schedule 3 to the 2006 Regulations;

"CERA" means capital expenditure which a local authority expect to charge to a revenue account of the authority within the meaning of section 22 of the Local Government Act 2003;

"Dedicated Schools Grant" is the grant of that name paid to a LEA by the Secretary of State under section 14 of the 2002 Act;

"expenditure on the school specific contingency" is expenditure—

- (a) which it would not be reasonable to expect a governing body to meet from the school's budget share;
- (b) on increases to a school's budget share to which the school is entitled by virtue of the LEA's allocation formula or the determination of budget shares under the authority of the schools forum or the Secretary of State; and
- (c) on the correction of errors;

"factor" means one of the factors or criteria set out in Schedule 4 to the 2006 Regulations which may be taken into account in a LEA's allocation formula under regulation 17 of those Regulations;

"FE" means further education;

"formula" means the formula referred to in regulation 9 of the 2006 Regulations;

"FTE" means full time equivalent;

"ghost-funding" means the funding of places in infant classes under paragraph 35 of Schedule 4 to the 2006 Regulations(7);

"funding period 1" is the financial year beginning on 1st April 2006;

"funding period 2" is the financial year beginning on 1st April 2007;

"ISB" means the individual schools budget;

"KS" means a key stage as defined in section 82 of the 2002 Act;

"LEA" means a local education authority;

"LSC" means the Learning and Skills Council for England(8);

"Performance Reward Grant" is the grant of that name paid under section 31 of the Local Government Act 2003 to reward local authorities for improvements in local services;

"place-led funding" means the funding of places in maintained schools by a LEA under regulation 15 of the 2006 Regulations;

^{(6) 2003} c. 26. Regulations made under this section are the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 (S.I. 2003/3146), as amended by S.I. 2004/534 and 2004/3055.

⁽⁷⁾ Regulation 17 and paragraph 35 of Schedule 4 to the 2006 Regulations enable LEAs to fund vacant places in infant classes by taking them into account as an additional factor in determining schools budget shares for funding period 1 and 2 where these places would not fall to be funded under any other provision in those Regulations.

⁽⁸⁾ The Learning and Skills Council for England was established under section 1 of the 2000 Act.

"primary or secondary school" means a primary or secondary school which is a community, foundation, voluntary or maintained nursery school;

"proper practices" means those accounting practices which a local authority are required to follow by virtue of any enactment, or which, so far as they are consistent with any such enactment are generally regarded, whether by reference to any generally recognised published code or otherwise, as proper accounting practices to be followed in the keeping of the accounts of local authorities, either generally or of the description concerned(9);

"prudential borrowing" means borrowing money for the purpose of facilitating the modernisation and rationalisation of the school estate, where the revenue savings that will be achieved are equal to or more than the expenditure that will be incurred in borrowing the money;

"prudential borrowing costs" means expenditure incurred on prudential borrowing which may be deducted from a LEA's schools budget under paragraph 35(a) of Schedule 2 to the 2006 Regulations, with authorisation of the schools forum under regulation 13 of those Regulations;

"pupil-led funding" means the funding of pupils in maintained schools under regulation 14 of the 2006 Regulations;

"SB" means schools budget;

"school" means a maintained school(10);

"School Development Grant" is the grant of that name paid to a LEA by the Secretary of State under section 14 of the 2002 Act;

"School Meals Grant Devolved" is the grant of that name paid to a LEA by the Secretary of State under section 14 of the 2002 Act;

"School Standards Grant" is the grant of that name paid to a LEA by the Secretary of State under section 14 of the 2002 Act;

"SEN" means special educational needs;

"SEN transport expenditure" means the costs of home to school transport for pupils with SEN in schools maintained by the LEA, where the revenue savings that will be achieved by placing such children in a school maintained by the authority are equal to, or greater than, the cost of such transport;

"special educational needs" and "special educational provision" have the meanings given to those expressions by section 312 of the 1996 Act;

"specific formula grant" means the grant known as specific formula grant paid in accordance with section 31 of the Local Government Act 2003(11);

"Standards Fund Grant" is the grant of that name paid to a LEA by the Secretary of State under section 14 of the 2002 Act;

"statement" in relation to a pupil with special educational needs means a statement made under section 324 of the 1996 Act;

"support for schools in financial difficulty" has the meaning used in paragraph 31 of Schedule 2 to the 2006 Regulations;

"targeted School Meals Grant" is the grant of that name paid to a LEA by the Secretary of State under section 14 of the 2002 Act;

⁽⁹⁾ Section 2 of the Local Government Act 2003 (c. 32) and regulations 25 and 26 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 (S.I. 2003/3146), as amended by S.I. 2004/534.

⁽¹⁰⁾ The definition of "maintained school" for the purposes of these Regulations is that in subsection (1A) of section 45 of the 1998 Act, which was inserted by paragraph 99 of Schedule 21 to the 2002 Act.

^{(11) 2003} c. 26.

"termination of employment costs", for the purposes of the schools budget, means expenditure in respect of the dismissal or premature retirement of, or for the purpose of securing the resignation of, any person employed in a maintained school where—

- (a) the dismissal, premature retirement or resignation occurs after the beginning of funding period 1, and
- (b) the revenue savings that will be achieved are equal to or greater than the costs incurred;

"Threshold and Performance Pay Grant" means a sum of money paid under that name to a LEA by the Secretary of State under section 14 of the 2002 Act;

a reference to threshold and performance pay relates to the threshold and performance pay elements of the salaries of teachers in schools;

"youth service" means services provided by the LEA under sections 15B and 508 of the 1996 Act and section 114 of the 2000 Act.

- (2) In these Regulations—
 - (a) references to the number, or numbers, of registered pupils at one or more schools are references to the number, or numbers, of such pupils required under the allocation formula to be used for the initial determination of that school's budget share or those schools' budget shares for funding periods 1 and 2, but ignoring any weighting in accordance with paragraphs (4) or (7) of regulation 14 of the 2006 Regulations or any adjustment under paragraph (9) of that regulation (permanent exclusions); and
 - (b) a reference to a particular class or description of expenditure in relation to maintained schools and to pupils registered at such schools shall include any expenditure of that class or description as the LEA may incur in relation to Academies(12).

Period to which a budget statement must relate

3. For the purposes of section 52(1) of the 1998 Act, the period prescribed in accordance with section 52(1A) is—

- (a) funding periods 1 and 2; and
- (b) the funding period comprising the financial year beginning on 1st April 2005(13).

Form of, and information to be contained in, a budget statement

4. For the purposes of section 52(3)(a) of the 1998 Act, a budget statement is prepared in four parts and contain the information prescribed for the purposes of section 52(1) of that Act, as follows—

- (a) Part 1 is in the form prescribed in Schedule 1, and contains information in respect of the prescribed period relating to the level of funding available to a LEA for expenditure on schools;
- (b) Part 2 is in the form prescribed in Schedule 2, and contains information in respect of the prescribed period relating to a LEA's planned expenditure as follows—
 - (i) for funding period 1, information relating to such expenditure from both the LEA budget and the schools budget, information relating to the LEA's central expenditure within the schools budget and information relating to expenditure on the LEA's youth service; and

⁽¹²⁾ Academies are established under section 482 of the 1996 Act. Section 482 was substituted by section 65 of the 2002 Act.

⁽¹³⁾ Information in relation to this period was previously required for the purposes of section 52(1) of the 1998 Act under the Education (Budget Statements)(England) Regulations 2005 (S.I.2005/345).

- (ii) for funding period 2, information relating to such expenditure from the schools budget and the LEA's central expenditure within the schools budget;
- (c) Part 3 is in the form prescribed in Schedule 3, and contains information in respect of the prescribed period relating to the calculation of the budget shares of each of a LEA's schools, being information relating to the amount allocated in respect of each school, and the amount allocated in respect of each pupil and each place in that school; and
- (d) Part 4 is in the form prescribed in Schedule 4 and contains information in respect of the prescribed period relating to a LEA's allocation formula or formulae.

Manner and time of publication of a budget statement

5.—(1) For the purposes of section 52(3)(b) of the 1998 Act, a budget statement is published by—

- (a) supplying a copy to the Secretary of State for Education and Skills; and
- (b) making a copy available for inspection at all reasonable times and free of charge-
 - (i) at the offices of the LEA; and

(ii) on a website maintained by the LEA and accessible to the public.

(2) A budget statement in respect of the prescribed period must be published before the beginning of that period.

(3) A budget statement published under paragraph (1) may not be revised during the prescribed period, except—

- (a) to correct errors contained in it; or
- (b) to reflect any redetermination of budget shares which is made pursuant to regulation 11(1) of the 2006 Regulations (redetermination of schools budgets and individual schools budgets).

(4) Where a LEA revise any budget statement under paragraph (3), they must ensure that the revised budget statement is in the form prescribed by regulation 4, and that it is published in the manner prescribed by paragraph (1).

(5) Subject to paragraph (6), a LEA must furnish the governing body and head teacher of each school with a copy of Parts 1, 2 and 4 of the budget statement, and with a copy of any parts of Part 3 of that statement which relate to their school.

(6) Where the governing body or the head teacher of a school so request, a LEA must furnish them with a complete copy of Part 3 of the budget statement.

27th February 2006

Jacqui Smith Minister of State, Department for Education and Skills

SCHEDULE 1

Regulation 4(a)

FORM OF PART 1 OF A BUDGET STATEMENT

Part 1 of a budget statement is in the following form. FUNDING PERIOD 1 AND FUNDING PERIOD 2

SECTION 52 EDUC	ATION BUDGET STATEMENT			SCHOOL BUDGET SUM	WARTINGLE	
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		Name				
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SCHEDULE 2

Regulation 4(b)

FORM OF PART 2 OF BUDGET STATEMENT

Part 2 of a budget statement is in the following forms. FUNDING PERIOD 1 AND FUNDING PERIOD 2

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1	2.6 SEN transport									
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1	2.8 Inter-authority recoupment									
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	5.10 Termination of Employment Costs									
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	1.0.2 Other Standards Fund Allocation - Non-									
	1.6.3 Non-Standards Fund specific grant									
	1.6.4 Targeted School Meals Grant - Non-De	volved								
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CEL ANNEX AND CALCULATOR: FUNDING PERIOD 1 2006-07

2	2006-07	Local Authority Name		LEA No	E-Mail Address	
TACT		TEL	-	Version No	Completion Date	
	CENTRAL EXPEND					
	All LSC grant-funded e		uded			
	Calculation of adjustr					
1.	0 2005-06 adjusted Cent	ral Expenditure (or le	gal limit if lower) (A)			
	Increase in adjusted I 1 Adjusted ISB 2006-07		-07			
2	1 Majusteu 136 2008-07	(6)				
2	2 Adjusted ISB 2005-06	(C)				
	Calculation of Centra	I Expenditure Limit				
3	.1 Value of A × (B/C)			L		
3	.2 Approved addition to Er	mit				
3	.3 Approved higher limit (if applicable)				
	.1 2006-07 Central Expe	nditure to which Ees	li englise			
	1 2000-07 Central Expe	naiture to which lim	it applies			
5	.1 Is the Limit breached	?				
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ippiov	eo nigner innit grano	ea proase enter r		pproval (minute number date o	meeting etc)	

CEL ANNEX AND CALCULATOR: FUNDING PERIOD 2 2007-08

SECTION	52 EDUCATION E	SUDGET S	TATEMENT		Annex to Ta	ble 1: Central Expe	enditure Limit
YEAR	2007-08	Local Authority Name		LEA No		E-Mail Address	
CONTACT		TEL		Version No		Completion Date	
2.1	CENTRAL EXPENDITU All LSC grant-funded expen Calculation of adjustment 2006-07 adjusted Central E Increase in adjusted ISB 2 Adjusted ISB 2007-08 (G)	diture to be excl to Central Exp spenditure (or le	enditure gal limit if lower) (F)]	-
	Calculation of Central Exp Value of F × (G/H)	enditure Limit]	
3.2	Approved addition to limit]	
3.3	Approved higher limit (if app	licable)]	
4.1	2007-08 Central Expendite	ire to which lin	it applies]	
5.1	Is the Limit breached?]	
NOTE: It etc)	f approved higher limit	granted pleas	e enter reference to Schools Forum	approval (minu	te number/date of mee	əting	

YOUTH SERVICE ANNEX: FUNDING PERIOD 1 2006-07

SECTION 52 EDUCATION BUDGET STATEMENT Annex to Table 1: Youth Service YEAR 2006-07 Local Authority Name LEA No E-Mail Address CONTACT TEL Version No Completion Date

		Contracted with		Voluntary	
YOUTH SERVICE		Voluntary	Contracted with	Organisations Grant	
(NET)	LEA Direct Spend	Organisations	Other Organisations	Aid	TOTAL
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Part Time				entrantin and the state	
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Part Time				あったので、大学の日本でのないで、	1.1
Support Staff					
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Part Time			×		
Staff Training				encount of a standard	
Non-Staff Costs					
Total Running Costs (Table 1, Line 2.7.1, Net)					
Capital (Table 1, Line 2.7.6, Net, Youth Service element)					
YOUTH SERVICE TOTAL					

SCHEDULE 3

Regulation 4(c)

FORM OF PART 3 OF A BUDGET STATEMENT

Part 3 of a budget statement is in the following forms. FUNDING PERIOD 1 AND FUNDING PERIOD 2

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

TABLE 2: FUNDING PERIOD 1 2006-07

NAM DOG-01 Ander Lange And	SECTION 62	EDUCATION BUDGET STATEMENT										Table 2 - School level information			1	
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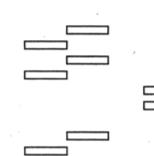
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[Tabl	e 3b	Place-led	d funding					1	511 201				375	Service .					
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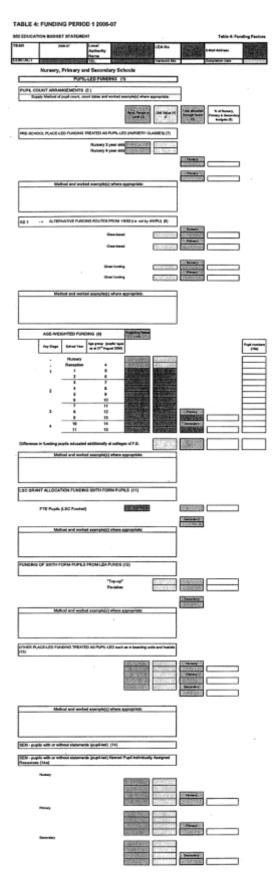
Pupil-led	funding				Site-spec	cific factor	5			School-s	pecific fa	ctors			Budget Adjustme	ents		
			(4a) Total Pupil-led	(7) Social Deprivation				(9) Total Site- specific			-			(10) Total School- specific	Transitional provision	(10) Total budget adjustments	(12) Minimum Funding Guarantee	(13) TOTAL BUDGET SHARE
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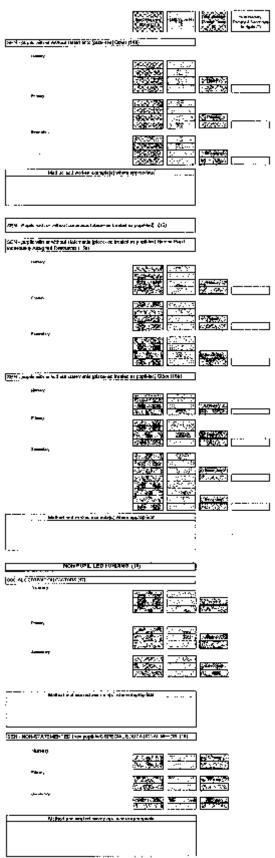
SCHEDULE 4

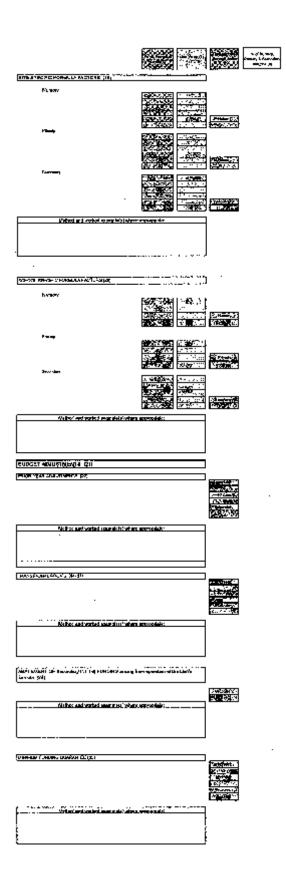
Regulation 4(d)

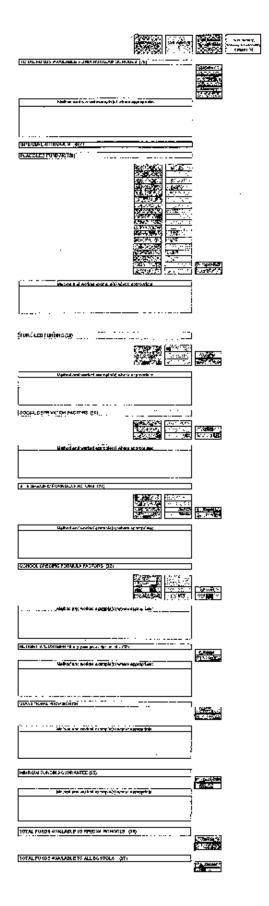
FORM OF PART 4 OF A BUDGET STATEMENT

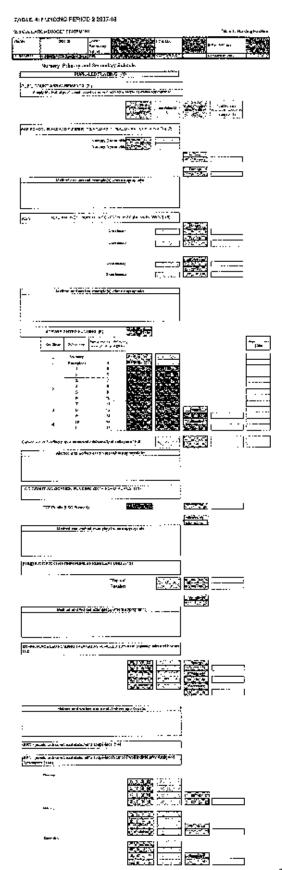
Part 4 of a budget statement is in the following form. FUNDING PERIOD 1 AND FUNDING PERIOD 2

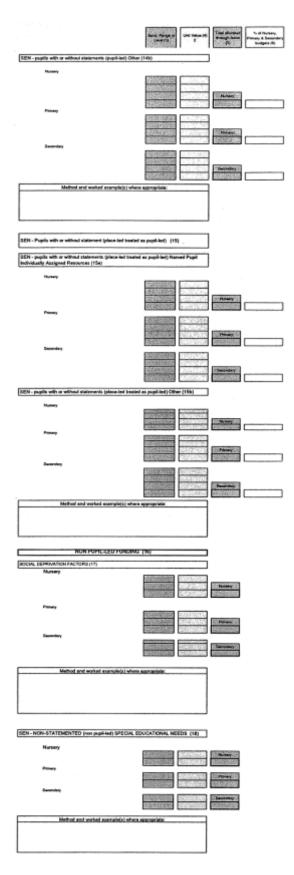


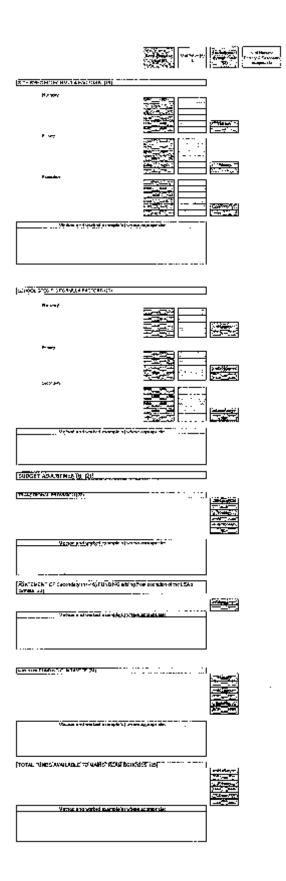


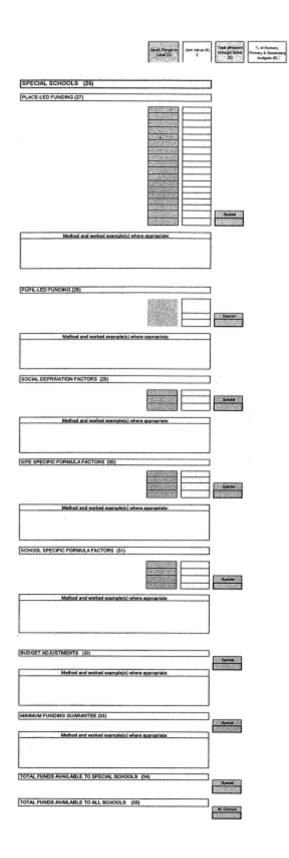












EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form and content of the budget statement of a local education authority in England for the financial years 2006–07 and 2007–08 (referred to as funding periods 1 and 2) and for the earlier funding period comprising the financial year 2005–06.