
STATUTORY INSTRUMENTS

2007 No. 1720

**The Education (Outturn Statements)
(England) Regulations 2007**

Citation, commencement and application

1.—(1) The Regulations may be cited as the Education (Outturn Statements) (England) Regulations 2007 and come into force on 16th July 2007.

(2) These Regulations apply only in relation to England, and only in relation to outturn statements prepared for the period prescribed in regulation 4.

Interpretation

2.—(1) In these Regulations—

“the 1996 Act” means the Education Act 1996(1);

“the 1998 Act” means the School Standards and Framework Act 1998;

“the 2000 Act” means the Learning and Skills Act 2000(2);

“the 2002 Act” means the Education Act 2002(3);

“the 2006 Regulations” means the School Finance (England) Regulations 2006(4);

“the 2006 Outturn Regulations” means the Education (Outturn Statements) (England) Regulations 2006(5);

“the Budget Statements Regulations” means the Education (Budget Statements) (England) Regulations 2006(6);

“Academy” means an independent school funded by the Secretary of State under section 482 of the 1996 Act(7);

a reference to “adult and community learning” is a reference to part-time education (including vocational, social, physical, recreational training and organised leisure-time occupation) provided by a LEA to persons of any age living or working in their area which is not primary education, secondary education, FE or HE(8);

an “Adult Education Programme” is a programme delivering adult and community learning;

(1) 1996 c. 56.

(2) 2000 c. 21.

(3) 2002 c. 32.

(4) S.I.2006/468. These were amended by S.I. 2007/365.

(5) S.I. 2006/1760.

(6) S.I. 2006/511. These were amended by S.I. 2007/356.

(7) Section 482 of the 1996 Act was substituted by section 65 of the 2002 Act.

(8) “Primary education” is defined in section 2(1) of the 1996 Act which was substituted by section 156(2) of the 2002 Act. “Secondary education” is defined in section 2(2), (2A) and (2B) of the 1996 Act. Sub-sections (2A) and (2B) were inserted by section 110(1) of the 2000 Act and have been amended by section 177(1), (2)(a) and (2)(b) of the 2002 Act. “Organised leisure-time occupation” is defined in section 2(6) and (6A) of the 1996 Act. Sub-section (6A) was inserted by section 177(1) and (3) of the 2002 Act.

“AEF” means aggregate external finance, which is central government revenue funding for LEAs comprising Revenue Support Grant, National Non-Domestic rates and certain specific grants;

“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 that must be treated as capital expenditure by virtue of any regulations or directions made under section 16(2) of the Local Government Act 2003⁽⁹⁾;

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

“CERA” means capital expenditure which a LEA expect to charge to a revenue account of the LEA as defined in section 22 of the Local Government Act 2003;

a reference to “community focussed extended schools costs” is a reference to any costs incurred by the governing body in providing, or arranging for the provision of, services or facilities under section 27 of the 2002 Act;

a reference to “community focussed extended schools facilities income” is a reference to any income of a governing body derived from charging for the provision of services or facilities under section 27 of the 2002 Act;

a reference to “community focussed extended schools funding and/or grants” is a reference to any income of a governing body derived from SSG, LSC grants or funding devolved by the LEA where the grant terms provide that moneys must be spent, or the purpose of devolving such funds is, to enable the governing body to provide services or facilities under section 27 of the 2002 Act;

a reference to “community focussed extended schools staff” is a reference to staff employed by, or under contract to, a governing body for the purpose of either—

- (a) providing services or facilities under section 27 of the 2002 Act, or
- (b) delivering an Adult Education Programme where the governing body manages the delivery of such a programme on behalf of the LEA;

a reference to “community focussed revenue balance” is a reference to any funds paid to a governing body from any source for the purpose of providing, or arranging for the provision of, services under section 27 of the 2002 Act during funding period 1 or during the financial years beginning 1st April 2005 or 1st April 2004 which remain unspent;

a reference to “community services” is a reference to the income of a governing body derived from the letting of school premises to persons providing social or leisure activities for the benefit of those who live or work in the locality of the school;

the “Dedicated Schools Grant”, (“DSG”), is the grant of that name paid to a LEA by the Secretary of State under section 14 of the 2002 Act;

“delegated funding” means funding which a LEA allocates to schools as their budget shares for funding period 1 under section 49 of the 1998 Act⁽¹⁰⁾;

“devolved funding” means funding which a LEA allocates to schools from their schools budget which does not form part of the schools' budget shares;

“discretionary award” means an award which a LEA may bestow on persons ordinarily resident in their area⁽¹¹⁾;

(9) 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, 2004/3055 and 2007/573). “Proper practices” are defined in section 21 of that Act and regulation 31 of those Regulations.

(10) Section 49(4) was amended by section 215(1) of and paragraph 100(1) and (2) of Schedule 21 to the 2002 Act.

(11) Section 2 of the Education (Fees and Awards) Act 1983 (c. 40) contains a power to make regulations in relation to awards made under section 2 of the Education Act 1962 (discretionary awards). Regulations under this section are the Education (Fees

“Education Maintenance Allowance” means financial assistance under section 14 of the 2002 Act paid to or in respect of a person who is over compulsory school age in connection with his undertaking any course of education or training(12);

“Education Welfare Service” is a LEA service for the purpose of reducing levels of unauthorised absence from schools(13);

“FE” means further education(14);

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

“governing body” means the governing body of a maintained school;

a reference to “government grants inside AEF” is a reference to the following: the DSG; the Performance Standards Fund Grant; the Standards Fund—School Standards Grant (including personalisation); and the Standards Fund—Other Grant;

a reference to “government grants outside AEF” is a reference to the following: Education Maintenance Allowances; payments by the Higher Education Funding Council(15); LSC Adult and Community Learning Education; LSC Sixth Forms Grant; LSC Further Education Grant; and mandatory awards;

“HE” means higher education(16);

“ICT” means information and communication technology;

“ISB” means the individual schools budget;

“LEA” means local education authority;

“LSC” means the Learning and Skills Council for England(17);

“the LSC Adult and Community Learning Education Grant” is the sum of money paid under a grant of that name to a LEA by the LSC under section 7 of the 2000 Act;

“the LSC Further Education Grant” is the sum of money paid under a grant of that name to a LEA by the LSC under section 7 of the 2000 Act;

the “LSC Sixth Forms Grant” is the sum of money paid under a grant of that name to a LEA by the LSC under section 7 of the 2000 Act;

“mandatory award” means an award which a LEA have an obligation to bestow upon persons ordinarily resident in their area in respect of attendance at designated courses(18);

and Awards) (England) Regulations 2007 (S.I. 2007/779). The regulations provide that LEAs may adopt rules of eligibility for these awards. LEAs may also make awards under section 518 of the 1996 Act. This section was substituted by section 129 of the 1998 Act.

(12) This definition of education maintenance allowances comes from section 108(8)(a) of the [Education Act 2005](#) (c. 18).

(13) The functions and role of the Education Welfare Service are set out in a DfES Circular entitled “Advice and guidance to Schools and Local Authorities on managing pupil attendance” which can be found on www.dfes.gov.uk/behaviourandattendance/guidance/IBAGuidance/index.cfm.

(14) “Further education” is defined in section 2(3)-(5) of the 1996 Act. Sub-section (3) was amended by section 215(2) of, and Part 3 of Schedule 22 to, the 2002 Act, and sub-section (4) was amended by section 215(1) of, and paragraph 33 of Schedule 21 to, the 2002 Act.

(15) The “Higher Education Funding Council” was established under section 62 of the Further and Higher Education Act 1992 (c. 13).

(16) “Higher education” is defined in section 579 of the 1996 Act.

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

(18) The obligation to bestow these awards comes from section 1(1) of the Education Act 1962 (c. 12). This Act was repealed by the Teaching and Higher Education Act 1998 with transitional and savings provisions. The repeal does not affect the continued operation of the provisions that relate to the making of subordinate legislation. Relevant regulations made under section 1(1) are: the Education (Mandatory Awards) Regulations 2003 (SI 2003/1994), the Education (Mandatory Awards) (Amendment) Regulations 2004 (SI 2004/1038), and the Education (Mandatory Awards) (Amendment) (No. 2) Regulations 2004 (SI 2004/1792). These regulations describe the designated courses and the methodology for calculating grants. Regulation 8 of the Education (Mandatory Awards) Regulations 2003 modifies section 1(1) of the 1962 Act in relation to ordinary residence.

“maintained school” means a community, foundation or voluntary school, a community or foundation special school, or a maintained nursery school(**19**);

a reference to “music service” is a reference to expenditure by a LEA on the provision of music tuition and other activities which enable school pupils to enhance their learning and appreciation of music;

“nursery school” has the meaning given to this expression in section 6(1) of the 1996 Act(**20**);

“outturn statement” means the statement referred to in section 52(2) of the 1998 Act;

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

“PRC” means premature retirement costs;

a reference to “pupil focussed extended school funding and/or grants” is a reference to funds paid to a governing body by the LSC for the purpose of providing, or arranging for the provision of, services or facilities under section 27 of the 2002 Act to sixth form pupils registered at the school;

a reference to “pupil support” is a reference to expenditure on a LEA’s functions under section 510 and 514 of the 1996 Act (provision of administration of clothing grants and boarding grants) and pursuant to regulations made under section 518(1)(a) of that Act(**21**);

“primary school” has the meaning given to this expression in section 5(1) of the 1996 Act(**22**);

“school” means a maintained school;

the “School Standards Grant (pupil focussed)”, (“SSG”), is the grant of that name paid to a LEA by the Secretary of State under section 14 of the 2002 Act;

“secondary school” has the meaning given to this expression in section 5(2) of the 1996 Act;

“special educational needs”, (“SEN”), and “special educational provision” have the meanings given to those expressions by section 312 of the 1996 Act(**23**);

“specific formula grant” means a grant known as such and paid under section 31 of the Local Government Act 2003;

“special school” has the meaning given to that expression by section 6(2) of the 1996 Act(**24**);

references to “Standards Fund—School Standards Grant (including personalisation)” and to “Standards Fund—Other” are references to the grants of those names paid to a LEA or a governing body by the Secretary of State under section 14 of the 2002 Act(**25**);

a reference to “Standards Fund—non-devolved” is a reference to money paid to a LEA under the Standards Fund Grant which has not been devolved to schools or spent by the LEA on any class or description of expenditure prescribed for the purposes of section 45A(2) of the 1998 Act(**26**);

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- (19) This definition reflects subsection (1A) of section 45 of the 1998 Act which was inserted by paragraph 99 of Schedule 21 to the 2002 Act.
- (20) Subsection (1) was amended by paragraph 11 of Schedule 7 to the Education Act 1997 (1997 c. 44) and section 156(1) of the 2002 Act.
- (21) Section 510 was amended by section 140(1) and (3) and paragraph 134 of Schedule 30 to the 1998 Act. Section 518 was substituted by section 129 of the 1998 Act. Regulations made under section 518(1)(a) are the Local Education Authority (Payment of School Expenses) Regulations 1999(S.I. 1999/1727).
- (22) Section 5(1) was amended by section 215(2) of and Part 3 of Schedule 22 to the 2002 Act.
- (23) Section 312 was amended by section 57(1) of and paragraph 23(a) and (b) of Schedule 7 to the Education Act 1997 (c. 44); section 140(1) and (3) and paragraph 71(a) and (b) of Schedule 30 to the 1998 Act; section 149 of and paragraphs 1 and 56 of Schedule 9 to the 2000 Act; and section 6(2) of, and paragraphs 2 and 3 of Schedule 1 to, the Education and Inspections Act 2006 (c. 40).
- (24) Section 6(2) was amended by section 140(1) of and paragraph 60 of Schedule 30 to the 1998 Act.
- (25) The Standards Fund comprises a number of different grants paid by the Secretary of State to LEAs and schools. These grants are listed in guidance entitled ‘Standards Fund 2006-08’ which is available on www.dfes.gov.uk/standardsfund.
- (26) Section 45A(2) has been amended by section 101 of and paragraphs 3(1), 4(a), (b) and (5) of Schedule 16 to, the Education Act 2005.

a reference to “student support” is a reference to expenditure incurred by a LEA on assessment of eligibility for, and administration of, mandatory awards, discretionary awards and other allowances and grants paid to FE and HE students;

a reference to “teacher development” is a reference to expenditure on Teacher and Curriculum Centres, and on the employment of staff to train teachers at those centres;

a reference to “visual and performing arts” is a reference to expenditure on activities which enable school pupils to enhance their knowledge and appreciation of visual and performing arts, other than music; and

“youth service” means a service provided in exercise of a LEA’s functions under sections 15B(27), 507A or 507B(28) of the 1996 Act, or section 114 of the 2000 Act.

(2) In these Regulations, unless the context otherwise requires, references to primary or secondary schools do not include special schools.

Revocation and saving

3.—(1) The 2006 Outturn Regulations are revoked.

(2) Notwithstanding paragraph (1) above, the 2006 Outturn Regulations continue to apply in relation to the financial year beginning on 1st April 2005.

Period to which an outturn statement must relate

4. For the purposes of section 52(2) of the 1998 Act, the period prescribed in accordance with section 52(2B) is funding period 1.

Prescribed form of, and information to be contained in, outturn statements

5. For the purposes of section 52(3)(a) of the 1998 Act, an outturn statement is prepared in three parts and contains the information prescribed for the purposes of section 52(2) as follows—

- (a) Part 1 is in the form prescribed in Schedule 1 and contains information with respect to—
 - (i) a LEA’s planned expenditure from their schools budget and LEA budget as specified in the budget statement prepared by the LEA in respect of funding period 1(29), and
 - (ii) expenditure incurred by the LEA, or treated by the LEA as having been incurred, from those budgets during that funding period.
- (b) Part 2 is in the form prescribed in Schedule 2 and contains information with respect to—
 - (i) a LEA’s planned expenditure from their schools budget as specified in the budget statement prepared by the LEA for funding period 1, and
 - (ii) expenditure incurred by the schools,
 - (iii) expenditure incurred by the LEA, or treated as having been incurred by the LEA, from their schools budget, including funds delegated or devolved to schools, and funds expended on schools and Academies directly by the LEA from central expenditure,
 - (iv) any other resources allocated to schools by the LEA,
 - (v) other accountable resources held and expended by schools, and
 - (vi) expenditure on the youth service by the LEA during funding period 1.

(27) Section 15B was inserted by paragraph 55 of Schedule 9 to the 2000 Act.

(28) Sections 507A and 507B were inserted by section 6(1) of the Education and Inspections Act 2006 (c. 40).

(29) The Budget Statements Regulations set out requirements as to the form of, information to be contained in, and manner and time of publication of, the budget statement prepared for relevant funding period 1.

- (c) Part 3 is in the form prescribed in Schedule 3 and contains information in relation to each school with respect to—
- (i) the school's planned budget share, as specified in the budget statement prepared by the LEA for funding period 1, and
 - (ii) expenditure incurred by the LEA, or treated as having been incurred, in respect of that school,
 - (iii) other resources allocated by the LEA to that school, and
 - (iv) accountable resources held and expended by that school during funding period 1.

Prescribed manner and time of publication of outturn statements

6.—(1) For the purposes of section 52(3)(b) of the 1998 Act, every outturn 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 times free of charge—
 - (i) at each principal office of the LEA; and
 - (ii) on a website maintained by the LEA and accessible to the public.
- (2) A LEA must publish their outturn statement before 25th August 2007.
- (3) A LEA must revise their outturn statement where they discover any errors in that statement.
- (4) Where a LEA revise their outturn statement, the revised statement must be in the form prescribed by regulation 5, and must be published in accordance with the requirements of paragraph (1).

13th June 2007

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