

SCHEDULE 8

Regulation 29

Modification of Chapter 4 of Part 2 of SSFA 1998

1. Section 49 (maintained schools to have delegated budgets) is modified as follows—
 - (a) in subsection (1), for “Every maintained school” substitute “Subject to subsection (2B), every federated school”;
 - (b) in subsection (2), for “A new school” substitute “Subject to subsection (2B), a new school that is a federated school”;
 - (c) after subsection (2A), insert—

“(2B) Subsections (1) and (2) do not apply to a federated school if the local authority by which the school is maintained treat the federation which includes the school as a single school in accordance with regulations.

In such a case, the federation shall have a delegated budget.”;
 - (d) in subsection (4)(a), after “school” insert “or federation”;
 - (e) in subsections (4) and (5), for “maintained school” substitute “federation”;
 - (f) in subsection (5)(a), after “head teacher” insert “of the federation or any school within the federation”; and
 - (g) for subsection (7), substitute—

“(7) In this Part—

 - (a) references to a federation or federated school having a delegated budget are references to the governing body of the federation being entitled to manage the federation’s budget share or the federated school’s budget share, as the case may be; and
 - (b) where a federation or federated school has a delegated budget the governing body of the federation are accordingly said to have a right to a delegated budget in respect of the federation or the federated school, as the case may be.”.
2. Section 50 (effect of financial delegation) is modified as follows—
 - (a) in subsection (1), for “maintained school” substitute “federated school”;
 - (b) after subsection (1), insert—

“(1A) Where a federation has a delegated budget in respect of the whole or part of a funding period, the local authority shall secure that in respect of that period there is available to be spent by the governing body—

 - (a) where the federation has a delegated budget in respect of the whole of that period, a sum equal to the federation’s budget share for the period, or
 - (b) where the federation has a delegated budget in respect of only part of that period, a sum equal to that portion of the federation’s budget share for the period which has not been spent.”;
 - (c) in subsection (2), after “made available” insert “under subsection (1) or (1A)” and for “any such sum” substitute “any sum mentioned in either of those subsections”;
 - (d) in subsection (3), for “the governing body may spend any such amounts” substitute “the governing body of a federation may spend any amounts made available under subsection (1) or (1A), and any amounts previously made available to the governing bodies of the federated schools before federation,”;
 - (e) in subsection (3), for paragraph (a) substitute—

“(a) for any purposes of any of the federated schools;

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- (aa) for any purposes of the federation; or”;
 - (f) in subsection (6), after “governing body” insert “of a federation” and after “head teacher” insert “of the federation or to the head teacher of each school within the federation”; and
 - (g) in subsection (7), for “school” substitute “federation”.
3. In section 51 (suspension of financial delegation for mismanagement etc), after “delegated budget” insert “in respect of the federation or each school within the federation”.
- 4.—(1) Schedule 15 (suspension of financial delegation) is modified as follows.
- (2) In paragraph 1—
- (a) in sub-paragraph (1), after “where” insert “a federated school or a federation has a delegated budget and” and for “a school which has a delegated budget” substitute “the federation”;
 - (b) in sub-paragraph (2), after “delegated budget” insert “in respect of any of the federated schools or the federation, as the case may be,”;
 - (c) in sub-paragraph (5), for “school” substitute “federation or of each federated school”; and
 - (d) in sub-paragraph (7), for “school’s budget share” substitute “budget share of any of the federated schools or the federation”.
- (3) In paragraph 2—
- (a) in sub-paragraph (2), for “school” substitute “federation or of each federated school”; and
 - (b) in sub-paragraph (4), after “head teacher” insert “of the federation or of each federated school”.
- (4) In paragraph 4—
- (a) in sub-paragraph (1), after “delegated budget” insert “in respect of a federated school”;
 - (b) after sub-paragraph (1), insert—
 - “(1A) During any period when a governing body’s right to a delegated budget in respect of a federation is suspended under paragraph 1—
 - (a) the local authority’s duty under section 50(1A) shall not apply in relation to the federation; but
 - (b) the local authority may permit the governing body to take such decisions as to the spending of sums to be met from the federation’s budget share as the authority consider appropriate.”;
 - (c) in sub-paragraph (2), after “(1)(b)” insert “or (1A)(b)”; and
 - (d) in sub-paragraph (3), after “head teacher” insert “of the federation or any of the federated schools” .