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STATUTORY INSTRUMENTS

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**2012 No. 2991**

**EDUCATION, ENGLAND**

**The School and Early Years Finance  
(England) Regulations 2012**

*Made - - - - 27th November 2012*  
*Laid before Parliament 7th December 2012*  
*Coming into force 1st January 2013*

**THE SCHOOL AND EARLY YEARS  
FINANCE (ENGLAND) REGULATIONS 2012**

PART 1

1. Citation, commencement, application and interpretation
2. Revocation of previous Regulations
3. Amendments

PART 2

CHAPTER 1

4. The Non-Schools Education Budget

CHAPTER 2

5. Initial determination of a local authority's schools budget
6. The schools budget
7. Exceptions
8. Determination of the individual schools budget for the funding period and limit on increase in central expenditure
9. Consultation
10. Formulae for determination of budget shares etc for certain maintained schools and early years providers
11. Determination of allocation of budget shares etc for the funding period

CHAPTER 3

12. Applications to the schools forum and the Secretary of State

PART 3

etc

CHAPTER 1

13. Pupil numbers  
14. Places  
15. Social deprivation  
16. Special arrangements for pupils in maintained nursery schools and nursery classes and for children receiving relevant early years provision  
17. Differential funding  
18. Additional requirements, factors or criteria  
19. Minimum funding guarantee  
20. Sixth form funding  
21. New schools  
22. Federated schools

CHAPTER 2

23. Pupils permanently excluded from, or leaving, maintained schools  
24. Correction of errors and changes in non-domestic rates  
25. Alternative arrangements approved by Secretary of State

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26. Required content of schemes  
27. Approval by the schools forum or the Secretary of State of proposals to revise schemes  
28. Publication of schemes  
Signature

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SCHEDULE 1 — CLASSES OR DESCRIPTIONS OF PLANNED EXPENDITURE  
PRESCRIBED FOR THE PURPOSES OF THE NON-SCHOOLS  
EDUCATION BUDGET OF A LOCAL AUTHORITY

1. Special educational provision  
2. Expenditure in connection with the authority's functions under sections 321...  
3. Expenditure on monitoring the provision for pupils in schools (whether...  
4. Expenditure on collaboration with other statutory and voluntary bodies to...  
5. Expenditure in connection with— (a) the provision of parent partnership...  
6. Expenditure on carrying out the authority's child protection functions under...  
7. Expenditure incurred in entering into, or subsequently incurred pursuant to,...

8. Expenditure on the provision of special medical support for individual...
9. School improvement
10. Access to education
11. Expenditure arising from the authority's functions under Chapter 2 of...
12. Expenditure on the provision of support for students under regulations...
13. Expenditure on discretionary grants paid under section 1(6) or 2...
14. Expenditure on the payment of 16-19 Bursaries.
15. Expenditure on the provision of tuition in music, or on...
16. Expenditure incurred in enabling pupils to enhance their experience of...
17. Expenditure on outdoor education centres, but not including centres wholly...
18. Additional education and training for children, young persons and adults
19. Expenditure on the provision by the local authority under sections...
20. Strategic management
21. Other functions
22. Expenditure on establishing and maintaining those electronic computer systems, including...
23. Expenditure on monitoring National Curriculum assessment arrangements required by orders...
24. Expenditure in connection with the authority's functions in relation to...
25. Expenditure in respect of the dismissal or premature retirement of,...
26. Expenditure in respect of a teacher's emoluments under section 19(9)...
27. Expenditure on the appointment of governors, the making of instruments...
28. Expenditure on making pension payments, other than in respect of...
29. Expenditure on insurance, other than for liability arising in connection...
30. Expenditure in connection with powers and duties performed under Part...

SCHEDULE 2 — CLASSES OR DESCRIPTIONS OF PLANNED EXPENDITURE  
PRESCRIBED FOR THE PURPOSES OF THE SCHOOLS  
BUDGET OF A LOCAL AUTHORITY WHICH MAY BE  
DEDUCTED FROM IT TO DETERMINE THE INDIVIDUAL  
SCHOOLS BUDGET

PART 1 — Central Services

1. Expenditure on the operation of the system of admissions of...
2. Expenditure in connection with the authority's functions under section 47A...
3. CERA incurred for purposes not falling within any other paragraph...
4. Expenditure on— (a) prudential borrowing; (b) termination of employment costs,...
5. Any deductions under each of paragraphs 1 to 4 must...

PART 2 — Central Schools Expenditure

6. Expenditure on pay arrears due to staff employed at maintained...
7. Expenditure pursuant to section 18 of the 1996 Act in...
8. Expenditure due to a significant growth in pupil numbers as...
9. Expenditure to be incurred prior to the opening of new...
10. Expenditure in order to make provision for extra classes in...
11. Expenditure on the purchase of CRC allowances for schools.
12. Remission of boarding fees payable in connection with the attendance...

PART 3 — Central Early Years Expenditure

13. Expenditure on early years provision, excluding expenditure—
14. Expenditure on determining the eligibility— (a) of a pupil for...

PART 4 — Pupils With High Needs

15. Expenditure in respect of pupils with special educational needs at...

16. Expenditure in respect of pupils— (a) with special educational needs...
17. Expenditure in respect of persons provided with further education who...
18. Expenditure on support services for pupils who have a statement...
19. Expenditure for the purposes of encouraging— (a) collaboration between special...
20. Expenditure incurred in relation to education otherwise than at school...
21. Expenditure on the payment of fees in respect of pupils...
22. Expenditure on hospital education services, aside from expenditure on hospital...
23. Expenditure on special schools and pupil referral units in financial...
24. Expenditure on costs in connection with private finance initiatives and...  
PART 5 — Items That May Be Removed From Maintained Schools' Budget Shares
25. Expenditure (other than expenditure referred to in Schedule 1 or...
26. Expenditure on determining the eligibility of a pupil for free...
27. Expenditure on making payments to, or in providing a temporary...
28. Expenditure on making payments to, or in providing a temporary...
29. Expenditure on making payments to, or in providing a temporary...
30. Expenditure on making payments to, or in providing a temporary...
31. Expenditure on insurance in respect of liability arising in connection...
32. Expenditure on services to schools provided by museums and galleries....
33. Expenditure on library services.
34. Expenditure on licence fees or subscriptions paid on behalf of...
35. Expenditure on the schools' specific contingency.
36. Expenditure for the purposes of— (a) improving the performance of...

**SCHEDULE 3 — ADDITIONAL REQUIREMENTS, OR FACTORS OR CRITERIA WHICH MAY BE TAKEN INTO ACCOUNT, IN A LOCAL AUTHORITY'S FORMULA UNDER REGULATION 18**

**PART 1 — Applicable only to budget shares for maintained schools**

1. A single sum of an equal amount to be given...
2. Prior attainment based on the number of pupils in school...
3. Prior attainment based on the number of pupils at key...
4. A single per pupil amount for each pupil, based on...
5. A single per pupil amount for each pupil, based on...
6. A single per pupil amount in respect of pupil mobility,...
7. A single per pupil amount in respect of pupil mobility,...
8. A single per pupil amount, based on the number of...
9. Funding for schools with split sites, where the funding must...
10. Non-domestic rates payable in respect of the premises of each...
11. Payments in relation to a private finance initiative (including actual...
12. Differential salaries of teachers at schools in the county councils...  
PART 2 — Applicable only to budget shares for, and amounts to be allocated to, providers of prescribed early years provision
13. Incidence of looked after children.
14. Prior attainment of pupils entering a school or relevant early...
15. Pupils and children for whom English is not their first...
16. A single sum for each school and relevant early years...
17. Funding for schools and relevant early years providers with split...
18. Non-domestic rates payable in respect of the premises of each...
19. Payments in relation to a private finance initiative (including actual...
20. Differential salaries of teachers at schools in the county councils...
21. The need to improve the quality of provision by particular...

22. The degree of flexibility in the hours of attendance that...
23. The need to secure or sustain a sufficiency of prescribed...

#### SCHEDULE 4 — MINIMUM FUNDING GUARANTEE

1. In this Schedule— (a) references to the number of pupils...
2. Where (A/B) is less than (C/D) then the guaranteed funding...
3. Where a new school opens during the funding period and...
4. In calculating the guaranteed level of funding under paragraph 3...

#### SCHEDULE 5 — CONTENTS OF SCHEMES

1. The carrying forward from one funding period to another of...
2. Amounts which may be charged against schools' budget shares.
3. Amounts received by schools which may be retained by their...
4. The imposition, by or under the scheme, of conditions which...
5. Terms on which services and facilities are provided by the...
6. The payment of interest by or to the authority.
7. The times at which amounts equal in total to the...
8. The virement between budget heads within the delegated budget.
9. Circumstances in which a local authority may delegate to the...
10. The use of delegated budgets and of sums made available...
11. Borrowing by governing bodies.
12. The banking arrangements that may be made by governing bodies....
13. A statement as to the personal liability of governors in...
14. A statement as to the allowances payable to governors of...
15. The keeping of a register of any business interests of...
16. The provision of information by and to the governing body....
17. The maintenance of inventories of assets.
18. Plans of a governing body's expenditure.
19. A statement as to the taxation of sums paid or...
20. Insurance.
21. The use of delegated budgets by governing bodies so as...
22. The provision of legal advice to a governing body.
23. Funding for child protection issues.
24. How complaints by persons working at a school or by...
25. Expenditure incurred by a governing body in the exercise of...

Explanatory Note