

SCHEDULE 3

Regulation 20

ADDITIONAL REQUIREMENTS, OR FACTORS OR CRITERIA WHICH MAY BE TAKEN INTO ACCOUNT, IN A LOCAL AUTHORITY'S FORMULA UNDER REGULATION 20

PART 1

Applicable only to budget shares for maintained schools

1. A single sum for primary schools—
 - (a) other than middle schools, of an equal amount to be given to each school of up to £175,000 per school; and
 - (b) which are middle schools, of an amount to be calculated per school in accordance with the middle school single sum formula.
2. A single sum for secondary schools—
 - (a) other than middle schools, of an equal amount to be given to each school of up to £175,000 per school; and
 - (b) which are middle schools, of an amount to be calculated per school in accordance with the middle school single sum formula.

3.—(1) Subject to sub-paragraph (5), in respect of pupils at key stages 1 and 2, a single per pupil amount based on the number of pupils in Year 1, Year 2, Year 3, Year 4, Year 5 and Year 6 to whom either sub-paragraphs (2) and (4), or sub-paragraphs (3) and (4), apply.

(2) This sub-paragraph applies to pupils who achieved fewer than 73 points on the Early Years Foundation Stage Profile under the 2008 Document.

(3) This sub-paragraph applies to pupils who achieved fewer than 78 points on the Early Years Foundation Stage Profile under the 2008 Document.

(4) This sub-paragraph applies to pupils who did not achieve expected development in relation to the relevant early learning goals in the Early Years Foundation Stage Profile under the 2012 Document, the 2014 Document, or the 2017 Document.

(5) Where, in respect of the total number of pupils in the local authority, the percentage of those pupils to whom sub-paragraph (4) applies is greater than either—

- (a) the number of pupils to which sub-paragraph (2) applies, expressed as a percentage of the total pupils in the local authority, where the local authority is using sub-paragraph (2) to determine a single per pupil amount under sub-paragraph (1); or
- (b) the number of pupils to which sub-paragraph (3) applies, expressed as a percentage of the total pupils in the local authority, where the local authority is using sub-paragraph (3) to determine a single per pupil amount under sub-paragraph (1),

the authority may moderate the number of pupils to whom sub-paragraph (4) would otherwise apply, in accordance with sub-paragraph (6).

(6) The local authority may moderate the number of pupils to whom sub-paragraph (4) would otherwise apply by multiplying that number by a number between zero and one, but only where the resulting number, expressed as a percentage of the number of pupils in the authority's area, is not less than the number referred to in sub-paragraph (5)(a) or (b), as appropriate.

4. In respect of pupils at key stages 3 and 4, a single per pupil amount based on the total of—

Status: This is the original version (as it was originally made).

- (a) the number of pupils who were assessed as achieving level 3 or lower in English reading, English writing, or mathematics at key stage 2 under any arrangements predating the 2016 ARA;
 - (b) the number produced by multiplying the total of the following number of pupils by 0.48—
 - (i) the number of pupils assessed under the 2016 ARA as achieving a scaled score of 99 or lower in the mathematics or English reading tests referred to in section 4 of the 2016 ARA, and
 - (ii) the number of pupils, not falling within (i), who were given a teacher assessment standard of ‘working towards the expected standard’, or lower, in English writing, referred to in section 9 of the 2016 ARA; and
 - (c) the number produced by multiplying the total of the following number of pupils by 0.58—
 - (i) the number of pupils assessed under the 2017 ARA as achieving a scaled score of 99 or lower in the mathematics or English reading tests referred to in section 4 of the 2016 ARA, and
 - (ii) the number of pupils, not falling within (i), who were given a teacher assessment standard of ‘working towards the expected standard’, or lower, in English writing, referred to in section 9 of the 2017 ARA.
- 5.** A single per pupil amount for each pupil, based on the number of pupils in Year 1, Year 2 and at key stage 2 whose first language is not English, where—
- (a) the pupil was not recorded as attending a school or schools in England on any school census before 1st October 2015;
 - (b) the pupil was not recorded as attending a school or schools in England on any school census before 6th October 2016; or
 - (c) the pupil was not recorded as attending a school or schools in England on any school census before 5th October 2017.
- 6.** A single per pupil amount for each pupil, based on the number of pupils at key stages 3 and 4 whose first language is not English, where—
- (a) the pupil was not recorded as attending a school or schools in England on any school census before 1st October 2015;
 - (b) the pupil was not recorded as attending a school or schools in England on any school census before 6th October 2016; or
 - (c) the pupil was not recorded as attending a school or schools in England on any school census before 5th October 2017.
- 7.—(1)** Where the total number of pupils to whom sub-paragraph (2)(a) and (b) applies is more than 10% of the total number of pupils at key stages 1 and 2 in the school, a single per pupil amount for every pupil in excess of that 10%.
- (2) This sub-paragraph applies to pupils at key stages 1 and 2 who joined the school in the previous three academic years at any time other than August or September, excluding—
- (a) pupils who joined the school in the nursery class, if the school has such a class, and
 - (b) pupils who joined the school in the reception class in January.
- 8.** Where the total number of pupils at key stages 3 and 4 who joined the school in the last three academic years at any time other than August or September is more than 10% of the total number of pupils at key stages 3 and 4, a single per pupil amount for every pupil in excess of that 10%.
- 9.** A single per pupil amount, based on the number of pupils who were looked after children on 31st March 2017.

10. Funding for schools with split sites, where the funding must be in accordance with criteria published by the authority.

11. Non-domestic rates payable in respect of the premises of each school (including actual or estimated cost).

12. Payments in relation to a private finance initiative (including actual or estimated cost).

13. Differential costs at schools in the county councils of Buckinghamshire, Essex, Hertfordshire, Kent or West Sussex due to the schools' being in different London salary weighting areas.

14.—(1) In respect of all primary schools to which sub-paragraph (2) applies, other than those which are middle schools or all-through schools, an amount calculated in accordance with sub-paragraphs (3) and (4).

(2) This sub-paragraph applies where—

- (a) in respect of those pupils for whom the school is their home school, the mean of the distances between each pupil's home and their second closest school is more than or equal to a distance determined by the local authority of at least two miles and the same distance must be applied to all such schools; and
- (b) the average size of a year group at the school (derived by dividing the number of pupils by the number of year groups) is less than a number determined by the local authority as applying to all such schools, which must be no more than 21.4.

(3) Subject to sub-paragraph (4), the amount is either—

- (a) a single sum of up to £100,000, and each school must be allocated the same sum, or
- (b) a sum of the amount $A \times (1 - B / C)$ where—

A is a sum of up to £100,000, and the same sum must be used in the calculation for each school;

B is the number of pupils in the school; and

C is the number determined by the authority in sub-paragraph (2)(b).

(4) The authority must use the same method of calculating the amount under sub-paragraph (3) in respect of all schools to which sub-paragraph (2) applies.

15.—(1) Where sub-paragraph (2) applies in respect of secondary schools, primary schools which are middle schools and primary schools which are all-through schools, an amount calculated in accordance with sub-paragraphs (3) and (4).

(2) This sub-paragraph applies where—

- (a) in respect of those pupils for which the school is their home school, the mean of the distances between each pupil's home and his or her second closest school is more than or equal to a distance determined by the local authority of at least—
 - (i) two miles in respect of middle schools,
 - (ii) two miles in respect of all-through schools, and
 - (iii) three miles in respect of secondary schools other than middle schools or all-through schools; and
- (b) the average size of a year group at the school (derived by dividing the number of pupils by the number of year groups) is less than a number determined by the local authority, which must be no more than—
 - (i) 69.2 in respect of middle schools,
 - (ii) 62.5 in respect of all-through schools, and

Status: This is the original version (as it was originally made).

(iii) 120 in respect of secondary schools other than middle schools or all-through schools, and the same number must be applied to all the schools of each type listed in this sub-paragraph.

(3) Subject to sub-paragraph (4) the amount is either—

(a) a single sum of up to £100,000, and each school must be allocated the same sum, or

(b) a sum of the amount $A \times (1 - B / C)$ where—

A is a sum of up to £100,000, and the same sum must be used in the calculation for each school;

B is the number of pupils in the school; and

C is the number determined by the authority in sub-paragraph (2)(b).

(4) The authority must use the same method of calculating the amount under sub-paragraph (3) in respect of all schools to which sub-paragraph (2) applies.

16.—(1) Where a school's per pupil amount is less than the minimum per pupil amount, the authority may determine the school's budget share based on the minimum per pupil amount.

(2) In this paragraph, the per pupil amount is A/B where—

(a) *A* is the notional budget share that the school would receive under the formula referred to in regulation 10(1), but for the operation of this paragraph; and

(b) *B* is the number of pupils at the school.

(3) In calculating *A*, the authority may deduct any premises factor allocation from the amount.

(4) 'Premises factor allocation' refers to—

(a) any additional funding that would be allocated to the school by virtue of paragraph 10 to 12 of this Schedule; or

(b) any additional funding that the local authority has allocated to the school which has been authorised by the Secretary of State under regulation 29(1)(g).

(5) In this paragraph, the minimum per pupil amount is the amount set out in sub-paragraphs (6), (7), (8) or (9), as the case may be.

(6) In the case of primary schools (other than nursery schools or middle schools), the primary minimum per pupil amount is an amount determined by the local authority, up to a maximum of £3,500.

(7) In the case of secondary schools (other than middle schools), the secondary minimum per pupil amount is an amount determined by the local authority, up to a maximum of £4,800.

(8) In the case of middle schools, the minimum per pupil amount is $A \times (B/C) + D \times (E/C)$, where—

(a) *A* is the primary minimum per pupil amount described in sub-paragraph (6);

(b) *B* is the number of primary-age year groups in the school;

(c) *C* is the number of year groups in the school;

(d) *D* is an amount determined by the local authority, up to a maximum of £4,200; and

(e) *E* is the number of secondary-age year groups in the school.

(9) In the case of all-through schools, the minimum per pupil amount is $A \times (B/C) + D \times (E/C)$, where—

(a) *A* is the primary minimum per pupil amount described in sub-paragraph (6);

(b) *B* is the number of primary-age year groups in the school;

- (c) C is the number of year groups in the school;
- (d) D is the secondary minimum per pupil described in sub-paragraph (7); and
- (e) E is the number of secondary-age year groups in the school.

PART 2

Applicable only to budget shares for, and amounts to be allocated to, providers of funded early years provision

- 17. The rurality or sparsity of the population of the area.
- 18. Pupils and children whose first language is not English.
- 19. The qualifications of staff.
- 20. The sharing of expertise with other early years providers.
- 21. The degree to which providers offer flexible provision to parents.