

## SCHEDULE 2

regulation 6

### CLASSES OR DESCRIPTIONS OF PLANNED EXPENDITURE WHICH MAY BE DEDUCTED FROM THE SCHOOLS BUDGET OF A LOCAL EDUCATION AUTHORITY

Expenditure of a class or description referred to in this Schedule includes expenditure on associated administrative costs and overheads.

#### Expenditure to support grants

- (a) (a) Expenditure (other than expenditure incurred in connection with any other paragraph of this Schedule or any paragraph of Schedule 1) which the authority is obliged to incur as a condition of a specific grant paid to the authority and which is taken into account in determining the amount of such specific grant.
- (b) Any amount which the authority is obliged to make available as a condition of grant paid under section 14 of the 2002 Act or under section 484 of the 1998 Act and which is taken into account in determining the amount of such grant, decisions regarding the expenditure of which are delegated to the governing body of a maintained school.

#### Provision of a specialised nature

2. Subject to paragraphs 3 and 4, expenditure in making the provision specified in a pupil's statement of special educational needs except where the pupil is —

- (a) a registered pupil at a special school maintained by the authority; or
- (b) a registered pupil at a primary or secondary school maintained by the authority who occupies one of a number of places at that school which are recognised by the authority as being reserved for children with special educational needs.

3. Where a pupil falls within paragraph 2(a) or (b) and the cost of the provision specified in the pupil's statement of special educational needs is significantly greater than that for the generality of pupils at the special school, or occupying the places at the primary or secondary school in question, the amount by which the expenditure incurred in making the provision specified in his or her statement of special educational needs is greater than that incurred in making provision for a pupil who falls within such generality of pupils.

4. Expenditure in making the provision specified in a pupil's statement of special educational needs where the pupil falls within paragraph 2(b) but the places which are recognised by the authority as being reserved for children with special educational needs are for such pupils with visual, hearing, speech or language impairments or other communication disorder.

5. Expenditure in respect of specialist support provided to assist the governing bodies of schools in meeting the particular needs of pupils with statements of special educational needs or who are within the scope of School Action Plus as described in the Code of Practice<sup>(1)</sup> issued under section 313 of the 1996 Act (being expenditure that it would be inappropriate to expect to be met from the school's budget share).

6. Expenditure for purposes connected with the encouragement of —

- (a) collaboration between special schools and primary and secondary schools to enable children with special educational needs to engage in activities at primary and secondary schools;
- (b) the education of children with special educational needs at primary and secondary schools; and

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(1) The Special Educational Needs Code of Practice for Wales (ISBN 0 7504 2757 4).

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

- (c) the engagement of children with special educational needs at primary and secondary schools in activities at the school with children who do not have special educational needs (being expenditure that it would be inappropriate to expect to be met from the school's budget share).
- 7. Expenditure in relation to education otherwise than at school under section 19 of the 1996 Act or in relation to a pupil referral unit as defined in that section.
- 8. Expenditure (other than expenditure incurred under Schedule 1 or any other paragraph of this Schedule) incurred on services required to implement a plan setting out the arrangements made, or proposed to be made, by the authority in connection with the education of children with behavioural difficulties under section 527A of the 1996 Act<sup>(2)</sup> and on other activities for the purpose of avoiding the exclusion of pupils from schools.
- 9. Expenditure on the payment of fees in respect of pupils with special educational needs —
  - (a) at independent schools or at special schools which are not maintained by a local education authority, under section 348 of the 1996 Act; or
  - (b) at an institution outside England and Wales, under section 320 of the 1996 Act.
- 10. Expenditure on payments to another local education authority pursuant to section 493 or 494 of the 1996 Act<sup>(3)</sup> or section 207 of the 2002 Act<sup>(4)</sup> (recoupment between local education authorities).
- 11. Expenditure on the provision of tuition in musical instruments or choral instruction (either to individuals or groups).
- 12. Expenditure on supporting travelling theatres so far as such expenditure is not covered by specific grants.
- 13. Expenditure in connection with the provision of Welsh language teaching by teachers who are employed to work otherwise than at a single school so far as such expenditure is not covered by specific grants.
- 14. Expenditure on the provision to schools of premises and facilities for sporting activities and outdoor activities (including premises provided on the site of a school for the benefit of the community at large).
- 15. Expenditure pursuant to section 512, 512ZA, 512ZB or 513 of the 1996 Act<sup>(5)</sup> which in relation to secondary schools relates to the provision of milk and in relation to any other school relates to the provision of milk or meals and other refreshment.
- 16. Expenditure on the repair and maintenance of a school kitchen where expenditure on meals in relation to the school concerned is deducted from the authority's schools budget pursuant to paragraph 15.
- 17. Expenditure on determining the eligibility of a pupil for free school meals.
- 18. Expenditure pursuant to section 18 of the 1996 Act in making any grant or other payment in respect of fees or expenses (of whatever nature) which are payable in connection with the attendance of pupils at a school which is not maintained by any local education authority.

(2) Section 527A was inserted by section 9 of the Education Act 1997 (c. 44) and amended by paragraph 144 of Schedule 30 to the 1998 Act.

(3) Section 493 is to be amended by section 208(1) of the 2002 Act on a day to be appointed.

(4) Section 207 is to be brought into force on a day to be appointed.

(5) Section 512 was substituted and sections 512ZA and 512ZB inserted by section 201 of the 2002 Act.

## Staff

**19.** Expenditure in making payments to, or in providing a temporary replacement for, a woman on maternity leave or to a person on adoption leave.

**20.** Expenditure in making payments to, or in providing a temporary replacement for, persons —

- (a) carrying out trade union duties or undergoing training under section 168 of the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(6)</sup>;
- (b) taking part in trade union activities under section 170 of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (c) performing public duties under section 50 of the Employment Rights Act 1996<sup>(7)</sup>;
- (d) undertaking jury service;
- (e) who are safety representatives under the Safety Representatives and Safety Committee Regulations 1977<sup>(8)</sup>;
- (f) who are representatives of employee safety under the Health and Safety (Consultation with Employees) Regulations 1996<sup>(9)</sup>;
- (g) who are employee representatives for the purposes of Chapter II of Part IV of the Trade Union and Labour Relations (Consolidation) Act 1992 as defined in section 196 of that Act or regulations 10 and 11 of the Transfer of Undertakings (Protection of Employment) Regulations 1981 as defined in regulation 11A of those Regulations<sup>(10)</sup>;
- (h) taking time off for ante-natal care under section 55 of the Employment Rights Act 1996;
- (i) undertaking duties as members of the reserve forces as defined in section 1(2) of the Reserve Forces Act 1996<sup>(11)</sup>;
- (j) suspended from working at a school;
- (k) who are members of the General Teaching Council for Wales or a committee thereof; or
- (l) who are appointed learning representatives of trade unions, in order for them to analyse training requirements or to provide or promote training opportunities, and to carry out consultative or preparatory work in connection with such functions.

**21.** Expenditure in making payments to, or in providing a temporary replacement for, a person who is seconded on a full-time basis for a period of three months or more other than to a local education authority or the governing body of a school.

**22.** Expenditure in making payments to, or in providing a temporary replacement for, persons who have been continuously absent from work because of illness for 21 days or more.

**23.** Expenditure, not falling within Schedule 1, in relation to the recruitment, training, continuing professional development, performance management and personnel management of staff who are funded by expenditure not met from schools' budget shares.

## Other expenditure

**24.** Expenditure in connection with the provision of nursery education except where such provision is made at a maintained school or a maintained nursery school which has a budget share under section 45(1A) of the 1998 Act<sup>(12)</sup>.

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<sup>(6)</sup> 1992 c. 52.

<sup>(7)</sup> 1996 c. 18.

<sup>(8)</sup> S.I. 1977/500, amended by S.I. 1996/1513 and 1999/860.

<sup>(9)</sup> S.I. 1996/1513.

<sup>(10)</sup> S.I. 1981/1794; regulation 11A was inserted by S.I. 1995/2587 and amended by S.I. 1999/1925.

<sup>(11)</sup> 1996 c. 14.

<sup>(12)</sup> Section 45(1A) is to be brought into force on a day to be appointed.

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**25.** Expenditure on insurance in respect of liability arising in connection with schools and school premises except to the extent that governing bodies receive funding for insurance as part of their schools' budget shares.

**26.** Expenditure on licence fees or subscriptions paid on behalf of schools provided that the expenditure does not amount in total to more than 0.2 per cent of the authority's schools budget.

**27.** Expenditure incurred in responding to a report of an inspection under section 10 of the School Inspections Act 1996<sup>(13)</sup>.

**28.** Expenditure on library services and museum services for schools.

**29.** Expenditure without which the education of pupils at a school would be seriously prejudiced and which because of either —

- (a) its size and unexpectedness; or
- (b) its size and unavailability,

it would not be reasonable to expect the governing body to meet from the school's budget share.

**30.** Expenditure on increases to a school's budget share to which the school is entitled by virtue of the authority's formula or the re-determination of budget shares under the authority of the National Assembly or expenditure on the correction of errors.

**31.** Expenditure for purposes not falling within any other paragraph of this Schedule provided that the expenditure does not amount in total to more than 0.1 per cent. of the authority's schools budget.

**32.** CERA incurred for purposes not falling within any other paragraph of this Schedule or Schedule 1.

**33.** Expenditure incurred pursuant to paragraph 7 of Schedule 11 to the 1998 Act or section 22 of the Education Act 2002<sup>(14)</sup> in the training of governors to enable the effective discharge of their functions in so far as this is not provided by specific grants.

**34.** Expenditure incurred in relation to the training of clerks to the governing bodies to enable the effective discharge of their functions.

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<sup>(13)</sup> 1996 c. 57.

<sup>(14)</sup> Section 22 is to be brought into force on a day to be appointed.