

## SCHEDULE 1

### Classes or Descriptions of Planned Expenditure Prescribed for the Purposes of the LEA Budget of a Local Authority

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

#### **Additional learning needs**

1. Expenditure on services provided by educational psychologists.
2. Expenditure in connection with the authority's functions under sections 321 to 331 of the 1996 Act (which functions relate to the identification and assessment of children with special educational needs and the making, maintaining and reviewing of statements for such children).
3. Expenditure on monitoring the provision for pupils in schools (whether or not maintained by the authority) for the purposes of disseminating good practice in relation to, and improving the quality of educational provision for, children with special educational needs.
4. Expenditure on collaboration with other statutory and voluntary bodies to provide support for children with special educational needs.
5. Expenditure in connection with—
  - (a) the provision of parent partnership services or other guidance and information to the parents of pupils with special educational needs which, in relation to pupils at a school maintained by the authority, is in addition to the information usually provided by the governing bodies of such schools; or
  - (b) arrangements made by the authority with a view to avoiding or resolving disagreements with the parents of children with special education needs.
6. Expenditure incurred in relation to the preparation of any part of the authority's Children and Young People's Plan relating to the education of children with behavioural difficulties.

#### **Health and child protection**

7. Expenditure on carrying out the authority's child protection functions under the Children Act 1989<sup>(1)</sup> and under section 175 of the 2002 Act and other functions relating to child protection.
8. Expenditure incurred in entering into, or subsequently incurred pursuant to, an arrangement under section 31 of the Health Act 1999<sup>(2)</sup> or regulations made under section 33 of the National Health Service (Wales) Act 2006<sup>(3)</sup>.
9. Expenditure in providing special medical support for individual pupils in so far as such expenditure is not met by a National Health Service Trust, Local Health Board or the Welsh Ministers.

#### **School improvement**

10. Expenditure incurred by the authority in respect of action to support the improvement of standards in the authority's schools, including, in particular—

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(1) 1989 c. 41.

(2) 1999 c. 8.

(3) 2006 c. 42.

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- (a) expenditure incurred in connection with the exercise of their functions under section 197 of the 2002 Act (partnership agreements);
- (b) expenditure incurred in connection with entering into a contract pursuant to a direction under section 63 of the 2002 Act<sup>(4)</sup> (contracts to obtain services of an advisory nature in respect of schools with serious weaknesses or schools requiring special measures);
- (c) expenditure incurred in connection with the exercise of their functions under section 14 to 17 of the 1998 Act<sup>(5)</sup> (powers of intervention, of appointment of additional governors and of suspension of delegated budgets in schools causing concern); and
- (d) expenditure on the appointment and remuneration of interim executive members under section 16A of the 1998 Act<sup>(6)</sup>.

### Access to education

#### 11. Expenditure in relation to the following matters—

- (a) management of the authority's capital programme including preparation and review of an asset management plan and negotiation and management of private finance transactions;
- (b) the authority's functions in relation to the exclusion of pupils from schools or pupil referral units, excluding the making of any provision of education to such pupils, but including advice to the parents of an excluded pupil;
- (c) administering the system for admissions of pupils to schools (including admissions appeals and carrying out consultations under section 89(2) of the 1998 Act<sup>(7)</sup>);
- (d) expenditure incurred in connection with the authority's functions under section 85A of the 1998 Act<sup>(8)</sup> (which provides for the establishment and maintenance of admission forums);
- (e) the authority's functions under the Learner Travel (Wales) Measure 2008<sup>(9)</sup>;
- (f) the authority's functions under sections 510 and 514 of the 1996 Act (provision and administration of clothing grants and boarding grants), and pursuant to regulations made under section 518(1) of the 1996 Act<sup>(10)</sup>.

12. Expenditure on the Education Welfare Service and other expenditure arising from the authority's functions under Chapter 2 of Part 6 of the 1996 Act (school attendance).

13. Expenditure on the provision of support for students under section 1(1) of the Education Act 1962<sup>(11)</sup> and under section 22 of the Teaching and Higher Education Act 1998<sup>(12)</sup>.

14. Expenditure on discretionary grants under section 1(6) or 2 of the Education Act 1962 (awards for designated and other courses).

15. Expenditure on the payment to persons over compulsory school age of allowances pursuant to regulations made under section 518(1)(b) of the 1996 Act.

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(4) Section 63 was amended by section 61 of the Education Act 2005, and section 71 of, and Schedule 7 to, the Education and Inspections Act 2006.

(5) 1998 c. 31. Sections 14 to 17 have been amended by sections 55 to 57 of, and Schedule 5 and paragraphs 92 to 94 of Schedule 21 to, the Education Act 2002, and by paragraphs 14 to 18 of Schedule 9 to the Education Act 2005.

(6) Section 16A was inserted by section 57 of the Education Act 2002.

(7) Section 89(2) was substituted by section 51 of, and paragraph 5 of Schedule 4 to, the Education Act 2002, and amended by section 45 of the Education and Inspections Act 2006.

(8) Section 85A was inserted by section 46 of the Education Act 2002, and amended by section 41 of the Education and Inspections Act 2006.

(9) 2008 nawm 2.

(10) Section 518 was substituted by section 129 of the School Standards and Framework Act 1998.

(11) 1962 c. 12.

(12) 1998 c. 30.

16. Expenditure on the payment to persons over compulsory school age of allowances in connection with education or training made under section 14 of the 2002 Act or pursuant to regulations made under section 181(1) of the 2002 Act.

### **Education, training and services for young persons and adults**

17. Expenditure on the provision of education and training and of organised leisure time occupation and other provision under sections 15A and 15B of the 1996 Act(13).

18. Expenditure on the provision by the local authority under sections 15A and 508 of the 1996 Act(14) of recreation and social and physical training, and on the authority's provision of services under section 123 of the 2000 Act to encourage and enable the participation by young people in education and training.

19. Expenditure in relation to the local authority's functions in connection with the local curriculum under sections 116A to 116O of the 2002 Act(15) and sections 33J to 33L of the 2000 Act(16).

### **Strategic management**

20. Expenditure in their capacity as a local education authority in relation to—

- (a) functions of the Chief Education Officer and his or her personal staff;
- (b) planning for the education service as a whole including—
  - (i) planning and managing the supply of school places, and functions in relation to the establishment, alteration or discontinuance of schools pursuant to Chapter 2 of Part 2 of the 1998 Act or section 113A of, and Schedule 7A to, the 2000 Act;
  - (ii) the preparation of any part of the authority's Children and Young People's Plan relating to school organisation and school improvement; and
  - (iii) responding to policy statements and consultation papers;
- (c) functions of the authority under Part 1 of the Local Government Act 1999(17) (Best Value) or Part 1 of the Local Government (Wales) Measure 2009(18) (local government improvement) and the provision of advice to assist governing bodies in procuring goods and services with a view to securing continuous improvement in the way the functions of those governing bodies are exercised, having regard to a combination of economy, efficiency and effectiveness;
- (d) revenue budget preparation; the preparation of information on income and expenditure relating to education, for incorporation into the authority's annual statement of accounts; the external audit of grant claims and returns relating to education and functions of the authority under section 44 of the 2002 Act;
- (e) administration of grants to the authority (including preparation of applications), functions imposed by or under Chapter 4 of Part 2 of the 1998 Act and, where it is the authority's duty to do so, ensuring payments are made in respect of taxation, national insurance and superannuation contributions;

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(13) Section 15A was inserted by section 140 of, and paragraph 63 of Schedule 30 to, the School Standards and Framework Act 1998, and was amended by section 149 of, and paragraph 54 of Schedule 9 to, the Learning and Skills Act 2000. Section 15B was inserted by section 149 of, and paragraph 55 of Schedule 9 to, the Learning and Skills Act 2000.

(14) Section 508 was amended by section 137 of the Learning and Skills Act 2000, and section 6(2) of the Education and Inspections Act 2006.

(15) Sections 116A to 116O of the 2002 Act were inserted by sections 4 to 18 of the [Learning and Skills \(Wales\) Measure 2009](#) (nawm 1).

(16) Sections 33J to 33L of the 2000 Act were inserted by sections 31 to 33 of the Learning and Skills (Wales) Measure 2009.

(17) 1999 c. 27.

(18) 2009 nawm 2.

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- (f) authorisation and monitoring of—
  - (i) expenditure which is not met from schools' budget shares; and
  - (ii) expenditure in respect of schools which do not have delegated budgets, and all related financial administration;
- (g) the authority's monitoring of compliance with the requirements of their financial scheme maintained under section 48 of the 1998 Act<sup>(19)</sup>;
- (h) the authority's functions under section 27 of the 2002 Act (provision of community facilities by governing bodies);
- (i) tasks necessary for the discharge of the authority's chief finance officer's responsibilities under section 151 of the Local Government Act 1972<sup>(20)</sup>;
- (j) recruitment, training, continuing professional development, performance management and personnel management of staff who are funded by expenditure not met from schools' budget shares and who are paid for services carried out in relation to those of the authority's functions and services which are referred to in this Schedule;
- (k) investigations which the authority carry out of employees or potential employees of the authority or of governing bodies of schools, or of persons otherwise engaged or to be engaged (with or without remuneration) to work at or for schools;
- (l) functions of the authority in relation to superannuation, including the administration of teachers' pensions, other than functions which have been delegated to the governing bodies of schools;
- (m) retrospective membership of pension schemes and retrospective elections made in respect of pensions where it would not be appropriate to expect the governing body of a school to meet the cost from the school's budget share;
- (n) advice, in accordance with the authority's statutory functions, to governing bodies in relation to staff paid, or to be paid, to work at a school, and advice in relation to the management of all such staff collectively at any individual school ("the school workforce"), including in particular advice with reference to alterations in remuneration, conditions of service and the collective composition and organisation of such school workforce;
- (o) determination of conditions of service for non-teaching staff and advice to schools on the grading of such staff;
- (p) the authority's functions relating to the appointment or dismissal of employees;
- (q) consultation and functions preparatory to consultation with or by governing bodies, pupils and persons employed at schools or their representatives, or with other interested bodies;
- (r) compliance with the authority's duties under the Health and Safety at Work etc Act 1974<sup>(21)</sup> and the relevant statutory provisions as defined in section 53(1) of that Act in so far as compliance cannot reasonably be achieved through tasks delegated to the governing bodies of schools; but including expenditure incurred by the authority in monitoring the performance of such tasks by governing bodies and where necessary the giving of advice to them;
- (s) the investigation and resolution of complaints including action taken to assist a governing body in handling a complaint;

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<sup>(19)</sup> Section 48 was amended by section 40 of, and paragraph 2 of Schedule 3 to, the 2002 Act, by section 117 of, and paragraph 7 of Schedule 18 to, the 2005 Act, and by sections 57 and 184 of, and paragraph 3 of Schedule 5 and Part 6 of Schedule 18 to, the Education and Inspections Act 2006.

<sup>(20)</sup> 1972 c. 70.

<sup>(21)</sup> 1974 c. 37.

- (t) legal services relating to the statutory functions of the authority;
- (u) the preparation and review of plans involving collaboration with other local authority services or with public or voluntary bodies;
- (v) the preparation and publication of any part of the authority's Children and Young People's Plan relating to early years development and childcare and the provision of (but not the expenditure authorised by) an early years development and childcare partnership under section 119 of the 1998 Act;
- (w) provision of information to or at the request of the Welsh Ministers, a government department or any body exercising functions on behalf of the Crown and the provision of other information which the authority are under a duty to make available;
- (x) the authority's duties under Article 4(2) and (5) of the Race Relations Act 1976 (Statutory Duties) Order 2001<sup>(22)</sup>;
- (y) the remittance of fees payable to the General Teaching Council for Wales by virtue of sections 4(4) and 9(1) of the Teaching and Higher Education Act 1998 and the provision of information required by the Council pursuant to regulations made under section 12 of that Act<sup>(23)</sup>;
- (z) expenditure incurred in connection with the authority's functions pursuant to regulations made under section 12 of the 2002 Act (supervising by authorities of companies formed by governing bodies); and
- (aa) expenditure incurred in connection with the authority's functions under the Disability Discrimination Act 1995<sup>(24)</sup> in so far as compliance cannot reasonably be achieved through tasks delegated to the governing bodies of schools; but including expenditure incurred by the authority in monitoring the performance of such tasks by governing bodies and where necessary the giving of advice to them.

21. Expenditure in connection with monitoring the performance of schools, monitoring the management of delegated budgets and with monitoring the management and governance of schools.

22. Expenditure on establishing and maintaining electronic computer systems, including data storage, in so far as they link, or facilitate the linkage of, the authority to schools which they maintain, such schools to each other or such schools to other persons or institutions.

23. Expenditure on monitoring National Curriculum assessment arrangements required by orders made under section 108 of the 2002 Act.

24. Expenditure in connection with the authority's functions in relation to the Standing Advisory Council on Religious Education constituted by the authority under section 390 of the 1996 Act or in the reconsideration and preparation of an agreed syllabus of religious education in accordance with Schedule 31 to the 1996 Act.

25. Expenditure in respect of the dismissal or premature retirement of, or for the purpose of securing the resignation of, or in respect of acts of discrimination against, any person.

26. Expenditure in respect of a teacher's emoluments under section 19(9) of the Teaching and Higher Education Act 1998.

27. Expenditure on making pension payments, other than in respect of staff employed in schools.

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(22) S.I.2001/3458.

(23) 1998 c. 30. Section 12 was amended by sections 148 and 215 of the Education Act 2002 and paragraph 8 of Schedule 12 and paragraph 81 of Schedule 21 to that Act.

(24) 1995 c. 50.

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**28.** Expenditure in pursuance of a binding agreement, where the other party is a local authority, or other parties include one or more local authorities, in relation to the operation of a facility provided partly but not solely for the use of schools.

**29.** Expenditure in respect of the functions of an appropriate body under regulations pursuant to section 19(2)(g) of the Teaching and Higher Education Act 1998**(25)**.

**30.** Expenditure on the appointment of governors, the making of instruments of government, the payment of expenses to which governors are entitled and which are not payable from a school's budget share and the provision of information to governors.

**31.** Any expenditure on insurance other than for liability arising in connection with schools or school premises.

**32.** Expenditure incurred in connection with the authority's functions under section 47A of the 1998 Act (the establishment and maintenance of, and consultation with, schools forums).

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**(25)** See the Education (Induction Arrangements for School Teachers (Wales) Regulations 2005, S.I. [2005/1818](#).