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STATUTORY INSTRUMENTS

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**1990 No. 1857**

**EDUCATION, ENGLAND AND WALES**

**The Education (Training Grants) Regulations 1990**

*Made* - - - - *12th September 1990*

*Laid before Parliament* *14th September 1990*

*Coming into force* - - *5th October 1990*

In exercise of the powers conferred on the Secretary of State by sections 50 and 63 of the Education (No. 2) Act 1986,<sup>(1)</sup> the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education (Training Grants) Regulations 1990 and shall come into force on 5th October 1990.

**Interpretation**

2.—(1) In these Regulations—

“determine” means determine by notice in writing;

“education authority” means a local education authority;

“eligible training” means training of a kind mentioned in regulation 4;

“expenditure” means expenditure of a kind mentioned in regulation 5;

“expenditure incurred by an education authority” includes expenditure incurred—

(a) by the governing body of an aided school,

(b) by the persons responsible for the maintenance of a special school not maintained by an education authority or of an institution of further or higher education, or

(c) by persons employing youth and community workers,

and reimbursed by the authority;

“further education” has the meaning assigned to it by section 41 of the Education Act 1944;<sup>(2)</sup>

“grant” means a grant in pursuance of these Regulations;

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(1) 1986 c. 61; for the expression “prescribed” see section 67(3) of that Act and section 114 of the Education Act 1944 (c. 31), and for the transfer of functions to the Secretary of State see S.I. 1964/490, 1970/1536 and 1978/274.

(2) 1944 c. 31; section 41 was substituted by section 120(2) of the Education Reform Act 1988 (c. 401).

“higher education” has the meaning assigned to it by section 120(1) of the Education Reform Act 1988;(3)

“higher rate” means 65 per cent;

“institution of further or higher education” means an institution providing further education or higher education or both and either–

- (a) maintained by an education authority, or
- (b) designated by or under regulations(4) for the time being in force under section 218 of the Education Reform Act 1988 as an institution substantially dependent for its maintenance on assistance from education authorities or on grants under section 100(1)(b) of the Education Act 1944;(5)

“nursery nurse” means a person who holds the Certificate in Nursery Nursing or the Certificate in Post-Qualifying Studies of the National Nursery Examination Board or the National Diploma in Caring Services of the Business & Technician Education Council and who is employed in connection with the education of children under the age of 5;

“qualified teacher” means a person who, by virtue of the regulations(6) relating to the employment of teachers from time to time in force under section 218 of the Education Reform Act 1988, is qualified to be employed as a teacher at a school of the kind described in subsection (12) of that section;

“special educational needs” has the meaning assigned to it by section 1 of the Education Act 1981;(7)

“standard rate” means 60 per cent;

“trainee” means a person undergoing eligible training in respect of whom grant is payable under these Regulations.

(2) In these Regulations a reference to a regulation is a reference to a regulation contained therein and a reference in a regulation to a paragraph is a reference to a paragraph of that regulation.

### **Employment connected with leisure-time facilities**

3. All categories of employment connected with leisure-time facilities, excluding those of a solely administrative, secretarial, clerical or manual nature, are hereby prescribed for the purpose of the definition of “youth and community worker” in section 50(4) of the Education (No. 2) Act 1986.

### **Grants by the Secretary of State**

4. The Secretary of State is hereby authorised, subject to and in accordance with these Regulations, to make grants to education authorities to facilitate and encourage–

- (a) the further training as teachers of qualified teachers, whether or not they are employed as such;
- (b) the training or further training as teachers of persons other than qualified teachers who are employed as teachers by an education authority, by the governing body of an aided school or by the persons responsible for the maintenance of a special school not maintained by an education authority or of an institution of further or higher education;

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(3) 1988 c. 40.

(4) Regulations in which such institutions are currently designated are the Higher Education (Wales) Regulations 1989 (S.I. 1989/220), the Education (Schools and Further and Higher Education) Regulations 1989 (S.I. 1989/351) and the Education (Teachers) Regulations 1989 (S.I. 1989/1319, as amended by S.I. 1990/1561).

(5) 1944 c. 31, amended by section 213(3) of the Education Reform Act 1988 (c. 40).

(6) The Regulations currently in force are the Education (Teachers) Regulations 1989 (S.I. 1989/1319, amended by S.I. 1989/1541 and 1990/1561).

(7) 1981 c. 60.

- (c) the training as teachers of students studying for the Postgraduate Certificate in Education under arrangements made with an education authority for their training in schools maintained by the authority and known as the “Articled Teachers Scheme”;
- (d) the training of qualified teachers (whether or not they are employed as such) and other persons who are employed as teachers by an education authority, by the governing body of an aided school or by the persons responsible for the maintenance of an institution of further or higher education as—
  - (i) youth and community workers,
  - (ii) educational psychologists,
  - (iii) education authority inspectors, or
  - (iv) education advisers;
- (e) the training or further training of those employed—
  - (i) as youth and community workers,
  - (ii) as educational psychologists,
  - (iii) as education authority inspectors, or
  - (iv) by an education authority as education advisers;
- (f) the further training of those employed by an education authority as nursery nurses.

#### **Expenditure in respect of which grants are payable**

**5.** Grants shall be payable only in respect of expenditure incurred or to be incurred by an education authority on or after 1st April 1991 on—

- (a) tuition fees, examination fees and residential and other charges payable in respect of eligible training;
- (b) discretionary awards under section 2 of the Education Act 1962<sup>(8)</sup> paid as bursaries to students participating in the Articled Teachers Scheme referred to in regulation 4(c);
- (c) travelling, subsistence and other incidental expenses of a trainee;
- (d) that part of the remuneration of persons whose employment is necessary to free the trainee for training which relates to the period during which their employment is so necessary;
- (e) the cost of providing, planning, co-ordinating, monitoring and evaluating eligible training, including the provision of premises for such training:

provided that where such costs are incurred for such purposes and for other purposes grant shall be payable only on such proportion of those costs as is attributable to the provision, planning, co-ordinating, monitoring or evaluation of eligible training.

#### **Conditions for payment of grant**

**6.** It shall be a condition for the payment of grant to any education authority that the authority shall have submitted to the Secretary of State proposals for expenditure to be incurred by them on eligible training—

- (a) in such form,
- (b) at such time,
- (c) containing such particulars of expenditure which the authority proposes to incur on training eligible for grant at the higher rate, and

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<sup>(8)</sup> 1962 c. 12; section 2, as amended, is set out in Schedule 5 to the Education Act 1980 (c. 20).

(d) containing such particulars of expenditure which the authority proposes to incur in respect of such other eligible training,  
as the Secretary of State may determine.

### **Amount of grant**

7.—(1) The Secretary of State shall notify the education authority in writing of the maximum amount of expenditure to be incurred by the authority on training for each particular purpose which will be eligible for grant, which maximum amount may, in any case, be nil.

(2) Where it appears to the Secretary of State that an education authority does not expect to incur expenditure up to, or wishes to incur expenditure in excess of, a maximum amount notified for a particular purpose under paragraph (1), the Secretary of State may, after consulting the authority, by notice in writing to the authority reduce or increase the maximum amount of expenditure so notified. A notice given under this paragraph shall, for the purposes of these Regulations, be deemed to be a notice of the maximum amount of expenditure to be incurred by the authority on training for that particular purpose which will be eligible for grant.

### **Rate of grant**

8.—(1) Grant at the higher rate shall be payable on any expenditure incurred by an education authority on training for the following purposes, namely—

- (a) training to meet the special educational needs of pupils who have disabilities of hearing;
- (b) training to meet the special educational needs of pupils who have disabilities of sight;
- (c) training to meet the special educational needs of pupils who have severe learning difficulties, including pupils who are both deaf and blind;
- (d) training teachers who have special responsibility for pupils with special educational needs in schools other than special schools;
- (e) training to develop the skills of staff responsible for organising or making provision for students with special educational needs in institutions of further or higher education;
- (f) training educational psychologists;
- (g) training licensed teachers;
- (h) training students participating in the Articled Teachers Scheme referred to in regulation 4(c);
- (i) training teachers to teach Welsh as a second language or to teach through the medium of Welsh;

up to the maximum amount for such expenditure notified under regulation 7(1) or (2).

(2) Grant at the standard rate shall be payable on any expenditure incurred by an education authority on any other eligible training up to the maximum amount so notified.

### **Applications for payment of grant**

9.—(1) No payment of grant shall be made except in response to an application in writing from an education authority to the Secretary of State, authenticated by the officer of the authority responsible for the administration of their financial affairs or his deputy.

(2) Applications for the payment of grant shall relate to expenditure incurred or to be incurred during one or more of the following periods—

- (a) 1st April to 31st July;
- (b) 1st August to 31st December;

(c) 1st January to 31st March;

and contain such particulars as the Secretary of State may determine.

(3) Where an application relating to expenditure which has been or which it is estimated will be incurred during the period commencing on 1st January in any year is submitted on or before 15th March in that year, such payment as the Secretary of State may determine but not exceeding three-quarters of the grant applied for in respect of that expenditure may be made forthwith, but no further payment of grant shall be made in respect of that expenditure until an application has been submitted in accordance with paragraph (4)(a).

(4) Each authority that has received or seeks to receive a payment of grant in respect of expenditure incurred during the year ending on 31st March, shall, during the period commencing on 1st April or as soon as practicable thereafter—

- (a) submit to the Secretary of State an application which shall specify the expenditure in respect of which grant has been or is being applied for which has been incurred by the authority during that year; and
- (b) secure the submission to the Secretary of State of an unqualified certificate, signed by the auditor appointed by the Audit Commission to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 13(5) and (6) of the Local Government Finance Act 1982<sup>(9)</sup> certifying that in his opinion the particulars stated in the application submitted by the authority pursuant to this paragraph are fairly stated and that a grant at the rate applied for is properly payable pursuant to these Regulations.

(5) No payment of grant shall be made on or after 1st April 1991 in respect of expenditure by an education authority incurred in the period beginning on 1st August in any year or any subsequent period if grant was paid to the authority in respect of expenditure in the year ending on the preceding 31st March but the Secretary of State has not yet received the auditor's certificate referred to in paragraph (4)(b) for that year.

(6) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (4)(b) shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant to the authority, be adjusted by payment between the authority and the Secretary of State.

### **Requests to be complied with**

**10.** Any education authority to whom a payment of grant has been made shall, if so requested by the Secretary of State, furnish him with such further information as may be determined by him to enable him to verify that any grant paid has been properly paid under these Regulations.

**11.** Any education authority to whom payments of grant are made shall comply with such requests (including requests for the repayment of grant or the payment to the Secretary of State of other sums related to the value of assets acquired, provided or improved with the aid of grant or interest on sums due to him) as may be determined by the Secretary of State in the case in question.

### **Further Conditions and Requests**

**12.—(1)** The Secretary of State may from time to time determine further conditions on the fulfilment of which the making of any payment in pursuance of these Regulations shall be dependent.

(2) Where conditions have been determined in pursuance of this regulation no grant shall be payable unless such conditions have either been fulfilled or been withdrawn in pursuance of paragraph (3).

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(9) 1982 c. 32.

(3) The Secretary of State may determine to withdraw or, after consulting the education authority, vary conditions determined in pursuance of this regulation.

### **Revocation and Transitional Provisions**

**13.** The Education (Training Grants) Regulations 1987(**10**), the Education (Training Grants) (Amendment) Regulations 1988(**11**) and the Education (Training Grants) (Amendment) Regulations 1990(**12**) are hereby revoked, but nothing in this regulation shall prevent the Secretary of State making payments of grant authorised by those regulations in respect of expenditure incurred on or before 31st March 1991, or affect any condition or request prescribed by or determined under any of the regulations so revoked.

12th September 1990

*John MacGregor*  
Secretary of State for Education and Science

12th September 1990

*David Hunt*  
Secretary of State for Wales

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(10) S.I. [1987/96](#).  
(11) S.I. [1988/355](#).  
(12) S.I. [1990/221](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations consolidate, with amendments, the Education (Training Grants) Regulations 1987, as amended. In addition to minor and drafting amendments, the following changes of substance are made.

The Secretary of State is authorised by regulation 4(f) to make grants to local education authorities to facilitate and encourage the further training of nursery nurses employed by local education authorities.

Regulation 8 sets out those training purposes, expenditure in respect of which, up to the maximum amount notified by the Secretary of State, attracts grant at the higher rate (65%). There is no longer any reference to training in a national priority area. Expenditure on all other eligible training, up to the maximum amount notified by the Secretary of State, attracts grant at the standard rate. The standard rate of grant is 60% whereas the lower rate of grant under the Education (Training Grants) Regulations 1987 was 50%.

Regulation 9(3) authorises the Secretary of State to make limited payments on account in respect of applications for grant submitted for the period January–March, the balance to be payable on submission of an application relating to actual expenditure in the year ended on 31st March.

Regulation 11 imposes an obligation on a local education authority to whom payments of grant are made to comply with such requests as may be determined by the Secretary of State in the case in question.