
STATUTORY INSTRUMENTS

1994 No. 1697

EDUCATION, ENGLAND AND WALES

**The Education (Amount to Follow
Permanently Excluded Pupil) Regulations 1994**

Made - - - - - *28th June 1994*
Laid before Parliament *7th July 1994*
Coming into force - - - *1st September 1994*

In exercise of the powers conferred on the Secretary of State by section 262(2) and (4) of the Education Act 1993(1), the Secretary of State for Education, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Amount to Follow Permanently Excluded Pupil) Regulations 1994 and shall come into force on 1st September 1994.

(2) In these Regulations—

“the Act” means the Education Act 1993;

“the 1988 Act” means the Education Reform Act 1988(2).

Determination of amount

2.—(1) The appropriate amount of funding—

- (a) to be transferred for the purposes of section 262(2) of the Act (former provider to pay new provider where pupil permanently excluded from school maintained by local education authority, grant-maintained school or grant-maintained special school);
- (b) to be subtracted from the budget share of a school covered by a local education authority’s scheme in accordance with that scheme pursuant to section 262(4)(a) of the Act (school’s budget share to be reduced where pupil permanently excluded from school covered by local education authority scheme); and
- (c) to be allocated for the purposes of such a school in accordance with the scheme pursuant to section 262(4)(b) of the Act (amount to be allocated where permanently excluded pupil admitted to school covered by local education authority scheme),

(1) 1993 c. 35. For the meaning of “regulations” see section 305(1).

(2) 1988 c. 40.

shall be the amount determined by the application of the following formula—

$$A \times \frac{B}{C}$$

where

A is the amount attributable in accordance with the allocation formula under the local education authority's scheme as it applies in the financial year in which the relevant date falls to each registered pupil of the age of the excluded pupil or falling within the age group within which the excluded pupil falls at schools covered by the scheme; and for the purposes of this definition the reference to the local education authority is a reference to the local education authority maintaining the school from which the pupil is excluded or, where the pupil is excluded from a grant-maintained school, the local education authority in whose area the school is situated or, where the pupil is excluded from a grant-maintained special school, the local education authority which formerly maintained the school.

B is the number of days on which the school is to meet in the financial year falling on or after the relevant date; and

C is 190.

(2) In this regulation—

“allocation formula” has the meaning assigned to it by section 38(2) of the 1988 Act;

“budget share” in relation to schools means the school's budget share within the meaning of section 33(2) of that Act⁽³⁾;

“scheme” has the meaning assigned to it by section 51(2)(a) of that Act⁽⁴⁾; and

“relevant date” means—

- (a) the date upon which permanent exclusion first takes effect in accordance with section 262(9) of the Act; or
- (b) in the case of a permanently excluded pupil who is first provided with education in a pupil referral unit or otherwise than at school the date on which that pupil is subsequently admitted to a school.

27th June 1994

John Patten
Secretary of State for Education

28th June 1994

John Redwood
Secretary of State for Wales

(3) Section 33 was amended by the Further and Higher Education Act 1992 (c. 13), section 12(5).

(4) Section 51(2)(a) was amended by section 274(4) of the Education Act 1993.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 262 of the Education Act 1993 provides for amounts to be transferred where pupils who have been permanently excluded from a school maintained by a local education authority, a grant-maintained school or a grant-maintained special school receive education in another such school, or a pupil referral unit or pursuant to a local education authority's duty to provide education otherwise than at school. These Regulations prescribe for the purposes of section 262(2) and (4) of that Act the method of determining the appropriate amount of funding which is to be transferred following such an exclusion.