
STATUTORY INSTRUMENTS

1994 No. 612

EDUCATION, ENGLAND AND WALES

The Education (Grants for Education Support and Training) Regulations 1994

<i>Made</i>	- - - -	<i>6th March 1994</i>
<i>Laid before Parliament</i>		<i>10th March 1994</i>
<i>Coming in to force</i>	- -	<i>1st April 1994</i>

In exercise of the powers conferred upon the Secretary of State by sections 1 and 3(4) of the Education (Grants and Awards) Act 1984(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 and commencement

1. These Regulations may be cited as the Education (Grants for Education Support and Training) Regulations 1994 and shall come into force on 1st April 1994.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Education (Grants and Awards) Act 1984;

“approved expenditure” means any expenditure which is approved as provided in regulation 3;

“determine” means determine by notice in writing;

“education authority” means a local education authority;

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

“grant-maintained school” has the meaning assigned to it by sections 22(1) and 221(4) of the Education Act 1993;

“head teacher mentor programme” means a programme of regional projects for the training of inexperienced head teachers whereby experienced head teachers give advice and assistance to support the professional development of inexperienced head teachers;

(1) 1984 c. 11; section 1 was amended by section 278 of the Education Act 1993 (c. 35).

“leisure time facilities” means facilities of a kind which education authorities are under the duty imposed by sections 41(3)(b) and 53(1) of the Education Act 1944(2) to secure are provided within their areas;

“maintained school” means a school maintained by an education authority;

“mentor” means an experienced head teacher giving advice and assistance under a head teacher mentor programme;

“prescribed expenditure” means expenditure by an education authority for or in connection with any of the purposes specified in the Schedule hereto;

“primary school”, “pupil” and “school” have the meanings assigned to them by section 114 of the Education Act 1944(3);

“qualified teacher” means a person who, by virtue of the regulations(4) relating to the employment of teachers from time to time in force under section 218 of the Education Reform Act 1988(5), 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 156(1) of the Education Act 1993;

“special school” has the meaning assigned to it by section 9(5) of the Education Act 1944(6);

“technology college” means a voluntary aided school in respect of which a direction has been given under section 4A of the Education (No.2) Act 1986(7) and which is for the time being recognised as a technology college by the Secretary of State for Education;

“voluntary aided school” has the meaning assigned to it by section 15 of the Education Act 1944(8); and

“youth and community worker” means a person employed in connection with leisure-time facilities, other than those employed in a solely administrative, secretarial, clerical or manual capacity.

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

Expenditure in respect of which grants are payable

3. Grants shall only be payable in respect of prescribed expenditure incurred or to be incurred in a financial year to the extent to which that expenditure is approved for that year by the Secretary of State for the purposes of these Regulations.

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- (2) 1944 c. 31; section 41 was substituted by section II of the Further and Higher Education Act 1992 (c. 13); and section 53(1) was amended by Part 1 of Schedule I to the Education (Miscellaneous Provisions) Act 1948 (c. 40), Schedule 7 to the Education Act 1980 (c. 20), and paragraph 54 of Schedule 12 to the Education Reform Act 1988 (c. 40).
- (3) The definition of “primary school” in section 114 was inserted by paragraph 13(2)(c) of Schedule 8 to the Further and Higher Education Act 1992; the definition of “pupil” was inserted by paragraph 13(2)(d) of Schedule 8 to that Act, and the definition of “school” was inserted by paragraph 13(2)(e) of Schedule 8 to that Act.
- (4) The regulations currently in force are the Education (Teachers) Regulations 1993 (S.I.1993/543, to which there are amendments not relevant to these Regulations).
- (5) Section 218 was amended by paragraph 49 of Schedule 8 to the Further and Higher Education Act 1992, by sections 290 and 291 of the Education Act 1993, and is prospectively amended on a date to be appointed by paragraph 136 of Schedule 19 to the Education Act 1993.
- (6) Section 9(5) was substituted by section 11(1) of the Education Act 1981 (c. 60). On a date to be appointed section 9(5) will be repealed and replaced by a new definition of “special school” in section 182(1) of the Education Act 1993.
- (7) 1986 c. 61; section 4A was inserted by section 271(1) of the Education Act 1993.
- (8) Section 15 was amended by section 14 of, and Part II of Schedule 2 to, the Education Act 1946 (c. 50), paragraph 1(2) of Schedule 1 to the Education Act 1980, paragraph 1 of Schedule 4 to the Education (No.2) Act 1986, and section 282(2) of the Education Act 1993.

Grants in respect of payments to third parties

4. Where—

- (a) an education authority incurs expenditure in making payments, whether by way of maintenance, assistance or otherwise, to any other body or persons (including another education authority) who incur expenditure for or in connection with educational purposes, and
- (b) that expenditure of the recipient of the payments or any part thereof would be prescribed expenditure if it were expenditure of the authority,

such payments shall to that extent be treated as prescribed expenditure for the purposes of these Regulations.

Rate of Grant

5.—(1) Subject to paragraph (2), grants in respect of approved expenditure incurred on or after 1st April 1994 shall be payable at the rate of 60 per cent. of such expenditure.

(2) Grants in respect of approved expenditure incurred by an education authority in England on or after 1st April 1994 in respect of items 13(b), 21 and 22 in the Schedule shall be payable at the rate of 100 per cent. of such expenditure.

Conditions for payment of grant

6.—(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 which relate to expenditure incurred on or after 1st April 1994 shall relate to expenditure over one or more of the periods specified in paragraph (3) and shall specify the approved expenditure in respect of which grant is applied for which has been or which it is estimated will be incurred by the education authority during each such period.

(3) The periods referred to in paragraph (2) are—

- (a) 1st April to 31st July;
- (b) 1st August to 31st December;
- (c) 1st January to 31st March.

(4) Where an application relating to approved expenditure which has been or which it is estimated will be incurred during the period commencing on 1st January and any year is submitted on or before 5th 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 (5)(a).

(5) Each education 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 approved expenditure in respect of which grant has been or is being applied for which has been incurred by the education authority during that year; and
- (b) secure the submission to the Secretary of State of a certificate signed by the auditor appointed by the Audit Commission for Local Authorities and the National Health Service in England and Wales to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 13(5), (5A) and (6) of the Local Government Finance Act

1982(9) certifying that in his opinion the particulars stated in the application submitted by the authority pursuant to this paragraph are fairly stated and that the expenditure incurred was approved for the purposes of section 1 of the Act.

(6) No payment of grant shall be made in respect of expenditure incurred by an education authority 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 (5)(b) for that year.

(7) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (5)(b) shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant to the education authority, be adjusted by payment between the authority and the Secretary of State.

7. Where at the time of approving expenditure for the purpose of these Regulations, the Secretary of State requests information in respect of any purpose listed in the Schedule hereto, payment of grant in respect of that purpose shall be conditional on that information being included in the education authority's application for payment of grant.

8.—(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 the 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).

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

Requirements to be complied with

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

10. Any education authority to whom a payment of grant has been made shall comply with such requirements (including requirements as to 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.

11. The Secretary of State may require any education authority to whom a payment of grant in respect of item 1, 2, 3(b), 6, or 19 in the Schedule is made to delegate decisions about the spending of—

- (a) such grant, and
- (b) the amount allocated by the authority to meet the prescribed expenditure approved in accordance with regulation 3,

to such persons as may be determined by the Secretary of State in the case in question.

Revocation and transitional provisions

12. The Education Support Grants Regulations 1992(10) are hereby revoked, but nothing in this regulation shall prevent the Secretary of State making payments of grant authorised by those

(9) 1982 c. 32; subsection (5) of section 13 was amended by section 20 of, and paragraph 3 of Schedule 4 to, the National Health Service and Community Care Act 1990 (c. 19).

(10) S.I.1992/3275.

Regulations in respect of expenditure incurred on or before 31st March 1994 or affect any condition or requirement determined by or in accordance with any of the Regulations so revoked.

SCHEDULE

Regulations 2 and 5

PURPOSES FOR OR IN CONNECTION WITH WHICH GRANTS ARE PAYABLE

1. The training in management skills of school teachers and those employed in schools as secretaries, bursars and in other administrative capacities.
2. The development, provision and appraisal of support and training for school governors.
 - (a) (a) Support and training for the preparation and implementation in England of schemes for financing county and voluntary schools made under section 33 of the Education Reform Act 1988(11); and
 - (b) support for the administration of such schemes.
4. The training of head teachers as mentors.
5. Support and training for the implementation of school teacher appraisal procedures in accordance with the requirements of the regulations currently in force under section 49 of the Education (No.2) Act 1986(12).
6. Support for schools to implement the requirements of Chapter I of Part I of the Education Reform Act 1988 relating to the basic curriculum (as defined in section 2 of that Act) including sex education (when the amendment to section 2 of that Act by section 241 of the Education Act 1993 comes into force), and collective worship by—
 - (a) the provision of training and support for teachers and other persons employed by schools, and
 - (b) the provision of books and equipment.
7. The implementation in schools of the arrangements for assessing pupils in relation to National Curriculum attainment targets under Chapter I of Part I of the Education Reform Act 1988.
8. The further training of teachers employed in primary schools and special schools who specialise in any National Curriculum foundation subjects (within the meaning of section 3(1) and (2) of the Education Reform Act 1988(13)).
9. The development of the use of information technology for teaching and learning in schools by the provision of information technology equipment, staff and support for training.
10. The training and further training of teachers of children with special educational needs employed in maintained schools and in special schools which are not maintained by an education authority.
11. The initial training of educational psychologists.
12. Promoting co-operation in the education of pupils who are both blind and deaf between education authorities, schools and other interested bodies.
 - (a) (a) 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 in England maintained by the authority and known as the “Articled Teachers Scheme”; and

(11) Section 33 was amended by section 12(5) of the Further and Higher Education Act 1992.

(12) Section 49 was amended by Schedule 12 to the Education Reform Act 1988 and by paragraph 23 of Schedule 8 to the Further and Higher Education Act 1992; the regulations currently in force under this section are the Education (School Teacher Appraisal) Regulations 1991(S.I.1991/1511).

(13) Section 3(2) was amended by the Education (National Curriculum) (Foundation Subjects at Key Stage 4) Order 1992 (S.I.1992/1548).

- (b) the provision of discretionary awards under section 2 of the Education Act 1962⁽¹⁴⁾ paid as bursaries to students participating in the Articled Teachers Scheme referred to in subparagraph (a).
- (a) (a) The training of persons licensed to teach (within the meaning of regulations made under section 218 of the Education Reform Act 1988) and overseas trained teachers, to enable them to become qualified teachers; and
- (b) support for qualified teachers who are newly qualified.
- 15.** Support and training for teachers in preparation for the introduction in schools of vocational courses leading to General National Vocational Qualifications.
- 16.** Action to improve rates of attendance in schools.
- 17.** The improvement of provision for pupils whose behaviour poses difficulties for schools, and of support services for schools in dealing with such pupils.
- 18.** The training of persons employed by education authorities or by the governing bodies of voluntary aided schools as youth and community workers.
- 19.** Support and training for governors of maintained schools, and in Wales only for those employed in such schools as teachers and in other capacities, in developing policies for pupils with special educational needs.
- 20.** The provision of information and advisory services for parents of children with special educational needs in England.
- 21.** Support, equipment and training for the teaching of mathematics, science and technology in technology colleges in England.
- 22.** Assistance with administrative expenses incurred in connection with the introduction of a new method of determining annual maintenance grant for grant-maintained schools known as the “common funding formula”.
- 23.** Support for the provision in schools in Wales of health education for young persons under the age of 20.
- 24.** The training of teachers in Wales to teach in Welsh subjects required to be taught under the National Curriculum (as defined in section 2 of the Education Reform Act 1988).
- 25.** The provision in Wales of open learning centres to provide tuition for adults in literacy, numeracy and related communication skills.
- 26.** The improvement of the planning and co-ordination of educational provision for children aged under 5 made by education authorities and other bodies in Wales.
- 27.** Help for schools in Wales to offer courses leading to vocational qualifications to pupils of the age of 16 years and above.
- 28.** Projects in Wales to encourage the integration of pupils with special educational needs into schools that are not special schools.
- 29.** Projects to improve levels of literacy in families in Wales by encouraging parents to assist their children with learning to read and write.
- 30.** Support and training for schools in Wales which are required to implement an agreed syllabus for religious education that has been reconsidered under paragraphs 12 and 13 of the Fifth Schedule to the Education Act 1944⁽¹⁵⁾.

⁽¹⁴⁾ 1962 c. 12; section 2 was substituted by section 19 of, and Schedule 5 to, the Education Act 1980 (c. 20).

⁽¹⁵⁾ Paragraphs 12 and 13 were substituted by Schedule 1 to the Education Reform Act 1988. From a date to be appointed paragraph 12 will be substituted by section 256 of the Education Act 1993, and paragraph 13 will be amended by section 259 of the Act.

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

31. Support and training for teachers to introduce modular approaches to courses leading to General Certificate of Education advanced level and advanced supplementary examinations in schools in Wales.

32. Support for project in primary schools in Wales to improve reading standards in English and Welsh.

33. Training in Wales for teachers and other persons employed by education authorities to work in maintained schools with children under the age of 5.

3rd March 1994

John Patten
Secretary of State for Education

6th March 1994

John Redwood
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Education Support Grants Regulations 1992. They also replace the Education (Training Grants) Regulations 1993, which cease to have effect with the amendment of section 50 of the Education (No.2) Act 1986 by section 278(6) of, and paragraph 102 of Schedule 19 to, the Education Act 1993.

The new grants which replace education support grants and local education authority training grants are known as “grants for education support and training”.

Regulation 11 gives the Secretary of State power to require local education authorities to delegate decisions about the spending of grant to such persons as shall be determined in accordance with the Regulations. This regulation is made under the new power in section 1(4A) of the Education (Grants and Awards) Act 1984 which was inserted by section 278(4) of the Education Act 1993.

The purposes for or in connection with which grants are payable set out in the Schedule have been revised. A number of purposes have been deleted or amended and items 1, 8, 10, 14, 15, 19 to 22, and 29 to 33 have been added.