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STATUTORY INSTRUMENTS

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**1995 No. 605**

**EDUCATION, ENGLAND AND WALES**

**The Education (Grants for Education Support  
and Training) (England) Regulations 1995**

<i>Made</i>	- - - -	<i>8th March 1995</i>
<i>Laid before Parliament</i>		<i>9th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</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<sup>(1)</sup>, the Secretary of State for Education hereby makes the following Regulations:

**Citation and commencement and application**

1.—(1) These Regulations may be cited as the Education (Grants for Education Support and Training) (England) Regulations 1995 and shall come into force on 1st April 1995.

(1) These Regulations apply in relation to local education authorities in England.

**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;

“basic curriculum” has the meaning assigned to it by section 2(1) of the Education Reform Act 1988<sup>(2)</sup>;

“determine” means determine by notice in writing;

“education authority” means a local education authority;

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

“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;

“language college” means a maintained school specialising in modern foreign languages;

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

(2) 1988 c. 40; section 2(1) was amended by section 241(1) of the Education Act 1993.

“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(3) 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;

“NC tasks” has the meaning assigned to it in the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order 1994(4) and the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 3) (England) Order 1994(5);

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

“primary school” has the meaning assigned to it by section 114(1) of the Education Act 1944(6);

“pupil” has the meaning assigned to it by section 14(6) of the Further and Higher Education Act 1992;

“pupil referral unit” has the meaning assigned to it by section 298(2) of the Education Act 1993;

“qualified teacher” means a person who, by virtue of the regulations(7) relating to the employment of teachers from time to time in force under section 218 of the Education Reform Act 1988(8), is qualified to be employed as a teacher at a school of the kind described in subsection (12) of that section;

“school” has the meaning assigned to it by section 14(5) of the Further and Higher Education Act 1992(9);

“special school” has the meaning assigned to it by section 182(1) of the Education Act 1993;

“special educational needs” has the meaning assigned to it by section 156(1) of the Education Act 1993;

“standard task assessment” has the meaning assigned to it by regulation 5 of the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) Order 1993(10) and “further assessment” has the meaning assigned to it by regulation 6A of that Order;

“technology college” means a maintained school specialising in mathematics, science and technology; and

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

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(3) 1944 c. 31; section 41 was substituted by section 11 of the Further and Higher Education Act 1992 (c. 13); and section 53(1) was amended by Part I of Schedule 1 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.

(4) S.I. 1994/2100.

(5) S.I. 1994/2101.

(6) The definition of “primary school” in section 114(1) was inserted in a paragraph 13(2)(c) of Schedule 8 to the Further and Higher Education Act 1992, and was amended by section 304(2) of the Education Act 1993.

(7) The regulations currently in force are the Education (Teachers) Regulations 1993 (S.I. 1993/543, amended by S.I. 1993/222 and section 14(2) of the Education Act 1994 (c. 30)).

(8) Section 218 was amended by paragraph 49 of Schedule 8 to the Further and Higher Education Act 1992, sections 290 and 291 of, and paragraph 136 of Schedule 19 to, the Education Act 1993, and by section 14(1) and (3) of, and paragraph 8(4) of Schedule 2 to, the Education Act 1994.

(9) Section 14(5) was amended by section 304(1) of the Education Act 1993.

(10) S.I. 1993/1983, amended by S.I. 1994/2099.

(1) 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.

### **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 1995 shall be payable at the rate of 60 per cent. of such expenditure.

(1) Grants in respect of approved expenditure incurred by an education authority on or after 1st April 1995 in respect of items 8 and 20 in the Schedule hereto 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 1995 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 paragraphs (2), (4), (5) and (6) 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 in 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 a statement 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 a statement 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<sup>(11)</sup> certifying that in his opinion the particulars stated in the statement 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 any 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 her with such further information as may be required to enable her 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 her) as may be determined by the Secretary of State in the case of question.

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(11) 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).

**11.**—(1) The Secretary of State may require any education authority to whom a payment of grant in respect of item 1, 2(a), 6, 10, 12, 17, 19(a) and 20 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 the governing body of a maintained school.

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

### **Revocation and transitional provisions**

**12.** The Education (Grants for Education Support and Training) Regulations 1994(**12**) and the Education (Grants for Education Support and Training) (Amendment) Regulations 1994(**13**) are hereby revoked as respects education authorities in England, 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 1995 or affect any condition or requirement determined by or in accordance with any of the Regulations so revoked.

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(12) S.I. 1994/612.

(13) S.I. 1994/2246.

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

## SCHEDULE

Regulations 2 and 5

## PURPOSES FOR OR IN CONNECTION WITH WHICH GRANTS ARE PAYABLE

1. Support for schools other than pupil referral units by the provision of—
  - (a) support and training for the implementation and administration of schemes for financing county schools, voluntary schools and special schools maintained by education authorities made under section 33 of the Education Reform Act 1988<sup>(14)</sup>;
  - (b) training in management skills of teachers and those employed in schools as secretaries, bursars and in other administrative capacities;
  - (c) training of head teachers as mentors;
  - (d) support and training for school governors, and those who train them;
  - (e) support, training and equipment to implement the requirements of the basic curriculum, and collective worship; and
  - (f) information technology equipment, programmes and data and training in the use of such equipment, programmes and data to enhance teaching and learning in all curriculum subjects.
    - (a) 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, including the provision of additional staff to assist schools for the period during which teachers are administering and marking—
      - (i) NC tasks at the end of the second and third key stages in accordance with the requirements of the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order 1994 and the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 3) (England) Order 1994, and
      - (ii) standard task assessments and further assessments at the end of the first key stage in accordance with the requirements of the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) Order 1993),
 except as provided for in sub-paragraph (b);
    - (b) the verification of standard task assessments in accordance with regulation 6 of the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) Order 1993.
3. The further training of teachers employed in primary schools and special schools in basic curriculum subjects.
4. The 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.
5. The initial training of educational psychologists.
6. Support and training for governors of maintained schools other than special schools, and for those employed in such schools as teachers and in other capacities, in developing policies for pupils with special educational needs.
7. The provision of information and advisory services for parents of children with special educational needs, and support for projects to encourage the development of partnership between parents, schools, education authorities and other persons involved in identifying, assessing and assisting pupils with such needs.

<sup>(14)</sup> 1988 c. 40; section 33 was amended by section 12(5) of the Further and Higher Education Act 1992.

8. The provision of discretionary awards under section 2 of the Education Act 1962<sup>(15)</sup> paid as bursaries to students participating in the Articled Teachers Scheme referred to in paragraph 9.

9. 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”.

10. Support for qualified teachers who are newly qualified.

11. The training of persons granted a licence or authorisation to teach by the Secretary of State under regulations for the time being in force under section 218(3)<sup>(16)</sup> of the Education Reform Act 1988 to enable them to become qualified teachers.

12. Support and training for teachers in preparation for the introduction in schools of vocational courses leading to General National Vocational Qualifications.

- (a) (a) Action to improve rates of attendance in schools; and
- (b) action to improve provision for pupils whose behaviour poses difficulties for schools.

14. The provision of support to help young persons aged between 13 and 17 who risk becoming involved in criminal activity to plan, organise and participate in activities designed to encourage them to develop self-esteem and a sense of responsibility towards themselves and the community.

15. The training of persons employed as youth and community workers.

16. Training for teachers employed in maintained schools teaching classes containing pupils whose first language is not English to give them the skills necessary to enable such pupils to gain access to the National Curriculum.

17. Training for teachers with responsibility for child protection in schools.

18. Training for careers teachers, and training for other teachers in the provision of careers advice and guidance in schools.

- (a) (a) Training for teachers with responsibility for providing education in schools related to the misuse of drugs; and
- (b) support for new projects to assist schools to combat the misuse of drugs.

20. Support, equipment and training for the teaching of—

- (a) mathematics, science and technology in technology colleges, and
- (b) modern foreign languages in language colleges.

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<sup>(15)</sup> 1962 c. 12; section 2 was substituted by section 19 of, and Schedule 5 to, the Education Act 1980.

<sup>(16)</sup> Section 218(3) was amended by section 14(3) of the Education Act 1994.

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

8th March 1995

*Robin Squire*  
Parliamentary Under Secretary of State,  
Department for Education

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## EXPLANATORY NOTE

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

These Regulations revoke and replace the Education (Grants for Education Support and Training) Regulations 1994 and the Education (Grants for Education Support and Training) (Amendment) Regulations 1994 as respects England only.

These Regulations apply for the first time only to the Grants for Education Support and Training programme in England. Separate Regulations will cover the Grants for Education Support and Training programme in Wales.

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 16 to 19 and 20(b) have been added.