
STATUTORY INSTRUMENTS

2021 No. 59

The School and Early Years Finance
(England) Regulations 2021

PART 3

Determination of Budget Shares etc.

CHAPTER 1

Requirements, and Factors and Criteria Taken into Account

Additional requirements, factors or criteria

21.—(1) In order to determine the budget shares for schools maintained by it (other than special schools, pupil referral units and nursery schools), a local authority—

- (a) must comply with the requirement for minimum per pupil funding set out in regulation 22, and
- (b) may take into account in its formula any or all of the requirements, factors or criteria mentioned in Part 1 of Schedule 3.

(2) For the purposes of—

- (a) complying with the requirement mentioned in paragraph (1)(a), or
- (b) taking into account the matters mentioned in paragraph (1)(b),

the date for ascertaining pupil numbers or proportions is 1st October 2020, unless these Regulations provide otherwise.

(3) Subject to regulation 25, in determining—

- (a) budget shares for nursery schools maintained by it;
- (b) amounts to be allocated in respect of nursery classes in schools maintained by it;
- (c) amounts to be allocated to relevant early years providers in its area; and
- (d) amounts to be allocated in respect of community early years provision in schools maintained by it,

a local authority may, in its formula, provide additional funding to the provider, taking into account any or all of the factors in Part 2 of Schedule 3.

(4) The requirements, factors and criteria set out in Schedule 3 may not be taken into account by a local authority on the basis of actual or estimated cost unless otherwise stated in that Schedule.

(5) Subject to paragraphs (7) and (8), where a school would otherwise receive a greater amount of redetermined adjusted budget share per pupil than it did in the previous funding period, the local authority may do one or both of the following—

- (a) determine a percentage beyond which the per pupil amount of redetermined adjusted budget may not increase;

- (b) determine a percentage by which the amount that the per pupil redetermined adjusted budget share would otherwise increase by will be reduced.
- (6) In paragraph (5) “redetermined adjusted budget share for the previous funding period” and “redetermined adjusted budget share” have the same meanings as in Schedule 4.
- (7) Where the local authority decides to take one or both of the actions described in paragraph (5) (a) and (b)—
 - (a) this must be applied to the budget shares of all schools in the local authority’s area; and
 - (b) the local authority must ensure that no school in the area receives a budget share that is less than the amount it would receive under regulation 22 (the minimum per pupil funding requirement).
- (8) Paragraph (5) does not apply to the determination of budget shares for—
 - (a) special schools;
 - (b) pupil referral units;
 - (c) nursery schools; and
 - (d) any school that has opened since 1st April 2014 and does not yet have pupils in each year group for which it proposes to provide education.