
STATUTORY INSTRUMENTS

2021 No. 59

The School and Early Years Finance
(England) Regulations 2021

PART 3

Determination of Budget Shares etc.

CHAPTER 2

Adjustments, Correction of Errors, and Alternative
Arrangements Authorised by the Secretary of State

Alternative arrangements approved by the Secretary of State

31.—(1) Subject to paragraph (2), on application by a local authority, the Secretary of State may authorise the authority to—

- (a) disregard the limits referred to in paragraph 3 of Schedule 2 when deducting any expenditure referred to in regulation 8(4) (historic commitments);
- (b) disregard regulation 8(7) (determination of the individual schools budget for the funding period and limit on increase in central expenditure);
- (c) deduct any expenditure referred to in regulation 8(12)(a) (expenditure falling outside Schedule 2);
- (d) alter the operation of regulation 11(3) (additional expenditure on children with special educational needs);
- (e) determine (including redetermine) budget shares of schools maintained by it;
- (f) determine (including redetermine) amounts to be allocated in respect of nursery classes in schools maintained by it;
- (g) determine (including redetermine) amounts to be allocated to relevant early years providers in its area;
- (h) include additional factors or criteria in its formula under regulation 10(1) (formula for determining budget shares) where the nature of a school's premises exceptionally gives rise to significant additional cost;
- (i) include additional factors or criteria that the authority proposes to include in its formula under regulation 10(3) (early years single funding formula);
- (j) alter the operation of regulation 23 (minimum funding guarantee) and Schedule 4 in respect of particular schools;
- (k) vary any or all of the year group values D, E or F set out in regulation 22(4) for all the schools that are subject to the formula decided by the authority under regulation 10(1);
- (l) alter the operation of regulation 22 (minimum per pupil amount) in respect of particular schools;

- (m) disregard regulation 13 (pupil numbers);
 - (n) alter the operation of regulation 27 (new schools, merged schools and closing schools) in respect of particular schools;
 - (o) alter the operation of paragraphs 14 (primary population sparsity) and 15 (secondary population sparsity) of Schedule 3 in respect of particular schools; and
 - (p) alter the operation of regulation 24 (early years 95 per cent requirement).
- (2) The Secretary of State may authorise the matters in paragraph (1) to such extent as he or she may specify in accordance with arrangements approved in place of the arrangements provided for by these Regulations.