

## SCHEDULE 1

Regulation 4

### CLASSES OR DESCRIPTIONS OF PLANNED EXPENDITURE PRESCRIBED FOR THE PURPOSES OF THE NON-SCHOOLS EDUCATION BUDGET OF A LOCAL AUTHORITY

#### Special educational provision

1. Expenditure on services provided by educational psychologists.
2. Expenditure in connection with the local authority's functions under—
  - (a) sections 321 to 331 of the 1996 Act (which functions relate to the identification and assessment of children with special educational needs and the making, maintaining and reviewing of statements for such children); and
  - (b) sections 22, 36, 37 and 44 of the 2014 Act (which functions relate to the identification of children and young people with special educational needs and disabilities; the assessment of education, health and care needs; and the preparation and review of EHC plans).
3. Expenditure on monitoring the provision for pupils in schools for the purposes of disseminating good practice in relation to, and improving the quality of educational provision for, children with special educational needs.
4. Expenditure on collaboration with other statutory and voluntary bodies to provide support for children with special educational needs.
5. Expenditure in connection with—
  - (a) the provision of parent partnership services (that is, services provided under section 32 of the 2014 Act to give advice and information to parents of children with special educational needs), or other guidance and information to such parents which, in relation to pupils at a school maintained by the authority, are in addition to the information usually provided by the governing bodies of such schools; and
  - (b) arrangements made by the authority with a view to avoiding or resolving disagreements with the parents of children with special educational needs.
6. Expenditure on carrying out the authority's child protection functions under the 1989 Act, functions under section 175 of the 2002 Act (duties in relation to welfare of children), and other functions relating to child protection.
7. Expenditure incurred in entering into, or subsequently incurred under, an arrangement under section 31 of the Health Act 1999<sup>(1)</sup> or regulations made under section 75 of the National Health Service Act 2006<sup>(2)</sup> (arrangements between NHS bodies and local authorities).

#### Schools causing concern

8. Expenditure incurred by a local authority in connection with functions under the following sections of the 2006 Act—
  - (a) section 60<sup>(3)</sup> (performance standards and safety warning notice);
  - (b) section 60A<sup>(4)</sup> (teachers' pay and conditions warning notice);

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(1) 1999 c.8. Section 31 was repealed by section 6 of, and Schedule 4 to, the National Health Service (Consequential Provisions) Act 2006 (c. 43) but section 4 of, and paragraph 1 of Schedule 2 to, that Act contains a savings provision which means that arrangements made under section 31 of the 1999 Act continue to have effect as if made under section 75 of the National Health Service Act 2006.

(2) 2006 c. 41.

(3) Section 60 was amended by section 203 of, and paragraph 3 of Schedule 13 to, the 2009 Act, and by section 2 of the Education and Adoption Act 2016 (c. 6) ("the 2016 Act").

(4) Section 60A was inserted by section 203 of, and paragraph 4 of Schedule 13 to, the 2009 Act, and by section 3 of the 2016 Act.

*Status: This is the original version (as it was originally made).*

- (c) section 63(5) (power of local authority to require governing bodies of schools eligible for intervention to enter into arrangements);
- (d) section 64(6) (power of local authority to appoint additional governors);
- (e) section 65 (power of local authority to provide for governing bodies to consist of interim executive members) and Schedule 6; and
- (f) section 66(7) (power of local authority to suspend right to delegated budget).

### **Access to education**

**9.** Expenditure in relation to planning and managing the supply of school places, including the authority's functions in relation to the establishment, alteration or discontinuance of schools under Part 2 of, and Schedule 2 to, the 2006 Act.

**10.** Expenditure in relation to the authority's functions under sections 508A to 509A(8) of the 1996 Act.

**11.** Expenditure on the provision of support for students under regulations made under section 1(1) of the Education Act 1962(9) and under section 22 of the Teaching and Higher Education Act 1998(10).

**12.** Expenditure on discretionary grants paid under section 1(6) or 2 of the Education Act 1962 (awards for designated and other courses).

**13.** Expenditure on the payment of 16-19 Bursaries(11).

### **Additional education and training for children, young persons and adults**

**14.** Expenditure on the provision of education and training and of organised leisure time occupation, and other provision under sections 15ZA, 15ZC and 15B of the 1996 Act(12).

**15.** Expenditure on the provision by the local authority under sections 507A and 507B of the 1996 Act(13) of recreation, social and physical training, educational leisure time activities and recreational leisure time activities.

### **Other functions**

**16.** Expenditure in pursuance of a binding agreement, where the other party is a local authority, or the other parties include one or more local authorities, in relation to the operation of a facility provided partly, but not solely, for the use of schools.

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- (5) Section 63 was amended by section 203 of, and paragraphs 5(2) and 5(3) of Schedule 13 to, the 2009 Act, and by section 2 of the 2016 Act.
  - (6) Section 64 was amended by section 203 of, and paragraphs 6(2) to 6(5) of Schedule 13 to, the 2009 Act, and by sections 3 and 6 of the 2016 Act.
  - (7) Section 66 was amended by section 203 of, and paragraphs 7(a) and (b) of Schedule 13 to, the 2009 Act, and by sections 2 and 3 of the 2016 Act.
  - (8) Sections 508A to 509A were inserted by sections 76 to 78 of the 2006 Act and by section 57 of the 2009 Act. They were amended by section 103(1) of, and paragraph 23 of Schedule 2 to, the Childcare Act 2006 and section 54 of, and paragraphs 9(1) to 9(12) of Schedule 13 to, the Education Act 2011.
  - (9) 1962 c. 12. The Education Act 1962 was repealed by the Teaching and Higher Education Act 1998 (c.30) with transitional savings provisions. The repeal does not affect the continued operation of the provisions that relate to the making of subordinate legislation. Relevant regulations made under section 1(1) of the Education Act 1962 are the Education (Mandatory Awards) Regulations 2003 (S.I. 2003/1994). These regulations describe the designated courses and methodology for calculating grants.
  - (10) 1998 c.30.
  - (11) A 16-19 Bursary is financial assistance under section 14 of the 2002 Act paid to, or in respect of, a person who is aged 16 to 19 in connection with undertaking any course or training.
  - (12) Sections 15ZA and 15ZC were inserted by section 41 of the 2009 Act. Section 15B was inserted by section 149 of, and Schedule 9 to, the Learning and Skills Act 2000 (c. 21).
  - (13) Sections 507A and 507B were inserted by section 6(1) of the 2006 Act.

17. Expenditure on making pension payments, other than in respect of staff employed in maintained schools.

18. Expenditure on insurance, other than for liability arising in connection with maintained schools or maintained school premises.