

## SCHEDULE 2

### CLASSES OR DESCRIPTIONS OF PLANNED EXPENDITURE PRESCRIBED FOR THE PURPOSES OF THE SCHOOLS BUDGET OF A LOCAL AUTHORITY WHICH MAY BE DEDUCTED FROM IT TO DETERMINE THE INDIVIDUAL SCHOOLS BUDGET

#### PART 7

##### Items that may be removed from maintained schools' budget shares – primary, secondary and special schools and pupil referral units

**53.** Expenditure incurred for the purposes of supporting the improvement of standards in maintained schools including expenditure in relation to the authority's functions under Part 4 of the 2006 Act (schools causing concern: England).

**54.** Expenditure in relation to the authority's functions under section 510 of the 1996 Act<sup>(1)</sup> (provision and administration of clothing grants) and under regulations made under section 518(2) of the 1996 Act<sup>(2)</sup>.

**55.** Expenditure on the provision of tuition in music, or on other activities which provide opportunities for pupils to enhance their experience of music.

**56.** Expenditure incurred in enabling pupils to enhance their experience of the visual, creative and performing arts other than music.

**57.** Expenditure on outdoor education centres, but not including centres wholly or mainly for the provision of organised games, swimming or athletics.

**58.** Expenditure in relation to functions of the authority under Part I of the Local Government Act 1999<sup>(3)</sup> (best value) and the provision of advice to assist governing bodies in procuring goods and services with a view to securing continuous improvement in the way the functions of those governing bodies are exercised, having regard to a combination of economy, efficiency and effectiveness.

**59.** Expenditure in relation to authorisation and monitoring of expenditure in respect of schools which do not have delegated budgets, and all related financial administration.

**60.** Expenditure in relation to the authority's monitoring of compliance with the requirements of its financial scheme prepared under section 48 of the 1998 Act, and any other requirements in relation to the provision of community facilities by governing bodies under section 27 of the 2002 Act.

**61.** Expenditure in relation to internal audit and other tasks necessary for the discharge of the authority's chief finance officer's responsibilities under section 151 of the Local Government Act 1972 in so far as the responsibilities relate to maintained schools.

**62.** Expenditure in relation to the authority's functions under regulations made under section 44 of the 2002 Act<sup>(4)</sup>, in so far as the functions relate to maintained schools.

**63.** Expenditure in relation to investigations which the authority carries out of employees, or potential employees, of the authority, or of governing bodies of schools, or of persons otherwise engaged, or to be engaged, with or without remuneration to work at or for schools.

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(1) Section 510 was amended by section 140 of, Schedule 30 to and paragraph 134 of Schedule 31 to, the 1998 Act, section 6(2) and paragraphs 2 and 5 of Schedule 1 to, the 2006 Act, section 54 of, and paragraph 9 of Schedule 13 to, the 2011 Act and [S.I. 2010/1158](#).

(2) Section 518(2) was substituted by section 129 of the 1998 Act and amended by [S.I. 1010/1158](#). Regulations made under section 518 are [S.I. 1998/86](#), [1999/229](#) and [1727](#), [2000/2057](#) and [2004/1006](#).

(3) [1999 c. 27](#).

(4) The relevant statutory instrument made under section 44 of the 2002 Act is [S.I. 2012/674](#).

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**64.** Expenditure in relation to functions of the authority in relation to local government superannuation which it is not reasonably practicable for another person to carry out, and functions of the authority in relation to the administration of teachers' pensions.

**65.** Expenditure in relation to advice, in accordance with the authority's statutory functions, to governing bodies in relation to staff paid, or to be paid, to work under the direct management of the head teacher or governing body at a school, and advice in relation to the management of all such staff collectively at any individual school, including in particular advice with reference to alterations in remuneration, conditions of service and the collective composition and organisation of such staff.

**66.** Expenditure in relation to determination of conditions of service for non-teaching staff, and advice to schools on the grading of such staff.

**67.** Expenditure in relation to the authority's functions regarding the appointment or dismissal of employees in maintained schools.

**68.** Expenditure in relation to consultation and functions preparatory to consultation with persons employed at schools or their representatives.

**69.** Expenditure in relation to compliance with the authority's duties under the Health and Safety at Work etc. Act 1974<sup>(5)</sup> and the relevant statutory provisions as defined in section 53(1) of that Act, in so far as compliance cannot reasonably be achieved through tasks delegated to the governing bodies of schools; but including expenditure incurred by the authority in monitoring the performance of such tasks by governing bodies and, where necessary, giving them advice.

**70.** Expenditure in relation to provision of information to or at the request of the Crown and the provision of other information which the authority is under a duty to make available, in so far as the information relates to maintained schools.

**71.** Expenditure in relation to the authority's functions pursuant to regulations made under section 12 of the 2002 Act<sup>(6)</sup> (supervising authorities of companies formed by governing bodies).

**72.** Expenditure in relation to the authority's functions under the discrimination provisions of the Equality Act 2010<sup>(7)</sup> in so far as compliance cannot reasonably be achieved through tasks delegated to the governing bodies of schools; but including expenditure incurred by the authority in monitoring the performance of such tasks by governing bodies and, where necessary, giving them advice.

**73.** Expenditure on establishing and maintaining those electronic computer systems, including data storage, which are intended primarily to maintain linkage between local authorities and schools which they maintain.

**74.** Expenditure on the appointment of governors, the making of instruments of government, the payment of expenses to which governors are entitled and which are not payable from a maintained school's budget share, and the provision of information to governors.

**75.** Expenditure on education functions related to revenue budget preparation, preparation of information on income and expenditure relating to education for incorporation into the authority's annual statement of accounts, and the external audit of grant claims and returns relating to education, in so far as those functions relate to maintained schools.

**76.** Expenditure on monitoring National Curriculum assessment arrangements required by orders made under section 87(3) of the 2002 Act.

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(5) 1974 c. 37.

(6) Section 12 was amended by S.I.2010/1158. Regulations made under section 12 are S.I. 2002/2978, amended by S.I. 2003/2049 and 2014/2923, 2002/3177, 2004/3264, 2006/2198 and 2009/1924.

(7) 2010 c. 15.

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**77.** Expenditure on retrospective membership of pension schemes and retrospective elections made in respect of pensions where it would not be appropriate to expect the governing body of the school to meet the cost from the school's budget share.

**78.** Expenditure on landlord responsibilities in relation to maintained schools, and in particular—

(a) expenditure in pursuance of duties performed under the School Premises (England) Regulations 2012**(8)**; and

(b) expenditure in connection with duties under the Control of Asbestos Regulations 2012**(9)**.

**79.** Expenditure in respect of the dismissal or premature retirement of, or for the purpose of securing the resignation of, or in respect of acts of discrimination against, any person except to the extent that these costs are chargeable to maintained schools' budget shares or fall within paragraph 2(b) of this Schedule**(10)**.

**80.** Expenditure on inspecting attendance registers under the Education (Pupil Registration) (England) Regulations 2006**(11)**.

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**(8)** S.I. 2012/1943.

**(9)** S.I. 2012/632.

**(10)** Costs in connection with dismissal or premature retirement may be chargeable to a maintained school's budget share by virtue of section 37 of the 2002 Act. Section 37 was amended by section 117 of, and paragraph 14 of Schedule 18 to, the 2005 Act, section 47 of the 2011 Act and S.I. 2010/1158.

**(11)** S.I. 2006/1751, as amended by S.I. 2007/603, S.I. 2010/1172, S.I. 2011/1625, S.I. 2012/1033, S.I. 2013/756, S.I. 2016/792 and S.I. 2021/852.