

National Assembly for Wales

STATUTORY INSTRUMENTS

2002 No. (W.)

EDUCATION, WALES

The Education (Budget Statements) (Wales) Regulations 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under section 52 of the School Standards and Framework Act 1998, apply to local education authorities (LEAs) in Wales. The Regulations specify the information about LEAs expenditure on education which must be contained in the statement of planned expenditure "budget statement" which each LEA are required to prepare before the beginning of each financial year under subsection (1) of section 52. The Regulations replace the Education (Budget Statements) (Wales) Regulations 1999 which are revoked.

Under regulation 4 every budget statement must be prepared in three parts as follows -

- a. Part 1, in the form and containing particulars of planned expenditure for individual schools specified in Schedule 1;
- b. Part 2, in the form and containing the information with respect to the methodology for determining schools' budget shares specified in Schedule 2; and
- c. Part 3, containing the information with respect to the budget share of each of the authority's schools specified in Schedule 3.

Part 1 and 2 must be completed in English and Welsh. Part 3 can be completed in either or both languages.

The regulations also provide for the manner and time of publication of budget statements - see regulations 5-8.

The most significant change from the previous Regulations is that there is no longer a requirement to submit LEA level information (Schedule 1 of the 1999 Regulations), since this will be obtained on revised local government revenue account budget (RA) forms.

Part 1 of the budget statement (school-level information) clarifies the treatment of schools due to open or close during the financial year. Part 2 (funding factors) has been revised to make it clearer to follow and complete. Part 3 (application of factors to schools) now prescribes sub-totals, to ensure consistency and to make the information more useful to schools.

STATUTORY INSTRUMENTS

2002 No. (W.)

EDUCATION, WALES

The Education (Budget Statements) (Wales) Regulations 2002

Made 2002

Coming into force 1st February 2002

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 52(1), (3) and (4) and 138(7) and (8) of the School Standards and Framework Act 1998() and section 26 of the Welsh Language Act 1993() and now vested in the National Assembly for Wales():

Name, commencement and application

1. — These Regulations are called the Education (Budget Statements) (Wales) Regulations 2002 and shall come into force on 1st February 2002.
 1. They apply only to Wales.

Interpretation

2. — In these Regulations -

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998;

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Financing of Maintained Schools Regulations 1999();

"allocation formula" ("*fformwla ddyrannu*") means the authority's formula under regulation 10 of the 1999 Regulations used to determine schools' budget shares;

"authority" ("*awdurdod*") means a local education authority;

"budget share" ("*cyfran o'r gyllideb*") has the meaning given to it by section 47(1) of the 1998 Act;

"budget statement" ("*datganiad cyllideb*") means the statement referred to in section 52(1) of the 1998 Act;

"factor" ("*ffactor*") means one of the factors or criteria taken into account in the allocation formula;

"financial year" ("*blwyddyn ariannol*") has the meaning given to it by section 579(1) of the Education Act 1996();

"ISB" means an authority's individual schools budget within the meaning of section 46(2) of the 1998 Act;

"key stage" ("*cyfnod allweddol*") shall be interpreted in accordance with section 355(1) of the Education Act 1996;

"LEA number" ("*rhif AALI*") means the reference number allocated to the authority by the National Assembly or the Secretary of State;

"middle school" ("*ysgol ganol*") has the meaning given to it by section 5(3) of the Education Act 1996();

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"official reference number" ("*rhif cyfeirnod swyddogol*") means the reference number allocated to the school by the National Assembly or the Secretary of State;

"relevant" ("*perthnasol*") in relation to "age" ("*oedran*"), "age group" ("*grŵp oedran*") and "year group" ("*grŵp blwyddyn*") means an age, age group or year group separately treated in the allocation formula for the purposes of determining that part of each school's budget share which is to be determined by reference to numbers of registered pupils;

"school" ("*ysgol*") means a maintained school, that is to say a community, foundation or voluntary school or a community or foundation special school;

"special educational needs" ("*anghenion addysgol arbennig*") and "special educational provision" ("*darpariaeth addysgol arbennig*") have the meanings given to those expressions by section 312(2) and (4) of the Education Act 1996();

"statement" ("*datganiad*") in relation to a pupil with special educational needs means a statement made under section 324(1) of the Education Act 1996; and

"version number" ("*rhif fersiwn*") means a number which distinguishes a particular form submitted by the authority from earlier versions of the form submitted by them.

1. In these Regulations, unless the context otherwise requires -

- a. references to primary or secondary schools do not include special schools; and
- b. references to the number or numbers of registered pupils at one or more schools are references to the number or numbers of such pupils required under the allocation formula to be used for the initial determination of that school's budget share or those schools' budget shares for the year but ignoring any weighting in accordance with paragraph (7) or any adjustment under paragraph (8) of regulation 11 of the 1999 Regulations.

2. Any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered.

Revocation and transitional provisions

3. — Subject to paragraph (2) below, the Education (Budget Statements) (Wales) Regulations 1999() are revoked.

1. However, those Regulations shall continue to apply in relation to the financial years beginning on 1st April 1999, 1st April 2000 and 1st April 2001.

Prescribed form of, and information to be contained in, budget statements

4. — A budget statement must be prepared in 3 parts.

1. Part 1 must be completed in both English and Welsh in the form prescribed in Schedule 1 and must contain the information, with respect to the authority's planned expenditure for each school for the financial year to which the budget statement relates, specified in the notes in that form;
2. Part 2 must be completed in both English and Welsh in the form prescribed in Schedule 2 and must contain the information with respect to the authority's allocation formula for the financial year to which the budget statement relates specified in the notes in that form; and
3. Part 3 may be completed in English or Welsh (or both) and must contain the information with respect to the budget share of each school for the financial year to which the budget statement relates specified in Schedule 3.

4. The font size used must not be less than 7pt.
5. The following information must appear at the top of each Part of a budget statement:
 - a. The financial year to which the budget statement relates;
 - b. The authority's name;
 - c. The authority's LEA number;
 - d. The version number or the number "1" if it is the first version; and
 - e. The date that the form was completed.
6. For the purpose of completing budget statements, a middle school is to be treated as a primary school or a secondary school, as the case may be, according as to how the school is to be treated for the purpose of determining its budget share under the authority's allocation formula.
7. Where a person is carrying out functions on behalf of an authority, the authority shall include information in Parts 1 to 3 of the budget statement as if expenditure by that person in carrying out those functions were expenditure of the authority.

Prescribed manner and time of publication of budget statements

5. — Subject to regulation 6, for the purposes of section 52(3)(b) of the 1998 Act, every budget statement must be published by -
 - a. supplying 2 copies to the National Assembly; and
 - b. making a copy available for reference by parents and other persons at all reasonable times and without charge at each education office of the authority.
6. — Every budget statement must also be supplied to the National Assembly by electronic mail or in the form of machine readable data on a floppy disc provided for that purpose by the National Assembly.
 1. Any computer language or software used to supply tables must be one which the National Assembly has notified to the authority.
7. — A budget statement must be published before the beginning of the financial year to which it relates.
 1. A budget statement may not be revised during the financial year to which it relates other than to correct errors in the statement as previously published.
 2. A revised budget statement shall be subject to regulations 4, 5, 6, 7(2) and 8.
 3. Nothing in this regulation shall require a revised version of the Welsh text to be prepared if the errors are only in the English text and vice versa.
8. At the same time as they publish a budget statement in accordance with regulations 5 and 6, the authority must furnish the governing body and head teacher of each school maintained by them with a copy of Parts 1 and 2 of the budget statement and with a copy of that part of Part 3 of the budget statement which relates to the school in question, but if the governing body or the head teacher so request the authority must furnish them with a complete copy of Part 3 of the budget statement.

10. TOTALS/AVERAGE PRIMARY**SCHOOLS****SECONDARY SCHOOLS****11. TOTALS/AVERAGE****SECONDARY SCHOOLS****SPECIAL SCHOOLS****12. TOTALS/AVERAGE SPECIAL****SCHOOLS****13. TOTALS FOR ALL SCHOOLS**

MEMORANDUM ITEMS									
14. UNALLOCATED ISB					Primary			15. NON ALLOCATED NON-ISB FUNDS	Primary
					Secondary				Secondary
					Special				Special
6					Total				Total
16. TOTAL ISB									

NOTES TO PART 1

- The numbered notes below refer to the items in the table bearing the corresponding number.

1. Enter the names of all schools maintained or to be maintained by the LEA in the financial year in the following order -

- primary schools;
- secondary schools;
- special schools.

2. Opposite the name of each school, enter in Column 2 that school's official reference number.

3. Enter in Column 3, opposite the name of each school, the letter "C" if the school is to close during the financial year and the letter "O" if the school is to open during the financial year; otherwise leave blank.

4. Enter in Column 4 the date that such a school is intended to close or to open, as the case may be; otherwise leave blank.

5. Enter in Column 5, opposite the name of each school –

(a) in the case of a primary or secondary school, the number of registered pupils at the school required under the allocation formula to be used for the initial determination of that school's budget share; or

(b) in the case of a special school, the number of places at the school funded by the LEA for the financial year.

In the case of a school that will be open for part of the year only, the number determined in accordance with (a) or (b) above must be reduced to reflect the proportion of

the year that the school is to open. For example, if a school is expected to open for 7 months of the financial year, the number shown should be the number of pupils multiplied by 7, then divided by 12.

6. Enter in Column 6, opposite the name of each school, the whole of the school's budget share. For schools only open for part of the year, the actual budget share given to the school should be shown.

7. Enter in Column 7, opposite the name of each school, the planned expenditure per pupil at the school calculated by dividing the amount entered in accordance with note 6 by the number of pupils or places for the school entered in accordance with note 5.

8. Enter in Column 8, opposite the name of each school (other than a special school), the amount of that part of the school's budget share which results from the application of the allocation formula in relation to the school's estimated need to make special educational provision.

9. Enter in column 9, opposite the name of each school, the amount of planned additional funding (including grants) proposed to be allocated to the school otherwise than as part of the school's budget share.

10. Enter in line 10 in each of columns 5, 6, 8 and 9 the aggregate of the numbers entered in each of those columns in respect of primary schools and in column 7 the average of the numbers entered in that column in respect of such schools.

11. Enter in line 11 in each of columns 5, 6, 8 and 9 the aggregate of the numbers entered in each of those columns in respect of secondary schools and in column 7 the average of the numbers entered in that column in respect of such schools.

12. Enter in line 12 in each of columns 5, 6, 8 and 9 the aggregate of the numbers entered in each of those columns in respect of special schools and in column 7 the average of the numbers entered in that column in respect of such schools.

13. Enter in line 13 in each of columns 5, 6, 8 and 9 the aggregates of the numbers entered in each of those columns in accordance with notes 7 to 12, and in column 7 the average of the numbers entered in that column.

14. Enter in line 14 the amount of the ISB not allocated to schools' budget shares at the beginning of the financial year , giving an estimated split between primary, secondary and special schools and giving a total..

15. Enter in line 15 the total amount of funding of the kind referred to in Note 9 which the LEA plan to allocate to the school but which is not allocated at the beginning of the financial year, giving an estimated split between primary, secondary and special schools and giving a total.

16. Enter in line 16 the aggregate of the numbers entered in column 6 in accordance with Note 13 and in the "total" box in accordance with Note 14.

schedule 2

Regulation 4(3)

PART 2 OF A BUDGET STATEMENT

Part 2 of a budget statement (information about the allocation formula) must be in the following form and in accordance with the notes. Both the English and Welsh versions of the form must be completed.

S52 EDUCATION BUDGET STATEMENT

Table 2: Funding Factors

YEAR	LEA	Table version N ^o .	LEA N ^o
			Completion
			Date

INDIVIDUAL SCHOOLS BUDGET - FUNDING FACTORS (1)

PRIMARY AND SECONDARY SCHOOLS (2)							
Pupil Count Arrangements (3)							
<i>Narrative to include:-</i>							
<i>Method of pupil count</i>							
<i>and count dates</i>							
Type and factor name (4)	Range	Unit		Pupil/ place	Funds	% of Primary	
	Or	Value (6)		Numbers (7)	Allocated	& Secondary	
	Level (5)	£			(8)	budgets (9)	
					£		
Pupil- led funding (10)							
Age-weighted funding (11)							
<i>e.g. Age/Year/Key Stage</i>	Weighting						
	Ratios (12)						
<i>1</i>							
<i>2</i>							
<i>3</i>							
<i>Nursery Education - place-led</i>							

<i>Sixth Form Subject</i>						
(13) Method	(14)	Primary				
		Secondary				
		Total				
Type and factor name	Range or Level	Unit Value £	Pupil/ place Numbers	Funds Allocated £	% of primary & Secondary budgets	
SEN - Pupils with Statements (15)						
Where more than one method is used to allocate funding, a full explanation of the methodology must be shown for each.	<i>Band 1</i>					
	<i>Band 2</i>					
	<i>etc.</i>					
<i>Method</i>		Primary				
		Secondary				
		Total				
SEN - Pupils without statements (16)						
Only the first 5% of this funding as a proportion of the primary and secondary						

school budgets may be counted towards the "pupil-led" percentage target. Any							
remainder should be entered at (20) below.							
<i>Method</i>		Primary					
		Secondary					
		Total					
SEN - Place-led funding Treated as Pupil-led (17)							
	<i>Band 1</i>						
	<i>Band 2</i>						
	<i>Etc</i>						
	.						
<i>Method</i>		Primary					
		Secondary					
		Total					
Other Pupil-Led Factors (18)							
<i>Method</i>		Primary					
		Secondary					

		Total					
Total of Funding treated as Pupil-Led (19)		Primary					
		Secondary					
		Total					
Excess SEN funding - pupils without statements (20)							
Any funding in addition to the limited funding at (16) above.							
<i>Method</i>		Primary					
		Secondary					
		Total					
Other Funding (21)							
Additional Educational Needs Factor (22)							
	X%						
	Y%						
	Z%						

<i>Method</i>		Primary				
		Secondary				
		Total				
Type and factor name	Range or Level	Unit Value £	Multiplier (24)	Funds Allocated £		
Site specific factors (23)						

<i>Method</i>		Primary				
		Secondary				
		Total				
School specific factors (25)						

<i>Method</i>		Primary				
		Secondary				

		Total					
Budget adjustments (26)							
<i>e.g. prior year adjustments</i>							
<i>Method</i>		Primary					
		Secondary					
		Total					
Unallocated Reserve (27)		Primary					
		Secondary					
		Total					
Total Funds available to mainstream schools (28)		Primary					
		Secondary					
		Total				100%	

Special Schools (29)							
Type and factor name	Range or Level	Unit Value £		Place/ Pupil Numbers	Funds Allocated £		
Place-led funding (30)							
<i>Method</i>							
Pupil-led funding (31)							
<i>Method</i>							
Other factors (32)							
Additional Educational Needs Factor (33)							

<i>Method</i>						
Type and factor name	Range or Level	Unit Value £		Multiplier	Funds Allocated £	
Site specific factors (34)						
<i>Method</i>						
School specific factors (35)						
<i>Method</i>						

Budget adjustments (36)							
<i>Prior year adjustments</i>							
<i>Method</i>							
Unallocated Reserve (37)							
Total Funds available to Special schools (38)							
Total Funds available to All schools (39)							

ANNEX

Supplementary information

NOTES TO PART 2

1. INDIVIDUAL SCHOOLS BUDGET – FUNDING FACTORS

The numbered notes below refer to the items in the table bearing the corresponding number. Where an authority do not intend to make any financial provision for any matter listed in the table a zero must be entered at the appropriate place.

The table must list and include a description of each factor used including the full methodology of the factor. This description should be provided in the table in the relevant box headed "Method".

2 PRIMARY AND SECONDARY SCHOOLS

3 Enter here a description of the method used to calculate from the pupil numbers taken from the annual school census, the number of pupils to be taken into account in allocating funding through the authority's allocation formula.

4 A general column heading for the type and factor name used to determine school budgets.

5 Enter in this column (5) opposite each factor in column (4) and in ascending order each relevant year, age group, year group, subject taught or band based on assessment of need applicable in accordance with the allocation formula for primary and secondary schools, specifying separately any specific separate categories for pupils in nursery classes or for those funded according to the subject being studied. Where the number of pupils in nursery classes is weighted then the weightings must be shown and a note provided to explain whether numbers are the actual numbers or based on full-time equivalents. Enter also at the appropriate sections of the table the range or levels relating to site specific and school specific factors.

6 Enter in this column (6), opposite each entry in column (4), the amount attributed to each pupil in that year, age group, year group, subject taught or band based on assessment of need.

7 Enter in this column (7) opposite each entry in column (4) -

(a) the total number of registered pupils in that year, age group or year group at primary and secondary schools taken into account in the allocation formula but ignoring any weighting; or

(b) the number of places, in the case of provision of places in schools which the authority recognise as reserved for children with special educational needs, or for children in nursery classes.

8 Enter in this column (8), opposite each entry in column (4), the amounts produced by multiplying the amount in column (6) by the number in column (7).

9 Enter in this column (9) the aggregate of the amounts in column (8) expressed as a percentage of the amount referred to in line (32).

10 A sub-heading for the factors which allocate the ISB by reference to the numbers of registered pupils at primary and secondary schools and their ages (or age group or year group to which they belong), their attendance at a nursery class, their subjects of study or any special educational needs they may have or are to be treated as having for the purposes of the application of the allocation formula, so that each pupil within a given category attracts equal amounts regardless of the school which he or she attends.

11 A heading for the entries to be made under the age-weighted funding subsection of the table.

12 Enter in this column (12) the amounts which represent the weighting given according to age (including key stage or year group), whether a pupil is provided with nursery education or the subject or course of study in the case of pupils in a sixth form.

13 Enter here a description of the method used to operate the factor, explaining variations in level of provision which pupils or their schools may attract.

14 Enter here the aggregate of the numbers in column (7), and the aggregate of the amounts in column (8), separately for primary schools, secondary schools and give a total.

Pupil-led SEN funding

15 Enter in this column each factor, relating to pupils with statements, which allocates the ISB by reference to the numbers of registered pupils at primary and secondary schools and any special educational needs they may have or are to be treated as having for the purposes of applying the allocation formula.

16 Enter in this column each factor relating to pupils without statements, which would fall to be entered in column (15) if it related to pupils with statements.

Place-led SEN funding treated as pupil-led

17 Enter in this column each factor (other than those referred to in notes (10) to (16) above) which allocates the ISB on the basis of the relative needs of individual primary and secondary schools to incur expenditure in making special educational provision for places for pupils with special educational needs.

Other funding treated as pupil-led

18 Enter in this column (18) each factor (other than those referred to in notes (10) to (17) above) in accordance with which the same funding is allocated for pupils of the same age irrespective of the nature of the school which they attend.

Total primary and secondary funds treated as pupil-led

19 Enter here the aggregate of the amounts entered in the total boxes in lines (11), (15), (16), (17) and (18), in accordance with note (14) separately for primary schools, secondary schools and in total and the aggregate of the percentages entered in column (9).

Excess SEN funding for pupils without statements

20 Enter in this column each factor relating to pupils without statements of special educational needs which would fall to be entered in column 16 above but for the limiting effect of regulation 22(d) of the 1999 Regulations.

OTHER FUNDING

21 A sub-heading for the factors which allocate the ISB by reference to factors other than those referred to in notes (11) to (18). All factors in this section must be allocated to one of the following groups:

Additional educational needs,

site specific, or

school specific.

Additional educational needs factor

22 Enter in this column (22) each factor in accordance with which amounts are allocated to primary and secondary schools for additional educational needs.

Site specific factors

23 Enter in this column (23) each factor in accordance with which amounts are allocated to primary and secondary schools by reference to a school's buildings or grounds.

24 Enter in this column (24), opposite each unit of measurement described in columns (23), (25) and (26), the number of units in question.

School specific factors

25 Enter in this column (25) each factor in accordance with which amounts are allocated to primary and secondary schools by reference to a school's characteristics.

Budget adjustments

26 Enter in this column (26) each factor in accordance with which amounts are allocated to primary and secondary schools pursuant to any provisions of the the 1999 Regulations dealing with budget adjustments. Include any adjustments to reflect retrospective pupil number adjustments including excluded pupils.

Unallocated reserve

27 Enter here the amount of that part of the authority's ISB retained in respect of primary and secondary schools and not allocated at the beginning of the financial year. Show the amounts separately for primary schools, secondary schools and give a total.

TOTAL FUNDS AVAILABLE TO MAINSTREAM SCHOOLS

28 Enter here the aggregate of the amounts entered in accordance with notes (19), (20), (22), (23), (25), (26) and (27), separately for primary schools, secondary schools and in total.

SPECIAL SCHOOLS

29 A general heading for the schools to which this section of the table relates.

Place-led funding

30 Enter in this column (30) the type of factor and factor name used to allocate the ISB to special schools by reference to the numbers and kinds of places they provide.

Pupil-led funding

31 Enter in this column (31) each factor in accordance with which amounts are allocated to special schools by reference to the numbers and kinds of pupils at the school.

Other factors

32 A sub-heading for the factors which allocate the ISB to special schools otherwise than by reference to the number of places provided, or registered pupils at such schools. All factors in this section must be allocated to one of the following groups:

Additional educational needs,

site specific, or

school specific.

Additional educational needs factors

33 Enter in this column (33) each factor in accordance with which amounts are allocated for additional educational needs.

Site specific factors

34 Enter in this column (34) each factor in accordance with which amounts are allocated by reference to a special school's buildings or grounds.

School specific factors

35 Enter in this column (35) each factor in accordance with which amounts are allocated by reference to a school's characteristics.

Budget adjustments

36 Enter in this column (36) each factor in accordance with which amounts are allocated to special schools pursuant to any provisions of the 1999 Regulations dealing with budget adjustments.

Unallocated reserve

37 Enter here the amount of that part of the authority's ISB retained in respect of special schools and not allocated at the beginning of the financial year.

Total funds allocated to special schools

38 Enter here the aggregate of the amounts entered in accordance with notes (30), (31), (33), (34), (35), (36) and (37).

TOTAL FUNDS AVAILABLE TO ALL SCHOOLS (ISB)

39 Enter here the aggregate of the amounts entered in accordance with notes (28) and (38).

ANNEX TO PART 2

An authority may include in the Annex any relevant information in addition to that required to be included in the table.

SCHEDULE 3

Regulation 4(4)

PART 3 OF A BUDGET STATEMENT

The authority must set out in respect of each school which they maintain, all factors indicated in Part 2 of the budget statement, together with such other information referred to in that Part as applies in relation to the application of those factors to schools.

Sub-totals shall be provided for each school indicating the aggregate of amounts allocated to that school under each of the following categories:

Mainstream Schools

1 Age-weighted funding

2 SEN to include

- pupils with statements of special educational needs

- pupils without statements

- place-led funding treated as pupil-led

3 Other pupil-led funding

4 Additional educational needs

5 Site-specific factors

6 School-specific factors

7 Budget adjustments

8 Total share of the ISB (Mainstream)

Special Schools

9 Place-led funding

10 Pupil-led funding

11 Additional educational needs

12 Site-specific factors

13 School-specific factors

14 Budget adjustments

15 Total share of the ISB (Special)

Where a factor does not apply to a particular school a zero must be entered against that factor.