
 STATUTORY INSTRUMENTS

2007 No. []

EDUCATION, ENGLAND

The School Finance (Amendment) (England) Regulations 2007

<i>Made</i> - - - -	[] February 2007
<i>Laid before Parliament</i>	[] February 2007
<i>Coming into force</i> - -	[] March 2007

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred upon the Secretary of State by sections 47, 49(2A) and 138(7) of, and paragraph 2B of Schedule 14 to, the School Standards and Framework Act 1998(a).

Citation, commencement, and application

1.—(1) These Regulations may be cited as the School Finance (Amendment) (England) Regulations 2007 and come into force on the [] March 2007.

(2) These Regulations apply only in relation to England.

(3) These Regulations apply only in relation to funding period 2.

Amendment of the School Finance (England) Regulations 2006(b)

2.—(1) The School Finance (England) Regulations 2006 are amended as follows.

(2) In regulation 1(4)—

(a) after the words, ““the 2005 Act” means the Education Act 2005;”, add ““the 2006 Act” means the Education and Inspections Act 2006(c);” and

(b) after the words, ““school” means a maintained school;”, add ““school day” means any day on which there is a school session(d);”

(3) After regulation 10, insert the following regulation—

“Delegated budgets for new schools

10A.—(1) Subject to paragraphs (3) to (6), a new school must have a delegated budget from the appropriate date.

(a) 1998 c.31. Section 49(2A) was inserted by paragraph 4 of Schedule 5 to the 2006 Act. Paragraph 2B of Schedule 14 was inserted by paragraph 5 of that Schedule.

(b) S.I. 2006/468.

(c) 2006 c. 40.

(d) Section 579(1) of the 1996 Act. Regulations 3 and 4 of the Education (School Day and School Year)(England) Regulations 1999 (S.I. 1999/3181) provide that, save in exceptional circumstances, every day a school meets must be divided into two sessions with a break in the middle of the day, and that sessions devoted wholly or mainly to the provision of training for teachers employed at the schools are to be regarded as school sessions.

- (2) The appropriate date is a date which is either—
- (a) the date which is fifteen calendar months before the opening date^(a) of a new school, or
 - (b) the date upon which a temporary governing body is constituted for that school,
- whichever is the later.
- (3) A local education authority may apply to their schools forum to vary the appropriate date to a date proposed by the authority (“the proposed date”).
- (4) Upon receipt of an application by the local education authority under paragraph (4), the schools forum may—
- (a) vary the appropriate date to the proposed date,
 - (b) vary the appropriate date to a different date, or
 - (c) refuse to vary the appropriate date.
- (5) Where—
- (a) a schools forum
 - (i) varies the appropriate date to a different date which is not acceptable to the local education authority, or
 - (ii) refuses to vary the appropriate date; or
 - (b) a local education authority are not required to establish a schools forum for their area^(b), the authority may make an application to the Secretary of State for variation of the appropriate date.
- (6) The Secretary of State may—
- (a) vary the appropriate date to the proposed date,
 - (b) vary the appropriate date to a different date, or
 - (c) refuse to vary the appropriate date.
- (7) A local education authority must determine the amount of a new school’s delegated budget for the period from the appropriate date to the opening date as an amount which is sufficient to fund the appointment of staff, and purchase any goods and services necessary to enable the school to admit pupils. Thereafter the amount of the school’s delegated budget must be determined in accordance with the authority’s formula for the relevant funding period.”
- (4) In regulation 14(4)(h)—
- (a) after “and”, add the word “is”, and
 - (b) omit the words, “spends more than half of his time in full time education.”.
- (5) In regulation 20, omit paragraph (2).
- (6) In regulation 23(5)—
- (a) after the word “regulation”, add the words “up to and including 31st August 2007”, and
 - (b) after the word “Act.”, add the words “With effect from 1st September 2007, the relevant date will be the 6th school day following the date upon which the pupil is permanently excluded.”
- (7) In regulation 23, after paragraph (5), insert

(a) Section 34(9) of the 2002 Act provides that the school opening date, in relation to a new maintained school, is the date upon which the school first admits pupils.

(b) Section 47A(2) of the 1998 Act provides that the requirement in section 47A(1) of that Act to establish a schools forum for their area does not apply to the Common Council of the City of London or the Council of the Isles of Scilly. Section 47A was inserted by section 43 of the 2002 act and has been amended by section 101 of, and paragraph 7 of Schedule 16 to, the 2005 Act.

“(5A) Where a pupil permanently excluded on or after 1st September 2007 is subsequently reinstated by the governing body of the school or by an appeal panel constituted under regulations made under section 52 of the 2002 Act, the school’s budget share must be increased by an amount which is no less than $G \times (H/I)$ where—

G is the amount by which the authority has reduced the school’s budget share;

H is the number of complete weeks remaining in the funding period during which the pupil is reinstated; and

I is the number of complete weeks remaining in the funding period calculated from the relevant date.”

(8) For regulation 27(2), substitute—

“For the purposes of paragraph 1(7)(b) of Schedule 14 to the 1998 Act (prescribed occasions on which publication of schemes is required), a scheme must be published by the local education authority on the coming into force of any revisions of it(a).”

(9) After regulation 27, add the following regulation—

“Approval by the schools forum or the Secretary of State of proposals to revise schemes

28.—(1) A local education authority must submit proposals for any revisions to their scheme to their schools forum for approval.

(2) The schools forum may—

- (a) approve any such proposals,
- (b) approve any such proposals subject to modifications, or
- (c) refuse to approve any such proposals.

(3) Where the schools forum approve any revisions to the scheme, they may specify the date upon which any revised scheme is to come into force.

(4) Where—

- (a) the schools forum refuse to approve proposals submitted under paragraph (1), or approve any such proposals subject to modifications which are not acceptable to the local education authority, or
- (b) the local education authority is not required to establish a schools forum for their area, the authority may apply to the Secretary of State for approval of such proposals.

(5) The Secretary of State may—

- (a) approve any such proposals,
- (b) approve any such proposals subject to modifications, or
- (c) refuse to approve any such proposals.

(6) Where the Secretary of State approves any revisions to the scheme, he may specify the date upon which any revised scheme is to come into force.

(7) No revised scheme is to come into force unless approved by the schools forum or the Secretary of State in accordance with this Regulation.”

(10) In paragraph 20(g) of Schedule 2, substitute “regulation 13(3) of the Transfer of Undertakings (Protection of Employment) Regulations 2006” for “regulations 10 and 11 of the Transfer of Undertakings (Protection of Employment) Regulations 1981 as defined in regulation 11A of those Regulations;”.

(11) After paragraph 1(e)(i) of Schedule 5, add

“; and

(a) Paragraph 1(7)(b) of Schedule 14 to the 1998 Act was substituted by paragraph 5(4)(b) of Schedule 5 to the 2006 Act.

(aa) the amount of funding the school received under paragraph 3 of Schedule 2 (Threshold and Performance Pay) where the local education authority intends to include an amount in respect of this in the school's budget share for funding period 2;"

(12) In paragraph 1(e)(iii) of Schedule 5 (Minimum Funding Guarantee), substitute "35" for "36".

	<i>Name</i>
	Minister of State
Date	Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make minor amendments to the School Finance (England) Regulations 2006 under powers inserted by the Education and Inspections Act 2006.

They make new provision relating to the budget shares of new schools, and give additional powers to schools forums to vary the appropriate date from which a new school must have a delegated budget, and to approve revisions to financial schemes

They amend the relevant date for the purposes of redetermining a maintained school's budget share in the event of a permanent exclusion with effect from the 1st September 2007.

They make minor amendments to regulation 14 (pupil numbers) and Schedule 5 (Minimum Funding Guarantee). Paragraph 20(g) of Schedule 2 is amended to update references following the revocation of the Transfer of Undertakings (Protection of Employment) Regulations 1981.