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STATUTORY INSTRUMENTS

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**1996 No. 734**

**EDUCATION, ENGLAND AND WALES**

**The Education (Grants for Education Support  
and Training) (England) Regulations 1996**

<i>Made</i>	- - - -	<i>7th March 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

In exercise of the powers conferred upon the Secretary of State by sections 1 and 3(4) of the Education (Grants and Awards) Act 1984(1), the Secretary of State for Education and Employment hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Grants for Education Support and Training) (England) Regulations 1996 and shall come into force on 1st April 1996.

(2) These Regulations apply in relation to local education authorities in England.

**Interpretation**

2. In these Regulations—

“the Act” means the Education (Grants and Awards) Act 1984;

“approved expenditure” means any expenditure which is approved as provided in regulation 3 below;

“basic curriculum” has the meaning assigned to it by section 2(1) of the Education Reform Act 1988;(2)

“classroom assistant” means an employee of an education authority or of the governing body of a school who is normally present in a classroom with a qualified teacher and who assists the teacher in the delivery of the curriculum in the school;

“determine” means determine by notice in writing;

“education authority” means a local education authority;

“financial year” means a period of twelve months ending with 31st March;

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(1) 1984 c. 11; section 1 is amended by section 278 of the Education Act 1993 (c. 35).

(2) 1988 c. 40; section 2(1) was amended by section 241(1) of the Education Act 1993.

- “grant” means a grant in pursuance of these Regulations;
- “key stage 2” means the second key stage referred to in section 3(3) of the Education Reform Act 1988;
- “language college” means a maintained school specialising in modern foreign languages;
- “leisure time facilities” means facilities of a kind which education authorities are under the duty imposed by sections 41(3)(b) and 53(1) of the Education Act 1944(3) to secure are provided within their areas;
- “maintained school” means a school maintained by an education authority;
- “non-maintained special school” means a special school which is neither a maintained school nor a grant-maintained special school (within the meaning of section 182(3) or 187(3)(b) of the Education Act 1993);
- “NC tasks” has the meaning assigned to that expression in the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order 1995(4) and the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 3) (England) Order 1995;(5)
- “prescribed expenditure” means expenditure by an education authority for or in connection with any of the purposes specified in the Schedule hereto;
- “primary school” has the meaning assigned to it by section 114 of the Education Act 1944;(6)
- “pupil” has the meaning assigned to it by section 14(6) of the Further and Higher Education Act 1992;
- “qualified teacher” means a person who, by virtue of the regulations(7) relating to the employment of teachers from time to time in force under section 218 of the Education Reform Act 1988(8), is qualified to be employed as a teacher at a school of the kind described in subsection (12) of that section;
- “school” has the meaning assigned to it by section 14(5) of the Further and Higher Education Act 1992;(9)
- “special school” has the meaning assigned to it by section 182(1) of the Education Act 1993;
- “special support assistant” means a person who is normally present in a classroom with a qualified teacher and who assists the teacher in providing special education to children with special educational needs;
- “special educational needs” has the meaning assigned to it by section 156(1) of the Education Act 1993;
- “specialist teacher assistant” means an employee of an education authority or of the governing body of a maintained school or non-maintained special school who is normally present in a classroom with a qualified teacher and who assists the teacher in the delivery of the curriculum in the school;

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(3) 1944 c. 31; section 41 was substituted by section 11 of the Further and Higher Education Act 1992 (c. 13) and section 53(1) was amended by Part I of Schedule 1 to the Education (Miscellaneous Provisions) Act 1948 (c. 40), Schedule 7 to the Education Act 1980 (c. 20), and paragraph 54 of Schedule 12 to the Education Reform Act 1988.

(4) S.I.1995/2072.

(5) S.I. 1995/2073.

(6) The definition of “primary school” in section 114 was inserted by paragraph 13(2)(c) of Schedule 8 to the Further and Higher Education Act 1992, and was amended by section 304(2) of the Education Act 1993.

(7) The regulations currently in force are the Education (Teachers) Regulations 1993 (S.I. 1993/543), amended by S.I. 1994/222, section 14(2) of the Education Act 1994 (c. 30) and S.I. 1995/602.

(8) Section 218 was amended by paragraph 49 of Schedule 8 to the Further and Higher Education Act 1992, sections 290 and 291 of, and paragraph 136 of Schedule 19 to, the Education Act 1993, and by section 14(1) and (3) of, and paragraph 8(4) of Schedule 2 to, the Educational Act 1994.

(9) Section 14(5) was amended by section 304(1) of the Education Act 1993.

“standard task assessment” has the meaning assigned to it by regulation 5 of the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) Order 1995(10) and “further assessment” means the assessment described in regulation 7 of that Order;

“technology college” means a maintained school specialising in mathematics, science and technology; and

“youth and community worker” means a person employed in connection with leisure time facilities, other than a person employed in a solely administrative, secretarial, clerical or manual capacity.

### **Expenditure in respect of which grants are payable**

3. Grants shall only be payable in respect of prescribed expenditure incurred or to be incurred in a financial year to the extent to which that expenditure is approved for that year by the Secretary of State for the purposes of these Regulations.

### **Grants in respect of payments to third parties**

4. Where—

- (a) an education authority incurs expenditure in making payments, whether by way of maintenance, assistance or otherwise, to any other body or persons (including another education authority) who incur expenditure for or in connection with educational purposes, and
- (b) that expenditure of the recipient or the payments or any part thereof would be prescribed expenditure if it were expenditure of the authority,

such payments shall to that extent be treated as prescribed expenditure for the purposes of these Regulations.

### **Rate of Grant**

5.—(1) Subject to paragraph (2) below, grants in respect of approved expenditure incurred on or after 1st April 1996 shall be payable at the rate of 60 per cent of such expenditure.

(2) Grants in respect of approved expenditure incurred by an education authority on or after 1st April 1996 in respect of items 14, 15(a) and 16 in the Schedule hereto shall be payable at the rate of 100 per cent of such expenditure.

### **Conditions for payment of grant**

6.—(1) No payment of grant shall be made except in response to an application in writing from an education authority to the Secretary of State, authenticated by the officer of the authority responsible for the administration of their financial affairs or his deputy.

(2) Applications for the payment of grant which relate to expenditure incurred on or after 1st April 1996 shall relate to expenditure over one or more of the periods specified in paragraph (3) below and shall specify the approved expenditure in respect of which grant is applied for which has been or which it is estimated will be incurred by the education authority during each such period.

(3) The periods referred to in paragraphs (2), (4), (5) and (6) of this regulation are—

- (a) 1st April to 31st July;
- (b) 1st August to 31st December;

(c) 1st January to 31st March.

(4) Where an application relating to approved expenditure which has been or which it is estimated will be incurred during the period commencing on 1st January in any year is submitted under paragraph (1) above, such payment as the Secretary of State may determine but not exceeding three-quarters of that grant applied for in respect of that expenditure may be made forthwith, but no further payment of grant shall be made in respect of that expenditure until a statement has been submitted in accordance with paragraph (5)(a) below.

(5) Each education authority that has received or seeks to receive a payment of grant in respect of expenditure incurred during any financial year shall, before 31st July in the following financial year or as soon as practicable after that date—

- (a) submit to the Secretary of State a statement which shall specify the approved expenditure in respect of which grant has been or is being applied for which has been incurred by the education authority during that year; and
- (b) secure the submission to the Secretary of State of a certificate signed by the auditor appointed by the Audit Commission for Local Authorities and the National Health Service in England and Wales to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 13(5), (5A) and (6) of the Local Government Finance Act 1982<sup>(11)</sup> certifying that in his opinion the particulars stated in the statement submitted by the authority pursuant to this paragraph are fairly stated and that the expenditure incurred was approved for the purposes of section 1 of the Act.

(6) No payment of grant shall be made in respect of expenditure incurred by an education authority in the period beginning on 1st August in any year or any subsequent period if grant was paid to the authority in respect of expenditure in the previous financial year but the Secretary of State has not yet received the auditor's certificate referred to in paragraph (5)(b) above for that year.

(7) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (5)(b) above shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant to the education authority, be adjusted by payment between the authority and the Secretary of State.

7. Where at the time of approving expenditure for the purpose of these Regulations, the Secretary of State requests information in respect of any purpose listed in the Schedule hereto, payment of grant in respect of that purpose shall be conditional on that information being included in the education authority's application for payment of grant.

8.—(1) The Secretary of State may from time to time determine further conditions on the fulfilment of which the making of any payment in pursuance of these Regulations shall be dependent.

(2) Where conditions have been determined in pursuance of this regulation no grant shall be payable unless such conditions have either been fulfilled or been withdrawn in pursuance of paragraph (3) below.

(3) The Secretary of State may determine to withdraw or, after consulting the education authority, vary conditions determined in pursuance of this regulation.

### **Requirements to be complied with**

9. Any education authority to whom a payment of grant has been made shall, if so required by the Secretary of State, furnish her with such further information as may be required to enable her to verify that any grant paid has been properly paid under these Regulations.

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(11) 1982 c. 32; subsection (5) of section 13 was amended by section 20 of, and paragraph 3 of Schedule 4 to, the National Health Service and Community Care Act 1990 (c. 19).

**10.**—(1) Any education authority to whom a payment of grant has been made shall comply with such requirements as may be determined by the Secretary of State in the case in question.

(2) Requirements determined under this regulation may include requirements as to—

- (a) the repayment of grant;
- (b) the payment to the Secretary of State of other sums related to the value of assets acquired, provided or improved—
  - (i) with the aid of grant; or
  - (ii) by any other body or persons referred to in regulation 4(a) above with the aid of payments made by the authority in respect of which grant has been paid; or
- (c) the payment of interest on sums due to the Secretary of State.

**11.**—(1) The Secretary of State may require any education authority to whom a payment of grant in respect of item 1, 2(b), 3(b), 5, 8, 13(a) or 14 in the Schedule is made to delegate decisions about the spending of—

- (a) such grant, and
- (b) the amount allocated by the authority to meet the prescribed expenditure approved in accordance with regulation 3,

to the governing body of a maintained school.

(2) The Secretary of State may determine to withdraw or, after consulting the education authority, vary requirements determined in pursuance of this regulation.

### **Revocation and transitional provisions**

**12.** The Education (Grants for Education Support and Training) (England) Regulations 1995(**12**) and the Education (Grants for Education Support and Training) (England) (Amendment) Regulations 1995(**13**) are hereby revoked but nothing in this regulation shall prevent the Secretary of State making payments of grant authorised by those Regulations in respect of expenditure incurred on or before 31st March 1996 or affect any condition or requirement determined by or in accordance with any of the Regulations so revoked.

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(12) S.I. 1995/605.

(13) S.I. 1995/1705.

## SCHEDULE

Regulations 2 and 5

## PURPOSES FOR OR IN CONNECTION WITH WHICH GRANTS ARE PAYABLE

## 1. Support for schools by—

- (a) measures to improve the effectiveness of teachers and classroom assistants;
  - (b) measures to improve the quality of school management and strategic planning; and
  - (c) other measures (including the provision of books, information technology and other equipment) to support the effective implementation of the basic curriculum.
- (a) (a) The verification of standard task assessments in accordance with regulation 6 of the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) Order 1995; and
  - (b) support for arrangements in schools for assessing pupils in relation to National Curriculum attainment targets under Chapter I of Part I of the Education Reform Act 1988, including the provision of additional staff to assist schools for the period during which teachers are administering and marking—
    - (i) NC tasks at the end of the second and third key stages in accordance with the requirements of the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order 1995 and the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 3) (England) Order 1995, and
    - (ii) standard task assessments and further assessments at the end of the first key stage in accordance with the requirements of the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) (England) Order 1995,

except as provided for in sub-paragraph (a).

- (a) (a) The further training of teachers employed in primary schools and special schools in basic curriculum subjects except as provided for in sub-paragraph (b); and
  - (b) the further training of teachers employed in schools in assessing pupils in accordance with article 4 of the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order 1995 in core subjects (that is to say, English, Mathematics and Science) in respect of key stage two.
4. The further training of teachers of children with special educational needs and special support assistants employed in maintained schools and in non maintained special schools.
5. Support and training for governors of maintained schools and for those employed in such schools as teachers and in other capacities, in developing policies for pupils with special educational needs.
6. The provision of information and advisory services for parents of children with special educational needs, and support for projects to encourage the development of partnership between parents, schools, education authorities and other persons involved in identifying, assessing and assisting pupils with such needs.
7. The training of persons granted a licence or authorisation to teach by the Secretary of State under regulations for the time being in force under section 218(3)(14) of the Education Reform Act 1988 to enable them to become qualified teachers.

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(14) Section 28(3) was amended by section 14(3) of the Education Act 1994.

**8.** Support and training for teachers in preparation for the introduction in schools of vocational courses leading to General National Vocational Qualifications.

- (a) (a) Action to improve rates of attendance in schools; and
- (b) action to improve provision for pupil whose behaviour poses difficulties for schools.

**10.** The training of persons employed as youth and community workers.

**11.** Training for teachers and classroom assistants employed in maintained schools and non-maintained special schools teaching classes containing pupils whose first language is not English to give them the skills necessary to enable such pupils to gain access to the National Curriculum.

**12.** Training for careers teachers, and training for other teachers who contribute to careers education and guidance in schools.

- (a) (a) Training for teachers with responsibility for providing education in schools related to the misuse of drugs; and
- (b) support for new projects to assist schools to combat the misuse of drugs.

**14.** Support, equipment and training for the teaching of—

- (a) mathematics, science and technology in technology colleges, and
- (b) modern foreign languages in language colleges.
- (a) (a) The establishment and maintenance of centres for the teaching of literacy and numeracy in primary schools; and
- (b) the provision of books, information technology and other equipment for use in connection with the teaching of literacy and numeracy.

**16.** The provision of courses for the training of specialist teacher assistants to provide assistance and support for qualified teachers in teaching subjects including reading, writing and mathematics to primary school pupils.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations supersede the Education (Grants for Education Support and Training) (England) Regulations 1995 as amended which are revoked.

There are some minor and drafting amendments to the regulations and the purposes for or in connection with which grants are payable set out in the Schedule have been revised. A number of purposes have been deleted or amended and item 15 has been added.