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STATUTORY INSTRUMENTS

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**1998 No. 656**

**EDUCATION, ENGLAND AND WALES**

**The Education (Grants for Education Support  
and Training) (England) Regulations 1998**

<i>Made</i>	- - - -	<i>10th March 1998</i>
<i>Laid before Parliament</i>		<i>11th March 1998</i>
<i>Coming into force</i>	- -	<i>1st April 1998</i>

In exercise of the powers conferred upon the Secretary of State by sections 484, 489 and 569(4) of the Education Act 1996<sup>(1)</sup> the Secretary of State for Education and Employment hereby makes the following Regulations;

**Citation and commencement and application**

1.—(1) These Regulations may be cited as the Education (Grants for Education Support and Training) (England) Regulations 1998 and shall come into force on 1st April 1998.

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

**Interpretation**

2.—(1) In these Regulations—

“the 1989 Act” means the Local Government and Housing Act 1989<sup>(2)</sup>;

“the 1996 Act” means the Education Act 1996;

“the 1995 Order” means the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) (England) Order 1995<sup>(3)</sup>;

“annual review meeting” means a meeting to review a statement of special educational needs such as is referred to in regulations 15(5), 16(3) and 17(3) of the Education (Special Educational Needs) Regulations 1994<sup>(4)</sup>;

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

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(1) 1996 c. 56; see section 579(1) for the definition of “regulations”.

(2) 1989 c. 42.

(3) S.I.1995/2071 amended by S.I. 1996/2114, S.I. 1997/1931 and S.I. 1997/2176.

(4) S.I. 1994/1047.

“baseline assessment scheme” has the meaning given to it in section 15 of the Education Act 1997<sup>(5)</sup>;

“basic curriculum” has the meaning given to it in section 352 of the 1996 Act;

“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 teacher and who assists the teacher;

“core subjects” has the meaning given to it in section 354 of the 1996 Act;

“determine” means determine by notice in writing;

“early excellence centre” means an institution for providing education and other services for children under compulsory school age (whether or not it also provides such services for other persons) participating in the Department for Education and Employment’s pilot programme for early excellence centres;

“early years development partnership” means a body established by an education authority to work with the education authority to review the sufficiency of the provision of good quality nursery education and care in the education authority’s area and to prepare an early years development plan;

“early years development plan” means a statement prepared by an education authority in conjunction with the early years development partnership of their proposals for the provision of good quality nursery education and care for children in their area;

“education authority” means a local education authority;

“family literacy programmes” means programmes which enable parents to improve their own literacy skills whilst helping their children to read and write;

“infant class” means a class containing pupils the majority of whom will attain the age of five, six or seven during the course of the school year;

“key skills qualification” means a qualification accredited as such by the Qualifications and Curriculum Authority under section 24(2)(g) of the Education Act 1997;

“key stage 1” means the first key stage referred to in section 355(1)(a) of the 1996 Act;

“key stage 2” means the second key stage referred to in section 355(1)(b) of the 1996 Act;

“key stage 3” means the third key stage referred to in section 355(1)(c) of the 1996 Act;

“maintained school” means a school maintained by an education authority;

“National Grid for Learning” means a system of inter-connecting networks and education services based on the internet which is designed to support teaching, learning, training and administration in schools, the wider education service, and the community;

“non-maintained special school” means a special school which is neither a maintained special school nor a grant-maintained special school;

“nursery education” has the meaning given to it in section 1(2) of the Nursery Education and Grant-Maintained Schools Act 1996<sup>(6)</sup>;

“prescribed expenditure” means

- (a) expenditure by an education authority for or in connection with any of the purposes specified in paragraphs 1-18, 19(a) or 20-24 of the Schedule; or
- (b) expenditure by an education authority which satisfies the conditions specified in paragraph (2) below for or in connection with the purpose specified in paragraph 19(b) of the Schedule;

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<sup>(5)</sup> 1997 c. 44.

<sup>(6)</sup> 1996 c. 50.

“relevant lender” has the meaning given to it in regulation 65(1) of the Local Authorities (Capital Finance) Regulations 1997(7);

“specialist school” means a maintained school which specialises in—

- (a) mathematics, science and technology;
- (b) modern foreign languages;
- (c) the fine arts and performing arts; or
- (d) sport;

“standard task assessment” has the meaning given to it in article 5 of the 1995 Order;

“standards fund grant” means a grant under these Regulations;

“statement of special educational needs” has the meaning given to it in section 324 of the 1996 Act;

“study support centre” means a centre providing an out of school hours learning programme aimed at raising standards in literacy and numeracy;

“summer literacy school” means a scheme taking place during the summer holidays which aims to raise standards of literacy in pupils who are about to join secondary school;

“teacher” means a person who by virtue of regulations(8) relating to the employment of teachers from time to time in force under section 218 of the Education Reform Act 1988(9) is qualified to be employed as a teacher at a school of the kind described in subsection (12) of that section; and

“youth and community worker” means a person employed or working in a voluntary capacity in connection with the provision of facilities of a kind mentioned in sections 2(3)(b) or 508 of the 1996 Act other than a person undertaking duties that are solely administrative, secretarial, clerical or manual.

(2) The conditions referred to in sub-paragraph (b) of the definition of “prescribed expenditure” in paragraph (1) above are that on 1st April 1998 the education authority—

- (a) has a credit ceiling, as determined under Part III of Schedule 3 to the 1989 Act which was nil or a negative amount; and
- (b) had no money outstanding by way of borrowing other than—
  - (i) short-term borrowing (within the meaning of section 45(6) of the 1989 Act); or
  - (ii) borrowing undertaken before 24th August 1995, other than borrowing by the issue of stock on or after 15th December 1993 from a person who is not a relevant lender.

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

3. Standards fund 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.

### **Standards fund grants in respect of payments to third parties**

4. Where—

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(7) S.I. 1997/319.

(8) 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), S.I. 1995/602 and 2594, S.I. 1996/1603, S.I. 1997/368 and S.I. 1997/2679.

(9) Section 218 was amended by paragraph 49 of Schedule 8 to the Further and Higher Education Act 1992 (c. 13), section 14(1) and (3) of, and paragraph 8(4) of Schedule 2 to, the Education Act 1994, paragraph 76 of Schedule 73 to the 1996 Act and by section 49 (1)-(3) of the Education Act 1997.

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- (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 of 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 standards fund grant**

5.—(1) Except as provided in paragraph (2) below, standards fund grants in respect of approved expenditure incurred on or after 1st April 1998 shall be payable at the rate of 50 per cent. of such expenditure.

(2) Standards fund grants in respect of approved expenditure incurred on or after 1st April 1998 in respect of items referred to in the paragraphs of the Schedule listed in the left hand column of the table below shall be payable at the percentage rate of such expenditure specified in relation thereto in the right hand column of the table.

**TABLE**

Paragraph in Schedule	Rate (%)
2a	100
5	100
18	75
19	100
20	80
22	100
23	100
24	100

### **Conditions for payment of standards fund grant**

6.—(1) No payment of standards fund 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 standards fund grant which relate to expenditure incurred on or after 1st April 1998 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) 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 may be made forthwith, but no further payment of standards fund 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 standards fund 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 standards fund 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>(10)</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 484 of the 1996 Act.

(6) No payment of standards fund 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 standards fund 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 standards fund 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 standards fund 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 purposes of these Regulations, the Secretary of State requests information in respect of any purpose listed in the Schedule, payment of standards fund 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 under these Regulations shall be dependent.

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

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

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

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

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<sup>(10)</sup> 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 standards fund 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 standards fund 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 standards fund 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 standards fund 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 standards fund grant in respect of the items specified in paragraphs 1, 3, 6(a), 6(c), 6(d), 6(e), 7(c), 9, 13, 14, 18, 19 or 21 of 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.**—(1) The following Regulations are hereby revoked, namely—

- (a) The Education (Grants for Education Support and Training: Nursery Education) (England) Regulations 1996(**11**);
- (b) the Education (Grants for Education Support and Training) (England) Regulations 1997(**12**);
- (c) the Education (Grants for Education Support and Training) (England) (Amendment) Regulations 1997(**13**), and
- (d) the Education (Grants for Education Support and Training) (England) (Amendment) Regulations 1998(**14**).

(2) Nothing in paragraph (1) above shall prevent the Secretary of State making payments of grant authorised by the Regulations revoked by that paragraph in respect of expenditure incurred on or before 31st March 1998 or affect any condition or requirement determined by or in accordance with any of those Regulations.

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(11) S.I. 1996/235

(12) S.I. 1997/514

(13) S.I. 1997/2174

(14) S.I. 1998/80

10th March 1998

*Stephen Byers*  
Minister of State,  
Department for Education and Employment

## SCHEDULE

Regulations 2, 5 and 11

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

1. Support for maintained schools by—
  - (a) measures to improve the effectiveness of teachers and classroom assistants;
  - (b) measures to improve the quality of school governance, management and strategic planning;
  - (c) other measures (including the provision of books, information technology and other equipment) to support the effective implementation of the basic curriculum; and
  - (d) the establishment or development of arrangements to increase the availability and use of comparative data and to encourage benchmarking (that is to say the comparison of performance in various matters between similar institutions or groups of institutions) and target setting in schools.
    - (a) Support for the assessment and training of persons undertaking the National Professional Qualification for Headship; and
    - (b) support for the training of serving headteachers undertaking the national training programme for serving headteachers.
3. Support for the introduction of a structured induction year for newly-qualified teachers, consisting of a combination of guided support and assessment.
4. Support for the training and development of staff providing nursery education when the education provided is included in an education authority's early years development plan.
5. Measures to reduce the number of pupils in maintained schools in infant classes which have over 30 pupils, through the employment of additional teachers and the provision of additional transport.
  - (a)
    - (a) support and training for teachers in maintained schools to carry out the assessment of children in accordance with a baseline assessment scheme accredited in accordance with section 16 of the Education Act 1997 and the provision of additional staff to assist such schools for the period during which teachers are carrying out such assessment;
    - (b) the verification of standard task assessments in maintained schools in accordance with article 6 of the 1995 Order;
    - (c) support for arrangements in maintained schools for assessing pupils in relation to National Curriculum attainment targets under Part V of the 1996 Act including the provision of additional staff to assist such schools for the period during which teachers are administering and marking standard task assessments in accordance with the requirements of the 1995 Order;
    - (d) the further training of teachers employed in maintained schools in assessing pupils at key stage 2 in the core subjects; and
    - (e) support for arrangements in maintained schools to support the effective use of end of key stage 1, 2 and 3 results in the core subjects in primary and secondary schools.
  - (a)
    - (a) Support for the employment of consultants to provide training in maintained primary schools to improve the teaching of literacy and numeracy;
    - (b) support for the training of teachers of literacy in maintained primary schools; and
    - (c) the provision of books, information technology and other equipment for use in maintained primary schools in connection with the teaching of literacy and numeracy.

**8.** Measures to improve the teaching of literacy in maintained schools at key stage 3, including support for the training of teachers of literacy and the provision of books, information technology and other equipment for use in connection with the teaching of literacy.

**9.** Support for the setting up and running of summer literacy schools.

**10.** The improvement of literacy skills of parents and children through family literacy programmes for

- (a) families with children aged 3 to 6, 8 to 9 or 11 to 12 years; or
- (b) families from linguistic minorities.

**11.** Support in establishing and maintaining study support centres within, or near, the premises of Premier League and First Division Football Clubs.

- (a) (a) Training for governors, headteachers, teachers and special needs assistants in maintained schools and non-maintained special schools and for teachers and special needs assistants employed in education authority support services who have responsibility for children with special educational needs; and
- (b) the encouragement of partnerships between parents, education authorities, schools and voluntary bodies in order to secure a better education for children with special educational needs through the use of materials, information technology and additional staff time, including additional staff time required to strengthen an education authority's input to annual review meetings.

**13.** Support and training for teachers and for curriculum planning—

- (a) for the effective introduction in maintained schools of vocational courses leading to General National Vocational Qualifications;
- (b) for the effective introduction of courses leading to GCE A level and AS examinations (that is to say General Certificate of Education advanced level and advanced subsidiary examinations);
- (c) for the effective introduction of post — 16 key skills qualifications, or units thereof, in maintained schools; and
- (d) in preparation for any other changes to the organisation, teaching and assessment of the post — 16 curriculum in maintained schools.

**14.** Support for high quality work related learning projects with the intention of raising levels of attainment and motivation of 14 to 16 year olds in maintained secondary schools.

- (a) (a) Action to improve rates of attendance in schools; and
- (b) action to improve provision for pupils whose behaviour poses difficulties for schools.
- (a) (a) Training for teachers and youth and community workers with responsibility for providing education relating to the misuse of drugs; and
- (b) other measures (including initiatives to promote inter-agency working) to assist teachers and youth and community workers in providing education about the misuse of drugs.

**17.** The training of youth and community workers.

**18.** Measures, including training, to improve the security of the premises of maintained schools and the personal safety of persons working at the school and pupils.

- (a) (a) Support, equipment and training for the teaching of
  - (i) mathematics, science and technology in specialist schools specialising in those subjects;
  - (ii) modern foreign languages in specialist schools specialising in those subjects;

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- (iii) the fine arts and performing arts in specialist schools specialising in those subjects; and
- (iv) sport in specialist schools specialising in that subject; and
- (b) the improvement or alteration of the premises of specialist schools, other than a significant enlargement of such premises which has been approved by the Secretary of State under section 37 or 43 of the 1996 Act, or which the education authority has determined should be implemented under section 38 of that Act.

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

**21.** Enabling maintained schools to secure effective use of the networked educational services made available through the National Grid for Learning by the replacement of obsolete equipment, the provision of suitable internal and external networking facilities, quality software and on-line services, and associated training in basic information communications technology use.

- (a) (a) The improvement or alteration of the premises of maintained schools other than—
  - (i) specialist schools in circumstances where the conditions specified in regulation 2(2) are fulfilled; or
  - (ii) a significant enlargement of such premises which has been approved by the Secretary of State under section 37 or 43 of the 1996 Act, or which the education authority has determined should be implemented under section 38 of that Act;
- (b) the improvement or alteration of other buildings used for educational purposes other than as a specialist school in circumstances where the conditions specified in regulation 2(2) are fulfilled; and
- (c) the provision of equipment (including information technology) for educational purposes.

**23.** Support for projects providing out of school hours learning activities, including motivational, creative and sporting activities and homework and study clubs.

**24.** Support for the provision of education, daycare, family education, training and development of staff and related services by early excellence centres.

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## EXPLANATORY NOTE

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

These Regulations supersede the Education (Grants for Education and Training) (England) Regulations 1997 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 paragraphs 3, 4, 5, 7, 8, 9, 11, 14, 21 and 23 contain new purposes.