

1999 No. 521

EDUCATION, ENGLAND AND WALES

WALES

The Education (Education Standards Grants) (Wales)
Regulations 1999

<i>Made</i> - - - -	<i>5th March 1999</i>
<i>Laid before Parliament</i>	<i>10th March 1999</i>
<i>Coming into force</i>	<i>1st April 1999</i>

In exercise of the powers conferred upon the Secretary of State by sections 484, 489 and 569(4) of the Education Act 1996(a) the Secretary of State for Wales hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Education Standards Grants) (Wales) Regulations 1999 and shall come into force on 1st April 1999.

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

Interpretation

2.—(1) In these Regulations—

“the 1996 Act” means the Education Act 1996;

“the 1998 Act” means the School Standards and Framework Act 1998(b);

“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(c);

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

“baseline assessment scheme” has the meaning given to it in section 15 of the Education Act 1997(d);

“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;

“determine” means determine by notice in writing;

“early years development partnership” means a body established in accordance with section 119(1) of the 1998 Act;

(a) 1996 c. 56; sections 484 and 489 have been amended by section 7(10) of, and paragraphs 125 and 126 of Schedule 30 to, the School Standards and Framework Act 1998. For the meaning of regulations *see* section 579(1).

(b) 1998 c. 31.

(c) S.I. 1994/1047.

(d) 1997 c. 44.

“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 in Wales;

“education strategic plan” means an education development plan prepared by an education authority in accordance with section 6 of the 1998 Act;

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

“grant” means a grant in pursuance of these Regulations;

“key stages 1, 2, 3 and 4” means the periods specified in paragraphs (a), (b), (c) and (d) respectively of section 355(1) of the 1996 Act;

“leisure time facilities” means facilities of a kind which education authorities are under the duty imposed by sections 2(3)(b) and 508(1) of the 1996 Act to secure are provided within their areas;

“mainstream school” means a maintained school other than a special school;

“maintained school” means—

(a) (prior to 1.9.99) a school maintained by an education authority, a grant-maintained school or a grant-maintained special school; or

(b) (on and after 1.9.99) a school maintained by an education authority;

“member of the Inspectorate” has the meaning given to it in section 46(1) of the School Inspections Act 1996**(a)**;

“mentor” means an experienced head teacher giving advice and assistance to support the professional development of an inexperienced head teacher;

“named person” means a person whom the education authority are satisfied is able (having regard to any criteria set out in the Code of Practice issued by the Secretary of State under section 313 of the 1996 Act**(b)**) to provide accurate information and sound advice to a parent about his child’s special educational needs, and is agreeable to being named as a person from whom the parent may seek such information and advice when the education authority serve a copy of the child’s statement of special educational needs on the parent pursuant to paragraph 6 of Schedule 27 to the 1996 Act;

“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;

“nursery education” has the meaning given to it in section 117 of the 1998 Act;

“prescribed expenditure” means expenditure by an education authority for or in connection with any of the purposes specified in the Schedule hereto;

“pupil” has the meaning given to it in section 3 of the 1996 Act;

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

“registered inspector” means a person who is registered as an inspector in accordance with section 7(1) and (2) of the School Inspections Act 1996;

“school development plan” means a plan prepared by the governing body of the school in question setting out the goals of the school and the action necessary over the next few years to enable the school to move towards achieving those goals;

(a) 1996 c. 57.

(b) s.313 is prospectively amended by paragraph 72 of Schedule 30 to the School Standards and Framework Act 1998.

(c) The regulations currently in force are the Education (Teachers) Regulations 1993 (S.I. 1993/543), amended by S.I. 1994/222, 1995/2594, 1997/368, 1997/2679 and 1998/1584.

(d) Section 218 was (so far as relevant to these Regulations) amended by paragraph 49 of Schedule 8 to the Further and Higher Education Act 1992 (c. 13); by section 14(1) and (3) of and paragraph 8(4) of Schedule 2 to, the Education Act 1994; by paragraph 76 of Schedule 37 to the Education Act 1996; by section 49(1)–(4) of the Education Act 1997 and is prospectively amended by paragraph 17 of Schedule 30 to the School Standards and Framework Act 1998 and by sections 10, 11 and 13 of the Teaching and Higher Education Act 1998 (c. 30).

“school site” has the meaning given to it in section 62(1) of the 1996 Act;

“special educational needs” has the meaning given to it in section 312(1) of the 1996 Act;

“special needs 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 in relation to children with special educational needs;

“special school” has the meaning given to it in section 337(1) of the 1996 Act(a);

“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;

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

“young person” has the meaning given to it in section 579(1) of the 1996 Act;

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

(2) In these Regulations a reference to a regulation is a reference to a regulation contained herein, a reference in a regulation to a paragraph is a reference to a paragraph of that regulation, and a reference to the Schedule is a reference to the Schedule to these Regulations.

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 incur 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 Grant

5. Grants in respect of approved expenditure incurred on or after 1st April 1999 of the kind 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 of schedule	Percentage rate of grant
24	100
35	100
30	70
All other paragraphs	60

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.

(a) Section 337(1) is prospectively amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

(2) Applications for the payment of grant which relate to expenditure incurred on or after 1st April 1999 shall relate to expenditure over one or more of the periods specified in paragraph (3) 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 paragraph (2) 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 1st January to 31st March in any year is submitted under paragraph (1), such payment as the Secretary of State may determine but not exceeding, save where he determines otherwise in the case of an application relating to approved expenditure of the kind referred to in paragraph 24 of the Schedule, three-quarters of the 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).

(5) Each education authority which 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 sections 3(5), (6) and (7) of the Audit Commission Act 1998^(a) 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^(b).

(6) No payment of grant shall be made in respect of expenditure incurred by an education authority in the period 1st August to 31st December 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) 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) 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, 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 the 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).

(a) 1998 c.18.

(b) Section 484 was amended by section 7(10) of and paragraph 125 of Schedule 30 to the School Standards and Framework Act 1998.

(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 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.

10. Any education authority to whom a payment of grant has been made shall comply with such requirements (including requirements as to the repayment of grant or the payment to the Secretary of State of other sums related to the value of assets acquired, provided or improved with the aid of grant or interest on sums due to him) as may be determined by the Secretary of State in the case in question.

11.—(1) The Secretary of State may require any education authority to delegate decisions about the spending of—

- (a) grant, and
- (b) amounts allocated by the authority to meet 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) (Wales) Regulations 1998(a) and the Education (Grants for Education Support and Training) (Wales) (Amendment) Regulations 1998(b) are hereby revoked, but nothing in this regulation shall prevent the Secretary of State from making payments of grant authorised by those Regulations in respect of expenditure incurred on or before 31st March 1999 or affect any condition or requirement determined by or in accordance with any of the Regulations so revoked.

SCHEDULE

Regulations 2 and 3

PURPOSES FOR OR IN CONNECTION WITH WHICH GRANTS ARE PAYABLE

- 1.** The provision of—
- (a) support and training for the implementation and administration of schemes for financing maintained schools;
 - (b) training and professional development in management and leadership skills of teachers and those employed in schools as secretaries, bursars and in other administration capacities;
 - (c) training of head teachers as mentors;
 - (d) support and training for school governors in management and leadership skills;
 - (e) support, training, books and equipment to assist schools with the implementation, organisation and delivery of the National Curriculum;

(a) S.I. 1998/392.

(b) S.I. 1998/1489.

- (f) support, training, books and equipment with a view to raising standards of attainment of pupils in the subjects of mathematics, English, science, Welsh, technology, physical education, history, geography, art, music, modern foreign languages and religious education and reducing any difference in such standards of attainment between male and female pupils;
 - (g) support, training, books and equipment with a view to raising standards of attainment of pupils in General Certificate of Education Advanced Level and Advanced Subsidiary Examinations particularly in science and technology subjects, and reducing any difference in such standards of attainment between male and female pupils;
 - (h) information and communications technology and equipment, programmes and data, and training for teachers and other school-based staff in the use of such equipment, programmes and data to enhance teaching and learning in all curriculum subjects;
 - (i) training for school governors and persons employed in schools in the skills required to enable them to set targets, improve development plans and to set objectives for enhanced school performance in all the subjects of the curriculum, and to address any weaknesses identified in a report of an inspection carried out by a member of the Inspectorate or a registered inspector; and
 - (j) training for persons employed at schools in Wales which is aimed at equipping (or better equipping) them to conduct, or to assist in conducting, acts of religious worship at such schools in accordance with sections 385 and 386 of the 1996 Act.**(a)**.
2. (a) Support and training for the implementation in schools in Wales of the arrangements for assessing pupils in relation to National Curriculum attainment targets under Chapter II of Part V of the 1996 Act**(b)**, or in relation to a baseline assessment scheme;
- (b) Training for teachers in the following activities, namely–
- (i) administering National Curriculum tests, administering and marking National Curriculum tasks and carrying out teacher assessments in respect of key stages 2 and 3 in accordance with the requirements of articles 4 to 9 of the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 2) (Wales) Order 1997**(c)** and articles 4 to 12 of the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (Wales) Order 1997**(d)**, and
 - (ii) administering and marking standard task assessments and carrying out teacher assessments in respect of key stage 1 in accordance with the requirements of articles 4 to 9 of the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 1997**(e)** and the provision of additional staff to assist schools for the period during which teachers are engaged in those activities.
3. Support for schemes to improve the teaching of literacy and numeracy in primary schools with a view to improving pupils' standards of literacy and numeracy in such schools.
4. The training and professional development of head teachers.
5. The training and professional development of teachers (other than head teachers), including professional development and training with a view to their taking the National Professional Qualification for Headship and including training to give advice, assistance and support to persons seeking to become qualified or registered teachers;

(a) Sections 385 and 386 are prospectively repealed by paragraph 92 of Schedule 30 to the School Standards and Framework Act 1998 and replaced by section 70 of that Act.

(b) Chapter II is amended by paragraphs 26–28 of Schedule 7 to the Education Act 1997 and is also amended, in part prospectively, by paragraphs 87–91 of Schedule 30 to the School Standards and Framework Act 1998.

(c) S.I. 1997/2009, amended by S.I. 1998/1977.

(d) S.I. 1997/2010, amended by S.I. 1998/1976.

(e) S.I. 1997/2011.

6. The training of teachers to teach, through the medium of Welsh, subjects required to be taught under the National Curriculum.
7.
 - (a) Training for headteachers, teachers and special needs assistants in maintained schools and in special schools which are not maintained schools and for those staff in such schools or in education authority support services with responsibility for children with special educational needs;
 - (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 to strengthen an education authority's input to annual review meetings;
 - (c) measures to encourage the attendance of children with special educational needs at mainstream schools;
 - (d) support for the development of links between special schools and mainstream schools;
 - (e) support for children with emotional and behavioural difficulties or at risk of developing emotional and behavioural difficulties; and
 - (f) support for the promotion of co-operation for educational purposes between an education authority and other bodies, including support for selected pilot projects to investigate and develop regional planning arrangements for the improvement of services for children with special educational needs.
8. Support and training for governors of maintained schools in Wales and for those employed in such schools as teachers and in other capacities, in developing policies for pupils with special educational needs.
9. Support for education authorities in identifying named persons.
10. Support for qualified teachers who are newly qualified.
11. 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)(a) of the Education Reform Act 1988 to enable them to become qualified teachers.
12. Support for schools in Wales which offer vocational courses leading to General National Vocational Qualifications, or which are preparing for the introduction of such courses, including the provision of training, books and equipment.
13. Action to improve rates of attendance in, and reduce the numbers of children excluded from, schools in Wales and to improve provision for pupils whose behaviour poses difficulties for such schools.
14. The training of persons employed as youth and community workers.
15. Training for teachers with responsibility for child protection in schools in Wales.
16. Training for careers teachers, and training for other teachers in the provision of vocational and careers education and guidance in schools in Wales.
17. Support for teachers at secondary schools in Wales in establishing an effective system for reviewing and recording pupils' achievements.
18. Training for teachers with responsibility for providing health and sex education in schools in Wales, particularly related to the misuse of drugs.

(a) Section 218(3) was amended by section 14(3) of the Education Act 1994 and is prospectively amended by section 10 of the Teaching and Higher Education Act 1998.

19. The improvement of the planning and co-ordination of educational provision in Wales for children aged under five.

20. The provision of training and advice for persons employed at schools concerning action which could be taken to improve the security of school premises and the personal safety of pupils and persons working at schools.

21. Projects to improve levels of literacy of families in Wales by encouraging parents to assist their children with learning to read and write.

22. Support for the training and development of staff providing nursery education in Wales when the education provided is consistent with the relevant education authority's early years development plan.

23. The improvement of school sites; the improvement, renovation or replacement of buildings used for educational purposes; the provision and installation of cabling for information and communications technology equipment as part of such improvement, renovation or replacement; and the provision and installation of equipment to enhance the teaching and learning of design and technology at key stages 3 and 4 and above (whether or not as part of such improvement renovation or replacement), particularly in relation to control technology and the design and manufacture of products with the aid of information and communications technology and equipment.

24. Projects to foster the reintegration or progression of young persons into forms of education or training suitable to their needs, abilities and aptitudes.

25. Support to enable maintained schools to secure effective use of the networked educational services made available through the National Grid for Learning.

26. Support for education authorities to develop and implement strategies to improve standards of literacy in English and Welsh and standards of numeracy.

27. Support for measures to improve the standards attained by pupils in schools which are causing concern and in other schools, including support for measures in an education authority's education strategic plan and for measures in a school's development plan.

28. Support for the setting up and running out of school hours learning activities for pupils in maintained schools, including motivational, creative and sporting activities and homework and study clubs.

29. Measures to provide equality of educational opportunity for all minority ethnic groups, including in particular measures to assist pupils for whom English is an additional language and measures to improve standards of achievement.

30. Support for the setting up and running of summer literacy schools and of summer numeracy schools.

31. Support for the continuing, new or increased provision by an education authority of a central music service, including measures to improve the quality of music teaching, to improve equality of access to music services, to promote the development of choirs and instrumental ensembles of all types and to promote co-operative working between education authorities and other bodies.

32. Training, for teachers of subjects for which first aid and health and safety have a particular relevance, which is aimed at equipping (or better equipping) them to administer first aid and informing them as to health and safety issues.

33. Training of persons employed as classroom assistants.
34. Measures to provide classroom assistance and support for qualified teachers in maintained schools, including the employment of classroom assistants.
35. The provision of additional staff to assist shall for the periods during which teachers are attending training courses.

Signed by authority of the Secretary of State for Wales

5th March 1999

Peter Hain
Parliamentary Under Secretary of State,
Welsh Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply only in Wales, supersede the Education (Grants for Education Support and Training) (Wales) Regulations 1998 (as amended), which are revoked.

Some of the purposes in respect of which grant is payable have been modified and some new purposes added—see paragraphs 5, 7, 23, 24 and 28–35 of the Schedule.

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