STATUTORY INSTRUMENTS

1983 No. 310

LOCAL GOVERNMENT, ENGLAND AND WALES

The Block Grant (Education Adjustments) (Wales) Regulations 1983

Made - - -	*1st March* 1983
Laid before Parliament	*9th March* 1983
Coming into Operation	*1st April* 1983

In exercise of the powers conferred upon the Secretary of State by paragraphs 2, 5, 6 and 7 of Schedule 10 to the Local Government, Planning and Land Act 1980(a) and after consulting in accordance with paragraph 8 of that Schedule such associations of local authorities as appeared to me to be concerned, I hereby make the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Block Grant (Education Adjustments) (Wales) Regulations 1983.

(2) These Regulations shall come into operation on 1st April 1983.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires:—

"the Act" means the Local Government, Planning and Land Act 1980;

"authority" means a local education authority in Wales;

"financial year" means a period of 12 months ending on 31st March;

"further education", "primary education", "secondary education", "registered pupil", and "school" have the meanings assigned thereto by section 114 of the Education Act 1944(b);

"redundancy payments" means payments under Part VI of the Employment Protection (Consolidation) Act 1978(c);

"salary" includes employer's superannuation and Social Security contributions;

"standard rates" means the rates at which the cost of tuition would be determined for the purposes of section 31 of the Education Act 1980(d);

"travelling pupils" means pupils who have no fixed abode by reason of the nomadic way of life of their parents;

(a) 1980 c.65.
(b) 1944 c.31.
(c) 1978 c.44.
(d) 1980 c.20.

"year" means a calendar year; and

"youth and community worker" means a person who is employed full-time as a youth worker or a community centre warden in connection with the provision of such facilities for further education as are mentioned in section 41(*b*) of the Education Act 1944, and who is qualified as mentioned in Schedule 1.

(2) For the purposes of these Regulations a pupil shall be treated as not belonging to the area of any local education authority in England or Wales if he is so treated for the purposes of paragraph 5(5) of Schedule 10 to the Act by virtue of paragraph 10 of that Schedule and Regulations(**a**) from time to time in force under section 38(5) of the Education Act 1980.

Expenditure to which the Regulations apply

3.—(1) These Regulations do not apply to any capital expenditure from revenue in respect of minor works other than that specified in paragraph (3)(*a*)(ii) below but, subject thereto, apply to expenditure incurred after 31st March 1983 being:—

(*a*) expenditure in connection with further education of an advanced character specified in paragraph (2) below; and

(*b*) other educational expenditure specified in paragraph (3) below.

(2) The expenditure in connection with further education of an advanced character mentioned in paragraph (1)(*a*) above and specified hereby for the purposes of paragraph 6(3) of Schedule 10 to the Act is expenditure incurred in connection with the provision, or in assisting the provision, by an establishment of further education of any course specified in Schedule 2, but does not include any such expenditure as is mentioned in paragraph 3(*a*), (*c*), (*d*), (*e*), (*i*) or (*j*) below.

(3) The educational expenditure mentioned in paragraph (1)(*b*) above and specified hereby for the purposes of paragraph 5(3) of Schedule 10 to the Act is expenditure:—

(*a*) incurred in connection with the provision referred to in paragraph (2) above being:—

(i) payments in respect of loan charges, rent or other outgoings under leases of land or payments under contracts entered into before 1st April 1982 for the leasing of equipment; or

(ii) capital expenditure from revenue on minor works in any financial year not exceeding £100,000 in respect of any one establishment of further education recognised by the Secretary of State as a polytechnic, or £40,000 in respect of any other establishment of further education;

(*b*) in respect of the attendance of such a person as is specified in the first column of Schedule 3 at a course of training of a kind specified in the second column thereof, but excluding expenditure described in paragraph (4) below;

(*c*) by way of payments made by a local authority as compensating authority under the Colleges of Education (Compensation) Regulations 1975(**b**);

(**a**) The Regulations currently in force are contained in S.I. 1980/917, amended by S.I. 1980/1862.
(**b**) S.I. 1975/1092.

(*d*) by way of payments to teachers who, in consequence of a direction given by the Secretary of State under:—

(i) Regulation 3(2) of the Further Education Regulations 1975(**a**), or

(ii) Regulation 15 of the Education (Schools and Further Education) Regulations 1981(**b**), being a direction relating to a course for the training of teachers, or

(iii) Regulation 16 of the said 1981 Regulations,

have ceased to be employed in colleges for the training of teachers or in institutions having a department for the training of teachers, being payments of the amount by which the salary to which any such teacher is entitled under a document such as is mentioned in section 5(2) of the Remuneration of Teachers Act 1965(**c**) exceeds the salary which would normally be appropriate to the post held by him;

(*e*) in defraying expenditure attributable to the operation of the Further Education Advisory Team of the Council of Local Education Authorities, the Wales Advisory Body for Local Authority Higher Education or the Secretariat of the Committee of Directors of Polytechnics;

(*f*) in making provision for the primary, secondary or further education of pupils not belonging to the area of any local education authority in England or Wales and in the payment of awards to such pupils, excluding any provision or award relating to a course specified in Schedule 2;

(*g*) in respect of the attendance of persons at courses for their initial or further training as educational psychologists or in respect of educational psychologists seconded as tutorial staff of such a course;

(*h*) in the payment of ground rent in respect of the Hereward College of Further Education for the Physically Handicapped or of loan charges in respect of capital expenditure incurred or contracted for before 1st September 1977 in connection with the provision of site, buildings, car parks, furniture and equipment of the said college;

(*i*) by way of payments in respect of persons who, on or after 1st April 1982, cease to be wholly or mainly employed, either in connection with the provision at an establishment of further education of any course specified in Schedule 2, or otherwise than in such a connection at an establishment where the majority of students are engaged on such courses, being either:—

(i) redundancy payments; or

(ii) payments made in respect of persons who had attained the age of 50 years before ceasing to be so employed, in pursuance of the Local Government (Compensation for Premature Retirement) Regulations 1982(**d**) or of other regulations made after 1st March 1983 under section 24 of the Superannuation Act 1972(**e**), or in pursuance of any contract or arrangement made by a local authority in the expectation that regulations providing for such payments would be made under the said section 24;

(**a**) S.I. 1975/1054. (**b**) S.I. 1981/1086. (**c**) 1965 c.3.
(**d**) S.I. 1982/1009. (**e**) 1972 c.11.

(*j*) by way of payments in respect of persons who have ceased to be employed at an establishment of further education before having attained the age of 50 years, in pursuance of regulations made after 1st March 1983 under section 24 of the Superannuation Act 1972.

(4) The expenditure to which paragraph (3)(*b*) above applies shall exclude:—

(*a*) the salary of a person during his attendance at a course if:—

(i) his attendance is either full-time for a period of less than four consecutive weeks or part-time; or

(ii) a grant is paid in respect of his attendance under regulations from time to time in force under section 3(*a*) of the Education Act 1962**(a)**;

(*b*) any subsistence allowance other than a special cost of living addition paid to a person attending a course outside the United Kingdom.

Ascertainment of expenditure and provision of information

4.—(1) Every authority shall furnish to the Secretary of State, in such form as he may direct:—

(*a*) not later than 31st October in each financial year, an estimate of:—

(i) the expenditure incurred by the authority in the previous financial year;

(ii) the expenditure likely to be so incurred in the current financial year;

(iii) the expenditure likely to be so incurred in the ensuing financial year;

(iv) if the Secretary of State so requires, the numbers for the current financial year of such categories of staff and students as he may specify; and

(v) if the Secretary of State so requires, the likely numbers for the ensuing financial year of such categories of staff and students as he may specify;

(*b*) as soon as is practicable after the authority's accounts have been audited, an account of the expenditure incurred in the year to which the audit relates;

(*c*) as soon as practicable after the end of each financial year and if the Secretary of State so requires, the actual numbers for that year of such categories of staff and students as the Secretary of State may specify.

(2) For the purposes of paragraph (1) above, expenditure means expenditure to which these Regulations apply.

Expenditure which is to be taken into account

5.—(1) The amount of the expenditure falling within Regulation 3(1)(*a*) which is to be taken into account for the purpose of these Regulations in any financial year is such sum as, after consultation pursuant in paragraph 8 of Schedule 10 to the Act, may be specified by the Secretary of State in the preceding year, together with such additional sums if any as he may, after like consultation, specify before the end of the financial year in question.

(a) 1962 c.12; the relevant provision, as amended, is set out in Schedule 5 to the Education Act 1980.

(2) The amount of the expenditure falling within Regulation 3(1)(*b*) which is to be taken into account for the purpose of these Regulations is:—

(*a*) 75% of any expenditure specified in Regulation 3(3)(*b*) so far as it is attributable to the salary of persons attending courses of further training;

(*b*) except as provided in sub-paragraphs (*c*) and (*d*) below, 45% of any expenditure specified in Regulation 3(3)(*f*) which is attributable to tuition costs, at standard rates;

(*c*) subject to sub-paragraph (*d*) below, the full amount of any expenditure specified in Regulation 3(3)(*f*) which is attributable to tuition costs, at standard rates, in respect of the actual attendance at schools of travelling pupils;

(*d*) 75% of any expenditure specified in Regulation 3(3)(*f*) which is attributable to special provision for travelling pupils, if the amount so calculated exceeds the amount which would otherwise be taken into account under sub-paragraph (*c*) above;

(*e*) the full amount of any expenditure specified in Regulation 3(3)(*i*)(i), less the amount of any rebates paid to the authority under section 104 of the Employment Protection (Consolidation) Act 1978;

(*f*) 90% of any expenditure specified in Regulation 3(3)(*i*)(ii) or 3(3)(*j*);

(*g*) the whole of the other expenditure specified in Regulation 3(3).

Apportionment of expenditure

6.—(1) The expenditure taken into account in pursuance of paragraphs (1) and (2) respectively of Regulation 5 shall be so apportioned among authorities that each authority's share:—

(*a*) of the aggregate of the whole of such expenditure as is specified in Regulation 3(3)(*f*) to (*h*), and 69% of such expenditure as is specified in Regulations 3(2), 3(3)(*a*) to (*e*) and 3(3)(*i*) and (*j*), bears the same proportion thereto as the school population of the authority in the relevant financial year bears to the aggregate school population of all authorities in that year;

(*b*) of the remaining 31% of such expenditure as is specified in Regulations 3(2), 3(3)(*a*) to (*e*) and 3(3)(*i*) and (*j*), bears the same proportion thereto as the rateable value of the authority's area in the relevant financial year bears to the aggregate rateable value of the areas of all authorities in that year.

(2) The school population of an authority shall be treated as the aggregate of the numbers of children who have attained the age of five years and are:—

(*a*) pupils belonging to the area of the authority who are registered pupils at schools maintained or assisted by any local education authority in England or Wales or who receive education otherwise than at school in accordance with arrangements made by the authority;

(*b*) pupils not belonging to the area of any local education authority in England or Wales who are registered pupils at schools maintained or assisted by the authority; and

(*c*) pupils at other schools the fees for whose tuition are paid in full by the authority.

(3) The rateable value of the area of an authority shall be treated as the difference between:—

(*a*) the aggregate of the rateable values as ascertained in the relevant financial year for the purposes of paragraph 2(2)(*b*) of Schedule 5 to the General Rate Act 1967(**a**) of the areas of rating authorities within the area of the authority; and

(*b*) the aggregate, as certified by the valuation officer, of the rateable values in that year of the dwelling houses within the meaning of that Act in those areas.

(4) In so far as any apportionment made under this Regulation is in respect of expenditure estimated as likely to be incurred in an ensuing financial year, the data specified in paragraphs (2) and (3) above shall, for each authority, be the latest which is available on the preceding 30th November.

Determination of each authority's share of advanced further education expenditure.

7. The Secretary of State shall:—

(*a*) apportion among authorities any sum specified by him in respect of any financial year in accordance with Regulation 5(1) in such shares as he, after consultation with such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to be desirable, may determine; and

(*b*) notify each authority as soon as practicable of the amount of its share of the expenditure so determined.

Adjustment of block grant

8.—(1) The amount by which the block grant payable to each authority for any financial year shall be increased or decreased in pursuance of paragraph 6(2) or 5(2) of Schedule 10 to the Act shall be the amount by which the allowable expenditure of that authority within the meaning of paragraph (2)(*a*) or (*b*) below for that year exceeds or falls short of its share under Regulation 6 of the expenditure falling to be taken into account in pursuance of Regulation 5(1) or (2), as the case may be.

(2) For the purpose of this Regulation the allowable expenditure of each authority is:—

(*a*) as regards expenditure falling within Regulation 3(1)(*a*) the amount determined by the Secretary of State as its apportioned share in accordance with Regulation 7(*a*);

(*b*) as regards expenditure falling within Regulation 3(1)(*b*) its expenditure which is to be taken into account in pursuance of Regulation 5(2).

(3) The amount by which the block grant payable to each authority for any financial year shall be increased or decreased in pursuance of paragraph 2(2) of Schedule 10 to the Act shall be ascertained by reference to the amount by which

(**a**) 1967 c.9.

the block grant for that year is increased or decreased in accordance with paragraph 1 of that Schedule and shall be that proportion thereof as is mentioned in Regulation 6(1)(*a*) and (*b*) in relation to the expenditure falling within Regulation 5(1) of that authority.

(4) For the purpose of paragraph (3) above, the data regarding the school population and the rateable value of the area of an authority shall be the latest which is available for the year to which the increase or decrease of block grant under paragraph 1 of Schedule 10 to the Act relates.

Time for ascertaining adjustment to block grant

9.—(1) The estimated amount of the increases and decreases of block grant which fall to be made in respect of any financial year shall be ascertained before the commencement of that year.

(2) The actual amounts of those increases and decreases shall be so ascertained as soon as is reasonably practicable after the Secretary of State has received the audited accounts for the relevant year of all authorities.

Amendment of previous Regulations and consequential provisions

10.—(1) The Block Grant (Education Adjustments) (Wales) Regulations 1982(**a**), which apply to certain educational expenditure incurred after 31st March 1982 shall cease to apply to any such expenditure incurred after 31st March 1983, and Regulation 3(1) of those Regulations shall accordingly be amended by the insertion, after the words "incurred after 31st March 1982", of the words "but before 1st April 1983".

(2) Anything done under any provision of the Regulations specified in paragraph (1) above with reference to expenditure incurred after 31st March 1983 shall have effect as if done under the corresponding provision of these Regulations.

(**a**) S.I. 1982/304, amended by S.I. 1983/238.

SCHEDULE 1 Regulation 2(1)

QUALIFICATIONS FOR YOUTH WORKERS AND COMMUNITY CENTRE WARDENS

A youth worker or community centre warden shall be treated as qualified for the purpose of these Regulations:—

(*a*) if he has satisfactorily completed one of the following courses:—

(i) a two year full-time diploma or certificate course of initial training for youth workers and/or community centre wardens held or sponsored by:—

Bulmershe College of Higher Education
Crewe & Alsager College of Higher Education
Durham University
Goldsmiths College, London
Ilkley College, Yorkshire
Leicester College of Education
Manchester Polytechnic
Matlock College of Education
National Council of Young Men's Christian Associations, in association with the North-East London Polytechnic
Sunderland Polytechnic
Westhill College of Education, Birmingham

Aberdeen College of Education
Dundee College of Education
Jordanhill College of Education, Glasgow
Moray House College of Education, Edinburgh

North-East Wales Institute

Ulster College, the Northern Ireland Polytechnic;

(ii) a one year full-time course of postgaduate training for youth workers and/or community centre wardens, held at:—

Manchester University
Swansea University College (Diploma in Social and Community Education, formerly known as Diploma in Adolescent Development)
Westhill College of Education, Birmingham
Dundee College of Education
Aberdeen College of Education;

(iii) a part-time course of training at:—
Avery Hill College of Education, London
Ulster Polytechnic (In-service);

(*b*) if he is a qualified teacher for the purposes of Regulation 13 of the Education (Teachers) Regulations 1982(**a**);

(*c*) if he possesses:—

(i) a United Kingdom university or Council for National Academic Awards diploma or degree of a social sciences faculty awarded after following a course of study including both an appropriate youth and/or community content and a period of supervised relevant practical work; or

(ii) such other qualifications as the Secretary of State for Education and Science or the Secretary of State for Wales and the Joint Negotiating Committee for Youth Workers and Community Centre Wardens may approve; or

(*d*) if he had been recognised on or before 1st April 1979 by the Joint Negotiating Committee for Youth Workers and Community Centre Wardens as a qualified youth worker or community centre warden.

(**a**) S.I. 1982/106.

Regulation 3(2) SCHEDULE 2

ADVANCED FURTHER EDUCATION COURSES TO WHICH THE REGULATIONS APPLY

1.(*a*) any course for the further training of teachers or youth and community workers, and

(*b*) any such course as is mentioned in paragraph 2.

2.—(1) The courses referred to in paragraph 1(*b*) are :—

(*a*) a post-graduate course or a course comparable to such a course;

(*b*) a first degree course or a course comparable to such a course;

(*c*) a course for the diploma of higher education;

(*d*) a course for the higher national diploma or certificate (including certificate of supplementary study), the higher diploma or certificate of the Technician Education Council, the higher diploma or certificate of the Business Education Council or the diploma in management studies;

(*e*) a course in preparation for a professional examination of a standard above that of the examinations for the ordinary national certificate or the examinations at advanced level for the general certificate of education;

(*f*) a course for the certificate in education;

(*g*) any other course which, disregarding exceptions made in individual cases or classes of case, may be taken only by students who have attained the age of 18 years and (subject to sub-paragraph (2)) hold:—

(i) an ordinary national certificate, or

(ii) a general certificate of education recording that the student attained grade C or above in at least five subjects in the examinations at ordinary level, or

(iii) a general certificate of education recording that the student passed in at least two subjects in the examinations at advanced level or so passed in one subject and attained grade C in at least one other subject in the examinations at ordinary level; or

(iv) a certificate or other qualification indicative of a comparable or higher level of attainment.

(2) For the purposes of sub-paragraph (1) any reference to a general certificate of education recording that a student attained grade C or above in a subject in the examinations at ordinary level shall be construed as including a reference:—

(*a*) to such a certificate recording that he attained at least grade C at ordinary level in the examinations in that subject at advanced level, and

(*b*) to a certificate of secondary education recording that he attained grade 1 in the examinations in that subject for that certificate.

SCHEDULE 3 Regulation 3(3)(*b*)

Description of person attending a course	*Type of course*
A teacher or youth and community worker in respect of whom the authority are satisfied that he could not reasonably be expected to attend a part-time course in preparation for a degree or a diploma.	A full-time course in preparation for a degree or for a diploma of a university or the Council for National Academic Awards.
Any teacher or youth and community worker.	A part-time course in preparation for a degree or for a diploma of a university or the Council for National Academic Awards.
Any teacher or youth and community worker.	Any course approved by the Secretary of State for the purpose of these Regulations.
A teacher in an establishment of further education or a youth and community worker in whose case the authority are satisfied that it is in the interests of the provision of further education, or of the youth and community service, as the case may be, that he should be seconded, or assisted, to attend the course.	Any other course of training attended full-time for a period of not less than four weeks nor more than one year or part-time for an equivalent period.

Signed by authority of the Secretary of State.

John Stradling Thomas,
Minister of State, Welsh Office.

1st March 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the adjustment of the block grant payable to local authorities in Wales in respect of the financial year 1983/4 and subsequent years. The extent of the adjustment to be made is determined by reference to certain education expenditure of each authority during the year in question. In substance the Regulations provide for a re-allocation between authorities of the burden of this expenditure.

Regulation 3 specifies various kinds of expenditure incurred by local authorities in the exercise of their functions as education authorities; information concerning this expenditure must be supplied to the Secretary of State under Regulation 4. Regulation 6 provides for a certain amount (determined under Regulation 5) of the total expenditure of the relevant kinds incurred by authorities to be apportioned among individual authorities in accordance with a formula which takes account of each authority's income from rates and the number of school children for which it provides. Each authority's grant is adjusted, under Regulation 8(1), by the amount by which the sum apportioned to it differs from its "allowable expenditure" (comprising an amount determined by the Secretary of State under Regulation 7 and a proportion of the authority's actual education expenditure). A further adjustment is made under Regulation 8(3) if the Secretary of State has exercised powers under paragraph 1 of Schedule 10 to the Local Government, Planning and Land Act 1980 to increase or decrease the total grant payable to authorities in Wales to take account of the uneven burden of education expenditure as between authorities in England and in Wales.

Similar Regulations made in 1982 are amended by Regulation 10 so as to apply only to expenditure incurred in the financial year 1982/3. The substantial differences between the present Regulations and those of 1982 are mentioned below. The proportion of expenditure on premature retirement compensation payments to be taken into account for the purposes of the Regulations is increased from two-thirds to 90% (Regulation 5(2)(*f*)). The categories of expenditure to be taken into account are amended to include payments under proposed compensation regulations relating to further education teachers under the age of 50 (Regulation 3(3)(*j*)). Salary payments to a teacher attending a training course are no longer to be taken into account if a government grant in respect of the teacher's attendance is paid to the authority employing him (Regulation 3(4)(*a*)(ii)). The classification of courses as advanced further education courses for the purposes of the Regulations is made to depend in certain courses on the level of the qualification for entry to the course rather than the level of the examination to which the course is directed (Schedule 2, paragraph 2(1)(*g*)).

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