STATUTORY INSTRUMENTS

1984 No. 284

LOCAL GOVERNMENT, ENGLAND AND WALES

The Block Grant (Education Adjustments) (Wales) Regulations 1984

Made - - - -	*1st March* 1984
Laid before Parliament	*8th March* 1984
Coming into Operation	*1st April* 1984

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 1984.

(2) These Regulations shall come into operation on 1st April 1984.

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**);

"qualified teacher" has the meaning assigned by Regulation 13 of the Education (Teachers) Regulations 1982(**c**);

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

"salary" includes employer's superannuation and social security contributions;

(**a**) 1980 c. 65.
(**b**) 1944 c. 31.
(**c**) S.I. 1982/106.
(**d**) 1978 c. 44, modified in relation to certain employees by S.I. 1983/1160.

"special educational needs" has the meaning assigned by section 1 of the Education Act 1981(**a**);

"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(**b**);

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

"year" means 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(**c**) 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 expenditure from revenue in respect of capital outlay other than that specified in paragraph (3)*(a)*(ii) below but, subject thereto, apply to expenditure incurred after 31st March 1984 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 incurred:—

(a) 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

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(**a**) 1981 c. 60.
(**b**) 1980 c. 20.
(**c**) The Regulations currently in force are contained in S.I. 1980/917, amended by S.I. 1980/1862 and 1983/260.

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

(b) by way of payments, of a kind specified in Schedule 3, to or on behalf of a person employed as a teacher, youth and community worker, educational psychologist, education adviser or inspector, or a qualified teacher who is unemployed, undergoing training:—

(i) on a course provided at an establishment of further education and directed towards a degree or diploma awarded by a university (other than the Open University) or the Council for National Academic Awards;

provided that, where the course is a full-time course:—

(a) the authority are satisfied that the person attending could not reasonably be expected to attend a part-time course directed towards that degree or diploma, and

(b) (except in the case of courses for teachers of children with special educational needs) the person concerned has been employed in his profession for not less than five years in the aggregate before the course begins;

(ii) by way of a temporary appointment in a public service or an industrial or commercial undertaking, made pursuant to arrangements available to more than one authority which specify the training the appointment is intended to provide;

(iii) on a course or under a fellowship scheme approved by the Secretary of State for the purpose of these Regulations;

(iv) on any other course of training at an establishment of further education, if the person attending is not employed as a school teacher and the relevant authority are satisfied that his attendance is in the interests of the education service;

but excluding any full-time training which occupies less than twenty days or any part-time training which occupies less than 60 hours, and excluding any expenditure in respect of the training of a person who has been receiving that training full-time for a year or part-time for an equivalent period;

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

(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(**b**);

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

(iii) Regulation 16 of the said 1981 Regulations;

(**a**) S.I. 1975/1092.
(**b**) S.I. 1975/1054.
(**c**) S.I. 1981/1086.

have ceased to be employed in a college for the training of teachers or in a department for the training of teachers in any other establishment of further education, 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(**a**) 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 a course for their initial training as educational psychologists, or in respect of educational psychologists seconded as tutorial staff for such a course or for a course for the further training of educational psychologists;

(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 1981, ceased or 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 pursuance of the Local Government (Compensation for Premature Retirement) Regulations 1982(**b**) or of other regulations made after 1st April 1984 under section 24 of the Superannuation Act 1972(**c**), 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;

(j) by way of payments under the Teachers (Compensation) (Advanced Further Education) Regulations 1983(**d**).

(**a**) 1965 c. 3.
(**b**) S.I. 1982/1009.
(**c**) 1972 c. 11.
(**d**) S.I. 1983/856.

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 to 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.

(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.

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

(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 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 accounts for the relevant year from all authorities, under Regulation 4(1)*(b)*.

Amendment of previous Regulations and consequential provisions

10.—(1) The Block Grant (Education Adjustments) (Wales) Regulations 1983(**a**), which apply to certain educational expenditure incurred after 31st March 1983 shall cease to apply to any such expenditure incurred after 31st March 1984, and Regulations 3(1) of those Regulations shall accordingly be amended by the insertion, after the words "incurred after 31st March 1983", of the words "but before 1st April 1984".

(2) Anything done under any provision of the Regulations specified in paragraph (1) above with reference to expenditure incurred after 31st March 1984 shall have effect as if done under the corresponding provision of these Regulations.

(**a**) S.I. 1983/310.

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 three year degree course in youth and community work provided at Ulster Polytechnic, or a four year degree course incorporating youth and community work training provided at Brunel University;

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

Aberdeen College of Education
Bradford and Ilkley Community College
Bulmershe College of Higher Education
Crewe & Alsager College of Higher Education
Dundee College of Education
Durham University
Goldsmiths College, London
Jordanhill College of Education, Glasgow
Leicester Polytechnic
Manchester Polytechnic
Matlock College of Education
Moray House College of Education, Edinburgh
National Council of Young Men's Christian Associations, in association with North-East London Polytechnic
North-East Wales Institute
Sunderland Polytechnic
Ulster Polytechnic
Westhill College of Education, Birmingham;

(iii) a one year full-time course of postgraduate training for youth workers and/or community centre wardens, provided at or sponsored by:—

Aberdeen College of Education
Dundee College of Education
Manchester Polytechnic
National Council of Young Men's Christian Associations, in association with North-East London Polytechnic
Swansea University College (the course for the Diploma in Social and Community Education, formerly known as Diploma in Adolescent Development)
Westhill College of Education, Birmingham;

(iv) a part-time course of training for youth workers and/or community centre wardens provided at:—

Avery Hill College of Education, London
Ulster Polytechnic;

(b) if he is a qualified teacher;

(c) if he possesses a qualification which has been approved jointly by 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; or

(d) if he had been recognised on or before 1st April 1983 by the Joint Negotiating Committee for Youth Workers and Community Centre Wardens as a qualified youth worker or community centre warden.

Regulations 3(2) and 3(3) 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 national diploma or certificate of the Business & Technician 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)*

EXPENDITURE IN CONNECTION WITH IN-SERVICE TRAINING

The kinds of payment to which Regulation 3(3)*(b)* applies are:—

(a) the salary of a person during the period of his training, except where:—

(i) the training occupies less than twenty full days on which the person would normally be at work; or

(ii) a grant is paid in respect of the training under section 3*(a)* of the Education Act 1962(**a**);

(b) any payment pursuant to an award made under section 2(1) of the Education Act 1962;

(c) fees charged for registration at an establishment providing training, for tuition, or in respect of an examination;

(d) any payment in respect of expenses incurred by a person in travelling between his home and the place where his training is provided, or on other journeys which are essential for the purposes of his training;

(e) a special cost of living supplement paid to a person undergoing training outside the United Kingdom;

(f) an overnight subsistence allowance paid to a person who is able to travel from home to the place where his training is provided in under three hours, if the amount of the allowance is less than the amount the authority would have to pay him in respect of travelling expenses (excluding the expenses of his first and last journey) were he to reside at home during the period of his training rather than at the place where it is provided;

(g) fees charged for typing or binding a thesis required in connection with a degree or diploma course.

Signed by authority of the Secretary of State.

John Stradling Thomas,
Minister of State,
Welsh Office.

1st March 1984.

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

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 1984/5 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 the various kinds of expenditure incurred by local authorities in the exercise of their functions as education authorities to which these Regulations are applicable. 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 1983 are amended by Regulation 10 so as to apply only to expenditure incurred in the financial year 1983/4. The substantial differences between the present Regulations and those of 1983 concern the categories of expenditure to be taken into account for the purposes of the Regulations. The provisions concerning expenditure on training (Regulation 3(3)*(b)*) are amended so as to relate to the training of education advisers and inspectors and unemployed teachers, as well as serving teachers, educational psychologists and youth and community workers, and to training by way of a temporary appointment in a different field as well as academic training; the kinds of expenditure to which these provisions apply are more closely defined (Schedule 3). The provisions concerning "safe-guarding" payments to teachers prejudiced in consequence of a direction of the Secretary of State under his powers relating to teacher training (Regulation 3(3)*(d)*) are amended so as to include payments to teachers obliged to move to a new department as a result of the direction. The class of teachers whose redundancy and premature retirement compensation payments may be taken into account is extended to include those becoming eligible for such payments in the financial year 1981/2, as well as those made eligible in subsequent years (Regulation 3(3)*(i)*).

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