

**(extract from The School Finance (England) Regulations 2006)**

**SCHEDULE 1**

Regulation 18

**MINIMUM FUNDING GUARANTEE**

**Primary and Secondary Schools**

1. In this paragraph and paragraphs 2 to 4—

- (a) the “relevant number” of pupils for the financial year beginning on 1st April 2005 shall be the number of registered pupils at the school, including pupils for whom grant is payable by the LSC, on 20th January 2005, save that where the authority has not exercised its discretion under regulation 8(3)(b) of the 2004 Regulations to take the number of pupils in places which the authority recognises as reserved for children with special educational needs, or in nursery classes, into account in their formula, then the number of those places must be added to the relevant number for the purposes of this Schedule;
- (b) subject to paragraph 4, the “relevant number” of pupils for funding periods 1 and 2 shall be the number of pupils at the school, including pupils in respect of whom grant is payable by the LSC, on the dates referred to in regulation 14, save that, where the authority has not exercised discretion under regulation 14(3) to take into account in their formula the number of pupils in places which the authority recognises as being reserved for children with special educational needs or in nursery classes, then the number of those places must be added to the relevant number for the purposes of this Schedule;
- (c) the “adjusted budget share” is a school’s budget share determined in accordance with these Regulations, but not taking into account—
  - (i) the effect of regulations 18 (Minimum Funding Guarantee), 21, 22 (prior year adjustments), 23 (excluded pupils) and paragraphs 8 (rates), 14 (PFI), 29 (NQTs), and 35 (ICS funding) of Schedule 4,
  - (ii) any amounts added in respect of funding for named pupils which is deducted from a school’s budget share when that pupil leaves the school, including amounts for pupil exclusions above that permitted by regulation 23 (excluded pupils), but not including amounts for the cost of providing free school meals;
- (d) references to a redetermined adjusted budget share for the financial year beginning on 1st April 2005 include—
  - (i) the effect of any additional arrangement approved by the Secretary of State under regulation 28 of the 2004 Regulations,
  - (ii) any amount in respect of regulation 21 of the 2004 Regulations,
  - (iii) any amount in respect of regulations 21 and 22 (prior year adjustments) of these regulations,
  - (iv) the amount of funding the school received under paragraph 4 of Schedule 3 to the Budget Regulations (Threshold and Performance Pay Grants) where the local education authority intends to include an amount in respect of this in the school’s budget share for funding period 1,

but exclude the following—

- (v) any amounts included pursuant to regulations 12 (ICS), 18 (prior year adjustments: pupil numbers), 19 (prior year adjustments: non-pupil numbers), 22 (excluded pupils), 23, 24 and 25 (Additional provisions) of the 2004 Regulations,
- (vi) any amount included in respect of paragraphs 8 (rates), 14 (PFI) and 29 (NQTs) of Schedule 1 to the 2004 Regulations, and
- (vii) any amounts in respect of funding for named pupils which is deducted from a school's budget share when that pupil leaves school, including amounts for pupil exclusions above that permitted by regulation 23(excluded pupils) of these regulations but not including amounts for the cost of providing free school meals;
- (e) references to a redetermined adjusted budget share for funding period 1 include—
  - (i) the effect of any additional arrangements approved by schools forums or the Secretary of State under regulation 25 (additional arrangements) of these Regulations,
 but exclude the following—
  - (ii) any amounts included pursuant to regulation 23 (excluded pupils) of these Regulations,
  - (iii) any amount included in respect of paragraphs 8 (rates), 14 (PFI), 29 (NQTs), and 36(ICS) of Schedule 4 to these Regulations, and
  - (iv) any amounts included in respect of funding for named pupils which is deducted from a school's budget share when that pupil leaves school, including amounts above those permitted by regulation 23(excluded pupils) of these regulations but not including amounts for the cost of providing free school meals;
- (f) for the purposes of this Schedule—
  - (i) where a school has opened after 1st April 2005 but before the 1st April 2006, its redetermined adjusted budget share for the financial year beginning on 1st April 2005 shall be the amount that it would have been had the school opened on 1st April 2005, and
  - (ii) where a school has opened during funding period 1, its redetermined adjusted budget share for funding period 1 shall be the amount that it would have been had the school opened on 1st April of funding period 1, adjusted in accordance with sub-paragraph (d) or (e), whichever is applicable.

**2. Subject to paragraphs 3 and 4, the guaranteed funding level must be calculated as follows—**

- (a) where the relevant number of pupils is the same as, in respect of funding period 1, the relevant number for the financial year beginning on 1st April 2005 or, in respect of funding period 2, the relevant number for funding period 1, the guaranteed funding level must be A;
- (b) where the relevant number of pupils is lower than, in respect of funding period 1, the relevant number for the financial year beginning on 1st April 2005 or, in respect of funding period 2, the relevant number for funding period 1, the guaranteed funding level must be  $A - (B \times C)$ ;
- (c) where the relevant number of pupils is higher than, in respect of funding period 1, the relevant number for the financial year beginning on 1st April 2005 or, in respect of funding period 2, the relevant number for funding period 1, the guaranteed funding level must be  $(D/E) \times F$

where—

A is, in respect of funding period 1, the redetermined adjusted budget share for the financial year beginning on 1st April 2005 multiplied by 1.04 in respect of primary schools and 1.034 in respect of secondary schools and, in respect of funding period 2, the redetermined adjusted budget share for funding period 1 multiplied by 1.037 in respect of primary schools and secondary schools;

B is, in respect of funding period 1, the difference between the relevant number of pupils for the financial year beginning on 1st April 2005 and funding period 1, and, in respect of funding period 2, the difference between the relevant number of pupils for funding period 1 and funding period 2;

C is, in respect of funding period 1, the mean value of funding per pupil in the school's redetermined adjusted budget share for the financial year beginning on 1st April 2005 (calculated using pupil numbers on the 20th January 2005) multiplied by  $1.04 \times 0.80$  in respect of primary schools and by  $1.034 \times 0.875$  in respect of secondary schools, and in respect of funding period 2, the mean value of funding per pupil in the school's redetermined adjusted budget share for funding period 1 (calculated using pupil numbers on the 19th January 2006) multiplied by  $1.037 \times 0.8$  in respect of primary schools and by  $1.037 \times 0.875$  in respect of secondary schools;

D is, in respect of funding period 1, the redetermined adjusted budget share for the financial year beginning on 1st April 2005, and, in respect of funding period 2, the redetermined adjusted budget share for funding period 1;

E is, in respect of funding period 1, the relevant number of pupils for the financial year beginning on 1st April 2005, and, in respect of funding period 2, the relevant number of pupils for funding period 1; and

F is, in respect of funding period 1, the relevant number of pupils for the financial year beginning on 1st April 2005, multiplied by 1.04 in respect of primary schools and 1.034 in respect of secondary schools, and, in respect of funding period 2, the relevant number of pupils for funding period 1 multiplied by 1.037 in respect of primary schools and secondary schools.

**3.** Save where paragraph 4 applies, where the relevant number of pupils for the financial year beginning on 1st April 2005, funding period 1 or funding period 2 is 75 or fewer, that school's guaranteed funding level must be calculated as follows:

(a) for funding period 1—

- (i) where the relevant number of pupils in funding period 1 is the same as the relevant number for the financial year beginning on 1st April 2005 the guaranteed funding level must be A,
- (ii) where the relevant number of pupils in funding period 1 is lower than the relevant number of pupils for the financial year beginning on 1st April 2005 the guaranteed funding level must be, in respect of primary schools  $A - (B \times G/H \times 1.04)$ , and in respect of secondary schools  $A - (B \times G/H \times 1.034)$ ,
- (iii) where the relevant number of pupils in funding period 1 is higher than the relevant number of pupils for the financial year beginning on 1st April 2005 the guaranteed funding level must be, in respect of primary schools  $A + (B \times G/H \times 1.04)$ , and in respect of secondary schools  $A + (B \times G/H \times 1.034)$ ;

(b) for funding period 2—

- (i) where the relevant number of pupils in funding period 2 is the same as the relevant number for funding period 1 the guaranteed funding level must be A,
- (ii) where the relevant number of pupils in funding period 2 is lower than the relevant number of pupils for funding period 1 the guaranteed funding level must be  $A - (B \times G/H \times 1.037)$  in respect of primary schools and secondary schools,
- (iii) where the relevant number of pupils in funding period 2 is higher than the relevant number of pupils for funding period 1 the guaranteed funding level must be  $A + (B \times G/H \times 1.037)$  in respect of primary schools and secondary schools

where—

A and B have the same meaning as in paragraph 2,

G is the total funding within the redetermined adjusted budget share for, in respect of funding period 1, the financial year beginning on 1st April 2005 and, in respect of funding period 2, the

redetermined adjusted budget share for funding period 1, determined on the basis of pupil numbers, and

H is the relevant number of pupils for, in respect of funding period 1, the financial year beginning on 1st April 2005, and, in respect of funding period 2, funding period 1.

**4. Where a school opens:**

- (a) in funding period 1, and is a replacement for two or more schools being discontinued in funding period 1, its guaranteed funding level must be calculated in accordance with paragraph 2, save that the figure in respect of the new school's redetermined adjusted budget share for the financial year beginning on 1st April 2005 shall be determined using the sum of the relevant number of pupils in the discontinued schools for that financial year as the relevant number for the purposes of paragraph 1(b); or
- (b) in funding period 2, and is a replacement for two or more schools being discontinued in funding period 2, its guaranteed funding level must be calculated in accordance with paragraph 2, save that the figure in respect of the new school's redetermined adjusted budget share for funding period 1 shall be determined using the sum of the relevant number of pupils in the discontinued schools for that funding period as the relevant number for the purposes of paragraph 1(b).

**Special Schools**

**5.—**(1) A local education authority must provide in their formula that any amount allocated in accordance with regulation 15(1)(a) in respect of a place at a special school—

- (a) for funding period 1 must be at least 3.4% higher than the amount initially determined in relation to the financial year beginning on 1st April 2005 in respect of a place appropriate to a pupil with the same characteristics at that school under regulation 11(1)(a) of the 2004 Regulations; and
- (b) for funding period 2, must be at least 3.7% higher than the amount initially determined in relation to funding period 1 in respect of a place appropriate to a pupil with the same characteristics at that school under regulation 15(1)(a) of these Regulations.

(2) (a) That portion of the redetermined budget share of a special school for funding period 1 calculated otherwise than in accordance with regulation 15 (but not including adjustments due under regulation 23 (excluded pupils)) must be at least 3.4% higher than that portion of the initially determined budget share for the financial year beginning on 1st April 2005 calculated otherwise than in accordance with regulation 11 of the 2004 Regulations but not including regulations 18, 19 (prior year adjustments) and 22 (excluded pupils) of those Regulations; and

- (b) that portion of the initially determined budget share of a special school for funding period 2 calculated otherwise than in accordance with regulation 15 (but not including adjustments due under regulation 23) must be at least 3.7% higher than that portion of the initially determined budget share for funding period 1 calculated in accordance with regulation 15 of these Regulations but not including adjustments due under regulation 23.