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STATUTORY INSTRUMENTS

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**2002 No. 377**

**The Financing of Maintained  
Schools (England) Regulations 2002**

**PART III**

**SCHOOLS' BUDGET SHARES: MAIN PROVISIONS**

**Pupil numbers**

**11.**—(1) In determining budget shares for primary and secondary schools, a local education authority shall take into account in their formula the number of registered pupils at those schools on such date or dates as may be determined by the authority in accordance with regulation 12, weighted if the authority consider it appropriate in accordance with paragraph (5).

(2) For the purposes of paragraph (1), the number of registered pupils does not include—

- (a) pupils in places which the authority recognise as reserved for children with special educational needs or (except where the local education authority chooses not to exercise their discretion under regulation 14(1) in respect of children in nursery classes) for children in nursery classes; or
- (b) in relation to the funding of boarding accommodation only, pupils in boarding accommodation at boarding schools other than special schools; or
- (c) pupils in respect of whom grant is payable to the authority by the LSC under section 7 of the Learning and Skills Act 2000.

(3) An authority may in determining budget shares for special schools, or for primary or secondary schools with places which the authority recognise as reserved for children with special educational needs or for children in nursery classes, take into account in their formula the number of registered pupils at those special schools or the number of pupils in those reserved places at primary or secondary schools on such date or dates as may be determined by the authority, weighted if the authority consider it appropriate in accordance with paragraph (5).

(4) If the authority estimate the number of registered pupils at a school they must consult the head teacher of the school.

(5) A local education authority may weight pupil numbers according to any or all of the following factors—

- (a) age, including weighting according to key stage or year group;
- (b) whether a pupil is provided with nursery education by a school;
- (c) in the case of pupils aged under five, their exact age when admitted to the school;
- (d) in the case of pupils aged under five, whether they have been admitted to the school in excess of planned admission limits agreed with the authority;
- (e) in the case of pupils aged under five, hours of attendance;
- (f) special educational needs.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(6) A local education authority may adjust the number of registered pupils used to determine or redetermine a school's budget share where it is appropriate to do so in order to take into account, wholly or partly, the permanent exclusion of a pupil from the school or the admission of a pupil following his permanent exclusion from another school maintained by a local education authority.

(7) Subject to paragraph (8), a local education authority shall provide in their formula that the average amount per pupil allocated in accordance with regulation 11(1) or (3) in respect of pupils who are—

- (a) in key stage 1 or 2;
- (b) in key stage 3 or 4,

shall in each case be at least 2.5 per cent. higher than the average amount per pupil initially determined in each of those cases under the corresponding provisions of the 2001 Regulations.

(8) Paragraph (7) shall not apply in relation to any amount allocated in accordance with paragraph (3) weighted in accordance with paragraph (5)(f) (special educational needs).