
WELSH STATUTORY INSTRUMENTS

2010 No. 824

The School Funding (Wales) Regulations 2010

PART 3 —

Schools' budget shares

Pupil numbers

13.—(1) In determining budget shares for maintained nursery, primary and secondary schools, a local authority must take into account in their formula the number of registered pupils at those schools on such dates as may be determined by them weighted if the authority consider it appropriate in accordance with paragraph (7).

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

- (a) pupils in respect of whom grant is payable to the authority by the Welsh Ministers under section 36 of the 2000 Act;
- (b) pupils in places which the authority recognise as reserved for children with special educational needs or (except where the local authority chooses not to exercise their discretion under regulation 15 in respect of children in nursery classes) for children in nursery classes.

(3) Where the authority determine only one date for the purposes of paragraph (1) it must be a date which falls—

- (a) before the beginning of the funding period in question; and
- (b) in the school year in which the beginning of the funding period in question falls.

(4) Where the authority determine more than one date for the purposes of paragraph (1) then—

- (a) one of those dates must satisfy paragraph (3);
- (b) as respects the other date or dates—
 - (i) no date may be earlier than the beginning of the school year in which the beginning of the funding period in question falls, and
 - (ii) the authority may determine a date or dates which are in the future and estimate the number of registered pupils at the school on that date or those dates.

(5) The restrictions on the dates in paragraphs (3) and (4) do not apply in relation to pupils in nursery or reception classes whom the authority take into account under paragraph (1).

(6) 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—

- (a) the number of registered pupils at those special schools; or
- (b) the number of pupils in those reserved places at primary or secondary schools;

on the date or dates determined for the purpose of paragraph (1) (weighted if the authority consider it appropriate in accordance with paragraph (7)).

- (7) A local 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, hours of attendance;
 - (e) special educational needs;
 - (f) whether a pupil at a school is also attending an institution within the further education sector; and
 - (g) whether a pupil is being educated through the medium of Welsh.

(8) Subject to paragraph (9), where—

- (a) a primary school operates a policy of admitting children into nursery or reception classes in the summer term, and
- (b) it will admit pupils into such classes in the summer term immediately after the date or dates determined under paragraph (1),

a local authority may determine a number representing the number of pupils who will be admitted in that summer term, and take such number into account in their formula.

(9) In determining the number of pupils they will take into account under paragraph (8), a local authority—

- (a) must not determine any number which exceeds the number of pupils admitted in the summer term immediately prior to the date or dates determined under paragraph (1) and
- (b) must make any such determination before the beginning of the funding period during which the pupils will be admitted.

(10) A local authority must include provision in their formula enabling them to adjust the number of registered pupils used to determine 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 that pupil's permanent exclusion from another school maintained by a local authority.