

Explanatory Memorandum to the Education (Assisted Places) (Amendment) (Wales) Regulations 2008

This Explanatory Memorandum has been prepared by the Department for Children, Education, Lifelong Learning and Skills and is laid before the National Assembly for Wales in accordance with Standing Order 24.1

Description

The Education (Assisted Places) (Amendment) (Wales) Regulations 2008 (“the 2008 Regulations”) amend the Education (Assisted Places) Regulations 1997 (“the 1997 Regulations”) for the purposes of a ‘relevant remission question’. This is a remission question under the 1997 Regulations that arises in respect of a school year beginning on or after 1st September 2007 and which has not been determined on the date on which the 2008 Regulations come into force.

The 1997 Regulations provide arrangements for the remission of school fees for pupils who are eligible to continue to hold assisted places at independent schools by virtue of section 2 of the Education (Schools) Act 1997, notwithstanding the abolition of the assisted places scheme by section 1 of that Act.

The 2008 Regulations will give effect to the annual uplift of parental contributions scales and determination of assisted places scheme fees levels for the 2007/8 academic school year.

The Regulations uplift by 3.2% in line with inflation (October 2007 Retail Price Index), the tables used to calculate the amount that parents of children continuing to hold assisted places at former participating independent schools have to contribute to tuition fees during the academic year 2007/2008, having regard to their relevant income. The Regulations also uprate by 3.2% the dependants allowance used to calculate relevant income from £1,625 to £1,675.

Matters of Special Interest to the Subordinate Legislation Committee

None

Legislative Background

The powers enabling these Regulations to be made are contained in Section 3(1), (2), (5) and (9) of the Education (Schools) Act 1997. The powers were originally vested in the Secretary of State but transferred to the National Assembly for Wales on 1 July 1999 by virtue of the National Assembly for Wales (Transfer of Functions Order) 1999. The power is now conferred on the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

Purpose and Intended Effect of the Legislation

The Education (Schools) Act 1997 provides for the progressive phasing out of the Assisted Places Scheme (APS). Pending abolition of the scheme in its entirety, Welsh Ministers are under a duty to continue to remit the whole or part of the tuition fees which parents are required to meet in connection with their child's participation in the APS.

The Assisted Places Scheme will enable pupils holding places in September 1997 to continue to receive assistance with fee remission until they complete either their primary or secondary education under the scheme. No new pupils were admitted to the scheme after the September 1997 intake.

From a peak of 1,006 assisted pupils in the 1997/98 academic year, the number of pupils continuing to hold assisted places in Wales reduced to 14 in 2006/07. We estimate that this will reduce further to around 10 for the academic year 2007/2008, the year to which these Amendment Regulations will apply.

Amendment Regulations are made annually in England and Wales to uprate the parental contribution tables and, if appropriate, to reflect any changes resulting from the Budget Statement that impact on the computation of parents' income for the purposes of calculating their relevant income. Uprating the tables and allowances in this way ensures that in real terms parents of children continuing to hold assisted places are not penalised in their entitlement to fee remission as a consequence of inflation. The relevant incomes of more than 50% of parents of assisted placeholders in Wales are such that they are currently in receipt of full fee remission.

Assembly expenditure on the APS for the 2007/08 financial year totalled £73,613. Forecast expenditure for the current financial year is approximately £83,000 and includes payments relating to the 2007/08 academic year and will be met from the Education and Lifelong Learning MEG. The baseline provision and future assumptions for APS expenditure include a GDP uplifting factor to reflect likely movement in UK inflation.

Implementation

The Regulations are scheduled to come into force on the 19 March 2008.

Consultation

In accordance with the requirement to consult in Section 3(7) of the Education (Schools) Act 1997, the 3.2% increase to the parental contribution tables and the uplift in the dependants allowance was agreed in consultation with the Welsh Independent Schools Council which represents the independent schools in Wales which continue to provide assisted places under Section 2(1) of that Act. The consultees are content with the proposed uplift.

Regulatory Impact Assessment

An assessment has not been produced for these Regulations as the legislation is merely intended to uplift parental contributions scales for the academic school year 2007/8, in line with the rate of inflation.