

Explanatory Memorandum to the Education (Assisted Places) (Incidental Expenses) (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) (incidental Expenses) (Amendment) (Wales) Regulations 2008 (“the 2008 Regulations”) amend the Education (Assisted Places) (Incidental Expenses) Regulations 1997 (“the 1997 Regulations”) for the purposes of a ‘relevant question’. This is a question under the 1997 Regulations as to whether the parents of an assisted pupil are entitled to a uniform grant under Part II, or a travel grant under Part III, of the 1997 Regulations which arises in respect of a school year beginning on or after 1st September 2007 and which has not been determined at the date on which the 2008 Regulations come into force.

The 1997 Regulations provide for the payment of grants as regards incidental expenses, and for the remission of incidental expenses, in respect of 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 amend the means test (set out in regulations 2 and 4 of the 1997 Regulations) for determining eligibility to uniform and travel grants and increase the amount of such grants payable in respect of clothing or travel expenditure incurred in relation to the school year 2007/08.

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), (3), (4), (5) and (9) of the Education (Schools) Act 1997. These powers were transferred to the National Assembly for Wales on 1 July 1999 and are vested in Welsh Ministers 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 abolition of the Assisted Places Scheme (APS). Pending abolition of the scheme in its entirety, Welsh Ministers are committed to provide participating pupils with

assistance with eligible incidental expenses until they complete 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 holding 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 update the parental income tables used to calculate parents eligibility to receive uniform and travel grant assistance available under the scheme. Up-rating 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 assistance as a consequence of inflation.

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 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 were content with the proposed uplift.

Regulatory Impact Assessment

An assessment has not been produced for these Regulations as the legislation is merely intended to amend the means test and the amount of grant payable for the academic school year 2007/8, in line with the rate of inflation.