EXPLANATORY MEMORANDUM TO

THE EDUCATION (ASSISTED PLACES) (AMENDMENT) (ENGLAND) REGULATIONS 2007

2007 No. 2001

1. This explanatory memorandum has been prepared by The Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments and the House of Lords Merits Committee.

2. Description

2.1 This instrument provides for the uprating, in line with inflation, of the sliding scale that determines the amounts parents are required to contribute under the Assisted Places Scheme (APS) means-testing arrangements.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The APS is being phased out under the provisions of the Education (Schools) Act 1997 and, since September 1998, there have been no new assisted places available. Most assisted pupils completed their education in the Summer of 2004, but arrangements need to be made in respect of the remaining assisted place holders who have been permitted to keep their places under Section 2(2)(b) of the Education (Schools) Act 1997 until they complete their education.

4.2 Section 2(2)(b) of the Act provides that pupils provided with an assisted place whilst receiving primary education may continue to hold such a place for a further period during which they receive secondary education where the Secretary of State so determines.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Education (Assisted Places) (Amendment) (England) Regulations 2007 provide for the continued operation of the APS to cater for the assisted place holders who have been allowed to keep their places and complete their education under the provision of the Education (Schools) Act 1997.

7.2 As previously agreed with the former AP Committee of the Independent Schools Council (ISC), the Department has consulted with the General Secretary of the ISC about the proposed uprating. The General Secretary confirmed that he had contacted the ISC associations and that they were happy with what was being proposed.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector.

9. Contact

9.1 Jim Wharton at the Department for Children, Schools and Families Tel: 01325 391150 or e-mail: jim.wharton@dcsf.gsi.gov.uk can answer any queries regarding the instrument.