**EXPLANATORY MEMORANDUM TO**

**THE EDUCATION (ASSISTED PLACES) (INCIDENTAL EXPENSES) (AMENDMENT) (ENGLAND) REGULATIONS 2009**

**2009 No. 1560**

**1.** 1.1 This explanatory memorandum has been prepared by The Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

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

**2. Purpose of the instrument**

2.1 This instrument provides for the uprating of various grants, in line with inflation, such as those for uniform and home-to-school transport payable to eligible parents 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 Context**

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 a tiny number (2) of 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.

**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) (Incidental Expenses) (Amendment) (England) Regulations 2009 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.

## 8. Consultation outcome

8.1 As previously agreed with the former AP Committee of the Independent Schools Council (ISC), the Department has consulted with the Chief Executive of the ISC about the proposed uprating. The Chief Executive has consulted the member Associations of the schools concerned and confirmed that they were content with what was being proposed.

## 9. Guidance

9.1 The schools (2) have been sent letters setting out the uprated arrangements for the academic year 2009/10

## 10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

## 11. Regulating small business

11.1 Not applicable.

## 12. Monitoring & review

12.1 Concluding the phasing out of the Assisted Places Scheme when the remaining assisted place holders complete their education at the end of the next academic year 2009/10.

## 13. Contact

13.1 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.