

POLICY NOTE

THE ST MARY'S MUSIC SCHOOL (AIDED PLACES) (SCOTLAND) REGULATIONS 2015

SSI 2015/248

1. The above instrument is made in exercise of the powers conferred by sections 73(f) and 74(1) of the Education (Scotland) Act 1980.
2. These Regulations are subject to negative procedure.

Policy Objectives

3. The policy objective of these Regulations is to consolidate, with amendments, the St Mary's Music School (Aided Places) (Scotland) Regulations 2001 ('the 2001 Regulations') and its nine subsequent amending regulations.
4. The 2001 Regulations provide the legislative framework for the administration of the aided places scheme ('the Scheme') by St Mary's Music School, Edinburgh ('St Mary's') and these Regulations largely restate that framework. Any substantive changes are described at paragraph 7 of this Policy Note.
5. The Scheme currently provides financial assistance to 51 pupils (45 instrumentalists and 6 choristers) attending St Mary's and these Regulations continue to provide for the payment of allowances to reimburse St Mary's in respect of fees and charges remitted and grants made in operating the Scheme. The Scheme provides assistance in relation to the remission of tuition fees and boarding fees as well as with associated expenses by way of uniform and travel grants, meal allowances and the remission of charges for field study courses. This is a means tested scheme which, in most cases, requires a contribution to be paid by parents.
6. These Regulations set out the basis on which parental contribution should be calculated including the income levels which determine the level of assistance provided through the Scheme. These Regulations allow the Scottish Ministers to determine the maximum fees which the school can charge for pupils who hold aided places.
7. As well as restating the legislative framework for the administration of the Scheme, amendments are being made to modernise and clarify the original provisions of the 2001 Regulations and the opportunity is also being taken to incorporate the following substantive changes to the Scheme in these Regulations:

7.1. Uprating all monetary values including the qualifying parental income levels for the remission of fees and charges and the making of grants under the Scheme. The parental income scales (which determine the level of support received by applicants through the Scheme) and other monetary values have been increased on nine occasions since 2001 in order to ensure, as far as possible, that parental contributions remain a constant proportion of salary. These increases are usually based on movement in the Retail Price Index ('RPI') as at October of the previous year and therefore these Regulations give effect to a 2.3% increase for the school session 2015-16, in line with inflation. The 2.3% RPI modification

to the parental contribution levels consequently affects increases in grants in respect of expenditure on uniform and school travel.

7.2. **Regulation 2:** Updating the definition of “child”, removing the references to “father” and “mother” in the definition of “parent” and adding a definition of “partner” and “applicant” (to encompass both a parent and a parent's partner). These changes are made to ensure that these Regulations cover the children of civil partnerships and same sex marriages as well as requiring that the income of cohabitees should be factored into the means testing under the Scheme from 1st August 2016 in line with the Scottish Government approach to student loans. Including cohabitees in the definition of “partner” will only take effect from 1st August 2016 in order to give the families of existing aided pupils due notice. Consequential updates are also made to the definition of “maintenance payment” in what is now Part 4 of the Scheme.

7.3. **Regulation 3:** Replacing the requirement for St Mary’s to submit a reimbursement claim “as soon as is reasonably practicable” with a requirement to submit such a claim before the end of the school year following that to which the claim relates. This better reflects the practice whereby provisional claims are submitted during the school year and a reimbursement claim by the end of the following school year at the latest. This provision ensures that the respective claims are made within an appropriate timescale to allow for financial planning.

7.4. **Regulation 6:** Replacing the requirement for publication of the Scheme to be through a national newspaper with a requirement that publication be suitable for bringing the information to the attention of persons likely to have an interest in the Scheme, which must include publication on the internet. This change recognises that there is no single national newspaper with the diverse readership required for advertising the Scheme to persons likely to have an interest in it.

7.5. **Regulations 12 and 13:** Clarifying that the school must not implement a proposal to change its premises or boarding arrangements without the approval of the Scottish Ministers. The 2001 Regulations required such approval only if the Scottish Ministers so directed.

7.6. **Paragraph 5 of Schedule 1:** Replacing reference to the scenario where a declaration of relevant income “cannot be furnished” with reference to a scenario in which “it is not reasonably practicable to provide” such a declaration. This change is made for consistency with paragraph 11(4) of Schedule 1.

7.7. **Paragraph 18 of Schedule 1:** Removing reference to weekly boarding pupils as the school does not offer a weekly boarding option and it is not intended that different travel grant provision should be made for such boarders should this option be offered in the future.

7.8. **Paragraph 19 of Schedule 1:** Requiring that St Mary’s must only pay travel grant in relation to school travel expenditure “reasonably” incurred. This change is made for consistency with paragraph 18(2) of Schedule 1.

7.9. **Paragraph 23 of Schedule 1:** Updating the provision about the remission of charges for field study courses to clarify that this applies to a course of field study which forms a compulsory part of a course of education for any examination conducted by the Scottish Qualifications Authority or other comparable examination in any subject provided by the school. Previously the Scottish Ministers had a power to approve the expanded application of this provision on a subject by subject basis. The intention is to clarify that charges are not remitted for optional school trips and excursions but that, where a course of field study is compulsory, charges will be remitted in relation to any subject provided by the school.

7.10. Paragraph 25 of Schedule 1: Broadens the definition of “maintenance payments” to reflect the extension of the Scheme to cover children of same sex marriages and civil partnerships as well as the inclusion of the income of cohabitants in the computation of total income for the purposes of the Scheme.

7.11. **Schedule 2:** Updating the information to be supplied by St Mary’s under regulation 7, in line with some of the requirements for local authority school handbooks under the Education (School and Placing Information) (Scotland) Regulations 2012 (SSI 2012/130). These changes are aimed at making it easier for parents to access information about St Mary’s before and after applying for a place for their child.

Consultation

8. There is no statutory obligation to consult in relation to the Scheme, however, St Mary’s has been consulted throughout the process and raised no objections to the consolidation or additional policy changes.

Financial Effects

9. There will be a small increase in the financial costs to the Scottish Government. Increasing the income band values will benefit parents by reducing their contribution by between £15 and £63 per student per annum. The cost of the increase to the Scottish Government, based on the incomes of parents whose children currently hold aided places, would be approximately £1,158. This amount can be accommodated within the current Learning Directorate budget for 2015-16.

10. There will be no financial impact on St Mary’s.

Scottish Government
Learning Directorate
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