

EXPLANATORY MEMORANDUM TO
THE EDUCATION (GRANTS ETC) (DANCE AND DRAMA) (ENGLAND)
(REVOCATION) REGULATIONS 2014

2014 No. 80

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Instrument covered by this Explanatory Memorandum is made being to revoke the provision made for grants to be paid by the Secretary of State to listed institutions in respect of dance and drama students selected by those institutions in the Education (Grants etc.) (Dance and Drama) (England) Regulations 2001, as amended.

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

3.1 None

4. Legislative Context

4.1 The grant scheme was one of a number established under s.485 of the Education Act 1996 which allows the Secretary of State to make grants in respect of educational services. The 2001 Regulations were revised in 2002 by amending Regulations to clarify the rate of grant payable per award student; to change the maximum fee per award student; and to alter Schedule 1 so as to treat Swiss Nationals and certain persons related to them on the same basis as EEA nationals. The 2002 amending Regulations are revoked by this Instrument.

4.2 The 2001 Regulations were revised again in 2005 by two further amending Regulations which updated the list of institutions participating in the scheme; clarified that an award student leaving an institution could be replaced by a new award student from another cohort (year); varied the rate used in calculating the grant payments; and amended the eligibility criteria for award students. Both of the 2005 amending Regulations are revoked by this Instrument.

4.3 The 2001 Regulations have also been amended by the following instruments: the Civil Partnerships Act 2004 (Amendments to Subordinate Legislation) Order 2005; The Education and Inspections Act 2006 (Prescribed Education and Training etc.) Regulations 2007; and The Young People's Learning Agency Abolition (Consequential Amendments to Subordinate Legislation) (England) Order 2012. The provisions in these instruments which amend the 2001 Regulations are also revoked by this Instrument.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

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

7. Policy background

7.1 Provision under the 2001 Regulations, as amended, ceased for new award students from the academic year 2005/06, with 2004/05 being the last year in which new awards were made under the Regulations. Between 2005 and 2009 a system of dual provision was in operation, i.e. existing award students provided for under the Regulations continued to receive provision under those Regulations and new award students received support via a new contractual scheme (see paragraphs 7.3 to 7.6 below).

7.2 The last year in which any student received funding under the Regulations was 2008/09. Thus, from 2009 onwards all students have been funded via a new contractual scheme (see paragraphs 7.3 to 7.6) and the 2001 Regulations no longer provide the basis of funding for any student. As a result, the 2001 Regulations have not had any practical application since 2009 onwards. Revoking them would serve as a tidying up exercise and also remove any possible confusion between the no longer used statutory scheme and the current contractual awards scheme.

7.3 From 2009, the grant based awards scheme was replaced by the Dance and Drama Awards contractual scheme. This scheme provides scholarships to provide support with tuition fees and living costs for talented students studying at a small number of private dance and drama schools in England. From 2009 to 2012, students assessed by the schools as eligible for a Dance and Drama Award on the basis of talent, received a flat rate fee contribution. Students whom the school subsequently assessed as facing additional financial barriers to participation could apply for income assessed support together with their living costs. The scheme was administered by the Learning and Skills Council and subsequently by the Young People's Learning Agency during this time.

7.4 From 2013, Dance and Drama Awards scholarships have been targeted more directly at helping to ensure that income is not a barrier to the most talented young people accessing specialist dance and drama provision. Schools decide upon the students to whom they give support, based on an assessment of the individual's talent and their household income in the relevant tax year. The amount of funding a student receives for their fees and living costs is now fully dependent on their household income.

7.5 Under this replacement, non-statutory, scheme the maximum length of an award is the same as under the statutory scheme, i.e. funding is generally awarded to a student for

a maximum period of three years. The number of institutions that are part of the non-statutory scheme and the number of students supported by the non-statutory scheme are both broadly comparable with the statutory predecessor.

7.6 Currently 19 schools are part of the Dance and Drama Awards scheme. To become an approved supplier, schools must meet criteria specified in the procurement process, including the quality of their provision and the financial health of the institution. Approved suppliers enter into an annual contractual relationship with the Education Funding Agency (an executive agency of the Department for Education which replaced the Young People's Learning Agency).

8. Consultation outcome

8.1 Not applicable

9. Guidance

9.1 Not applicable

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 The legislation does not apply to small business.

12. Monitoring & review

12.1 Not applicable.

13. Contact

Emma Kershaw at the Department for Education Tel: 0114 274 2656 or email: emma.kershaw@education.gsi.gov.uk can answer any queries regarding the instrument.