

**REPORT OF THE CHAIRMAN OF THE CHILDREN AND YOUNG PEOPLE'S  
COMMITTEE****FINANCIAL SUPPORT FOR STUDENTS IN POST-16 EDUCATION AND  
EXCEPTIONAL PAYMENTS FOR SCHOOL CLOTHING AND FOOTWEAR  
2019/2020****Purpose of the Report**

1. This report seeks approval of the proposed policy for the 2019/20 financial year in respect of discretionary financial support for post-16 students following courses in educational institutions.
2. The report also seeks approval to continue to adopt an agreed scale of payments for school clothing and footwear allowances paid under the category of exceptional circumstances, subject to discretion.

**Information****Financial support for students in post-16 education**

3. Legislation introduced in March 1999 identified three categories of post-16 students:
  - (i) school-based students
  - (ii) students following courses of further education in colleges funded primarily by the Further Education Funding Council (FEFC), now the Education Skills Funding Agency (ESFA) as of 1 April 2017
  - (iii) students following non-designated courses (not attracting support under the national system of student financial support) in higher education.
4. The legislation requires that local authorities should determine annually their policies in respect of their discretionary powers to assist students, who fall within the scope of these three categories.
5. The County Council's Formula Spending Share was reduced following the introduction of the legislation in March 1999, with the element identified to support students in further and higher education institutions (categories 2ii and 2iii above) transferred via the then Learning and Skills Council to further and higher education institutions, which now have responsibility for providing discretionary learner support to their students.

6. Local authorities continued to have a responsibility for providing exceptional financial support to post-16 students in schools, via Learner Support Funds allocated through the then Young People's Learning Agency (YPLA). However this responsibility ceased with the withdrawal of Learner Support Funds with effect from the end of the 2010/11 academic year (see **paragraph 11**). The County Council continues to have responsibility for home to school/college transport for post-16 students.
7. Local authorities retain the power to make discretionary awards to post-16 students in schools and to students in further and higher education, but the relevant regulations allow them to determine a policy under which no financial support would be offered to these students. Local authorities are not held to be fettering their discretionary powers as long as they make such an annual 'determination' before 31 March of the year preceding the financial year to which the determination applies.
8. Committee must therefore determine, before 31 March 2019 in respect of the financial year 2019/20, how to exercise the power granted by the regulations to make post-compulsory education awards. There are three options:
  - (a) to make no such awards in any circumstances and not make any provision for considering applications; or
  - (b) to make such awards generally and consider applications from all students; or
  - (c) to make such awards only in respect of certain groups or categories of students.
9. The transfer of the functions of the County Council's Student Finance Service to the national provider Student Finance England with effect from 31 March 2011 meant that there was no longer an obligation upon the County Council to consider requests for funding from higher education students following non-designated courses, or in other specific circumstances, such as transfers of course or repeat periods of study.
10. Colleges of further education and universities receive funding to provide financial support for students on full-time courses. It is therefore proposed that the County Council should determine not to make any awards in any circumstances to further education (FE) and higher education (HE) students, and not to make any provision for considering applications, other than for children and young people for whom the Council acts as corporate parent as described in **paragraph 12** below.
11. The national scheme of Education Maintenance Allowances closed to all students studying in England at the end of the 2011/12 academic year. The annual allocation of Learner Support Funds allocated to the County Council by the YPLA to assist students in post-16 education in schools was withdrawn with effect from the end of the 2010/11 academic year. These funds have been replaced by the 16-19 Bursary Fund, administered by schools, colleges and training providers. There are also other sources of funding for post-16 students, such as the 16-18 Residential Bursary. It is therefore proposed that the County Council should determine not to make any awards in any circumstances to post-16 students in schools, and not to make any provision for considering applications, other than for children and young people for whom the Council acts as corporate parent as described in **paragraph 12** below.

12. The Council reserves the right, in its role as the corporate parent for those children and young people within its care, to make an award to such children and young people where there are exceptional circumstances. Such an award will only be made when approved by the Service Director with responsibility for Children's Social Care.

### **Exceptional payments for school clothing and footwear 2019/20**

13. School clothing allowances are discretionary and any allowance scheme must be funded by the County Council. Discretionary school clothing allowance has not been available since 2010/2011 for families living in Nottinghamshire. However, the County Council retains discretion to consider requests from families for support with clothing and footwear under exceptional circumstances. Discretionary payments of £334.00 were made during the 2018/2019 financial year (correct as at 7 December 2018).
14. In order not to fetter its discretion, the County Council must consider, under Section 510 of the Education Act 1996 and Section 2 of the Local Government Act 2002, requests for assistance from families in exceptional circumstances. This applies to all school age children and to families living outside the County if their children attend County schools.
15. Exceptional circumstances are defined as "families who have experienced and can demonstrate severe hardship which has resulted in the family being unable to afford the cost of school uniform and where this affects the ability of the children attending school". Included in this category would be families who have lost clothes in a fire, a flood, theft, have been made homeless or are fleeing domestic violence.
16. In order to ensure that there is consistency and fairness in the amounts paid out under the category of exceptional circumstances, it is proposed to continue to adopt, as a guide only, a scale of payments up to a maximum allowance of £50 per qualifying pupil:
  - 25% of the full allowance to infant school children
  - 50% of the full allowance to junior school and year 11 children
  - 75% of the full allowance to other secondary school children.
17. This is a guide only, as the County Council must consider the circumstances of individual cases in order not to fetter its discretion.

### **Other Options Considered**

18. It is open to the County Council not to make a determination in respect of their discretionary powers to assist post-16 students under the regulations. This would mean the Council would have to consider any applications for financial assistance on their individual merits or through a specific scheme of support. In either case additional budget provision would have to be made available to underpin such arrangements but this is not regarded as a funding priority for the Council at the present time.
19. No other options have been considered in respect of school clothing and footwear allowances.

## **Reason/s for Recommendation/s**

20. As explained in the report, if it is to limit the use of its discretionary powers to offer support to students entering school sixth form, further education college courses or non-designated courses of higher education in the 2019/20 financial year, the County Council has to make an annual 'determination' by 31 March 2018 in accordance with the Local Education Authority (Post-Compulsory Education) Awards Regulations. In recent years the County Council has made such a determination each year, reflecting the fact that it no longer has any specific budget provision available for new cases that fall under these discretionary powers. A survey of 14 local authorities around the country in 2011 found that none of them made awards to these students and had not done so for many years.
21. In line with the County Council's financial regulations, school clothing and footwear allowances are reviewed annually and as explained in this report it is proposed to continue to provide a fair and consistent approach for determining the amount of allowances paid under the exceptional circumstances category.

## **Statutory and Policy Implications**

22. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Implications for Service Users**

23. The proposals set out in this report limit the extent to which the County Council is able to assist with the costs students incur in following post-16 education courses. The arrangements proposed do not, however, differ from those that currently apply and which have applied since 1999.

## **Financial Implications**

24. The draft budget for Children and Families Services for 2019/20 anticipates that a determination will be made in respect of discretionary powers not to assist post-16 students as recommended in this report.
25. There may be a small amount of funding claimed to support families with the cost of school clothing and footwear under exceptional circumstances. Based on the claims made in 2018/19, the cost is likely to be under £500 (see **paragraph 13**). There will be no specific budget for this but as the cost is minimal it can be contained within the overall Children & Families budget.

## **Public Sector Equality Duty implications**

26. The provision of clothing and footwear allowances remains an important element of the County Council's overall programme to overcome social and educational disadvantage and

the County Council will continue to consider requests for provision of clothing assistance support for pupils from financially disadvantaged backgrounds in exceptional cases.

## **RECOMMENDATION/S**

That:

- 1) Committee determines that during the year 1 April 2019 – 31 March 2020 Regulation 3 (1) of 'The Local Authority (Post-Compulsory Education Awards) Regulations 1999' shall not apply to Nottinghamshire County Council and that in consequence the County Council will have no powers to make post-compulsory education awards to post-16 students entering new courses in schools or in further or higher education in 2019/20 in any circumstances, other than for those children and young people for whom the Council acts as corporate parent.
- 2) approval is given to continue to apply, as a guide only, a scale of payments for school clothing and footwear allowances granted under the exceptional circumstances category up to a maximum of £50 per qualifying pupil: 25% of the full allowance for infant school children, 50% of the full allowance for junior school and year 11 children and 75% of the full allowance for other secondary school children. Individual circumstances will be taken into consideration when determining the amount.

**Councillor Philip Owen**  
**Chairman of the Children and Young People's Committee**

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### **Constitutional Comments (KK 20/12/18)**

27. The proposals in this report are within the remit of Policy Committee.

### **Financial Comments (SAS 02/01/19)**

28. The financial implications of the report are contained within paragraphs 24 and 25 above.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

The Local Authority (Post-Compulsory Education Awards) Regulations 1999.

<http://www.nottinghamshire.gov.uk/education/financial-support/financial-support>

**Electoral Division(s) and Member(s) Affected**

All

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