

7th March 2022

Agenda Item: 7

REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND SKILLS

FINANCIAL SUPPORT FOR STUDENTS IN POST-16 EDUCATION AND EXCEPTIONAL PAYMENTS FOR SCHOOL CLOTHING AND FOOTWEAR 2022/2023

Purpose of the Report

1. This report seeks approval to continue with the current arrangements for the 2022/23 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 as a guide 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 arrangements 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 adopt a scheme 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 2022 in respect of the financial year 2022/23, 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 proposed that the County Council should continue with the existing arrangements, that is not to make any awards in any circumstances to further education (FE) and higher education (HE) students. This includes not making 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.

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 2022/23

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 £241.25 were made during the 2021/2022 financial year (correct as at 3 February 2022).
14. 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. The Council includes information about the discretionary allowance on its public website <https://www.nottinghamshire.gov.uk/education/financial-support/financial-support> In addition, information is included in the Admissions to Schools: Guide for Parents in the section "school uniform".
17. 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.
18. It is proposed to continue to apply the same scale of payments:
 - 50% of the full allowance for primary age children
 - 75% of the full allowance to other secondary school children.
19. 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

20. 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.

21. No other options have been considered in respect of school clothing and footwear allowances.

Reason/s for Recommendation/s

22. 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 2022/23 financial year, the County Council has to make an annual 'determination' by 31 March 2022 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.
23. 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

24. 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

25. 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 do not, however, differ from those that currently apply and which have applied since 1999.

Financial Implications

26. The budget for Children and Families Services for 2022/23 anticipates that a determination will be made in respect of discretionary powers not to assist post-16 students as recommended in this report.
27. 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 2021/22, the cost is likely to be under £500 (see **paragraph 13**).

Public Sector Equality Duty implications

28. The provision of clothing and footwear allowances enables the County Council to continue to consider requests for provision of clothing assistance support for pupils from financially disadvantaged backgrounds in exceptional cases.

RECOMMENDATION/S

That Committee:

- 1) approves the arrangements for the 2022/2023 financial year in respect of discretionary financial support for post-16 students following courses in educational institutions as set out in **paragraphs 10 - 12** of this report.
- 2) approves the following guide scale of payments for school clothing and footwear allowances granted under the category of exceptional circumstances, subject to consideration of the individual circumstances of each application:
 - Primary age children to be eligible for 50% of the full allowance of £50 per qualifying pupil
 - Secondary age children to be eligible for 75% of the full allowance of £50 per qualifying pupil.

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Constitutional Comments (LPW 08/02/22)

29. The recommendations fall within the remit of the Children and Young People's Committee by virtue of its terms of reference.

Financial Comments (MDN 04/02/22)

30. The budget for Children and Families Services for 2022/23 anticipates that a determination will be made in respect of discretionary powers not to assist post-16 students as recommended in this report.
31. 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 2020/21, 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 Education, Learning & Skills budget of £6.6m.

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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