

11 March 2013**Agenda Item: 6****REPORT OF THE SERVICE DIRECTOR, EDUCATION STANDARDS AND
INCLUSION****FINANCIAL SUPPORT FOR STUDENTS IN POST-16 EDUCATION****Purpose of the Report**

1. This report invites the Children and Young People's Committee to determine the policy for the 2013/14 financial year in respect of those post-16 students following courses in educational institutions other than schools.

Information and Advice

2. 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 Funding Agency (EFA)
 - (iii) students following non-designated courses (not attracting support under the national system of student financial support) in higher education.
3. 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.
4. The County Council's Formula Spending Share was reduced following the introduction of the legislation, 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.
5. 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 10). The County Council continues to have responsibility for home to school/college transport for post-16 students.

6. 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.
7. Committee must therefore determine, before 31 March 2013 in respect of the financial year 2013/14, 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.
8. 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 means that there is 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.
9. 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.
10. 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. They have been replaced by discretionary learner support funds, administered by schools, colleges and training providers. 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 Options Considered

11. It is open to the County Council not to make a determination 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.

Reasons for Recommendation

12. 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 2013/14 financial year, the County Council has to make an annual 'determination' by 31 March 2013 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 to be considered under these discretionary powers. A survey in 2011 of 14 local authorities around the country found that none of them made awards to these students and had not done so for many years.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service 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

14. 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 have applied since 1999.

Financial Implications

15. The draft budget for Children and Young People's Services for 2013/14 anticipates that a determination will be made as recommended in this report.

RECOMMENDATION

- 1) That Committee determines that during the year 1 April 2013 – 31 March 2014 Regulation 3 (1) of The Local Education Authority (Post-Compulsory Education Awards) (Amendment) (England) Regulations 2000 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 2013/14 in any circumstances.

John Slater
Service Director, Education Standards and Inclusion

For any enquiries about this report please contact:

David Litchfield
Assistant SEND Officer
(formerly Service Manager, Student Finance Service)
T: 0115 977 3861
E: david.litchfield@nottsgov.uk

Constitutional Comments (LM 07/01/13)

16. The Children and Young People's Committee has delegated authority within the Constitution to approve the recommendations in the report.

Financial Comments (KLA 07/02/13)

17. The financial implications of this report are set out in paragraph 15 above.

Background Papers

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

The Local Education Authority (Post-Compulsory Education Awards) (Amendment) (England) Regulations 2000

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.

Electoral Division(s) and Member(s) Affected

All.

C0162