

Cabinet Member for Children and Family Services, and Rural Affairs Agenda

Date:	Tuesday, 18th March, 2014
Time:	10.00 am
Venue:	Committee Suite 1, Westfields, Middlewich Road, Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. Public Speaking Time/Open Session

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relating to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. Local Education Authority (Post Compulsory Education Awards) Regulations 1999 - Annual Determination (Pages 1 - 2)

To approve the Council not taking up the power to grant discretionary awards for the 2014/15 academic year.

For requests for further information

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CHESHIRE EAST

Portfolio Holder: Children and Families & Rural Affairs

Date of meeting: 18th March 2014

Report of: Tony Crane Strategic Director Children Services

Title: Local Education Authority (Post Compulsory Education Awards) Regulations 1999 – Annual Determination

1.0 Purpose of Report

- 1.1 The Local Education Authority (Post-Compulsory Education Awards) Regulations 1999 (S.I. 1999/229) require LEAs to make an annual determination in respect of their powers to make awards to students. The determination must be made before the start of the following financial year. The requirement to make an annual determination applies regardless of whether an LA has previously determined that it will not exercise its power to offer awards.

2.0 Decision Required

- 2.1 The Portfolio Holder for Children's and Families is asked to approve that the Council does not take up the power to grant discretionary awards for the 2014/15 academic year.

3.0 Financial Implications

- 3.1 The Council has already determined not to exercise the power to offer discretionary awards for the 2013/14 academic year.

4.0 Financial Implications 2015/16 and beyond

- 4.1 No financial provision has been made to make discretionary awards in the 2015/16 academic year either for a specific category or on appeal.

5.0 Legal Implications

- 5.1 The Local Education Authority (Post Compulsory Education Awards) Regulations 1999 conferred revised powers on LEAs, should they wish to use it, to make discretionary awards to new FE and HE students. The LEA is required to determine each year by 31 March whether the power is to apply to them or not in the following academic year. If it does accept the powers it must then determine whether to exercise that power generally or only for certain groups or categories of students. If it determines not to accept the power, no provision for consideration of applications need be made.

6.0 Risk Assessment

- 6.1 If no annual determination is made, the authority is open to legal challenge.

7.0 Background and Options

- 7.1 The effect on applicants remains unchanged since 2000/01 when Cheshire County Council first decided not to take up the discretionary powers and no new awards have been made since then. During this time, national schemes have developed to provide funding to various categories of post 16 students who would previously have looked to the local authority for support. No discretionary awards have been made since the academic year 2003/4 when existing students already in receipt of an award were funded from a residual fund to allow them to complete their course.
- 7.2 If no annual determination is made by 31 March 2014, the authority is open to legal challenge. An annual determination will be required in subsequent years.

8.0 Reasons for Recommendation

- 8.1 No financial provision has been made to make discretionary awards in the 2014/15 academic year for a specific category or on appeal.

9.0 Background Documents:

N/A

The background papers relating to this report can be inspected by contacting the report writer:

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