

CHESHIRE EAST COUNCIL

Cabinet Member for Children and Family Services

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| Date of meeting: | 4 th February 2013 |
| Report of: | Lorraine Butcher, Strategic Director Children, Families and Adults |
| 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 Recommendation

- 2.1 That the Council does not take up the power to grant discretionary awards for the 2013/14 academic year.

3.0 Financial Implications

- 3.1 The Council has already determined not to exercise the power to offer discretionary awards for the 2012/13 academic year.

4.0 Financial Implications 2013/14 and beyond

- 4.1 No financial provision has been made to make discretionary awards in the 2013/14 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 2013, 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 2013/14 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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