



SCOTLAND

## Guidance

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## **EDUCATION MAINTENANCE ALLOWANCES SCOTLAND DESIGN AND DELIVERY**

### **1. INTRODUCTION**

Education Maintenance Allowances (EMAs) provide financial support for 16 to 19 year-olds from low-income households who are attending non-advanced full-time education in school, college, community or voluntary provision, or who are home educated. In Scotland successful pilots were run in East Ayrshire, Dundee, Glasgow and West Dunbartonshire. The programme was introduced across the UK in academic year 2004-05. The awards are targeted at young people from low-income households, and aim to increase participation and retention in post-compulsory education for this group.

Following a major consultation exercise, the programme underwent revisions for academic year 2009-10 onwards meaning that EMA will be better targeted at those young people from the lowest-income families as well as those considered vulnerable.

From academic year 2010/11, bonus payments will no longer be part of the scheme. Given the need to ensure proper scrutiny of public finances, the terms of the EMA programme for academic year 2010/11 will be reviewed against spend in December 2010. This guidance and accompanying documentation will be revised at that point if necessary.

This document aims to provide guidance for those involved directly in either administering EMAs or advising young people about application and eligibility. The Scottish Further and Higher Education Funding Council (SFC) administers the programme for those attending colleges. Local authorities administer for those in school (including home education), and all other learning.

The programme parameters and roles and responsibilities of the key partners are set out in the EMA Scotland Business Model.

The table in Appendix 1 shows EMA entitlement based on household income.

#### **EMA WEBSITE**

You can find information on EMAs at the EMA Scotland website:

[www.emascotland.com](http://www.emascotland.com)

**This will also contain electronic versions of the Business Model and Guidance Document.**

## **THIS DOCUMENT SETS OUT:**

- aims and key features of the EMA
- eligibility criteria for receipt of an EMA
- the design of the Learning Agreement
- details of payment issues, including guidance surrounding stopping payments
- Guidance for payment of June 2010 bonus
- guidance on supporting vulnerable young people
- guidance on EMA support for students in home education
- management information
- responsibilities of key partners
- payment of EMA to young people outwith school, including those taking part in activity agreements

The Guidance Document has been compiled by the Scottish Government's Enterprise and Employability for Young People Division within the Lifelong Learning Directorate. It sets out the rules and principles by which the scheme should operate. Scottish Ministers reserve the right to adjust the terms of the scheme at any time.

## **2. AIM OF EMAs**

EMAs aim to provide a financial incentive to young people from low-income households and vulnerable young people to remain in full-time education beyond the statutory school leaving age. Young people from low income families face financial barriers in continuing learning. EMA is designed to remove those barriers. There is a well-established and researched causal link between low income and low attainment.

As a result many leave with few or no qualifications. This in turn means that they face greater difficulties entering the labour market.

### 3. SUMMARY OF THE KEY FEATURES OF THE EMA

#### 3.1 THE ALLOWANCE

The EMA will comprise a means-tested weekly allowance (see Appendix 1) payable in two weekly instalments in arrears during term-time. In order to receive an EMA a student must have an acceptable Learning Agreement (see Section 6). The weekly allowance awarded will normally depend on the financial circumstances of the household (see also Appendix 2)

#### 3.2 BONUSES

Bonus payments will no longer form part of the scheme from academic year 2010/11 onwards. However, the June 2010 bonus for completion of academic year 2009/10 will be available.

#### 3.3 METHOD OF PAYMENT

EMAs will be paid directly into the bank account of the young person. This applies to both the weekly allowance and the bonuses.

#### 3.4 PERIOD OF ELIGIBILITY

For a young person that takes part in a course of study that follows the academic year, the EMA can only be paid for each full week's attendance within term time, up to a **maximum** of 42 weeks in any one academic year. EMA payments will not be made during short term time holidays which include the October break, Christmas and Easter.

#### 3.5 DURATION OF ALLOWANCE

Payment of an EMA will normally be restricted to a maximum period of 3 years from the anniversary of the first payment and recipients should be between 16 and 19 years old. In exceptional circumstances some young people identified as "vulnerable" or with special educational needs may be entitled to receive 4 years EMA support ( please refer to Section 9).

It is possible for a young person to study for one year, take a year out, then re-enter full-time non-advanced study and still receive additional two years' EMA funding, dependent on the age eligibility.

### 3.6 INSTITUTION

The young person must be attending a school, or a college funded by SFC, or any other learning centre that the local authority or the Scottish Government deems appropriate (such as the Scottish Agricultural College (SAC)). This may include residential schools, secure care establishment, community and voluntary care organisations, students undertaking home education, and institutions in the public and private sectors.

### 3.7 OTHER AWARDS

A young person on an EMA may still be entitled to other forms of financial support for non-maintenance costs (such as a travel allowance) from existing local authority or college bursary funding. Young people in full-time employment or on the New Deal education option, or in receipt of a training allowance, will *not* be eligible for EMAs.

### 3.8 INCOME TAX LIABILITY

For income tax purposes, young people in receipt of an EMA will be treated the same as any other taxpayer. However, in calculating an EMA recipient's tax liability Her Majesty's Revenue and Customs (HMRC) will disregard the EMA.

### 3.9 BENEFITS

Under no circumstances should EMA students have benefits withdrawn due to receiving EMA. Young people receiving education who are Looked After by the Local Authority or who are classed as "care leavers" by the Local Authority, are eligible for the full EMA without having to provide evidence of parental household income; this also includes students who are in receipt of Income Support or income-related Employment and Support Allowance in their own name and students receiving a Pathways allowance from the Local Authority. Further guidance on Looked After young people and Care leavers is provided in Section 9 of this guidance.

## 4. ELIGIBILITY CONDITIONS

An EMA award may only be offered if both the student and the course are eligible. (See Section 5 for course eligibility.)

### 4.1 STUDENT ELIGIBILITY FOR THE EMA PROGRAMME

#### 4.1.1 AGE: GENERAL RULES

Recipients will normally be aged between 16 and 19 years (inclusive).

EMAs are designed to support young people in *post-compulsory* education. There will therefore be two intakes of eligibility, to reflect the two school leaving dates in Scotland. In both cases eligibility for continuing students should be reassessed at the start of each academic year.

#### AUTUMN INTAKE

This will coincide with the start of the academic year following the summer school leaving date. Students who have reached the statutory school leaving age in the May prior to the current academic year will be eligible under this intake, i.e. those students who turn 16 between 1 March and the 30 September of the current year.

#### WINTER INTAKE

This will coincide with the start of the term/course following the Christmas holidays. Students who would be eligible to leave school at the winter leaving date, that is to say those whose 16<sup>th</sup> birthday falls between 1 October and the last day in February, would become eligible for an EMA from the start of the term following the winter leaving date.

Students who left education under the most recent summer school leaving date, and are returning to education or starting a new course at this time, will also be eligible under the winter intake.

#### 4.1.2 INCOME

The household income of the young person will determine their eligibility for an EMA. Where the household income is £20,351 or less the young person will be eligible, and will be awarded a weekly allowance of £30. Young people from households with more than one dependent child in and where the household income is £22,403 or less will also be eligible for a weekly payment of £30 per week. Please refer to Appendices 1 and 2 for details of the financial assessment.

#### **FOR STUDENTS WHO HAVE RECEIVED EMA BEFORE ACADEMIC YEAR 2009-10**

The household income of the young person will determine their eligibility for an EMA. Where the income is £33,156 per annum or less the young person will be eligible, and will be awarded a weekly allowance of £10, £20 or £30 depending on their situation. Please refer to Appendices 1 and 2 for details of the financial assessment.

#### 4.1.3 RESIDENCY

In order to be residentially eligible for an EMA, a student must meet the residency criteria set out in the Education Maintenance Allowances (Scotland) Regulations 2007 (as amended).

The following provides a summary of what these residency criteria are. However, this is only intended as a guide, and **in all cases** reference should be made to the regulations when deciding a student's residential eligibility for the EMA Programme. The residency schedules were consolidated and new regulations drawn up at beginning of academic session 2007/2008 (SSI 2007/156). These were again amended in December 2007 (SSI 2007/503) (and are currently being amended for academic year 2009-10). Both are available from the Office of Public Sector Information website:

- [www.opsi.gov.uk/legislation/scotland/ssi2007/ssi\\_20070156](http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi_20070156)
- [www.opsi.gov.uk/legislation/scotland/ssi2007/ssi\\_20070503](http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi_20070503)

##### *4.1.3.1 Qualifying Date*

In deciding eligibility, reference will be made to a "qualifying date". For applications made under the autumn intake, this day will be the first day of the first term of the academic year (e.g. a date in August). For applications made under the winter intake, this day will be the first day of the first term in the new calendar year (e.g. a date in January).

For those eligible for a full year award, if the application is not submitted by the last day of September the award can only be made from the week it is received by the local authority.

#### 4.1.3.2 *Ordinarily Resident*

Students must satisfy “ordinary residence” criteria in order to be eligible for an EMA. Generally this relates to the qualifying date and to the three year period immediately before the qualifying date. “Ordinarily resident” has been defined in the courts as “habitual and normal residence in one place”. There are restrictions as to whether living in a place totally or mainly for the purpose of receiving full-time education can count towards ordinary residence. Please refer to the regulations.

There are situations where a student can be considered to have met the requirements even if he or she has been out of the area in question on the qualifying date or during the preceding 3 year period. These exceptions are set out in Schedule 2 of the Regulations.

#### 4.1.3.3 *Settled Status*

(Schedule 1 Paragraph 1)

EMAs were rolled out nationally across Scotland, England, Wales and Northern Ireland. Reciprocal arrangements are in place to allow all eligible UK citizens to receive an EMA regardless of the UK nation in which they study. The residency requirements for UK citizens are therefore that the student:-

- is settled in the UK (within the meaning of the Immigration Act 1971);
- has been ordinarily resident **in the UK and Islands** throughout the 3 year period immediately before the qualifying date; and
- is ordinarily resident **in the UK and Islands** on the qualifying date.

A person may be settled in the UK within the meaning of the Immigration Act 1971 if they are ordinarily resident in the UK and not subject under the immigration laws to any restriction on the amount of time they may stay in the UK. This would include British citizens, some Commonwealth citizens who have “Right of Abode” in the UK, those with indefinite leave to enter or remain and limited leave to enter or limited leave to remain, and those who have attained a right of permanent residence under Directive 2004/38/EC.

#### 4.1.3.4 *Right Of Permanent Residence*

(Schedule 1 Paragraph 4)

There is also provision to enable people with settled status - such as a UK national (or family member), or a person who has a right of residence in the UK - to be eligible where they have utilised a right of residence elsewhere in the EEA or Switzerland during the 3 year period. This requires that he or she has been ordinarily resident in the EEA or Switzerland for the 3 year period.

Where the 3 year residence in the EEA or Switzerland has been for the purposes of education, they would also require to have been ordinarily resident in the EEA or Switzerland prior to that period of study. Exceptions may apply when the student has been outwith the relevant area as detailed in Schedule 2 of the Regulations.

#### *4.1.3.5 European Economic Area (EEA) And Swiss Employed Persons Or Migrant Workers (Including Self-Employed)*

(Schedule 1 Paragraph 2-3)

A person who is an EEA migrant Worker, or an EEA or Swiss employed or self-employed person, (or who is the family member of such a person), may be eligible for an EMA. They must:-

- have been ordinarily resident **in the European Economic Area or Switzerland** throughout the immediately preceding three year period; and
- be ordinarily resident **in the UK and Islands** on the qualifying date.

The EEA consists of all the countries of the European Union, plus Iceland, Liechtenstein and Norway. Please refer to the SSI 2007/156 for a definition of “family member”.

#### *4.1.3.6 European Economic Area (EEA) And Swiss Frontier Workers (Including Self-Employed)*

A “frontier worker” means an EEA or Swiss national who is either a worker (for EEA nationals within the meaning of article 7 of Directive 2004/38) or employed (for Swiss nationals) in Scotland, who resides in Switzerland or in the territory of an EEA state other than the UK, and who returns to his or her residence in Switzerland or that EEA state, as the case may be, daily or at least once a week.

A person who is an EEA or Swiss frontier worker or self-employed frontier worker in Scotland, or who is the family member of such a person, may be eligible provided:-

- he or she has been ordinarily resident in the EEA or Switzerland for the 3 year period immediately prior.

#### *4.1.3.7 Refugee Status*

(Schedule 1 Paragraph 5)

Asylum seekers who are granted refugee status or some other form of leave to remain as the result of a failed asylum application are the only category of people who will become eligible at the point of receiving their new status. All other categories of people must meet the criteria specified in the Regulations at the qualifying date.

Applicants who have been granted refugee status and have been living **in the UK and Islands** at all times since receiving it (or who are the spouse, civil partner or child of such a person) are entitled to apply for an EMA provided they are ordinarily resident **in Scotland** on the qualifying date.

These applicants should have a letter from the Home Office stating that they have been **recognised as a refugee** and/or awarded leave to remain **as a refugee**.

#### *4.1.3.8 Leave To Remain, Including Exceptional Leave, Humanitarian Protection And Discretionary Leave*

(Schedule 1 Paragraph 6)

Applicants who have been refused refugee status but granted a form of leave to enter or remain are also eligible, provided they:-

- are ordinarily resident **in Scotland** on the qualifying date; and
- have been ordinarily resident **in the UK and Islands** at all times since receiving that status.

The spouse, civil partner or child of such a person is also eligible provided he or she is ordinarily resident in Scotland on the qualifying date.

These applicants should again have a letter from the Home Office which will indicate that they **have not been recognised as a refugee**, and **detail the leave granted**. Exceptional Leave was replaced by Humanitarian Protection and Discretionary Leave on 1 April 2003.

#### *4.1.3.9 EU Temporary Protection*

(Schedule 1 Paragraph 7)

Students may be granted limited leave under the provision for Temporary Protection where there is a mass influx of displaced persons. The EU will determine when such a situation exists.

Students who have been granted leave under Temporary Protection will be eligible to apply for an EMA if they are:-

- **under 18** on the qualifying date;
- ordinarily resident **in the UK and Islands** on the qualifying date; and
- have been ordinarily resident **in the UK and Islands** at all times since receiving that status.

#### *4.1.3.10 Non-UK EC Nationals*

(Schedule 1 Paragraph 8)

Non-UK EC nationals (or their children) may be eligible for an EMA, provided they:-

- are ordinarily resident **in the UK and Islands on the qualifying date; and**
- **have been ordinarily resident in the UK and Islands throughout the preceding 3 years period**

Where the residence during the 3 year period has been wholly or mainly for the purposes of education (for example where an EMA applicant has been in secondary education in the UK), they may still be eligible, provided that they were ordinarily resident in the EEA or Switzerland immediately before the start of that 3 year period.

#### *4.1.3.11 Child Of Swiss National*

(Schedule 1 Paragraph 9)

The child of a Swiss national will be eligible, provided:-

- they are ordinarily resident in the UK and Islands on the qualifying date; and
- have been ordinarily resident in the EEA or Switzerland throughout the 3 year period.

Where the residence during the 3 year period has been wholly or mainly for the purposes of education they must also have been ordinarily resident in the EEA or Switzerland immediately before the start of that 3 year period.

#### *4.1.3.12 Child of a Turkish worker*

(Schedule 1 Paragraph 11)

A student who is the child of a Turkish worker (Turkish worker is a Turkish national who is ordinary resident in Scotland and is or has been lawfully employed in the UK) may be eligible to receive EMA if they are ordinary resident in Scotland on the qualifying date and have been ordinary resident in EEA, Switzerland or Turkey throughout the preceding 3 years.

### 4.1.4 ADMINISTRATION OF EMAs ACCORDING TO INSTITUTION

#### *4.1.4.1 Schools*

Young people should apply to the local authority in the area in which they attend school. Where a young person is living in one local authority area and attending an educational institution in another, responsibility for payments falls with the local authority in which that institution is situated. For example, if the student lives in East Ayrshire, but attends school in South Ayrshire, South Ayrshire will be responsible for making the payments. This also applies to young people who are Looked After but placed outside their responsible local authority area and may therefore be educated in another authority area.

If a student is attending both a school and a college, the local authority in which the school is situated will be responsible for making the EMA payments.

#### *4.1.4.2 Colleges*

The student applies directly to the college they are attending.

#### *4.1.4.3 Scottish Agricultural College (SAC)*

Applications for students attending SAC should be managed by either South Ayrshire or Aberdeen City Councils for the appropriate campus

#### *4.1.4.4 Community and Voluntary Activity*

For young people who are taking part in community and voluntary activity which is recognised by the local authority for the purposes of EMA, the local authority will be responsible for payment.

#### 4.1.4.5 "Cross-Border" Students / Non-Scottish UK Nationals

EMAs were rolled out nationally across Scotland, England, Wales and Northern Ireland in academic year 2004/05. However, there may be slight variations between the programmes, and so, for administrative simplicity, arrangements have been made to allow non-Scottish UK students studying in Scotland to receive the Scottish EMA. These should be awarded and administered by local authorities and colleges in the same way as for Scottish-domiciled students. Similarly, EMA-eligible Scottish students studying in, for example, England would receive the EMA under the English criteria, and would be administered under the English system, i.e. they would apply through the national service provider for England.

**SCHOOLS** Where an EMA-eligible English, Welsh or Northern Irish student attends a Scottish school, payments will be made by the local authority in which that school is situated.

**COLLEGES** Payments will be made by the college for an English, Welsh or Northern Irish student in the same way as for a Scottish student.

## 4.2 STUDENT ELIGIBILITY FOR PAYMENT OF WEEKLY ALLOWANCE

### 4.2.1 ATTENDANCE REQUIREMENTS

#### 4.2.1.1 *Weekly Requirement*

EMA is a weekly allowance requiring 100% attendance at all timetabled sessions. Part payments for part attendance will not be made.

However, absences authorised by the educational provider where there is good cause for absence should be treated as a day of attendance for EMA purposes. If total attendance falls below a satisfactory level the EMA should be reviewed.

The student must normally have 100% attendance for their full-time course to receive each week's payment. As different centres have different methods of recording, such as half-day or full-day reports, what constitutes 100% will be up to the institution and related to the course requirements. See Section 7 regarding absence and Section 9 regarding vulnerable students.

#### 4.2.1.2 *Work Experience Placements*

These students will continue to receive payments, but only if the work experience placement is a pre-arranged integral part of the course, takes place during term-time, and the young person does not receive a wage. In such circumstances this period of work experience would have been recorded on their EMA Learning Agreement, either at the outset of the course or as soon as it was arranged.

#### *4.2.1.3 Exam Preparation*

Revision periods leading up to exams are counted as attendance, as long as they are in term time and recorded in the Learning Agreement as soon as they are arranged. These will generally be timetabled as study time.

#### *4.2.1.4 EMA Payments During SQA Summer Examination Timetable (School Sector)*

The last day of the exam timetable (as set out by the Scottish Qualifications Authority (SQA)) is the cut-off date for payments. If a student has been attending for exams they should be paid until the end of the exam timetable – even if they don't have exams that week. Students who do not attend exams should have the EMA payment withheld for that week, except in cases of medical absences.

#### *4.2.1.5 EMA Payments To Students After The Summer Examination Period (School Sector)*

##### **S4 and S5 students returning to complete a further academic year –**

Students who have completed S4 or S5 and decided to remain in school for the next academic session, are eligible to receive EMA payments to the end of the academic year, usually June, providing 100% attendance is recorded each week.

##### **S4 and S5 students leaving school at the end of the academic year (exam period) –**

Students in S4 and S5 who do not wish to remain in school after the exam period is over will only be eligible to receive an EMA until the end of the SQA Examination timetable, (usually end of May). After this date, students should cease to receive any further EMA payments. However, for those young people completing academic year 2009/10 the decision to award the June 2010 bonus should not be determined by a student's decision to leave after the examination period is over.

##### **S6 students leaving school at the end of the academic year (exam period) –**

S6 students will only be paid until the end of the SQA exam period (usually end of May) as they are not eligible to remain in school. For those young people completing academic year 2009/10 this will not affect assessment of their June 2010 bonus.

#### **4.2.2 OTHER CONSIDERATIONS**

Institutions should also be satisfied that the young person is fulfilling the requirements set out in the student's Learning Agreement. (See Section 6 for details of the EMA Learning Agreement).

#### **4.3 COURSE CHANGE AND STUDENTS MOVING INSTITUTION**

##### **4.3.1 IF A STUDENT LEAVES A COURSE**

If a student leaves early they are still eligible for future funding, up to a total period of support of 3 years. When they apply for the EMA for their second course, provided they satisfy all the eligibility

criteria, they can be considered from the start of their new course, up to the point at which they have received payments for a period of three years in total.

#### 4.3.2 IF A STUDENT CHANGES COURSE

Where a student changes course mid-way through, they will still be eligible for an EMA for the new course provided both the student and course continue to meet the eligibility criteria. An amended or renewed Learning Agreement would require to be set up and signed.

#### 4.3.3 YOUNG PEOPLE WHO MOVE INSTITUTION DURING THE ACADEMIC YEAR

This will not affect their entitlement to an EMA, provided that they renew their EMA Learning Agreement (with appropriate signatures). The new institution/local authority would take on responsibility for payments.

Where a student moves institution mid-week, responsibility for payment of the EMA for the week would rest with the institution at which the student spends the majority of that week. However, it is likely that these cases will be considered on an individual basis.

## 5. COURSE ELIGIBILITY

### 5.1 LEVEL

The applicant must normally be on a full-time non-advanced course at a school or college (see also Section 10 Home Education), or any recognised institution offering an appropriate learning option, which does not attract any other form of public or employer bursary.

### 5.2 PROGRESSION

If a young person is repeating a course, for example retaking Highers, or is in their second year at a course of similar or lower academic standard than the first, eligibility continues provided that the institution agrees that the student is progressing, and, where appropriate, that the course is leading towards a recognised qualification. The Learning Agreement should be amended accordingly.

### 5.3 QUALIFICATIONS

EMAs are intended to support non-advanced learning. Weekly allowances and bonuses are *not* dependent upon a qualification being achieved (see Section 9 on Vulnerable Students and Section 10 Home Education)). The following levels of courses are all eligible:

- a course which prepares students to obtain a vocational qualification
- a course within or drawing upon the new National Qualifications programme
- a course which prepares students for entry to a course of further and higher education
- a course for basic literacy in English
- a course to teach independent living and communication skills to persons having learning difficulties, which prepares them for entry to another course
- a programme of home education which is appropriate to the student's age, ability and aptitude
- a programme of learning in a community and voluntary setting which prepares young people to enter training or further learning in a more formal setting.

### 5.4 TEACHING HOURS PER WEEK

#### 5.4.1 FULL-TIME

For EMA purposes students should be enrolled as full-time.

Within the School sector this usually means at least **21** guided learning hours per week, although there will be a degree of flexibility around the number of hours making up a full time course. This will vary from school to FE college.

#### 5.4.2 CURRICULUM DIVERSITY

A student can attend separate courses provided they make up a full time timetable, they are integrated into the EMA Learning Agreement and the institution is satisfied that the young person is not undertaking full-time work or training.

#### 5.4.3 TEMPORARY EXTENUATING CIRCUMSTANCES

In temporary extenuating circumstances, for example when a student is pregnant or has restricted mobility through illness, education of less than full time per week may be allowed. The school or college must be satisfied that all other aspects of the Learning Agreement can be met and that the course can be completed successfully. (Please refer to Section 9 regarding special consideration for Vulnerable Students, and Section 6 on Learning Agreements).

#### 5.5 SHORT COURSES

There may be cases where a student is following a course that is shorter than one academic year. Providing it meets all the other criteria, the student may be accepted for an EMA.

If the course is particularly short, for example less than 12 weeks, bonuses may not be payable. This understanding should form part of the Learning Agreement (see Section 6).

## **6. EMA LEARNING AGREEMENTS**

### **6.1 GENERAL GUIDANCE**

A Learning Agreement is an agreement between a student and the learning provider that spells out the learning that will be offered and the responsibilities of both parties. It is each student's responsibility to ensure that he/she has a valid Learning Agreement. The local authority and the learning provider should ensure that the student is aware of this.

### **6.2 REQUIRED SIGNATURES**

To be eligible for an EMA, students must have agreed and signed a Learning Agreement. The Learning Agreement must also be countersigned by:

- an appropriate representative of the institution (or institutions) at which the student is studying.
- the student's parent or guardian if the student is attending a school (colleges may choose to include this at their discretion)

Where the learning programme is undertaken at both a school and a college, the student's Learning Agreement is the responsibility of the school, and the local authority would be liable for making EMA payments.

If the student attends two institutions, representatives from both should sign the Learning Agreement.

The requirement for a parent/guardian signature for school pupils may be waived when the student is not currently residing with their parent or guardian and has been assessed as independent for Benefits Agency purposes. This may apply to students in care or care leavers.

The requirement for a student signature may be waived when the student has additional support needs that make it impractical.

### **6.3 GENERAL FEATURES**

Education providers should ensure that the text of the document is clear and unambiguous. Each Learning Agreement should provide enough detail to ensure that the signatories understand fully their responsibilities within the agreement while avoiding unnecessary legalistic, contractual language. The Learning Agreement does not need to include all details, such as a timetabled learning programme, provided that reference is made to existing documents where these are clearly set out.

The Learning Agreement may incorporate:

- enrolment details
- minimum attendance targets
- agreed attainment targets
- the requirements of any home-based tuition or learning
- any other elements that the local authority or the learning provider may wish to include

The Learning Agreement is expected to be a “living” document, to be amended as necessary throughout the academic year.

A new Learning Agreement will be required for each academic year.

#### 6.4 SPECIFIC REQUIREMENTS

To satisfy the EMA regulations, the Learning Agreement will need to include, or refer to documents that include, the following core elements:

- the student’s name, address and date of birth
- course study aims and goals and, where possible, longer term career aims
- study programme, including attendance and course work requirements
- the weekly EMA entitlement (this can be stated in the letter to the student confirming entitlement)
- evidence of the assessment and guidance process by which the Learning Agreement has been reached (or a timetable setting out the proposed process)
- a statement of the student’s, and parent’s or guardian’s (where appropriate), commitment to ensuring that the requirements of the study programme are met and to supporting the institution’s aims and standards of conduct
- commitment by the student, and parent or guardian (where appropriate), to notify the institution about absences before or on the first day of absence
- a clear statement of understanding that the EMA may be withheld if the terms of the Learning Agreement are not met
- the arrangements for regularly reviewing the Learning Agreement, including a statement that if the student changes course or institution, they will seek appropriate careers advice
- the arrangements for appeals against withholding payment of EMAs
- an explanation of the criteria to be used for assessing retention
- a standard statement about compliance with the Data Protection Act and fraud avoidance

## 6.5 CHANGE IN COURSE OR INSTITUTION

Where review of the learning programme results in a change of course at the same institution, the Learning Agreement will be amended and remain valid for EMA payments provided that the amendment is signed by the student and the institution concerned. Where a student changes institution mid-year a new Learning Agreement will be required.

## 6.6 COLLATION OF LEARNING AGREEMENTS

The student must have a current signed Learning Agreement and they must adhere to the conditions of that Learning Agreement.

**Colleges:** The college will collate the Learning Agreements for its eligible students.

**Schools and other learning providers:** The Learning Agreement for students will be sent onto the local authority by the school or other learning providers as proof to start payments.

Please note that EMA payments will not be made until a Learning Agreement has been completed and sent back to the relevant learning centre.

## 6.7 WITHHOLDING PAYMENTS

**Colleges:** the college is responsible for monitoring the student's participation and may withhold payment if this is not satisfactory.

(See also Section 7 on Absences)

**Schools and other learning providers:** the local authority may discontinue EMA payments where the information supplied by the school or other learning providers state that the student has failed to meet the agreed targets outlined in the student's Learning Agreement.

## 7. GUIDANCE ON ABSENCES

Education providers will be required to record attendance of EMA recipients on days when they are open to pupils. Where the institution is closed on days when it would normally be open, see Business Model Version 5 Section 2.3.2 for an inexhaustive list of circumstances that might be considered authorised absences.

Where there is a shortened week at the start or end of an official school holiday, students will be eligible for the weekly payment if the number of days the school or learning provider is “open” is **3 or more** (including the above exceptions) and where the student has fulfilled the 100% attendance when the school was open.

For In-service days pupils should be recorded as being in attendance. For example, if school reopens on a Thursday following a Wednesday in-service day, students would be eligible for a payment for that week (subject to 100% attendance). If, however, a school closes on a Tuesday at the start of a holiday, with no in-service day on the Wednesday, students would not have attended for a minimum of 3 days in that week and no EMA weekly payment would be due.

**Colleges:** institutions are responsible for keeping attendance records and if necessary liaising with SFC to clarify difficult cases.

**Schools or other learning provider:** institutions are responsible for recording absences and notifying the local authority about the daily attendance patterns of students receiving the allowance.

### 7.1 AUTHORISED ABSENCE

The following are examples, but are neither prescriptive nor exhaustive. Education providers will be required to use their discretion in all cases, and should take account of the local authority’s or college’s own policy. Note: holidays taken within term time cannot be considered as authorised absence, except in the case of pre-determined religious holidays.

- ill health (please refer to 7.2 for information about medical certificates)
- attendance at the funeral of a close family relative when leave is granted prior to the funeral
- the breakdown of the student’s method of transport to and from the institution
- attendance at a Children’s Hearing, meeting related to a Looked After young person’s care needs, meeting related to a care leavers Pathway Plan, court hearing or probation meeting
- authorised school/college activities
- religious holidays, by prior arrangement

## 7.2 MEDICAL CERTIFICATES AND ABSENCES DUE TO ILL HEALTH

Students are required to produce documentary evidence that they were unfit to attend due to ill health.

Local authorities and colleges should refer to their existing policies in relation to how long after an absence parental/guardian/carer letters or medical certificates will be accepted.

### **SELF CERTIFICATION**

**We recommend that if a student is absent due to ill health for up to 5 consecutive working days**, a letter from the parent/ guardian/carer should be submitted to confirm this absence; however, it will be at the institutions' discretion how many times they will accept this. We suggest that they use their existing bursary guidance, or employment guidance for staff members, for determining this.

Isolated periods of illness can be regarded as authorised absence, provided you are convinced that the illness was genuine. You have the right to turn down a request for authorisation, if you suspect that the reason was not genuine.

### **MEDICAL CERTIFICATES**

**Beyond the normal 5 working day / 7 day absence, a medical certificate should be produced.** As GPs are not obliged to provide medical certificates this may have to be at the student's own expense. A medical certificate should only be obtained from GPs if the student has been absent due to illness for a period of more than 5 consecutive working days.

In no circumstances should local authorities or learning providers require medical certificates for shorter absences for the purpose of determining authorised absence for EMAs.

N.B. Although medical certificates would be desirable, it must be recognised that some GPs will not supply Medical Certificates to students, therefore there will be instances where determining whether a medical absence is genuine or not must be left to the teacher / tutor / school / college or learning provider in question.

### **OTHER ACCEPTABLE EVIDENCE**

Other forms of evidence, such as a copy of a doctor's prescription supported by a letter from the parent/guardian/carer confirming period of absence **may** also be acceptable at the discretion of the learning provider.

### **EXCEPTIONAL CIRCUMSTANCES**

Exceptional circumstances must be referred to the local authority or college board of management for adjudication. (A periodic medical absence that extends beyond 3 weeks will be the subject of review.) Individual circumstances should be taken into account.

### 7.3 LATENESS

Reference should be made to existing local authority or college policy in how to deal with and record lateness.

## 8. PAYMENT OF BONUSES

From academic year 2010/11 onwards no bonuses will be paid. The following guidance applies to one final bonus paid in June 2010 for young people completing academic year 2009/10.

**Please note the young person must be in receipt of an EMA to qualify for bonuses. Part payment of bonuses will not be made.**

### 8.1 JUNE 2010 BONUS

The learning centre needs only to notify the delivery agents if the bonus requirements have been achieved (and payment should be made). The bonus should also reflect completion of the course.

### 8.2 PAYMENT OF BONUSES

**Schools and Home Educated Students:** Payment of the June 2010 bonus will be made by the local authority, at the discretion of the education provider.

**Colleges:** The college will be responsible for assessing eligibility and making payments.

The payment date will relate to course completion dates.

It is recommended that young people receiving a bonus should be sent a letter detailing the amount and explaining the reason for the payment from either the local authority or the college..

## **9. EMA SUPPORT FOR “VULNERABLE” YOUNG PEOPLE**

Meeting the additional support needs of vulnerable students is a key challenge, critical to the creation of a fully inclusive society. There is a range of difficulties that a student may face, such as those outlined in 9.1 below.

There should be a degree of flexibility when administering EMAs for this group of young people, although all eligibility criteria for EMA should continue to apply. This section gives some areas of guidance, but the administering body will need to use discretion.

Vulnerable young people may require extra support in the application process and in developing the Learning Agreement, as well as throughout the year with coursework.

The role of other services, including Access Centres, Careers Scotland, key workers, social workers and educational psychologists, will be important in developing a coherent package of support, for example in developing Future Needs Assessments (FNAs – these are professional reports that may have contributions from Careers Scotland and an Educational Psychologist).

### **9.1 DEFINITION OF “VULNERABLE”**

“Vulnerable” students are those who are at risk of non-participation and of under-achieving. Please refer to the more detailed list in Business Model 2010-11 paragraph 2.1.2 Flexibility in Entitlement and Support for Vulnerable Students.

### **9.2 ATTENDANCE**

Some vulnerable young people may require non-standard attendance patterns.

For some it may be sensible to set short-term attendance targets in the Learning Agreement that are initially less than a full time week to induce them to develop good habits gradually.

### **9.3 VULNERABLE STUDENTS WHO ARE LOOKED AFTER OR CARE LEAVERS**

Young people who are Looked After or defined as care leavers who continue in post compulsory education are eligible for a full EMA. Young people will normally be aged between 16 and 19 years (inclusive). Young people who are Looked After may be Looked After at home or away from home in a variety of settings, including kinship care, foster care, residential care or secure care. For a full definition of “Looked After” please refer to Section 17(6) Children(Scotland) Act 1995. For a full definition of those young people who are defined as care leavers please refer to Section 29 Children (Scotland) Act 1995. Local Authority Social Work Services or the care provider will be able to provide confirmation of a young person’s status.

## 9.4 ELIGIBILITY

### 9.4.1 EXTENSION OF ELIGIBILITY PERIOD

Local authorities and colleges will have the power to pay EMA to any young people whom it deems “vulnerable” for up to 4 years. This will apply to any young person who has a Record of Needs when they finish compulsory education. They will be able to continue to receive the Allowance beyond their 20<sup>th</sup> birthday provided they meet the other eligibility criteria, up to the point where they have received 4 years’ support. This will be the case even if the local authority, on the student’s admission to college, has ended their Record of Needs. This also applies to care leavers.

### 9.4.2 LEARNING AGREEMENTS

The requirement for a parental/carer signature for school students will be waived for students who are estranged from their families and assessed as independent for state benefits purposes. This may include students who are in care.

The requirement for the student’s signature will be waived if the student has special educational needs that make it impractical.

Vulnerable students may not need to be working towards a recognised educational qualification in order to receive an EMA. In some circumstances the student will have had a Record of Needs during their school years. Their Learning Agreement should therefore be tailored to their needs.

A new EMA Learning Agreement should be completed for each academic year, and Learning Agreements should be collated as indicated in section 6.5.

### 9.4.3 FULL CALENDAR YEAR CURRICULUM

For students with additional support needs within a FULL-YEAR curriculum, we suggest that the local authority/institution multiplies the weekly amount for which the young person would be eligible by 42 and then divides this figure by 52.

## 10. STUDENTS IN HOME EDUCATION

EMAs will be available to eligible young people who are undertaking full-time non-advanced level study by home education. The EMA programme will be administered for these students by the local authority in which the home education is based. Applications should be made to the local authority. In relation to the efficiency and suitability of education being delivered at home, local authorities should take into account the current Scottish Government guidance ([www.scotland.gov.uk](http://www.scotland.gov.uk)), and the local authority's own guidance, where available.

Please note: Students applying for an EMA as a home educated student must have a history of home education prior to reaching their official school leaving date. The onus is on the applicant to provide evidence of history of home education.

The programme for EMAs across the local authority and FE sectors is largely the same. This will also be the case in relation to home education. However, given the nature of home education, there will be particular elements of the programme which will vary. This section sets out those elements.

### 10.1 ELIGIBILITY OF STUDENT

Students who are home educated will be subject to the same age criteria as students in the schools and FE sectors (see Section 4.1). Students will become eligible for an EMA from the start of the **local authority school term** under the autumn or winter intake, as appropriate. While it is recognised that home education may not follow the same terms as school or college education, this will ensure **all** eligible local authority students begin to receive their EMA at the same point in the year, regardless of the form of education they are undertaking.

Home educated students will also be eligible to a maximum of 42 weeks of EMA support over the year in the same way as other students who are awarded an EMA.

### 10.2 ELIGIBILITY OF LEARNING

Eligible students can be home-educated full-time, or in conjunction with attendance at an institution (as recognised in Section 3 (vi)). The local authority should be content that the home education is efficient and suitable for the child, and on a full-time basis.

The learning should be at non-advanced level. If the student attends college courses part-time as part of their home education programme, this should also be at non-advanced level.

### 10.2.1 ATTENDANCE REQUIREMENTS

In order to be eligible for the weekly allowance home educated EMA students will be required to meet the 100% attendance requirement.

Responsibility for ensuring 100% attendance in home education will lie predominantly with the education provider, and local authorities should refer to their existing policy on home education to ensure this is appropriate. Where a student also attends a part-time college course as part of their programme, they will be required to meet the 100% attendance criteria for that course (with usual reference to Section 7 Guidance on Absences).

### 10.2.2 PROGRESSION AND QUALIFICATIONS

Home educated students may not be working towards a recognised qualification. However, the programme of learning should be appropriate to the age, ability and aptitude of the student. Local authorities may choose to ensure that this remains the case throughout the student's period of eligibility.

## 10.3 LEARNING AGREEMENT

In order to receive an EMA, **all** students must have a signed learning agreement (or equivalent) in place. For home educated students, this may be a plan of education agreed between the responsible adult and the student.

The education provider should submit a learning agreement or similar plan of education provision to the local authority as part of the application for an EMA. Once the local authority is satisfied that this meets the EMA Scotland Guidance on Learning Agreements (as Section 6 and below), the EMA should be granted.

### 10.3.1 REQUIRED SIGNATURES

The learning agreement (or equivalent) should be signed by the child and the adult educator or parent responsible, and by a representative of the local authority if required. Where the student attends college part-time the learning agreement should also be signed by an appropriate representative of the institution. All signatories should understand fully their responsibilities within the agreement. The responsible parent/education provider should ensure the learning agreement is clear and unambiguous about the proposed programme of learning.

### 10.3.2 REQUIREMENTS

The learning agreement (or equivalent) should incorporate the main features as outlined in Section 6. However, this should allow for the nature of home education, e.g. that home education may not lead to a recognised qualification. References may be incorporated to documents where such things as timetabled learning programmes are set out, but this is not a prerequisite given the alternative nature of many forms of home education. Learning Agreements may also reference the guidance for local education authorities in dealing with home educators, and may incorporate the suggested characteristics of an efficient and suitable education.

It remains the education provider's responsibility to ensure that all the criteria of the plan of education outlined in the EMA application are met. Local authorities may seek details of the provision as per their normal responsibilities as outlined in the Scottish Government guidance, but should not seek to impose school or college structures, programmes or outcomes. If concerns are raised regarding the efficiency and suitability of the programme provided, then local authorities should investigate as normal and if these are justified then the EMA allowance may be withheld or reviewed.

### 10.3.3 WITHHOLDING PAYMENTS

Education providers (for example, parents) will be required to advise local authorities to withhold payments in any week where the student does not meet the attendance criteria or other requirements set out in the learning agreement.

### 10.3.4 RETENTION CRITERIA

For home educated students, this would be a return to their agreed learning programme.

### 10.3.5 PROGRESSION/ATTAINMENT CRITERIA

As students who are home educated may not be working towards a recognised qualification, there should be scope for variation to suit different home education expectations and capabilities of students.

## 10.4 MANAGEMENT INFORMATION

Local authorities should refer to Scottish Government guidance on the Management Information requirements for the EMA Scotland programme, and to Section 10.2 (i) and Section 10.4 above.

Local authorities should also make reference to existing policy in relation to contact with home educated pupils. The education provider will be responsible for informing the local authority when a

student fails to meet the requirements for the weekly allowance or bonus, or otherwise stops being eligible for an EMA. Again, local authorities should refer to existing policy on this.

## **11. MANAGEMENT INFORMATION REQUIREMENTS OF LOCAL AUTHORITIES, COLLEGES AND SFC**

Local authorities and colleges are required to submit management information. This is detailed in the EMA Scotland Business Model Section 2.6 and Annex 2.

Standard spreadsheets for returning this information have been developed to ensure consistency, ease of access and flexibility in the use of the data for analysis (please see EMA Scotland Business Model Annex 2).

Management information will be required on a month-by-month basis and should be collated: -

**COLLEGES** by SFC and forwarded to the Scottish Government

**SCHOOLS and other learning providers** by local authorities and forwarded to the Scottish Government

## APPENDIX 1 – RATES OF EMA

### WEEKLY PAYMENTS FOR APPLICANTS APPLYING AND QUALIFYING FOR EMA FOR THE FIRST TIME IN 2009/10 ONWARDS

INCOME	WEEKLY PAYMENT
Zero - £22,403 (for families with more than one dependent child in the household)	£30 per week
Zero - £20,351 (for families with a single dependent child in the household)	£30 per week

### WEEKLY PAYMENTS TAPER FOR STUDENTS WHO HAVE RECEIVED EMA PRIOR TO 2009/10

EMA awards will be payable according to the total taxable household income. The sum payable will taper from the full award of £30 per week to nil in the following bandings.

INCOME	WEEKLY PAYMENT
Zero - £22,403	£30 per week
£22,404 - £27,465	£20 per week
£27,466 - £33,156	£10 per week
Over £33,156	Nil

July 2010 bonus (SEE SECTION 8) (in conjunction with completion of studies)	£150
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## **APPENDIX 2 – THE FINANCIAL ASSESSMENT**

The EMA award is based on the financial assessment as set out in Appendix 1.

### **EXCEPTIONS TO THE FINANCIAL ASSESSMENT PROCESS**

Local authorities and colleges will need to assess the income of some young people in their own right, for example estranged or vulnerable young people, care leavers or teenage parents receiving benefits.

All eligible young people who are either Looked After or care leavers should be treated as “independent” for the purposes of EMA, and are automatically eligible for the maximum EMA weekly rate without recourse to parental income assessment. Students receiving the “Pathways” allowance should also receive the maximum weekly EMA allowance. Such students are required to provide a letter at the time of application from the local authority or the care provider confirming their status.

### **PAYMENT ADMINISTRATION**

Payments will be made in two weekly instalments in arrears into the bank account of the student.

The local authority or college may discontinue EMA payments where the information supplied states that the student has failed to comply with their Learning Agreement.

### **PROVISIONAL ASSESSMENT**

Provisional awards will mainly be made for applicants with parent(s) who are self employed and unable to provide the correct income documentation at the time.

Provisional awards can also be made for applicants where household income has dropped by 15% or more resulting in household income dropping into a lower band, between receiving 2010-11 TCAN (or other relevant evidence) and application being made. This award is only provisional and further evidence confirming change of circumstance must be provided later in the year.

In instances where income has risen from the provisional figure, which results in the student moving to the next income band i.e. a lower EMA weekly payment, the student should remain at the lower figure for the remainder of the academic year. In such cases, Local Authorities/Colleges should not reclaim the difference already paid.

Where income is lower than the provisional figure and this results in the student moving into the lower income band i.e. a higher weekly payment, then the student should remain at the higher figure for the

remainder of the academic year. This can be backdated to the date of the change in circumstances or the start of the relevant term – whichever is the latter.

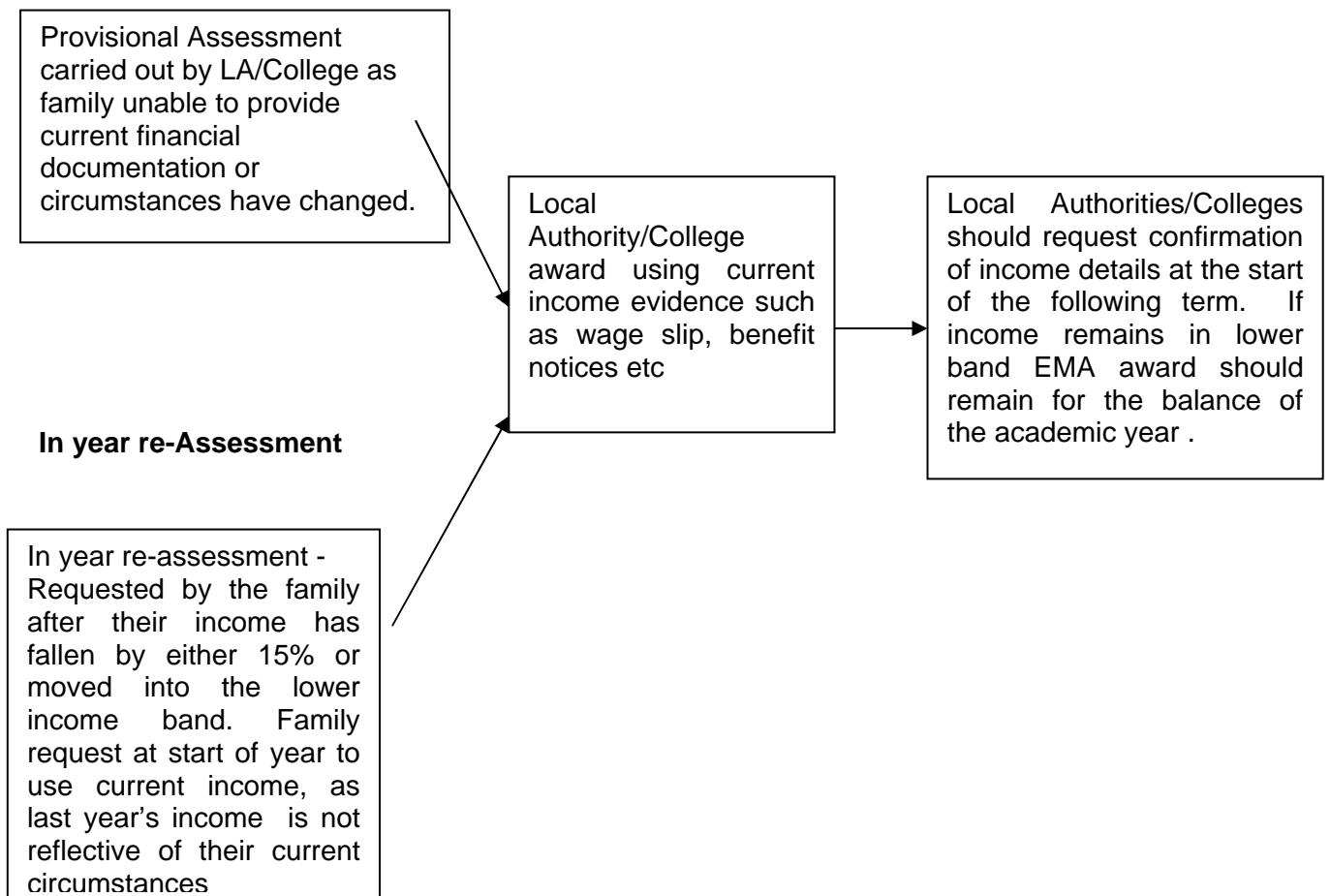
Where income has fallen from over £22,403 or £20,351 to within the EMA thresholds this would be classed as a new application. However, income should be calculated as a provisional assessment.

#### IN YEAR RE-ASSESSMENT

Re-assessment may be allowed in-year where household income has fallen by a minimum of 15% which will result in the applicant becoming eligible for a higher rate of EMA. Such assessments should not be made for students where the household income has dropped due to stoppage of overtime. It is the responsibility of the student to notify the local authority or FE college. Relevant evidence will need to be provided confirming both the change in circumstance and the current level of household income. Any award resulting from an in-year re-assessment should be made on a provisional basis.

In-year re-assessment will not take place where income rises during the year.

#### Provisional Assessment



## LATE APPLICATIONS

It is possible that a student might start their course and only hear about EMAs afterwards. The following arrangements apply.

### (i) Autumn Intake

If applications are made: -

**Schools** on or by 30 September

**Colleges** within first 6 weeks from start of course,

payments can be backdated to the beginning of the academic year or FE course, provided that the student meets the eligibility requirements. Otherwise payments will be made from the Monday of the week in which the application was received.

### (ii) Winter Intake

If applications are made:-

**Colleges** within first 6 weeks from start of course,

**Schools** and other learning providers on or by last day in February

payments can be backdated to the beginning of the term provided that the student meets the eligibility requirements. Otherwise payments will be made from the Monday of the week in which the application was received.

In all cases, the onus is on the student to prove that they have satisfied the conditions of the EMA Learning Agreement from the beginning of that term. **Arrears will not be considered for any previous term.**

### **APPENDIX 3 – THE ROLE OF THE KEY PARTNERS**

The key partners in the delivery of the EMA programme will be the schools and local authorities in the school sector, and the colleges and SFC in the college sector.

For young people who are taking part in community and voluntary activity which is recognised by the local authority for the purposes of EMA, the key partners are the providers of such activity in the local authority.

The roles and responsibilities of the key partners are described in the EMA Scotland Business Model. This can be found on the EMA Scotland website, at [www.emascotland.com](http://www.emascotland.com).

In relation to the administration of the programme, however, it is also worth noting the following responsibilities of the key partners.

#### **(i) PUBLICITY**

- The local authority and SFC will be responsible for providing educational establishments with guidance informing them of their responsibilities.
- In addition, local authorities are responsible for designing and distributing publicity information on the programme

#### **(ii) APPLICATIONS**

- Local authorities and colleges will be responsible for distributing EMA application forms for students. A national application form has been developed by the Scottish Government, working with local authorities. This has been used by all local authorities since 2005-06. Colleges may choose to incorporate this into their existing forms, or to modify it to include other information for their own requirements.
- Local authorities and colleges will be responsible for correctly determining student eligibility for EMAs using documentary evidence. Copies of documents used to determine eligibility are confidential and should be retained for audit purposes.

#### **(iii) SCOTTISH GOVERNMENT INFORMATION FROM SFC**

- SFC will inform the Scottish Government of any institution that refuses to co-operate in monitoring attendance of an EMA recipient.

#### **(iv) APPEALS**

- All partners should ensure that mechanisms are in place for dealing with appeals in circumstances where the student is assessed as ineligible. Evidence should be available to allow appeals against attendance monitoring to be addressed within the institution.
  
- Please also refer to the following sections in the EMA Scotland Business Model –
  - 2.1.3 Application Appeals Process
  - 2.1.4 Appeals - General
  - 2.1.5 Complaints

## **APPENDIX 4 - THE ROLE OF SKILLS DEVELOPMENT SCOTLAND (SDS)**

SDS will be required to:

- negotiate procedures and obtain agreement regarding respective roles and responsibilities with local education authorities, schools and colleges through the annual, joint planning process. Ensure that services are targeted so they best meet the needs of the school or college and its students. Record plans in a Partnership Agreement.
- support local authorities and schools/colleges with the promotion of EMAs to students and parents/carers as a form of financial support for young people. This may include distribution and display of leaflets and posters supplied to SDS, links to the EMA Scotland website, and resources to carry out awareness raising with SDS Advisers.
- liaise with local authorities and schools/colleges regarding the availability of EMAs to eligible young people.
- agree procedures with schools and colleges to ensure that students are encouraged to self refer to SDS services which are appropriate to their career planning needs.
- with the student's permission, supply the school or college with a copy of the Career Plan of Action, completed by the Careers Adviser following a career guidance interview.

## **APPENDIX 5 – ACTIVITY AGREEMENTS**

This guidance covers the operation of the EMA programme for young people taking part in Activity Agreement Pilots in 2010-11 in Fife, Glasgow, Highland, Inverclyde, North Ayrshire, North Lanarkshire, Renfrewshire, South Lanarkshire, Stirling and West Dunbartonshire.

### **1. EMA INCOME ASSESSMENT**

The EMA is means tested and eligibility will depend household income and whether there is more than one dependent child in the household. The same rules for income assessment applies to young people on Activity Agreements as those receiving an EMA in school or college and is based on Her Majesty's Revenue and Customs Tax Credits Awards, which also takes into account household income.

Most EMA applicants will be able to provide a Tax Credit Award Notice (TCAN) or P60 as proof of household income. If they do not have a TCAN or P60, details of income can be completed on the application form. EMA contacts within local authorities will be able to provide guidance on how to complete the forms. If a TCAN (?) is available then this will reduce the amount of the form that has to be completed.

If household income is £20,351 or less, the young person will be eligible, and will be awarded a weekly allowance of £30. Young people from households with more than one dependent child and where the household income is £22,403 or less will also be eligible for a weekly payment of £30 per week.

A dependent child is one who is 16 or under or is between 16 and 25 years old and is in full-time further or higher education.

If a young person is estranged from their parents or carers, they should be assessed on their own income and is therefore likely to be eligible for EMA. Young people in care or leaving care should automatically be awarded EMA.

### **2. DURATION OF ALLOWANCE**

Payment of EMA will normally be restricted to a maximum period of 3 years and recipients must be between 16 and 19 years old. Vulnerable young people may be eligible for up to 4 years support.

For the pilots, payments can be made for up to 52 weeks per year. Young people on Activity Agreements can receive payments out-with the normal school and college term-time as their learning may not follow the academic year.

Young people on Activity Agreements can have their EMA payments back dated, to the day of first engagement in the relevant activity.

### **3. VULNERABLE STUDENTS**

Vulnerable young people may require extra support in the application process and in developing the learning agreement as well as throughout the duration with their course work. For the purpose of Activity Agreements, all young people will be considered as vulnerable.

Flexibility should also be afforded to these young people in terms of timetabling and the range of provision they can access. Any specific guidelines can be built into the young person's agreement. This may include a low level of engagement in the activity to begin with and progressing towards greater engagement.

In order to allow sufficient time to apply for EMA payments should be backdated to the date of first engagement.

#### 4. MAKING PAYMENTS

The young person's advisor or learning centre is responsible for authorising or stopping payments. For young people undertaking an Activity Agreement, we would generally expect trusted professional to make this decision, although for some there may be someone else who is more appropriate. In all cases, the pilot areas should ensure there is a clear process – similar to the process which operates between schools and the local authority – for authorising or stopping payments.

#### 5. INFORMATION MANAGEMENT

Local Authorities need a record of young people on Activity Agreements receiving EMA. We would suggest that this information is recorded in the same way as for young people attending independent schools or who are home educated. This may be that a dummy student candidate number (SCN) is assigned to each young person so that they can be included in the information management system.

#### 6. BENEFITS

Young People on Jobseekers Allowance can take part in an Activity Agreement, subject to the maximum number of hours allowed by Jobcentre Plus rules. They cannot receive an EMA whilst receiving this benefit as per paragraph 64 in the Activity Agreement Guidance.