



Education Maintenance Allowance (EMA)

GUIDANCE FOR LEARNING CENTRES
SESSION 2011/2012

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1. INTRODUCTION

This document aims to provide guidance for learning centres in the Highland Council Area who are involved in the administration of the Education Maintenance Allowances (EMA) during session 2011/2012.

For further information please contact the EMA Unit:-

EMA Unit

Town House

High Street

Inverness

IV1 1JJ

Phone: (01463) 724349

Email: ema@highland.gsx.gov.uk

Web Site: <http://www.highland.gov.uk/ema>

2. SUMMARY OF THE KEY FEATURES OF THE EMA

A. Student eligibility 2011/2012

The scheme is open to 16 to 19 year olds. There will be two intakes onto the scheme to reflect the two learning centre leaving dates in Scotland (autumn intake and winter intake; see section four B).

B. The allowance

The EMA consists of a means-tested weekly allowance payable fortnightly in arrears during the course. In order to receive an EMA a student must complete a learning agreement (see section five). **It is recommended that payments be authorised by learning centres on a weekly basis every Monday** (see section six and seven)

C. Method of payment

EMAs will be paid directly into the bank account of the student.

D. Period of eligibility

The EMA can only be paid for each full week's attendance within term time up and usually to a maximum of forty two weeks in any one session.

EMA payments will not be made during learning centre holidays. (See section six A number nine)

Scottish Ministers have the right to review the EMA programme at any time in regards to the programme and the policy of EMA. Being evaluated through longitudinal studies, surveys of learning centres and existing inspection regimes.

E. Duration of Allowance

Entitlement of an EMA will normally be restricted to a maximum period of three years. However, some young people who are defined as vulnerable or additional support needs may be entitled to receive three years of EMA support over a period of four years (see section eight).

3. HOW EMA APPLICATION IS DEALT WITH (Copy taken from EMA Application form information)

Stage 1

Please complete your EMA form fully, attaching original documents and return to the above address. You will also need to complete a Learning Agreement (LA) as part of your EMA award. This is dealt with directly with your learning centre. If you are still at learning centre, your learning centre will be your learning centre.

If you are on an Activity Agreement (AA), you will have a Personal Advisor to assist you and it will be an Activity Agreement you complete instead of a Learning Agreement.

Do not send Learning Agreements/Activity Agreements to the EMA Unit.

Please note EMA payments cannot be issued to you until the LA/AA has been completed with your learning centre.

Stage 2

When your application form is received an acknowledgement letter and any original documents will be sent to you by recorded delivery.

Stage 3

If the EMA form is submitted without original documents or information has not been fully completed, a letter will be sent requesting this information. Until the information requested is sent to the EMA Unit your application form will be put on hold.

Please note final closing date for receipt of all applications and documented evidence is the 31 March 2012 for the Session 2011/2012.

Stage 4

If your application has been successful and approved by the EMA Unit an award letter will be sent to you detailing your award and start date as well as attached terms and conditions of the scheme. If your application has been unsuccessful then a letter will be issued to you letting you know why.

Stage 5

If you are refused an EMA or you are dissatisfied on how your application was dealt with, then you may lodge an appeal.

An appeal must be made in writing to the EMA Administrator within one calendar month of the date of the successful or unsuccessful letter at the above address.

AN EMA AWARD WILL BE MADE FOR ONE SESSION ONLY. STUDENTS MUST SUBMIT A NEW APPLICATION EVERY YEAR.

4. ELIGIBILITY RULES 2011/2012

The eligibility rules for the EMA programme 2011-12 include age, household income, residency rules and course eligibility.

A. EMA Application From 2011-12

Applicants are fully responsible for sending in EMA application forms direct to the EMA Unit.

We therefore request that at no time should learning centres take responsibility for sending in EMA application forms and documented evidence on behalf of students.

Information requested on the EMA forms and documented evidence is highly confidential and as such EMA Unit request applicants to send forms and documented evidence securely.

If the applicant chooses not to send securely and information goes missing in the post then responsibility is down to the applicant. However if a learning centre sends information on behalf of the student and not securely then responsibility is transferred to the learning centre.

Due to incidences in the past we therefore request learning centres not to send EMA forms or information on behalf of students.

B. Age

Students who are born between 1 March 1992 and 30 September 1995 (autumn intake) will be eligible to receive an EMA from the beginning of the new academic session (15 August 2011).

Students who are born between 1 October 1995 and 29 February 1996 (winter intake) will be eligible to receive an EMA from the start of the new term following the Christmas holidays (9 January 2012).

Students can submit an application form at any time up until the **31 March 2012**. **This is the final closing date for receipt of all applications and *documented evidence* for session 2011/2012.**

Activity Agreement Students

Please note students who are continuing their studies from 1 April 12 to 31 March 13 must complete a new EMA application form for session 2012/13.

Please make sure well before the 31 March deadline to ascertain if young adult is still eligible for EMA and if eligible to prevent a break in payments.

Autumn intake

Applications received for those eligible for August 2011 intake (those born between 1 March 1992 and 30 September 1995) and received by us before the 30 September 2011 will be back dated to the start of the August term provided the applicant has fulfilled the terms and conditions of the learning agreement.

Winter intake

Applications received for those eligible for January 2012 intake (those born between 1 October 1995 and 28 February 1996) and received by us before the 29 February 2012 will be back dated to the start of the January term, provided the applicant has fulfilled the terms and conditions of the learning agreement.

IMPORTANT DEADLINES TO REMEMBER

30 September 2011 – final date for application to be in for **autumn intake**

29 February 2012 – final date for application to be in for **winter intake**

31 March 2012 – Closing date for **ALL** applications and *documented evidence* for session 2011/2012

C. Household Income

EMA eligibility is determined on the basis of the total annual income of the household of the young person. The sum payable will be within the following bandings:

Income eligibility - *NEW applicants* applying for session 2011-12

EMA Code	Household Income	Number of dependant children in the household	Weekly Payment
03	£0 to £20,351	1	£30
02	£0 to £22,403	2 +	£30

Re-assessment

Re-assessment may be allowed post application as a result of detrimental changes in financial circumstances, i.e. where income has fallen from over £22,403 or £20,351 to within the EMA thresholds. It is the responsibility of the student/parent/carer to notify the EMA Unit of any change in circumstances. (Must be submitted in writing with documented evidence)

D. Course Eligibility

To be eligible for EMA students must be on a full-time non-advanced course **minimum of twenty one guided learning hours a week**.

There is some flexibility in regard to this. Twenty one hours does not just incorporate "class time" as long as the student is doing more than twenty one hours which incorporates other things like work experience*, projects and study periods and the time can be accounted for within the **students' timetable** then this should be taken into account.

* Work experience must be 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.

LEARNING CENTRES MUST CONTACT THE EMA UNIT TO INFORM OF STUDENTS WHO ARE UNDER THE TWENTY ONE HOUR RULE

E. Leave dates

Any student, who leaves the course before the official leave date of 31 May 2012 for learning centres or before the end of their course, will only be eligible for payment up to the week they left.

If a student is in the learning centre Monday and Tuesday and leave after this then they will not be eligible for that week's payment, only if they are in learning centre Monday to Wednesday or to end of that week will they be eligible to be paid for that full week.

Golden rule is that students must be being "educated" or in study periods up to exams to be eligible for payments. After exams have ended all EMA students must be either about to leave (paid up to the date they leave) or going into next session and being "educated" which means they are paid to end of term/course.

It is imperative that leave dates are recorded correctly and timeously as there is the potential that students could be under or over paid.

Learning centres when being notified of a student's leave date must check if that young adult is an EMA student. They must then check if any payments are owed and should authorise accordingly.

It is the responsibility of the learning centre to check that weekly authorisations are correct and up to date and through to EMA Unit It system on the deadline date of authorisations for learning centres. (Please check payment schedule appendix one)

Please note Learning Centres must notify the EMA Unit of leave dates via email before the young person actually leaves.

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.

EMA payments during examination timetable

The last day of the exam timetable 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.

F. Residency

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

For students in the Highland Council Area who are UK/EU citizens they will have been ordinarily resident in the UK for the past three years. These students on most occasions may be residentially eligible for the scheme.

Students who are non-UK nationals or students who are UK citizens and who have lived outside of the UK during the past three years may not be eligible and should be advised to contact the EMA Unit for further information.

Learning centres will be notified by students themselves who are eligible by showing their award letter to the learning centre.

G. Consent or non consent List

Learning centres will be notified of “non consent” list. Non consent lists the students who have requested that parent/carer 1 or parent/carer 2 do not have access to young adult's personal EMA data.

H. Status Reports

EMA status reports are sent every Friday to learning centres for those who opted to receive these reports.

Please note responsibility for students EMA up until it's been approved is with the EMA Unit.

Once awarded i.e. approved (award letter issued and seen by learning centre) it's the responsibility of learning centre.

Please be aware that learning centres should not be assessing who is eligible for EMA as that is the responsibility of the EMA Unit, who are trained to deal with assessments on eligibility for EMA.

It is the learning centres responsibility to advertise EMA only through notice boards, assemblies etc.

5. LEARNING AGREEMENT

To be eligible for an EMA and to *receive payment* **students must agree and sign a learning agreement (LA)/Activity Agreement (AA)** (Activity Agreement students only)

LA can be obtained on the Highland Council EMA website.

A learning agreement/ Activity Agreement is an agreement between a student and their learning centre that details the learning that will be offered by the learning centre and the responsibilities of both parties.

The learning agreement/ Activity Agreement are expected to be a living document, to be amended as necessary throughout the session.

The learning agreement/ Activity Agreement should be discussed completed and agreed by the learning centre during formal guidance sessions. During this time the **learning centres appointed person** should refer to the **EMA terms and conditions** as well as making sure all parts of the **learning agreement are FULLY completed & signed by ALL. (Making sure the learning centre sign and DATE the form)**

It is each student's responsibility to ensure that he/she has a valid learning agreement.

For AA students it's the responsibility of the AA team to ensure Activity Agreement is in place.

A NEW LEARNING AGREEMENT/ACTIVITY AGREEMENT WILL BE REQUIRED FOR EACH SESSION (ONE FOR 2011/12 & NEXT SESSION 2012/13)

Please note under recent EMA regulations amendment learning centres must send out a reminder to young adults to complete the Learning Agreement at least once in the year.

EMA Unit will therefore contact relevant learning centres with a list of students to remind to get their LA completed.

If Learning agreements/Activity Agreement have not been completed and payments have been authorised by the learning centre and then picked up for payment by EMA Unit then, the Scottish Government can with hold the grant claim paid to ECSS. **It is therefore imperative that learning agreements/Activity Agreement is completed before payments are made.** (Please keep to procedure)

LEARNING AGREEMENT - CONTRACT PART ONE

Conditions

This lists the four main responsibilities that the student must adhere to in order to secure weekly payments. They must also adhere to the terms and conditions attached with their award letter which goes into more detail.

LEARNING AGREEMENT - CONTRACT PART TWO

Study Programme

This section should include information on the student's programme of study listing each subject level of attainment and the assessment method.

Career Aims.

Should include information on the student's future career aims what they hope to achieve by completing the proposed course of study.

For all the above, in order to avoid duplication learning centres can choose to include a reference to other documents.

If referring to other documents learning centres **MUST** state where to find this information for audit purposes. (Must be kept on file within the learning centre for six years after the young adults have left the learning centre)

Declaration

Once the student and their learning centre have agreed the content of the learning agreement/activity agreement the **student, the appropriate member of staff at the learning centre** (e.g. a member of the learning centre senior management team responsible for EMAs) and the **student's parent or guardian must all sign the learning agreement/activity agreement declaration.**

If the student attends two institutions, representatives from both should sign the learning agreement/activity agreement.

The requirement for a parent/guardian signature for young adults may be waived when the student is not currently residing with their parent or guardian and has been assessed as independent. This may apply to students in care or students who are deemed "Vulnerable".

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

What happens next?

Completed learning agreement/activity agreement declarations should be held at the learning centre.

Please let the EMA Unit know when LA/AA has been fully completed with a list of authorisations required for payment. This will then allow the learning centres authorisations to be picked up by the EMA unit for payment.

The **ORIGINAL signed learning agreement** should be kept on file **IN THE LEARNING CENTRE** for **SIX YEARS** after the young adult has left the Learning centre.

Payments can be withheld or discontinued if a student is failing to meet the agreed targets therefore **please make sure students/parents/carers are aware of this at the time of signing the learning agreement.** (Please refer to "terms and conditions" of the scheme which is attached to the young adult's award letter and also learning agreement with student)

6. CONDITIONS OF PAYMENT

This section outlines the conditions of payment for weekly payments. Learning centres should refer to the conditions of payment when they are deciding whether payments should be made or withheld (see section seven managing payment notifications).

Bank mandates or bank account details of young adults must not be sent via email or faxed to EMA Unit or learning centre for security reasons. Bank details must be submitted in writing by the student and sent within seven days of the change.

A. Weekly Payments

As a rule weekly payments should be authorised if the student has achieved 100% attendance in that week. **Reference should be made to the following list for authorised and unauthorised attendances.**

Learning centres are responsible for recording attendance, absences and attainment. As such **the learning centre should check the information weekly and authorise accordingly.**

Please take into account the following points when considering whether or not payments should be made. This is not a prescriptive or exhaustive list and any individual circumstances and/or learning centre policies should be taken into account before the decision is made on whether payments should or shouldn't be authorised. (Learning centres are requested to use their discretion in all cases)

1. **Authorised absences** should be counted as attendance when assessing whether weekly payments should be made. The following are examples of occasions when an absence could be viewed as authorised for the purposes of EMA:
 - 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 Learning Centre.
 - Attendance at a court hearing or probation meeting when leave is granted prior to the event.
 - Authorised learning centre activities.
 - Work experience
 - Interviews and visits relating only to further and higher education when leave is granted prior to the event.
 - Medical and dental treatments with leave being granted prior to the appointment; valid appointment card must be produced.
 - Religious holidays by *prior* arrangement.
 - Medical absence which has been authorised by medical practitioner

2. **Late coming** is regarded as not adhering to 100% attendance. **Up to one late per week may be accepted; up to a maximum of five per term at the discretion of the Learning centre might be permissible.** Therefore more than one late being recorded in one week might trigger non payment for that week.

Please note late coming cannot be made up by allowing students to "make up the time". If a student is late then please record accordingly.

3. **Self-certified absence** with a maximum of five learning centre days (medical reasons only) will be accepted **in a term.** (EMA self certified absence can be obtained on EMA website)

It is at the *discretion* of the learning centre whether self-certified absence will be accepted and can be withdrawn by the learning centre. (Please make students aware of this)

Please note "EMA Self Certification Form" should ideally be used by all EMA students. However letters or notes from parents are acceptable. **Please make sure at the start of the session that either EMA self certification form or notes from parents is used as evidence for your learning centre for verifying self certified absence.** (Please make students aware of this)

4. **A medical certificate should be produced beyond the normal five learning centre days of absence.** 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 five consecutive learning centre days.

In no circumstances should learning centres require medical certificates for shorter absences for the purpose of determining authorised absence for EMAs.

Please note 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 at the discretion of the learning centre.

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

Exceptional circumstances must be referred to the EMA Administrator/EMA Co-ordinator for advice. Individual circumstances should be taken into account.

5. Students are required to produce documentary evidence that they were unfit to attend due to ill health to the learning centre **within ten learning centre days of coming back to learning centre.** Failure to do so will trigger **non payment indefinitely.** (Please make students aware of this)
6. Students can continue to receive EMA payments if they are on work experience provided the work experience is pre-arranged and an integral part of the course. The work experience should take place during term or course time and should not be waged.
7. Study periods leading up to exams will be counted as attendance as long as this is in term or course time.
8. If the learning centre is closed on days when it would normally be open e.g. for public holidays, in-service days, polling days or for adverse weather students will continue to receive payments.
9. Students who miss attendance at their learning centre to go on family holidays **WILL NOT BE PAID** their EMA allowance for the weeks where there is an absence from the learning centre.
10. Learning centres must stop payments if the student is excluded from the learning centre. Weekly payments will be re-instated once the student has returned to the learning centre.

11. Alternative off-site provision agreed by the learning centre e.g. college placements, off-site tutoring etc. Students will continue to receive payments however this is only to cover part-time not full time courses with an alternative institution. Learning centres who anticipate that students will be completing a full time course in the college or other placement must be notified that funding should be with the college or other placement. **In these circumstances the EMA Unit should be notified direct for specific advice.**
12. Failure to comply with any of the above will result in payments being withheld or stopped.

IT IS LEARNING CENTRES RESPONSIBILITY TO DISPLAY ON LEARNING CENTRE NOTICE BOARDS TERMS & CONDITIONS OF THE SCHEME/PAYMENT SCHEDULE/EMA POSTER & APPEALS PROCEDURE.

Please be "reasonable" when making decisions regarding weekly payments making sure you have clear evidence to support non payment. Please make sure you inform the student

For further or specific advice on the practical application of the EMA conditions of payment please contact EMA Unit on (01463) 724349.

7. MANAGING PAYMENT NOTIFICATIONS

A. Weekly Payments

The Scottish Government will be auditing authorisation of EMAs and it is recommended that the procedures detailed in this section are followed.

Weekly payments should be authorised on a **weekly basis** normally on the **Monday** of each week (see appendix one, timetable for EMA payments).

This will allow the learning centre to be ahead in authorising. The cut off dates on a Wednesday/Thursday stated on payment schedule are there to give learning centres extra time when dealing with a small number of cases which have to be dealt with later, to catch up with particular payment run and **therefore weekly authorisations should ideally not be left to the deadline day/date.**

Processors/Authorisers - definition

Processors - i.e. "Clerical and Administrators" duties should be to provide "administrative support" i.e. printing attendance data reports, data input and passing on the EMA information to relevant personnel - authorisers.

Authorisers – i.e. "Guidance/SMT" duties should be to "check weekly data, sign off authorisations and pass to processors".

Once the weekly payment decisions "authorisation report" has been generated processors should hand this to authorisers for checking and sign off. The report should include a summary of the pupil's attendance record for the relevant week.

Payment should be based on the EMA conditions of payment (see section six 'Conditions of Payment') and/or the targets agreed in the pupil's learning agreement.

Once the authorisation attendance report has been signed-off they should be returned to the processor. The payment decisions can then be updated within e1 EMA module and then weekly authorisations report emailed securely to EMA unit for payment.

You may be required to produce evidence that checks have been carried out for audit purposes, the **signed weekly authorisation report** must be kept on file within the learning centre for six years after the young adults have left the learning centre.

Please note that any record changes to decisions from previous weeks also need to be visible and recorded.

It is the authoriser/learning centre who is ultimately responsible for deciding whether or not students will receive their weekly payment. Learning centre processors or the EMA Unit is not responsible for making payment decisions.

B. Stopping Weekly Payments

Learning centres can decide to stop weekly payments for a period of time if the student is failing to meet the conditions of the EMA scheme and/or the targets agreed in their learning agreement/activity agreement. (LA can be obtained on EMA web site).

Any decision to stop weekly payments should be noted on the weekly authorisation attendance (paper copy), with the reasons for stopping the payments and the expected suspension period. The suspension of payments must be authorised and signed off by the authoriser.

The processor should record any non payment in the e1 EMA module with the stated **reasons for stopping the payments recorded in the "notes section"**.

A record must be kept of decisions on file so that a back up of actual decision made at the time is available.

Learning centres **MUST** notify students of non payment for weekly payments and the reason why non payment is being issued; preferably in writing or in some recordable method for audit purposes. (Copy of appeal procedure should be given to the student)

Any decision to reinstate payments should also be clearly noted on the relevant authorisation (paper copy) **and e1 EMA module signed off by the authoriser.**

Once the processor has received notice that payments should be reinstated, the weeks that have not been authorised can be updated on the manual EMA system **with reasons for payment now being recorded in the notes section.**

Please AUTHORISE YES OR NO – do not leave blank decisions

C. Overpayments

If an overpayment arises learning centres must have auditable records.

A letter should be sent to the young adult advising of the overpayment and copy sent to the EMA Unit for our records. (Template letter can be obtained from the EMA unit on request)

EMA unit will work with the learning centre to recoup monies from their students as well as assist as regards records for audit purposes.

8. SUPPORT FOR “VULNERABLE” YOUNG PEOPLE

Definition of “Vulnerable”

“Vulnerable” students are those who are at risk of non-participation and of under-achieving.

Flexibility may be extended to applicants in difficult circumstances where this will promote educational outcomes although **all eligibility criteria for EMA should continue to apply**. This section gives some areas of guidance; *the learning centre will need to use discretion*.

Examples of “vulnerable” students might be: homeless young people, those with probation orders, teenage parents, those with caring responsibilities, those in rehabilitation from illness, and those classed with additional needs.

Applicants identified in such categories will be entitled to four years’ EMA support rather than three. Once an applicant/student is identified as eligible for flexible arrangements, they retain these rights for their full period of eligibility.

It is the rector or a designated member of the senior management team or AA Adviser who is ultimately responsible for deciding whether a student should be granted an extended period of eligibility. However the learning centre may wish to consult with social workers, careers Scotland, and/or educational psychologists prior to making their decision (during joint team meetings if applicable).

Please note **all** students have to apply for EMA every year irrespective of the extension period.

To extend the eligibility period for a particular student the learning centre rector or a designated member of the senior management team or AA Adviser must complete an “Additional Support Need notification (ASN) form and this must be kept at the learning centre (Copy of ASN form can be obtained from EMA website)

Completed ASN notifications can be passed to processors who should update the student’s information on the e1 EMA module and please then notify the EMA Unit via email.

Where a student qualifies for extended eligibility, and there is a supporting agency, they too should be copied in on the notice.

In addition to qualifying for four years of EMA support, a *flexible attendance pattern* may be more appropriate for such students.

The learning centre in association with guidance staff, AA Adviser, social worker, SDS key worker, and educational psychologist may ascribe or define an attendance pattern that may mean that the student does not attend as many sessions as their peers. Such students may also undertake flexible or broader course content.

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.

Vulnerable students residing in secure accommodation

Vulnerable young people who are residing in secure accommodation and continuing in post compulsory education are eligible for an EMA. Most residents in secure accommodation are considered to be vulnerable and will be there for their own protection and not because they have offended. Residents of secure accommodation who are there because they have offended are not eligible to apply for an EMA.

Please contact EMA Unit on (01463) 724217 for further advice on individual cases.

The **ORIGINAL Additional Support Needs (ASN)** notification should be kept on file with the learning agreement/Activity Agreement **at the learning centre** for six years of when the young adult leaves learning centre.

A. Eligibility Rules

1. Household Income

Young people of qualifying age who are in the care of their local authority such as those living in foster homes, children's homes or supported housing will *automatically* be eligible for EMA.

Students who are living away from the family home will be treated as "Independent". The EMA Unit will assess the income of these young people in their own right.

2. Course eligibility

A student with additional support needs or deemed vulnerable may not need to be working towards a recognised educational qualification in order to receive an EMA.

Flexibility may be extended to applicants in difficult circumstances where this will promote educational outcomes. Examples might be: homeless young people, those with probation orders, teenage parents, those with caring responsibilities, those in rehabilitation from illness, and those classed with Additional Needs.

A Learning Centre in association with guidance staff, AA Adviser, social worker, SDS key worker or educational psychologist may ascribe or define an attendance pattern that may mean that the student does not attend as many sessions as their peers. Such students may also undertake flexible or broader course content.

Please contact EMA Unit on (01463) 724349 for further advice on individual cases.

B. EMA Conditions

Some students with particular needs will have difficulty meeting the EMA conditions of payment. For example, some students may require non standard attendance patterns. The 100% attendance requirement would be an unrealistic target for these students.

When completing the EMA learning agreement the learning centre **must agree achievable targets with all EMA students.** (See Section five) Learning centres do have the flexibility to set targets for students **with additional support needs** below the EMA conditions of payment. If targets are set below the agreed terms of the EMA programme the **reasons for doing so must be clearly recorded on the learning agreement/activity agreement.**

Learning centres are ultimately responsible for setting and agreeing targets with students. Learning centres may wish to consult with social workers, SDS, and/or educational psychologists (during joint team meetings if applicable) when agreeing targets below the agreed standards of the EMA programme.

C. Learning Agreement/Activity Agreement Signatures

The requirement for a parent/guardian/carer signature can be waived for students who are estranged from their families and this includes students who are in care. However students in the care of a social worker or support worker, the social worker or support worker should sign as a carer where possible.

The requirement for the student's signature can be waived if the student has additional support needs (ASN) 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/activity agreement should therefore be tailored to their needs.

In both instances the reasons for waiving the requirement for a signature should be **clearly recorded** in the **learning agreement/activity agreement.**

A new EMA Learning Agreement/activity agreement should be completed each year.

<p>The "Flexibility" rule is there to help students who need some flexibility in relation to learning. Examples include students sharing their learning time between learning centre and home, (home taught students) or those who require assistance with the completion of the EMA application form and for those with additional support needs. Please note this does not relax the four main criteria for eligibility; therefore ALL students must satisfy the main eligibility criteria's.</p>
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9. APPEALS

If a student's application was unsuccessful or young adult/parent/carer decided to dispute the award banding a student's weekly payment is withheld the young adult/parent/carer has the right to appeal. This section outlines the process for appealing for application or payment appeals.

A. APPLICATION APPEALS

If a student's application was unsuccessful or young adult/parent/carer decided to dispute the award banding they may lodge an appeal by using the application appeals procedure. (Appeals procedure is sent with unsuccessful decision letter)

Students are advised through the appeal procedure that they must discuss any concerns or issues with the EMA Administrator (Lucy Lallah) in the **first instance**.

The applicant or parent/carer who has appealed must then submit in writing outlining their reasons for appealing within 14 days of being notified of unsuccessful EMA application or disputing award banding to the EMA Administrator.

Once the appeal has been heard the applicant or parent/carer will then be notified in writing of the decision by EMA Administrator.

If the appeal cannot be resolved with the EMA administrator to the applicant or parent/carer satisfaction they should then in writing appeal to the EMA Co-ordinator (Katie Moir) within 28 days of the EMA Administrators decision.

The EMA Co-ordinator will consider the appeal within 14 days of the receipt of the appeal letter and will notify the applicant or parent/carer and the EMA Administrator of the final decision of the EMA Co-ordinator.

The decision of the EMA Co-ordinator is final. (Copy of appeal documentation can be obtained from EMA web site)

B. PAYMENT APPEALS

If a student's weekly payment is withheld the student has the right to appeal the payment decision. This section outlines the process for appealing payment decisions:-

Weekly Payments

If the learning centre has stopped or suspended weekly payments because the student is failing to meet the EMA conditions of payment and/or the targets agreed in their learning agreement the student **must be informed of this and the reason why**.

Students are advised through the appeal procedure that they must discuss any concerns or issues with their learning centre in the **first instance**.

If a weekly payment has been disallowed `authorised as NO' because of an un-authorised absence on the learning centre record and the student **is able** to provide the necessary evidence to show that an absence should have been recorded as authorised, the payment should be re-instated.

The learning centre must consider the appeal within fourteen days and advise the student of the outcome of the appeal and the reasons for his/her decision. If the appeal is successful any missed payments should be re-instated.

If the decision of the learning centre remains unchanged, the student will have the right to appeal the learning centre's decision and should then in writing appeal to the Area Education, Culture & Sport Manager, Local Area Education, Culture & Sport Office within 28 days of the learning centres decision.

The Area Education, Culture & Sport Manager will consider the appeal within 14 days of the receipt of the appeal letter and will notify the applicant or parent/carer and the EMA Unit of the final decision.

If the appeal is successful any missed payments must be re-instated.

The decision of the Area Education, Culture & Sport Manager is final. (Copy of appeal documentation can be obtained from EMA web site)

Please make sure the Highland Council "Appeals" procedures are visible and easily available for all students to read. (Please put on all notice boards in the learning centre with the T&C etc)

10.EMA STUDENT INFORMATION – DISCLOSURE TO PARENT/S OR CARER/S

The EMA application form for 2011/2012 page four the student declaration, the applicant must let the EMA Unit know if one or both parent/guardian/carer can have access to the students EMA information. This is due to the number of different cases as well as types of circumstances of EMA students and legislation which protects individual's information.

It is a requirement for EMA applicant to notify the EMA Unit of what information can be supplied to their parent/guardian/carer by noting a yes or no against each parent/guardian/carer on page four of the declaration on the EMA Form.

Learning centres will be notified of a list of students who have listed parent/guardian/carer for **non disclosure**. Therefore any **students listed as non discloser for one or both parents, the learning centre must NOT issue out any information or receive any information as regards EMA for that student**. Student themselves in these circumstances will have to contact the EMA Unit to give or receive personal EMA information if non disclosure is for both parents.

If the student later wishes to alter this decision then this has to be put in writing to the EMA Unit.

11.CHANGING COURSE AND MOVING INSTITUTION

If a student leaves a course

If a student leaves a course early they are still eligible for future funding up to a total period of support for three years. When they apply for an 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.

If a student changes course

When a student changes course mid-way through they will still be eligible for an EMA for the second course provided both the student and the course continue to meet the eligibility criteria. **A NEW learning agreement/activity agreement would have to be agreed and signed at the new learning centre.**

Young people who move institution during the session

If a student moves institution during the session their EMA entitlement will not be affected **provided that they renew their learning agreement/activity agreement** (with appropriate signatures). The new institution or 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. (Cases will be considered on an individual basis).

12.EMA RECORDS

Length of time documents are kept on file

Learning centres and EMA unit are required to keep EMA documents **for six years from the date the young adult leaves learning centre.** All paper work such as the **young adult's file, evidence of checks, weekly & bonus authorisation sheets and appeals etc should be kept on file.**

To cut down the work load suggest the following;

1. Keep an EMA file for whole session of 2011 to 2012. (One should be done in the same manner for the previous year and ever year after that).
2. Section the information for EMA in the following way;
 - 2.1 EMA Policy document and information for 2011 to 2012
 - 2.2 EMA Learning agreements for all students in alphabetical order
 - 2.3 EMA Leavers 2011-12
 - 2.4 Correspondence from EMA Unit – student information example request from EMA Unit to re-authorise payments or overpayments or underpayments. Please put these in date order, match student information together.
 - 2.5 Correspondence from EMA Unit – other/date order

This will cut down the work associated with putting learning agreements with individual files and then having to take them out again for archiving. This way you archive the whole year at one time so cutting down the work and making sure anything to do with EMA is all in the same file/drawer.

Please make sure archived files are accessible for auditors to access.

Appendix One

EMA Payment Schedule 2011-12

Week Beginning		Number of Payment Weeks	CUT OFF DATE FOR AUTHORISATIONS Completed by the LEARNING CENTRE/ AA Team (Pay or Don't Pay) Wednesday/THURSDAY:-	Payment Dates FRIDAY:-	Comments
1st Week	2nd Week				
Start of EMA 2011-12					
04-Jul-11	11-Jul-11	2	21-Jul-11	29-Jul-11	<i>AA only</i>
18-Jul-11	25-Jul-11	2	04-Aug-11	12-Aug-11	<i>AA only</i>
01-Aug-11	08-Aug-11	2	18-Aug-11	26-Aug-11	<i>AA only</i>
Start of School Academic year 2011-12					
15-Aug-11	22-Aug-11	2	01-Sep-11	09-Sep-11	<i>All Learning Centres</i>
29-Aug-11	05-Sep-11	2	15-Sep-11	23-Sep-11	
12-Sep-11	19-Sep-11	2	29-Sep-11	07-Oct-11	
26-Sep-11	03-Oct-11	2	13-Oct-11	21-Oct-11	
10-Oct-11	17-Oct-11	2	27-Oct-11	04-Nov-11	<i>Holiday weeks- schools</i>
24-Oct-11	31-Oct-11	2	10-Nov-11	18-Nov-11	
07-Nov-11	14-Nov-11	2	24-Nov-11	02-Dec-11	
21-Nov-11	28-Nov-11	2	08-Dec-11	16-Dec-11	
05-Dec-11	12-Dec-11	2	21-Dec-11 Wednesday	06-Jan-12	
26-Dec-11	02-Jan-12	2	12-Jan-12	20-Jan-12	<i>Holiday weeks- schools</i>
19-Dec-11	09-Jan-12	2	19-Jan-12	27-Jan-12	
16-Jan-12	23-Jan-12	2	02-Feb-12	10-Feb-12	
30-Jan-12	06-Feb-12	2	16-Feb-12	24-Feb-12	
13-Feb-12	20-Feb-12	2	01-Mar-12	09-Mar-12	
27-Feb-12	05-Mar-12	2	15-Mar-12	23-Mar-12	
12-Mar-12	19-Mar-12	2	29-Mar-12	06-Apr-12	
02-Apr-12	09-Apr-12	2	19-Apr-12	27-Apr-12	<i>Holiday weeks- schools</i>

Week Beginning		Number of Payment Weeks	CUT OFF DATE FOR AUTHORISATIONS Completed by the LEARNING CENTRE/ AA Team (Pay or Don't Pay) Wednesday/THURSDAY:-	Payment Dates FRIDAY:-	Comments
1st Week	2nd Week				
26-Mar-12	16-Apr-12	2	26-Apr-12	04-May-12	
23-Apr-12	30-Apr-12	2	10-May-12	18-May-12	
07-May-12	14-May-12	2	24-May-12	01-Jun-12	
21-May-12	28-May-12	2	07-Jun-12	15-Jun-12	
04-Jun-12	11-Jun-12	2	21-Jun-12	29-Jun-12	
18-Jun-12	25-Jun-12	2	27/06/2012 Wednesday	13-Jul-12	
Start of EMA Year 2012-13					
02-Jul-12	09-Jul-12	2	19-Jul-12	27-Jul-12	AA only
16-Jul-12	23-Jul-12	2	02-Aug-12	10-Aug-12	AA only
30-Jul-12	06-Aug-12	2	16-Aug-12	24-Aug-12	AA only
Start of School Academic year 2012-13					
13-Aug-12	20-Aug-12	2	30-Aug-12	07-Sep-12	

Please note the following:-

There is no payment entitlement during holiday weeks.

Any unexplained absence should be authorised as No until reason can be explained, as per EMA regulations.

Once evidence has been submitted then authorise for next available payment date.