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East Dunbartonshire Council

**A Guide to
Education Maintenance
Allowances
(EMAs)**

Policy Document

**Academic Session
2019-2020**

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GLOSSARY OF TERMS

EMA	Education Maintenance Allowance
TCAN	Tax Credit Award Notice
Parent/Carer	Parent; Legal Guardian; Step-parent; Adoptive Parent: Parent's partner who lives in the student's home

East Dunbartonshire Council

Education Maintenance Allowance (EMA)

Scottish Ministers reserve the right to review the EMA programme at any time.

GENERAL INFORMATION

You should use these notes for guidance only.

When you apply for an Education Maintenance Allowance we will assess your application to decide if you are eligible for an allowance or not. If you are unsuccessful in your application we will send you a letter giving reasons for our decision. If you are successful you will receive a Notice of Entitlement, which will tell you the amount of EMA you will be eligible for in the new school year.

A contract called a Learning Agreement will also be sent with your Notice of Entitlement. In order for you to receive your EMA payments, the Learning Agreement must be agreed to and must be signed by you, your parent/carer and your school. No payments can be made until we receive the signed Learning Agreement.

If you need any help completing the EMA application form, please telephone 0141 578 8947.

COMPLAINTS PROCEDURE

We expect to receive and process hundreds of EMA applications. A lot of these applications will arrive between July and September, and we will try to process each student's application as soon as possible. If you feel for any reason that we have not dealt with your application correctly, or you have any other complaint regarding EMA, please write to the Chief Education Officer, at the below address:

East Dunbartonshire Council
EMA - Education Service
Suite S4, Marina
Strathkelvin Place
Kirkintilloch
G66 1XT

A written response will be sent as soon as possible after we receive your complaint.

1 WHAT IS AN EMA?

An Education Maintenance Allowance (EMA) is a weekly allowance of £30 paid to students who stay on at school after they have reached the statutory leaving age. The amount paid is determined by the household income. All payments are made direct to students' bank/building society accounts. EMA payments are made fortnightly, in arrears.

The EMA is only paid for each full week's attendance within term time up to a maximum of 42 weeks in any one academic year. Payments are not made during short-term breaks such as the October week, Christmas/New Year and Spring Holidays.

The scheme requires that a student enters into a Learning Agreement approved by the school and signed by both student and parent/carer.

2 WHO CAN GET AN EMA

(If you live in a household with no other dependents)

If you are 16 years old or over, and are planning to continue in post-compulsory education and the household income is £24,421 or less you could be entitled to an EMA of £30 per week.

OR

(If you live in a household with another child aged between 0-16 or if there is another dependent in your home aged between 16-25 in further and higher education)

If you are 16 years old or over, and are planning to continue in post-compulsory education and the household income is £26,884 or less you could be entitled to an EMA of £30 per week.

If you are receiving education while living in a foster home or children's home, and are in the care of the local authority or living independently in receipt of Income Support or Income - Related Employment and Support Allowance, you are eligible for a £30 EMA award without having to provide evidence of household income.

3 ELIGIBILITY CONDITIONS FOR THE EMA PROGRAMME

There are a number of eligibility criteria you have to meet if you want to get an EMA. One of the criteria is the financial assessment of your household (please see Section 6 for more information on this). **You may be eligible for an EMA for a maximum period of three years however, you must re-apply every year.**

3.1 Age Requirement

Students who are 16 prior to 1 October 2019 could be eligible for an EMA payable from August 2019. For students eligible from August 2019 you must apply by 30 September 2019 to have your payments back dated to the beginning of the school term. If you apply after this date any EMA payment will be paid from the date your application is received.

Students who are 16 between 1 October 2019 and 28 February 2020 could be eligible for an EMA payable from January 2020. For students eligible from January 2020 you must apply by 28 February 2020 to have your payments back dated to the start of the school term. If you apply after this date you will be paid from the date your application is received. We would encourage you to apply as soon as possible. This will help to ensure that your payments commence as early as possible in the session. **The cut off date for processing application forms for academic year 2019/2020 is 31 March 2020. No applications will be processed after this date.**

3.2 Residential Requirement

The residence criteria are subject to change. The details below are correct at time of printing. If you require further details please contact our office.

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) for the schools sector, and in the Education Maintenance Allowances (Scotland) (No.2) Direction 2005 for college students.

Please note: changes were made to the EMA Regulations in March 2016. The changes include:

- Students who move to Scotland from other parts of the UK for the purpose of undertaking a course of education are considered to be ordinarily resident in the place in the UK from where they moved.
- Provision made to allow Syrian Refugees to apply for EMA under the Syrian Vulnerable Persons Relocation Scheme (VPRS)
- Students who were born and settled in the UK, have then moved to an EEA country and, after a period of time, returned to the UK will need to be resident in Scotland for 3 years before moving to the EEA

The following provides a summary of what these residence criteria are. However, this is only intended as a guide, **and in all cases** reference should be made to the relevant legislative document when deciding a student's residential eligibility for the EMA Programme. For ease of reference, the relevant paragraphs have been provided next to the residence categories.

a) 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).

b) Ordinarily Resident

Students must satisfy "ordinary residence" criteria. Generally this relates to the qualifying date and to the three year period immediately before the qualifying date. Students must be ordinary resident in Scotland on the qualifying date and depending on individual circumstances, they will have to fulfil the 3 year ordinary residence either in the UK and Islands or, EEA and Switzerland, preceding the qualifying date.

There are different arrangements in place for those who have been granted refugee status; leave to remain' temporary protection and Syrian Nationals. These individuals will need to be ordinarily resident in the UK and Islands at all times since they being granted the relevant status and will be ordinary resident in Scotland on the qualifying date. Local authorities and colleges must assess on case by case basis and refer to the EMA Regulations when considering the residency criteria.

c) Settled Status, e.g. UK Citizens

The undernoted information gives you an overview of eligibility based on your residency status. The residency requirements are that the student:-

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

d) European Economic Area (EEA), Swiss Employed or Migrant Workers

A person, who is an EEA or Swiss Migrant Worker (or their spouse or child) and is undertaking full-time non-advanced education in Scotland, may be eligible to apply for an EMA.

They must have been ordinarily resident in the European Economic Area or Switzerland throughout the three year period immediately preceding the qualifying date and is ordinarily resident in Scotland on the qualifying date.

The EEA consists of all the countries of the European Union, plus Iceland, Liechtenstein and Norway.

e) EEA Frontier Workers and Swiss Frontier Employed Persons (Including Frontier Self-Employed)

A “frontier worker” or “frontier employed person” 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 within the meaning of Annex 1 to the Switzerland agreement) in the UK, 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 frontier worker or self-employed frontier worker or Swiss frontier employed person or frontier self-employed person in the UK or who is the family member of such a person, may be eligible provided that he or she has been ordinarily resident in the EEA or Switzerland for the 3 year period immediately preceding the qualifying date.

f) RIGHT OF PERMANENT RESIDENCE

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 and must be ordinarily resident in Scotland for 3 years before moving to the EEA

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 out with the “relevant area” (defined as the UK and Islands, the EEA, Switzerland and Turkey) as detailed in Schedule 2 of the Regulations and in Part 3 of the Schedule to the Determination.

g) Refugee Status

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 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**.

Leave To Enter or Remain (where refugee status is refused)

(See Paragraph 6, Schedule 1 of the Regulations and Paragraph 6, Part 2 of the Determination)

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

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

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.

h) Iraqi National (LESAS)

Some Iraqi nationals have been granted leave to remain in the UK through the Locally Engaged Staff Assistance Scheme (LESAS) also known as the Iraqi Direct Entry Scheme. LESAS was established to assist Iraqis who worked for the British armed forces and civilian missions in Iraq. After their employment they have the option to settle in the UK.

For those who were employed between 1 January 2005 and 7 August 2007, the Home Office allowed them to enter the UK as a recognised refugee under the Gateway Protection Programme. However this part of LESAS closed to new applicants on 19 May 2009. For those who were employed from 8 August 2007 onwards, the Home Office now allows them to enter the UK with Indefinite Leave to Enter (ILE). The Regulations were amended in September 2009 so that Iraqi nationals and their children who have been awarded ILE under the LESAS scheme are eligible for EMA from the date of their entry to the UK without having to meet the normal 3 year residency requirements.

Iraqi nationals (or their children) will be eligible if:

- They have been ILE under LESAS;
- They have been ordinarily resident in the UK and Islands at all times since they were first granted ILE; and
- They are ordinarily resident in Scotland on the qualifying date.

I) SYRIAN VULNERABLE PERSONS RELOCATION SCHEME (VPRS)

This came into force on 31 March 2016 under the Regulations and will be in force from 1 August 2016 under the Determination.

A provision has been made to enable Syrian nationals who have entered the United Kingdom through the Syrian Vulnerable Persons Relocation Scheme (VPRS) to be eligible EMA providing they meet the following conditions:

- Are a Syrian national who has been granted humanitarian protection to enter the UK under the Syrian VPRS; and
- Has been ordinarily resident in the United Kingdom and Islands at all times since they were granted Humanitarian Protection; and
- Are ordinarily resident in Scotland on the relevant day

Or

- Is the spouse, civil partner or child of a person above and;
- Is ordinarily resident in Scotland on the relevant day

j) EU Temporary Protection

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, and are **under 18** on the qualifying date, will be eligible to apply for an EMA if 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.

k) NON-UK EU NATIONALS

Non-UK EU nationals (or their family members) may be eligible for an EMA, provided they:-

- Are a non-UK EU national or the family member of such a national;
- Are ordinarily resident in Scotland on the qualifying date; and
- Have been ordinarily resident in the UK and Islands throughout the preceding 3 year period.

Where the residence in the UK and Islands during the 3 year period has been wholly or mainly for the purposes of receiving full-time 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.

l) Child of Swiss National / Child of a Turkish worker

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

- They are ordinarily resident in Scotland on the qualifying date; and
- Have been ordinarily resident in the EEA or Switzerland throughout the 3 year period immediately preceding the qualifying date.

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

A student who is the child of a Turkish worker (defined as Turkish national who is ordinary resident in Scotland and is or has been lawfully employed in the UK) is eligible to receive EMA if they:

- are ordinarily resident in Scotland on the qualifying date and
- have been ordinary resident in EEA, Switzerland or Turkey throughout the preceding 3 years.

m) CROSS-BORDER STUDENTS

The EMA programme was rolled out nationally across Scotland, England, Wales and Northern Ireland in academic year 2004/05. From academic year 2011-12, England replaced EMA with an enhanced discretionary learner support fund. Residency criteria in the EMA Regulations were amended in December 2015 to align with the Determination which was amended in 2012.

Students from a part of the UK other than Scotland travelling daily across the border to study in Scotland will not be eligible to apply for Scottish EMA.

Students who move to Scotland from other parts of the UK solely for the purpose of undertaking a course of education are considered to be ordinarily resident in the place in the UK from where they moved. They are not eligible to claim EMA ie a student from England who was in Scotland on the qualifying date but was only in Scotland to study would not be eligible for EMA.

n) Asylum Seekers

Asylum seekers who have not had their application for refugee status processed are not eligible for an EMA.

There are certain exceptions to the residency criteria outlined above. Details of these exceptions are obtainable from the Education Service on 0141 578 8947

3.3 Income Requirement

Your household income will determine your eligibility for an EMA.

Please Note: Household income does not include income from brothers or sisters who live in the household. We require proof of lone parent status i.e. Council Tax Bill

There will be two ways of calculating income:

- a) A Tax Credit Award Notice (TCAN) supplied by the HM Revenue & Customs for tax year 2019/2020 (The front page of the TCAN will say Tax Credit Award 2019-2020 on page 2 it will detail your income for tax year 2018-2019). The TCAN lists your annual household income. The income calculated on the TCAN will be used to assess your EMA award.
No other information will be required.
We are unable to accept a TCAN if it states your income is estimated. It must say actual income 2018-2019.
- b) Applicants who cannot provide a TCAN must provide alternative income evidence for 2018-2019. There will be two ways of determining which evidence is relevant;

Employed

You should provide a P60, or equivalent.

(If you provide a Week 52/Month 12 pay slip we may require further evidence of income)

Self-Employed

A self-assessment tax calculation (form SA302) for 2018/2019 from the HM Revenue & Customs will be the only acceptable evidence. An accountant's certificate for self-employed form (Part B of the application form) will be accepted until an SA302 becomes available. If you are sending an SA302 please also enclose the letter you received from HMRC when they issued the SA302 to you.

Pensions and any other taxable income

Please provide documentary proof of any other taxable income e.g. Pensions, interest, dividends.

3.4 Course Requirement

You must sign a Learning Agreement, and adhere to the conditions of the Learning Agreement. The completed Learning Agreement for school pupils will be sent to the Local Authority by the school. **EMA payments will not be made until a signed Learning Agreement has been completed and received by the Local Authority.**

Normally you must be on a recognised full-time course of study to meet the course requirements. If you are repeating a course (re-taking Highers, for example), you are still eligible for an EMA provided that the school agrees the end result of the course is educationally beneficial.

3.5 Conduct

If you do not comply with the school's discipline policy, the school can request that your EMA payments be stopped.

3.6 If You Leave Your Course

If you previously started a course but left early, you are still eligible for future funding. When you apply for an EMA for your second course, and provided you satisfy the eligibility criteria, you can be considered from the start of your new course.

Funding is for a maximum of three years in total.

3.7 If You Move School during the Academic Year

This will not affect your entitlement to an EMA, provided that you renew your EMA Learning Agreement with your new school. If you move to a school out with East Dunbartonshire, you will have to apply to the council in the area the school is located in.

3.8 If you are on Work Experience during term time

You will continue to receive payments, but only if this work experience is an agreed part of your course, takes place during term-time, and is unpaid.

3.9 Hours per Week

For EMA purposes **Full Time** means at least **21** guided learning hours per week. You can attend separate courses which are less than 21 hours, provided that they amount to at least 21 hours and are integrated into your EMA Learning Agreement.

4 EMA SUPPORT FOR STUDENTS WITH ADDITIONAL SUPPORT NEEDS OR “VULNERABLE” YOUNG PEOPLE

Students within this category will qualify for flexibility in their entitlement to an EMA.

NOTE: A student with additional support needs (including students with disabilities, behavioural problems and/or mental health problems) may not need to be working towards a recognised educational qualification in order to receive an EMA. Usually such a student will have a Coordinated Support Plan (CSP), which is maintained during their school years. Therefore the Learning Agreement should be constructed so that the education provider is satisfied that it provides appropriate educational progress for that student.

4.1 Definition of “Vulnerable”

Vulnerable students are those who are at risk of non-participation and of under-achieving in an educational environment. For example:

- students who are teenage parents or who are homeless or who are estranged from their parents
- students who are in care or who are care leavers
- students who are, or have been, young offenders

The judgment as to whether an applicant should get this additional flexibility will be made by the school with support from Guidance Staff, Social Work or Educational Psychologists who will confirm the applicant is eligible for additional support.

4.2 Extension of Eligibility Period

The Local Authority has the power to pay an EMA to any young person whom it deems **vulnerable**, for up to three years in a four-year period. This will apply to any young person who has a Coordinated Support Plan when they finish compulsory education. Such a person will be able to continue to receive the allowance beyond their 20th birthday, provided they meet the other eligibility criteria.

4.3 Attendance

A flexible weekly attendance pattern may be arranged.

4.3 Learning Agreement

The requirement for a parent/carer signature will be waived for students who are estranged from their families and are therefore assessed as independent (see Section 13 for explanation of independent) for state benefits purposes. This may include students who are in care.

The requirement for a student’s signature will be waived if the student has additional support needs that exclude the student from being able to provide a signature.

4.5 Exceptions to the Financial Assessment Process

Young people living in foster homes or in Local Authority children’s homes will be eligible for the full EMA award, and will not need to provide evidence of parental household income.

5. ELIGIBILITY CONDITIONS FOR PAYMENT OF WEEKLY ALLOWANCE

5.1 Attendance Requirements

EMA is a weekly allowance that requires 100% attendance. If your attendance in any week is not 100%, and that week contains no authorised absences that would take your attendance to 100%, you will not be paid your EMA for that week.

A student eligible for an award payable from August will be able to self-certificate for up to five days in one full school year. A student eligible for an award payable from January will be able to self-certificate for up to three days for the remainder of that school year. **Please note that for EMA purposes a half-day absence is counted as a full-day absence.**

Authorisation for payment comes from your school to the Local Authority. Authorisation will take account of:

- Attendance for the week concerned
- Absences for the week concerned (only authorised absences count as attendance)

Where there is a shortened week at the start or end of an official school holiday, students will be eligible for a weekly payment if the number of days the school is open in that week is **three or more**, and the student has fulfilled the 100% attendance in that week when the school was open.

5.2 Persistent Latecoming

You will receive a warning after five latecomings have occurred. Thereafter, if a student has a further two latecomings in any one week, payment will be stopped for that week.

6 FINANCIAL ASSESSMENT

For households where a Tax Credit Award Notice (TCAN) detailing you actual taxable income for April 18 – April 19 is available no other income details are required. (We are unable to accept the TCAN if it details your income as being estimated)

For households where no Tax Credit Award Notice (TCAN) is available the following income details are required:

- a) A P60 (or P60 substitute) of the householder(s).
- b) If parents/carers are receiving Income Support, Jobseekers Allowance, Incapacity Benefit or Tax Credits, a P60 or letter from the relevant authority confirming amount received in the tax year ending 5 April 2019.
- c) If parents/carers are self-employed, a self assessment tax calculation (form SA302) for 2018/2019 from the HM Revenue & Customs must be provided. An accountant's certificate for self-employed form at Part B of the application form can be accepted pending receipt of the SA302. Initially this may result in a provisional EMA being offered and re-assessment of the award being undertaken once the SA302 is submitted. **If you are sending an SA302 please also enclose the letter you received from HMRC when they issued the SA302 to you.**
- d) Documentation such as bank/building society books that confirm gross bank and building society interest received in tax year ending 5 April 2019.

Students must meet the financial criteria based on total taxable household income. On a pay slip, total taxable household income is classed as gross income. The financial assessment is based on the tax year ending 5 April 2019.

Income	No. of dependent children in the household	Award
£0 - £24, 421	1	£30
£0 - £26, 884	2+	£30

Exceptions to the Financial Assessment Process can be found on the next page

6.1 Exceptions to the Financial Assessment Process

In certain circumstances the Local Authority will not assess the household income of the parents/carers of a student. For example, this may happen if the student is:

- An estranged young person or a teenage parent receiving benefits in their own right.
- A young person living in foster homes or in Local Authority children's homes will be eligible for the full EMA award, without recourse to parental income assessment.

6.2 Provisional Assessment

In instances where household income for the current tax year is substantially less than that for the previous tax year on which the EMA application would normally be assessed, current income may be used to assess eligibility. This will result in a provisional award being offered. Evidence of the change in income must be provided.

As provisional awards will require to be reviewed mid-way through the school session, further proof of household income will be requested later in the year.

7 EMA LEARNING AGREEMENT

To be eligible for an EMA, students must sign an EMA Learning Agreement. This agreement must also be signed by the parent/carer, and by an appropriate representative of the school where they are studying.

The Learning Agreement is an agreement between you and your school, and it details the learning that will be offered, and the responsibilities of both you and the school towards your agreed learning programme. It is your responsibility to ensure that you have a valid Learning Agreement.

The requirement for a parent/carer signature may be waived if the student is not currently residing with their parent(s)/carer(s) and has been assessed as independent for Benefits Agency purposes. This may apply to students in care.

The requirement for a student's signature will be waived if the student has additional support needs that exclude the student from being able to provide a signature.

A new EMA Learning Agreement should be completed for each school year.

The Local Authority may stop EMA payments where the information supplied by the school states that the student has failed to comply with their Learning Agreement.

Where the learning programme is undertaken at more than one school, the student is required to have a separate EMA Learning Agreement, signed by all relevant parties, for each school at which he/she is registered, or the student should have a composite agreement constructed and signed by all relevant parties.

Where a review of the learning programme results in a change of course at the same school, the EMA Learning Agreement will be amended accordingly and remain valid for EMA payments, provided that the amended version is signed by the student and the school. Where a student changes school mid-year, a new EMA Learning Agreement, signed by all relevant parties, will be required. The onus is on the student to ensure that he/she has a valid Learning Agreement.

8 GENERAL CONDITIONS FOR EMA SUPPORT

- You must reach 16 prior to 1 March 2020.
- You must live in a household with annual income of £0 - £24,421 **or** £0 - £26,884. **(depending on your family circumstances see page 12 for details).**
- You must meet the residential requirements.
- You must attend school for 21 hours or more of programmed study each week.
- You must sign an appropriate Learning Agreement, and have it signed by the other relevant parties.
- You must have 100% attendance (you can self-certificate for up to five days absence if eligible for an award payable from August or three days for an award payable from January).

9 ATTENDANCE/ABSENCE

You are required to have 100% attendance to qualify for your weekly EMA payment. **You will not be paid for attendance less than 100%.** Where there is a shortened week at the start or end of an official school holiday, you will be eligible for the weekly payment if the number of days the school is open is **three or more** and where you have fulfilled the 100% attendance when the school was open.

If you are unfit to attend your school you are required to produce documentary evidence. However you will be able to self-certificate for up to five days in the school year if you are eligible for an award from August or three days if you are eligible from January. **Please note that for EMA purposes a half-day absence is counted as a full-day absence.**

Beyond this a medical certificate must be produced, which you may have to pay for. All medical certificates should be sent to your school as soon as possible.

A periodic medical absence in excess of a period of **three weeks** will be the subject of review. If you are absent for reasons other than illness (for example for interviews, dental or hospital appointments), you should tell your school immediately.

Absence

Absence due to the illness of someone other than the student will not count towards attendance. In exceptional circumstances, where you are responsible for a dependent adult in the same household as you, we may accept a medical certificate on behalf of the adult. The Director of Education and Children's Services will assess this on individual circumstances.

Holidays taken within term time are not considered as authorised absence unless in exceptional circumstances authorised by the school.

10 HOW YOU WILL GET PAID

EMA payments are for weekly attendance and are paid in fortnightly installments in arrears. Payment to you is made on an instruction from the School to the Local Authority. Payment is made only through the BACS system.

EMAs are only paid for up to a maximum of 42 weeks in any one academic year. EMAs are only paid for each full week's attendance within term time. EMA payments are not made during short term time holidays such as October break, Christmas and Easter.

The Local Authority may discontinue EMA payments where the information supplied states that the student has failed to comply with their Learning Agreement.

11 OVERPAYMENTS

We have the right to reclaim any overpayments we have made for any reason.

If you do not repay any amount we ask you to, we may take court action against you or we may refuse to give you an EMA in the future. If you are overpaid for any reason, keep the money safe so you can repay it when we ask you to.

We may pay you too much because:

- you have not told us about any changes in your circumstances
- you have withdrawn from the course and we didn't know about it
- the amount of award was based on information you gave us and this is incorrect
- we made a mistake when we worked out how much you were entitled to

12 LATE APPLICATIONS

It is possible that a student may find out about their eligibility for an EMA after the start date of their course. We will make back-payments if the application is received by the appropriate cut-off date:

- If you reach 16 years of age prior to 1 October 2019 (therefore eligible for an EMA from the school start date in August) and your application is received by **30 September 2019**, payments will be back-dated to the start of the school year. Please remember that you will only receive back-dated payments for weeks in which you have had 100% attendance.

If we receive your application after 30 September 2019, payments will be made from the date the application was received.

- If you reach 16 years of age between 1 October 2019 and 28 February 2020 (therefore eligible for an EMA from the school start date in January), and your application is made by 28 February 2020, payments will be back dated to the start of the school term. Please remember that you will only receive back-dated payments for weeks in which you have had 100% attendance.

Students must prove that they have satisfied the conditions of their EMA Learning Agreement from the beginning of that term.

If we receive your application after 28 February 2020, payments will be made from the date the application was received.

EMA PAYMENT DURING STUDY\EXAM LEAVE

All EMA students regardless of their year of study will be paid their weekly award for the full period of study and exam leave. Students who do not attend examinations will have their payment withheld for that week except in cases of medical absence.

13 INDEPENDENT STUDENTS

A student is classed as independent if assessed for Benefits Agency purposes. Independent students include those who:

- are estranged from their parent/carer
- are a parent to whom Child Benefit is paid
- live alone
- are married

14 STUDENTS IN HOME EDUCATION

EMA's are available to eligible young people who are undertaking full-time non-advanced level study. Applications should be made to the Local Authority in which the home education is based. **Please note that students applying for an EMA as a home educated student must have a recorded history of home education prior to reaching their official school leaving date.**

Given the nature of home education, there are some differences in which an EMA will be assessed and monitored.

Home educated students do not have to be working towards a recognised qualification. However, there is a requirement that the programme of learning is appropriate to the age, ability and aptitude of the student.

14.1 Eligibility of Student

Students are subject to the same age criteria as students in the schools. Students are eligible for an EMA from the start of the appropriate **Local Authority school term**. While it is recognised that home education may not follow the same term-length as a school's, this will ensure **all** eligible Local Authority students begin to receive their EMA at the same point in the year.

14.2 Eligibility of Learning

Eligible students can be home-educated full-time, or in conjunction with attendance at a school or other education establishment. The Local Authority should be content that the home education is efficient and suitable for the student.

The learning should be at non-advanced level.

Attendance Requirements

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

Responsibility for ensuring 100% attendance in home education will lie predominantly with the education provider.

14.3 Learning Agreement

In order to receive an EMA, **all** students must have a signed Learning Agreement in place. For home educated students, this may be a programme of learning agreed between the education provider 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.

Required Signatures

The learning agreement must be signed by the student and the education provider, and by a representative of the Local Authority. All signatories should understand fully their responsibilities within the agreement.

Withholding Payments

Education providers are required to advise the Local Authority to withhold payments in any week where the student does not meet the attendance criteria or other requirements set out in the Learning Agreement.

15 CONDITIONS OF AWARD

An EMA is awarded to help you financially with your studies. To receive an EMA, you must comply with the relevant conditions outlined in this policy document.

If you are successful in getting an EMA, we will send you a Notice of Entitlement. We will also send you a Learning Agreement which you should take to the school for discussion and completion. Please remember that you and your parent/carer must sign the Learning Agreement agreed between you and the school, before returning the Learning Agreement to your school for signing. The school will forward this Learning Agreement to the Local Authority. Your payments will not start until the Local Authority receives your signed Learning Agreement.

If you fail to keep any of the conditions attached to your EMA award, your payments will stop and we will send you an account if there has been any overpayment.

You must write to the Education Service immediately if;

- you change your bank/building society details (**any change in bank/building society details must be received in writing and signed by the applicant**)
- you decide not to continue with your course

This will allow us to reassess / stop your payments immediately and reduce the amount of any overpayments.

16 WHAT TO DO IF WE REFUSE YOUR APPLICATION

If you want to complain against the decision we have made about an application for, or the award of, an EMA, you should write to:

Chief Education Officer
East Dunbartonshire Council
12 Southbank House
Strathkelvin Place
Kirkintilloch
G66 1XQ

If we refuse your application, we will tell you why and provide you with information on how to appeal the decision. Your appeal should clearly state why you are appealing. Please note that appeals must be lodged within one calendar month from the date of the letter informing you of non-entitlement. You should send us proof of any new evidence or information to support your complaint. Experienced EMA staff will consider your appeal. We will tell you if your appeal is successful and we will start your payments as quickly as possible after the appeal.

If your appeal is not successful, we will tell you why. If you feel that the decision is still wrong, you should write within 14 days from the date of the letter informing you of the decision of your appeal. You should send us further information to support your complaint, to:

Depute Chief Executive
Education, People & Business
East Dunbartonshire Council
Southbank Marina
12 Strathkelvin Place
Kirkintilloch
G66 1TJ

Your previous correspondence will then be passed to the Depute Chief Executive Education, People & Business, who will consider the matter further.

Remember, however, that we assess all EMAs in the way that has previously been described, and that if your final appeal is unsuccessful, you will not receive an EMA.

17 WHEN TO APPLY

We would encourage you to apply as soon as possible. This will help to ensure that your payments commence as early as possible in the session.

You can send the form without the documents. Please do not delay as we will backdate the payments to when the application was received/start date of the session if we are in receipt of your form. (see 3.1) We still require the documents as we cannot make a decision on your award until we receive them.

If you are sending the documents at a later date, please remember to include the applicant's name, school attending and date of birth to enable us to match them to your application form.

PLEASE NOTE A FRESH APPLICATION MUST BE MADE EACH YEAR

18 ACKNOWLEDGEMENT

We will acknowledge that we have received your application and return your documents to you as soon as possible. **If you have not received an acknowledgement or have not had your documents returned within two weeks of sending us your form, please phone the Education Department – 0141 578 8947**

19 WHERE TO SEND YOUR APPLICATION FORM

You should send your completed application form to the Education Service at:

EMA Form
East Dunbartonshire Council
Suite S4, Marina
Strathkelvin Place
Kirkintilloch
G66 1XT

Website: www.eastdunbarton.gov.uk
Phone: 0141 578 8947

PLEASE DON'T FORGET

If you are submitting your form by mail, have you checked the postage required? Postage charges are now based on weight and size.

Have you enclosed a stamped addressed envelope (9" x 6" in size) for personal documents to be returned?

The cut off date for processing application forms for academic year 2019/2020 is 31 March 2020. No applications will be processed after this date.

Should you wish your documents returned by RECORDED DELIVERY, please ensure that sufficient cost of postage is enclosed.

To enable us to return your personal documents you should enclose a stamped-addressed envelope 9"x6" in size.

20 AVAILABILITY OF POLICY DOCUMENT IN OTHER FORMATS

You can get this document in large print, in Braille, on tape and on disk. The document can also be translated into other community languages. Please contact the Education Office at the address given in Section 19.

21 DATA PROTECTION

Please see East Dunbartonshire Councils Privacy Policy enclosed.

22 DOCUMENTATION REQUIRED

Please ensure that the following documents are submitted with your application form. We are unable to accept photocopies.

Original Birth Certificate/passport for pupil applying.

If you are an independent student, Part C of the application form should be completed by the Department for Work and Pensions (DWP).

HM Revenue & Customs Tax Credit Award Notice (TCAN) or P60 or Week 52/Month 12 pay slip or statement of earnings detailing actual income for 2018/19 from the HM Revenue & Customs if parent(s)/carers(s) are employed.

If parent(s)/carer(s) are self-employed and are not in receipt of a TCAN a self-assessment tax calculation form (SA302) from the HM Revenue & Customs should be submitted. We can only accept accountant's certificate for self-employment, see Part B, until a SA302 form is available. **If you are sending an SA302 please also enclose the letter you received from HMRC when they issued the SA302 to you.**

If parent(s)/carer(s) receive benefits – Part C must be completed by Department for Work and Pensions (DWP). **(PLEASE DETACH PART C, PAGE 15 OF THE APPLICATION FORM AND TAKE IT TO YOUR LOCAL DWP OFFICE FOR COMPLETION).**

P60 supporting parent(s)/carer(s) occupational pension.

Proof of guardianship, if required i.e. Child Benefit letter.

Proof of having other dependents, TCAN, Child Benefit, Award letter from SAAS.

Proof of lone parent status i.e. Council Tax Bill, Tax Credit Award showing you claimed as an individual or a letter from a third party (solicitor).

(In certain circumstances we may ask for more than one of the above)

Proof that you are in the care of the Local Authority, if applicable.