



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Communities & Education Directorate

A guide to Education Maintenance Allowances

Policy document Academic Session 2021-2022

*(Please Note that North Ayrshire Council are currently
awaiting updated guidance from the Scottish Government,
therefore, this document is subject to change)*

Table of Contents

GENERAL INFORMATION ON EMAs.....	4
1. WHAT IS AN EDUCATION MAINTENANCE ALLOWANCE (EMA)?.....	5
2. WHO CAN GET AN EMA?	5
3. CONDITIONS FOR EMA ENTITLEMENT	5
3.1 Age Requirements	6
3.2 Income Requirements	6
3.3 Residential Requirements	8
3.4 Course Requirements	11
3.5 Short Courses	11
3.6 If You Leave Your Course	12
3.7 If You Change Courses During the Academic Year	12
3.8 If You Move Learning Centre During the Academic Year	12
3.9 If You are on Work Experience During Term Time	12
3.10 Hours Per Week.....	12
4. EMA SUPPORT FOR YOUNG PEOPLE WITH ADDITIONAL SUPPORT NEEDS OR “VULNERABLE” YOUNG PEOPLE.....	13
4.1 Definition of “Vulnerable”	13
4.2 Extension of Eligibility Period	13
4.3 Attendance	14
4.4 Learning Agreement.....	14
4.5 Exceptions to the Financial Assessment Process	14
5. YOUNG PEOPLE IN HOME EDUCATION.....	14
5.1 Eligibility of Young Person	15
5.2 Eligibility of Learning	15
5.3 Attendance Requirements	15
5.4 Progression and Qualifications.....	15
5.5 Learning Agreement.....	16
5.6 Required Signatures	16
6. AMBITION AGREEMENTS.....	16
6.1 Eligibility of Young Person	16
6.2 EMA Income Assessment	16
6.3 Benefits.....	17
6.4 Duration of Allowance.....	17
6.5 Attendance Requirements	17
6.6 Learning Agreement.....	17

7. ADMINISTRATION OF EMAs	17
8. WHY AN EMA PAYMENT MAY BE STOPPED	18
9. IN-YEAR ASSESSMENTS	18
10. INDEPENDENT YOUNG PEOPLE	19
11. EMA LEARNING AGREEMENT.....	19
12. GENERAL CONDITIONS FOR EMA SUPPORT	20
13. ATTENDANCE/ABSENCE	20
14. HOW WILL YOU GET PAID?.....	21
15. LATE APPLICATIONS	21
16. OVERPAYMENTS	22
17. APPEALS & COMPLAINTS PROCEDURE.....	23
17.1 Schools Appeals - Stoppage of Weekly Allowance	23
17.2 Complaints Procedure	23
18. CONDITIONS OF AWARD.....	24
19. WHEN TO APPLY	24
20. ACKNOWLEDGEMENT	24
21. APPLYING FOR EMA	24
22. HOW WE WILL LOOK AFTER YOUR INFORMATION	25

GLOSSARY OF TERMS

EMA	Education Maintenance Allowance
HMRC	Her Majesty's Revenue & Customs
Learning Centre	School

North Ayrshire Council

Education Maintenance Allowances (EMAs)

GENERAL INFORMATION ON EMAs

These notes should be used by young people for guidance purposes only.

When you apply for an EMA, your application will be individually assessed to determine whether you are eligible for an EMA. The process of application and assessment will result in either a Notice of Entitlement, or refusal of award. Unsuccessful applicants will be notified via email/letter, giving reasons for the decision. The Notice of Entitlement will tell you that you are eligible for an EMA in the forthcoming/current academic year, as long as you take an appropriate course at an appropriate Learning Centre. The Notice of Entitlement will also inform you of the amount of EMA you will be eligible for.

A Learning Agreement (contract) is included as part of the application process. In order for you to receive your EMA payments, the Learning Agreement must be agreed by you, your parent(s)/carer(s) and your Learning Centre. No payments can be made until the local authority receives confirmation from your Learning Centre that an acceptable Learning Agreement is in place.

If you need any help when completing the EMA application form, please email ema@north-ayrshire.gov.uk.

1. WHAT IS AN EDUCATION MAINTENANCE ALLOWANCE (EMA)?

The Education Maintenance Allowance (EMA) is a Scottish Government initiative which aims to address the link between low income and low attainment. The aim is to enable young people from low income families to remain in post-compulsory education, providing them with an incentive to learn and improve their chances of employment.

An Education Maintenance Allowance (EMA) is a weekly payment of £30 to help support a person in education beyond the statutory school leaving age of 16.

In order to receive an EMA you must have an acceptable Learning Agreement. The weekly allowance awarded will depend on whether you have previously been in receipt of an EMA award and the financial circumstances of your household. Payment will be made, for each full week's attendance, paid in two week instalments in arrears during term-time, up to a maximum of 42 weeks in any one academic year. EMA payments are not made during short term holidays which usually include the October, Christmas, and Easter breaks.

2. WHO CAN GET AN EMA?

If you are 16 – 19 years old and thinking of staying in further education and live in a household with an annual income of £24,421 or £26,884 (for households with more than one dependent child under the age of 16 years, or between the ages of 16 and 25 years providing they are in further or higher education) or less, you should apply for an EMA. Unless you are in receipt of Universal Credit, we assess household income using documentation to support "total gross income" - the amount earned before tax, National Insurance and pension are taken off – for the previous financial year, 6 April 2020 to 5 April 2021.

You must also attend a Learning Centre within North Ayrshire.

3. CONDITIONS FOR EMA ENTITLEMENT

To qualify for receipt of an EMA from August of any given year applicants need to satisfy the eligibility conditions covered in this section. The eligibility criteria must be applied annually, therefore an applicant will need to re-apply for an EMA on an annual basis.

Applicants will be given reasonable opportunity to provide any information that is not submitted with the original application. However, the local authority has the discretion to withdraw an EMA application where the requested information is not forthcoming after reminder letters have been issued, and will normally do so.

3.1 Age Requirements

EMAs are designed to support young people in **post-compulsory** education. Therefore, there are two intakes of eligibility to reflect the two school leaving dates in Scotland.

Autumn Intake

If your date of birth falls between 1 March 2002 and 30 September 2005 you can apply for an EMA for the full academic year from August 2021.

Winter Intake

If your date of birth falls between 1 October 2005 and 28 February 2006 you can apply for support from January 2022.

In either of these cases, please apply for an EMA early (although in some cases we will not pay it until January).

3.2 Income Requirements

Your gross taxable household income will determine your eligibility for an EMA. Where your household income is £24,421 or less you may be eligible for a weekly allowance of £30.

If you are from a household with more than one dependent child under the age of 16 years, or between the ages of 16 and 25 providing they are in further or higher education, and where your gross taxable household income is £26,884 or less you may be eligible for a weekly allowance of £30.

There are two methods of determining income, which are detailed below. .

- Where a household is in receipt of Universal Credit, we will ask for the full, and most recent Universal Credit Statement. This Statement should show the names and address of the household claimants, the monthly payment, and the breakdown of how this monthly payment has been calculated
- Where a household is not in receipt of Universal Credit, we will require documentation to support the income details which are relevant to each of an applicant's parent(s)/carer(s) for the financial year 6 April 2020 to 5 April 2021, as detailed below.

There are three groups within this category:

Employed

You will be asked to provide relevant evidence such as a **P60, Annual Tax Summary etc.**

Self-Employed

A Self-Assessment Tax Calculation form (SA302), from HMRC, will be the only acceptable evidence. Due to the nature and timing of issuing the SA302 by HMRC, this evidence may not be available until near the end of the year in which the young person is claiming EMA. For applicants with self-employed parent(s)/carer(s) we will base the assessment **provisionally** on the SA302 for the tax year prior to the application or the accountant's certificate FORM A that is included as part of the online application form. This can be obtained by visiting www.north-ayrshire.gov.uk.

Assessing the EMA provisionally will result in the young person's award being paid until week ending Friday 10 December 2021 to allow parent(s)/carer(s) time to obtain their SA302 for the relevant tax year. The award will then remain stopped and no further payments will be processed until this income evidence has been provided.

Where an award is made on a provisional basis and that award is not finalised, should a successful application be made in subsequent years, the amount previously paid will be recovered before further payments can be made.

Any parent(s)/carer(s) in the household who are employed/self-employed will need to provide evidence of income. Confirmation will also be sought for any benefits or pension income for all those people who provide details on the application form.

Unemployed – in receipt of benefit or occupational pension

Any parent(s)/carer(s) in the household who are in receipt of benefit should have Form B “**Certificate of Benefits Received**” completed by their local Department for Work & Pensions. Form B is included as part of the online application process and can be obtained by visiting www.north-ayrshire.gov.uk/EMA.

Any parent(s)/carer(s) in the household who are in receipt of Universal Credit should provide their most recent and complete Universal Credit statement showing their monthly payment and the breakdown of how this monthly payment has been calculated.

Any parent(s)/carer(s) in the household who are in receipt of an **occupational pension** should provide a **2021 P60** supporting these earnings.

Evidence of Other Dependent Children in Household

Households with more than one dependent child will have to provide evidence of 1 of the other additional dependents if income is falling between the two income thresholds. Acceptable evidence for young people aged between 16 and 25 includes original full birth certificates and confirmation of enrolment on their course of study.

3.3 Residential Requirements

To be residentially eligible for an EMA, a young person 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 residence criteria are: -

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. For applications made under the winter intake this day will be the first day of the first term in the new calendar year.

➤ Ordinarily Resident

Young people must satisfy “ordinary residence” criteria 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.

There are situations where a young person can be considered to have met the requirements even if they have 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 Education Maintenance Allowances (Scotland) Regulations 2007.

The Education (Fees and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2017 made the following changes to ordinary residence criteria for non-UK and non-EU national who has lived in the UK for a significant part of his or her life (if under the age of 18, a period of at least 7 years prior to commencing study or if over 18, half their life or a period of 20 years) but who does not have an unrestricted right to remain in the UK under immigration law to qualify for student support. They are now eligible to receive EMA (subject to other eligibility criteria) providing:

- Under the age of 18, has lived in the UK throughout the 7-year period preceding the qualifying date, or
- Aged 18 years and above, preceding the qualifying date, has lived in the UK throughout either half their life or a period of 20 years.

➤ **UK Settled Status**

The residency requirements for UK citizens are that the young person 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.

➤ **Right of Permanent Residence**

Those who have settled status, such as a UK national (or family member), or those who have a right of residence in the UK, will be eligible to apply, provided that they have been ordinarily resident in the EEA or Switzerland for the three year period.

Where the three-year residence in the EEA or Switzerland has been for the purposes of education, they will also require to have been resident in the EEA or Switzerland prior to that period of study. Exceptions may apply when the young person has been outwith the relevant area as detailed in Schedule 2 of the regulations.

➤ **European Economic Area (EEA) and Swiss Employed Persons or Migrant Workers (Including Self-Employed)**

A person who is an EEA Migrant Worker, an EEA or Swiss employed/ self-employed person, or who is the family member of such a person, and is undertaking full-time non-advanced education in Scotland, may be eligible to apply for an EMA, provided they have been ordinarily resident **in the European Economic Area or Switzerland** throughout the immediately preceding three year period, and is ordinarily resident **in Scotland** on the qualifying date.

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

➤ **European Economic Area (EEA) Frontier Workers and Swiss Frontier Employed Persons (Including Frontier Self-Employed)**

A person who is an EEA or Swiss national who is either a worker or employed (for Swiss Nationals) in the UK, who resides in Switzerland or in the territory of an EEA state other than the UK, may be eligible to apply for an EMA, provided they have been ordinarily resident **in the European Economic Area or Switzerland** throughout the immediately preceding three year period.

➤ **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, civil partner or child of such a person) are entitled to apply for an EMA provided that 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)**

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 (or the spouse, civil partner or child of such a person) are eligible to apply for an EMA 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.

These applicants should have a letter from the Home Office which indicates that they **have not been recognised as a refugee**, and **detail the leave granted**.

➤ **EU Temporary Protection**

Young people who have been granted EU Temporary Protection and are **under 18** at the start of their course 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.

➤ **Non-UK EU Nationals**

An applicant who is a Non-UK EU national (or is the child of such a person) may be eligible to apply for an EMA, provided they are ordinarily resident **in Scotland on the qualifying date and have been ordinarily resident in the UK and Islands throughout the preceding three year period**.

Where the residence during the three-year period has been wholly or mainly, for the purposes of education, they may still be eligible provided that they were ordinarily resident in the EEA or Switzerland immediately before the start of that three year period.

➤ **Child of a Swiss National**

A young person who is the child of a Swiss national will be eligible to apply for an EMA, 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 during the three-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 three-year period.

➤ **Child of Turkish Worker**

A young person who is the child of a Turkish worker may be eligible to apply for an EMA, provided they are ordinarily resident in Scotland on the qualifying date and have been ordinarily resident in the EEA, Switzerland or Turkey throughout the preceding three years.

➤ **Iraqi Nationals (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.

Iraqi nationals, or their children, will be eligible provided they have been granted Indefinite Leave to Enter (ILE) the UK under LESAS, have been ordinarily resident in the UK and Islands at all times since they were first granted ILE and are ordinarily resident in Scotland on the qualifying date.

➤ **Syrian Vulnerable Person Relocation Scheme (VPRS)**

Syrian nationals (or those who are the spouse, civil partner or child of such a person) who entered the United Kingdom through the Syrian VPRS will be eligible provided they have been granted humanitarian protection to enter the UK under the Syrian VPRS, have been resident in the UK and Islands at all times since they were granted humanitarian protection, and are ordinarily resident in Scotland on the qualifying date.

3.4 Course Requirements

You must have an acceptable Learning Agreement in place, and you must adhere to the conditions of this Agreement. EMA payments will not be made until an acceptable Learning Agreement has been agreed and verified by your Learning Centre.

You must normally be on a recognised full-time non-advanced course of study. If you are repeating a same level course, for example retaking Highers, or in your second year at a course of a similar or lower academic standard, you are still eligible for an EMA provided that the Learning Centre agrees that the end result is providing you with a stretching objective.

3.5 Short Courses

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

3.6 If You Leave Your Course

If you previously started a course and leave early you are still eligible for future funding, up to a maximum of three years in total. When you apply for the EMA for your second course, provided that you satisfy the eligibility criteria, you can be considered from the start of your new course up to the point that you have received a total of three years funding.

3.7 If You Change Courses During the Academic Year

You will still be eligible for an EMA for the new course provided you and your course continue to meet the eligibility criteria. An amended or renewed Learning Agreement would require to be set up and signed.

3.8 If You Move Learning Centre During the Academic Year

If you move school outwith North Ayrshire, you will have to apply to the local authority where that school is located. This will not affect your entitlement to EMA weekly payments, provided that you renew your EMA Learning Agreement.

Alternatively, if you leave school to attend college, you will have to apply to the college for an EMA. Again, this will not affect your entitlement to EMA weekly payments, provided that you renew your EMA Learning Agreement.

3.9 If You are on Work Experience During Term Time

You will continue to receive payments, but only if this work experience is a pre-arranged integral part of the course, takes place during term time, and you do not receive a wage.

3.10 Hours Per Week

For EMA purposes “full-time” means **at least 21** guided learning hours per week.

You can attend separate courses which individually are less than 21 hours, provided that they amount to 21 hours together and are integrated into the EMA Learning Agreement.

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

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

NOTE: A young person with additional support needs (as defined in [Supporting Children's Learning: Statutory Guidance on the Education \(Additional Support for Learning\) Scotland Act 2004 \(as amended\)](#)) may not need to be working towards a recognised educational qualification in order to receive an EMA. This will depend on their disability or additional support needs. In typical circumstances the young person will have had a formal plan as part of North Ayrshire’s staged intervention approach to meeting needs. Their Learning Agreement should therefore be constructed in such a way that the education provider is satisfied that it provides a specific tailored education package with clear aims that allow progress to be measured for that young person.

Meeting the educational needs of young people is a key challenge, critical to the creation of a fully inclusive society. As a step towards this, these guidelines have been drafted to ensure that the particular needs of young people are taken into account.

4.1 Definition of “Vulnerable”

“Vulnerable” young people are those who are at risk of non-participation and of under-achieving. The following are examples, but this is not an exclusive list:

- Young people who are, for example, teenage parents, homeless or who are estranged from their parents
- Young people who are in care or are care leavers
- Young people with caring responsibilities
- Young people in rehabilitation from illness
- Young people who are, or have been, young offenders
- Young people who are residing in secure accommodation for their own protection. (Residents of secure accommodation who are there because they have offended are not eligible to apply for an EMA).

The decision on whether a young person should get this additional flexibility will be made by the Learning Centre with support from Guidance Staff, Skills Development Scotland, Health & Social Care Partnership or Educational Psychologists who will confirm the applicant is eligible for additional support.

4.2 Extension of Eligibility Period

Local authorities will have the power to pay EMA to any young person whom it deems “vulnerable” for up to four years, as opposed to three. This will apply to any young person who has a formal plan when they finish compulsory education. They will be able to continue to receive the allowance up to the point where they have received four years support.

4.3 Attendance

A flexible weekly attendance pattern may be arranged for vulnerable young people or those with Additional Support Needs.

In temporary extenuating circumstances, for example when a young person is pregnant or has restricted mobility through illness, attendance of less than 21 hours per week may be allowed. The school must be satisfied that all other aspects of the Learning Agreement can be met and that the course can be completed satisfactorily.

4.4 Learning Agreement

The requirement for parent/carer authorisation will be waived for young people who are estranged from their families and assessed as independent (see Section 10 for explanation of independent) for state benefit purposes. This may include students who are in care.

4.5 Exceptions to the Financial Assessment Process

The local authority will assess the income of some young people in their own right. These include:

- Estranged young people, care leavers or teenage parents receiving benefits in their own right.
- All eligible young people in the care of their local authority, such as those living in foster care, children's homes or supported housing, would be treated as "independent" for the purposes of EMA, and would automatically be eligible for EMA payments without recourse to parental income assessment. Such young people would be required to provide a letter at the time of application from the local authority stating that they were in the care of the local authority.

5. YOUNG PEOPLE IN HOME EDUCATION

EMAs will be available to eligible young people who are undertaking full-time non-advanced level of study by home education. Young people, applying for an EMA as home educated, must have a history of home education prior to reaching their official school leaving date.

Where a home educated young person is known to the Local Authority, we will confirm the history of home education with the appropriate Senior Manager in our Education Service. This manager will be required to verify that there is a suitable learning agreement or equivalent in place.

Where a home educated young person is not known to the Local Authority a meeting will require to be arranged with a Senior Manager, Education Service, who will be required to verify that there is a history of home education and a suitable learning agreement or equivalent in place. Documentary evidence may be required to be brought to this meeting.

The EMA programme will be administered for these young people by the local authority in which the home education is based. Applications should be made to the local authority.

Given the nature of home education, there will be particular elements of the EMA programme which will vary. This section sets out those elements.

5.1 Eligibility of Young Person

Young people who are home educated will be subject to the same age criteria as those young people in schools. Young people 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 education, this will ensure that all eligible local authority young people begin to receive their EMA at the same point in the year, regardless of the form of education they are undertaking.

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

5.2 Eligibility of Learning

Eligible young people can be home educated full-time, or in conjunction with attendance at a Learning Centre. The local authority should be content that the home education is efficient and suitable for the child, and on a full-time basis.

5.3 Attendance Requirements

In order to be eligible for the weekly allowance, young people who are home educated will be required to meet the 100% attendance requirement.

5.4 Progression and Qualifications

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

5.5 Learning Agreement

In order to receive an EMA, **all** young people must have an acceptable Learning Agreement (or equivalent) in place. For home-educated young people, this may be a plan of education agreed between the responsible adult and the young people.

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, the EMA should be granted.

5.6 Required Signatures

The Learning Agreement (or equivalent) should be authorised by the young person and the adult educator or parent/carer responsible, and by a representative of the local authority if required. Where the young person attends school/college part-time an appropriate representative of the school/college should also authorise the Learning Agreement. All parties should fully understand their responsibilities within the agreement. The responsible parent/carer/education provider should ensure the Learning Agreement is clear and unambiguous about the proposed programme of learning.

6. AMBITION AGREEMENTS

Some young people are not ready or able to progress to further formal learning at their school leaving date. An Ambition Agreement is an agreement between a young person and an advisor that the young person will take part in a programme of learning and activity which helps them to become ready for formal learning or employment. The young person may receive an allowance in return for complying with this agreement.

6.1 Eligibility of Young Person

Ambition Agreements are focused on young people who are leaving school and likely to enter a negative destination. Participation on an Ambition Agreement will be by Key Worker/Trusted Professional referral only. For EMA purposes, young people on Ambition Agreements will be subject to the same age criteria as young people in schools.

6.2 EMA Income Assessment

The EMA is means tested and eligibility will depend on household income and whether there is more than one dependent child in the household. The same rules for income assessment apply to young people on Ambition Agreements as those receiving an EMA in school and, unless a household is in receipt of Universal Credit, is based on gross taxable household income for the previous financial year.

6.3 Benefits

Young People on Jobseekers Allowance can take part in an Ambition Agreement, subject to the number of hours allowed by Jobcentre Plus rules. However, they cannot receive an EMA whilst receiving this benefit.

6.4 Duration of Allowance

Local Authorities will have the power to pay EMA to any young person whom it deems “vulnerable” for up to 4 years EMA. For the purpose of Ambition Agreements, all young people will be considered as vulnerable.

For Ambition Agreements, payments can be made for a full year (i.e. up to 52 weeks per year). Young people on Ambition Agreements can receive payments outwith the normal school term as their learning may not follow the academic year.

Young people on Ambition Agreements can have their EMA payments backdated to the first day of engagement on their activity, providing they have applied for EMA within 6 weeks of commencement and this is within the current financial year. Unfortunately, we are unable to make backpayments over financial years.

6.5 Attendance Requirements

A flexible weekly attendance pattern may be arranged for young people on Ambition Agreements and attendance of less than 21 hours per week may be allowed. This may include low engagement in an activity to begin with and progressing towards greater engagement.

6.6 Learning Agreement

The requirement for parent/carer authorisation will be waived for young people on Ambition Agreements and this agreement will instead be signed off by the young person and their Key Worker/Trusted Professional.

7. ADMINISTRATION OF EMAs

Where a young person is living in one local authority area and is attending a Learning Centre in another, responsibility for payments fall with the local authority in which their Learning Centre is situated.

If a young person is attending a school and a college, the local authority in which the school is situated will be responsible for making the EMA payment.

If a young person is attending college only, the young person should apply directly to the college they are attending.

8. WHY AN EMA PAYMENT MAY BE STOPPED

➤ **Persistent Latecomings over the duration of a course**

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

➤ **Conduct**

When a young person is not complying with the school's discipline policy, the Learning Centre can contact the Education Service and request that EMA payments be stopped for that young person.

➤ **Absence**

Young people must maintain 100% attendance. When attendance falls below 100% in any week, payment will not be made for that week.

➤ **Progress**

EMA payments can be stopped if young people do not make progress in their studies.

For information on Appeals/Complaints see Section 17, page 24.

9. IN-YEAR ASSESSMENTS

Assessment may be allowed in-year where income has fallen from over £26,884 or £24,421 to within the EMA thresholds.

Any requests for in-year assessments should be made in writing, and relevant evidence will need to be provided confirming the change in circumstance, the date of change in circumstance and the current level of household income. Should income for the current financial year fall to within the EMA thresholds, any EMA award will be paid on a **provisional basis**.

Assessing the EMA provisionally will result in the young person's award being paid until week ending Friday 10 December 2021. We will then stop the award and look for further information to check that income details provided remain unchanged. No further payments will be made until the award can be finalised.

Where an award is made on a provisional basis and that award is not finalised, should a successful application be made in subsequent years, the amount previously paid will be recovered before any future payments can be made.

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

10. INDEPENDENT YOUNG PEOPLE

A young person is classed as independent if:

- They are estranged from their parent(s)/carer(s)
- They are a parent to whom child benefit is being paid
- They are married or in a civil partnership
- They are in the care of their local authority
- They are care leavers
- They receive income support in their own right

Evidence will be requested to confirm independent status eg benefits notice, letter from local authority. No information on parental income will be required.

11. EMA LEARNING AGREEMENT

To be eligible for an EMA, young people must have an acceptable Learning Agreement in place.

The Learning Agreement is included as part of the EMA application process and is an agreement between the young person and a Learning Centre that spells out the learning that will be offered and the responsibilities of both the young person and the Learning Centre. It is the young person's responsibility to ensure that they have a valid Learning Agreement.

A new Learning Agreement should be completed for each academic year.

The local authority may discontinue EMA payments where the information supplied by the Learning Centre states that the young person has failed to comply with their Learning Agreement. Where the learning programme is undertaken at more than one Learning Centre, the young person will require a separate EMA Learning Agreement, signed by all parties, for each Learning Centre at which he/she is registered, or 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 Learning Centre, the EMA Learning Agreement can be amended and will remain valid for EMA payments provided that the variation is authorised by the young person, parent/carers and the Learning Centre concerned. Where a young person changes Learning Centre mid-year, a new EMA Learning Agreement, signed by young person, Learning Centre and parent/carers, will be required. The onus will be on the young person to ensure that he/she has a valid Learning Agreement.

Young people will be given a reasonable timescale in order for an acceptable EMA Learning Agreement to be put in place. Where the Learning Agreement is not in place further to a reminder letter from the local authority, the local authority has the right to withdraw the EMA award.

12. GENERAL CONDITIONS FOR EMA SUPPORT

- Your date of birth must fall between 1 March 2002 and 28 February 2006
- You must live in a household with an annual income of:
 - £24,421 or
 - £26,884 (for households who have more than one dependent child under the age of 16 years, or up to the age of 25 years providing they are in further or higher education) or less.
- You must meet the residential requirements
- You must attend a Learning Centre for a minimum of 21 hours of programmed study each week (see Section 4 for exceptions)
- You must sign a Learning Agreement
- You must have 100% attendance (you will be allowed to self-certify for up to 5 full days/10 half days absence in an academic session)

13. ATTENDANCE/ABSENCE

You are required to have 100% attendance to qualify for your weekly EMA payment. You will not be paid for part attendance.

If you are unfit to attend your Learning Centre you will be required to produce documentary evidence.

Long Term Absence

Where you are absent due to illness for a period of more than 5 working days, a medical certificate should be obtained from your GP in order for EMA to be paid for those weeks.

Please note some GPs may charge for issuing medical certificates and this will have to be requested at your own expense.

A periodic medical absence that extends over a period of **3 weeks** will be the subject of review.

GPs should not be approached for medical certificates for periods of absence which are shorter than 5 consecutive days.

Short Term Absence

In addition to the above you will be able to self-certify short term absences due to illness for up to **5 full days/10 half days** in an academic session. However, in the event of this allowance being exhausted, followed by any further periods of absence which are less than 5 consecutive days, EMA payments will not be paid for those weeks.

If you are absent for reasons other than illness, for example interviews, dental or hospital appointments, you should tell your Learning Centre immediately.

Absence due to the illness of someone other than the young person will not be counted 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 that adult. The Business Manager, EMA Department, Education Service, will decide whether this action is appropriate, depending on individual circumstances.

Holidays taken within term time are not considered as authorised absence unless under exceptional circumstances.

14. HOW WILL YOU GET PAID?

EMA payments are for weekly attendance and will be made in two weekly instalments in arrears. Payment to you is made on an instruction from the Learning Centre to the local authority. Payment will be made through the BACS system directly into the applicant's bank account. Payment cannot be made without the existence of an EMA Learning Agreement.

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

15. LATE APPLICATIONS

It is possible that a young person might start their course and only hear about EMAs afterwards. Payment of arrears can be made to the beginning of the current term if the application is received by the cut off date (see details below).

Autumn Intake

If application is made before **30 September 2021** payment will be backdated to the beginning of the academic year, provided that the Learning Agreement criteria has been met. Applications received from 1 October 2021 onwards are eligible for backpayment from the Monday of the week in which the original application was received provided that the Learning Agreement criteria has been met.

Winter Intake

If application is made before **28 February 2022** payment can be backdated to the beginning of that term, provided that the Learning Agreement criteria has been met. Applications received from 1 March 2022 are eligible for backpayment from the Monday of the week in which the original application was received provided that the Learning Agreement criteria has been met.

In all cases, the onus is on the young person 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.

Applications will only be processed for the academic session 2021/2022 until **31 March 2022**. No applications will be accepted after this date. Applications which have been received by this deadline, but are incomplete and awaiting information, will be withdrawn on this date.

16. OVERPAYMENTS

The local authority will claim back any amount that has been overpaid.

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 too much because:

- You have not told us about any change in your circumstances
- You have withdrawn from the course and we were not notified
- 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

We have a right and a duty to reclaim any overpayments we have made, for any reason, and will normally do so.

17. APPEALS & COMPLAINTS PROCEDURE

If you are refused EMA support and disagree with our decision, or, you have submitted a late application and disagree with our decision not to backdate your EMA award, you may submit an EMA appeal.

EMA appeals **must** be lodged within one calendar month of the date of the email/letter notifying you of the decision:-

- in writing to People & ICT, (EMA Appeal), Business Support, North Ayrshire Council, 3rd Floor West, Cunninghame House, IRVINE, KA12 8EE
- by email to ema@north-ayrshire.gov.uk

You will have been informed of the reason(s) your application was refused and any appeal on your behalf should clearly state the grounds for appeal. You should supply any new information or facts to assist your appeal which you think will help. Where you are appealing against the decision not to backdate your EMA award we would require evidence of extenuating circumstances e.g. medical certificate, support letter from school verifying the circumstances etc.

Once your appeal has been received this, along with your EMA record, will then be passed to a Manager within the Education Service for consideration and you will be advised by email or in writing of the outcome. **If your appeal is unsuccessful, there is no further right of appeal.**

17.1 Schools Appeals - Stoppage of Weekly Allowance

Appeals against the stoppage of your weekly allowance should be made directly to your school/learning centre. However, where the issue cannot be resolved with your school/learning centre you can lodge an appeal as above.

17.2 Complaints Procedure

North Ayrshire Council expects to receive and process hundreds of EMA applications. A large number of these applications will be received by our EMA team between June and September and the Council undertakes to deal efficiently with the processing of each person's application.

However, if you feel that something has gone wrong, which cannot be dealt with under our EMA appeals procedure above, you can lodge a formal complaint.

You can lodge your complaint:

- online by visiting www.north-ayrshire.gov.uk
- by telephoning the Education Service on 01294 324400
- in writing to: Customer Complaint Team, Cunninghame House, Irvine, KA12 8EE
- in person at any of our public facing offices.

18. CONDITIONS OF AWARD

An EMA is awarded to help you financially with your studies. To receive an EMA, you must have an acceptable Learning Agreement and 100% attendance.

If you are successful in getting an EMA, we will send you a Notice of Entitlement explaining a number of conditions. Your payments will then commence once we have received confirmation from your Learning Centre that an acceptable EMA Learning Agreement is in place.

If you fail to keep to any of the conditions attached to your EMA award, your payments will stop **without warning** and we will send you an account if there has been any overpayment.

You must contact the EMA Section immediately if:

- Your parent(s)/carer(s) financial circumstances change
- You change your bank details
- You decide not to continue with your course

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

19. WHEN TO APPLY

Due to the large volume of applications which are received during the summer holiday period, we would encourage you to apply by 30 June 2021. This will give enough time to have your award in place for the start of the session in August.

20. ACKNOWLEDGEMENT

We will acknowledge that we have received your application and return your documents, where applicable, to you as soon as possible. **If you have not received an acknowledgement or your documents returned within five weeks of sending, please email the EMA Section (ema@north-ayrshire.gov.uk) to check that we have received them.**

21. APPLYING FOR EMA

Applications should be submitted online by visiting www.north-ayrshire.gov.uk/EMA.

Once you have submitted your application online you should, if applicable, provide supporting documentation.

You can provide the required information/documentation using the following options:

Online using case reference

https://www.online.north-ayrshire.gov.uk/OnlineServices/EMA/EMA_Update.aspx

I would advise you that the above method of providing required information/documentation is our preference and will reduce the processing time of your application.

Alternatively, you can email scanned copies or photographs of the required documentation to ema@north-ayrshire.gov.uk.

If you are unable to submit your documentation online or by email you can send by post to:

North Ayrshire Council
People & ICT
Business Support (EMA Section)
3rd Floor West
Cunninghame House
IRVINE
KA12 8EE

Please note that there may be a delay in processing documentation received via post due to the current reduction in services.

If you are submitting your documentation by post please mark "EMA APPLICATION" on the envelope.

A First Class stamp will not be sufficient postage when sending in your completed application form. Please check postage prior to sending in your form.

To enable us to return your personal documents you should enclose a stamped self-addressed envelope 9" x 6" in size.

If you have any queries with regards to completing the EMA application form, please email ema@north-ayrshire.gov.uk.

22. HOW WE WILL LOOK AFTER YOUR INFORMATION

Education Maintenance Allowance (EMA) is a programme funded by the Scottish Government and administered by Local Authorities for schools throughout Scotland. As we administer the scheme on behalf of the Scottish Government it is necessary for us to share your personal data with them.

In order to manage your application, it is necessary for the Council to handle your personal data to validate your application. Information you provide will be stored safely and securely on our systems for the purposes of assessment, award, payment and, where necessary, recovery of the EMA.

We may obtain information about you from other Local Authorities, HMRC, DWP, or provide information to them, to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, for research or statistical purposes, as permitted by law.

We will not disclose information about you to anyone outside our local authority unless the law permits us to.

For further information about your information rights you may wish to view our privacy policy <https://www.north-ayrshire.gov.uk/privacy-policy.aspx>.

Parents/Carers should note that the income scales used to determine the EMA award will be shown on the notice of entitlement issued directly to young people.