



Education & Cultural Services

Policy: Education Maintenance Allowance

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1. INTRODUCTION

- 1.1 EMA is governed by the Education Maintenance Allowances (Scotland) Regulations 2004 issued by Scottish Ministers in terms of Section 73(f) of the Education (Scotland) Act 1980.
- 1.2 Education authorities are required by a Ministerial directive to pay EMA to entitled students in schools (including those in private schools and in home education) in their areas.
- 1.3 EMA comprises two elements - a means-tested weekly-based allowance of £10, £20 or £30 (**please note new applicants will only be eligible to £30 per week, see new eligibility rules regarding household income in 5.1**), depending on household income; and a periodic bonus of £150. Allowances are paid directly to students' bank accounts (**See 6 PAYMENT**).
- 1.4 EMA is payable by the Scottish colleges for comparable students in the FE sector and equivalent schemes operate throughout the UK.

2. APPLICATIONS

- 2.1 Application forms are issued by Support Services, Education & Cultural Services, West Lothian Civic Centre, Livingston during Term 3 to the home addresses of all students on the school roll who will become eligible, in terms of age, for EMA during the following session.
- 2.2 The application is in two parts: (1) a student detail / bank account / family income form returnable to West Lothian Civic Centre to facilitate assessment of allowance and (2) a proforma Learning Agreement to be signed by the student and parent/carer and returned to the school for signature by guidance staff.

3. LEARNING AGREEMENT & GUIDANCE

- 3.1 A proforma Learning Agreement is issued with each application form for completion by the student and return to the school. The agreement must be signed by the student, his/her parent and on behalf of the school before EMA allowance can be paid.
- 3.2 Students are to be interviewed by guidance staff at the time of signing a Learning Agreement to ensure that objectives are negotiated and jointly understood. Clear objectives, staged targets and homework guidelines will make it evident subsequently as to whether the terms of the agreement have been met.

4. ELIGIBILITY

4.1 Age

Students must be over school leaving age, i.e. attain 16 years of age on or before the last day of September in the session for which an award is made. Students who become 16 after 30 September and before the last day of February (i.e. Christmas leavers) are eligible for EMA in terms 2 and 3 only. In the current 2009/2010 school session a student must have been born between 01 March 1990 and 28 February 1994 to be eligible for EMA.

4.2 Residence

Students must meet one of the following residence criteria:

- a (i) be ordinarily resident in the UK on the first day of the school term for which the EMA is sought; and
(ii) have been ordinarily resident in the UK for the preceding 3 years; and
(iii) be settled in the UK within the meaning of the Immigration Act;
- b be, or be or the spouse or child of, an EEA migrant worker;
- c be, or be the spouse or child of, a refugee, granted 'leave to remain' or 'entitled to temporary protection'.

4.3 Course

The programme of study is expected to consist of 21 hours per week of time-tabled study. An EMA Learning Agreement must be completed and signed by the student, parent and guidance teacher (see 7. LEARNING AGREEMENT & GUIDANCE).

4.4 Income

Gross taxable household income must be no more than £33,156 per annum. In most cases, Form TC602 'Tax Credit Award Notice' from the Inland Revenue is the only proof of income needed. Employer's certificates or Tax Notices are alternatives.

5. AWARD

5.1 EMA consists of two elements:

- a A banded, weekly-based allowance is payable for each term-time week:
- b Bonus payments of £150 payable to summer leavers in January and June, and to Christmas leavers in June only.

There are now 3 different eligibility rules in terms of assessing household income:-

- 1 Students who have been paid EMA in a previous session:-

<u>Gross Taxable Household Income</u>	<u>Weekly-based Allowance</u>
£0 - £22,403	£30
£22,404 - £27,465	£20
£27,466 - £33,156	£10

- 2 For students who have not previously been paid EMA with more than one "dependant child" in the household, the maximum threshold is £22,403.

3 For students who have not previously been paid EMA with only one “dependant child” in the household (i.e. applicant only), the maximum threshold is £20, 351.

The term “dependant child” means all those up to the age of 16 and those over the age of 16 and up to the age 25 if they are in full time further or higher education.

5.2 Applicants are informed of weekly allowance due to them in a letter of award.

6 PAYMENT

6.1 Payment of all allowances is by BACS directly into students' bank accounts. Students with severe learning difficulties without bank accounts can receive allowances into third party accounts.

6.2 Weekly-based allowances are processed fortnightly in the middle of the following week, except at the start of session when the first fortnight's allowances are processed in the 4th week of term and the second fortnight's allowances are processed in the 5th week. The final allowance of the term will be processed as soon as attendance information is available from schools.

6.3 Payments processed on a Wednesday reach individual bank accounts on the Friday.

6.4 A calendar of target payment processing dates is issued to applicants with their award letter.

7 CONDITIONS OF AWARD

7.1 Provided that all eligibility criteria are met (**see 4. ELIGIBILITY**), students are entitled to the assessed weekly-based allowance and bonus subject to the following conditions.

7.2 Exclusions and holidays in term-time are deemed unauthorised absence for EMA purposes. This may differ from other reporting procedures whereby “exclusion” and “parental holiday” may be authorised absence. ‘X’ or ‘G’ in a student's attendance in any week it will result in non-payment of that week's allowance. Leave granted for religious festivals or celebrations or for family reasons such as bereavement should be reported accordingly or explained in a separate note from the school to Support Services. This will ensure that these students do not experience unfair discrimination.

7.3 Medical absence of 5 school days or less must self-certified. A GP's certificate must be submitted for absences of 6 or more school days. Any cost incurred in obtaining a medical certificate must be met by the student. Repeated absence due to chronic ill-health can be certified by parental letter. It is expected that schools will readily identify and be making allowances for such vulnerable students. They will not be disadvantaged further by EMA restrictions.

7.4 Where a student is not complying with the school's discipline policy, EMA can be suspended or stopped (**see 7.7; 7.12**). Schools are responsible for decisions on suspension / termination of allowances to students and for informing Support Services, Education & Cultural Services, West Lothian Civic Centre, Livingston of their decisions. Support Services will correspond with students regarding non-payment.

Weekly Allowance

7.5 No payment will be made for any week in which the following events are recorded:

- a unexplained or unauthorised absence;
- b more than 2 late-comings, 'J' or 'K';

- c 'X' or 'G' . Exclusion and Parental Holiday in term-time are deemed unauthorised absence for EMA purposes.
- 7.6 Unexplained absence or lateness which is subsequently authorised will be paid retrospectively at the next processing date.
- 7.7 Weekly allowances can be suspended or stopped where a student is not complying with a Learning Agreement through, for example, failure to respond to repeated, escalated warnings to observe the school's discipline policy. The school's normal disciplinary procedures must be followed, non-compliance documented, warnings given, parental involvement invoked, etc. Where, despite these measures, a satisfactory standard of behaviour is not achieved but it is agreed that the student remains in school, a decision may be reached at school level to stop paying the weekly allowance.
- 7.8 The school may decide subsequently to restart payment but 'missed' payments will not be restored.

Bonuses

- 7.9 A bonus payment is payable in January to students who:
- a reached school leaving age at the previous summer leaving date (not Christmas leavers);
 - b have an overall attendance record (actual + authorised absence) of not less than 95% in Term 1;
 - c adhered to the terms of their Learning Agreement.
- 7.10 A bonus payment is payable at the end of the session, in July, to students who:
- a are summer or Christmas leavers;
 - b have an overall attendance record (actual + authorised absence) of not less than 95% in Term 2 and Term 3;
 - c adhered to the terms of their Learning Agreement;
 - d are recorded by the school as having attended all examinations associated with the course of study described in their Learning Agreement.
- 7.11 Bonus will not be paid to any student whose attendance record shows more than 5% unauthorised absence in the preceding period of entitlement to EMA, nor if overall termly attendance is below 95% as a result of absence due to Exclusion or Parental Holiday in term-time. Bonus payments are also dependent on the student adhering to the terms of their Learning Agreement. Schools will consider decisions to pay bonuses on an individual basis.
- 7.12 Satisfactory completion of course-work, appropriate behaviour/attitude, attendance record, and compliance with the school's policies, e.g., on behaviour, homework, dress, etc, are all seen as conditions of the Learning Agreement and are prerequisites for payment of the bonus. Where 'concerns' over progress, or warnings on discipline or behaviour remain unsatisfactorily addressed by a student, a bonus should not be authorised. Additionally, the end-of-session bonus is subject to students undertaking all of the examinations and assessments associated with their agreed course.
- 7.13 Schools are to inform Support Services, Education & Cultural Services, West Lothain Civic Centre, Livingston of their decisions. It is important that decisions to suspend or terminate allowances or to withhold bonuses are documented and supported by copies of letters of concern or other recorded warnings or sanctions issued. Support Services will correspond with students regarding non-payment.

8 APPEALS

- 8.1 Students aggrieved at officer's decisions regarding EMA entitlement or payment should appeal in writing to:
- Support Services Manager
 - Education & Cultural Services
 - West Lothian Civic Centre
 - Howden South Road
 - Livingston
 - West Lothian
 - EH54 6FF
- 8.2 Student who remain aggrieved thereafter will be informed of the procedure of final appeal to the Student Placement & Support Sub-Committee.