



## EDUCATION MAINTENANCE ALLOWANCE TERMS & CONDITIONS

This document outlines the obligations, responsibilities and processes in place in relation to Education Maintenance Allowance (**EMA**). It covers from the point an application has been submitted through to what happens once EMA is awarded. It covers your responsibilities (you will be referred to as the **applicant**), the responsibilities of your school/college (referred to as the **Learning Centre**), Childrens Services & the Local Authority.

Detailed eligibility criteria, which is set by the Scottish Government and changes year on year, is **not** included within these terms & conditions.

### Applying for EMA

- Up to date information on eligibility criteria, allowance amount and application deadlines will be available on the Shetland Islands Council website.
- Applicants must ensure the information supplied on the EMA application form is true, complete and accurate.
- Applicants must supply a valid email address with their application. All communication such as requests for supporting evidence and award or refusal letters will be sent by email.
- Applicants should be aware that during the application process they will be asked to supply evidence to support their application. Applications cannot be processed until sufficient evidence is supplied.
- Applicants must understand that relevant information may be passed on to third parties within the Local Authority.
- Assessment on eligibility for EMA is made on the gross taxable income for the household for the previous financial year.
- A new application and supporting evidence is required for each academic year.

### Application Deadlines & Back payments

- Applications from those who are 16 on or before 30<sup>th</sup> September can be backdated to the start of term in August where the application is received before 30<sup>th</sup> September.
- Applications from those who turn 16 between 1<sup>st</sup> October and 28<sup>th</sup> February can be backdated to the start of term in January where the application is received before 28<sup>th</sup> February.
- Applicants who apply after the above deadlines will be due payments from the week the application is submitted.

- The cut-off date for processing application forms for the academic year is **31<sup>st</sup> March** of that academic year. No applications will be processed after this date.
- Applicants participating in an Activity Agreement should apply for EMA no later than 6 weeks after commencement on the Activity Agreement in order to have their payments backdated.
- Childrens Services cannot make backdated payments across financial years under any circumstances.

### **Learning Agreements**

- The Award Letter supplied to applicants on approval of their EMA award will contain information on how to access the Learning Agreement Form
- Applicants must complete a Learning Agreement form before payments will commence.
- The Learning Agreement must be completed and submitted no later than the **30<sup>th</sup> November** for those eligible from August and **31<sup>st</sup> March** for those eligible from January
- Applicants must adhere to the terms and conditions of the Learning Agreement (attendance, attainment, behaviour and attitude) or EMA payments will be stopped immediately.
- Applicants must attend their Learning Centre as per the Learning Agreement – e.g. for those at school this will normally be for a minimum of 21 hours per week.
- Any changes to a Learning Agreement must be verified by the Learning Centre. Failure to notify and agree changes may affect payments.

### **Activity Agreements & EMA**

- Flexibility and additional support is extended to vulnerable young people. For the purposes of EMA all young people participating in an Activity Agreement are considered vulnerable.
- Childrens Services acknowledge that often those on Activity Agreements follow a more flexible timetable. This should be reflected in the information provided in application & learning agreement form.
- Activity agreement applicants may receive EMA payments during school holiday periods (Easter, Summer, October), where they are timetabled to attend and continue meet the attendance requirements.

### **Attending Part Time & EMA**

- Some applicants attending non-advanced college courses may do so on a part-time basis and can be eligible for EMA
- A part time course is defined as being between 1 and 16 hours per week of study
- Part-time applicants are subject to the attendance requirements set out in this document

## Receiving Payments

- EMA payments are made **fortnightly in arrears** and will be paid directly into the applicants bank account supplied.
- Payments will be made in accordance with the 'Payment Schedule' – a copy of the payment schedule will be enclosed with the EMA award letter.
- Bank accounts must be in the name of the applicant. The SIC cannot make EMA payments to parent/carer accounts, or parentally controlled accounts such as GoHenry, Nimbl, etc.
- It is the applicant's responsibility to ensure the bank account details provided on the application form are accurate.
- Students with a high level of additional support needs who do not have a bank account may receive allowances into third party accounts, where appropriate.
- Changes to bank account details must be given in writing to the Children's Services Department at least 7 days in advance of the next payment date.

## Attendance, Absence & Withheld Payments

- Applicants will only receive an EMA payment for those weeks where 100% of agreed attendance has been maintained.
- Applicants will receive payments for term time only. Payments will not be due for breaks at Easter, Christmas, October or during the summer. This does not apply to students who are attending through an Activity Agreement.
- Payments will only be due for weeks where the Learning Centre is open to learners for 3 or more days – i.e. applicants returning after Easter holidays on a Thursday, the week would not be payable
- Absences authorised by the Learning Centre will be accepted. These may include;
  - **Appointments** – medical, doctors or dental appointments
  - **Study leave**
  - **Periods of illness** which are longer than 5 days where a doctors certificate is supplied
  - **Closure due to unforeseen circumstances** where the Learning Centre is closed to learners due to unforeseen circumstances e.g. weather related closure, industrial action strike closure
  - **Work experience** where this is agreed by the Learning Centre
  - **Sporting events** where this is agreed by the Learning Centre
  - **Family Circumstances** e.g. bereavement, childcare review, wedding of an immediate family member, court appearance, religious holidays
  - **Trips** where they are organised by the Learning Centre
- Absences detailed below will result in payment being **withheld** for the week;
  - **Self-certified absences** - a maximum of **5 days** self-certified absence may be accepted in any term. This will be on pro-rata basis for applicants who attend part-time. Thereafter, payment will be withheld for any week in which there is a self-certified absence.
  - **Lateness** - if an applicant is late on more than two occasions (am or pm) in any week, or late beyond 10.30am or 2.30pm on any one day.

- **Unauthorised Absence** - payment will be withheld for any week where there is an unauthorised absence.
  - **Exclusion** - where an applicant is excluded from the Learning Centre weekly payments will be suspended, and will only commence on the first full week of readmission.
  - **Holidays during term time** – where the applicant is absent at any time in the week due to a holiday, payment will be withheld for that week.
- A Learning Centre should be notified before or on the first day of absence and applicants should continue to notify their Learning Centre of absence if it continues.
  - For a period of illness, where the applicant has been hospitalised or is absent for Medical appointments, these will not be counted towards the 5 days of self-certified absence.
  - A doctors certificate from your doctor or from the hospital should be obtained where appropriate (if the absence lasts more than 5 consecutive days) and a copy must be submitted to Children’s Services.
  - For periods of illness where an applicant is continually absent for more than 3 weeks, the EMA award may be reviewed.
  - **Should you wish to appeal against the allocation or non-payment of the award, you should do so in writing to Childrens Services, stating the reasons for appeal and providing supporting evidence.**

### **Overpayments**

- An overpayment can occur for many reasons, the most common of which are listed below:
  - The applicant has not informed Childrens Services about any change in circumstances.
  - The applicant has withdrawn from the course and has not notified Childrens Services.
  - The EMA award was made was based on incorrect information supplied by the applicant
  - The school has updated the applicant’s attendance record after payments have been processed.
  - Childrens Services have made an administrative error with regard to the applicant’s payments.
- Any overpayment of EMA award will be recovered either from weekly payments until all monies owing are paid in full or an invoice will be issued.
- Applicants must inform the Children’s Services Department of any change of address, contact details or changes in circumstances within 5 working days of the alteration.

### **Provisional Awards**

- Some applicants will receive a provisional award. This means an estimate of household income is used in order to assess the application.
- The most common situation for this is when parents/carers are self-employed and the household income is not known at the time of application, or in cases where the household income has dropped which means it is not suitable to use income for the previous financial year.
- Childrens Services will write to the all in receipt of a provisional award by **31<sup>st</sup> December** to request evidence to finalise the award. If no information is received by the deadline given, payments will be suspended.

### **Award Duration**

- An EMA award will remain valid until the end of the school year (normally end of June), or until an applicant leaves school/college or disengages from their activity agreement, whichever comes first.
- An applicant will be eligible for payment for the last full week which they attend.
- Should an applicant intend to continue in education for another academic year they will need to re-apply for EMA, as entitlement is assessed annually.
- School summer leavers are normally recorded as leaving on **31<sup>st</sup> May** each year and no further payment will be made for the remainder of the term.