

# Pupil Handbook

# 2011 / 12



**Falkirk Council**  
*Education Services*

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# INTRODUCTION

Your entitlement to an Education Maintenance Allowance (EMA) has been confirmed and I am pleased to provide you with a copy of the EMA School Handbook for 2011-12.

The handbook includes payment dates for the year and EMA procedures, including what to do if you are absent from school. Please keep this safe and follow instructions as required. If you need any further information please don't hesitate to contact your school or the Finance Team.

## FINANCE TEAM CONTACT

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Regular news, including payment dates, is available from the Falkirk EMA blog:  
<https://blogs.glowscotland.org.uk/fa/FalkirkEMA/>

Further information can also be obtained from the EMA page of the Falkirk Council website: [www.falkirk.gov.uk/ema](http://www.falkirk.gov.uk/ema) or from the Falkirk EMA group on



## 1. Type of Award

There are two types of Education Maintenance Allowance awards:

### 1.1 EMA 1

This applies to pupils who are 16 between 01.03.2009 and 30.09.2011. This award is payable from August 2011.

If your application form is received by 30.09.2011, payment will be made from the start of the Autumn Term. Any application forms received after 30.09.2011 will be paid from the date your application is received. No payment can be made until your Learning Choices Agreement is signed and returned to school (See 2.0 of this booklet).

### 1.2 EMA 2

This applies to pupils who are 16 between 01.10.2011 and 28.02.2012. This award is payable from January 2012.

If your application form is received by 28.02.2012, payment will be made from the start of the spring term. Any application forms received after 28.02.2012 will be paid from the date your application is received. No payment can be made until your Learning Choices Agreement is signed and returned to school (See 2.0 of this booklet).

## 2. Learning Choices Agreement

A Learning Choices Agreement is like a contract between you and your school. It should detail the subjects you intend to study and the level to which you will work. It can also include work experience or other aspects of learning undertaken as part of your study programme. The conditions also cover your school's aims and standards of conduct - uniform policy for example, and the need to meet all elements of your study programme – such as submitting homework on time.

If you don't meet a condition of your Learning Choices Agreement, your EMA payment may be withheld.

The Learning Choices Agreement should be discussed, completed and signed by you, your parent/carer and your school. This should be done as soon as possible after receipt. You cannot receive payment until Finance Team has received a copy of your completed Learning Choices Agreement from your school. Awards which have Learning Choices Agreements outstanding for an unacceptable amount of time will be cancelled and a new application will be required. This may result in a loss of payment.

The Learning Choices Agreement is a “living” document and should be referred to throughout the academic year.

You will need to complete a new Learning Choices Agreement for each academic year.

### **3. Absence**

EMA is paid for 100% attendance in every timetabled class or learning programme and payment can be withheld for any absence during that week. Reasons for absence are based on the SCOTXED criteria, a copy of which is available from your school on request. In general, if you are absent from school, your EMA may be withheld. Guidelines for sickness absence follow:

#### **3.1 Responsibility**

You are responsible for:-

- Reporting your sickness to your school
- Obtaining, completing and returning your sickness self certification form. This is available from school or can be downloaded from the EMA page of the Falkirk Council website [www.falkirk.gov.uk/ema](http://www.falkirk.gov.uk/ema)

Your school is responsible for:-

- The recording of daily attendance patterns for pupils
- Authorising or withholding payments
- Retaining pupil attendance and absence data records
- Retaining other relevant documentation and information (e.g. letters, medical and self certification forms)

### 3.2 Sickness Absence Reporting Procedure

EMA absence procedures are in addition to normal absence guidelines at school. *A telephone call or letter from your parent/carer is not enough to authorise EMA payment.* If you miss school due to illness you should follow the following procedures:-

**On your first day of sickness absence** – you must contact the school office as soon as possible and advise the reasons for and estimated length of absence. The first school day of sickness is regarded as the first day of sickness absence.

**On your return to school** – you must fill in a Statement of Short Term Sickness Absence Form (Self Cert.) which you can get from the school office or the EMA page of the Falkirk Council website [www.falkirk.gov.uk](http://www.falkirk.gov.uk). This form must be signed by you and your parent/carer and returned to the school office within 3 days. If you don't return this, you will not be paid for the week(s) in which you were absent. Please note that your school must meet tight deadlines for payment authorisation and so it is not always possible to adjust a non-payment immediately. Any backdate due should follow on the next available payment date thereafter.

**If sickness absence continues for five school days or more** – by no later than the sixth school day, you must request a medical certificate or letter from your doctor and send this to the school office. You must submit further medical certificates to cover any continued absence. ***The medical certificate may have to be provided at your own expense.***

If you have an ongoing medical condition which may affect attendance, please contact your school for further information.

### 3.3 Medical Certificates & Absences Due to Ill Health

You must provide written evidence that you are or were unfit to attend school due to ill health. You are allowed a maximum of 5 days Self Cert absence between August and December and again between January and June. Self certificates are allowed only for genuine medical illness; your school is entitled to ask for further information should a pattern of absence appear.

It is not permitted to choose for which absence periods you provide a self-cert in order to benefit financially – all absence will be dealt with in date order. Once the 5 day threshold is reached, you will not be paid for any future medical absence in that EMA term. The only exception may be where absence is covered by a medical certificate (see 3.2 above)

### **3.4 Late Attendance**

Poor timekeeping can affect your EMA payments. If you are late 5 times, you will receive a warning letter from school. If you are then late again more than once in any one week, you will not be paid for that week. Payments will resume when acceptable levels of timekeeping are met.

### **3.5 Study Leave**

Study leave during the exam period is decided at school level and can vary from school to school. Official study leave will not affect EMA payments but you must ensure that you are not absent out with these dates – eg if study leave is confirmed as starting on a Wednesday and ending on a Thursday, you must have full attendance for the Monday, Tuesday preceding and the Friday following. Absence out with official study leave dates will result in non-payment for the relevant week. Should you not attend your exams during the period, payment will be withheld.

### **3.6 S6 Pupils**

S6 pupils are considered to have completed their course after the date of their last exam. S6 pupils have no timetabled classes after the end of official study leave and are therefore no longer eligible for weekly payments.

## **4. Changes in Circumstances**

You must write to Finance Team *immediately* if there is any change in your or your family's circumstances, for example:

- Your bank account details change
- You move house or change your email address

- You start to live with a different parent/carer
- If you leave school

Change of address and bank account advices can be downloaded from the Falkirk Council website [www.falkirk.gov.uk/ema](http://www.falkirk.gov.uk/ema) or obtained from your school. These, or any other letters, must be signed by you and not your parent/carer.

Falkirk Council Creditors department is responsible for sending payments on our behalf. For fraud prevention reasons, they may also contact you direct to confirm any change in bank details before processing the amendment.

If you move house or start to live with a different parent/carer, you must also inform your school.

## 5. DATA PROTECTION

For Data Protection reasons we may only be able to discuss certain matters with you and not your parent/carer. These include individual award amounts, confirmation of payment or reasons for withheld payment. This means that for most EMA enquiries it must be you and not your parent/carer who contacts your school or Finance Team.

The Education Maintenance Allowance (EMA) is a scheme funded by the Scottish Government and administered by Falkirk Council for schools in the Falkirk area. The Scottish Government and Falkirk Council are both data controllers in relation to your information.

The information you supply shall be used for the purpose of assessment, award, payment and where necessary, recovery of the EMA and we will provide information to the Scottish Government, all in accordance with the requirements of the Scottish Government EMA (Scotland) Business Model.

We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information about you from certain third parties, or give information to them, to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, for research and statistical purposes, as permitted by law. These third parties include other government departments.

We will not disclose information about you to anyone outside Falkirk Council unless the law permits us to.

## 6. Appeals

### 6.1 Appeals – Applications

If you are refused EMA support, or feel the amount awarded is incorrect, you may make an appeal.

This must be done in writing, within 1 calendar month of the date of the letter notifying you of this decision.

The letter must be signed by you and not your parent/carer and should be sent to the Finance Team, Education Services who will consider any additional evidence provided. You must state the reason for the appeal and your letter must be accompanied by any relevant additional evidence or information. Such evidence may be clarification of household income, written confirmation from employers if available, or a benefits statement if not already provided.

All such evidence is considered confidential under the terms of the Data Protection Act and treated accordingly.

The Appeals Process should take no longer than 14 days including any Scottish Government input/involvement. However, it is possible that some may raise issues of government policy which may require more time to resolve.

You will be notified of the result in writing and the Council will record the decision. Additional evidence or copies provided will be stored with the original application information in accordance with the terms of the Data Protection Act.

Where your appeal is successful you will receive a new Notice of Entitlement and if applicable, an EMA Learning Choices Agreement. The School will also be informed. If you qualify for extended eligibility, and there is a supporting agency, they too will be copied in on the notice. Original documents supplied will be returned under separate cover.

Where a student is successful with an appeal, they are eligible for a backpayment for previously unpaid weeks as follows:

For EMA 1 awards commencing in August '11:

- If the appeal is resolved prior to September 30th, they may be paid for each week back to the beginning of the current term providing attendance criteria have been met.
- If the appeal is resolved after September 30th, and the original application was made prior to September 30th, they may be paid for each week back to the beginning of the current term providing attendance criteria have been met.
- If the appeal is resolved after September 30th, and the original application was made after September 30th, they may be paid from the Monday of the week in which the original application was received providing attendance criteria have been met.

For EMA 2 awards commencing in January '12

- If the appeal is resolved prior to 6 weeks from the beginning of the spring term, you will be paid for each week back to the beginning of the current term providing attendance criteria have been met.
- If the appeal is resolved after 6 weeks from the beginning of spring term, and the original application was made prior to 6 weeks from the beginning of spring term, they may be paid for each week back to the beginning of the current term providing attendance criteria have been met.
- If the appeal is resolved after 6 weeks from the beginning of spring term, and the original application was made after 6 weeks from the beginning of spring term, they may be paid from the Monday of the week in which the original application was received providing attendance criteria have been met.

## **6.2 Appeals – Stoppage of Weekly Allowance**

Payments are generally withheld due to attendance. If you have a question about a withheld weekly payment you must ask your school in the first instance. Where the issue cannot be resolved with the school, you should follow the procedure of (“Appeals process – Applications”) as detailed in 6.1. Relevant supporting evidence should also be provided at time of appeal. The appeal must be made in writing within 1 calendar month of the stoppage.

## **6.3 Appeals – General**

Falkirk Council will set up an Appeals Register which details information surrounding appeals and the date of their resolution and also of their outcome.

This information will be made available to the Scottish Government EMA team on an annual basis to enable monitoring of the effectiveness of the programme.

## **6.4 Complaints**

Formal complaints about the EMA programme or EMA policies (i.e. reasons other than EMA Applications, support and stoppage of awards) will be dealt with in accordance with Falkirk Council Complaints procedures. Please contact us if you require details. The information will be recorded in a Complaints Register and forwarded to the Scottish Government EMA team on an annual basis to enable monitoring of the effectiveness of the national programme.

## 7. Terms and Conditions

1. The EMA will continue to be paid only if the pupil's attendance, conduct and progress are satisfactory. Education Services may suspend or terminate an EMA if the conditions of award are not complied with.
2. The pupil must notify their school in writing about absences.
3. The pupil must undertake a learning programme of at least 21 hours duration each week.
4. The pupil must ensure that all requirements of their learning programme are met.
5. The pupil must support the school's aims and standards of conduct.
6. The EMA may be withdrawn should attendance in any class fall below the 100% minimum requirement.
7. Education Services should be informed immediately if, through any circumstances, it is impossible for the pupil to continue his/her attendance and studies. Premature withdrawal from school may necessitate a refund of any overpayment.
8. Education Services must be provided with such information and documents are required to fully process an application.
9. Education Services must be informed of any change of income or other particulars provided, relative to the award.
10. If Education Services are not satisfied with the attendance, conduct or progress of the pupil, Education Services are entitled to seek repayment of the whole or part of the allowance as it may determine. For avoidance of doubt, such claim is considered a claim for an overpayment.
11. Where any overpayment is made, whether as a result of suspension or termination of the EMA or otherwise, then such overpayment shall fall to be repaid by the pupil and the parent/guardian on the basis of joint and several liability.

## 8. Payments

### 8.1 Payment FAQ's

#### *When is the EMA paid?*

The EMA is a weekly amount paid fortnightly in arrears, dependant on school or public holidays. There may be a break in payment around Easter and Christmas; all dates are detailed on the payment timetable. Any change to the timetable will be advised via your school or online.

#### *How is the EMA paid?*

The EMA will be paid directly into your bank account. If you change account you must inform Finance & Resources immediately. Incorrect details may result in delay or loss of payment.

#### *Will I be paid for School Holidays?*

No – you will be paid for 100% attendance at school, up to a maximum of 42 weeks. A school week is deemed to be 3 days or more. If any school week is less than 3 days, no payment will be made, however In-Service days are not included in this calculation. If you are absent at any time during a school week, your payment may be withheld. Holidays and school weeks less than 3 days for which no payment is due are highlighted on the payment timetable in blue.

#### *Does my performance at school affect the EMA?*

Yes – Payment can be withheld, without warning, based on the following:

- If attendance falls below 100% in any one week – no payment will be made for that week unless all absence has been covered by a medical certificate, self certificate (within acceptable threshold – see section 3.3) or has been authorised by your school. Lateness can also affect payments.
- If Learning Agreement conditions are not met (attainment and conduct)

#### *What period does this application cover?*

An award will be for one school year only. A new application and supporting documents must be submitted each year.

## 8.2 Payment Timetable

**Award Type EMA 1** – Payable from 22.08.11, if application received by 30.09.11 payable from date of receipt.

**Award Type EMA 2** – Payable from 09.01.12, if application received by 28.02.12 payable from date of receipt.

The dates shown below are the earliest for which payment will reach your bank account. Payment will be received no later than 7 days after the date stated.

For payment date confirmation, deadlines and EMA news, follow the Falkirk EMA blog: <https://blogs.glowscotland.org.uk/fra/falkirkEMA/>

No. of Days	Week	EMA Payment Dates	No. of Days	Week	EMA Payment Dates
4	22/08/2011	02/09/2011	2	13/02/2012	17/02/2012
5	29/08/2011	02/09/2011	4	20/02/2012	24/02/2012
5	05/09/2011	09/09/2011	5	27/02/2012	02/03/2012
4	12/09/2011	16/09/2011	5	05/03/2012	09/03/2012
5	19/09/2011	23/09/2011	5	12/03/2012	16/03/2012
5	26/09/2011	30/09/2011	5	19/03/2012	23/03/2012
5	03/10/2011	07/10/2011	5	26/03/2012	30/03/2012
5	10/10/2011	14/10/2011	0	02/04/2012	06/04/2012
0	17/10/2011	21/10/2011	0	09/04/2012	13/04/2012
5	24/10/2011	28/10/2011	5	16/04/2012	20/04/2012
5	31/10/2011	04/11/2011	5	23/04/2012	27/04/2012
5	07/11/2011	11/11/2011	5	30/04/2012	04/05/2012
3	14/11/2011	18/11/2011	4	07/05/2012	11/05/2012
5	21/11/2011	25/11/2011	5	14/05/2012	18/05/2012
5	28/11/2011	02/12/2011	5	21/05/2012	25/05/2012
5	05/12/2011	09/12/2011	5	28/05/2012	01/06/2012
5	12/12/2011	16/12/2011	5	04/06/2012	08/06/2012
4	19/12/2011	23/12/2011	5	11/06/2012	15/06/2012
0	26/12/2011	30/12/2011	5	18/06/2012	22/06/2012
0	02/01/2012	06/01/2012	5	25/06/2012	29/06/2012
5	09/01/2012	13/01/2012	190	Total	
5	16/01/2012	20/01/2012	A school week is deemed to have 3 full days or more.		
5	23/01/2012	27/01/2012	In-Service days are not counted as a holiday.		
5	30/01/2012	03/02/2012	Holidays- No payment due		
5	06/02/2012	10/02/2012			

