



Falkirk Council
Children's Services

EMA
Applicant Handbook
2018/19



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Introduction

Your entitlement to an Education Maintenance Allowance (EMA) has been confirmed.

The information in this handbook is relevant to young people studying at school or working on an approved activity agreement. It includes EMA procedures, including what to do if you're off. It forms part of the terms and conditions of your Learning Choices Agreement which you must meet in order to be paid so please follow these instructions. If you need any further information contact your school/activity agreement worker or EMA Team.

EMA Team Contact Details

Address: EMA Assessment Team
Falkirk Council One Stop Shop
Unit MSUI
Callendar Square
Falkirk
FK1 1UJ

Telephone: 01324 503850
E-mail: ema@falkirk.gov.uk

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

You can also get further information from the EMA page of the Falkirk Council website: www.falkirk.gov.uk/ema.

1 Awards

There are two main types of Education Maintenance Allowance awards:

1.1 EMA 1

If you are 16 or over on or before 30th September 2018 you can be paid EMA from August 2018, only if we get your application by 30th September 2018. If we get your application between 1st October 2018 and 31st March 2019 you can only be paid from the week that we get your application.

1.2 EMA 2

If you are 16 between 1st October 2018 and 28th February 2019 you can be paid from January 2019, only if we get your application by 28th February 2019.

If we get your application between 1st March 2019 and 31st March 2019 you can be paid from the first date we get your application.

1.3 Provisional Awards

If you've had a change in circumstances in your household or if your parents/carers are self-employed, we may decide you can get EMA 1 on a provisional (temporary) basis only. Your EMA Award letter/email will tell you if your award is provisional. Provisional applications can only be approved up to 2nd November and payments made up to 31st December only, after which time the entitlement will be suspended. You'll need to send us all outstanding information to allow us to reassess your application. Should you no longer be entitled to EMA, or if you don't send us the required information, you may need to repay all payments already received. This may include recovery from payments in future EMA sessions if necessary.

1.4 Activity Agreements

Deadlines for applications made under the activity agreement scheme may differ from that shown for EMA 1 and 2. You may not always be paid from your start date (first engagement). Please contact us or your Activity Agreement worker for further information. The information in this handbook is relevant to young people studying at school or working on an approved activity agreement, however some holiday dates shown on the EMA Payment Timetable may be specific to schools only. If your learning programme continues over holiday periods you will be expected to attend and will receive payment for full attendance, though payment dates over these periods may be changed.

2 What you need to do now

- You must go, on time, to every timetabled class/activity agreement programme, including your registration period.
- You must continue to work towards the subjects/targets you have detailed in your Learning Agreement.

3 Learning Choices Agreement (LA)

The LA that you completed as part of your online form has been sent to your school for approval. Once approved, you can then start to receive EMA payments.

A Learning Choices Agreement (LA) is like a contract between you and your school/activity agreement worker. It shows what you intend to study and the level to which you will work. The conditions of entitlement also cover your school's/activity agreement programme's aims and standards of conduct - uniform policy for example, and the need to meet all elements of your study programme, such as handing in work on time. You must satisfy these conditions in order to receive payments.

The Learning Choices Agreement (LA) should be updated if for any reason your study programme changes through the EMA year, and you should ask your school to arrange this. In some cases, your school may reflect the changes in your LA by attaching an updated print (your new timetable or level/target for example). If this is used, you and your school should initial and date the print. It is your responsibility to check that your LA is up to date.

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

The Terms and Conditions of your entitlement which you agreed to as part of your Learning Agreement are detailed in section 7.

4 What happens if you're off?

You must go to every timetabled class/activity agreement programme to be paid EMA. If you miss a class or part of a class/activity agreement programme your school/activity agreement worker may decide not to pay you. If you go to college or education/training elsewhere as part of your week, your time there will also be checked by your school/activity agreement worker.

If you're off school/activity agreement programme for any reason other than illness you can ask your school/activity agreement worker if your EMA will still be paid. Reasons for absence are based on the SCOTXED criteria and you can ask your school/activity agreement worker for a copy of this.

In general, if you're off you may not be paid or your payment may be delayed. It is your responsibility to give your school any information needed to support an absence. If your school decide to adjust payment, it may not be possible to do so in time for a payment run (see 4.6 below).

4.1 What you need to do if you're absent:

- Tell your school/activity agreement worker that you were/will be off and why.
- If you're off because you're ill you must give your school/activity agreement worker a completed Self-Certification form or letter from your parents/carers to confirm the reason for absence. If you're classed as independent for EMA purposes please speak to your school/activity agreement worker. You need to do this within the first 3 days of going back to school/activity agreement programme.
- You can use a Self-Certification form or parental letter for up to 5 days' sickness absence between August and December and again between January and June. If there seems to be a pattern of absence, your school/activity agreement worker can ask you for more information before deciding whether to pay your EMA. If your school/activity agreement worker does not believe your sickness absence was genuine they can withhold your payment.
- If you're off for any other reason, ask your school/activity agreement worker if your EMA will be paid.

4.2 Longer absence:

- If you're off ill for five weekdays or more at one time, you need to get a medical certificate or letter from your doctor and give this to your school/activity agreement worker if you wish to be considered for payment. You may have to pay your doctor to get this. If you're off more than 3 weeks your school/activity agreement worker may ask you for more information before deciding whether to pay your EMA.
- If you have a medical condition which may mean you're off more often please tell your school/activity agreement worker. You may have to get a letter from your doctor to support this.
- It may be possible for your school/activity agreement worker to consider a temporary change to your learning programme. You must ask for this to be considered and share information with your school/activity agreement worker to help them decide if this is appropriate, and if your EMA can continue to be paid during this period.
- Although a degree of flexibility may be applied to absence caused by ongoing medical conditions, this doesn't mean that every payment will be made without question. Your school may agree a temporary change to your learning choices agreement which can include home-working or minimum attendance levels and you must meet the terms to be paid. These should be reviewed regularly and updated as needed.

4.3 Being late

Your school/activity agreement worker may decide not to pay you EMA if you're late, including your registration period. Generally, if you're late 5 times, you should be sent a warning letter from school/activity agreement worker. If you are then late again more than once in any one week, you'll not be paid for that week.

4.4 Study Leave

Your school will decide study leave during exam times and it may vary from school to school. You'll still be paid during official study leave but you must make sure that you're not off school out-with these dates – for example if study leave starts on a Wednesday and ends on a Thursday, you must be at school for the Monday, Tuesday before and the Friday after. You must also go to your exams. If you have a history of absence before a period of study leave, your school may ask for further information before deciding whether to pay your EMA.

If you are in S6 you will have completed your course after your exam period and your EMA payments will stop.

Study leave is not applicable to activity agreement programmes.

4.5 What your school/activity agreement worker will do:

- Record and check your attendance
- Keep your attendance and absence records
- Check and keep other attendance information (e.g. letters, medical certificates etc)
- Review any longer absences or patterns of absence and ask you for more information if needed.
- Decide whether to pay your EMA

4.6 Payment adjustments

For you to get your EMA payment on a Friday, your school/activity agreement worker must make their payment decisions on a Monday morning at the latest. Sometimes it's not possible to change a decision in time for a payment run (for example if you were off and have only just handed in your absence letter). If this happens your school/activity agreement worker will arrange for your payment to be backdated and you should get it in the next available payment run, normally two weeks later. If you're overpaid at any time, you must repay it. This may be deducted from future payments if necessary.

If you have a question about payment/non-payment please ask your school/activity agreement worker first as it is they who decide whether to pay your EMA.

5 Changes in Circumstances

5.1 Changing address or bank account

If you change your address, email or bank account you must tell us immediately.

You need to complete and send us a change of home / email address form or change of bank account form. You can get these from your school/activity agreement worker, or print them from www.falkirk.gov.uk/ema. These and any other letters **must be signed by you and not your parent/carer**. If you don't tell us, we may stop your EMA.

Falkirk Council Creditors department is responsible for sending payments on our behalf. To prevent fraud, they may also contact you direct to confirm any change in bank details before making the change.

If you move house or start to live with a different parent/carer, you must also tell your school/activity agreement worker. If your school/activity agreement record is different from the information given for EMA, your EMA may be delayed or stopped.

5.2 Changes to household income – provisional (temporary) awards

If we decided you could get EMA on a provisional basis because of a previous change in household circumstances such as unemployment, we will write to you in January. You must tell us then if anything else has changed and give us the up-to-date information we ask for. If we don't get this, your EMA may stop. If your circumstances have changed again and you no longer qualify for EMA, your payments will stop.

5.3 Progression in your Learning Programme

Eligibility to EMA will continue as long as your school/Activity Agreement worker agrees that you are progressing in your learning programme and, where appropriate, that the course is leading towards a recognised qualification. If, for any reason, you are unable to continue your attendance and/or learning, your EMA will stop.

5.4 Moving or Leaving School/Activity Agreement

If you move this year to another school/activity agreement programme in the Falkirk Council area you may not need a new EMA application but you must have a new Learning Agreement for your new school/activity agreement programme. If you think you're due any payment adjustments you must check with your old school/activity agreement worker before you move as nothing can be done once your record has changed.

When you leave school/your activity agreement programme your payments will stop. If you think you're due any payment adjustments you must check with your school/activity agreement worker before you leave as nothing can be done once your record has changed.

6 Data Protection

We will keep your information safe and secure, and have carefully designed systems, processes and training in place to ensure this.

You can find further information about this in our [EMA privacy notice](#).

7 Appeals

7.1 No payment

Payments are most often withheld because absence has been recorded by your school/activity agreement worker or if you have not done what's detailed in your Learning Choices Agreement. If your school/activity agreement worker has decided not to pay you for any reason and you disagree with that decision, you must first ask your school/activity agreement worker. They may need more information from you, such as a doctor's letter, before they can agree to pay you. If the issue can't be resolved with your school/activity agreement worker and you have shared all relevant information with them, you may be able to appeal.

You must write to us no later than a month after the non-payment. If you are appealing more than one payment withheld for the same reason, you must appeal within one month of the first instance. The letter must be signed by you and not your parent/carer. You must tell us why you disagree with your school/activity agreement worker's decision and give us any additional information which supports your appeal. We will look at your appeal carefully and will write to you if we need more information. We can't consider appeals received late or not signed by you.

We'll try to complete our appeal checks within 14 days during term-time, but if we need information from others: your school/activity agreement worker or Scottish Government for example, this may take longer. If this happens, we'll write to you.

When we have made a decision we'll write to you. We'll keep a copy of any additional evidence or information given by you with your original application and in accordance with the terms of the Data Protection Act. We'll send any original evidence back to you.

7.2 General

Falkirk Council will set up an Appeals Register which details all appeals information, date of completion and the decision made.

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.

7.3 Complaints

The EMA programme and policies are set by Scottish Government. On their behalf we administer EMA for young people who go to school or undertake an approved activity agreement in the Falkirk Council area. If you phone us we can normally help or answer any questions you have.

If you have a complaint about the way your EMA claim has been handled you should complete a complaint form online or email us at ema@falkirk.gov.uk with the details of your complaint. We'll record this in line with Falkirk Council's Complaints Procedure and aim to provide a response within 5 working days. More information can be found on our website <http://www.falkirk.gov.uk/contact-us/complaints>.

8 Terms and Conditions (part of your Learning Agreement)

1. The EMA will continue to be paid only if the young person's attendance, conduct and progress are satisfactory. The EMA Assessment team (on behalf of Children's Services) may suspend or terminate an EMA if the conditions of award are not complied with.
2. The young person or their parent/carer must notify their learning centre in writing about absences.
3. The EMA handbook must be referred to and instructions followed.
4. The young person must undertake a learning programme of at least 21 hours duration each week if at school or as agreed if on an activity agreement.
5. The young person must ensure that all requirements of their learning programme are met. This includes periods of work experience and study leave where applicable.
6. The young person must support the learning centre's aims and standards of conduct. This includes periods of work experience and study leave where applicable.
7. The EMA may be withdrawn should attendance in any class/activity agreement programme fall below the 100% minimum requirement.
8. The EMA Assessment Team (on behalf of Children's Services) should be informed immediately if, through any circumstances, it is

impossible for the young person to continue his/her attendance and studies. Premature withdrawal from school/activity agreements may necessitate a refund of any overpayment.

9. The EMA Assessment Team (on behalf of Children's Services) must be provided with such information and documents they reasonably require to fully process an application. This includes outstanding information to support provisional awards.
10. The Assessment Team must be informed of any change in household income or other details provided, which are relative to the assessment.
11. If the learning centre are not satisfied with the attendance, conduct or progress of the young person, the EMA Assessment Team (on behalf of Children's Services) are entitled to seek repayment of the whole or part of the allowance (an overpayment).
12. Where any overpayment is made, whether as a result of suspension or termination of the EMA or otherwise, then the overpayment must usually be repaid by the young person and the parent/guardian on the basis of joint and several liability.

9 Payments

9.1 When is EMA paid?

Your EMA payment will only be approved by your school/activity agreement worker if you've been at school/on your activity agreement programme and have been doing what you agreed to do on your Learning Choices Agreement. This means that their decision for one week won't normally be made until the Monday after. We will usually pay you every 2 weeks, dependent on school or public holidays. There may be a break in payment around Easter and Christmas holidays. Dates are detailed on the EMA Payment Timetable which you can download from www.falkirk.gov.uk/ema. We will tell you of any change to the timetable on the blog and your school/activity agreement worker should also be aware and be able to advise you.

9.2 How is EMA paid?

Your EMA will be paid directly into your bank account using the automated BACS system. If you change account you must tell us immediately. If you give us the wrong details or don't tell us of a change you may lose payment(s). We are not liable for missing payments made to the account details you supplied.

9.3 Am I paid for holidays?

No – you will be paid for 100% attendance at school, up to a maximum of 42 payable weeks. A payable week is where the school is open 3 days or more. Holidays and any non-payable weeks are highlighted on the EMA Payment Timetable. In-Service days or emergency closures (bad weather etc) aren't counted as a holiday. Activity agreements can run for up to 52 weeks and holiday times may differ. Please contact your activity agreement worker for more information. There will be a break in payment around Easter and Christmas.

9.4 Why might I not be paid?

If you miss class or part of a class/activity agreement programme (see 4 above), if you don't do what's on your Learning Choices Agreement (see 3 above) or if you're late too often (see 4 above) your school/activity agreement worker may decide not to pay you. If this happens your school/activity agreement worker will write to you but they don't have to tell you before the payment is stopped.

9.5 What period does this application cover?

Your EMA is for this 2018-19 school year only. If you're staying on at school or continuing on your activity agreement you'll need to submit a new application and evidence for the next year.

More information and FAQ's regarding EMA can be found on our website at www.falkirk.gov.uk/ema.