



Education Maintenance Allowance (EMA) current issues

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The purpose of this note is to provide an update on issues concerning education maintenance allowances (EMAs). In particular the note highlights the changes to the EMA since its roll-out in 2004 and the recent problems with delays to EMA payments.

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Contents

1	Education Maintenance Allowance (EMA) background	3
2	Changes to the EMA system	4
2.1	September bonus payments	4
2.2	EMA link to attendance and behaviour	6
2.3	EMA Guarantee	7
3	Issues	7
3.1	Administrative problems with 2008/09 applications	7
3.2	Cost and impact of the scheme	11
3.3	In year re-assessment	13
3.4	Number of children in a family	13
3.5	Rules on absence	14
	Holiday payments	15
	Illness	15
	NUS recommendations on absence	16

1 Education Maintenance Allowance (EMA) background

Education Maintenance Allowances (EMAs) are means-tested allowances of up to £30 per week which are paid to 16 to 19 year olds who stay in education, they aim to provide financial assistance to a wide group of young people living in low income households. The policy intent of the EMA is to broaden participation and to improve the retention and attainment of young people in the 16-19 age group in post-compulsory education. The rationale behind the EMA is to provide 'something for something' and payments are only made when a young person attends their learning as agreed in a contract between the young person and their learning provider.

EMAs were piloted in 15 LEAs in 1999 and rolled out nationally in September 2004. In April 2006 EMAs were extended to cover young people on Learning and Skills Council (LSC) funded Entry to Employment courses (E2E) and Programme Led Pathways (PLP).

Information on the number of children receiving an EMA was given in answer to a Parliamentary Question on 14 October 2008:¹

Education Maintenance Allowance

Michael Gove: To ask the Secretary of State for Children, Schools and Families how many people claimed the education maintenance allowance in each year since its introduction. [226031]

Jim Knight: The numbers of successful EMA claims in each academic year since inception is shown in the following table:

	<i>Numbers accessing EMA</i>
1999-2000	14,135
2000-01	73,230
2001-02	114,254
2002-03	124,351
2003-04	126,871
2004-05	297,567
2005-06	430,327
2006-07	528,403
2007-08	556,702
<i>Notes:</i> 1. Young people who have claimed EMA while on an E2E programme and then progressed in the same year to a school sixth form or a college course will be counted twice in the yearly figures; 2. These figures are for England only.	

¹ HC Deb 14 October 2008 c 1118

Information on the cost of the EMA scheme was given in answer to a Parliamentary Question on 9 January 2007:²

Educational Maintenance Allowance

Mr. Mullin: To ask the Secretary of State for Education and Skills what the costs of the Educational Maintenance Allowance were in the most recent period for which figures are available; and what estimate he has made of the cost of extending the allowance to all A-level students. [112834]

Bill Rammell: During the 2005/06 academic year the total Education Maintenance Allowance (EMA) expenditure was £443.5 million, of which £396.8 million was specifically spent on student payments.

The estimated total cost of EMA if it was extended to all young people in full-time further education, based on the 2005/06 full-time education participation figures, which include A Level students, is £1,057 million.

From April 2006 EMA was extended to young people on LSC-funded programme-led apprenticeships and entry-to-employment programmes. Therefore in addition to the costs for those in full-time further education, there would be additional costs for students participating on those work-based learning programmes.

2 Changes to the EMA system

2.1 September bonus payments

The EMA scheme originally included bonus payments in January and July of the first year of a course and in September, January and July of the second year. These one off payments of £100 were linked to attendance and performance against set learning goals. The performance criteria were agreed between learner and provider on an individual basis and set out in a contract. Smaller intermittent bonuses are available for students on work based learning programmes.

The bonus payments element of the EMA received a lot of attention in the early days of the scheme, with some commentators stating that the bonuses were 'excessive'.³ A recent report by the National Union of Students (NUS) further commented that students found bonuses confusing as they were not entirely sure why they were awarded:

We asked firstly whether learners had received all their bonuses. In response, 42 per cent of our respondents said they had received the correct payments, whilst 20 per cent had received some, a further 20 per cent none at all, and 16 per cent were unsure whether or not the payments they had received were correct.

The rules on bonuses were mostly understood: 73 per cent said they felt they knew how bonuses worked, but nevertheless 27 per cent said they did not. There were various reasons cited for this.

² HC Deb 9 January 2007 c557

³ "£100 payday for sixth formers who turn up to class" *The Daily Telegraph* 26 January 2005

For most it was general confusion about how and when bonuses were paid. Some learners appeared to see the January bonus as a Christmas bonus and expressed confusion as to why it was not paid in December.⁴

From 2008 the September bonus will no longer be paid. It has been said that the bonus is being removed because students do not understanding the link between this payment and returning to study and also because the payment has not achieved its stated purpose of increasing retention as most students chose to return to their courses anyway.⁵ The NUS report recommended that this bonus should be reinstated:

Learners in colleges and schools previously received a bonus at the start of the second year of their course as a way of encouraging them to reenrol on their course. The decision was made to scrap the September bonus from September 2008 on the basis that it was not achieving its objectives and did not impact on the reenrolment rate.

In light of the findings of this survey NUS would argue that this could be because the learners did not sufficiently understand the bonus system to appreciate the significance of the September bonus. We therefore recommend the LSC seriously considers its reintroduction alongside an increased effort to explain the bonus system.⁶

Information on the amount paid out in bonus payments in the academic year 2007/08 was given in answer to a Parliamentary Question on 16 October 2008:

Education Maintenance Allowance⁷

Mr. Laws: To ask the Secretary of State for Children, Schools and Families what the total cost was of the bonuses paid through the education maintenance allowance for submitting course work on time in the latest period for which figures are available; when the bonus was introduced; and if he will make a statement. [225416]

Jim Knight: This is a matter for the Learning and Skills Council (LSC) who operate the Education Maintenance Allowance (EMA) for the Department for Children, Schools and Families (DCSF) and hold information about payments made under the scheme. Mark Haysom, the LSC's Chief Executive, will write to the hon. Member for Yeovil with the information requested and a copy of his reply will be placed in the House Library. EMA bonuses were included in the pilots and have been an integral part of the scheme since its beginning in 1999.

Letter from Mark Haysom, dated 15 October 2008:

I am writing in response to your Parliamentary Questions that asked; "what the total cost was of the bonuses paid through the Education Maintenance Allowance for submitting course work on time in the latest period for which figures are available; when the bonus was introduced" and "how many local authorities allow people enrolled on an entry to employment programme to apply for education maintenance allowance online; what assessment has been made of the effectiveness of the online application process".

The total Education Maintenance Allowance (EMA) bonus payments paid out during the academic year 2007/8 amounted to £68.2m. Bonus payments are paid based on an agreement between the individual learning provider and the individual learner and

⁴ NUS EMA Satisfaction Survey 2008 learner's experiences of education maintenance allowances. http://www.nus.org.uk/PageFiles/3605/NUS_EMA_Report_2008_pdf.pdf.

⁵ *Ibid* page 32

⁶ *ibid*

⁷ HC Deb 16 October 2008 c1493

upon the learner achieving the aims of this agreement. It is not possible to say how many learners achieved a bonus for submitting coursework on time. Bonus payments were introduced at the same time as EMA was rolled out nationally in 2004/5.

From 2008/09 all eligible learners who enrol on an E2E program are entitled to receive EMA on a non-income assessed basis which means they receive the maximum amount of £30 award.

The rising amount paid out in bonuses has recently been criticised in an article in the *Daily Telegraph*:

Some 540,000 students in England and Wales are believed to receive the EMA. In the last academic year, payments totalling pounds 395 million were made in basic EMA grants.

Now it has emerged that bonuses worth a record pounds 100.5 million were also made to reward eligible students for impressing their tutors. This compares with pounds 96.8 million the previous year and pounds 44.9 million in 2004-05.

The Learning and Skills Council, which administers the awards, said payments were agreed between schools and students.

Some awards have been made for handing work in on time, attending classes, arriving punctually and excellent work.

David Laws, the Lib Dem children's spokesman, said: "Some of the bonuses are being awarded for getting work in on time and it will seem totally unjust to students that some will be rewarded financially, not because of the high quality of their work, but on how much their parents happen to earn."⁸

2.2 EMA link to attendance and behaviour

The regulations governing EMAs are set out in an Administrative Scheme under section 14 of the Education Act 2002. The original scheme published in 2004 made weekly EMA payments contingent on students accepting terms set out in an agreed contract and on consistent attendance. The July 2008 Administrative Scheme adds a further condition of meeting prescribed standards of behaviour and progression:

The EMA contract and weekly payments

19. The following conditions govern all weekly EMA payments:

- a) a young person will only receive a weekly EMA payment if he has signed the EMA contract part 1, which signifies his acceptance of the terms governing the weekly payment of EMA; and
- b) a young person will only receive an EMA weekly payment for a week in which he has attended every learning session for his chosen learning programme, or if this is not the case, each absence has been authorised by the recognised provider, which must take account of the relevant guidance issued by the LSC, in making such determinations; and

⁸ "£100 million paid to students who turn up on time" *The Daily Telegraph* 4 November 2008

c) From 2008/09 a young person will only receive an EMA weekly payment for a week in which he has also met the required standards for behaviour and progression on his learning programme, as set out in his learning agreement.

2.3 EMA Guarantee

The July 2008 Administrative Scheme creates a new entitlement – the EMA Guarantee:

The EMA Guarantee

12. From **the 2008/09 EMA year** a young person who is eligible to receive EMA payments will receive the same level of payment for up to 3 years or until their 20th birthday, whichever is sooner, irrespective of any increase in his household income, provided that he continues to satisfy the conditions set out in paragraph 4.

13. If there is a decrease in the young person's household income he may apply to be reassessed the following EMA year. If he is assessed at the higher rate he will receive the higher rate for the remainder of the 3 years provided that he continues to satisfy the conditions set out in paragraph 4.

14. Where the LSC becomes aware that the household income assessment has been made on inaccurate or incomplete information provided by the young person or a member of his household, the LSC may reduce the amount of EMA payment or cease making EMA payments to the young person for the remainder of the EMA Guarantee period.

15. Learners receiving non-income assessed EMA whilst undertaking an E2E programme are not eligible for the EMA Guarantee.

3 Issues

3.1 Administrative problems with 2008/09 applications

There have been significant problems with the administration of EMAs for this academic year, 2008/09.⁹ The problems have been caused by a new computerised online application system contracted out to a company called Liberata; the difficulties with the system have resulted in long delays to processing claims. Further difficulties with the EMA helpline created extra frustrations for applicants. Procedures have been put in place to alleviate some of the problems and information on the directgov website¹⁰ explains that the application deadline has been extended to the end of October 2008 and that payments will be backdated.

A letter on the LSC website in September outlined the problems and the action being taken:

EDUCATIONAL MAINTENANCE ALLOWANCES (EMA)

You will all be aware of the problems we are currently experiencing with the quality of performance from our contractors for the delivery of EMA. This letter summarises the problems and sets out the actions we have in hand to resolve them.

Most importantly, I want to apologise for any difficulties which your students and your staff are experiencing. I know many of you are already taking local action to manage the situation, and I am most grateful for that. It is critical that no learner is

⁹ "School grants 'mired in chaos' " *The Daily Telegraph* 13 October 2008.

¹⁰ Directgov EMA delays more time to apply at http://direct.gov.uk/en/EducationAndLearning/DG_171448.

disadvantaged as a result of these difficulties, so we would be looking to all colleges to take similar action.

The letter concludes by describing our proposal, developed with AoC, to reprofile our payments to colleges where this is necessary. This will help address any immediate funding pressures so that you can offer support to young people while we sort out current difficulties.

Background and LSC action

Around 450,000 applications have been received, of which just under 300,000 have been processed. As in previous years, a substantial proportion of the applications need supplementary evidence or are otherwise incomplete, so that the number of "Notices of Entitlement" issued, or about to be sent, to learners is around half that figure. This means that the backlog is around 150,000. This speed of processing applications is unacceptable.

There are two main problems. The first is that the contractors intended that applications would be processed efficiently through an IT system, but that has failed to operate at anything approaching the planned and necessary volume.

When the LSC identified this risk, we pressed the contractors (Liberata) to implement a contingency plan, which they did by establishing a separate and manual system. To do this the contractors are deploying an additional 460 staff, at their expense. However, the manual system is still not working as efficiently as planned and a backlog has built up. We continue to press for urgent improvement from the contractors. They have agreed to deploy further staff and to re-organise the workflow so as to be more efficient. We are monitoring closely how these changes lead to improvements in throughput.

Obviously we would wish applicants to get their EMA as quickly as possible, so that no young person decides not to continue in learning because of their financial position. We also need to ensure that no young person misses out financially due to any delay caused by the application process. We guarantee that if an eligible application is sent in on time, all the money owed will be backdated.

The second issue is the Helpline. We have not been satisfied with the standard of customer service, and have pressed the contractors to both re-train their staff and make data available to their operatives on the state of progress of applications through the system, so that they can answer queries. But most seriously, the telephone system itself is unreliable. The contractors and their suppliers are working to resolve these problems, which are very frustrating to learners, their parents and your staff. We are monitoring progress and contingency planning carefully, and keeping a very close eye on all parts of the EMA system, as well as other aspects of learner support.

Helping learners in the interim

Our primary concern is to ensure that no young person will lose out. The LSC will backdate all payments in full for applications received within 28 days of the course start.

For those learners who have not received their Notice of Entitlement to EMA when they expected to, we do not want them to be put off going to college, drop out or have poor attendance because of financial pressures. We know that colleges will be working closely with young people at this time and will be aware of problems that arise for individual learners.

Learners who expect to receive EMA should follow the attendance requirements and policy at your college. This will ensure that they can evidence their attendance once they do receive their EMA Notice of Entitlement, and that payments can be made efficiently.

We do not expect colleges to set in place alternative EMA payments systems –that would not be appropriate. As you know, the LSC already provides schools and colleges with discretionary learner support to help learners in severe hardship.

Where individuals are suffering as a result of late payment of their EMA, we would want colleges to offer whatever forms of help are necessary to learners. How these arrangements are best administered is a matter for colleges. Colleges will also need to determine how to recover any expenditure from learners once they receive their EMA back payment. Many colleges are putting such arrangements in place already using existing funding.

However, where in the short term a college does need additional funding, the LSC will be willing to reprofile payments to the college in year to front load their overall funding allocation. This will ensure that funds are available to each and every college to meet the current situation. The priority must be to ensure that any learner in need of support to alleviate hardship is able to access it. Colleges wishing to explore the possibility of reprofiling should contact their Regional Finance Director.

These arrangements apply to FE colleges (including Sixth Form Colleges), where most learners in receipt of EMA are located. There are already special EMA fast track arrangements in place for learners on Entry to Employment. We are monitoring how these arrangements are working, as well as keeping a close eye on the situation for learners in school sixth forms. We will take further action as and when necessary to avoid the delays in EMA payments having an adverse impact on any learner in any sector.¹¹

Information on the current position is available on the LSC Learner Support Services website.¹²

Numerous questions on this issue have been asked in the House, below is a selection:

Education Maintenance Allowance¹³

Mr. Gibb: To ask the Secretary of State for Children, Schools and Families what assessment he has made of the performance of Liberata in administration of the education maintenance allowance. [223194]

Jim Knight: The Learning and Skills Council have operational responsibility for the Education Maintenance Allowance (EMA) and has contracted with Liberata to carry out the helpline, assessment and payment function for EMA.

There have been some unacceptable delays in notifying learners that they are eligible for EMA this year. My officials are receiving daily updates from the LSC and I am monitoring the situation very closely. My priority is to ensure that young people receive their EMA as soon as possible.

¹¹ LSC Letter to all College Principals September <http://readingroom.lsc.gov.uk/lsc/National/nat-emaletter-sep08.pdf>.

¹² <http://www.lsc.gov.uk/providers/moneytolearn/lss/>.

¹³ HC Deb 10 September 2008 c 1852

The LSC have assured me that they are working very closely with Liberata to ensure that the backlog is cleared quickly. All eligible learners who apply within 28 days of the start of their course will get all the payments for which they are eligible, even if the processing of their application form is delayed.

Mr. Gibb: To ask the Secretary of State for Children, Schools and Families how many education maintenance allowance payments have not been made on time in 2008; and what the average length of delay in those payments has been. [223195]

Jim Knight: This is a matter for the Learning and Skills Council (LSC), who have operational responsibility for the Education Maintenance Allowance (EMA) and hold the information about applications, payments and expenditure made under the scheme. Mark Haysom, the LSC's Chief Executive, will write to the hon. Gentleman with the information requested and a copy of his reply will be placed in the House Library.

Education Maintenance Allowance¹⁴

Mr. Hayes: To ask the Secretary of State for Children, Schools and Families (1) how many students had (a) applied for an education maintenance allowance (EMA), (b) been processed for an EMA and (c) been issued with a notice of entitlement as at 30 September 2008; [228920]

(2) how many students had been assessed as eligible for the (a) £30 education maintenance allowance (EMA), (b) the £20 EMA and (c) the £10 EMA by (i) 8 September and (ii) 6 October 2008; [228921]

(3) how many and what proportion of applicants eligible for the full education maintenance allowance of (a) £30, (b) £20 and (c) £10 had not received their allowance by (i) 8 September and (ii) 6 October 2008; [228925]

(4) for how many hours Liberata's (a) helpline and (b) online portal were inaccessible between 4 August and 6 October 2008; [228928]

(5) what assessment he has made of the performance of Liberata in handling the education maintenance allowance application procedure; [228929]

(6) what the average time of processing applications for education maintenance allowance was in the period from 1 May to 6 October 2008; [228930]

(7) how many eligible students from each of the lowest three socio-economic groupings had not received their education maintenance allowance by (a) 8 September and (b) 6 October 2008; [228932]

(8) what percentage of eligible applicants have received their education maintenance allowance in each further education college; [228933]

(9) how many unprocessed education maintenance allowance applications there were on (a) 8 September and (b) 6 October 2008; [228934]

(10) what estimate he has made of when (a) all education maintenance allowance applications will have been processed and (b) all eligible students will have received their allowance; [228935]

¹⁴ HC Deb 30 October 2008 c1304

(11) what steps he has taken to prevent financial hardship for students yet to receive their education maintenance allowance; and whether these apply across England. [228936]

Jim Knight: This is a matter for the Learning and Skills Council (LSC) who operate the education maintenance allowance (EMA) for the Department for Children, Schools and Families (DCSF) and hold information about applications and payments made under the scheme. Mark Haysom, the LSC's Chief Executive, will write to the hon. Member with the information requested and a copy of his reply will be placed in the House Library.

Education Maintenance Allowance¹⁵

Michael Gove: To ask the Secretary of State for Children, Schools and Families which companies bid for the education maintenance allowance contract which was awarded to Liberata; and by what criteria such bids were assessed. [226047]

Jim Knight: This is a matter for the Learning and Skills Council (LSC) who operate the Education Maintenance Allowance (EMA) for the Department for Children, Schools and Families (DCSF). The LSC contracts with Liberata UK Ltd to carry out the helpline, assessment and payment function. Mark Haysom, the LSC's Chief Executive, will write to the hon. Member for Surrey Heath with the information requested and a copy of his reply will be placed in the House Library.

Letter from Mark Haysom, dated 15 October 2008:

I am writing in response to your Parliamentary Questions that asked; "Which companies bid for the education maintenance allowance contract which was awarded to Liberata; and by what criteria such bids were assessed."

Over 30 companies showed an expression of interest but only two progressed to competitive dialogue. Capita and Liberata bid for the contract to administer the Learner Support Programme, of which Education Maintenance Allowance is a part.

The LSC carried out the procurement process in accordance with the Public Contracts Regulations 2006 using competitive dialogue. This allowed the LSC to work closely with both bidders over a number of months ensuring that there was understanding of requirements and potential solutions on both sides. At the end of this both bidders were asked to submit a proposal and that was evaluated against an agreed evaluation model. The key criteria were quality and cost, which included making assessments of their operational delivery capability, technical solutions, project and programme management, proposals for handling transition arrangements, value for money, and sensitivity to increases in volumes of applications.

3.2 Cost and impact of the scheme

Concerns have been expressed about the cost of the EMA scheme. The Conservative shadow secretary for schools Michael Gove said in a speech to the Institute of Public Policy Research (IPPR) that the EMA scheme was too expensive:

The Conservatives have claimed that the education maintenance allowance, intended to keep pupils in education after 16, fails the poorest families and costs too much money.

¹⁵ HC Deb 16 October 2008 c1494

Launched in 2004, the EMA scheme pays deprived pupils up to £30 a week, depending on family income, to stay on at school after 16.

It pre-dated the government's plans to keep Britain's teenagers off the streets and in education, work or training until 18, and is now a key part of that aim.

The shadow schools secretary, Michael Gove, claimed today it was a flop, costing £2.3m per eligible pupil in the three years after it launched.¹⁶

Doubts have also been raised about the effectiveness of the scheme and it has been suggested that the scheme may change in the future. The government white paper *Raising Expectations: staying in education and training post-16* intimated that the EMA system could change when education and training becomes compulsory until 18:

We will provide financial support

5.23 We think that EMA should continue until compulsory participation is introduced in 2013. After that, we propose that financial support will need to be restructured. In doing so, we would build on the reforms from the Government's review of financial support for young people, and the views we gathered in the public consultation on *Supporting young people to achieve*. EMA is designed to be an incentive to encourage young people from less well off households to participate in education or training; this support also helps young people to meet some of the costs of post 16 learning, such as transport, books and specialist equipment. There would no longer be the same role for an incentive payment if participation was made compulsory. But it would still be vital, of course, to make sure that financial circumstances are not a barrier to participation, so we would still expect to provide financial support to the most disadvantaged young people.

5.24 EMA is currently means tested, and we propose that means testing should continue. We believe it is important that those facing the greatest barriers receive the most support, and that resources should be targeted where they are most needed. EMA has delivered wider social benefits in enhancing the income of the poorest young people, which we would want to protect in a future system. However, participation is not enough or an end in itself – it is important that young people succeed in their learning too. EMA is strongly linked to attendance. We will now strengthen the link to behaviour and to attainment, to provide an added incentive to improve and to achieve.

We are already beginning to implement this principle, by ensuring that behaviour is taken into account in deciding whether a young person should receive an EMA bonus payment in January. We are exploring how to ensure that bonus payments are better linked to a young person's progression in learning, and we will continue to consider how these resources can be targeted most effectively.

5.25 We will consider whether, if we introduce compulsory participation, we should continue to pay financial support to a young person who has dropped out of learning because a particular course has not worked for them, if they are actively seeking an alternative. The advice and guidance service that would help the young person to find a suitable option and re-engage would be able to authorise payments if the young person was actively engaged in seeking an appropriate alternative option. This would include for example attending guidance appointments and interviews at college, completing application forms, and attending 'taster' courses. If the young person was not fulfilling this requirement, financial support payments would be stopped – in the

¹⁶ "Education allowance had failed, say Tories" *The Guardian* 4 August 2008 at <http://www.guardian.co.uk/education/2008/aug/04/tories.allowance>.

same way that EMA payments are currently stopped when a young person does not fulfil their attendance requirements

3.3 In year re-assessment

EMA entitlement is calculated using the student's household income from the previous tax year. This can cause difficulties when a family's circumstances change during the academic year.

Currently in year re-assessment is only permitted in a few specific circumstances such as if a student's parent dies or becomes disabled, or if the learner becomes estranged from their parents, is taken into care, or becomes a parent themselves. The guidance does not allow for a re-assessment where the family income has decreased significantly in the year of study. The rationale behind this policy is given in a document published by the LSC:¹⁷

Rationale underpinning in year re-assessment

For the National EMA scheme, it was decided to base entitlement to EMA on an assessment of previous year's income. The kinds of income taken into account are in line with those considered by HM Revenue and Customs. The difference is that HM Revenue and Customs does consider re-assessment during the year whereas we have decided not to do this. We have looked long and hard at this and our conclusion is that in-year assessment could lead to anomalies, abuse and fraud, and we should avoid it except in the four exceptional instances where we know that fraud risks can be contained.

The NUS recommends that this policy is changed:

Given the worsening economic situation, and indications that the unemployment rate will increase, it is highly possible increasing numbers of learners will find themselves in this situation and the EMA's primary purpose, to enable low-income learners to continue in further education, is undermined.

In the higher education system a re-assessment can be triggered if the student's household income decreases by more than 15 per cent in the year of study²¹, and NUS recommends that this same principle should be applied to the EMA.¹⁸

3.4 Number of children in a family

The EMA application procedure does not take into account the number of school age children in a family. Other forms of student support such as higher education grants take the number of children in a family into consideration in the financial calculations. A document published by the Learning and Skills Council (LSC) states the rationale for this difference:

Q. Why not take account of siblings in the assessment?¹⁹

A. EMA is an education incentive, rather than part of the system of welfare support. Benefits and tax credits paid to a family are not affected by the receipt of EMA. The tax credit system provides support, which reflects the size of a family. EMA is focused on supporting the individual learner. We understand that some people would favour a more generous EMA for learners from larger families, but this would mean less money elsewhere in the system, and we do not think this would be justified.

¹⁷ LSC Q and A September 2007

¹⁸ NUS EMA Satisfaction Survey 2008 learner's experiences of education maintenance allowances page 22

¹⁹ LSC Q and A September 2007

The NUS report highlighted difficulties caused to families by this ruling and recommended that siblings should be taken into account when calculating EMA entitlement:

Larger families

The evidence from our survey suggests that there are significant issues with the EMA scheme when there is more than one recipient in the family. Some of these issues are administrative: one learner highlighted a problem with the provision of supporting documentation for families with more than one EMA recipient:

It is the fact that the EMA scheme does not take into consideration the fact that there may be more than one potential recipient in a household that is the cause of one of the most common complaints made by our respondents. In many households there is more than one learner in further education, but the income assessment does not take this into account. Nor does it do so for large households more generally.

NUS recommends that the LSC amends the income assessment for EMA to take into account multiple learners in one family, and families with other dependent children.

3.5 Rules on absence

The EMA scheme is designed as a 'something for something' programme, so students must attend their learning programme and progress against agreed learning goals to receive their weekly attendance payments and periodic bonuses. Students are permitted to take time off if the reason for their absence comes within the criteria relating to authorised absence. The concept of authorised and unauthorised absence is explained in an LSC guidance document called *Education Maintenance Allowance Guidance for Providers 2008/09*²⁰ on page 26:

EMA operates under a 'something for something' approach. Each learner is required to agree and sign an EMA contract, which will set out what is expected of them by way of attendance, behaviour and effort, progression and completion of coursework. In general a learner should be paid EMA payments only where they have attended all the learning sessions and met the standards of behaviour and effort agreed in their EMA contract. If the learner has been unauthorised absent for part or all of the week, they should receive no EMA payment for that week, and the provider should notify the Learner Support Service (LSS) to that effect in its weekly return.

It is, however, acceptable for the provider to deem absence to be authorised. Where an absence is authorised, the learner will still be entitled to the weekly EMA payment as though they had attended in full (unless, of course, they have an unauthorised absence for a different session).

Whether an absence is authorised or not is decided using the following general principles:

In deciding whether an absence should be authorised or not, providers should take account of three general principles:

- The presumption is that any absence should be considered to be unauthorised, unless there is a valid reason otherwise. In other words, where there is an absence there is no requirement for the provider to proactively justify its decision not to authorise the absence.

²⁰ *Learner Support Programme Education Maintenance Allowance Guidance for Providers 2008/09 June 2008 at [http://readingroom.lsc.gov.uk/lsc/National/2008-09_EMA_Guidance_for_Providers_\(non_E2E_PLA\).pdf](http://readingroom.lsc.gov.uk/lsc/National/2008-09_EMA_Guidance_for_Providers_(non_E2E_PLA).pdf)* .

- If the claimed reason for absence could have been foreseen, the learner should have applied for authorised absence in advance. So, for example, it might be acceptable for a learner of the Jewish faith to have authorised absence on Yom Kippur if this was applied for in advance, but it would not be acceptable to miss classes without prior notification and then to claim that the absence should be authorised.
- Where the claimed reason for absence could not reasonably have been foreseen, providers should consider whether the absence was really unavoidable. An absence which could not have been notified in advance should be notified to the provider on the day in question. Unless, exceptionally, there is a good reason why this could not be done, the absence should not be authorised without such notification.

A list of legitimate reasons for absence, such as religious holidays, attendance at university open days and caring for family members, are given in the guidance on page 27. Holidays, birthdays and driving lessons are not considered as reasons for authorised absence.

Holiday payments

Payments may be made in the holidays in specific circumstances which are set out in the guidance:

Term time and holiday payments

EMA payments are available in term time but normally not during holiday periods. The exception to this is guided learning activities which take place outside term time, such as special tuition programmes or field trips, and unpaid work experience. Payments should not be made for 'reading' and 'catch-up' weeks that coincide with term and half-term breaks.

Illness

The EMA payment is designed to cover the costs associated with attendance on a course of study and if a student is away for reasons of ill health the EMA may not be paid as it is deemed that no costs would have been incurred by the student during this period:

In general, isolated periods of genuine sickness **need not** preclude payment of EMA. However, EMA is intended to cover the costs incurred through attendance in learning, so it should not be paid if a learner is away for a full week. Also, providers are entitled to turn down applications for authorised sickness absence if they have reason to doubt the validity. Clearly an emerging pattern of non-attendance due to sickness without explanation would be unacceptable. Experience from administering EMA has shown that a rigorous regime can be effective, and it is acceptable for a provider to implement a policy of not automatically accepting sickness as a reason for authorised absence. **The key is for providers to set out clearly, from the outset, what their approach will be to absences due to sickness, and to be consistent in its application.**²¹

Different rules are applied to long-term illness or disability and each case is determined on its own merits. In some circumstances an EMA may not be considered an appropriate payment.

²¹ *Ibid* page 28

NUS recommendations on absence

The NUS report on EMAs noted that many providers had developed their own rules for dealing with absences. This has led to inconsistencies of approach across the sector:

Not all absences result in a learner losing their weekly payment; some 75 per cent of our respondents had been granted an authorised absence at some stage.

As a result of a number of learners raising concerns prior to the launch of the survey we also asked whether their learning provider has a policy of restricting the number of authorised absences in any given time period. Over 45 per cent said that they did, with a similar proportion unsure, and only 9 per cent saying that their learning provider did not.

Some 214 learners gave details of these policies, which varied widely from one learning provider to another. Some allowed a certain number of authorised absences per year – anything from one to ten. Others restricted it by term, again ranging from one to ten authorised absences allowed within that period. One learner reported the policy was no more than two authorised absences per week.

The NUS report recommends that providers adopt a consistent approach across the sector and avoid draconian measures:

There was however some good practise identified – one learner reported that the policy was, "3 authorised absences a term, then any more you will get referred to a tutor and see why you are having so many." NUS firmly supports this approach, as it allows the learning provider to identify where vulnerable learners may need extra support. We recommend that the LSC encourage colleges to adopt similar practises as standard, and at the least relax the more draconian restrictions on students where possible.²²

²² NUS EMA Satisfaction Survey 2008 learner's experiences of education maintenance allowances page 29