

Learner Support Programme

2008/09 Education
Maintenance
Allowance Guidance
for Providers of
LSC-funded Entry
to Employment
and Programme
Led Apprenticeships

June 2008

Of interest to stakeholders involved in delivering
Education Maintenance Allowance

Further information

Further information on the scheme is available from the following sources:

Learning providers can contact the Learner Support Service for advice in administering the scheme on 0845 600 7979.

Learners should be directed to the Learner Helpline on 0800 121 8989.

Alternatively the Learner Support Service can be contacted via e-mail at EMA@liberata.com

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Introduction

This guidance sets out what learning providers should do to operate the Education Maintenance Allowance (EMA) scheme for LSC funded Entry to Employment (E2E) and Programme Led Apprenticeships (PLA) in their organisations from 30 June 2008, and how to get the best from it. It is not intended to offer definitive advice on every possible situation but it does offer a framework within which learning providers can make sensible decisions based on EMA and work-based learning (WBL) policy and providers' own experience of dealing with E2E and PLA learners. It should be read in conjunction with the Learning Provider Portal (LPP) *Operating Manual*, EMA marketing information and the *Requirements for Funding Work-based Learning for Young People 2008/09*.

There are also two telephone helplines to offer support to learning providers, and to young people and their parents or carers. These are:

- Learning provider helpline: 0845 600 7979
- Learner support helpline: 0800 121 8989

The young person has an option to prevent the helpline speaking to anyone other than them regarding their application form.

The Learner Support Service (LSS)

As many of you are aware, the way in which we administer the nationally delivered elements of the Learner Support Programme (Education Maintenance Allowance (EMA), Adult Learning Grant (ALG), Care to Learn, Dance and Drama, Sixth Form Childcare Scheme and Residential Support Scheme) is changing. Many of you have been keeping up to date with developments through our e-bulletin [DN hyperlink here to <http://www.lsc.gov.uk/providers/moneytolearn/lss/ebulletins>]

What is changing?

The EMASYS system, previously used for EMA, and the EMS system previously used for ALG, will be replaced by the new Learner Provider Portal (LPP) before the end of September.

The LPP will be very similar to the old EMASYS system so existing users will find the appearance and navigation familiar. We are providing training and support materials to help those who are not familiar with EMASYS.

The Learning Provider Portal is web-based and we will send EMASYS users details of their username and password prior to the system being made available.

What help is available to support me?

We are developing a number of resources to help you with using the new system:

- **Operational Manual** – with detailed guidance on using the LPP
- **Handy Hints** – containing hints and tips on using the LPP
- **Quick Start Guide** – a brief overview of how to use LPP

These will be available later in the Summer. Please check the Learner Support Service section of the website [DN hyperlink here to <http://www.lsc.gov.uk/providers/moneytolearn/lss/>] for the most up to date information.

We are also running a series of training seminars across the country to provide an end-to-end walkthrough of the new system. The objectives are:

- To explain the operation of the Learner Portal and the Learning Provider Portal
- To highlight the key differences between EMASYS, ALG system and the Learning Provider Portal
- To reinforce the availability of the new channels for application; i.e. on-line and telephone supported.

If you want to find out more about when and where the events are being held please go to www.livegroup.co.uk/lssportals

Additional Support

The Learner Support Service Provider Helpline number will also be on hand to help with your queries on 0845 600 7979.

A dedicated Field Force is also being developed to provide information, support and advice to learning providers and stakeholders. More information about this is in the May edition of the e-bulletin [DN hyperlink here to <http://www.lsc.gov.uk/providers/moneytolearn/lss/>]

Education Maintenance Allowance (EMA)

overview

EMA is a strand of the Learning and Skills Council's Learner Support Programme, which exists to remove finance as a barrier to participation and learning. EMA is a weekly payment of £10, £20 or £30 depending upon household income. It is paid directly to young people who stay in learning after reaching statutory leaving age, that is, after the end of their compulsory schooling. Eligible learners starting an E2E programme **only** on or after the 30 June 2008 will automatically receive the highest rate of EMA weekly payment of £30, irrespective of household income. Young people may also receive bonuses for achieving learning goals.

Bonus payments are accumulated at a rate of £5.00 per week for achieving agreed learning outcomes and meeting standards of behaviour and effort agreed between the learner and the provider at the start of the learning programme. These bonuses are designed to reward achievement, and encourage retention and progression to other valid outcomes such as:

- further education
- employment
- a paid employer-led Apprenticeship or PLA for E2E learners
- a paid employer-led Apprenticeship for PLA learners.

The Learner Support Service (LSS) will consider age and household income in assessing the young person's eligibility, based on the information in their application form and supporting financial evidence. Household income for learners undertaking an E2E course will be disregarded. It will issue either a Notice of Entitlement (NoE) explaining how much they will receive (should they enrol on and start a valid learning programme) or a letter explaining the reasons why they are not entitled to receive EMA. Full details of the evidence required are contained in the guidance notes accompanying the application form.

The young person needs to attend their learning programme and meet the standards of behaviour and effort agreed at the start of their programme to receive their weekly attendance payments. Learners

can expect to receive an EMA payment into their bank account three working days (or four days for some Building Society accounts) after it has been authorised by their provider.

The success of the EMA scheme in any area will depend on the commitment of partners. Some EMA responsibilities will be set nationally across organisations whilst others will best be agreed by Local Partners taking into account local circumstances such as the presence, priorities and resources of each partner organisation. National roles and responsibilities of various local partners can be found in:

Our Single Statement of Requirements – Executive Summary – which is available from the LSC website www.lsc.gov.uk

Connexions Action Note no CXP 234 (Please Note: this will be updated during summer 2008)

EMA Marketing and Communications Guidance – which can be accessed at www.direct.gov.uk/ema

Learning provider or sub-contractor access to LPP

The LSC has formal relationships only with its providers, and does not link to any sub-contractual relationships that those providers may have in place to deliver E2E and PLA programmes. The LSC is therefore not allowing sub-contractors access to LPP.

EMA Administration Payments to LSC-funded E2E and PLA Providers

LSC-funded E2E and PLA Providers with 10 or more learners will be paid administration funding at the rate of £25 for each EMA eligible learner. This is to reflect the significant impact of the extension of EMA to these providers and mirrors the level of funding that was awarded to Providers delivering EMA in FE for the third year of operation.

Administration Payments for 2008/09 will be made automatically on the basis of the number of enrolled EMA learners registered on the LPP at 1 November 2008. This date was chosen in consultation with a number of stakeholders, including the Association

of Learning Providers (ALP), to be the most accurate reflection of the number of learner's participating on these learning programmes over the entire year.

The administration funding is not a 'payment' to the learning provider for each learner on their books, but is to acknowledge and support the start-up costs for providers to administer the scheme. The money should be spent on delivering and improving administrative processes for EMA to meet the agreed payment reporting criteria. This may require ongoing staffing resource and/or upgrades to existing attendance monitoring methods and systems.

We expect the payment to learning providers to be made in December 2008. Payments will be made directly to providers' bank accounts and the remittance advice will advise that the payment is for 'EMA Administration Funding'.

Further information on the actual date that learning providers will receive the payment will be made available nearer the time.

This is the final year we will pay learning providers separate funds for the administration of EMA for their learners. The administration funding was introduced to contribute to the initial set-up costs associated with the introduction of the EMA scheme; the administrative activity required for EMA should by now be well embedded within learning providers' systems and processes.

Applying for EMA

This section sets out the role of the learning provider in the application process and the role of the LSS in the assessment process. In summary, the learning provider should help to support the learner to apply for EMA and the LSS will carry out the assessment of the application.

The EMA Guarantee

From 2008/09 a learner will be eligible for EMA at the same amount for a period of up to three years and will not be required to submit any subsequent applications; this is the EMA Guarantee. Successful first time applicants (aged 16-18) will be guaranteed a minimum level of support after a one-off assessment, even if their household income changes year on year. Should household income decrease and the learner is not already receiving the maximum weekly amount of £30, they will be entitled to reassessment for the beginning of the next EMA year.

Note: for WBL purposes this only applies to PLA programmes.

Provider role in the EMA Application process

The LSC actively encourages young people to apply early for EMA support regardless of the option they choose to pursue. The role for learning providers in the application process will vary depending on whether the learner already has an EMA NoE or is in the process of applying.

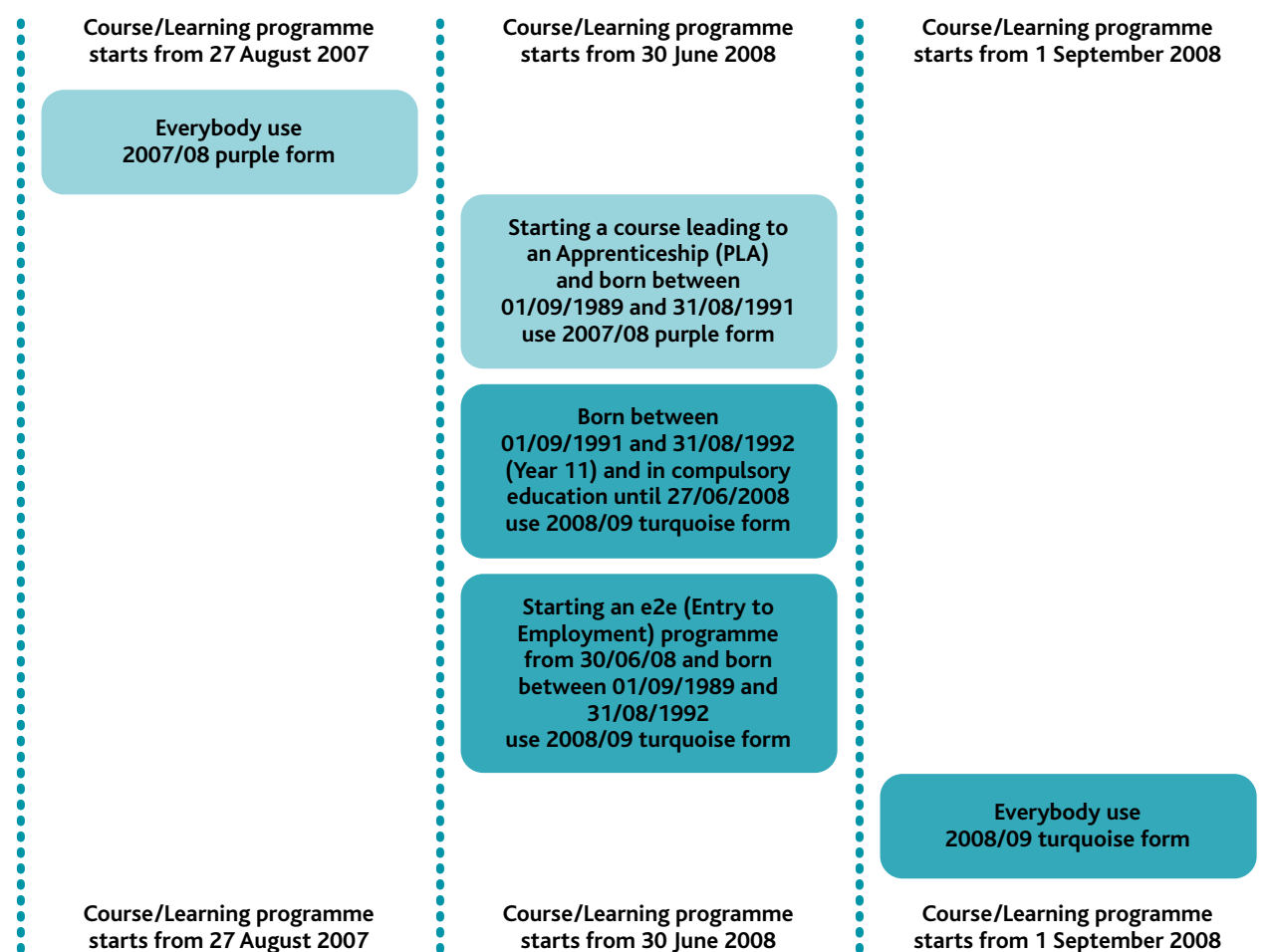
- For those learners who already have an EMA NoE, register them on LPP so they can begin to receive EMA payments and agree an E2E Passport or PLA ILP.
- For those learners who have not applied for their EMA NoE in advance, raise young people's awareness of EMA, encourage and support learners to apply (including helping learners get a bank account) and issue application packs.
- E2E learning providers will be required to issue learners with a Learning Declaration letter to confirm that they are committed to starting an E2E programme. (For details please see the LPP Operating Manual).

If young people need support in completing their EMA application form, the LSC expects learning providers to offer that help. If necessary, a young person may delay the start of their provision until they have their NoE, but their EMA status should have no impact on their eligibility for the programme.

Application forms for learners starting E2E or PLA provision

EMA works on the basis of an EMA year, that is, September to August. Because of this, the application form the learner should use varies over the summer months depending on their age and when their provision starts.

Figure 1 – Which Application form by colour and programme start date



If a learning provider or a young person is in any way unsure which application form they need to apply on, contact the relevant helpline.

For information on 2008/09 application packs please see the Marketing and Support Materials section at the end of this guidance.

Bank accounts

The learner must have their own bank account to access EMA support. The only exception to this is where the bank judges a young person as being incapable of managing their own financial affairs. Parents or carers of learners in these circumstances should ring the learner support helpline.

Further information on obtaining a bank account is available through the Financial Services Authority (FSA) website www.money.made.clear.fsa.gov.uk/ publications. The FSA can also be contacted through their helpline 0845 606 1234.

The LSC has also produced information to help young people open a bank/building society account. This can be found at the back of the *Guidance Notes*

for EMA Year 2008/09 – Helping you fill in the EMA Application Form and is a tear-off page which the young person can take to their local bank or building society to help them open a basic bank account.

Further information on Basic Bank Accounts can also be found in the FSA leaflet Basic Bank Accounts which can be found on the FSA website.

LSS role in Assessment

EMA assessment is conducted by the LSS. This section gives details of the age and household income criteria used by the LSS in the assessment of applications.

The LSS can also offer support to learning providers, young people and their parents or carers on a range of issues such as income assessment.

Age eligibility

EMA is available to learners who are aged between 16 and 19. EMA begins after compulsory education and payments may be received for a maximum of three years. EMA is not available to young people

who have yet to reach the compulsory school leaving age.

Learners aged 15 who have completed compulsory education are able to apply for EMA. If they satisfy the eligibility criteria they can receive EMA payments as long as they reach their 16th birthday by 31 August 2008.

The earliest date a young person leaving compulsory education in June 2008 will be eligible for EMA payments for a LSC-funded E2E or PLA programme is Monday 30 June 2008. (The first Monday after the "official" school leaving date.)

All learners up to the age of 19 starting an E2E or PLA learning programme during the period 30 June 2008 to 31 August 2009 will be eligible to apply for EMA support.

Household income

Applications received at the LSS which meet the age criteria will be assessed financially based on household income. (Please Note: Eligible learners starting an E2E programme **only** on or after the 30 June 2008 will automatically receive the highest rate of EMA weekly payment of £30, irrespective of household income). Where Applicants receive Social Security Benefits in the relevant tax year, Part C of the application form should be completed and sent with the rest of the application form to the LSS to be assessed. The LSS will then make the necessary checks with the Department of Work and Pensions (DWP) on behalf of the adult(s) named in the application. Where the LSS is unable to confirm the details with the DWP, they will contact the adult concerned to obtain further information. Evidence to support an application must be original documentation

Applications which do not meet the age or financial criteria will be issued with a letter stating the reason

for rejection, explaining what to do if the learner wants their application to be reassessed by the LSS and providing contact details for other support.

There are three EMA weekly payment bands for non-E2E provision: £10, £20 and £30. The allocation of the payment amount is based on household income.

Income earned by the young person will not affect their entitlement to EMA. EMA does not prevent individuals taking up help from Discretionary Support Funds or affect benefits they or their family receive. However, a learner in receipt of Job Seekers Allowance will not be eligible to receive EMA payments. The only exception to this is where a young person is in receipt of Job Seekers Allowance (Severe Hardship) or Job Seekers Allowance (Income Based) under Prescribed Group 1. See the section on learners who are estranged for further details.

Assessment of applications

Income Support, JSA (Income Based) and Pension Credit

For applications which confirm that the household was on Income Support, JSA (IB) and Pension Credit for the whole of the preceding tax year the applicant will be entitled to the full rate of EMA.

Tax Credit Award Notice (TCAN) Applications

A TCAN should be presented as evidence for families whose household income has been assessed under the tax credits system for the relevant tax year. The relevant tax year is defined as the most recent complete tax year prior to the start of that EMA year. For EMA applications for the 2008/09 year, the TCAN must show income for the 2007/08 tax year. Normally this will be the TCAN notifying the parent(s) about the Tax Credit Award for the 2008/09 tax year.

Table 1 – EMA rates 2008-09

Household income Tax Year 2007-08 (non E2E provision only)	Weekly amount to be paid
Up to £20,817	£30
More than £20,817 but less than or equal to £25,521	£20
More than £25,521 but less than or equal to £30,810	£10
More than £30,810	No entitlement to EMA (weekly or bonus payments)

Non-TCAN applications

(a) Employed people

Where a TCAN cannot be provided, all relevant evidence relating to income must be provided. This will typically consist of P60 statements showing earned income, but can include benefits in kind as described in the application form guidance.

(b) Self-employed

Self-employed persons who cannot provide a TCAN may provide their most recent SA302 form for the tax year 2007/08. Alternatively a Part D (Declaration of Self-Employed Income) can be completed. The LSS will issue a Part D form if this is required.

(c) Other means

Declaration of any other income received, such as personal pension plan statements, state retirement pension notification, statements of interest from savings, dividend vouchers and certificates from trustees will be required.

There are a number of sources of income that we do not count towards the EMA income assessment: Tax Credits; Housing Benefit; and maintenance received from a former partner. Further details are contained within the Application Form Guidance notes.

Non-standard assessments

Learners in the care of the Local Authority or foster parents

Learners in the care of a Local Authority (including those with foster parents) will automatically qualify for the full rate of EMA, and no evidence of income is required. However, they must provide a letter from the Local Authority on appropriate letter-headed paper as evidence. A photocopy of that letter will not be sufficient.

Applications from Young Offenders in Custody

Young Offenders who have not previously applied for EMA, and who are serving a custodial sentence or are on remand in a Young Offenders Institute (YOI), Secure Training Centre (STC) or a Secure Children's Home (SCH; formerly Local Authority Secure Children's Home) will be able to apply for EMA whilst in custody.

Applications received by the LSS before a Young Offender leaves custody will be assessed in the same manner as applications from learners in Local

Authority Care or Foster Care. No evidence of income from parents or carers will be required.

If assessed as eligible the learner will be entitled to the full £30 EMA weekly payment once they leave custody and enrol on a valid learning programme. It is important to note that payments will only be made for learning which is undertaken after the individual has been released from custody, even if the course of study started whilst serving their sentence

The policy intent of this section of the EMA scheme is to support learners to apply for EMA who may not have been able to do so previously because their parents or carers have not been able to complete the income assessment, or supply the required income evidence. Therefore, we will only allow learners to apply for EMA whilst in custody if they have not already been assessed for EMA. If a learner has previously applied and been assessed as eligible or ineligible for EMA before entering custody, then this assessment will continue to apply when the learner leaves custody and enrolls on a valid learning programme.

To apply for EMA whilst in custody an original letter on letter-headed paper must be sent with the application form, from a member of the Young Person's Youth Offending Team (YOT). It will be used as proof that the applicant is a Young Offender in custody, and will need to contain the following information:

- Name of young person
- Date of birth
- Period of detention
- Date of release
- Name of supervising Youth Offending Team
- Signature of Young Person
- Signature of Youth Offending Team Supervising Officer
- Address of young person on release (if known)

In order to process the application form properly it is important that question A2 of the application form is completed using the address of the institution that the young person is detained in.

If it would be preferred that correspondence about the young persons application goes to an address

other than the one entered on the form, e.g. to the young persons Youth Offending Team or Connexions PA then please request this in the covering letter completed by the Youth Offending Team that supports the application.

Learners who are parents

A learner who is already a parent themselves and has care of the child when they apply for EMA should contact the LSS on the learner support helpline as special arrangements apply, ie the young parent is income-assessed on their own income only and not the wider household in which they live. Please see question A13 on the application form for 2008/09 and the accompanying guidance notes.

Teenage parents in England may also qualify to have their childcare and associated travel costs paid up to a maximum of £160 per child per week outside London, and £175 per week inside London. The parent must use OFSTED registered childcare provision.

For further details about the Care to Learn scheme the young parent should contact the learner support helpline.

Learners living with a partner

A learner who is living with a partner when they apply for EMA will be classed as a household in their own right. Their partner's income will be assessed as the household and will need to be declared on part B of the application form. Please see question A9 on the application form 2008/09 and the accompanying guidance notes.

Learners who are estranged

A learner who is estranged from their parents or carers must provide proof of receipt of Income Support using Part C of the application form or provide evidence of receiving Care Leavers Allowance. Their parents' or carers' income does not need to be declared. Note: EMA is paid in addition to these benefits and will not affect the amount of Income Support or Care Leavers Allowance the young person receives.

Learners in receipt of Job Seekers Allowance (Severe Hardship) or Job Seekers Allowance (IB) under Prescribed Group 1 may apply for EMA with an accompanying letter from their Connexions Advisor confirming they are in receipt of JSA (SH) or JSA (IB) under Prescribed Group 1. (See Connexions

Action Note, No CXP234 for more details on the Connexions role in determining eligibility). However these learners must switch their claim to Income Support before they can get EMA payments and this must be confirmed on their learning agreement. This is to avoid any potential delays for learners wanting to enter learning and having to wait to apply for EMA until they have switched their claim to IS.

Exceptional changes in circumstances

There are certain exceptional changes in household circumstances that will impact on a learner's entitlement to EMA if they happen after receiving the NoE. These are:

- a person whose income was taken into account in determining financial eligibility has died; or
- a relevant person¹ becomes disabled, as defined in the Disability Discrimination Act 1995; or
- since the assessment of income was made, the young person has become estranged from his or her parents, guardians or someone else whose income was taken into account in determining financial eligibility; or
- the young person has been taken into the care of the local authority; or
- the young person has become a parent with responsibility for their child.

If the learner is already in receipt of the maximum EMA entitlement, no action is required. Otherwise, they must call the learner support helpline if any of the listed changes occur. Carers or Connexions PAs may act on the learner's behalf if necessary and if the learner gives permission (if the learner does not give permission, the LSS may not be able to talk about every aspect of the learner's application).

Depending on the revised circumstances, it may be possible that the weekly amount of payment can be increased. In no circumstances will the weekly amount of payment be reduced. Learners not in receipt of EMA may become eligible during the year due to a change of the type listed above. They should call the learner support helpline to request an application form and explain their situation before they apply.

¹ any adult named on the application form as forming the household, the learner, or any sibling of the learner living in the same household as the learner.

Enrolling individuals onto a valid learning programme

Overview

Enrolment is the process through which a young person becomes registered as an EMA recipient with a particular learning provider. To receive EMA payments, a young person must first be issued with a NoE and Contract Part 1 by the LSS. They then register as an EMA learner at a learning provider and are enrolled onto LPP.

Where the learner attends only at a sub-contractor (who will not have direct access to LPP) then a photocopy of the agreed Contract Part 1 will be required by the LPP user to enrol the learner.

EMA registration should occur as part of the more general enrolment process which must take account of and check EMA-specific requirements related to hours of learning, length of programme and programme type validity. When registering the learner, a learning provider needs to make sure that the learner has signed the EMA Contract Part 1. This is a generic document, valid across all providers, and contains obligations of the learner regarding attendance and expected standards of behaviour and effort and obligations of the learning provider to report payment decisions for the learner.

Entitlement to free learning

Learning providers and LSC Partnership Teams should ensure that providers are fulfilling their responsibilities in ensuring that enrolled learners fulfil the residency criteria for education. For information the residency criteria for E2E and PLA programmes are in the *Requirements for Funding Work-based Learning for Young People 2008/09*.

Residency

EMA residency rules are narrower than those the LSC generally use in funding learning programmes. These arrangements have been agreed by the Department for Children Schools and Families (DCSF).

From the beginning of the 2008/09 EMA Year learning providers will no longer be required to check a learner's residency eligibility for EMA. Learners themselves will self-certify their eligibility when completing the EMA application form by selecting the relevant option(s) that applies to their personal

circumstances. Although learners will self-certify their residency eligibility, they should be aware that we may contact them at any point to ask them to prove their eligibility

In order to meet the EMA residency criteria the young person must either be:

- a person who is 'settled'* in the UK, and who has been ordinarily resident in the UK for at least the three years prior to the start of their learning programme; **or**
- a national of any European Union (EU) country (including Gibraltar), or the spouse or civil partner or child of an EU national, and been ordinarily resident in the European Economic Area (EEA), or Switzerland, for at least the three years prior to the start of their learning programme; **or**
- an EEA migrant worker with the right to work in the UK, or the spouse, civil partner or child of an EEA Migrant Worker, who is ordinarily resident in the UK at the start of their learning programme, and has been ordinarily resident in the EEA or Switzerland throughout the three year period prior to that; **or**
- the child of a Swiss National who is ordinarily resident in the UK at the start of their learning programme, and who has been ordinarily resident in the EEA or Switzerland for the three year period prior to that; **or**
- the child of a Turkish Migrant Worker who has the right to work in the UK, and who is ordinarily resident in the UK at the start of their learning programme, and who has been ordinarily resident in the EEA, Switzerland or Turkey for the three year period prior to that; **or**
- recognised as a refugee by the UK Government, or the spouse or civil partner or child of a refugee, or have been granted Humanitarian Protection, or have EU Temporary Protection.

*'Settled' means having either indefinite leave to enter or remain (ILE/R) or having the right of abode in the UK.

British citizens and certain other people have the right of abode in the UK:

- those with the European Community – United Kingdom of Great Britain and Northern Ireland Passports
- British Dependent Territory Citizens (now known as British Overseas Territory Citizens)
- those whose passports have been endorsed to show they have Right of Abode in the UK
- those who have a certificate of naturalisation or registration as a British Citizen.

Temporary Absences

Absences totalling six months are counted as temporary and disregarded for Residency eligibility when determining if a learner has been ordinarily resident in the UK/EEA for three years prior to beginning their learning programme. Absences between six months and three years can be counted as temporary, provided the absence was always intended to be temporary, and evidence is available to support the claim.

Temporary Absences and Children of Military Personnel

If a learner has been accompanying a parent or carer on an official overseas posting then they will be exempt from having to have been ordinarily resident in the UK/EEA for the three years prior to beginning their learning programme.

If the circumstances described above for temporary absences are applicable to a learner then they should contact the learner support helpline which will provide further advice and guidance on their eligibility. They will also advise learners about relevant information that we may require to prove their eligibility, and how to submit this for assessment.

Learning providers that are supporting young people with their application for EMA, and who wish to know more about the policy on temporary absences should contact the Provider Helpline on 0845 600 7979

Children of HM Forces serving overseas

Learners attending a Service Children's Education School in Germany or Cyprus may be able to receive EMA as if they were studying or training in England. They should contact their school, or contact Service

Children's Education on (0049) 2161 908 2525 or at www.sceschools.com for further advice.

Learners will not be eligible for EMA if any of the following apply:

- They are an Asylum seeker; or
- They have discretionary leave or exceptional leave to enter or remain

If a learner will meet the eligible residency conditions at some future point then they should contact the learner support helpline.

For a summary of residency criteria, definitions of residency terms and further information about temporary absences please see the separate residency supporting document, available on the EMA website, www.direct.gov.uk/ema

Young people resident in England, Scotland, Wales or Northern Ireland

If a young person intends to start a learning programme in England and they are resident in England, Scotland, Wales or Northern Ireland they must apply for EMA through the English LSS.

If a young person intends to start a learning programme in Scotland, Wales or Northern Ireland they should contact the relevant authority for an Application Form. See websites:

- Scotland: www.emascotland.com
- Wales: www.learning.wales.gov.uk/ema (English) or www.dysgu.cymru.gov.uk/lca (Welsh)
- Northern Ireland: www.emani.gov.uk

Similar eligibility and entitlement rules apply to EMA administered in England, Scotland, Wales or Northern Ireland. If the learner is not sure where they will undertake their learning then they should apply to the assessment authority in each of the countries that they are considering.

Qualifying learning programme

Valid learning provision trial

In order for a learning programme to be considered valid for the purposes of EMA it must meet the following criteria:

- be of at least 12 guided learning hours per week (for EZE and PLA programmes, a minimum of

16 hours per week is required in line with WBL funding guidance) and for a minimum of 10 weeks (this is not new); AND

- all provision must come within a recognised quality control system i.e. provision must be inspected by a public body that assures quality (e.g. OFSTED)

AND it must be **one** of the following:

- funded or co-financed by the Learning and Skills Council in England; or,
- lead to a qualification that is accredited by the Qualifications Curriculum Authority pursuant to Section 24 of the Education Act 1997 (b); or,
- lead to a qualification that is approved by the Secretary of State pursuant to Section 98 (this includes Section 96/97) of the Learning and Skills Act 2000 (c).

Learning providers who are already accessing EMA will continue to do so. However, Edubase will no longer be used as a criterion for adding new providers. All new providers wishing to administer EMA payments will have to meet the Trial criteria.

The trial, which commenced in November 2007 and will run for up to 18 months, includes some Local Authority funded learning programmes, however these learning programmes must meet the Trial criteria.

Entry to Employment (E2E)

E2E is a dynamic approach to learning designed to equip young people to become independent, self-motivated, informed and empowered to take control of their lives. Its primary aim is to enable learners to progress into employment with training or onto further learning programmes as soon as possible. It comprises three interdependent core strands:

- basic and Key Skills
- vocational skills and development
- personal and social development.

Further information on provision eligible for E2E can be found in the Requirements for *Funding Work-based Learning for Young People 2008/09*.

E2E is a full-time WBL programme and planned attendance should be 30 hours a week for a minimum of 10 weeks. Learners may start by

attending for 16 hours a week, but must build this up to 30 hours as soon as possible.

The average length of stay on E2E is 22 weeks. E2E programmes that are longer than 22 weeks are subject to regular formal reviews to identify whether E2E is best serving the needs of the learner.

Programme Led Apprenticeships

A PLA in WBL is an Apprenticeship which gives young people the opportunity to develop their vocational skills and employability through periods of off-the-job training in a provider's training centre or by gaining experience of work in a non-employed placement.

Courses in Further Education that contribute to an Apprenticeship Framework are identified by a college as meeting set criteria. Such a course contains at least one of the major qualifications that are included in an approved Apprenticeship or Advanced Apprenticeship framework, usually the technical certificate (where the technical certificate or certificates exceed 60 guided learning hours) or in exceptional circumstances the NVQ.

The term Programme-led Apprentice is used to describe both learners in WBL on a PLA and learners on a FE course that contributes to an Apprenticeship Framework.

Please note that courses contributing to an Apprenticeship, which is delivered in FE, will follow the Long Course (Academic year) bonus model.

Programme length

To be eligible for EMA a learning programme must have a minimum of 10 weeks anticipated learning. Where a programme has an anticipated length of less than 10 weeks before the learner progresses to a paid employer led apprenticeship, it is reasonable that a learning provider should push for the learner to be directly employed from the outset of their Apprenticeship. This is the LSC's strong preference on Apprentice recruitment. In the event this proves impossible, but the Apprenticeship will last over 10 weeks, the learning provider may sign the learner up for an anticipated duration of 10 weeks, and de-register the learner at the end of their provision, so there can be no incidence of double-funding (between wages and EMA). However, we would expect this mode of delivery to be the exception rather than the rule.

Self-employed apprentices

Learners who are self-employed are defined as employed for the purposes of WBL and as such are out of scope for EMA.

Queries on validity

If a learning provider is unclear about whether a particular programme is valid for EMA funding, they should speak to their LSC Area Partnership team in the first instance.

Receipt of other funding

Learners who are in receipt of ESF programme allowances, a Dance and Drama Award, Adult Learning Grant, Jobseekers' Allowance or NHS Bursaries are not eligible for EMA.

Bursary payments

A one off payment as an incentive to join an industry or a specific school or college or a periodic bonus in recognition of achievement/to reward a learner's particular effort are acceptable and can also be paid alongside EMA.

Regular maintenance payments would not be acceptable and will render the Learner ineligible for LSC funding because they confuse employment and programme status; these payments may also represent double funding if combined with EMA.

Employer top-ups

Under EMA arrangements, weekly employer top-ups are not to be made to EMA learners. If a learner was being paid an additional weekly allowance or top-up, this payment would count as a wage. Therefore, the young person and their family would not be able to claim their family benefits, such as Child Tax Credit and Child Benefit. However, EMA does not affect other benefits that a household can receive, and independent learners can combine EMA payments with benefits such as Income Support. For information on one off incentive payments that learners may receive, see the Bursary payments paragraph.

Part-time Work

If the employer wishes to offer the Apprentice paid part-time work outside their Apprenticeship, the LSC would not necessarily wish to prevent that (under Child Benefit regulations a learner may work for up to 24 hours a week before they are classified as being independent). However, we would expect

that the learning provider would query with the employer why the PLA learner has achieved a level of competence which means they are capable of holding down part time employment, but not being employed directly during the week. Such a learner should be encouraged to progress to the employer-led phase of their Apprenticeship as soon as possible.

E2E learners are able to undertake part-time employment, which is not part of E2E, but this should not initially exceed more than 10 hours a week as it is expected that an E2E learner who can work for longer than this would be ready to progress from E2E to a positive destination. Under Child Benefit regulations a learner may work for up to 24 hours a week before they are classified as being independent and so an E2E learner's benefit entitlement under EMA would be unaffected.

However, learners in receipt of EMA and Income Support (IS) would need to consider that the level of IS they receive is reduced in proportion to the level of income generated from any such part-time work.

Setting up an EMA Contract Part 1 (Attendance, Behaviour and Effort)

The learner will have received a NoE from the LSS, together with the Contract Part 1. The learner does not need to hand over the NoE, which says how much EMA the learner is entitled to; this is confidential to the learner.

Contract Part 1 sets out the responsibilities of the learner and the provider for the learner to receive a weekly payment. Learning providers can choose to link their Codes of Conduct to the EMA Contract Part 1. Providers should use their judgement to consider whether significant lateness to a learning session should be deemed as an absence. Inappropriate behaviour from a learner may also result in an absence leading to their losing a weekly payment. When registering for EMA, the learner signs Contract Part 1 and in doing so he or she commits to the standards agreed with their learning provider.

The learning provider:

- commits to offer an appropriate learning programme for that learner
- confirms that the learner has enrolled on a valid learning programme
- agrees to report the learner's weekly payment and bonus authorisations to the LSS.

In signing the Contract Part 1 with the learner, the learning provider **must** explain:

- the attendance monitoring system that operates in the organisation including attendance patterns and expected standards of learner behaviour and effort, unless this was covered when the learner enrolled on their learning programme
- the learning provider's position on authorised and unauthorised absences and implications of abusing the scheme
- the learner's responsibility to notify the learning provider of any absences as quickly as possible (ideally in advance if the absence is planned, or as early as possible on the day for unplanned absences due to illness and so on). Tell the learner who they should contact, how and by when
- the query and appeals process operated by the learning provider for disputed stopped payments. **Note:** Recourse is always through the learning provider that makes payment decisions. The LSS will have no knowledge of reasons for stopped payments. Therefore, the learning provider should always inform the learner, within two days, if they are not going to receive their EMA, and why this action is being taken
- if the learner receives an incorrect payment from the LSS, that the recourse to appeal is through the learner support helpline
- that learners will be expected to sign up to tailored learning outcomes that will be used to trigger bonus payments as part of their E2E or PLA programme, which will cover conditions for receipt of the bonuses
- further sources of support and advice available to the learner regarding EMA, both within the learning provider and outside. This could include the learner support helpline number and possibly local contact information for Connexions.

You must give this information to the learner in writing to confirm the learning provider's approach to managing EMA, and as a reference for the learner. This information can be embedded within the E2E Passport or PLA ILP to reduce bureaucracy since these documents should already capture this information for work-based learning.

Where a sub-contractor agrees the Contract Part 1 on a learning provider's behalf, the learning provider

must require them to follow the same process described above. It is the learning provider who is accountable for the entry to LPP and the subsequent payment decisions.

One signed copy of Contract Part 1 is retained by the learner and the other by the learning provider. The learning provider must retain this for six years.

Adding learners to LPP

Contract Part 1 also holds the learner's EMA number which is used to link the learner with their personal record on LPP. (A sample NoE and Contract Part 1 can be found in the 'Guidance Supporting Documents' section of the EMA website www.direct.gov.uk/ema. You will need the learner's EMA number to add the learner to LPP. This makes a link between the learner's entitlement for EMA and their enrolment with the provider, and activates requests for weekly payment authorisations on LPP. The EMA number is also bar-coded to speed up this process for institutions with barcode readers.

Providers should add learners to LPP as soon as they have enrolled on a valid programme of learning (one or more valid learning programmes), but not before. Note that learners cannot be paid until they have been added to LPP.

A learner can **only** be added to LPP if:

- he or she has enrolled on a valid learning programme of at least 12 guided learning hours per week for a period of at least 10 weeks. This learning programme may be split between one or more institutions;
- the provider has satisfied itself regarding the learner's identity and residency (for education purposes); and
- the learner and the provider have both signed Contract Part 1.

In registering a learner for EMA the provider is certifying that these conditions have been satisfied.

The provider will also need to set up date ranges (study patterns) on LPP to identify weeks when learners are following guided learning hours and are expected to receive EMA payments. In general, setting dates will be standardised across providers. Most learners will be following learning programmes with common term dates, which can be set up on the system before enrolment. The software provided

by the LSS will prompt this. There will be cases where some learners' study pattern dates do not match those set as standard. Specific study pattern dates will therefore need to be set up on LPP for these learners. **Note:** in some circumstances if the provider does not set the exact start date it may have an impact on the learner receiving back dated payments.

Learning providers who deliver both FE and E2E/PLA programmes need to ensure they enrol a learner on the correct Programme Type. For more information, please refer to the *LPP Operating Manual*.

Agreeing the E2E Passport or PLA Individual Learning Plan (ILP) with learners

The learning provider and the learner need to sign a suitable document no later than six weeks from the start of the learning programme to show clearly the conditions that must be satisfied for the learner to accrue their EMA bonuses. For E2E and PLA, the E2E Passport and PLA ILP have been deemed suitable documents.

Both the learner and the learning provider should retain a copy of the signed document. The learning provider should retain this for six years.

For E2E learners, the E2E Passport is not complete until a Connexions PA has agreed that the provision is appropriate for the young person.

Learners will be presented for payments as soon as they are added to LPP. Bonus payments will be accrued at a rate of £5.00 a week provided that the conditions set out in Contract Part 1 have been met. The only exception to this is where a Connexions PA decides that a potential E2E learner should progress to another, more appropriate, form of provision, such as employment, FE or an Apprenticeship. In these circumstances, the provider may authorise payment of any accrued bonus amount to the learner. If a learner progresses within the first 10 weeks of their programme, the accrued bonus to that point can be paid.

Additional information on enrolment Learners attending more than one learning provider

Where a learner attends more than one learning provider contracted with the LSC, each institution

should be referenced on the EMA Contract Part 1. In this case, it is for local agreement between the providers as to which learning provider will be the lead for administering EMA as a learner can only be added to one learning provider at any one time. This provider will sign the EMA Contract and report payment decisions to the LSS. The other providers involved will need to agree a process for reporting the learner's attendance, behaviour and effort to the learning provider that reports weekly and bonus payment decisions to the LSS.

Change of learning programme

Where a review of the learning programme results in a material change of provision, the E2E Passport or PLA ILP will be replaced or amended, but will remain valid provided the change is signed by the learner and the learning provider concerned. There is no need to notify the LSS of changes to the content.

Where a review of the learning programme leads to a reduction in hours of study, the provider must check that the revised learning programme duration meets the minimum required guided learning hours. Otherwise, the learning programme will not be valid for EMA purposes.

Change of learning provider

Please refer to *The Learner Support Service* section at the beginning of this guidance.

Transfer to a different learning provider

If a learner transfers between providers whilst continuing on the same learning programme a relationship must exist between the two responsible providers. The first provider should maintain administration of EMA, liaising with the second provider regarding payments. This would function in the same way that providers administer EMA on behalf of sub-contractors, ensuring a full audit trail of evidence for weekly payment decisions is kept. Where it is not practical for the first provider to maintain administration functions then the learning provider helpline should be consulted for guidance on how to proceed.

Where a Provider's WBL contract is not renewed by the LSC, the learners attached to that Provider will need to be transferred in bulk, if it has been agreed that they will be taken on by a new Learning Provider. Providers who are in this position should contact the learning provider helpline for further advice.

Leaving a learning provider

Please refer to *The Learner Support Service* section at the beginning of this guidance.

Lost documents

If a learner claims to have been accepted as eligible for EMA but has lost the documents, they can request a copy from the LSS by telephone. A replacement NoE with the Contract Part 1 document will be posted to the learner once reasonable checks have been carried out and their identity is established. Learning providers should not add the learner to LPP until they have signed a Contract Part 1.

Learner has not yet applied for EMA

At enrolment for a learning programme some learners will ask about EMA without having applied for it. Encourage these learners to apply as soon as possible with the simple message that the sooner they apply the sooner they will be able to receive payments.

Learners that start a learning programme without having applied for EMA need to do so within 28 days of the programme start date. Successful EMA applications received by the LSS before, or within 28 days of the start of, a learning programme will be eligible to receive backdated payments to the start of the learning programme. EMA applications received in excess of 28 days from the learning programme start date will be eligible to receive back dated payments to the Monday of the week of receipt at the LSS.

Attendance and bonuses

Overview

This section is presented in two main parts:

- weekly attendance
- bonuses.

While differing in content and frequency, both need reporting by the learning provider about each EMA learner to the LSS so an EMA payment can be made. And in both cases the principle is to reach a decision, be it a 'Yes' or 'No', as early as possible following the period in question.

The administration of EMA is subject to audit and all aspects of attendance monitoring and decision making in respect of EMA and your local attendance policy is a component part of this. Local agreements on attendance are useful in clarifying and standardising interpretations of authorised and unauthorised absence for both local partners and learners. For further details, see Annex 1 of this guidance.

Weekly attendance

The standard weekly activities can be broken down into several stages. The learning provider must take the actions illustrated in Figure 2.

Where provision is sub-contracted, any sub-contractors must send collated attendance records to the learning provider to enable a payment decision to be input onto LPP.

Recording attendance information

Recording and collating attendance and authorised or unauthorised absence information is central to

making EMA weekly payment decisions. Learning providers can use or build on any existing methods to monitor and record attendance, as long as they are sufficiently robust to capture EMA learner attendance accurately, thus reducing the scope for learner fraud. It would not be acceptable for a provider to implement an attendance monitoring system that relies on learners self certifying their attendance. Best practice is to ensure all staff fully understand that attendance monitoring will inform whether EMA payments are paid, and so needs to be undertaken carefully.

Providers must decide on and implement a documented attendance policy, which they may be monitored on. Within that, they must define what full attendance means for their learners and also the standards of behaviour and effort required and then apply it fairly. Many localities have local area agreements on attendance procedures, so that learners are treated consistently, whichever learning provider they attend.

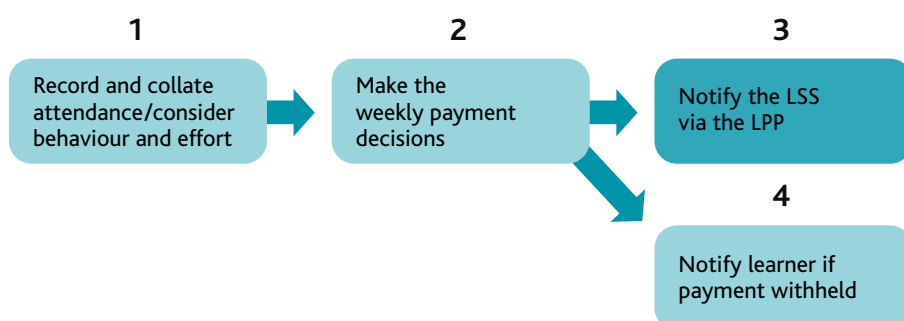
Collating weekly attendance information

Each week providers must collate attendance evidence as the basis for:

- making weekly payment decisions
- seeking further information from learners where there is insufficient information to make a payment decision.

Where a sub-contractor is required to provide information on the attendance of the learner, the learning provider will need to arrange for the

Figure 2: Actions to take in respect of weekly attendance



information to be provided in time for payment decisions to be made.

Attendance data and reasons for authorised or unauthorised absences and other information must be retained in a suitable format for a minimum of six years for audit purposes.

Deciding on payments

Providers will translate collated information about attendance into decisions on whether to pay or not pay EMA. In general, a learner should only be paid where they have attended all the learning as agreed in their Contract Part 1 and met the standards of behaviour and effort required. If a learner breaches the agreed attendance and behaviour policy, the learner should receive no EMA payment for that week, and the provider should make a 'don't pay' decision on LPP. Annex 1 gives guidance that they should follow in taking such decisions.

Absences may be reviewed some time after the actual event and retrospectively agreed as authorised absence (and thus counted as attendance). Where the learner is responsible for compiling their own attendance records, they may be late in submitting the required evidence. In such cases, where this was the only unauthorised absence in the week, the learner may be eligible for back-payment of their EMA. Learning providers should make and input all decisions as soon as possible. If an attendance pattern cannot be proved then a 'No' decision can be made and input to LPP.

Where a decision not to pay has been made on the basis of inappropriate behaviour and/or effort, providers must ensure that this decision is reported to their EMA administrator and must retain details of the reason for non-payment for Audit purposes. The behaviour and effort criteria will have been agreed with the learner at the start of the programme.

Payment authorisation must be carried out by someone specifically authorised to do so by the learning provider, and the decision must be auditable. No decision should be made if there is insufficient evidence on which to base a decision. Decisions relating to a particular week should not be used to adjust payments in order to address earlier decisions made in error. Where learning providers have sub-contracted delivery, providers themselves are responsible and accountable for any inaccurate entries.

Where public holidays fall within any week, or where term ends part way through a week, the provider should make a payment authorisation for the learner for that week providing that they have attended all their scheduled learning sessions. An example of this is the May Day bank holiday, which normally falls during term. If a learner has satisfactory attendance in that week other than the Monday, the payment for that week should be made. This applies even if this means that for this week the learner's number of guided learning hours falls below twelve

Learner fraud

Learning providers must consider where, within their processes, there is potential for learner fraud and put strategies in place to reduce and identify instances of learner fraud. Those learning providers that operate a system whereby learners are themselves responsible for producing evidence from tutors that they have attended as required may have a greater risk of incidents of learner fraud.

If fraud is identified, the principle is to seek recovery of all of the overpaid money. There are a number of different scenarios. If the learner has remained on their programme, it may be possible to recover from LPP, as defined in the section on Overpayment. However, if the learner has left, then alternative procedures will be required. All instances of fraud must be reported to the LSS via the helpline.

Notifying the LSS of weekly payment decisions

Please refer to *The Learner Support Service* section at the beginning of this guidance.

Timing

Please refer to *The Learner Support Service* section at the beginning of this guidance.

Notify the learner if a weekly payment is being withheld

Where a weekly payment is withheld, the learning provider must inform the learner within two days in writing, or by an alternative suitable method to ensure that the learner understands the reason why payment has been withheld. This should be communicated before payment is due. Learning providers are no longer required to retain documentary evidence of notification of non payment decisions. The controls testing phase of EMA audits will include a check on the adequacy of the procedures that are in place for the notification

of non payment decisions to learners. Learners must also be notified if their payment will be delayed due to administrative delay at the learning provider.

Bonuses

All learners in receipt of EMA weekly attendance allowance are eligible for bonus payments if they satisfy the relevant conditions.

Bonuses for E2E and PLA learners are structured differently but are equitable with bonuses in EMA for school and college learners. This is to reflect the needs of work-based learners:

The bonus payment system is designed to reward learners for progression through their learning programme. Bonuses are awarded at the discretion of the learning provider to individuals who have achieved their learning goals. Examples of objectives which could trigger bonus payments include completion of Key Skills qualifications, a collection of NVQ modules and satisfactory completion of a significant period on work placement or other personal goal. Learners must also meet agreed behaviour and effort standards set by the learning provider. It is for the learning provider to agree the most appropriate milestones based on each individual's ability and aspirations. We recommend providers spread achievement bonuses across the learner's planned programme dates so that the learner always has something to aim for throughout their learning.

The E2E/PLA bonuses are not triggered by calendar dates like the FE bonuses. This will ensure that E2E and PLA learners progress and are rewarded for continued retention and achievement, regardless of when their E2E or PLA provision begins.

Bonus rules – Short Course model

At the start of learning, the learner and provider will agree the criteria that must be met for payment of bonuses and should include progress against or achievement of learning goals, effort and behaviour and could also include an agreed attendance pattern.

The bonus rules outlined below apply to all learners enrolled on a short course i.e. those that do not follow the traditional academic year. Bonus payments are accumulated at a rate of £5 per week. The learning provider and learner agree the criteria for the bonus payments and their frequency at the start of the learning programme. The learning provider (in agreement with the learner) can choose when to pay the accumulated bonuses and use them to their best effect to encourage and motivate the learner.

This would not normally occur before the learner had completed the first 10 weeks of the programme. However, should a learner leave before they have completed 10 weeks and has achieved agreed learning goals the provider can authorise the accrued bonus amount to be released.

The bonus decision and payment process

The bonus decision and payment process can be broken down into several stages which are similar to the weekly payment process (see figure 3).

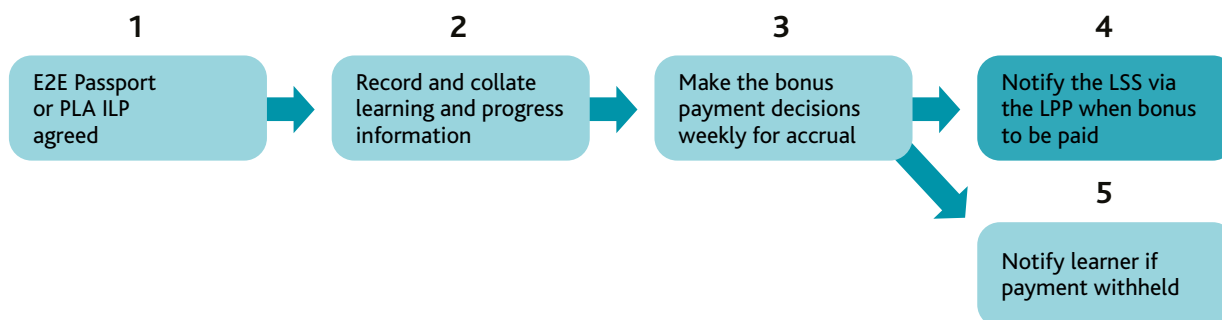
Bonus payment decisions and notifying the LSS

Please refer to *The Learner Support Service* section at the beginning of this guidance.

Notifying the learner that the bonus is being withheld

Where a bonus decision is determined by the provider and a payment is withheld, the provider must ensure the young person understands why this action is being taken. This should be

Figure 2: Bonus process



communicated **before** payment is due, in writing, or by an alternative means providing that it is sufficiently robust to provide evidence of notification if subsequently required for audit purposes. The provider must keep a record of the reasons for any stoppage of payment and the subsequent notification to the learner. Clear records of decisions to pay or not to pay must be maintained for reference in the case of learner queries and appeals.

Additional information on attendance and bonus payments

Payment queries

If a learner does not receive a payment which they were expecting, their first step is to check with their provider to see if the payment was authorised. If the payment was authorised but has not been received then providers should advise the learner to call the learner support helpline.

Back-payment

Back-payments may be authorised as a result of:

- a delayed or deferred decision
- a changed decision from unauthorised to authorised absence, resulting in a changed payment decision
- a successful appeal against a stoppage of payments
- late provision of a NoE to a learning provider, and where the entitlement date shown on LPP is earlier than the current week.

For detailed information on back-dating payment decisions as a result of a learner's application being received at the LSS after the start of their learning programme, please see the section 'Learner has not yet applied for EMA'.

Learning providers should resolve back-payments quickly. For more information about this, see the *LPP Operating Manual*.

Overpayment

If the LSS becomes aware that EMA payments have been made inaccurately, for example, because of failure to disclose information on the part of the learner, a misrepresentation of data, processing or system errors etc they will take recovery action. There is a responsibility on both the learner and the learning provider to notify the LSS of any potential overpayments.

A letter will be sent to the learner explaining why they have been overpaid, detailing the amount of overpayment and asking for repayment as soon as possible.

If the learner is still on their course, the LSS can suggest two alternatives; either subsequent payments be withheld until the overpayment is recovered, or the learner can repay the whole amount in one payment. Until the learner confirms how they want to make repayments, the LSS will withhold future payments, as this may reduce the outstanding amount.

If a learner has left their course, and does not respond to correspondence from the LSS, the LSC has the right to take legal action to recover the overpayment. This is clearly stated in the declaration on the EMA application form.

End of programme

When learners have completed their E2E or PLA course, administrators must record the fact on LPP that no further payments should be made.

Appeals

Where a decision has been taken that a learner should not receive either a weekly or a bonus payment, the learner has a right of appeal, subject to the following principles:

The learning provider must give the learner written information about the process for appealing against payment decisions at EMA registration.

- Learners must be fully aware of the payment conditions they must meet to receive payments **before** decisions are taken, and understand that they should adhere to these rules.
 - The learning provider should explain if a payment is going to be stopped and why. This may be a simple, evidence-based statement, for example, “you did not attend on Tuesday afternoon without prior permission” or “you did not meet agreed acceptable standards of behaviour”. There is no need for the explanation to repeat the general material on how EMA works that was provided to the learner at enrolment. Nor is there any necessity to explain in detail why an absence has been deemed to be unauthorised. Absences are deemed unauthorised: the burden of proof that they should be authorised lies with the learner.
 - The appeal should be handled within the provider, but by a person other than the one who took the initial decision that the payment in question should not be made.
 - When there is a dispute between a sub-contractor and a learner, the learning provider should intervene.
 - Learning providers should have in place existing procedures to deal with complaints and appeals and these should be used if possible for dealing with an appeal in respect of a decision on an EMA payment.
 - The learning provider must ensure that the learner has been provided with full details of why the EMA payment has been stopped prior to any hearing taking place. The procedure should provide for the learner to present his or her case and for the learner to be accompanied by a parent or someone else of their choosing, who may state the case on the learner’s behalf. Legal representation is not normally appropriate.
- When communicating the decision of an appeal hearing, and in the event that a learner’s case has not been upheld, the provider must include the following line in the decision letter:
 - *‘In the event that you are dissatisfied with the way in which your appeal has been dealt with you may complain to the Learning and Skills Council. For more information, please see the LSC website at <http://www.lsc.gov.uk/ComplaintsProcedure.htm>*

Records and audit

Recording and collating learning progress information/bonus payments

Learning providers must keep copies of the E2E Passport or PLA ILP. They need to ensure that someone sufficiently connected with the learner's progress is able to make a judgement as to whether or not the learner has met the agreed learning goals. Given the nature of these goals, there may be an element of judgement in this decision.

Decisions about each learner need to be collated centrally within the learning provider so that decisions about the bonus can be entered onto LPP.

Information about progress against learning goals and records of decisions about whether or not to approve bonus payments should be retained in a suitable format for a minimum of six years. Learning providers are no longer required to retain documentary evidence of notification of non payment decisions for the EMA weekly allowance. The controls testing phase of EMA audits will include a check on the adequacy of the procedures that are in place for the notification of non payment decisions to learners.

Audit

The LSC has produced guidance for learning providers on the proposed audit arrangements for EMA within E2E and PLA. This is attached at Annex 2 of this document for your information.

For information on the evidence and supporting documentation that needs to be retained for audit purposes, learning providers should refer to the *Requirements for Funding Work Based Learning for Young People 2008/09*.

Other Information Sources

A range of additional documents are available to learning providers that offer further information on the EMA scheme. These are available in the supporting documents section of the EMA website (www.direct.gov.uk/ema) and include:

- EMA Residency 2008/09 – Supporting information
- EMA and Benefits Information
- Example of Application form and Guidance Notes
- Example of NoE and CP1

Learning providers can also readily obtain information about the EMA scheme, either from the website or through the learning provider helpline.

Marketing and Support Materials

The following marketing and support materials are available for EMA in 2008/09. The marketing and support materials change each year and we ask providers to remove old stock and replace with new stock as soon as possible each year. In order to ensure you have the most recent materials, please check the website www.lsc.gov.uk/providers/moneytolearn

For 2008/09, many of the EMA marketing and support materials have been updated with 'hands' images, to fit with the wider 'Our Future, it's in Our Hands' national Skills Campaign.

- **Leaflet** aimed at the learner to give clear and simple messages about EMA (ref no LSC-P-NAT-080002). The leaflet is also available in Braille (ref no LSC-P-NAT-080002BR) and Large Print (ref no LSC-P-NAT-080002LP).
- **Two posters** for learning providers to use to promote EMA. Both posters have simple messages, including the helpline number. One poster focuses on **EMA choices** and the range of courses available (ref no LSC-P-NAT-080031) and the other on **EMA money** and how much it is worth (ref no LSC-P-NAT-080001).
- **GCSE Envelopes** A5 size envelopes with EMA branding for teachers to use to give learners their GCSE results in. Also includes a flyer giving young people advice on their Post-16 Choices (ref no LSC-P-NAT-080005).
- **Application Form** for learners to complete to apply for EMA (ref no LSC-P-NAT-080016).
- **Guide for Practitioners Working with Young People** A5 leaflet to help practitioners working with young people to advise learners and their families about EMA (ref no LSC-P-NAT-080040).
- **Financial Help for Young People** A small booklet giving outline information about the financial help available to young people in learning (ref no LSC-P-NAT-070158).
- We are currently updating the **resource pack**, including the **DVD**, in conjunction with the Department for Children Schools and Families. The new pack and DVD will be available in the autumn. The pack includes the DVD, and the

DVD will also be available to order separately. Please keep checking the website for further details. (Ref no for DVD LSC-P-NAT-080004, ref no for whole pack LSC-P-NAT-080120)

The leaflets and posters can be viewed and downloaded from the LSC website at <http://ema.lsc.gov.uk/resources/>

Printed copies of all materials can be ordered by contacting LSC Publications as follows. Please quote the relevant reference number when ordering.

<i>Post:</i>	<i>Phone: 0845 602 2260</i>
LSC Publications	<i>Fax: 0845 603 3360</i>
PO BOX 5050	<i>Minicom: 0845 603 3360</i>
Sherwood Park	<i>Email: lsc@prolog.uk.com</i>
Annesley	
Nottingham NG15 0DJ	

What to do if you are in an EMA pilot area:

If you are in South Yorkshire or the South West, you are in a pilot area. While the new online and telephone application methods are being piloted, the number of EMA paper applications that you can receive will be limited.

Please contact LSC Publications as usual and we will take your order. We will then send you an explanatory letter with your order, together with leaflets and pilot-specific flyers to distribute to your learners to promote the new online and telephone application methods.

The pilot flyers are also available to order from LSC Publications:

- **Pilot Flyer** EMA-branded flyer giving simple information about the scheme and including the 'apply online' message (ref no LSC-P-NAT-080018)

Annex 1: Authorised and Unauthorised Absence

Introduction

Providers need to have a clear documented policy of attendance and authorising absence that fits within the framework set in the following guidelines.

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 attitude, progression and completion of coursework. In general, a learner should be paid EMA payments only where they have attended all the learning and met the standards of behaviour and attitude agreed in their EMA Contract. The E2E programme gives Providers the flexibility to allow part-time attendance of a minimum of 16 hours per week in exceptional circumstances with the expectation of a move to full time 30 hours per week attendance as soon as possible. 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 learning provider should notify the LSS to that effect in its weekly return.

It is, however, acceptable for the learning 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 he or she has attended in full, unless of course they have an unauthorised absence for a different session.

Providers may choose to establish parameters for agreeing tolerance levels that provide a degree of flexibility in their policy to support learners who may be experiencing difficulties settling into an agreed attendance pattern and could be likely to disengage from their programme. For example a Provider could offer a degree of flexibility over the first 3 weeks of a programme so that one missed session or a late arrival would not necessarily result in the allowance being stopped but that a regular occurrence would. Thus, supporting the learner to achieve an acceptable standard of behaviour.

A further example of setting tolerance levels would be for the Provider to consider a '3 strikes' approach to late attendance and build this in to their policy. This could be monitored over a 2 week period before

the weekly allowance is affected and provide an initial period of flexibility to support the learner achieve an acceptable standard of attendance.

When designing an attendance policy, Providers need to ensure that the key objectives of the programme continue to be supported. Any flexibility built in to the policy should have clear parameters so that learners remain engaged but that they also develop acceptable standards of behaviour which prepare them for further learning opportunities and employment. It would not be appropriate for example to count average attendance over a period of weeks as this would not equip a young person to be able to meet the attendance requirements of a full time FE course or an employer led Apprenticeship.

It is for Providers to decide on and implement a documented attendance policy which will be reviewed by LSC Audit. Within that, they must detail any flexibility, refer to the minimum weekly hours and define what 'full attendance' means for their client group and then apply it fairly. The policy should be available for learners, teaching staff and administration staff to follow. Many localities have local area agreements on attendance procedures so that learners are treated consistently whichever learning provider they attend.

It is for learning providers to decide whether a particular absence is to be authorised or not, but note that in making such decisions, they should take account of the guidance in this document. They are obliged to do so under the formal scheme arrangements which have been delegated by the Secretary of State for Education and Skills to the Learning and Skills Council. Local agreements on authorised and unauthorised absence have proved useful in clarifying and standardising interpretations of authorised and unauthorised absence for both local partners and learners.

Different learning providers have different methods of recording attendance. For EMA purposes this is acceptable. The key point is that learning providers need to report whether there has been satisfactory attendance and they are free to determine the basis for taking that decision. Where a learner has not

registered for an individual learning session, or arrives late, this may not be immediately detected for EMA purposes. Learning providers should ensure that there are arrangements for drawing this to the attention of those responsible for EMA administration.

General Principles

In deciding whether an absence should be authorised or not, learning 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 learning provider proactively to justify its decision not to authorise the absence.

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 learning 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, learning providers should consider whether the absence was really unavoidable. An absence which could not have been notified in advance should be notified to the learning 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.

In operating these principles, learning providers should ensure that decision-making processes are transparent, and that there is equitable application of rules across all their EMA learners.

Accrued authorised absence in E2E and PLA

There is room to accommodate authorised absences in EMA provided they form part of the contract between the young person and the provider set out in the learning agreement. As part of the learning patterns in E2E and PLA, learners may accrue authorised absence through regular attendance, usually at a rate of two days per calendar month of attendance. This can be treated as authorised

absence for the purposes of making 'pay' or 'don't pay' decisions.

Where public holidays fall within a week, the learning provider should make a payment authorisation for the learner for that week, providing they have attended all their scheduled learning sessions. An example of this is the May Day bank holiday. If a learner has satisfactory attendance in that week other than the Monday, the payment for that week should be made. This applies even if this means that for this week her or his number of guided learning hours falls below the stipulated minimum.

All non-employed learners who need to attend their learning programme during bank and public holidays must receive time off at least equal to the time they attended on that bank or public holiday.

Where the provider closes down for periods, for example at Christmas or for a summer break, learners can take accrued authorised absence. Should they have not accrued sufficient authorised absences to cover that period of learning, that period cannot be treated as an authorised absence for EMA purposes and cannot be paid. However, learners will only need to use accrued authorised absence for the actual learning days which are included within their study pattern.

Absences which can be foreseen in advance

When authorising absences, decision-makers will want to consider:

- how reasonable any case is
- the number of absences taken by any one individual
- exclusion from a particular session, period or day from the learning provider
- repetitions of the same excuse
- whether the excuse is backed up with evidence.
- Examples of legitimate reasons for absence include:
 - medical appointment which cannot be arranged outside learning provider hours
 - a particular need to look after a family member or another person for whom the learner has caring responsibilities. However, learning providers should not regularly be authorising absences for a learner for this reason. Where

such responsibilities are regularly interrupting attendance patterns, there is a need to explore solutions personally with the learner. Best practice is to offer a learner with caring responsibilities a named member of staff to contact when they are unable to attend and examine whether alternative care arrangements can be made. See DCSF document Behaviour and Attendance: groups of pupils at particular risk at <http://www.dcsf.gov.uk/schoolattendance/publications/index.cfm>

- This may result in a learning provider re-negotiating a learner's attendance pattern to accommodate these commitments, whilst still meeting the minimum number of hours required under the learning agreement
- a religious holiday
- a visit to a college either to attend an open day or for interview, or a career-related interview
- an appointment with a Connexions adviser
- a work experience or work placement which is an integral part of a learning programme, and for which the learner does not receive a wage
- participating in a significant extra-curricular activity, such as drama, music, sport or volunteering. Authorised absence should only be granted where the activity is integral to the learning programme (particularly for E2E) or reflects a significant level of personal achievement (for example, taking part in a regional or national event), or for some other one-off event. When these activities are not integral to the learner's programme, authorised absences under this criterion should be granted sparingly, and where a pattern of frequent participation in such activities is proposed, there is a need to explore solutions personally with the learner
- attendance at a probation meeting
- attendance at a funeral
- severe disruption to a learner's mode of transport (for example, where a learner commutes by rail and a rail strike means there is no practical way of getting to the learning provider)
- a driving test
- Territorial Army or cadet events
- study visits abroad that are an integral part of the learner's learning programme, that last no

more than four weeks, and that are set out in the learner's learning agreement.

If a learner has to leave part way through a week to start a job a Provider can choose to authorise the absence to allow them to receive a final weekly payment.

Where a learner has no choice but to miss learning because of another appointment (such as a medical appointment and so on, detailed above) this may be authorised in addition to their accrued authorised absence. However, learning providers must manage this carefully, drawing on the principles set out above. As this area is likely to be audited it is recommended that robust lines are drawn up and explained to each learner as they join the programme, so that learning providers can demonstrate they are authorising the expenditure of public funds legitimately and consistently.

Should an individual need an exceptional amount of additional leave or have re-occurring events of the same nature then this should be investigated and the suitability of the programme reviewed in light of the findings.

The following reasons for absence would not generally be acceptable:

- part- or full-time work which is not part of the learner's learning programme
- leisure activities
- birthdays or similar celebrations
- babysitting for younger siblings
- shopping
- driving lessons
- jury service.

This list is not intended to be exhaustive.

Maternity/paternity leave

For E2E/PLA learners, EMA will not be payable during periods of maternity or paternity leave. This is consistent with current employment legislation.

Absences that cannot be foreseen in advance

Where an absence genuinely could not be foreseen in advance, the learner should nevertheless make arrangements to tell the learning provider as soon

as possible on the day in question that they will be missing learning. Where a learner has failed to do this, the absence should be treated as unauthorised, and therefore the learner should not receive EMA for the week in question.

The only exception to the principle in the previous paragraph is where the young person can supply a strong reason for failing to contact the learning provider. This might be because an event has been particularly disturbing or unpleasant, or because there has been a genuine practical barrier. Reasons for absence which would tend to be acceptable, provided that the learning provider has been notified on the day, include:

- an emergency situation involving a family member or another person for whom the learner has caring responsibilities. Sudden severe illness would be an example. Best practice is to offer a learner with caring responsibilities a named member of staff to contact when they are unable to attend and examine whether alternative care arrangements can be made. See DCSF document *Behaviour and Attendance: groups of pupils at particular risk* at <http://www.dcsf.gov.uk/schoolattendance/publications/index.cfm> transport problems, where these were not known about in advance, and where there is no alternative means to hand. Consultation suggested that it is reasonable to expect learners to walk a three mile round journey if they do not have a relevant disability.

This list is not intended to be exhaustive.

Sickness

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 education, so it should not be paid if a learner is away for a full week. Also, learning providers are entitled to turn down applications for authorised sickness absence if they have reason to doubt their 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 learning provider to implement a policy of not accepting sickness as a reason for authorised absence. The key is for learning 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.

Long-term sickness or disability

Any learning programme should be agreed between the learning provider and the young person to meet the learner's needs. The hours of learning minimum, appropriate to the learning programme, must still apply. However, in respect of learners who are disabled within the meaning of the Disability Discrimination Act (DDA), the provider will have to consider what reasonable adjustments should be made to facilitate the learner's ability to carry out the required learning hours, taking into account the particular needs of the learner. The Disability Discrimination Act 1995 defines a disability as a physical or mental impairment which has a substantial and long term (i.e. more than twelve months) adverse effect on a person's ability to do normal daily activities. Further information can be found at www.drc.org.uk. It may be that some periods of learning at home would be appropriate as long as the learning provider oversees the learning programme work and monitors its completion closely. Alternatively, some adjustments might be made, such as agreeing to allow the young person to miss a particular learning session because attendance in the specific circumstances is difficult, for example because of transport issues or because the learner cannot attend for long periods because of his or her disability. Providers should normally class as authorised any absence which it is satisfied is directly related to the learner's disability. Prolonged periods of illness may result in the learner taking a planned break in their provision at which point EMA would not be paid.

Partial attendance

Different providers have different methods of recording attendance, and some do so for each lesson or lecture whereas others do so just once in the morning, once in the afternoon. For EMA purposes either is acceptable. The key point is that providers need to report whether there has been satisfactory attendance, and they are free to determine the basis for taking that decision. Where a learner has not registered for an individual lesson, or arrives late, this should be picked up at the register taken for that lesson, but this may not immediately be detected for EMA purposes. Providers should ensure that where staff need to report absence from a lesson, there are arrangements for drawing this to the attention of those responsible for EMA administration.

Study leave

Learners should receive their weekly payment during periods of authorised study leave preceding examinations until they have sat their final examination.

Jury Service

EMA should not be paid for periods of jury service; if a learner is called upon to attend jury service best practice is for providers to encourage them to seek a deferral to a holiday period. From 2008/09 weekly payments of EMA recognise not only the learner's attendance in learning but also the achievement of goals set out in their learning agreement and their effort and good behaviour while in learning. Mindful of this any period spent away from the learning provider e.g. jury service would make the achievement of set goals and agreed behaviours difficult to manage for learners and payment authorisation overly complicated for learning providers.

General authorisations

A learning provider may find it helpful to issue a general authorisation of absence in some circumstances, for example, severe weather.

Local Area Agreements

Best practice is for learning providers to form local agreements of how the discretion afforded by the rules on authorised absences should be exercised. The advantage of such local agreements is that they can avoid the danger that one learning provider can seem to be operating the EMA scheme more leniently than another, which could lead to resentment, and even to distortions in learners' choice of provider. However, some providers may wish to maintain their own approach to absence management to differentiate their provision. In particular National Providers may adopt company-wide procedures to ensure consistency.

Therefore, the LSC is not mandating the use of local area agreements, or providing a mechanism to enforce them where they do exist. The LSC issues nationally relevant principles on what might count as authorised absence, but learning providers must apply these principles using their own discretion. It is equally a matter for learning providers to decide whether they wish to enter agreements with neighbours about how they should exercise this discretion.

Where local area agreements exist, it may be necessary to update the agreement quickly to reflect ad hoc circumstances and produce a commonly agreed general authorisation.

Audit

The LSC has produced guidance for learning providers on the audit arrangements for EMA within E2E and PLA and the types of evidence which should be held. This is available at Annex 2 of this document.

Annex 2: Guidance on LSC Audit Arrangements for EMA at Entry to Employment (E2E) and Programme Led Apprenticeships (PLA) Providers

Background

This annex gives guidance to providers on the LSC audit arrangements for EMA payments paid to learners enrolled on LSC funded Entry to Employment (E2E) or Programme Led Apprenticeships (PLA) learning provision. The approach to auditing EMA is now well established and this guidance includes recommended best practice which is informed by audit findings.

This guidance should be read alongside the LSC's *Requirements for Funding Work Based learning for Young People 2008/09*, in particular the annexes that deal with evidence requirements.

Methodology

In recognition of the need to minimise the administrative burden on providers, it is proposed generally to carry out LSC audit of EMA for E2E/PLA as an integral part of the existing Work Based Learning (WBL) audit approach.

Most providers will be familiar with the current WBL audit approach which enables LSC auditors to gain assurance that the *Requirements for Funding Work Based learning for Young People 2008/09* are being met and informs audit opinions on providers' internal controls and use of LSC funds.

The WBL audit approach is risk based and includes gathering information from providers to assist the planning and conduct of the audit, by use of the Business Environment Questionnaire (BEQ) and Provider Control Risk Assessment (PCRA) process. The BEQ gathers background and largely generic information, whilst the PCRA is used by auditors to identify and evaluate controls over the management and administration of LSC contracts.

The evidence gathered informs a risk assessment which then drives audit visit frequency and substantive testing sample size.

In practice what this will mean is that whilst carrying out WBL audit work, LSC auditors will extend information gathering and testing to include EMA

for E2E/PLA, within the existing WBL forms suite. The overall impact on provider administration should therefore be kept to a minimum.

Provider Controls Risk Assessment (PCRA)

Section 8 of the PCRA covers the EMA payments system operated by the provider and is used to determine whether there is an appropriate system of controls in place to ensure the effective administration of weekly and periodic bonus payments to learners via the Learning Provider Portal (LPP) and the Learner Support Service (LSS). Annex A to the PCRA includes examples of the processes that providers use to manage key risks, and corresponding examples of the controls that can be applied to the processes identified. In respect of EMA, Section 8 of the PCRA includes the following key areas:

- General management and administration arrangements for EMA in E2E/PLA, including data and security and details of any sub-contracting.
- Ensuring that only eligible learners are recruited to E2E/PLA. (See Sections 3 and 4 of the 2008/09 EMA Guidance for E2E and PLA).
- Agreement and completion of EMA document Contract Part 1. (See Section 4 of the 2008/09 EMA Guidance for E2E and PLA).
- Recording and reporting of attendance data, including authorised and unauthorised absence, notification of payment/non-payment decisions. (See Section 5 of the 2008/09 EMA Guidance for E2E and PLA).
- Authorisation of EMA bonus payments to qualifying learners. (See Section 5 of the 2008/09 EMA Guidance for E2E and PLA).
- Advising and reporting to the LSS of any factors that may influence EMA payments or corrective actions. (See Section 5 of the 2008/09 EMA Guidance for E2E and PLA)

Substantive Testing of Transactions

A sample of payment transactions extracted from LPP will be tested for validity to evidence held by the provider. These tests will cover the same generic areas as the controls work detailed above, that is:

- General management controls and sub-contracting.
- Eligibility
- Contract Part 1: Notice of Entitlement/ Attendance behaviour and effort
- Attendance recording
- E2E Passport: Bonus payments
- Adjustments/recoveries
- Accuracy and reliability of data

Evidence Requirements (Please also refer to the LSC's *Requirements for Funding Work Based learning for Young People 2008/09*).

As part of the audit testing, we would expect the following evidence to be available (and held by the provider or its sub-contractor, if learning is delivered off-site) in order to meet the above criteria. It must be noted that the examples given below serve as a guideline and depending on the nature of the control systems operated by the provider other acceptable evidence may be held which is not detailed below:

- The provider's EMA attendance policy, detailing authorised and unauthorised absences
- Evidence to confirm that the learner is eligible to receive EMA, such as a completed eligibility checklist, application/enrolment documentation or initial assessment
- Copies of the learner's Contract Part 1: Attendance, behaviour and effort, signed by the learner and provider confirming the learner's agreed timetable
- Copies of E2E Passports/learning plans signed by the learner and learning provider confirming fulfilment of agreed learning aims
- Evidence of learner attendance to determine appropriate authorisation and reconciliation of payments issued
- Evidence of recoveries action (if any) undertaken resulting from overpayments.

Feedback and Reporting

LSC auditors aim to discuss audit findings with the provider as the work progresses and usually hold a formal meeting at the end of the fieldwork. As well as detailing any findings, auditors will endeavour to support providers by giving recommendations for improvement to processes and controls, if necessary.

Part of the rationale for the controls work is to enable auditors to gain an understanding of how providers control the administration of LSC funds. Where errors are found, auditors will try and identify where controls have broken down or failed to operate as intended, so that meaningful and value added recommendations can be made.

A formal audit report will be issued that covers the WBL audit work, including EMA for E2E/PLA.

Summary of Common Pitfalls

Since EMA was extended to WBL in April 2006, LSC regional audit teams have been carrying out EMA audits at E2E and PLA providers. A number of recurring issues have been identified and are summarised below:

- Eligibility checks: providers do not check that each learner meets the EMA eligibility requirements prior to entering the learners onto LPP, and/or do not hold documentation to confirm that the eligibility checks have taken place
- A common misconception is that the Notice of Entitlement 'confirms' that a learner is eligible to receive EMA payments, and providers do not always realise they are responsible for checking a number of eligibility criteria themselves
- A recurring weakness is that providers do not always have a clear documented attendance policy for staff and learners including guidance on authorised and unauthorised absences
- Some providers do not hold complete attendance evidence to support all the weekly payments decisions for all the learners. There are two main aspects to this – attendance evidence is missing or incomplete and occasionally the attendance evidence held contradicts the payment decision made by the provider
- Some providers do not hold complete evidence to support all the bonus payments decisions for all the learners

- Occasionally, Contract Part 1 documents have not been available for audit inspection, and some Contract Part 1 documents have not been signed by the learner or occasionally, by the provider.

Recommended Best Practice

Audit Trail

Auditors will want to review evidence that providers should already hold as part of their established systems and processes for delivering learning. This is sometimes referred to as 'normal' or 'naturally occurring' evidence. Therefore, in the interests of cutting unnecessary bureaucracy, auditors will not expect to see additional evidence prepared specifically for EMA, because appropriate underlying evidence to support attendance payments and bonus payments should already be held by providers.

Eligibility

When providers enrol learners onto their learning programmes, the provider is responsible for checking that the learners are eligible to participate in learning. It is recommended that the EMA eligibility check is completed at the same time, and the outcome of the check is communicated to the LPP administrator so that the LPP administrator is able to authorise weekly payments only to eligible learners. It should be noted that asylum seekers are not eligible to receive EMA payments, but asylum seekers may be eligible to participate in LSC funded learning programmes. Providers should retain evidence to support their eligibility assessment. This is particularly important when confirming that learners meet the residency criteria. An eligibility checklist is included at the end of this annex.

Attendance – Authorised and Unauthorised Absences.

In order to help learners understand their attendance requirements, providers should have a documented attendance policy which includes authorised and unauthorised absences.

Retention of Documentation

The following documentation should be retained for audit inspection for six years following the end of the 2008/09 EMA year (i.e. 31 July 2014):

- Fully completed Contract Part 1 for each learner
- Fully completed E2E Passport or PLA ILP for each learner
- Attendance evidence to support each weekly payments decision
- Evidence of participation to support all bonus payments.

EMA Eligibility Checklist: Work Based Learning Providers

Eligibility Criteria	Confirmed: Yes/No
Learner is aged between 16 and 19	
Learner is entitled to free education	
*Learner appears to fulfil the EMA residency criteria	
Learner is not in receipt of other excluded government funding	
Learner is enrolled on a valid programme of study at a recognised education establishment (minimum 16 guided learning hours for 10 weeks)	
Learner is Eligible to receive EMA payments	

Completed By:	
Position:	
Date:	

Note: * Although there is no specific requirement for providers to confirm that learners' residency self-certifications are accurate, providers should consider whether on the basis of the evidence seen at enrolment the learners appear to be eligible both to participate in LSC funded learning and to receive EMA payments (i.e. there is no contradictory evidence).

Annex 3: References

- DCSF (2008) *Managing Behaviour and Attendance: groups of pupils at particular risk* at <http://www.dcsf.gov.uk/schoolattendance/publications/index.cfm>
- LSC (2008) *Financial Help for Young People* at www.direct.gov.uk/youngpeoplefinance
- LSC (2008) *EMA and Benefits Information* at www.direct.gov.uk/ema
- LSC (2008) *Requirements for Funding Work-based Learning for Young People 2008/09* at www.lsc.gov.uk
- LSC (2008) *Example of notice of entitlement and contract part 1* at www.direct.gov.uk/ema
- LSC (2008) *Guidance Notes for EMA Year 2008/09 – Helping you fill in the EMA Application Form* at www.direct.gov.uk/ema
- FSA (2008) Financial Services Authority www.moneymadeclear.fsa.gov.uk/publications
- LSC (2008) *EMA Residency 2008/09 – Supporting Information* at www.direct.gov.uk/ema
- LSC (2008) *Our Single Statement of Requirements – Executive Summary* at www.lsc.gov.uk
- LSC (2007) *Connexions Action Note – CXP 234* – available on the connexions intranet
- LSC (2008) *EMA Marketing and Communications Guidance* at www.direct.gov.uk/ema

Annex 4: Abbreviations

DL	Discretionary Leave
E2E	Entry to Employment
ELR	Exceptional Leave to Remain
EMA	Education Maintenance Allowance
ESF	European Social Funding
FE	Further Education
ILE	Indefinite Leave to Enter
ILP	Individual Learning Plan
ILR	Individual Learner Record
ILR	Indefinite Leave to Remain
LPP	Learning Provider Portal
LSC	Learning and Skills Council
LSS	Learner Support Service
NoE	Notice of Entitlement
NVQ	National Vocational Qualification
PA	Personal Adviser
PLA	Programme Led Apprenticeships
WBL	Work Based Learning

Learner Support Directorate
Learning and Skills Council
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© LSC June 2008
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Publication reference: LSC-P-NAT-080126