

2006/07 Education Maintenance Allowance Guidance for Providers of LSC-funded Entry to Employment and Programme Led Pathways

Summary

This document contains guidance for learning providers who are involved in delivering LSC-funded Entry to Employment (E2E) and Programme Led Pathway (PLP) provision for 16-19 year old learners, and will therefore be involved in administering Education Maintenance Allowance (EMA). This guidance sets out what learning providers should do to operate the EMA scheme for Entry to Employment (E2E) and Programme Led Pathways (PLP) in their organisations, and how to get the best from it. It should be read in conjunction with the *EMASYS Operating Manual*, EMA marketing information and *the Requirements for Funding Work-based Learning 2006/07*.

This document is of interest to post-16 learning providers, local LSCs, Connexions staff and other institutions involved in LSC-funded E2E and PLP provision.

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Flowchart 1: EMA process for E2E learners

Young person or household application for Notice of Entitlement

The role of learning providers in the application process will vary depending on whether the learner already has a Notice of Entitlement (NoE) or is in the process of applying. The learning provider must first identify whether the learner has already got an EMA NoE, and if so, enrol them.

For those learners who have not applied for the NOE, the learning provider will:

- raise awareness of EMA
- encourage and support learners to apply
- issue application packs.

Further details on the application process are contained within the guidance notes that accompany the application form. Applications are assessed by the Assessment and Payment Body (APB) and are based on age and household income. Those applicants that satisfy the eligibility criteria will be issued with an NoE that can be 'cashed in' at an approved learning provider.



Enrolling individuals onto a valid learning programme

The learning provider must check that the young person:

- fulfils the residency criteria for EMA
- does not claim other government funding that precludes receipt of EMA (for example, Minimum Training Allowance, Adult Learning Grant, Dance and Drama Award, Jobseekers' Allowance, NHS Bursaries)
- is entitled to participate on an E2E programme
- enrolls on a valid programme of learning, in this case, LSC-funded E2E with a minimum of 10 weeks' anticipated learning. For E2E, the normal minimum number of hours of learning is 16 hours per week, and the learner will be expected to build up to 30 hours per week as quickly as possible.

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



Agree Contract Part 1 (Attendance) with each EMA learner, setting out the responsibilities of the learner and the learning provider for the learner to receive EMA weekly payments. Explain how EMA is operated by the learning provider in terms of how attendance and punctuality will be monitored, and the implications of unauthorised absence. Best practice is to supply this information in writing, and to integrate these with the E2E Passport (see paragraphs 124-130 of this guidance). Explain how the query and appeals process will operate for disputed stopped payments.



Add learners to EMASYS, the EMA web-based payment system.



After enrolment, complete the E2E Passport, including the signature of the young person's Connexions Personal Adviser (PA), and agree the outcomes for which the learner will receive their bonuses. A bonus will be paid for agreement of their E2E Passport (see Section 5 of this guidance for more details).

All E2E learners must have an E2E Passport, but only those who have an EMA NoE and are registered on EMASYS will be able to receive EMA weekly payments and bonuses.

Records and audit

Retain a copy of Contract Part 1 (Attendance) and E2E Passport for three years for audit purposes.

Other processes related to enrolment

Throughout the year, you will need to:

- update EMASYS for learners changing a learning programme (and ensure the learner is still eligible for EMA payments)
- check that end of learning descriptions are completed for learners who have left.

Attendance and bonuses

Attendance is recorded weekly. Where a sub-contractor is involved in recording a learner's attendance, ensure a system is set up in advance that provides you with the information you require to make payment decisions (that is, you will need the learner's attendance record so that a decision to award or not award the weekly payment can be made).



Record the authorised and unauthorised absences of learners. Information from sub-contractors will be required. Therefore, a procedure must be set up to ensure this information is available.



Make decisions on authorisation of weekly EMA attendance payments.



Use EMASYS to notify the APB of authorisation of weekly EMA attendance payments.



Notify learners who are having their payment stopped, setting out why.

Bonuses

Agree learning goals and objectives with the learner, which form part of the E2E Passport agreement. Examples of goals could include completion of key skills qualifications, a collection of NVQ modules and satisfactory completion of a substantial work placement or other personal goal. Once agreed, and the young person is signed off as being on the appropriate provision by a Connexions PA, mark on EMASYS that the E2E Passport has been agreed in the bonus payment screen. This will release the first bonus payment to the learner.



You can pay two further bonuses linked to objectives set out in the E2E Passport. This is done in the bonus payment screen in EMASYS. Further information on this is contained within the *EMASYS Operating Manual*.



The final bonus a learner can receive is related to progression after finishing the E2E programme. If the learner progresses into further education (FE), an Apprenticeship (including a PLP programme) or a job, and remains there for at least four weeks, the progression bonus should be awarded to the learner (the EMASYS system will allow this to occur).

Other processes related to weekly and bonus payments

For overpayment, follow the procedures described at paragraphs 192-196 of this guidance.

For back-payment, authorise weekly payments on EMASYS for any earlier weeks for which no payment decision has already been made. See paragraphs 187-191 of this guidance for more details.

Where the Connexions PA decides E2E is an inappropriate option for the young person, the young person is eligible for EMA weekly payments until he or she moves off the E2E course. However, it is expected this will be a short period of time.

If this young person enters a positive progression (FE, PLP programme or job) after they move off the E2E course, they are still eligible for their progression bonus payment.

Records and audit

Retain records of payment decisions, authorised and unauthorised absences, bonus decisions and learning progress for three years to meet audit requirements.

Flowchart 2: EMA process for PLP learners

Young person or household application for Notice of Entitlement

The role of learning providers in the application process will vary depending on whether the learner already has a Notice of Entitlement (NoE) or is in the process of applying. The learning provider must first identify whether the learner has already got an EMA NoE, and if so, enrol them.

For those learners who have not applied for the NOE, the learning provider will:

- raise awareness of EMA
- encourage and support learners to apply
- issue application packs.

Further details on the application process are contained within the guidance notes that accompany the application form. Applications are assessed by the APB on age and household income.

Those applicants that satisfy the eligibility criteria will be issued with a NOE that can be 'cashed in' at an approved learning provider.



Enrolling individuals onto a valid learning programme

The learning provider must check that the young person:

- fulfils the residency criteria for EMA
- does not claim other government funding that precludes receipt of EMA (for example, Minimum Training Allowance, Adult Learning Grant, Dance and Drama Award, Jobseekers' Allowance, employer top-ups, NHS Bursaries)
- is entitled to participate on a PLP programme
- enrolls on a valid programme of learning, that is, LSC-funded PLP with a minimum duration of 10 weeks' anticipated learning. Learning will usually be a minimum of 16 hours per week, but it is more usual that PLP learners will be expected to be attending for 30-40 hours a week.

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



Agree Contract Part 1 (Attendance) with each EMA learner, setting out the responsibilities of the learner and the learning provider for the learner to receive EMA weekly payments. Explain how EMA is operated by the learning provider, in terms of, how attendance and punctuality will be monitored, and the implications of unauthorised absence. This process may be linked to setting the Individual Learning Plan (ILP) (see paragraphs 124-130 of this guidance for additional information). Explain how the query and appeals process will operate for disputed stopped payments.



Add learners to EMASYS.



No later than six weeks after enrolment, agree the ILP, and update EMASYS so the learner can receive their ILP bonus.

Records and audit

Retain a copy of Contract Part 1 (Attendance) and ILP for three years for audit purposes.

Other processes related to enrolment

Throughout the year, you will need to:

- update EMASYS for learners changing a learning programme
- check that end-of-learning descriptions are completed for learners who have left.

Attendance and bonuses

Attendance is recorded weekly. Record the attendance of learners. Where a sub-contractor is involved in recording a learner's attendance, ensure a process is set up in advance that provides you with the information you require (that is, you will need the learner's attendance record so that a decision to award the weekly payment can be made).



Record the authorised and unauthorised absences of learners. Again, information from sub-contractors may be required, so set up a system to ensure the information is available.



Make decisions on the authorisation of weekly EMA attendance payments.



Use EMASYS to notify the APB of authorisation of weekly EMA attendance payments.



Notify learners who are having their payment stopped, setting out why.



Bonuses

Agree learning goals and objectives with the learner, which form part of the ILP. Examples of goals could include completion of Key Skills qualifications or a collection of NVQ modules. Once agreed, mark on EMASYS that the ILP has been agreed in the bonus payment section. This will release the first bonus payment to the learner.



A learning provider can pay two further bonuses linked to learning goals set out in the ILP by updating EMASYS. These bonuses should be focused on progressing to an employer-led Apprenticeship. Examples include completing the employer's three-month probation period successfully, achieving a key skills qualification or achieving a collection of NVQ units. This is done in the bonus payment section in EMASYS. Further information on this is contained within the *EMASYS Operating Manual*.



The final bonus a learner can receive is related to progression after finishing the PLP programme. If the learner progresses onto an employer-led Apprenticeship and remains there for at least four weeks, the progression bonus should be awarded to the learner (EMASYS will allow this to occur).

Other processes relating to weekly and bonus payments

For overpayment, follow the procedures described at paragraphs 192-196 of this guidance.

For back-payment, authorise weekly payments on EMASYS for any earlier weeks for which no payment decision has already been made. See paragraphs 187-191.

Records and audit

Retain records of payment decisions, authorised and unauthorised absences, bonus decisions and learning progress for three years to meet audit requirements.

Note: PLP can also be delivered through FE, on a course that has been designated “Courses that contribute to an Apprenticeship Framework”. The criteria for designation is that the 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 exceeds 60 guided learning hours) or in exceptional circumstances the NVQ. These young people will follow the FE model for EMA delivery.

Education Maintenance Allowance guidance for providers of LSC-funded Entry to Employment and Programme Led Pathways

1. Introduction

1. 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 Pathways (PLP) in their organisations from September 2006, and how to get the best from it. It is not intended to offer definitive advice on every possible situation in EMA: Rather, it offers a framework within which learning providers can make sensible decisions based on EMA and work-based learning (WBL) policy, the web-based assessment system EMASYS, and providers' experience of dealing with E2E and PLP learners. It should be read in conjunction with the *EMASYS Operating Manual*, EMA marketing information and the *Requirements for Funding Work-based Learning for Young People 2006/07* (LSC, 2006).
2. There are also two telephone helplines to provide support to learning providers, and to young people and their parents or carers. These are:
 - EMA Local Partner Helpline: **0800 056 2811**
 - Parent or carer and young person helpline: **0808 10 16219**.
3. The young person has an option to prevent the helpline speaking to anyone other than them regarding their application form. Please refer to the *Guidance Notes for EMA 2006/07 – Helping you fill in the EMA application form*.

2: Education Maintenance Allowance overview

4. Education Maintenance Allowance (EMA) is a payment to encourage young people from low-income families to stay in learning after the age of 16. EMA is income-assessed, with weekly payments of £10, £20 or £30 dependent upon household income. To receive EMA, young people must enrol on a valid learning programme, meet EMA residency criteria and accept and fulfil specific attendance requirements. Bonus payments are available for agreeing their E2E Passport or individual learning plan (ILP), and achieving other learning objectives agreed between the learner and the provider. 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 PLP for E2E learners
 - a paid employer-led Apprenticeship for PLP learners.

5. The EMA Assessment and Payment Body (APB) 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. 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. A young person can normally expect to receive their NoE to EMA, or a letter explaining why they are not entitled, within two weeks of their correctly completed application and supporting evidence being received by the APB. Full details of the evidence required are contained in the guidance notes accompanying the application form.

6. The young person then enrolls on a valid learning programme, having confirmed with the learning provider that they are eligible for EMA support because they meet the residency criteria and are not in receipt of other funding that would affect their eligibility.
7. They start attending to receive their weekly attendance payments and progress against agreed learning goals to receive periodic bonuses. 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 learning provider. Further details are provided in the following sections of this guidance.

8. The success of the EMA scheme in any area will depend on the commitment and ability of Local Partners to work together effectively to support young people and learning providers, and to promote and monitor the scheme locally. It fits within the broader context and goals of the work that they are already undertaking to support young people and learning providers.
9. The local LSC is responsible for ensuring that there are effective local partnership arrangements in all areas. Local Partnerships are the key group outside the learning providers to ensure that young people 'get in and stay in' learning. It is important that the Partnerships:
 - carry out an annual assessment of their area
 - plan how young people will promote EMA locally and engage with priority groups of young people
 - agree partner responsibilities; and
 - meet regularly to review progress.
10. Some EMA responsibilities will be set nationally across organisations whilst others will best be agreed by the 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:

- Requirements of Local LSCs 2006/07
- Connexions Action Note no CXP 205
- *EMA Marketing and Communications Guidance* – which can be accessed at www.direct.gov.uk/ema

Rationale for the extension of EMA to LSC-funded E2E and PLP

11. Before 10 April 2006, young people staying on in school or further education (FE) were considered dependent on their parents. Young people in LSC-funded E2E or PLP were considered independent as receipt of the Minimum Training Allowance (MTA) was treated as income. This resulted in the families of E2E and PLP learners losing their family benefits such as Child Benefit and Child Tax Credit. This loss of family support can have a significant impact on household income and can distort young people's choices between education and training. A Treasury-led review of financial support for 16-19 year olds, informed by responses from the WBL community, recommended the removal of the distinction between the financial support available to young people in full-time education at a school or college and young people on E2E and PLP, and their families. Groups consulted included the Association of Learning Providers and the E2E Advisory Group. The report (HM Treasury, 2005; see Annex 3 for full reference) can be downloaded from the HM Treasury website (www.hm-treasury.gov.uk/).

12. From 10 April 2006, EMA was extended to 16-19 year-old people starting LSC-funded E2E and PLP, replacing the MTA. These learners and their households are now able to access Child Benefit and Child Tax Credit, and therefore many low-income families will see a substantial increase in financial support

through eligibility for Child Benefit and Child Tax Credit. The maximum weekly amount available to a family in Child Benefit, Child Tax Credit and EMA in 2006/07 is £91.87, based on a family claiming for an only or first child:

- £30 EMA
- £44.42 Child Tax Credit
- £17.45 Child Benefit.

13. Learners who are independent and claiming Income Support will particularly benefit. They can receive EMA on top of their Income Support, making a package of £74.50 per week at 2006/07 rates.

14. For further information on Child Benefit and Child Tax Credit, see www.direct.gov.uk. There are also telephone helplines, particularly designed for parents and carers of young people, which they can use to recommence their claim:

- Child Benefit helpline – **0845 302 1444**
- Child Tax Credit helpline – **0845 300 3900**.

15. The LSC in partnership with the Department for Education and Skills, the Department for Work and Pensions, HM Treasury and HM Revenue and Customs has produced a booklet *Financial Help for Young People*. This booklet gives information about the financial help that a young person may be able to get if they are aged between 16 and 19. It is available in electronic form on the LSC website www.lsc.gov.uk and the information is also available at www.direct.gov.uk/youngpeoplefinance

16. For further information on benefits and how they relate to the extension of EMA to E2E and PLP courses the *EMA Extension Update Benefits Special* is available to be downloaded at www.direct.gov.uk/ema.

Work-based learning programmes covered by the EMA extension

17. From April 2006, EMA was expanded to cover LSC-funded:

- Entry to Employment (E2E)
- Programme Led Pathways (PLP).

18. More detailed definitions of E2E and PLP programmes are given at paragraphs 101-107.

19. Training provision that is not funded by the LSC's WBL programme will not be covered by these new arrangements. For example, ESF-funded E2E programmes and pre-E2E initiatives are out of scope of EMA.

Transition arrangements for LSC-funded E2E and PLP learners in learning as at 9 April 2006

20. To minimise disruption to E2E and PLP learners who started their programmes before 10 April 2006, and are therefore in receipt of the MTA at that date, they will continue to receive MTA until:

- they complete their current learning programme
- they leave their current programme without completing it (including those taking a planned or unplanned break)
- 31 December 2006 when **all** MTA payments will cease for 16-18 year-old learners.

21. Learning providers will need to ascertain the best course of action for each individual learner with a view to encouraging the young person onto the most appropriate learning programme for them. Providers must take the actions shown in Table 3 for their learners.

Table 1: Action for learners on existing E2E and PLP programmes.

Learner	Action
Those who are likely to complete their programme and leave before 31 December 2006.	Review progress and instigate measures to ensure the learner progresses as quickly as possible and will complete by this deadline. This could include additional reviews, assessments, training and visits, for example,

	and (in the case of E2E) accelerating work to identify and finalise positive progression opportunities.
Those who could complete their programme by 31 December 2006 with additional support.	Identify what additional support is needed to ensure the learner can complete in time, plan and deliver the support and keep the learner's progress under review.
Those who are on WBL PLP or NVQ-only programmes and are non-employed.	Review with the employer the potential to move the learner to employed status by 31 December 2006. This may include agreeing review dates where decisions on employment will be made. Should the employer not be willing to commit to employed status at any time then the possibility of moving employers should be discussed with the learner and the learner's wishes implemented.
Those who are on WBL PLP programmes with an employer and are non-employed, where the employer will not agree to employed status and the learner wishes to stay with the same employer.	For the learner to remain on their programme, they must remain on a PLP and be in scope for EMA. An EMA application should start early in November 2006 to ensure any problems with the application can be resolved before payments start in January 2007. There is no financial support available if the learner is ineligible for EMA.
Those who are on WBL NVQ-only programmes with an employer and are non-employed, where the employer will not agree to employed status and the learner wishes to stay with the same employer.	For the learner to remain on their programme they must convert to a PLP. The learning provider will need to review the current programme, identify any changes that are needed to convert the programme to a PLP and amend or draw up a new ILP and amend the Individual Learning Record (ILR) accordingly (further guidance will follow on amending the ILR). The EMA application should start early in November 2006 to ensure any problems with the application can be resolved before payments start in January 2007. There is no financial support available if the learner is ineligible for EMA.

Learner Support funding in E2E and PLP

22. Experience of running EMA in FE shows that running discretionary learner support alongside EMA offers the most vulnerable learners a robust package of support, which can make the difference between a young person participating in learning or not. The LSC has put in place a Hardship Fund to replicate the

Learner Support Fund available to FE Learners; the *EMA Extension Hardship Funding Guidance* can be found at Annex 3 of this document.

23. There also continues to be an element of funding within the WBL budget which can be used for items such as accommodation, travel, or health and safety kit, for example. Full details of other financial support mechanisms available in WBL are contained in the *Requirements for Funding Work-based Learning for Young People 2006/07* (LSC, 2006).

Learning provider or sub-contractor access to EMASYS

24. 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 PLP programmes. The LSC is therefore not allowing sub-contractors access to EMASYS.

Administration Payments to LSC-funded E2E and PLP providers

25. LSC-funded E2E and PLP Providers with 10 or more learners will be paid administration funding at the rate of £70 for each EMA eligible learner. This is to reflect the significant impact of the extension of EMA to these providers.

26. Administration Payments for 2006-07 will be made automatically on the basis of the number of enrolled EMA learners registered on the APB system at 1 November 2006. This date has been 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. It is also sufficiently close enough to the extension go live in April 05 to

enable learning providers to use the administration funding to help them fund their EMA set-up costs.

27. 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.
28. We expect the payment to learning providers to be made in late November or early December. Payments will be made directly to providers' bank accounts and the remittance advice will advise that the payment is for 'EMA Administration Funding'.
29. There are no guarantees that funding will be made available in future. The LSC will need to negotiate the possibility of any funding for subsequent years with DfES and HM Treasury.
30. 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.
31. Further information on the actual date that learning providers will receive the payment will be made available nearer the time.

3: Young person/household application for Notice of Entitlement

Overview

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

Application

33. 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 have already got an EMA NoE, register them on EMASYS so they can begin to receive EMA payments and agree an E2E Passport or PLP 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.

34. It is not acceptable practice for learning providers to only interview young people for E2E/PLP programmes if they already have their EMA NOE. Learning providers must recruit eligible young people to their provision, regardless of their EMA eligibility. 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 programme.

Application forms for learners starting E2E or PLP provision

35. EMA works on the basis of an EMA year, that is, September to August. This guidance refers to the 2006/07 EMA year and the following sections provide information on the application form that young people should use where their learning is due to start in the 2006/07 EMA year, that is, from 1 September 2006 onwards.

36. For learning that is due to start prior to the beginning of the 2006/07 EMA year, learning providers should refer to the *EMA Extension to LSC-funded E2E and PLP: Guidance for Providers* for details on which application form the young person should use. This guidance can be downloaded from www.direct.gov.uk/ema.

For young people who left school in June 2005 or earlier

37. Those already on E2E or PLP programmes on 9 April 2006 should:

- stay on MTA to the end of their programme or 31 December 2006, whichever comes first. If they leave and rejoin during this time will have to apply for EMA as below
- apply for EMA if on E2E or PLP programmes from 1 January 2007.

38. Those starting E2E or PLP from 1 September 2006 to 31 August 2007 should claim EMA on 2006/07 form (green).

Young People leaving school in June 2006

39. Those starting E2E or PLP from 1 September 2006 to 31 August 2007 should claim EMA on 2006/07 form (green).

40. If a learning provider or a young person is in any way unsure which application form they need to apply on, contact the APB's telephone helpline:

- EMA Local Partner Helpline: **0800 056 2811**
- Parent or carer and young person helpline: **0808 10 16219**

41. Learning providers should request supplies of 2006/07 application packs from Prolog on 0845 60 222 60.

42. Existing learners whose E2E or PLP provision started between April and August 2006 and whose learning may extend into the 2006/07 EMA year will benefit from NoE extensions of a maximum of 22 weeks. Details are given at paragraphs 120-121.

Assessment

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

44. The APB can also offer support to learning providers, young people and their parents or carers on a range of issues such as income assessment. The telephone helpline numbers are:

- EMA Local Partner Helpline: **0800 056 2811**
- Parent or carer and young person helpline: **0808 10 16219**.

Age eligibility

45. EMA is available to learners who are aged between 16 and 19 (or age 20 in circumstances explained in the following section). 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.

46. Learners aged 15 who have completed compulsory education are eligible to apply for EMA as long as they reach their 16th birthday by 31 August.
47. All learners up to the age of 19 starting an E2E or PLP learning programme during the period 1 September 2006 to 31 August 2007 will be eligible for EMA assessment.
48. If a learner starts a learning programme up to their 19th birthday, they will be able to claim their Child Benefit etc until the end of their programme or their 20th birthday whichever is sooner.
49. Learners who start (or intend to start) their learning after their 19th birthday are not eligible for EMA, but will be eligible for MTA and will be treated as adults for the purposes of Child Benefit and Child Tax Credit.
50. If the learner's date of birth shows them to be outside (either above or below) the entitlement range for EMA support, and there is no record to show that they qualify for an extended period of entitlement, (see below), the application will be rejected.
51. Learners are normally entitled to EMA for a maximum of three consecutive years. A small number of learners may be eligible to claim the third year over a four-year period. In such cases there needs to be a clear case stating the need for this flexibility, for example if the learner has had to drop out and rejoin education a year later due to exceptional personal circumstances, such as teenage pregnancy.
52. Authority for the 'three years in four' decision lies with the Connexions personal adviser (PA) and it must be documented. See Connexions Action Note, CXP205 for more details on the Connexions role in determining eligibility and an example of a form that can be used. Once a learner has qualified for an extended period of eligibility, they retain extended eligibility rights even if the reason for qualifying reduces or is removed.

53. Should a learner enrol on a learning programme but then cease to attend for the rest of the year, their EMA entitlement for that year is considered used. There is no carry-over.

Household income

54. This explanation is not intended to be exhaustive. Applicants should refer to the Application Form and accompanying Guidance Notes for full detail. Evidence to support an application must be original documentation.

55. Applications received at the APB which meet the age criteria will be assessed financially based on household income. Applications which do not meet the age or financial criteria will be issued with a letter stating the reason for rejection, explaining the what to do if the learner wants their application to be reassessed by the APB and providing contact details for other support.

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

Table 2: EMA rates 2006-07

Household income Tax Year 2005-06	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

57. Income earned by the young person will not affect their entitlement to EMA. EMA does not prevent individuals taking up help from Learner 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). See section below on learners who are estranged for further details.

Assessment of applications

Income Support, JSA (IB) and Pension Credit

58. 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

59. This is the most straightforward way to apply for EMA and we encourage applicants to apply with their TCAN where this is available.

60. 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 2006/07 year, the TCAN must show income for the 2005/06 tax year. Normally this will be the TCAN notifying the parent(s) about the Tax Credit Award for the 2006/07 tax year.

Non-TCAN applications

(a) Employed people

61. For those who do not provide a TCAN, 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.

62. For the following groups of people, other evidence may be included as indicated below.

(b) Self-employed

63. For those who are self-employed, and cannot provide a TCAN, the most recent SA302 form for the tax year 2005/06 may be provided, or alternatively a Part D (Declaration of Self-Employed Income) can be completed.

(c) Other means

64. 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.

65. 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. A full list is contained within the Application Form Guidance notes.

Non-standard assessments

Learners in the care of the Local Authority or foster parents

66. 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.

Learners who are parents

67. A learner who is already a parent themselves and has care of the child when they apply for EMA should contact the APB on 0808 10 16219, as special arrangements apply. Please see question A10 on the application form 2006/07 and the accompanying guidance notes.

Learners living with a partner

68. 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 A7 on the application form 2006/07 and the accompanying guidance notes.

Learners who are estranged

69. 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.

70. Learners in receipt of Job Seekers Allowance (Severe Hardship) may apply for EMA with an accompanying letter from their Connexions Advisor confirming they are in receipt of JSA (SH). (See Connexions Action Note, No CXP205 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.

71. For further information on benefits and how they relate to the extension of EMA to E2E and PLP courses the *EMA Extension Update Benefits Special* is available to be downloaded at www.direct.gov.uk/ema.

Exceptional changes in circumstances

72. 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
- a person whose income was taken into account in determining financial eligibility has experienced a reduction in income due to his own disability as defined in the Disability Discrimination Act 1995 or the disability, also as defined in the Disability Discrimination Act 1995, of any other person for whom he has responsibility as primary carer
- 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
- 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.

73. If the learner is already in receipt of the maximum EMA entitlement, no action is required. Otherwise, they must call the APB telephone helpline if any of the above occurs. 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 APB may not be able to talk about every aspect of the learner's application). The initial contact from the customer will initiate APB reassessment correspondence.

74. 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 APB telephone helpline to request an application form and explain their situation before they apply, as supplemental guidance is available on the evidence required with their application.

Bank accounts

75. 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 APB telephone helpline (0808 10 16219) for more information.
76. Further information on obtaining a bank account is available through the Financial Services Authority (FSA). The FSA have produced a leaflet, *No Bank Account*, which is available to be downloaded from the website www.fsa.gov.uk/consumer. The FSA can also be contacted through their helpline 0845 606 1234.
77. 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 2006/07 – 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.

4: Enrolling individuals onto a valid learning programme

Overview

78. 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 an NoE and Contract Part 1 by the APB. They then register as an EMA learner at a learning provider and are enrolled onto EMASYS.

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

80. Most of the registration process occurs when a learner joins a learning programme during the year. EMA registration should occur as part of the more general enrolment process, but learning provider enrolment processes must take account of and check EMA-specific requirements related to residency, 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 on the learner to attend learning sessions consistent with the timetable for the learning programme and obligations on the learning provider to report payment decisions for the learner.

Entitlement to free learning

81. Learning providers must fulfil their responsibilities in ensuring enrolled learners meet the residency criteria for education and EMA support, which are somewhat different. The residency criteria for E2E and PLP programmes are in the *Requirements for Funding Work-based Learning for Young People 2006-07* (LSC, 2006).

82. Learners should be prepared to prove their identity, age and residency when they enrol at a learning provider.

Residency

83. Providers must note the residency criteria for EMA support, which is detailed on the NoE, and verify that learners satisfy the EMA residency criteria before they enrol them on EMASYS.
84. If the learner is unable to provide supporting documents to confirm eligibility on these grounds, then you should not add them to EMASYS. The onus is on the learner to provide you with proof of their residency status.
85. Providers may wish to review the residency checks they undertake as part of the learners enrolment process to ensure that EMA residency checks are included. It is for the provider to decide their process for making residency checks.
86. The learner should already be aware of these criteria as they are set out on the Application Form Guidance Notes and also on the back of the Notice of Entitlement/Contract Part 1.
87. If the learner does not meet the EMA residency criteria, they are ineligible to receive EMA. The learning provider must issue them with a letter explaining why they are not eligible. (See copy of this letter at Annex 2,) and must also inform the APB by using the email facility on EMASYS quoting the applicant's name, EMA number and details.
88. EMA residency rules are narrower than those the LSC generally use in funding learning programmes. These arrangements have been agreed by the DfES.

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

90. a person who is 'settled' in the UK, and been ordinarily resident in the UK for at least the three years prior to the start of your learning programme

- a national of any European Union (EU) country or the child of an EU national, and been ordinarily resident in the UK for at least the three years prior to the start of your learning programme
- a European Economic Area (EEA) migrant worker or the spouse or child of an EEA migrant worker, who is ordinarily resident in the UK at the start of the learning programme and has been ordinarily resident in the EEA throughout the three year period prior to that; or
- recognised as a Refugee by the UK Government, the spouse or child of a refugee, have been granted Humanitarian Protection, or have EU Temporary Protection.

(Please note that the eligibility criteria for EEA migrant workers, above is slightly different to that set out in the application form. This is to bring it in line with the criteria set out in the Education (Student Support) (Amendment) Regulations which came into force on 30 April 2006. If you receive queries from EEA migrant workers about eligibility to receive EMA you should seek further advice from the APB on 0800 056 2811.)

91. The term 'settled status' includes people with Indefinite Leave to Remain (ILR) and Indefinite Leave to Enter (ILE), therefore someone with ILR/ILE will now need to have been ordinarily resident in the UK for at least the three years prior to the start of their learning programme. (Please see *EMA Residency 2006/07 – Supporting Information*, available on the EMA website, www.direct.gov.uk/ema, for a full list of definitions of terms)

92. However, we recognise that some learners with ILR/ILE may be part way through a learning programme and will already have been receiving EMA payments for this. In order not to cause these young people any disruption with their studies, learners with ILR/ILE who received EMA payments in 2005/06 will remain eligible for EMA in 2006/07 without having satisfied the three year rule, providing of course all other eligibility criteria such as age and household income are met.

93. EMA will not be paid if the young person is seeking asylum in this country or if they have been given any of the following restricted leave to remain:

- Exceptional Leave to Remain (ELR)
- Discretionary Leave (DL).

94. Those that are 'seeking asylum' are waiting for their asylum claims to be processed and a decision to be made by the Home Office or for any appeals to be finally determined. For the purposes of EMA, there is no differentiation between young people who are accompanied or unaccompanied asylum seekers.

95. If during the year the young person becomes eligible by satisfying the criteria set out above, they may re-apply for EMA.

96. For a summary of residency criteria, definitions of residency terms and examples of evidence to prove residency status please see the separate residency guidance document, available on the EMA website, www.direct.gov.uk/ema.

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

97. 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 APB.

98. 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

99. 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

100. The only WBL programmes covered by the extension are LSC-funded E2E and PLP programmes. These are defined in paragraphs 101-107 below.

Entry to Employment (E2E)

101. 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.

102. 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.

103. 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 Pathway

104. A PLP 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.

105. Courses in Further Education that contribute to an Apprenticeship Framework are identified by a college as meeting a 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.

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

107. Please note that the courses contributing to an Apprenticeship, which is delivered in FE, will continue to operate under the school-college FE EMA model. The work-based model will operate under the E2E model, with flexible bonuses linked to individual outcomes.

Programme length

108. 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

109. 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

110. If a learning provider is unclear about whether a particular programme is valid for EMA funding, they should speak to their local LSC in the first instance. In formal terms, the Secretary of State for Education and Skills has powers to decide whether any particular programme is valid or not if there is doubt.

Receipt of other funding

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

Bursary payments

112. Bursary payments cannot be paid in addition with EMA to E2E/PLP learners on a weekly basis. The learner may receive a one-off grant paid on an exceptional basis but more regular payments would imply the learner is in receipt of other funding which would make them ineligible for EMA.

Employer top-ups

113. Under the new EMA arrangements, employer top-ups are not to be made to EMA learners. If a learner was being paid an additional allowance or top-up, this payment would count as a wage in the same way the MTA does. Therefore, the young person and their family would not be able to claim their family benefits, such as Child Tax Credit and Child Benefit, which was one of the key aims of the extension of EMA to E2E and PLP. 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.

One off payments for Non EMA Learners

114. A one off payment in exceptional circumstances to reward achievement or contribution towards expenses could be made by

a learning provider to a non EMA learner. There are no LSC funds available to support such a payment. However, regular successive payments to a non-ema learner would not be acceptable as they would impact on the household entitlement to Child Benefit/Child Tax credit. They may also result in an inappropriate delay to the learner's progression to a paid employer led apprenticeship.

Part-time Work

115. The introduction of the extension of EMA to E2E and PLP programmes has not changed existing WBL policy outlined in the *Requirements for funding Work Based Learning for Young People 2006/07*.

116. Learners will usually attend a PLP programme for a minimum of 30 hours a week. In exceptional circumstances part-time attendance can be agreed, but with the expectation that the learner would progress to full time attendance as soon as they were able. PLP is designed to give young people a short period of training, either in a training centre or with an employer, to equip them with the skills they need to begin a paid Apprenticeship. It is the LSC's preference that a PLP learner progresses to their employer-led phase of their Apprenticeship, as soon as possible for a number of reasons: It demonstrates commitment from the employer; is more likely to engage the Apprentice; and of course the Apprentice will also benefit from a minimum salary of £80 per week.

117. 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 PLP 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.

118. 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 learners' benefit entitlement under EMA would be unaffected.

119. 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.

Enrolling E2E and PLP learners

120. EMA is structured around the EMA year, which runs from September to August. This cycle does not apply neatly to E2E and PLP learners whose provision may cross from one year to the other. To minimise the impact of this on learners, and reduce the need for them to re-apply during a single programme of learning, we are setting in place a maximum extension of 22 weeks for E2E and PLP .

121. As part of enrolment, the learning provider will enter start and estimated completion dates for the learner's learning programme

onto EMASYS. Where this completion date is beyond the period of entitlement (31 August 2007), they will have the option to input a later date. This extension facility is designed to prevent a household from having to re-apply where there is only a limited amount of time to the end of the learning programme. The end date should still be the estimated completion date of learning. Should the learner not meet that, the provider will be able to go in and extend the date, again to reflect the new estimated date. There is a maximum period for using this extension facility of 22 weeks from 31 August. The extension facility cannot be used to start the learner on a new learning programme.

122. An NoE includes details of the period during which the learner is entitled to EMA provision. Where the learner is nearing the end of this period, the APB will issue the learner with a new EMA application form to encourage the learner to re-apply. Providers will be involved in this, with a view that they will be a key and lead resource in prompting the learner to re-apply. There will be reminder processes, part of which will involve providers receiving an electronic report to remind them in cases where learners are due to leave current provision but have not yet submitted another application form. Fuller details will be released in due course.

123. If a learner fails to re-apply and their learning continues beyond that maximum extension date, the EMASYS system will not be able to pay that learner.

Setting up an EMA Contract Part 1 (Attendance)

124. The learner will have received an NOE from the APB, together with the Contract Part 1 (Attendance). 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.

125. Contract Part 1 (Attendance) sets out the responsibilities of the learner and the learning provider for the learner to receive a weekly payment. Individual learning providers' codes of conduct should not be linked directly to the EMA Contract Part 1. When registering for EMA, the learner signs Contract Part 1 (Attendance) and in doing so he or she commits to attending the timetable set by the learning provider in return for a weekly EMA payment.

126. The learning provider:

- commits to offer an appropriate learning programme for that learner
- confirms that the learner has enrolled on a valid learning programme
- confirms that the learner meets the EMA residency criteria; and
- agrees to report the learner's weekly payment authorisations and periodic bonus authorisations to the APB.

127. In signing the Contract Part 1 (Attendance) with the learner, the learning provider **must** explain:

- the attendance monitoring system that operates in the learning provider, 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 APB 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 APB, that the recourse to appeal is through the APB's telephone 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 Passport or PLP ILP, which will cover conditions for receipt of the bonuses in due course
- further sources of support and advice available to the learner regarding EMA, both within the learning provider and outside. This could include the APB learner helpline number and possibly local contact information for Connexions.

128. 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 PLP ILP to reduce bureaucracy since these documents should already capture this information for work-based learning.

129. 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 EMASYS and the subsequent payment decisions.

130. One copy of Contract Part 1 (Attendance) is retained by the learner and the other by the learning provider. The learning provider must retain this for three years.

Adding learners to EMASYS

131. The Contract Part 1 (Attendance) also holds the learner's EMA number (a unique 12-digit identifier) which is used to link the learner with their personal record on EMASYS.

132. A sample NoE and Contract Part 1 (Attendance) may be found in the supporting documents section of the EMA website at www.direct.gov.uk/ema. A learning provider will need the learner's EMA number to add the learner to EMASYS. This

makes a link between the learner's entitlement for EMA and their enrolment on your provision and activates requests for weekly payment authorisations on EMASYS. The EMA number is also bar-coded to speed up this process for learning providers with barcode readers.

133. Learning providers should add learners to EMASYS as soon as learners have enrolled on a valid learning programme, but not before. Note that learners cannot be paid until they have been added to EMASYS.

134. A learner can only be added to EMASYS if:

- he or she has enrolled on a valid learning programme as described above which is anticipated to last at least 10 weeks or more
- the learning provider has satisfied itself regarding the learner's identity and residency, and the learner meets the EMA residency criteria
- the learner and the learning provider have both signed Contract Part 1 (Attendance).

135. Learners cannot be added to EMASYS without a valid EMA number, which is issued by the APB with the NoE.

136. Sub-contractors will not have access to EMASYS and so will be unable to perform this operation.

137. For more information, please refer to the *EMASYS Operating Manual*. This is available as a downloadable document, in PDF format, from all EMASYS screens – listed under 'Training Material' on the left hand side of each screen. EMASYS can be accessed by all authorised providers, at **www.emasys.dfes.gov.uk**.

Agreeing the E2E Passport or PLP ILP with learners

138. 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 receive their achievement bonuses. For the

EMA extension to E2E and PLP, the E2E Passport and PLP ILP have been deemed suitable documents.

139. Both the learner and the learning provider should retain a copy of the signed document. The learning provider should retain this for three years.
140. Once the document is agreed, the learning provider should approve payment of the E2E Passport or PLP ILP bonus on EMASYS. If the E2E Passport or PLP ILP bonus is not paid then the two achievement bonuses will not be displayed for payment.
141. For E2E learners, the E2E Passport is not complete until a Connexions PA has agreed that the provision is appropriate for the young person. The E2E Passport bonus payment decision must not be made until the Passport has been signed by the Connexions PA.
142. Learners will be presented for payments as soon as they are added to EMASYS. Bonus payments can only be made if the E2E Passport or PLP ILP has been agreed. 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 a progression bonus.

Other information on enrolment

Learners attending more than one learning provider

143. Where a learner attends more than one learning provider contracted with the LSC, each institution should be referenced on the EMA Contract. 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 APB. The other

providers involved will need to agree a process for reporting the learner's attendance to the learning provider that reports payment decisions to the APB. The same principle applies for learning progress and bonuses.

Change of learning programme

144. Where a review of the learning programme results in a material change of provision, the E2E Passport or PLP 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 APB of changes to the content.

Change of learning provider

145. Where a learner changes learning provider mid-year, a new EMA Contract signed by the learner and learning provider will be needed.
146. If the learner claims to be on EMA, the new learning provider will need the young person to supply a fresh Contract Part 1 (as the previous one will have been retained by the previous learning provider). The young person will need to contact the young persons' telephone helpline to request a duplicate. Note that the learner may not want to show you their NoE. It is a document containing personal details such as the amount of allowance to be paid, and is confidential to the applicant.
147. The new Contract Part 1 (Attendance) must then be signed by the learner and the new provider and notified to the APB. Enrolling the learner onto EMASYS will confirm this notification. While a learner cannot be linked on EMASYS to two different providers for the same period, if retrospective payments are validly due from the 'exporting' learning provider, that 'exporting' learning provider will be able to authorise these. This could

happen if the 'exporting' learning provider had not yet processed evidence that an absence should have been classified as 'authorised', so that a back payment is due. Note that the 'exporting' learning provider must confirm these decisions prior to completing the 'End of Learning' code.

Transfer to a different learning provider

148. The LSC's preference is that a learner stays with the same provider for the duration of their programme and therefore this provider is responsible for all EMA administration. If a learner transfers between providers whilst continuing on the same programme of learning 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 EMA local partner helpline should be consulted for guidance on how to proceed. We are currently reviewing the EMASYS functionality with respect to transferring learners between providers and will communicate updates as information becomes available.

Leaving a learning provider

149. Where a learner has clearly left learning at a learning provider, EMASYS should be updated accordingly by taking End of Learning action (see the *EMASYS Operating Manual* for details). This will stop that learner from being displayed for payment decision to the provider. Learning providers should use this facility to maintain their records accurately. If it is likely that a learner may return, the learning provider may consider keeping

the learner on the system and report that the weekly payment should not be made.

Lost documents

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

Learner has not yet applied for EMA

151. Some young people will arrive to start their E2E or PLP programme without having applied for EMA in advance. These learners should be encouraged to apply as soon as possible, with the simple message that the sooner they apply the sooner they will be able to receive payments.

152. Learners that start a learning programme without having applied for EMA need to do so within four weeks of the programme start date. Successful EMA applications received by the APB before, or within four weeks 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 four weeks from the learning programme start date will be eligible to receive back dated payments to the Monday of the week of receipt at the APB.

Examples of how the process works

Example 1

Learner A starts an E2E programme on 24 April but has not applied for EMA. They complete an EMA application form and send it off to APB for processing. APB receives the form on 03 May, assess eligibility and sends out an NoE on 5 May. *Learner A* receives the NOE and takes it to their E2E provider. They are enrolled onto EMASYS on 15 May

and a start date of 24 April is entered. The payment profile displayed for *Learner A* allows payment decisions to be entered for all weeks from 24 April, as they had applied within four weeks of the start of their programme of learning.

Example 2

Learner B begins a PLP programme on 5 June but has not applied for EMA. They eventually complete an application form and send it to the APB. The form is received on 17 July, assessed and an NoE is sent to them on 20 July. *Learner B* takes the NoE to their PLP provider, and is enrolled onto EMASYS on 02 August. A programme start date of 5 June is entered. The payment profile displayed for *Learner B* only allows payment decisions for weeks from 17 July as the application was not received within four weeks of the programme of learning start date. 17 July is chosen as it is the Monday of the week the application form was first received at the APB.

Example 3

Learner C starts a PLP programme on 11 September having already applied for EMA (date received at APB was 21 August); however their application form was incorrectly completed and has been returned to them. *Learner C* corrects their mistakes and returns the form to APB. APB receives the form on 26 September, assess eligibility and sends out an NoE on 2 October. *Learner C* takes the NoE to their PLP provider and is enrolled onto EMASYS on 9 October. A programme start date is entered as 11 September and the payment profile displayed for *Learner C* allows payment decisions to be entered for weeks from the 11 September (as *Learner C* applied before the PLP programme began).

5: Attendance and bonuses

Overview

153. This section is presented in two main parts:

- weekly attendance
- bonuses.

154. While differing in content and frequency, both need reporting by the learning provider about each EMA learner to the APB so an EMA payment can be made.

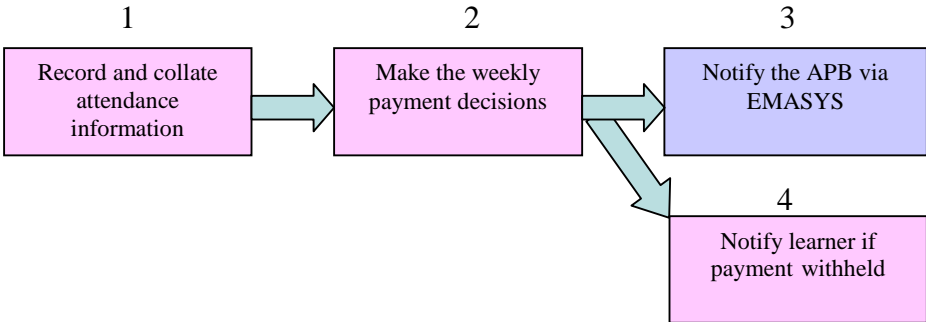
155. Local agreements on attendance are useful in clarifying and standardising interpretations of authorised and unauthorised absence for both local partners and learners. For further details, see Annex 1 of this guidance.

Weekly attendance

156. The standard weekly activities can be broken down into several stages.

157. The learning provider must take the actions illustrated in Figure 1.

Figure 1: Actions to take in respect of weekly attendance.



158. 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 EMASYS.

Recording attendance information

159. 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. 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.
160. Providers must decide on and implement an attendance policy, which they may be monitored on. Within that, they must define what full attendance means for their client group 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.
161. EMA is a 'something for something' scheme, based on agreed attendance. Learners must meet the terms of their learning agreement to get EMA bonuses. While there is no flexibility for part payments, learning providers have discretion to decide the conditions that have to be met in order for any absence to be authorised.

Collating weekly attendance information

162. 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.
163. Where a sub-contractor is required to provide information on the attendance of the learner, the learning provider will need to

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

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

Deciding on payments

165. Learning providers will translate collated information about attendance into decisions on whether to pay or not pay EMA. In general, a learner should be paid only where they have attended all the learning as agreed in the learning programme for EMA purposes. If a learner breaches the agreed attendance policy, the learner should receive no EMA payment for that week, and the learning provider should make a 'don't pay' decision on EMASYS. Annex 1 of this guidance gives a set of guidelines for learning providers to follow in making payment decisions related to absence.
166. 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 input all decisions as soon as possible.
167. 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.

Learner fraud

168. 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.

169. 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 EMASYS, 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 APB.

Notifying the APB of weekly payment decisions

170. Learners' names will be automatically presented to learning provider administrators on EMASYS for each allowable payment week. This is based on the start and end dates allocated to them when they were added to EMASYS (see the *EMASYS Operating Manual* for more details). EMASYS allows administrators to enter yes or no decisions, with 'not set' as the default option, which can be left if there is insufficient information to make a decision. Best practice is to make all decisions promptly to ensure that learners continue to be engaged through EMA.

Timing

171. The EMASYS system makes payment runs after 8pm each working day, with payments to learners made via BACS into their

bank accounts three to four days later. As a result, we advise learning providers to complete their authorised payment decisions by 8pm on a Tuesday, so their learners receive their payments (in relation to the previous attendance week) by the Friday of that week. However, the learning provider can report payment decisions at any time and the APB will process payment decisions and make BACS payment runs daily. The learning provider must make all payment decisions promptly.

172. Note: Mondays and Tuesdays are peak periods for EMASYS use on the authorising screens. To maintain maximum performance for authorisers, the Downloading Payment and Enrolment Reports functions will not be available between the hours of 9am and 5pm on Mondays and Tuesdays.

Notify the learner if a weekly payment is being withheld

173. Where a weekly payment is withheld, the learning provider must inform the learner within two days in writing, or by an alternative means providing that it is sufficiently robust to provide evidence of notification if subsequently required for audit purposes, and ensure that the learner understands the reason why payment has been withheld. This should be communicated before payment is due. The learning provider must keep a record of the reasons for any stoppage of payment and the subsequent notification of 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. Learners must also be notified if their payment will be delayed due to administrative delay at the learning provider.

Bonuses

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

175. Bonuses for E2E and PLP 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:
- one bonus of £25 for agreeing an E2E Passport or PLP ILP
 - two bonuses of £25 each for the achievement of learning goals, linked to achievements set in the E2E Passport or PLP ILP.
176. In addition, progression bonuses are:
- £50 for E2E learners who progress into employment, an Apprenticeship (including PLP) or FE (from Levels 1-3 inclusive)
 - £50 for PLP learners who progress to a paid employer-led Apprenticeship.

Bonus rules

177. 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. It is for the learning provider to agree the most appropriate milestones based on each individual's 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.
178. Once the learner has completed a minimum of four weeks in the positive destination and the learning provider considers the progression is likely to be sustainable in the long term, the provider must authorise a progression bonus payment. Progression bonuses for E2E and PLP programmes can be claimed up to nine calendar months after the learner has progressed, but best practice is to do so promptly.

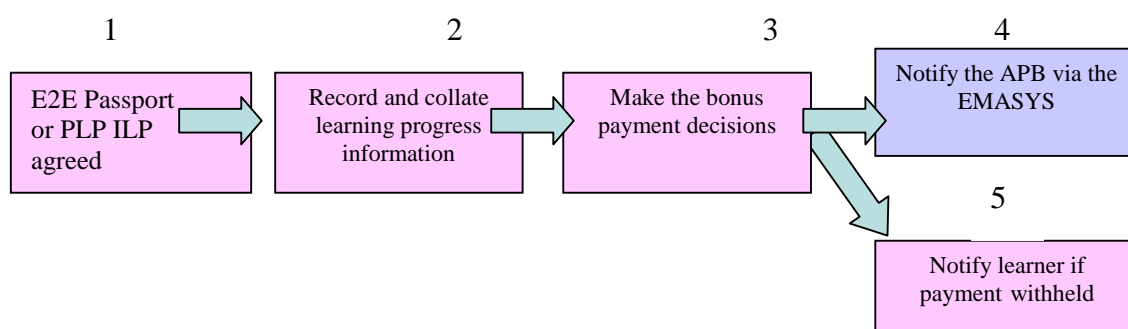
179. This system is not triggered by calendar dates like the FE bonuses. This will ensure that E2E and PLP learners progress and are rewarded for continued retention with bonuses, regardless of when their E2E or PLP provision begins.

The bonus decision and payment process

180. Bonuses for E2E and PLP are structured differently to reflect the objectives of E2E and PLP programmes, which are to achieve progression into work, FE (for E2E learners only) or Apprenticeships (including PLP).

181. The bonus decision and payment process can be broken down into several stages which are similar to the weekly payment process (see Figure 2).

Figure 2: Bonus process



Bonus payment decisions and notifying the APB

182. Once the learning provider and learner have agreed the E2E Passport or PLP ILP, this allows the first bonus payment to be made (for E2E learners a Connexions PA must also ensure that the learner is on appropriate provision). The E2E Passport or PLP ILP will set out the objectives for payment of the two achievement bonuses and so the learner will be aware of expectations for bonus payments. Once each of these objectives is met, payment of achievement bonuses 1 and 2 can be released. The final bonus is associated with the progression of the learner upon completion of the course. For E2E learners, a positive progression is defined as moving onto a FE course,

undertaking a PLP programme or moving into employment. EMA has not changed the LSC's WBL policy which still determines the requirements of the E2E programme. Therefore, as per the *Requirements for Funding Work Based Learning 2006/07*, the minimum hours required for a progression bonus to be paid on employment, including that with an agency, must exceed 16 hours per week.

183. For PLP learners, the only positive progression is into an employer-led Apprenticeship. This progression must last at least four weeks before the final bonus is released.

Other information on attendance and bonus payments

Payment queries

184. The APB pays learners when authorised to do so by learning providers. Standard payment processing time is three working days following receipt of authorisation. Learning providers do not handle any EMA funds. The learner can call the telephone helpline to check their bank account details held by the APB, but they can only be changed if the request is put in writing.

185. If a learner does not receive a payment that they were expecting, their first step is to check with their learning provider to see if the payment was authorised.

186. If the payment was authorised but has not been received, then learning providers should advise the learner to call the APB learner telephone helpline (**0808 10 16219**). In the event of a failed BACS payment, the APB will contact the learner directly by phone provided their number was supplied on their application form. Otherwise, the APB will inform them either via their learning provider or by email or letter.

Back-payment

187. The learning provider is able, at any time, to authorise a weekly payment on EMASYS for the preceding week, and any earlier weeks for which no payment has already been made.
188. 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 an NoE to a learning provider, and where the entitlement date shown on EMASYS is earlier than the current week.
189. For detailed information on back-dating payment decisions as a result of a learner's application being received at the APB after the start of their learning programme, please refer to paragraphs 151-152.
190. Learning providers should resolve back-payments quickly. For more information about this, see the *EMASYS Operating Manual*.
191. Where more than one payment authorisation is recorded for a learner on the same day, the payments will be added together by the APB to form one transaction to the bank account. However, a bonus payment will show as a separate entry on the learner's bank statement.

Overpayment

192. Accuracy in EMASYS administration is vital: Without it learners may receive overpayments which will have to be repaid. This may have a particular impact on the most vulnerable learners. It is possible for learning providers to authorise a payment inappropriately, for example, by inadvertently authorising a payment to a learner who had in fact been absent. EMASYS only uses the decision made at the end of its working

day and therefore if learning providers change their payment decision to the correct one by 8pm the same day, the learner will receive the correct payment. If the learning provider does not identify that they have made an incorrect decision within that period, they should take the following steps.

- For weekly payments, if a learning provider realises that a 'pay' decision has been input to EMASYS in error, resulting in an overpayment, they should retrospectively change the 'pay' decision to 'don't pay' for that week on EMASYS. The APB will then recover the money by withholding the next payment that would otherwise have been due. **Note:** The learning provider **must** record the fact that the decision has been changed and notify the learner in writing, or by an alternative means providing that it is sufficiently robust to provide evidence of notification if subsequently required for audit purposes.
- If a learning provider realises an overpayment has been made for more than one consecutive week to a learner, similar principles apply. No more than two weeks' worth of overpayments will be recovered from future payments (to protect the incentive effect of the weekly payment).
- Where overpayments occur, the learning provider must inform the learner in writing, or by an alternative means providing that it is sufficiently robust to provide evidence of notification if subsequently required for audit purposes, of the recovery action the APB will take.
- Inform the APB of any overpayments and any action taken.

193. Where an overpayment has occurred and there are no further weekly payments to be made, for example if the learner has left learning, the overpayment will remain on the learner's record in the event that the learner enrolls again before the end of the EMA year. Should that happen, two weeks' overpayment will be recovered from any future payments which may become due. Any learner with an overpayment on their record at the end of the EMA year will receive a letter from the APB asking for the overpaid amount to be repaid direct to the APB.

194. In the unlikely event where a bonus payment has been authorised in error, the learning provider should amend the payment decision on EMASYS from `pay' to `don't pay', which will in turn raise an overpayment with the APB. The APB will then write to the learner requesting that the total overpaid amount is repaid direct to the APB. The learning provider need take no further action. Bonus overpayments will not be recovered from weekly payments or from future bonus payments. The learning provider must inform the learner as a matter of urgency that this has happened. Best practice is to release a bonus payment only when the EMASYS user has written evidence of the learner's achievement of a learning outcome (for example, a confirmation note from a tutor).
195. Providers must notify the APB of any overpayments through the EMA local partner helpline (**0800 056 2811**), or via the Contact Us facility on EMASYS.
196. Learning providers with high rates of overpayments will be identified and challenged to demonstrate how they are improving their systems for making initial decisions.

End of programme

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

6: Appeals

198. A learner has the right of appeal against the decision by a learning provider that a learner should not receive either a weekly or a bonus payment. This is 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”. 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 *prima facie* 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 worker 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 www.lsc.gov.uk/National/Documents/SubjectListing/CorporateandStrategic/Corporate/Makingacomplaint.htm.'

7: Records and audit

Recording and collating learning progress information / bonus payments

199. Learning providers must keep copies of the E2E Passport or PLP 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.
200. Decisions about each learner need to be collated centrally within the learning provider so that decisions about the bonus can be entered onto EMASYS.
201. Records of reasons for non-payment of EMA and supporting attendance records should be retained in a suitable format for a minimum of three years. The same applies to information about progress against learning goals and decisions about whether or not to approve the bonus payment.

Audit

202. The LSC has produced guidance for learning providers on the proposed audit arrangements for EMA within E2E and PLP. This is available at under the supporting documents section of the EMA website at www.direct.gov.uk/ema.
203. 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 2006/07*.

8: Other Information Sources

204. A range of additional documents are available to learning providers to provide 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 2006/07 - Support information*
- *2006 EMA Extension Update Benefits special*
- Example of Application form and Guidance Notes
- Example of NoE and CP1
- *Guidance on Audit Arrangements for EMA in E2E/PLP*

205. Learning providers can also readily obtain information about the EMA scheme, either from the website or through the EMA local partners telephone helpline **(0800 056 2811)**.

Annex 1: Authorised and Unauthorised Absence

Introduction

1. In general, a learner should be paid EMA payments only where they have attended all the learning as agreed in their EMA Contract. If the learner has failed to attend, they should receive no EMA payment for that week, and the learning provider should notify the APB to that effect in its weekly return.
2. 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.
3. Providers must decide on and implement an attendance policy, which they may be monitored on. Within that, they must define what 'full attendance' means for their client group 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.
4. 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. Some learning providers require their learners to make up time lost through absence. In such instances, the fact that a learner has incurred unauthorised absence during a week but has made up that time during subsequent weeks should not retrospectively qualify that learner for payment of the withheld weekly allowance. 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.

5. 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

6. In deciding whether an absence should be authorised or not, learning providers should take account of three general principles.
7. 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.
8. 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.
9. 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.

10. 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 PLP

11. 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 PLP, 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.
12. 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.
13. 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.
14. 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.

Absences which can be foreseen in advance

15. 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.

16. 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 DfES Circular 10/99). 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.

17. 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.

18. Should an individual be needing 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.

19. The following reasons for absence would not generally be acceptable:

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

20. This list is not intended to be exhaustive.

Maternity / paternity leave

21. EMA is not payable during maternity or paternity leave. This reflects existing WBL policy with MTA and the policy of EMA to encourage continued attendance in learning. This is consistent with current employment legislation where workers do not automatically qualify for maternity or paternity leave. Under current rules, the learner would need to take accumulated absence or an agreed break from their learning during which MTA or EMA would not be paid. This is one of the reasons why the LSC's strong preference is that learners get fully employed status as early as possible in their Apprenticeship.

Absences that cannot be foreseen in advance

22. 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.

23. The only exception to the principle in paragraph 22 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:

24. 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 *DfES document* Behaviour and Attendance: groups of pupils at particular risk at

www.dfes.gov.uk/behaviourandattendance/guidance/IBAGuidance/index.cfm

25. 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 three miles if they do not have a relevant disability.
26. This list is not intended to be exhaustive.

Sickness

27. 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 the pilots has shown that a rigorous regime can be effective, and it is acceptable for a learning provider to implement a policy of not automatically 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

28. Any learning programme should be agreed between the learning provider and the young person to meet the learner's needs. 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. However, the hours of learning minimum, appropriate to the learning programme, must still apply. Prolonged periods of illness may result in the learner taking a planned break in their provision.

General authorisations

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

Local area agreements

30. 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.

31. 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.
32. 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.

Annex 2

Residency letter – template

Learner :

EMA ref number:

Dear

I am sorry to tell you that you are not entitled to receive Education Maintenance Allowance (EMA) at this time. This is because you have been unable to meet the EMA residency criteria which are described at the back of your Notice of Entitlement. In order to get EMA you must be:

- a person who is 'settled' in the UK, and been ordinarily resident in the UK for at least the three years prior to the start of your learning programme
- a national of any European Union (EU) country or the child of an EU national, and been ordinarily resident in the UK for at least the three years prior to the start of your learning programme
- a European Economic Area (EEA) migrant worker or the spouse or child of an EEA migrant worker, who is ordinarily resident in the UK at the start of the learning programme and has been ordinarily resident in the EEA throughout the three year period prior to that; or
- recognised as a Refugee by the UK Government, the spouse/child of a refugee, have been granted Humanitarian Protection, or have EU Temporary Protection.

EMA will **not** be paid if you are seeking asylum in this country or if you have been given any of the following restricted leave to remain.

- Exceptional Leave to Remain (ELR)
- Discretionary Leave (DL)

If during the year your residency status changes, you may re-apply for EMA. If this happens, or if you have any questions please telephone the EMA Assessment and Payment Body helpline on **0808 10 16219**.

Yours sincerely,

Provider name:

Print name of administrator:

Date:

Note to learning provider administrators: Insert text at the bottom of the letter to mention to the learner that they may be able to get financial help from the Hardship Fund and any information about your appeals procedure that you might have.

Annex 3:

EMA Extension Hardship Funding Guidance

Introduction

The Education Maintenance Allowance (EMA) will be extended to cover LSC-funded Entry to Employment (E2E) and Programme Led Pathway (PLP) programmes in April 2006. This note sets out the rationale, scope and administrative arrangements for a Hardship Fund that the LSC has made available to providers delivering LSC-funded E2E and WBL-funded PLPs.

Rationale for Hardship Funding for Entry to Employment/ Programme Led Pathway Programmes:

Experience from running EMA in FE shows that running discretionary learner support alongside EMA offers the most vulnerable learners a robust package of support, which can make the difference between a young person participating in learning or not.

Eligibility:

The scope of what can be funded mirrors the existing priorities available under the hardship element of the FE Learner Support fund, namely:

- learners who are economically or socially disadvantaged, disabled, medically ill and/ or have learning difficulties who need support with associated learning costs
- those who have been in care, on probation or are young parents or otherwise considered to be at risk
- lone parents (who may also be eligible for Care to Learn, which will be expanded to cover 19 year olds in 2006)
- learners on low incomes or from low-income families, identified by appropriate income assessment
- providing an emergency fund for learners in hardship due to delays or barriers to EMA applications.

Learners do not need to be eligible for EMA to qualify for a Hardship Fund Payment, but they MUST be on a LSC-funded E2E programme or a PLP. Other Work Based Learners (such as ESF-funded provision, NVQ only learners, Employer-Led Apprentices and MTA recipients) are NOT eligible for this funding.

Scope:

Typical payments under Hardship Payments will include payments to:

- young people who do not qualify for EMA but nonetheless have genuine financial needs. Most common examples are due to changes in the household's income which cannot be taken into account for EMA's (retrospective) income assessment, for example, unemployment.

- young people who qualify for EMA but whose needs are so great that EMA is insufficient. This will not often be the case because EMA sits alongside Child Benefit, Tax Credits and Income Support but may be necessary for short periods of exceptional needs.
- to young people who have not pre-applied for EMA and need an advance until their EMA payments start (at which point the advance can be repaid).

The fund may only be used for learners within the EMA age bracket, that is, 16-19 year olds.

There are some items which are specifically out of scope.

- Providers must **not** seek to replicate EMA bonuses for learners who are ineligible for EMA (although they may meet essential costs for those who are not eligible for EMA).
- Items which are already funded under WBL funding, such as travel or Additional Learner Support must **not** be funded under Hardship.

Although exceptional short term costs can be met, Hardship must **not** fund subsistence for learners who are estranged from their families but have not yet engaged with the Jobcentre Plus Benefit system. Estrangement means that a young person has no choice but to live away from their parents, for example, because they would be in physical or moral danger if they remained in their household. These learners must be encouraged to seek to claim Income Support (IS) as soon as possible, so they can combine IS with the £30 maximum EMA payment. Receipt of IS may also passport the learner to other benefits such as housing benefit.

Where there is any doubt about whether the provider should authorise a payment, they should apply to their Work-Based Learning Contract Manager for confirmation.

Grants and Loans

Providers may use the Hardship fund to make grants or loans. Grants should be modest amounts that enable a learner to commence or continue participating when otherwise they would be unable to do so. For example an asylum seeker, who is not eligible for EMA, and who has no means to purchase lunch when away from their accommodation may require a grant of say £3.00 per day for lunch. Loans however may be more appropriate where a learner is experiencing a delay in their EMA application, perhaps through difficulty accessing proof of household income and therefore they can not finalise their EMA application. Our experience from operating Learner Support Funds (LSF) in FE is that loans are an excellent method of getting maximum value from the limited funds available and it is recommended that they are used wherever possible.

Process

It is expected that Providers will implement a simple process for assessing needs and deciding whether a grant or a loan is the most appropriate approach based on the following points.

- The provider assesses the learner's need, factoring in the eligibility or scope of Hardship Fund, and decides whether to make a grant or loan, considering the likelihood of repayment, and the learner's circumstances.
- The provider and learner sign an agreement specifying the repayment terms of the loan.
- The provider pays the learner the agreed amount and repayment is made by the learner in due course.
- If the learner fails to repay the loan, the Provider must seek to recover it through reasonable recovery procedures, for example, written reminders.
- If the loan is written off, this must be done by a person authorised to do so (the LSC recognises the diversity of the sector, and will therefore not prescribe this centrally). However, as a guide, we suggest authority to write off should be limited to specific provider staff who would normally have the authority to write off bad debts, for example an accountant, finance manager, operations manager, administration manager, training centre manager. In cases involving significant amounts, the provider should raise it with local LSC contract management.
- The un-recovered loan is then treated as a grant and the LSC will meet the cost. As long as the provider puts reasonable measures in place to recover these loans, the LSC will not seek repayment, although this will reduce the funding available to other learners. However, the LSC may seek repayment if there is evidence that the provider has not managed the loan process appropriately.

Providers are expected to document their application and recovery processes and be able to produce these on request.

Payments and reconciliation

Allocations will be made by local LSCs to providers in line with need. The Hardship Fund will be administered through the WBL Contract as an extension of Additional Learner Support (ALS).

Local LSCs will make an additional allocation to providers under ALS to include the Hardship fund. This will require a variation to the contract or allocation. Additional funds will be added to Additional Learner Support value for PLPs and to E2E contract value for E2E learners. Payments will be made monthly in line with the agreed profile and reconciled through the Training Provider Statement (TPS).

- The cost of grants will be met in full
- The cost of loans will only be met where the learner defaults on the loan and the providers recovery processes have been exhausted

Claiming through the Training Provider Statement (TPS)

The cost of grants and loans that are un-recoverable are to be entered onto the TPS, and will be subject to normal monthly reconciliation, by entering the amount in the following boxes:

- for PLPs- TPS box 5 WBL Learner Expenses
- for E2E- TPS box 14 E2E Additional Learner Support.

From 1 August 2006 the TPS will be updated so that claims will be put into specific boxes on the TPS for WBL Hardship or E2E Hardship. Details will be made available during May 2006. This will enable LSC contact managers to monitor spend.

Audit requirements

To support their claims to the LSC for reimbursement of hardship payments made to learners, providers will be expected to hold and maintain for audit examination:

- evidence that the learner satisfies the programme eligibility rules and criteria detailed in *Requirements for Funding Work Based Learning for Young People 2005/06*
- evidence the learner was in attendance as agreed in contract part 1 including details of any authorised or unauthorised absence
- evidence of need and rationale for a hardship grant or loan
- evidence of local LSC contract management authority in cases referred for local LSC decision
- evidence that the learner actually received the grant or loan
- evidence of repayment of loan
- evidence of any repayments to the LSC
- evidence of recovery or write off action as in paragraphs 9 and 10.

These requirements could be met through naturally occurring evidence and a single simple application and receipt form. This documentation should be kept for the standard three years plus the current year.

Role of sub-contractors

The LSC will be following the convention that it only has contact with its direct contractors. Therefore any sub-contractors will not be able to access Hardship Fund payments directly: They must do so through their lead contractor.

Annex 4: References

DfES (2006) *Managing Behaviour and Attendance: groups of pupils at particular risk* at

www.dfes.gov.uk/behaviourandattendance/guidance/IBAGuidance/index.cfm

HM Treasury (2005) *Supporting Young People to Achieve*, London: HMSO at

www.hm-treasury.gov.uk/financialsupport

LSC (2006) *Financial Help for Young People* at www.lsc.gov.uk

LSC (2006) *EMA Extension Update Benefits Special* at www.direct.gov.uk/ema

LSC (2006) *Requirements for Funding Work-based Learning for Young People 2006/07* at www.lsc.gov.uk

LSC (2006) *Example of notice of entitlement and contract part 1 (attendance)* at

www.direct.gov.uk/ema

LSC (2006) *Guidance Notes for EMA Year 2006/07 – Helping you fill in the EMA Application Form* at www.direct.gov.uk/ema

FSA (2005) Financial Services Authority – *No Bank Account* at

www.fsa.gov.uk/consumer

LSC (2006) *EMA Residency 2006/07 – Supporting Information* at

www.direct.gov.uk/ema

LSC (2006) *Requirements of local LSCs 2006/07* at www.lsc.gov.uk

LSC (2006) *Connexions Action Note – CXP 205* –available on the connexions intranet

LSC (2006) *EMA Marketing and Communications Guidance* at

www.direct.gov.uk/ema

Annex 5: Abbreviations

APB	Assessment and Payment Body
DfES	Department for Education and Skills
DL	Discretionary Leave
E2E	Entry to Employment
ELR	Exceptional Leave to Remain
EMA	Education Maintenance Allowance
ESF	European Social Funding
FE	Further Education
ILP	Individual Learning Plan
ILR	Individual Learner Record
LSC	Learning and Skills Council
MTA	Minimum Training Allowance
NOE	Notice of Entitlement
NVQ	National Vocational Qualification
PA	Personal Adviser
PLA	Programme Led Apprenticeship
PLP	Programme Led Pathways
WBL	Work Based Learning

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