

Number: 083/2010



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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Consultation Document

The Education Maintenance Allowance (Wales) Scheme 2010

Date of issue: 16 April 2010

Action required: Responses by 4 June 2010

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The Education Maintenance Allowance (Wales) Scheme 2010

Audience	Local authorities, secondary education sixth forms, sixth form colleges, independent school sixth forms and further education institutions, higher education institutions, National Union of Students, Student Loans Company, other interested parties.
Overview	This consultation seeks views on the draft Education Maintenance Allowance (Wales) Scheme 2010.
Action required	Any comments that consultees might have on this document should be sent to the Welsh Assembly Government by 4 June 2010 . Comments can be made in writing to the address below. Comments can also be made by e-mail to studentfinancedivision@wales.gsi.gov.uk
Further information	Further information about this consultation can be obtained by e-mailing studentfinancedivision@wales.gsi.gov.uk or by writing to: Brendan Murtagh Engagement and Student Finance Division Welsh Assembly Government Cathays Park Cardiff CF10 3NQ
Additional copies	This document can be accessed from the Welsh Assembly Government website at: www.wales.gov.uk/consultations
Related documents	None.

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THE EDUCATION MAINTENANCE ALLOWANCE WALES SCHEME 2010: CHANGES AND PROPOSALS

1. The Education Maintenance Allowance (EMA) (Wales) Scheme for 2010/11 will run as per the previous EMA schemes for 2008/09 and 2009/10, as an administrative scheme under Sections 14 -17 of the Education Act 2002.
2. The Education Maintenance Allowance (Wales) Scheme provides support for students taking eligible education courses in Wales in academic year 2010/11.

Student Support Changes for 2010/11

3. The Education Maintenance Allowance (Wales) Scheme was first introduced in September 2004 with the aim of providing a financial incentive for young people in post compulsory schooling to remain in education.
4. Subject to the points and proposals which follow, it is proposed that the scheme will mirror the scheme in place for academic year 2009/10.

Automatic renewal of 2nd and 3rd year returning students

5. For 2010/11 we have simplified and refined the re-application process for students applying for an EMA in years 2 and 3. Those students receiving an EMA and returning to their courses in September 2010 either for a second or third year will not be required to submit an application form as in previous years. The formal notification of a student's return to study for a 2nd or 3rd year will be the signing of their learning agreement part 1. All those students currently receiving an EMA will be sent a letter from Student Finance Wales informing them of the new process. Applicants may be asked to provide evidence of their eligibility at a later date during Academic year 2010/11.
6. The new system will be identical to previous years apart from the student not being required to return an application form. The existing risk management process for an applicant's eligibility will be retained and closely monitored. The Student loans Company has an existing sample check process for returning students where the eligibility of 10% of returning students is checked.

Eligibility criteria – European Union (EU) Temporary Protection

7. In the event of a mass displacement of EU citizens for example, due to a natural disaster, the Council of the European Union may invoke the Temporary Protection Directive under which those displaced citizens will have a right to move to the UK and other EU states and access their public services. In the event of the temporary protection directive being invoked, those 16 -18 yr olds given EU Temporary protection and studying eligible courses in Wales, will be eligible for an Education Maintenance Allowance).

Student Support Proposals

Eligibility criteria – Residency

8. In general terms, the Education Maintenance Allowance currently requires all applicants to fulfil the residency requirement of the scheme.

9. There are exceptions, namely refugees and their family members; migrant workers and their family members; and those who have exercised a right of residence in another EU Member State. In the case of a refugee, he/she would be an eligible student for the purposes of the scheme if he/she is ordinarily resident in the UK on the first day of the first academic year of the course and he/she has been ordinarily resident in the UK since being recognised as a refugee. By way of further example, an EEA migrant worker is an eligible student where he/she is ordinarily resident in the UK on the first day of the first academic year of the course and he/she has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the 3 year period preceding that first day.

10. Persons with leave to enter or remain and their family members, namely, persons who did not qualify for refugee status but nonetheless have been granted leave to enter or remain by the Secretary of State for the Home Department (i.e. granted humanitarian protection or discretionary leave) are subject to the general rule described above. As such, they need to have been ordinarily resident in the UK throughout the 3 year period preceding the first day of the first academic year of the course.

11. The policy change that we are considering is whether the 3 year ordinary residence requirement should be removed for persons with leave to enter or remain and their family members.

Question 1: Do you consider that the current 3 year ordinary residence requirement is appropriate for such persons?

Question 2: Should persons with leave to enter or remain and their family members be classed as eligible students for the purposes of the EMA scheme rules on the grounds that they are ordinarily resident in the United Kingdom since being granted such leave to enter or remain and ordinarily resident on the first day of the first academic year of their course?