

i For information



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Education Maintenance Allowance Extension to LSC-funded Entry to Employment and Programme Led Pathways: Guidance for Providers

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 16-19 year old learners, and will therefore be involved in administering the extended Education Maintenance Allowance (EMA). This guidance sets out what learning providers should do to operate the EMA scheme for the extension to 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, the EMA Extension Implementation Toolkit (*Learning Providers: Getting Ready for EMA*), EMA training and accompanying support materials, the monthly EMA Extension Update, EMA Marketing Information and the Requirements for Funding Work-based Learning 2005/06.

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 *assessment 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 for receipt of the EMA weekly payment. Explain how EMA will be operated in terms of required standards of behaviour, 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 82-83 of this guidance). Explain how the query and appeals process will operate for disputed stopped payments for the learner's institution.



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.



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

Other processes related to enrolment

Occasionally, throughout the year, you may 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 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 144-148 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 138-143 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 *assessment 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.



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.



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.



Agree Contract Part 1 (Attendance) with each EMA learner, setting out the responsibilities for receipt of EMA weekly payments. Explain how EMA will be operated in terms of required standards of behaviour, 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 80-84 of this guidance for additional information).

Explain how the query and appeals process will operate for disputed stopped payments under this provider.

Records and audit

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

Other processes related to enrolment

Occasionally throughout the year you may 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 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 144-148 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 138-143.

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 that a PLP can also be delivered through FE, usually on a full-time basis, on a vocational course where the subjects studied form one or more parts of an Apprenticeship framework, (which may include a technical certificate, NVQ or key skills). These young people will follow the FE model for EMA delivery.

Education Maintenance Allowance Extension to LSC-funded Entry to Employment and Programme Led Pathways: Guidance for Providers

1: Introduction

- 1 This guidance sets out what learning providers should do to operate the Education Maintenance Allowance (EMA) scheme for the extension to Entry to Employment (E2E) and Programme Led Pathways (PLP) in their organisations, and how to get the best from it. It is not intended to offer definitive advice on every possible situation in the EMA extension: rather, it offers a framework within which 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*, the EMA extension implementation toolkit (*Learning Providers: Getting ready for EMA*), EMA training and accompanying support materials, the monthly EMA newsletter (*EMA Extension Update*), EMA marketing information and the *Requirements for Funding Work-based Learning for Young People 2005/06* (LSC, 2005).
- 2 This EMA extension guidance is designed to cover the period between April and August 2006. In March/April 2006, the EMA Unit will be updating the guidance covering all EMA in Year 3, for all learning providers, from September 2006 onwards. As the EMA extension is a rapidly developing policy area, we will be keeping you informed of any further developments through the *EMA Extension Update* newsletter. The November and December issues of the newsletter can, respectively, be downloaded from:
 - <http://readingroom.lsc.gov.uk/Lsc/2005/externalrelations/newsletters/ema-extension-update-nov-2005.pdf>
 - www.lsc.gov.uk/NR/rdonlyres/ewnpgiozgpkt4slxpvju2glxhe33ipgjk27phvkm3ilquytpzjyotsn4p2h3yq4cyddz63i3c22np/EMAExtUpdate021205V1.pdf
- 3 You may subscribe to *EMA Extension Update* by emailing emaextension@lsc.gov.uk

- 4 There are also two telephone helplines to provide support to learning providers, and to young people and their parents or carers. These are:
- learning provider helpline: 0800 056 2811
 - parent or carer and young person helpline: 080 810 16 2 19.

2: Education Maintenance Allowance Overview

5 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.

6 Table 1 shows the rates for the EMA year 2005-06 (orange application forms).

Table 1: EMA rates 2005-06.

Household income	Weekly amount to be paid
Up to £20,270	£30
More than £20,270 but less than or equal to £24,850	£20
More than £24,850 but less than or equal to £30,000	£10

7 Table 2 shows the rates for the EMA year 2006-07 (green application forms).

Table 2: EMA rates 2006-07.

Household income	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

8 The use of different application forms for different periods of time is decided by the age of the applicant and the point at which he or she

wants to enter learning. This is covered in more detail at paragraphs 30-38.

- 9 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 Note of Entitlement (NOE) explaining how much they will receive (should they enrol on and start a valid learning programme) or a letter explaining the reasons why they are not entitled to receive EMA. Full details of the evidence required are contained in the guidance notes accompanying the application form.
- 10 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.
- 11 They start attending to receive their weekly attendance payments and progress against agreed learning goals to receive periodic bonuses. Further details are provided in the following sections of this guidance.

Rationale for the extension

- 12 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 are currently considered independent as receipt of the Minimum Training Allowance (MTA) is treated as income. The current rules mean that the families of E2E and PLP learners also lose 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/).

- 13 From 10 April 2006, EMA will be extended to 16-19 year-old people starting LSC-funded E2E and PLP, replacing the MTA. These learners and their households will be 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 2005/06 is £90, based on a family claiming for an only or first child:
- £30 EMA
 - £43 Child Tax Credit
 - £17 Child Benefit.
- 14 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 2005/06 rates.
- 15 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.
- 16 A leaflet is being produced setting out the various forms of financial support which young people can access, including the extension, and will be available no later than April 2006.

Work-based learning programmes covered by the EMA extension

- 17 From April 2006, EMA is being 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 55-57 and 58-59 respectively.

- 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.

Transition arrangements

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 3: 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 Currently, there is no equivalent to a learner support fund for learners in WBL, although there continues to be an element of funding which can be used for items such as accommodation, travel, or health and safety kit, for example. However, we continue to examine ways and means of creating such a fund and will keep you updated on developments. Full details of other financial support mechanisms available in WBL are contained in the *Requirements for Funding Work-based Learning for Young People 2005/06* (LSC, 2005).

Learning provider or sub-contractor access to EMASYS

23 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 funding

- 24 A payment of £70 per EMA learner will be awarded to all learning providers with 10 or more EMA learners. Payment will be made on the basis of the number of enrolled learners on the EMA system at a set date in the year. This is a contribution towards administration costs for the scheme. We are working on what the census point will be and will notify you as soon as possible through *EMA Extension Update*. The arrangements on administration funding in forthcoming years will be reviewed on an annual basis.
- 25 The money must only be spent on EMA, and particularly on delivering and improving administrative processes for EMA to meet the APB payment reporting criteria. This could require ongoing staffing resource and/or upgrades to existing attendance monitoring methods and systems.
- 26 See below for a summary of the key processes that learning providers must apply to administer EMA.

3: Young Person / Household Application for Notice of Entitlement

Application

- 27 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.
- 28 Information to help you fulfil this role is being prepared, and will be available from early March 2006.
- 29 EMA assessment is conducted by the national APB. 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:
- learning provider helpline: 0800 056 2811
 - parent or carer and young person helpline: 080 810 16 2 19.

Application forms for learners starting E2E or PLP provision between April and August 2006

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

For young people who left school in June 2005 or earlier

- 31 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.

32 Those starting E2E or PLP between 10 April and 31 August 2006 should:

- claim EMA on current (orange) form.

33 Those starting E2E or PLP from 1 September 2006 to 31 August 2007 should:

- claim EMA on 2006/07 form (green).
-

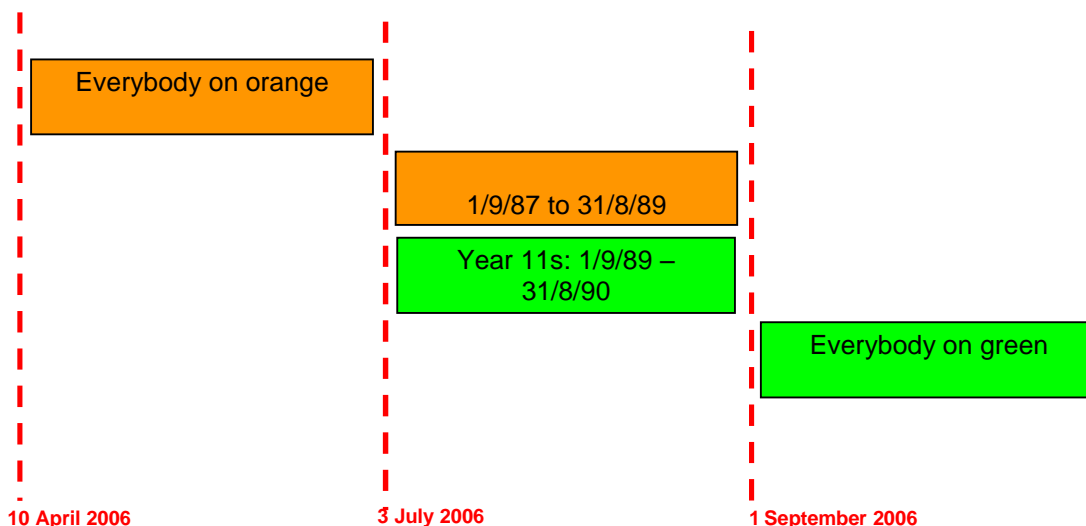
Young people leaving school in June 2006

34 Those with the potential to start a programme from July 2006 should:

- claim EMA on 2006/07 form (green), as for all “school leavers” in 2006.

35 This is summarised at high level in Figure 1 below.

Figure 1: Application handling for WBL by colour of form and course start.



36 **If you or a young person is in any way unsure which application form they need to apply on, contact the APB’s telephone helpline:**

- learning provider helpline: 0800 056 2811
- parent or carer and young person helpline: 080 810 16 2 19

37 Prolog will be distributing application packs for 2005/06 (orange forms) in bulk to learning providers before April 2006. If individual learning

providers require further supplies they should contact the APB on 0800 056 2811.

- 38 Learners whose E2E or PLP provision starts between April and August and whose learning may extend into the next EMA year will benefit from NOE extensions of a maximum of 22 weeks. Details are given at paragraphs 62-65.

Age eligibility

- 39 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.
- 40 All learners up to the age of 19 starting an E2E or PLP learning programme during the period 10 April 2006 to 31 August 2006 will be eligible for EMA assessment.
- 41 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.
- 42 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.
- 43 Authority for the “three years in four” decision lies with the Connexions personal adviser (PA) and it must be documented using the form attached at Annex 1 of the *Guidance for Local Partnerships*, which you can access through the EMA website (www.direct.gov.uk/ema). 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.

- 44 Should a learner enrol on a learning programme but then cease to attend for the rest of the year, their entitlement for that year is considered used. There is no carry-over.
- 45 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, then the application will be rejected.

Bank accounts

- 46 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 (080 810 16 2 19) for more information.
- 47 In response to provider feedback, the EMA Unit is going to provide advice to learners on getting a bank account, and more information on this will be made available in *EMA Extension Update*.

Exceptional changes in circumstances

- 48 There are certain exceptional changes in household circumstances which will impact on a learner's entitlement to EMA if they happen after receiving the NOE. These are:
- someone whose income was taken into account in determining financial eligibility has died
 - 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
 - the young person has become a parent with responsibility for their child.
- 49 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.

- 50 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.

4: Enrolling Individuals onto a Valid Learning Programme

Overview

- 51 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 must then register as an EMA learner at a learning provider and be enrolled onto EMASYS.
- 52 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.
- 53 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, course length and course type validity (see Annex A: Eligibility and Entitlement which can be accessed via the EMA website www.direct.gov.uk/ema). 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 course and obligations on the learning provider to report payment decisions for the learner.

Qualifying learning programme

- 54 The **only** WBL programmes covered by the extension are LSC-funded E2E and PLP programmes. These are defined in paragraphs 55-59 below.

Entry to Employment

- 55 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.

56 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.

57 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

58 There are effectively two forms of PLP, as follows.

- 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.
- A PLP can also be a course identified by a college as meeting set criteria. This is called a Programme Led Apprenticeship (PLA).. Such a course contains at least one of the major qualifications that are included in an approved Apprenticeship or Advanced Apprenticeship framework, that is to say the NVQ or technical certificate where the technical certificate (or certificates) exceed 60 guided learning hours.

59 Note that the PLA, which is delivered in FE, will continue to operate under the school-college FE model. The work-based model will operate under the E2E model, with flexible bonuses linked to individual outcomes.

Self-employed apprentices

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

Queries on validity

- 61 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.

Enrolling E2E and PLP learners whose programmes start between April and August 2006

- 62 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 reapply during a single course of learning, we are setting in place a maximum extension of 22 weeks for E2E and PLP learners who need to apply on an orange form between April and August 2006.
- 63 As part of enrolment, the learning provider will enter start and estimated completion dates for the learner's learning programme. Where this completion date is beyond the period of entitlement (31 August 2006), they will have the option to input a later date. This extension facility is designed to prevent a household from having to reapply 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.
- 64 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 reapply. Providers will be involved in this, with a view that

they will be a key and lead resource in prompting the learner to reapply. 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.

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

Entitlement to free learning

- 66 Learning providers must ensure they are fulfilling their responsibilities on ensuring enrolled learners fulfil 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 2005-06* (LSC, 2005).

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

Residency

- 68 Learning providers must note the residency criteria for EMA support, which is detailed on the NOE, and to make sure learners meet these criteria before they register for EMA.
- 69 If the learner is unable to provide supporting documents to confirm eligibility on these grounds, then they must not be registered for EMA. The onus is on the learner to provide proof of their residency status.
- 70 The learner should already be aware of these criteria since they are set out in the guidance notes that accompany the EMA application form and also on the NOE and Contract Part 1.
- 71 If the learner does not meet the EMA residency criteria, they are ineligible to receive EMA. The learning provider should issue them with a letter explaining why they are not eligible (see Annex 2 of this guidance for a template of this letter) and inform the APB using the email facility on EMASYS, quoting the applicant's name, EMA number and details.

72 Full details, including examples of the residency documentation learners may produce as evidence to prove their status, are given at Annex A: Eligibility and Entitlement which can be accessed via the EMA website at www.direct.gov.uk/ema

73 In summary, to meet the EMA residency criteria the young person must satisfy the following conditions:

- be a UK national born in the UK or have UK citizenship or a UK passport, and in either case also have three years' continuous residence in the UK immediately prior to the programme of study start; or
- have Indefinite Leave to Remain, Indefinite Leave to Enter, Refugee status or EU Humanitarian Protection; or
- come from a European Union (EU) or European Economic Area (EEA) country and have lived in the UK for at least three years immediately prior to the programme of study start; or
- have EU Temporary Protection, which only exists after the Council of the European Union has invoked the EU Temporary Protection Directive.

74 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 notices:

- Exceptional Leave to Remain
- Discretionary Leave.

75 If during the year the young person becomes eligible by satisfying the criteria set out above, they may submit another application for EMA.

Receipt of other funding

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

Employer top-ups

77 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 is one of the key aims of the extension. 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.

Setting up an EMA Contract Part 1 (Attendance)

- 78 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 and is confidential to the learner.
- 79 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.
- 80 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
 - agrees to report the learner's weekly payment authorisations and periodic bonus authorisations to the APB.
- 81 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 that** 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 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.

82 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.

83 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.

84 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

85 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 record

on the APB systems as a successful applicant to the APB, entitled to EMA. A sample NOE and Contract Part 1 (Attendance) may be found at Annex C on 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 barcoded to speed up this process for learning providers with barcode readers.

86 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.

87 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).

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

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

90 For more information, please refer to the *EMASYS Operating Manual*. This is available as a downloadable word document on the latest news page of EMASYS at www.emasys.dfes.gov.uk.

Agreeing the E2E Passport or PLP ILP with learners

91 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.

- 92 Both the learner and the learning provider should retain a copy of the signed document. The learning provider should retain this for three years.
- 93 Once the document is agreed, the learning provider should mark on EMASYS that the E2E Passport or PLP ILP bonus can be paid. If the E2E Passport or PLP ILP bonus is not paid then the two achievement bonuses will not be displayed for payment.
- 94 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.
- 95 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

- 96 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 institution 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

- 97 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

- 98 Where a learner changes learning provider mid-year, a new EMA Contract signed by the learner and learning provider will be needed.
- 99 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.
- 100 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.

Leaving a learning provider

- 101 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

- 102 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

- 103 Some young people will arrive to start their E2E or PLP course without having applied for EMA in advance. 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 within four weeks will receive weekly payments from the APB, backdated to the programme start date to a maximum of four weeks.
- 104 For learners who start a learning programme and whose EMA application is not received within four weeks, the weekly payments for an eligible applicant will only be backdated to the date of receipt of the EMA application at the APB. Therefore, in this instance, it will be in the learner's best interest to apply quickly. In such circumstances you should ask the learner to contact the young person's telephone helpline (080 810 16 2 19) for advice.

5: Attendance and Bonuses

Introduction

105 This section is presented in two main parts:

- weekly attendance
- bonuses.

106 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.

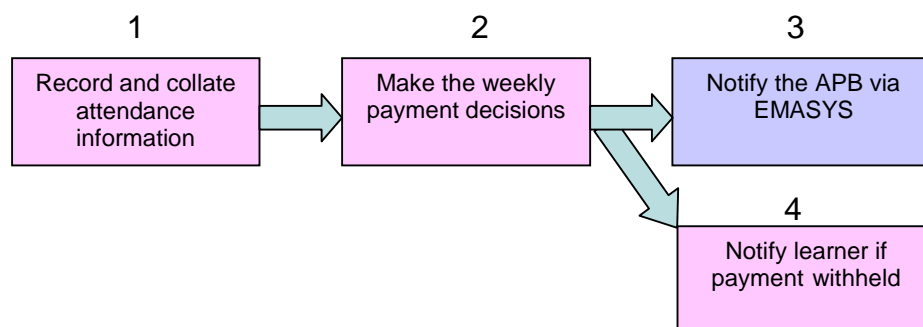
107 Local agreements on attendance are useful in clarifying and standardising interpretations of authorised and unauthorised absence for both local partners and learners.

Weekly attendance

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

109 The learning provider must take the actions illustrated in Figure 2.

Figure 2: Actions to take in respect of weekly attendance.



110 Where provision is sub-contracted, any sub-contractors must send collated attendance records to the provider for input onto EMASYS.

Recording attendance information

111 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.

- 112 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.
- 113 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

- 114 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.
- 115 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.
- 116 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

- 117 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.

- 118 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.
- 119 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 providers have sub-contracted delivery, providers themselves are responsible and accountable for any inaccurate entries.

Learner fraud

- 120 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.
- 121 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. This process is still subject to review. In the meantime, all instances of fraud must be reported to the APB.

Notifying the APB of weekly payment decisions

- 122 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. However, best practice is to make all decisions promptly to ensure that learners continue to be engaged through EMA.

Timing

- 123 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 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 provider must make all payment decisions promptly.
- 124 **Note that** 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

- 125 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

- 126 All learners in receipt of EMA weekly attendance allowance are eligible for bonus payments if they satisfy the relevant conditions.
- 127 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.
- 128 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

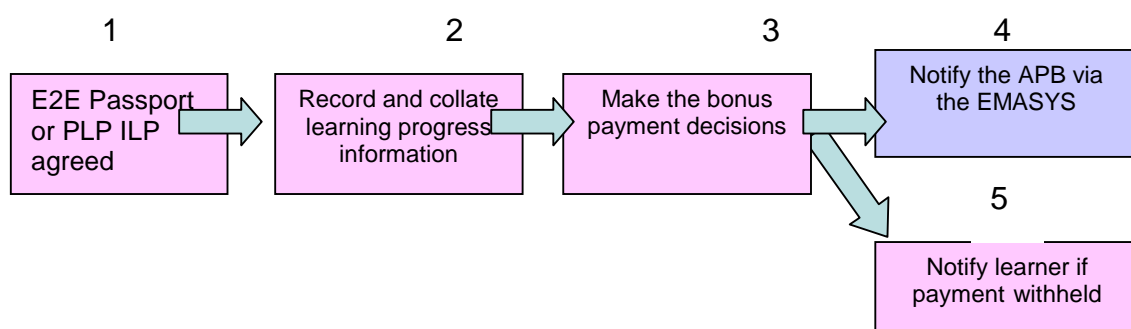
- 129 The bonus payment system is designed to reward learners for progression through their learning programme. Bonuses are awarded at the discretion of the learning provider to individuals who have achieved their learning goals. Examples of objectives which could trigger bonus payments include completion 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.

- 130 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.
- 131 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

- 132 Bonuses for E2E and PLP are structured differently but are equitable with bonuses in EMA for schools and colleges. This reflects the objectives of E2E and PLP programmes, which are to achieve progression into work, FE (for E2E learners only) or Apprenticeships (including PLP).
- 133 The bonus decision and payment process can be broken down into several stages which are similar to the weekly payment process (see Figure 3).

Figure 3: Bonus process.



Bonus payment decisions and notifying the APB

- 134 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. 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

- 135 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.
- 136 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.
- 137 If the payment was authorised but has not been received, then learning providers should advise the learner to call the APB learner telephone helpline (080 810 16 2 19). 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

- 138 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.

- 139 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 within four weeks will receive weekly payments from the APB, backdated to the programme start date to a maximum of four weeks.
- 140 Where learners start a learning programme and the EMA application is not received within four weeks, the weekly payments for an eligible applicant will only be backdated to the date of receipt of the EMA application at the APB.
- 141 Back payments may also 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.
- 142 Learning providers should resolve back payments quickly. For more information about this, see the *EMASYS Operating Manual*.
- 143 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

- 144 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 providers change their payment decision to the correct one by 8pm the same day, the learner will receive the correct

payment. If the provider does not identify 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 that** 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.

145 Where an overpayment has occurred and there are no further weekly payments to be made, for example if the learner has left education, 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 academic year will receive a letter from the APB asking for the overpaid amount to be repaid direct to the APB.

146 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).

- 147 Providers must notify the APB of any overpayments through the learning providers telephone helpline (0800 056 2811).
- 148 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

- 149 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

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

- It is good practice for the learning provider to give the learner written information about the appeals system 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 were 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.
- It is good practice to use existing appeal processes if possible, rather than create wholly new ones for EMA.
- The learner should have the opportunity to present his or her case and to have an adviser present, who may state the case on the learner’s behalf. Legal representation is wholly inappropriate.
- The learning provider is obliged to provide only one appeal hearing, and an appeal decision is final.
- There is no mechanism for an appeal against a stoppage decision to any party outside the learning provider.

7: Records

Recording and collating learning progress information

- 151 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.
- 152 Decisions about each learner need to be collated centrally within the learning provider so that decisions about the bonus can be entered onto EMASYS.
- 153 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.

8: Other Information Sources

- 154 Learning providers can readily obtain information about the EMA scheme, either from the website (www.direct.gov.uk/ema) or through the 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 taking such decisions, they should take account of the guidance in this document and 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 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 immediately be 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.
- a 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.
 - b 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.
 - c 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.
- 7 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

- 8 Providers must decide on and implement an attendance policy, on which they may be monitored. 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.

- 9 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.
- 10 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.
- 11 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.
- 12 Where the provider closes down for periods, for example at Christmas or for a summer break, learners are to 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

- 13 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.

14 Examples of legitimate reasons for absence include:

- accrued authorised absence, accrued through the E2E or PLP learning pattern
- 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 renegotiating 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 university 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.

15 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.

16 This list is not intended to be exhaustive.

Absences that cannot be foreseen in advance

17 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.

18 The only exception to the principle in paragraph 6a) is where the young person can supply a strong reason for failing to contact the learning provider. This might be because an event has been particularly disturbing or unpleasant, or because there has been a genuine practical barrier. Reasons for absence which would tend to be acceptable, provided that the learning provider has been notified on the day, include:

- an emergency situation involving a family member or another person for whom the learner has caring responsibilities. Sudden severe illness would be an example. Best practice is to offer a learner with caring responsibilities a named member of staff to contact when they

are unable to attend and examine whether alternative care arrangements can be made (see DfES Circular 10/99)

- 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.

19 This list is not intended to be exhaustive.

Sickness

20 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

21 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

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

Local area agreements

- 23 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.
- 24 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.
- 25 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 reference 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 meet the residency rule, you must satisfy the following criteria:

- be a UK national born in the UK or have UK citizenship or a UK passport, and in either case also have three years' continuous residence in the UK immediately prior to the programme of study start; or
- have Indefinite Leave to Remain, Indefinite Leave to Enter, Refugee status or EU Humanitarian Protection; or
- come from a European Union (EU) or European Economic Area (EEA) country and have lived in the UK for at least three years immediately prior to the programme of study start; or
- have EU Temporary Protection, which only exists after the Council of the European Union has invoked the EU Temporary Protection Directive.

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 notices:

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

If, during the year, your residency status changes, you may reapply for EMA. If this happens, or if you have any questions, please telephone the EMA Assessment and Payment Body telephone helpline on 080 810 16 2 19.

Yours sincerely,

Learning provider name:

Print name of administrator:

Date:

Note to 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 learner support funds and any information about your appeals procedure that you might have.

Annex 3: References

DfES (1999) Circular 10/99:

HM Treasury (2005) *Supporting Young People to Achieve*, London: HMSO at www.hm-treasury.gov.uk/financialsupport

LSC (2005) Requirements for Funding Work-based Learning for Young People 2005/06, at www.lsc.gov.uk

LSC (2005) Guidance for Local Partnerships, at www.direct.gov.uk/ema

LSC (2005) Annex A Eligibility and Entitlement at www.direct.gov.uk/ema

LSC (2005) [Annex C– Example of notice of entitlement and contract part 1 \(attendance\)](#) at www.direct.gov.uk/ema

Annex 4: 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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