2007/08 Education Maintenance Allowance Guidance for Providers of LSC-funded Entry to Employment and Programme Led Apprenticeships

Summary
This document contains guidance for learning providers who are involved in delivering LSC-funded Entry to Employment (E2E) and Programme Led Apprenticeships (PLA) (formerly known as Programme Led Pathways) provision for 16-19 year old learners, and will therefore be involved in administering Education Maintenance Allowance (EMA). This guidance sets out what learning providers should do to operate the EMA scheme for Entry to Employment (E2E) and Programme Led Apprenticeships (PLA) in their organisations, and how to get the best from it. It should be read in conjunction with the EMASYS Operating Manual, EMA marketing information and the Requirements for Funding Work-based Learning 2007/08.

This document is of interest to post-16 learning providers, LSC Area Partnership teams, Connexions staff and other institutions involved in LSC-funded E2E and PLA provision.

Issued by Greg Burke, 14-19 Learner Support Director and Stephen Gardner, Director of Work-based learning

June 2007
Contents

Flowchart 1: EMA process for E2E learners

Flowchart 2: EMA process for PLA learners

1: Introduction

2: Education Maintenance Allowance overview
   - Rationale for the extension of EMA
   - Work-based learning programmes covered by EMA
   - Learner support funding in E2E and PLA
   - Learning provider or sub-contractor access to EMASYS
   - EMA Administration payments to LSC-funded E2E and PLA providers

3: Applying for EMA
   - Overview
   - Provider role in the EMA Application process
   - Application Forms
   - Bank Accounts
   - APB role in Assessment
   - Age eligibility
   - Extended period of Entitlement
   - Household income
   - Assessment of applications
   - Exceptional changes in circumstances

4: Enrolling individuals onto a valid learning programme
   - Overview
   - Entitlement to free learning
   - Residency
   - Qualifying learning programme
   - Queries on validity
   - Receipt of other funding
   - Bursary payments
   - Employer top-ups
   - One-off payments for non-EMA learners
   - Part-time work
Enrolling E2E and PLA learners 124
Setting up an EMA Contract Part 1 (Attendance) 128
Adding learners to EMASYS 136
Agreeing the E2E Passport and PLA ILP with learners 144
Other information on enrolment 149

5: Attendance and bonuses
   Overview 161
   Weekly attendance 164
   Recording attendance information 166
   Deciding on payments 172
   Learner fraud 175
   Bonuses 180
   Other information on attendance and bonus payments 190
   Back payment 193
   Overpayment 199

6: Appeals 207
7: Records and audit 208
8: Other information sources 213

Annexes
1: Authorised and Unauthorised Absence
2: Residency letter template
3: WBL EMA Hardship funding guidance
4: Guidance on LSC Audit Arrangements for EMA at E2E and PLA Providers
5: References
6. Abbreviations
Flowchart 1: EMA process for E2E learners

Young person or household application for Notice of Entitlement

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

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

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

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

Enrolling individuals onto a valid learning programme

The learning provider must check that the young person:

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

In registering a learner for EMA, the learning provider is certifying that these conditions have been satisfied.
Agree Contract Part 1 (Attendance) with each EMA learner, setting out the responsibilities of the learner and the learning provider for the learner to receive EMA weekly payments. Explain how EMA is operated by the learning provider in terms of how attendance and punctuality will be monitored, and the implications of unauthorised absence. Best practice is to supply this information in writing, and to integrate these with the E2E Passport (see paragraphs 130-137 of this guidance). Explain how the query and appeals process will operate for disputed stopped payments.

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

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

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

Records and audit

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

Other processes related to enrolment

Throughout the year, you will need to:

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

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

Record the authorised and unauthorised absences of learners. Again, information from sub-contractors may be required, so set up a system to ensure the 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 PLA 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 199-205 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 193-198 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, PLA 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 six years to meet audit requirements.
Flowchart 2: EMA process for PLA learners

Young person or household application for Notice of Entitlement

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

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

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

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

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

Enrolling individuals onto a valid learning programme

The learning provider must check that the young person:

- fulfils the residency criteria for EMA
- does not claim other government funding that precludes receipt of EMA (for example, Minimum Training Allowance, Adult Learning Grant, Dance and Drama Award, Jobseekers’ Allowance, employer top-ups, NHS Bursaries)
- is entitled to participate on a PLA programme
- enrolls on a valid learning programme, that is, LSC-funded PLA 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 PLA learners will be expected to be attending for 30-40 hours a week.

In registering a learner for EMA, the learning provider is certifying that these conditions have been satisfied.
Agree Contract Part 1 (Attendance) with each EMA learner, setting out the responsibilities of the learner and the learning provider for the learner to receive EMA weekly payments. Explain how EMA is operated by the learning provider, in terms of, how attendance and punctuality will be monitored, and the implications of unauthorised absence. This process may be linked to setting the Individual Learning Plan (ILP) (see paragraphs 130-135 of this guidance for additional information). Explain how the query and appeals process will operate for disputed stopped payments.

Add learners to EMASYS.

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

**Records and audit**

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

**Other processes related to enrolment**

Throughout the year, you will need to:

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

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

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

Make decisions on the authorisation of weekly EMA attendance payments.

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

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

### Bonuses

Agree learning goals and objectives with the learner, which form part of the ILP. Examples of goals could include completion of key skills qualifications or a collection of NVQ modules. Once agreed, mark on EMASYS that the ILP has been agreed in the bonus payment screen. 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*. 

10
The final bonus a learner can receive is related to progression after finishing the PLA 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 200-208 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 194-199.

Records and audit

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

Note: PLA can also be delivered through FE, on a course that has been designated “Courses that contribute to an Apprenticeship Framework”. The criteria for designation is that the course contains at least one of the major qualifications that are included in an approved Apprenticeship or Advanced Apprenticeship framework, usually the technical certificate (where the technical certificate or certificates exceeds 60 guided learning hours) or in exceptional circumstances the NVQ. These young people will follow the FE model for EMA delivery.
1. Introduction

1. This guidance sets out what learning providers should do to operate the Education Maintenance Allowance (EMA) scheme for LSC funded Entry to Employment (E2E) and Programme Led Apprenticeships (PLA) (formerly known as Programme Led Pathways) in their organisations from September 2007, and how to get the best from it. It is not intended to offer definitive advice on every possible situation in EMA: Rather, it offers a framework within which learning providers can make sensible decisions based on EMA and work-based learning (WBL) policy, the web-based assessment system EMASYS, and providers’ experience of dealing with E2E and PLA learners. It should be read in conjunction with the EMASYS Operating Manual, EMA marketing information and the Requirements for Funding Work-based Learning for Young People 2007/08 (LSC, 2007).

2. There are also two telephone helplines to provide support to learning providers, and to young people and their parents or carers. These are:
   - EMA Local Partner Helpline: 0800 056 2811
   - Parent or carer and young person helpline: 0808 10 16219.

3. The young person has an option to prevent the helpline speaking to anyone other than them regarding their application form. Please refer to the Guidance Notes for EMA 2007/08 – Helping you fill in the EMA application form.
2: Education Maintenance Allowance overview

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

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

5. The EMA Assessment and Payment Body (APB) will consider age and household income in assessing the young person’s eligibility, based on the information in their application form and supporting financial evidence. It will issue either a Notice of Entitlement (NoE) explaining how much they will receive (should they enrol on and start a valid learning programme) or a letter explaining the reasons why they are not entitled to receive EMA. A young person can normally expect to receive their NoE to EMA, or a letter explaining why they are not entitled, within two weeks of their correctly completed application and supporting evidence being received by the APB. Full details of the evidence required are contained in the guidance notes accompanying the application form.

6. The young person then enrols on a valid learning programme; having confirmed with the learning provider that they are eligible for
EMA support because they meet the residency criteria and are not in receipt of other funding that would affect their eligibility.

7. They start attending to receive their weekly attendance payments and progress against agreed learning goals to receive periodic bonuses. Learners can expect to receive an EMA payment into their bank account three working days (or four days for some building society accounts) after it has been authorised by their learning provider. Further details are provided in the following sections of this guidance.

8. The success of the EMA scheme in any area will depend on the commitment and ability of Local Partners to work together effectively to support young people and learning providers, and to promote and monitor the scheme locally. It fits within the broader context and goals of the work that they are already undertaking to support young people and learning providers.

9. The LSC Area Partnership team is responsible for ensuring that there are effective local partnership arrangements in all areas. Local Partnerships are the key group outside the learning providers to ensure that young people ‘get in and stay in’ learning. It is important that the Partnerships:

- carry out an annual assessment of their area
- plan how EMA is promoted to young people locally and engage with priority groups of young people
- agree partner responsibilities; and
- meet regularly to review progress.

10. Some EMA responsibilities will be set nationally across organisations whilst others will best be agreed by the Local Partners taking into account local circumstances such as the presence, priorities and resources of each partner organisation. National roles and responsibilities of various local partners can be found in:
Rationale for the extension of EMA to LSC-funded E2E and PLA

11. Before 10 April 2006, young people staying on in school or further education (FE) were considered dependent on their parents. Young people in LSC-funded E2E or PLA were considered independent as receipt of the Minimum Training Allowance (MTA) was treated as income. This resulted in the families of E2E and PLA learners losing their family benefits such as Child Benefit and Child Tax Credit. This loss of family support can have a significant impact on household income and can distort young people’s choices between education and training. A Treasury-led review of financial support for 16-19 year olds, informed by responses from the WBL community, recommended the removal of the distinction between the financial support available to young people in full-time education at a school or college and young people on E2E and PLA, and their families. Groups consulted included the Association of Learning Providers and the E2E Advisory Group. The report (HM Treasury, 2005; see Annex 5 for full reference) can be downloaded from the HM Treasury website (www.hm-treasury.gov.uk/).

12. From 10 April 2006, EMA was extended to 16-19 year-old people starting LSC-funded E2E and PLA, replacing the MTA. These learners and their households are now able to access Child Benefit and Child Tax Credit, and therefore many low-income families will see a substantial increase in financial support through eligibility for Child Benefit and Child Tax Credit. The maximum weekly amount available to a family in Child Benefit, Child Tax Credit and EMA in
2007/08 is £94.06, based on a family claiming for an only or first child:

- £30 EMA
- £45.96 Child Tax Credit
- £18.10 Child Benefit.

13. Learners who are estranged from their parents or carers and claiming Income Support will particularly benefit. They can receive EMA on top of their Income Support, making a package of £76.85 per week at 2007/08 rates.

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

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

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

16. For further information on benefits and how they relate to EMA and E2E and PLA courses the [EMA Extension Update Benefits Special and Benefits Update](http://www.direct.gov.uk/ema) are available to be downloaded at [www.direct.gov.uk/ema](http://www.direct.gov.uk/ema).

**Work-based learning programmes covered by EMA**

17. From April 2006, EMA was expanded to cover LSC-funded:
Entry to Employment (E2E)  
Programme Led Apprenticeships (PLA).

18. More detailed definitions of E2E and PLA programmes are given at paragraphs 106-113.

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

Learner Support funding in E2E and PLA

20. Experience of running EMA in FE shows that running discretionary learner support alongside EMA offers the most vulnerable learners a robust package of support, which can make the difference between a young person participating in learning or not. The LSC has put in place a Hardship Fund to replicate the Learner Support Fund available to FE Learners; the EMA Hardship Funding Guidance can be found at Annex 3 of this document.

21. There also continues to be an element of funding within the WBL budget which can be used for items such as accommodation, travel, or health and safety kit, for example. Full details of other financial support mechanisms available in WBL are contained in the Requirements for Funding Work-based Learning for Young People 2007/08 (LSC, 2007).

Learning provider or sub-contractor access to EMASYS

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

EMA Administration Payments to LSC-funded E2E and PLA Providers

23. LSC-funded E2E and PLA Providers with 10 or more learners will be paid administration funding at the rate of £40 for each EMA
eligible learner. This is to reflect the significant impact of the extension of EMA to these providers and mirrors the level of funding that was awarded to Providers delivering EMA in FE for the second year of operation.

24. Administration Payments for 2007/08 will be made automatically on the basis of the number of enrolled EMA learners registered on the APB system at 1 November 2007. This date was chosen in consultation with a number of stakeholders, including the Association of Learning Providers (ALP), to be the most accurate reflection of the number of learner’s participating on these learning programmes over the entire year.

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

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

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

28. There are no guarantees that funding will be made available in future. The LSC will need to negotiate the possibility of any funding for subsequent years with DfES and HM Treasury.
3: Applying For EMA

Overview

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

Provider role in the EMA Application process

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

- For those learners who already have an EMA NoE, register them on EMASYS so they can begin to receive EMA payments and agree an E2E Passport or PLA ILP.
- For those learners who have not applied for their EMA NoE in advance, raise young people’s awareness of EMA, encourage and support learners to apply (including helping learners get a bank account) and issue application packs.

31. It is not acceptable practice for learning providers to only interview young people for E2E/PLA programmes if they already have their EMA NoE. Learning providers must recruit eligible young people to their provision, regardless of their EMA eligibility. If young people need support in completing their EMA application form, the LSC expects learning providers to offer that help. If necessary, a young person may delay the start of their provision until they have their NoE, but their EMA status should have no impact on their eligibility for programme.
Application forms for learners starting E2E or PLA provision

32. 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 2006 or earlier

33. Those starting E2E or PLA before the 27 August 2007 should:
   - claim EMA on the current (green) form.

34. Those starting E2E or PLA from 27 August 2007 to 31 August 2008 should:
   - claim EMA on the 2007/08 form (purple).

Young People leaving school in June 2007

35. Those starting E2E or PLA from 2 July 2007 to 31 August 2008 should claim EMA on 2007/08 form (purple). This is summarised in Figure 1 below.

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

```
<table>
<thead>
<tr>
<th>Time</th>
<th>Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 1 Sept 2006</td>
<td>Everybody on Green</td>
</tr>
<tr>
<td>2 July 2007</td>
<td>Born between 1/9/90 – 31/8/91 purple</td>
</tr>
<tr>
<td>27 Aug 2007</td>
<td>Everybody on purple</td>
</tr>
</tbody>
</table>
```

36. If a learning provider or a young person is in any way unsure which application form they need to apply on, contact the APB’s telephone helpline:
• EMA Local Partner Helpline: **0800 056 2811**
• Parent or carer and young person helpline: **0808 10 16219**

37. Learning providers should request supplies of 2007/08 application packs from Prolog on 0845 60 222 60. Ref No. LSC-P-NAT-070003

38. Existing learners whose E2E or PLA provision started between April and August 2007 and whose learning may extend into the 2007/08 EMA year will benefit from NoE extensions of a maximum of 22 weeks. Details are given at paragraphs 125-127.

**Bank accounts**

39. The learner must have their own bank account to access EMA support. The only exception to this is where the bank judges a young person as being incapable of managing their own financial affairs. Parents or carers of learners in these circumstances should ring the APB telephone helpline (0808 10 16219) for more information.

40. Further information on obtaining a bank account is available through the Financial Services Authority (FSA). The FSA have produced a leaflet, *No Bank Account*, which is available to be downloaded from the website www.moneymadeclear.fsa.gov.uk/products. The FSA can also be contacted through their helpline 0845 606 1234.

41. The LSC has also produced information to help young people open a bank/building society account. This can be found at the back of the *Guidance Notes for EMA Year 2007/08 – Helping you fill in the EMA Application Form* and is a tear-off page which the young person can take to their local bank or building society to help them open a basic bank account.

42. Further information on Basic Bank Accounts can also be found in the FSA leaflet *Basic Bank Accounts – Your Questions Answered* which can be downloaded from the website www.moneymadeclear.fsa.gov.uk/products.
APB role in Assessment

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

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

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

Age eligibility

45. EMA is available to learners who are aged between 16 and 19 (or age 20 in circumstances explained in the following section). EMA begins after compulsory education and payments may be received for a maximum of three years. EMA is not available to young people who have yet to reach the compulsory school leaving age.

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

47. The earliest date a young person leaving compulsory education in June 2007 will be eligible for EMA payments for a LSC-funded E2E or PLA programme is Monday 2 July 2007. (The first Monday after the “official” school leaving date.)

48. All learners up to the age of 19 starting an E2E or PLA learning programme during the period 2 July 2007 to 31 August 2008 will be eligible for EMA assessment.

49. If a learner starts a learning programme up to their 19th birthday, they will be able to claim their Child Benefit etc until the end of their programme or their 20th birthday whichever is sooner.
50. 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.

51. If the learner’s date of birth shows them to be outside (either above or below) the entitlement range for EMA support, and there is no record to show that they qualify for an extended period of entitlement, (see below), the application will be rejected.

**Extended Period of Entitlement**

52. 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, disability or other personal circumstances.

53. Authority for the ‘three years in four’ decision lies with the Connexions personal adviser (PA) and it must be documented. See Connexions Action Note, CXP216 for more details on the Connexions role in determining eligibility and an example of a form that can be used. Once a learner has qualified for an extended period of eligibility, they retain extended eligibility rights even if the reason for qualifying reduces or is removed. It is not the policy intent that a learner should use this mechanism to claim their first year of EMA if they are only taking up their first year of learning at 19. However it is acknowledged that in exceptional circumstances it may be necessary for authority to be given in this situation.

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

**Household income**
55. This explanation is not intended to be exhaustive. Applicants should refer to the Application Form and accompanying Guidance Notes for full detail. Evidence to support an application must be original documentation. Learning Providers can also find useful information to support learners in the application process in the Application Resource Pack which is available through Prolog on 0845 60 222 60.

56. Applications received at the APB which meet the age criteria will be assessed financially based on household income. Where Applicants receive Social Security Benefits in the relevant tax year, Part C of the application form should be completed. This process has been simplified for 2007/08 EMA applications. Part C should still be completed where applicable but it should be sent with the rest of the application form to the APB to be assessed. The APB will then make the necessary checks with the Department of Work and Pensions (DWP) on behalf of the adult. Where the APB is unable to confirm the details with the DWP, they will contact the adult concerned to obtain further information.

57. Applications which do not meet the age or financial criteria will be issued with a letter stating the reason for rejection, explaining what to do if the learner wants their application to be reassessed by the APB and providing contact details for other support.

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

---

**Table 1: EMA rates 2007-08**

<table>
<thead>
<tr>
<th>Household income Tax Year 2006-07</th>
<th>Weekly amount to be</th>
</tr>
</thead>
</table>

---

24
<table>
<thead>
<tr>
<th>Income Range</th>
<th>Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to £20,817</td>
<td>£30</td>
</tr>
<tr>
<td>More than £20,817 but less than or equal to £25,521</td>
<td>£20</td>
</tr>
<tr>
<td>More than £25,521 but less than or equal to £30,810</td>
<td>£10</td>
</tr>
<tr>
<td>More than £30,810</td>
<td>No entitlement to EMA</td>
</tr>
</tbody>
</table>

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

**Assessment of applications**

**Income Support, JSA (IB) and Pension Credit**

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

**Tax Credit Award Notice (TCAN) Applications**

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

62. A TCAN should be presented as evidence for families whose household income has been assessed under the tax credits system for the relevant tax year. The relevant tax year is defined as the most recent complete tax year prior to the start of that EMA year. For EMA applications for the 2007/08 year, the TCAN must show income for the 2006/07 tax year. Normally this will be the TCAN
notifying the parent(s) about the Tax Credit Award for the 2007/08 tax year.

Non-TCAN applications

(a) Employed people

63. For those who do not provide a TCAN, all relevant evidence relating to income must be provided. This will typically consist of P60 statements showing earned income, but can include benefits in kind as described in the application form guidance.

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

(b) Self-employed

65. For those who are self-employed, and cannot provide a TCAN, the most recent SA302 form for the tax year 2006/07 may be provided, or alternatively a Part D (Declaration of Self-Employed Income) can be completed.

(c) Other means

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

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

Non-standard assessments

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

Applications from Young Offenders in Custody

69. Young Offenders who are serving a custodial sentence in a Young Offenders Institutes (YOI), Secure Training Centre (STC) or Secure Children’s Home (SCH; formerly Local Authority Secure Children’s Home) will be able to apply for EMA whilst in custody. All applications will need to be submitted on a purple (2007/08) form.

70. Applications received by the APB before a Young Offender leaves custody will be assessed in the same manner as applications from learners in Local Authority Care or Foster Care. No evidence of income from parents or carers will be required.

71. A young person aged 16 can then enrol on a valid LSC funded E2E/PLA learning programme upon their release from 2 July 2007 onwards (following the official school leaving date) and they will automatically qualify for the full rate of EMA. Should the young person be aged 17 or over they will not be able to access EMA payments until the 27 August 2007.

72. An original letter on letter-headed paper must be sent with the application form, from a member of the young person’s Youth Offending Team (YOT). It will be used as proof that the applicant is a Young Offender in custody, and will need to contain the following information:

- Name of young person
- Date of birth
- Period of detention
- Place of detention
- Date of release
- Name of supervising Youth Offending Team
- Signature of Young Person
- Signature of Youth Offending Team Supervising Officer
Learners who are parents

73. A learner who is already a parent themselves and has care of the child when they apply for EMA should contact the APB on 0808 10 16219, as special arrangements apply. Please see question A10 on the application form 2007/08 and the accompanying guidance notes.

Learners living with a partner

74. A learner who is living with a partner when they apply for EMA will be classed as a household in their own right. Their partner's income will be assessed as the household and will need to be declared on part B of the application form. Please see question A7 on the application form 2007/08 and the accompanying guidance notes.

Learners who are estranged

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

76. Learners in receipt of Job Seekers Allowance (Severe Hardship) or Job Seekers Allowance (IB) under Prescribed Group 1 may apply for EMA with an accompanying letter from their Connexions Advisor confirming they are in receipt of JSA (SH) or JSA (IB) under Prescribed Group 1. (See Connexions Action Note, No CXP216 for more details on the Connexions role in determining eligibility). However these learners must switch their claim to Income Support before they can get EMA payments and this must be confirmed on their learning agreement. This is to avoid any potential delays for learners wanting to enter learning and having to wait to apply for EMA until they have switched their claim to IS.
77. For E2E and PLA programmes the EMA Extension Update Benefits Special and Benefits Update are available to be downloaded at www.direct.gov.uk/ema.

**Exceptional changes in circumstances**

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

- a person whose income was taken into account in determining financial eligibility has died;
- a person whose income was taken into account in determining financial eligibility has experienced a reduction in income due to his own disability as defined in the Disability Discrimination Act 1995 or the disability, also as defined in the Disability Discrimination Act 1995, of any other person for whom he has responsibility as primary carer * or
- since the assessment of income was made, the young person has become estranged from his or her parents, guardians or someone else whose income was taken into account in determining financial eligibility; or
- the young person has been taken into the care of the local authority; or
- the young person has become a parent with responsibility for their child.

*Please note that the LSC is currently seeking legal advice on the use of the term primary carer and so this bullet point may be subject to change in the future.*

79. 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.
80. 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

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

82. 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.

83. Most of the registration process occurs when a learner joins a learning programme during the year. EMA registration should occur as part of the more general enrolment process, but learning provider enrolment processes must take account of and check EMA-specific requirements related to residency, hours of learning, length of programme and programme type validity. When registering the learner, a learning provider needs to make sure that the learner has signed the EMA Contract Part 1. This is a generic document, valid across all providers, and contains obligations on the learner to attend learning sessions consistent with the timetable for the learning programme and obligations on the learning provider to report payment decisions for the learner.

Entitlement to free learning

84. Learning providers must fulfil their responsibilities in ensuring enrolled learners meet the residency criteria for education and EMA support, which are somewhat different. The residency criteria for
E2E and PLA programmes are in the *Requirements for Funding Work-based Learning for Young People 2007-08* (LSC, 2007).

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

**Residency**

86. Providers must note the residency criteria for EMA support, which is detailed on the NoE, and verify that learners satisfy the EMA residency criteria before they enrol them on EMASYS.

87. If the learner is unable to provide supporting documents to confirm eligibility on these grounds, then you should not add them to EMASYS. The onus is on the learner to provide you with proof of their residency status.

88. Providers may wish to review the residency checks they undertake as part of the learner’s enrolment process to ensure that EMA residency checks are included. It is for the provider to decide their process for making residency checks.

89. The learner should already be aware of these criteria as they are set out on the Application Form Guidance Notes and also on the back of the Notice of Entitlement/Contract Part 1.

90. If the learner does not meet the EMA residency criteria, they are ineligible to receive EMA. The learning provider must issue them with a letter explaining why they are not eligible. (See copy of this letter at Annex 2,) and must also inform the APB by using the email facility on EMASYS quoting the applicant’s name, EMA number and details.

91. EMA residency rules are narrower than those the LSC generally use in funding learning programmes. These arrangements have been agreed by the DfES.

92. In order to meet the EMA residency criteria the young person must either be:
• a person who is ‘settled’ in the UK, and been ordinarily resident* in the UK for at least the three years prior to the start of your learning programme; or

• a national of any European Union (EU) country** or the spouse or civil partner or the child of an EU national, and been ordinarily resident in the European Economic Area (EEA) for at least the three years prior to the start of your learning programme; or

• a European Economic Area (EEA) migrant worker or the spouse or civil partner or child of an EEA migrant worker, who is ordinarily resident in the UK at the start of the learning programme and has been ordinarily resident in the EEA throughout the three year period prior to that; or

• recognised as a Refugee by the UK Government, the spouse or civil partner or child of a refugee, have been granted Humanitarian Protection, or have EU Temporary Protection.

93. The term ‘settled status’ includes people with Indefinite Leave to Remain (ILR) and Indefinite Leave to Enter (ILE), therefore someone with ILR/ILE will now need to have been ordinarily resident in the UK for at least the three years prior to the start of their learning programme. (Please see EMA Residency 2007/08 – Supporting Information, available on the EMA website, www.direct.gov.uk/ema, for a full list of definitions of terms).

94. *The LSC has provided guidance on the definition of a temporary absence and examples of the information that Providers should request to determine if the status of Ordinarily Resident in the UK has been maintained. This can be found in the EMA Residency 2007/08 - Supporting Information document available at www.direct.gov.uk/ema.

95. **Where a country joins the EU it will be treated as having always been a member for EMA purposes. It is the requirement of the individual not the country to have resided in the EEA for the three
years prior to the start of learning. However, if a learner is already in learning when the country they are from accedes to the EU then they will not have met the requirement of residing in the EEA prior to the start of learning until they start a new learning programme. For further details and examples please see the EMA Residency 2007/08 - Supporting Information document available at www.direct.gov.uk/ema.

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

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

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

98. If during the year the young person becomes eligible by satisfying the criteria set out above, they may re-apply for EMA. However Providers need to ensure that the learner has complied with the Residency criteria outlined in bullet points 1-3 of paragraph 92 prior to the start of their learning programme.

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

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

100. If a young person intends to start a learning programme in England and they are resident in England, Scotland, Wales or Northern Ireland they must apply for EMA through the English APB.
101. If a young person intends to start a learning programme in Scotland, Wales or Northern Ireland they should contact the relevant authority for an Application Form. See websites:

- Scotland: [www.emascotland.com](http://www.emascotland.com)
- Northern Ireland: [www.emani.gov.uk](http://www.emani.gov.uk)

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

**Qualifying learning programme**

103. The only WBL programmes covered by the extension are LSC-funded E2E and PLA programmes. These are defined in paragraphs 108-111 below.

**Entry to Employment (E2E)**

104. 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.

105. Further information on provision eligible for E2E can be found in the *Requirements for Funding Work-based Learning for Young People 2007-08* (LSC, 2007).
106. 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.

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

Programme Led Apprenticeships

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

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

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

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

Programme length

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

**Self-employed apprentices**

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

**Queries on validity**

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

**Receipt of other funding**

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

**Bursary payments**

116. Bursary payments cannot be paid in addition with EMA to E2E/PLA learners on a weekly basis. The learner may receive a one off payment as an incentive to join an industry or a specific school or college or a periodic bonus in recognition of achievement / to reward a learner’s particular effort but more regular payments would imply the learner is in receipt of other funding which would make them ineligible for EMA. These arrangements need to be in
place for learners starting provision from September 2007 onwards. Existing learners may continue under current arrangements until they complete their programme. Further information on Bursary payments is available on the EMA website in the Bursary Payment Communication at www.direct.gov.uk/ema.

Employer top-ups

117. Under the new EMA arrangements, weekly employer top-ups are not to be made to EMA learners. If a learner was being paid an additional weekly allowance or top-up, this payment would count as a wage in the same way the MTA does. Therefore, the young person and their family would not be able to claim their family benefits, such as Child Tax Credit and Child Benefit, which was one of the key aims of the extension of EMA to E2E and PLA. However, EMA does not affect other benefits that a household can receive, and independent learners can combine EMA payments with benefits such as Income Support. For information on one off incentive payments that learners may receive, see the Bursary payments paragraph above.

One off payments for Non EMA Learners

118. A one off payment in exceptional circumstances to reward achievement or contribution towards expenses could be made by a learning provider to a non EMA learner. There are no LSC funds available to support such a payment. However, regular successive payments to a non-EMA learner would not be acceptable as they would impact on the household entitlement to Child Benefit/Child Tax credit. They may also result in an inappropriate delay to the learner’s progression to a paid employer led apprenticeship.

Part-time Work

119. The introduction of the extension of EMA to E2E and PLA programmes has not changed existing WBL policy outlined in the Requirements for funding Work Based Learning for Young People 2007/08.
120. Learners will usually attend a PLA programme for a minimum of 30 hours a week. In exceptional circumstances part-time attendance can be agreed, but with the expectation that the learner would progress to full time attendance as soon as they were able. PLA is designed to give young people a short period of training, either in a training centre or with an employer, to equip them with the skills they need to begin a paid Apprenticeship. It is the LSC’s preference that a PLA learner progresses to their employer-led phase of their Apprenticeship, as soon as possible for a number of reasons: It demonstrates commitment from the employer; is more likely to engage the Apprentice; and of course the Apprentice will also benefit from a minimum salary of £80 per week.

121. If the employer wishes to offer the Apprentice paid part-time work outside their Apprenticeship, the LSC would not necessarily wish to prevent that (under Child Benefit regulations a learner may work for up to 24 hours a week before they are classified as being independent). However, we would expect that the learning provider would query with the employer why the PLA learner has achieved a level of competence which means they are capable of holding down part time employment, but not being employed directly during the week. Such a learner should be encouraged to progress to the employer-led phase of their Apprenticeship as soon as possible.

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

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

Enrolling E2E and PLA learners

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

125. As part of enrolment, the learning provider will enter the exact start date and an estimated completion date for the learner’s learning programme onto EMASYS. Where this completion date is beyond the period of entitlement (31 August), they will have the option to input a later date. This extension facility is designed to prevent a household from having to re-apply where there is only a limited amount of time to the end of the learning programme. The end date should still be the estimated completion date of learning. Should the learner not meet that, the provider will be able to go in and extend the date, again to reflect the new estimated date. There is a maximum period for using this extension facility of 22 weeks from 27 August. The extension facility cannot be used to start the learner on a new learning programme.

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

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

Setting up an EMA Contract Part 1 (Attendance)

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

129. 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.

130. The learning provider:

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

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

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

132. For the 2007/08 EMA year the Contract Part 1 now includes a box which the Learning Provider must tick to confirm that the learner’s residency status has been checked.

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

134. 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.

135. One signed 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 six years.

**Adding learners to EMASYS**

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

137. A sample NoE and Contract Part 1 (Attendance) may be found in the supporting documents section of the EMA website at [www.direct.gov.uk/ema](http://www.direct.gov.uk/ema). A learning provider will need the learner’s EMA number to add the learner to EMASYS. This makes a link between the learner’s entitlement for EMA and their enrolment on your provision and activates requests for weekly payment authorisations on EMASYS. The EMA number is also bar-coded to speed up this process for learning providers with barcode readers.

138. 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.

139. Learning Providers who deliver both FE and E2E/PLA EMA programmes need to ensure they enrol a learner on the correct Programme of Study (PoS) type.

140. 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).

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

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

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

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

144. 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 E2E and PLA, the E2E Passport and PLA ILP have been deemed suitable documents.

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

146. Once the document is agreed, the learning provider should approve payment of the E2E Passport or PLA ILP bonus on EMASYS. If the E2E Passport or PLA ILP bonus is not paid then the two achievement bonuses will not be displayed for payment.

147. 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.

148. 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 PLA 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**

149. Where a learner attends more than one learning provider contracted with the LSC, each institution should be referenced on the EMA Contract. In this case, it is for local agreement between the providers as to which learning provider will be the lead for administering EMA as a learner can only be added to one learning provider at any one time. This provider will sign the EMA Contract and report payment decisions to the APB. The other providers involved will need to agree a process for reporting the learner’s attendance to the learning provider that reports payment decisions to the APB. The same principle applies for learning progress and bonuses.

**Change of learning programme**

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

**Change of learning provider**

151. Where a learner changes learning provider mid-year, a new EMA Contract signed by the learner and learning provider will be needed. The ‘exporting provider’ should confirm the learner’s end of learning date and reflect this on EMASYS. If the actual end of
learning date is not input to EMASYS accurately this may have an impact on receipt of the learner’s future weekly payments.

152. 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.

153. The new Contract Part 1 (Attendance) must then be signed by the learner and the new provider and notified to the APB. Enrolling the learner onto EMASYS will confirm this notification. While a learner cannot be linked on EMASYS to two different providers for the same period, if retrospective payments are validly due from the ‘exporting’ learning provider, that ‘exporting’ learning provider will be able to authorise these. This could happen if the ‘exporting’ learning provider had not yet processed evidence that an absence should have been classified as ‘authorised’, so that a back payment is due. Note that the ‘exporting’ learning provider must confirm these decisions prior to completing the ‘End of Learning’ code.

Transfer to a different learning provider

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

155. Where a Provider’s WBL contract is not renewed by the LSC, the learners attached to that Provider will need to be transferred in bulk, if it has been agreed that they will be taken on by a new Learning Provider. Providers who are in this position should contact the EMA local partner helpline on 0800 056 2811 for further advice.

Leaving a learning provider

156. 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

157. 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

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

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

160. The policy relating to back-dated payments is being reviewed. Changes may be introduced from September 2008

**Examples of how the backdating process works**

*Example 1*

*Learner A* starts an E2E programme on 24 April but has not applied for EMA. They complete an EMA application form and send it off to APB for processing. APB receives the form on 3 May; assess eligibility and sends out a NoE on 5 May. *Learner A* receives the NoE and takes it to their E2E provider. They are enrolled onto EMASYS on 15 May and a start date of 24 April is entered. The payment profile displayed for *Learner A* allows payment decisions to be entered for all weeks from 24 April, as they had applied within 28 days of the start of their learning programme.

*Example 2*

*Learner B* begins a PLA programme on 5 June but has not applied for EMA. They eventually complete an application form and send it to the APB. The form is received on 17 July, assessed and a NoE is sent to them on 20 July. *Learner B* takes the NoE to their PLA provider, and is enrolled onto EMASYS on 2 August. A programme start date of 5 June is entered. The payment profile displayed for *Learner B* only allows payment decisions for weeks from 17 July as the application was not received within 28 days of the learning programme start date. 17 July is chosen as it is the Monday of the week the application form was first received at the APB.

*Example 3*

*Learner C* starts a PLA programme on 11 September having already applied for EMA (date received at APB was 21 August); however their application form was incorrectly completed and has been returned to them. *Learner C* corrects their
mistakes and returns the form to APB. APB receives the form on 26 September; assess eligibility and sends out a NoE on 2 October. Learner C takes the NoE to their PLA provider and is enrolled onto EMASYS on 9 October. A programme start date is entered as 11 September and the payment profile displayed for Learner C allows payment decisions to be entered 28 days from the 11 September (as Learner C applied before the PLA programme began).
5: Attendance and bonuses

Overview

161. This section is presented in two main parts:

- weekly attendance
- bonuses.

162. 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. And in both cases the principle is to reach a decision, be it a ‘Yes’ or ‘No’, as early as possible following the period in question.

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

Weekly attendance

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

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

1. Record and collate attendance information
2. Make the weekly payment decisions
3. Notify the APB via EMASYS
4. Notify learner if payment withheld
165. Where provision is sub-contracted, any sub-contractors must send collated attendance records to the learning provider to enable a payment decision to be input onto EMASYS.

**Recording attendance information**

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

167. Providers must decide on and implement a documented attendance policy, which they may be monitored on. Within that, they must define what full attendance means for their 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.

168. 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. For further details, see Annex 1 of this guidance.

**Collating weekly attendance information**

169. 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.

170. 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.

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

Deciding on payments

172. 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.

173. Absences may be reviewed some time after the actual event and retrospectively agreed as authorised absence (and thus counted as attendance). Where the learner is responsible for compiling their own attendance records, they may be late in submitting the required evidence. In such cases, where this was the only unauthorised absence in the week, the learner may be eligible for back-payment of their EMA. Learning providers should make and input all decisions as soon as possible. If an attendance pattern cannot be proved then a ‘No’ decision can be made and input to EMASYS.
174. Payment authorisation must be carried out by someone specifically authorised to do so by the learning provider, and the decision must be auditable. No decision should be made if there is insufficient evidence on which to base a decision. Decisions relating to a particular week should not be used to adjust payments in order to address earlier decisions made in error. Where learning providers have sub-contracted delivery, providers themselves are responsible and accountable for any inaccurate entries.

Learner fraud

175. 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.

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

Notifying the APB of weekly payment decisions

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

**Timing**

178. The EMASYS system makes payment runs after 8pm each working day, with payments to learners made via BACS into their bank accounts three to four days later. As a result, we advise learning providers to complete their authorised payment decisions by 8pm on a Tuesday, so their learners receive their payments (in relation to the previous attendance week) by the Friday of that week. However, the learning provider can report payment decisions at any time and the APB will process payment decisions and make BACS payment runs daily. The learning provider must make all payment decisions promptly. **Note:** Mondays and Tuesdays are peak periods for EMASYS use on the authorising screens. To maintain maximum performance for authorisers, the Downloading Payment and Enrolment Reports functions will not be available between the hours of 9am and 5pm on Mondays and Tuesdays.

**Notify the learner if a weekly payment is being withheld**

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

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

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

- one bonus of £25 for agreeing an E2E Passport or PLA ILP
- two bonuses of £25 each for the achievement of learning goals, linked to achievements set in the E2E Passport or PLA ILP.

182. In addition, progression bonuses are:

- £50 for E2E learners who progress into employment, an Apprenticeship (including PLA) or FE (from Levels 1-3 inclusive)
- £50 for PLA learners who progress to a paid employer-led Apprenticeship.

Bonus rules

183. 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.

184. 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 PLA programmes can be claimed up to nine calendar
months after the learner has progressed, but best practice is to do so promptly.

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

**The bonus decision and payment process**

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

187. 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**

1. E2E Passport or PLA ILP agreed
2. Record and collate learning progress information
3. Make the bonus payment decisions
4. Notify the APB via the EMASYS
5. Notify learner if payment withheld

**Bonus payment decisions and notifying the APB**

188. Once the learning provider and learner have agreed the E2E Passport or PLA 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 PLA 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 PLA programme or moving into employment. EMA has not changed the LSC’s WBL policy which still determines the requirements of the E2E programme. Therefore, as per the Requirements for Funding Work Based Learning 2007/08, the minimum hours required for a progression bonus to paid employment, including that with an agency, must exceed 16 hours per week.

189. For PLA 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

190. 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.

191. 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.

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

193. 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.

194. Back-payments may be authorised as a result of:

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

195. For detailed information on back-dating payment decisions as a result of a learner’s application being received at the APB after the start of their learning programme, please refer to paragraphs 158-160.

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

197. 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.

198. The policy relating to back-dated payments is being reviewed. Changes may be introduced from September 2008.

Overpayment

199. Accuracy in EMASYS administration is vital: Without it learners may receive overpayments which will have to be repaid. This may have a particular impact on the most vulnerable learners. It is possible for learning providers to authorise a payment inappropriately, for example, by inadvertently authorising a payment to a learner who
had in fact been absent. EMASYS only uses the decision made at the end of its working day and therefore if learning providers change their payment decision to the correct one by 8pm the same day, the learner will receive the correct payment. If the learning provider does not identify that they have made an incorrect decision within that period, they should take the following steps.

• For weekly payments, if a learning provider realises that a `pay’ decision has been input to EMASYS in error, resulting in an overpayment, they should retrospectively change the `pay’ decision to `don’t pay’ for that week on EMASYS. The APB will then recover the money by withholding the next payment that would otherwise have been due. Note: The learning provider must record the fact that the decision has been changed and notify the learner in writing, or by an alternative means providing that it is sufficiently robust to provide evidence of notification if subsequently required for audit purposes.

• If a learning provider realises an overpayment has been made for more than one consecutive week to a learner, similar principles apply. No more than two weeks’ worth of overpayments will be recovered from future payments (to protect the incentive effect of the weekly payment).

• Where overpayments occur, the learning provider must inform the learner in writing, or by an alternative means providing that it is sufficiently robust to provide evidence of notification if subsequently required for audit purposes, of the recovery action the APB will take.

• Inform the APB of any overpayments and any action taken.

200. Where an overpayment has occurred and there are no further weekly payments to be made, for example if the learner has left learning, the overpayment will remain on the learner’s record in the event that the learner enrolls again before the end of the EMA year. Should that happen, two weeks’ overpayment will be recovered from any future payments which may become due. Any learner with an overpayment on their record at the end of the EMA year will receive a letter from the APB asking for the overpaid amount to be repaid direct to the APB.
201. 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).

202. Providers must notify the APB of any weekly allowance and bonus overpayments through the EMA local partner helpline (0800 056 2811), or via the Contact Us facility on EMASYS.

203. Learning providers with high rates of overpayments will be identified and challenged to demonstrate how they are improving their systems for making initial decisions.

204. An example of how the process works:

- A Learning Provider makes 5 weekly payments (‘Yes’ decisions). Subsequently they realise that these 5 weeks have been overpaid. The provider should take the following action:
  - Reverse only 2 ‘Yes’ decisions – these will then be recorded as ‘No’ decisions. This creates a ‘debit’ on the learner’s account which will be reduced by subsequent ‘Yes’ decisions – the third ‘Yes’ decision will generate a payment.
  - Email the APB to report the 5 weeks’ overpayments and confirm that payment decisions have been reversed for 2 of those weeks. Retain a copy of the email for audit purposes.
• Add a note to the payment record on EMASYS to record that these payments have been paid in error.
• The APB will then write to learner asking them to repay the 3 weeks that have been overpaid.

205. In the example above, if the provider was to reverse all 5 overpayment weeks on EMASYS, this would create a larger ‘debit’ on their account and EMASYS would withhold payments for the next 5 Yes payment decisions, only generating a payment on the 6th Yes payment. EMA policy states that only 2 weekly payments will be recovered through EMASYS and any additional overpayments will be recovered manually.

End of programme

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

207. A learner has the right of appeal against the decision by a learning provider that a learner should not receive either a weekly or a bonus payment. This is subject to the following principles.

- The learning provider must give the learner written information about the process for appealing against payment decisions at EMA registration.
- Learners must be fully aware of the payment conditions they must meet to receive payments before decisions are taken, and understand that they should adhere to these rules.
- The learning provider should explain if a payment is going to be stopped and why. This may be a simple, evidence-based statement, for example, “you did not attend on Tuesday afternoon without prior permission”. There is no need for the explanation to repeat the general material on how EMA works that was provided to the learner at enrolment. Nor is there any necessity to explain in detail why an absence has been deemed to be unauthorised. Absences are *prima facie* unauthorised: the burden of proof that they should be authorised lies with the learner.
- The appeal should be handled within the provider, but by a worker other than the one who took the initial decision that the payment in question should not be made.
- When there is a dispute between a sub-contractor and a learner, the learning provider should intervene.
- Learning providers should have in place existing procedures to deal with complaints and appeals and these should be used if possible for dealing with an appeal in respect of a decision on an EMA payment.
- The learning provider must ensure that the learner has been provided with full details of why the EMA payment has been stopped prior to any hearing taking place. The procedure should provide for the learner to present his or her case and for the learner to be accompanied by a parent or someone else of their choosing, who may state the case on the learner’s behalf. Legal representation is not normally appropriate.
• When communicating the decision of an appeal hearing, and in the event that a learner’s case has not been upheld, the provider must include the following line in the decision letter:

• ‘In the event that you are dissatisfied with the way in which your appeal has been dealt with you may complain to the Learning and Skills Council. For more information, please see the LSC website at http://www.lsc.gov.uk/Complaints_Procedure.htm
7: Records and audit

Recording and collating learning progress information / bonus payments

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

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

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

Audit

211. The LSC has produced guidance for learning providers on the proposed audit arrangements for EMA within E2E and PLA. This is attached at Annex 4 of this document for your information.

212. For information on the evidence and supporting documentation that needs to be retained for audit purposes, learning providers should refer to the Requirements for Funding Work Based Learning for Young People 2007/08.
8: Other Information Sources

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

- EMA Residency 2007/08 - Support information
- 2006 EMA Extension Update Benefits special
- Benefits Update
- Bursary Payments Communication
- Example of Application form and Guidance Notes
- Example of NoE and CP1

214. Learning providers can also readily obtain information about the EMA scheme, either from the website or through the EMA local partners telephone helpline (0800 056 2811).
Annex 1: Authorised and Unauthorised Absence

Introduction

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

2 EMA operates under a ‘something for something’ approach. Each learner is required to agree and sign an EMA contract, which will set out what is expected of them by way of attendance, progression and completion of coursework. In general, a learner should be paid EMA payments only where they have attended all the learning as agreed in their EMA Contract. The E2E programme gives Providers the flexibility to allow part-time attendance of a minimum of 16 hours per week in exceptional circumstances with the expectation of a move to full time 30 hours per week attendance as soon as possible. If the learner has been unauthorised absent for part or all of the week, they should receive no EMA payment for that week, and the learning provider should notify the APB to that effect in its weekly return.

3 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.

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

5 A further example of setting tolerance levels would be for the Provider to consider a ‘3 strikes’ approach to late attendance and build this in to their policy. This could be monitored over a 2 week period before the weekly
allowance is affected and provide an initial period of flexibility to support the learner achieve an acceptable standard of attendance.

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

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

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

9 Different learning providers have different methods of recording attendance. For EMA purposes this is acceptable. The key point is that learning providers need to report whether there has been satisfactory attendance and they are free to determine the basis for taking that decision. Where a learner has not registered for an individual learning session, or arrives late, this may not be immediately detected for EMA purposes. Learning providers should ensure
that there are arrangements for drawing this to the attention of those responsible for EMA administration.

**General Principles**

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

11 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.

12 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.

13 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.

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

**Accrued authorised absence in E2E and PLA**

15 There is room to accommodate authorised absences in EMA provided they form part of the contract between the young person and the provider set out in the learning agreement. As part of the learning patterns in E2E and PLA, learners may accrue authorised absence through regular attendance, usually at a rate of two days per calendar month of attendance. This can be treated as authorised absence for the purposes of making `pay` or `don't pay` decisions.
16 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.

17 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.

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

Absences which can be foreseen in advance

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

- how reasonable any case is
- the number of absences taken by any one individual
- exclusion from a particular session, period or day from the learning provider
- repetitions of the same excuse
- whether the excuse is backed up with evidence.
- Examples of legitimate reasons for absence include:
  - medical appointment which cannot be arranged outside learning provider hours
  - a particular need to look after a family member or another person for whom the learner has caring responsibilities. However, learning
providers should not regularly be authorising absences for a learner for this reason. Where such responsibilities are regularly interrupting attendance patterns, there is a need to explore solutions personally with the learner. Best practice is to offer a learner with caring responsibilities a named member of staff to contact when they are unable to attend and examine whether alternative care arrangements can be made. See DfES document Behaviour and Attendance: groups of pupils at particular risk at www.dfes.gov.uk/behaviourandattendance/guidance/IBAGuidance/index.cfm

20 This may result in a learning provider re-negotiating a learner’s attendance pattern to accommodate these commitments, whilst still meeting the minimum number of hours required under the learning agreement

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

• a driving test

• Territorial Army or cadet events

• study visits abroad that are an integral part of the learner’s learning programme, that last no more than four weeks, and that are set out in the learner’s learning agreement.

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

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

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

24 The following reasons for absence would not generally be acceptable:

• part- or full-time work which is not part of the learner’s learning programme

• leisure activities

• birthdays or similar celebrations

• babysitting for younger siblings

• shopping
• driving lessons.

This list is not intended to be exhaustive.

**Maternity / paternity leave**

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

**Absences that cannot be foreseen in advance**

26 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.

27 The only exception to the principle in paragraph 23 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 document *Behaviour and Attendance: groups of pupils at particular risk* at
www.dfes.gov.uk/behaviourandattendance/guidance/IBAGuidance/index.cfm

- transport problems, where these were not known about in advance, and where there is no alternative means to hand. Consultation suggested that it is reasonable to expect learners to walk a three mile round journey if they do not have a relevant disability.

This list is not intended to be exhaustive.

**Sickness**

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

**Long-term sickness or disability**

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

**General authorisations**

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

**Local Area Agreements**

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

32 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.

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

34 The LSC has produced guidance for learning providers on the audit arrangements for EMA within E2E and PLA and the types of evidence which should be held. This is available at Annex 4 of this document.
Annex 2:

Residency letter – template

Learner:

EMA ref number:

Dear

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

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

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

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

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

Yours sincerely,

**Provider name:**
**Print name of administrator:**
**Date:**

*Note to learning provider administrators: Insert text at the bottom of the letter to mention to the learner that they may be able to get financial help from the Hardship Fund and any information about your appeals procedure that you might have.*
Annex 3:

WBL EMA Hardship Funding Guidance

Introduction

1. This note sets out the rationale, scope and administrative arrangements for an EMA WBL Hardship Fund that the LSC has made available to providers delivering LSC-funded E2E and PLAs.

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

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

Eligibility:

3. The scope of what can be funded mirrors the existing priorities available under the hardship element of the FE Learner Support fund, namely:
   - learners who are economically or socially disadvantaged, disabled, medically ill and/ or have learning difficulties who need support with associated learning costs
   - those who have been in care, on probation or are young parents or otherwise considered to be at risk
   - lone parents (who may also be eligible for Care to Learn, which will be expanded to cover 19 year olds in 2006)
   - learners on low incomes or from low-income families, identified by appropriate income assessment
   - providing an emergency fund for learners in hardship due to delays or barriers to EMA applications.

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

5. Typical payments under Hardship Payments will include payments to:
   - young people who do not qualify for EMA but nonetheless have genuine financial needs. Most common examples are due to changes in the household’s income which cannot be taken into account for EMA (retrospective) income assessment, for example, unemployment.
   - young people who qualify for EMA but whose needs are so great that EMA is insufficient. This will not often be the case because EMA sits alongside Child Benefit, Tax Credits and Income Support but may be necessary for short periods of exceptional needs.
   - to young people who have not pre-applied for EMA and need an advance until their EMA payments start (at which point the advance can be repaid).

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

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

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

**Grants and Loans**

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

**Process**

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

- The provider assesses the learner’s need, factoring in the eligibility or scope of Hardship Fund, and decides whether to make a grant or loan, considering the likelihood of repayment, and the learner’s circumstances.
- The provider and learner sign an agreement specifying the repayment terms of the loan.
- The provider pays the learner the agreed amount and repayment is made by the learner in due course.
- If the learner fails to repay the loan, the Provider must seek to recover it through reasonable recovery procedures, for example, written reminders.
12. If the loan is written off, this must be done by a person authorised to do so (the LSC recognises the diversity of the sector, and will therefore not prescribe this centrally). However, as a guide, we suggest authority to write off should be limited to specific provider staff who would normally have the authority to write off bad debts, for example an accountant, finance manager, operations manager, administration manager, training centre manager. In cases involving significant amounts, the provider should raise it with the LSC Area Partnership team.

13. The un-recovered loan is then treated as a grant and the LSC will meet the cost. As long as the provider puts reasonable measures in place to recover these loans, the LSC will not seek repayment, although this will reduce the funding available to other learners. However, the LSC may seek repayment if there is evidence that the provider has not managed the loan process appropriately.

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

**Payments and reconciliation**

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

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

17. The cost of grants will be met in full

18. The cost of loans will only be met where the learner defaults on the loan and the providers recovery processes have been exhausted
Claiming through the Training Provider Statement (TPS)

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

- for PLAs- TPS box 9 WBL Hardship
- for E2E- TPS box 15 E2E Hardship.

20. For more information, please refer to the TPS guidance which can be found on the LSC website at www.lsc.gov.uk.

Audit requirements

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

- evidence that the learner satisfies the programme eligibility rules and criteria detailed in Requirements for Funding Work Based Learning for Young People 2007/08
- evidence the learner was in attendance as agreed in contract part 1 including details of any authorised or unauthorised absence
- evidence of need and rationale for a hardship grant or loan
- evidence of local LSC contract management authority in cases referred for local LSC decision
- evidence that the learner actually received the grant or loan
- evidence of repayment of loan
- evidence of any repayments to the LSC
- evidence of recovery or write off action as per paragraphs 11-13.

22. These requirements could be met through naturally occurring evidence and a single simple application and receipt form. This documentation should be kept for the standard six years plus the current year.
Role of sub-contractors

23. The LSC will be following the convention that it only has contact with its direct contractors. Therefore any sub-contractors will not be able to access Hardship Fund payments directly: They must do so through their lead contractor.
Annex 4:

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

Background

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

2. This guidance should be read alongside the LSC’s Requirements for Funding Work Based learning for Young People 2007/08, in particular the annexes that deal with evidence requirements.

Methodology

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

4. Most providers will be familiar with the current WBL audit approach which enables LSC auditors to gain assurance that the Requirements for Funding Work Based learning for Young People 2007/08 are being met and informs audit opinions on providers’ internal controls and use of LSC funds.

5. The WBL audit approach is risk based and includes gathering information from providers to assist the planning and conduct of the audit, by use of the Business Environment Questionnaire (BEQ) and Provider Control Risk Assessment (PCRA) process. The BEQ gathers background and largely generic information, whilst the PCRA is used by auditors to identify and evaluate controls over the management and administration of LSC contracts.
6. The evidence gathered informs a risk assessment which then drives audit visit frequency and substantive testing sample size.

7. In practice what this will mean is that whilst carrying out WBL audit work, LSC auditors will extend information gathering and testing to include EMA for E2E/PLA, within the existing WBL forms suite. The overall impact on provider administration should therefore be kept to a minimum.

**Provider Controls Risk Assessment (PCRA)**

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

- General management and administration arrangements for EMA in E2E/PLA, including data and security and details of any sub-contracting.
- Ensuring that only eligible learners are recruited to E2E/PLA. (See *Sections 3 and 4 of the 2007/08 EMA Guidance for E2E and PLA*).
- Agreement and completion of EMA document *Contract Part 1*. (See *Section 4 of the 2007/08 EMA Guidance for E2E and PLA*).
- Recording and reporting of attendance data, including authorised and unauthorised absence, notification of payment/non-payment decisions. (See *Section 5 of the 2007/08 EMA Guidance for E2E and PLA*).
- Authorisation of EMA bonus payments to qualifying learners. (See *Section 5 of the 2007/08 EMA Guidance for E2E and PLA*).
Advising and reporting to the APB of any factors that may influence EMA payments or corrective actions. (See Section 5 of the 2007/08 EMA Guidance for E2E and PLA)

Substantive Testing of Transactions

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

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

Learner Support Fund – Hardship Payments

10. If a learner in the sample selected by the auditor has received a hardship payment, the audit work will cover the common E2E/PLA aspects outlined above as well as:

- Evidence of need and rationale for a hardship grant or loan
- Evidence of LSC relationship management authority in cases referred for LSC decision
- Evidence that the learner actually received the grant or loan
- Evidence of repayment of loans

Feedback and Reporting

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

12. Part of the rationale for the controls work referred to at paragraph 8 above, is to enable auditors to gain an understanding of how providers control the administration of LSC funds. Where errors are found, auditors will try and identify where controls have broken down or failed to operate as intended, so that meaningful and value added recommendations can be made.

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

**Summary of Common Pitfalls**

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

- Eligibility checks: providers do not check that each learner meets the EMA eligibility requirements prior to entering the learners onto EMASYS, and/or do not hold documentation to confirm that the eligibility checks have taken place

- A common misconception is that the Notice of Entitlement ‘confirms’ that a learner is eligible to receive EMA payments, and providers do not always realise they are responsible for checking a number of eligibility criteria themselves

- A recurring weakness is that providers do not always have a clear documented attendance policy for staff and learners including guidance on authorised and unauthorised absences

- Some providers do not hold complete attendance evidence to support all the weekly payments decisions for all the learners. There
are two main aspects to this - attendance evidence is missing or incomplete and occasionally the attendance evidence held contradicts the payment decision made by the provider.

- Some providers do not hold complete evidence to support all the bonus payments decisions for all the learners.

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

**Recommended Best Practice**

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

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

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

Retention of Documentation

18. The following documentation should be retained for audit inspection for six years following the end of the 2007/08 EMA year (i.e. 31 July 2014):

- Fully completed Contract Part 1 for each learner
- Fully completed E2E Passport or Contract Part 2 for each learner
- Attendance evidence to support each weekly payments decision
- Evidence of participation to support all bonus payments.
### EMA Eligibility Checklist: Work Based Learning Providers

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

**Completed By:**

**Position:**

**Date:**
Annex 5: References


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


LSC (2007) Example of notice of entitlement and contract part 1 (attendance) at www.direct.gov.uk/ema


# Annex 6: Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>APB</td>
<td>Assessment and Payment Body</td>
</tr>
<tr>
<td>DfES</td>
<td>Department for Education and Skills</td>
</tr>
<tr>
<td>DL</td>
<td>Discretionary Leave</td>
</tr>
<tr>
<td>E2E</td>
<td>Entry to Employment</td>
</tr>
<tr>
<td>ELR</td>
<td>Exceptional Leave to Remain</td>
</tr>
<tr>
<td>EMA</td>
<td>Education Maintenance Allowance</td>
</tr>
<tr>
<td>ESF</td>
<td>European Social Funding</td>
</tr>
<tr>
<td>FE</td>
<td>Further Education</td>
</tr>
<tr>
<td>ILE</td>
<td>Indefinite Leave to Enter</td>
</tr>
<tr>
<td>ILP</td>
<td>Individual Learning Plan</td>
</tr>
<tr>
<td>ILR</td>
<td>Individual Learner Record</td>
</tr>
<tr>
<td>ILR</td>
<td>Indefinite Leave to Remain</td>
</tr>
<tr>
<td>LSC</td>
<td>Learning and Skills Council</td>
</tr>
<tr>
<td>MTA</td>
<td>Minimum Training Allowance</td>
</tr>
<tr>
<td>NoE</td>
<td>Notice of Entitlement</td>
</tr>
<tr>
<td>NVQ</td>
<td>National Vocational Qualification</td>
</tr>
<tr>
<td>PA</td>
<td>Personal Adviser</td>
</tr>
<tr>
<td>PLA</td>
<td>Programme Led Apprenticeships</td>
</tr>
<tr>
<td>WBL</td>
<td>Work Based Learning</td>
</tr>
</tbody>
</table>