

# **A Guide to Education Maintenance Allowance (EMA)**

**Session 2018-2019**

These notes have been compiled to accompany the 2018-2019 EMA Application Form. Please read these notes before completing your application.

# Contents

---

	<b>Page</b>
<b>1. INTRODUCTION</b>	<b>4</b>
<b>2. ELIGIBILITY CONDITIONS</b>	<b>4</b>
2.1 Eligibility conditions for people with Additional Support Needs	<b>5</b>
2.2 Eligibility conditions for people in receipt of other modes of education	<b>5</b>
2.3 Cut off Deadline Dates	<b>5</b>
<b>3. FINANCIAL ASSESSMENT</b>	<b>6</b>
3.1 Parents who are separated or divorced	<b>6</b>
3.2 Reassessing an EMA during the academic year	<b>6</b>
3.3 Independent status	<b>7</b>
3.4 Household income details	<b>7</b>
3.5 Benefit information	<b>7</b>
3.6 Earnings as an employee – suitable evidence of income	<b>7</b>
3.7 Income from self employment	<b>7</b>
3.8 Other income	<b>7</b>
3.9 Notional income	<b>8</b>
3.10 UK pension	<b>8</b>
3.11 Other UK pension	<b>9</b>
3.12 Income from savings and investments	<b>9</b>
3.13 Property Income	<b>9</b>
3.14 Trust income	<b>9</b>
3.15 Foreign income	<b>9</b>
3.16 Deduction from income	<b>10</b>
<b>4. COMPLETING YOUR APPLICATION FORM</b>	<b>10</b>
<b>5. HOW YOUR APPLICATION WILL BE PROCESSED BY THE DEPARTMENT OF EDUCATIONAL SERVICES</b>	<b>11</b>
<b>6. THE LEARNING AGREEMENT</b>	<b>12</b>
General Guidance	<b>12</b>

<b>7.</b>	<b>FREQUENTLY ASKED QUESTIONS (FAQS)</b>	<b>13</b>
	<b>PAYMENT ADMINISTRATION</b>	<b>13</b>
	Can payment be made into a parental bank account?	<b>13</b>
	Is it compulsory to have an EMA paid into a bank account?	<b>13</b>
	What happens if applicants find it difficult completing the forms?	<b>13</b>
	When do we reconsider a claim if a student’s finances deteriorate?	<b>14</b>
	What happens if a student moves out of the area once their course has started?	<b>14</b>
	Is an EMA payable when students are on work experience?	<b>14</b>
	<b>ATTENDANCE/ABSENCE</b>	<b>13</b>
	Are payments stopped if a student’s attendance drops?	<b>13</b>
	Does a student have to attend 100% of the lessons every week?	<b>13</b>
	Will payments be made for revision periods leading up to exams?	<b>14</b>
	Can a holiday be taken in term time and an EMA still be paid?	<b>14</b>
	In what circumstances would an absence be authorised?	<b>14</b>
<b>8.</b>	<b>DATA PROTECTION ACT</b>	<b>14</b>
<b>9.</b>	<b>APPEALS PROCESS</b>	<b>15</b>

## 1. INTRODUCTION

The EMA is a weekly allowance payable during term time which will provide financial support for 16 to 19 year olds, from low income households.

- EMA will be paid directly to young people unless otherwise specified by the recipient.
- The weekly allowance will normally depend on the financial circumstances of the family. The allowance will be paid in batches of two weeks at a time.
- Payment of an EMA will normally be restricted to a maximum of two years for individual students. However, some young people with additional support needs will be entitled to more than two years.
- A new application must be made each academic year, including all original documents required to complete the assessment.
- When completing the application form please answer each section, as best you can, and submit the form to the EMA Team, with the relevant documentation.

We recommend you send this application and your original documents by **registered/secure** mail as you are sending personal information – this also guarantees delivery. If you prefer, you can visit Education, Learning & Attainment, 16 Church Street, Dumbarton where we can make certified copies of your documents.

If you contact the EMA Team to discuss your application please note that we use security questions before discussing applications.

**PLEASE KEEP THIS GUIDANCE FOR YOUR OWN REFERENCE. DO NOT SEND THIS WHEN SUBMITTING YOUR APPLICATION**

## 2. ELIGIBILITY CONDITIONS

In order to qualify for an EMA from August of any given year applicants need to satisfy the following eligibility conditions:

The applicant must be born between 1<sup>st</sup> March 1999 and 30<sup>th</sup> September 2002, to be eligible for an award starting August 2018.

The applicant must be born between 1<sup>st</sup> October 2002 and 28<sup>th</sup> February 2003, to be eligible for an award starting January 2019.

The applicant must attend a West Dunbartonshire school.

The applicant must have a signed learning agreement and they must adhere to the conditions of that learning agreement.

The applicant must normally be on recognised full time course of study of at least 21 hours or more. The household income must not exceed the income threshold.

## INCOME THRESHOLD

Income	No. of dependent children in the household	Award
£0 - £24,421	1	£30
£0 - £26,884	2 +	£30

- Dependent children are those up to the age of 16 and those over the age of 16 and up to the age 25 if they are in full time further or higher education.

### 2.1 Eligibility conditions for people with Additional Support Needs

A student with additional support needs may not need to be working towards a recognised educational qualification in order to receive an EMA. This will depend on their disability or additional support needs. In typical circumstances the student will have had a Co-ordinated Support Plan opened during the school year. Their Learning Agreement should therefore be constructed in such a way that the education provider is satisfied that it provides a specific locally agreed education aim that measures progress for that young person.

A student with Additional Support Needs can be entitled to the allowance for up to three years rather than two.

This will apply to any young person who has a Co-ordinated Support Plan when they finish compulsory education. They will be able to receive the allowance up to their 20<sup>th</sup> birthday provided they meet the other eligibility criteria.

### 2.2 Eligibility conditions for people in receipt of other modes of education

Some young people, including school-phobics, students with disabilities and chronically sick students, may receive post-compulsory education of less than 21 guided learning hours a week at home or elsewhere.

It would be unfair to refuse an EMA to those who wish to continue in learning post 16, but for whom, through no fault of their own, 21 guided learning hours a week at a school is not a possibility. The authority is committed to encouraging disadvantaged students and students with disabilities to participate in post-16 education.

Therefore this group of young people are eligible for the EMA, as an exception.

### 2.3 Cut off Deadline Dates

- **Autumn Intake.** If your 16<sup>th</sup> birthday falls between 1 March 1999 and the 30 September 2002 you may be eligible for an EMA from August 2018.
- **Winter Intake.** If your 16<sup>th</sup> birthday falls between 1 October 2002 and the 28 February 2003 you may be eligible for an EMA from the start of January 2019.
- **Back-Dating EMA Award to August:** For those eligible for the full year award, your application must be received by **30 September 2018** or the award will only be made from the week it was received into the office.

- **Back-Dating EMA Award to January:** For those who are eligible from January 2019, your application must be submitted by **28 February 2019** or the award will only be made from the week it is received in this office.
- The cut-off date for processing application forms and necessary further information for academic year 2018-2019 is **31 March 2019**. No applications will be accepted past this date.
- **Household Income:** Household Income is assessed on your household's combined gross taxable income for the period April 2017 to March 2018.

### 3. THE FINANCIAL ASSESSMENT

Documentary proof will be required to support the application based on **total taxable parental/guardian income**. The financial assessment will be based on the tax year ending 5 April (2017) of the preceding year. Documents acceptable as proof include:

- A** A P60 (or P60 substitute).
- B** Payslips which show earnings for 'Month 12' or 'Week 52' (including week ending 5<sup>th</sup> April). (If parents/guardians cannot supply 'A' or 'B' and they were in employment on 5<sup>th</sup> April they should write to the Inland Revenue, who will supply the details by letter).
- C** If parents/guardians are receiving Income Support, Jobseekers Allowance, Carers Allowance, Incapacity Benefit, Working Tax Credit – they should submit a P60 or letter from the relevant office confirming amount received to 5<sup>th</sup> April.
- D** If parents/guardians are self employed a letter from their accountant showing the latest trading year figures or a professional letter of verification, confirming taxable income should be provided.
- E** Documentation that confirms income received as a result of a court order for maintenance or voluntary maintenance (this income is non-taxable).
- F** Documentation that confirms gross bank and building society interest received (i.e. bank/building society books).

The full allowance will be payable if the total household taxable income does not exceed £24,421 per annum, or if you have a brother or sister in full time education and the total household taxable income does not exceed £26,884 per annum

#### 3.1 Information provided by parents who are separated or divorced

The Department of Educational Services will assess the income of the parent(s)/guardian(s) with whom the young person is living and evidence should be provided to prove lone parent/guardian status (i.e. council tax letter showing 25% single person discount, or divorce decree, or if in receipt of tax credits the award notice will be acceptable).

#### 3.2 Reassessing an EMA during the academic year – Provisional Award

If the financial circumstances of the family deteriorate, an EMA may become payable subject to the applicant meeting the eligibility criteria. When the department has confirmed that financial circumstances have deteriorated and has reassessed the application, the EMA will become payable from the beginning of the following term.

#### 3.3 Independent Status

- If you receive income support in your own right, please provide your most recent Income Support Benefit statement, a Tax Credit Award Notice (TCAN) TC602, Council Tax letter or Housing letter.

- If you are living under the care of the Local Authority, please include a letter from the Local Authority confirming your address and circumstances. This should be signed by an official from the Local Authority and include an official stamp.

### **3.4 Household Income Details**

- If a student is independent (receiving income support in their own right) or in the care of the Local Authority, they do not need to supply any details of income and this section of the form does not need completed.
- If you are in receipt of Tax Credits, please indicate this on the application and include your original Tax Credit Award Notice (TCAN). This MUST show your income during the 2017/2018 financial year.

**Please note that TCAN must show actual income figures for 2017/18. We cannot accept estimated income figures or provisional award notices.**

**Please note if you supply a TCAN there may be no need to complete benefits section page. If we require further information on benefits we will contact you.**

### **3.5 Benefit Information/ If no TCAN available**

- If receiving benefits please submit a P60U certificate.
- Carers Allowance Helpline – 0345 608 4321
- Universal Credit Helpline: 0345 600 0723
- Child Benefit Helpline – 0300 200 3100

### **3.6 Earnings as an employee – suitable evidence of income if no TCAN available:**

- A 2017/18 P60 confirming earnings from employment, or a valid week 52/month 12 payslip, providing these show year to date income.
- If you made pension contributions to an HM Revenue & Customs-approved pension scheme (other than through your employer), please provide evidence from the pension fund scheme. If you made contributions through your employer, we do not need anything further than your P60.

### **3.7 Income from Self Employment**

If self-employed, a Self-Assessment Tax Calculation (SA302) should be submitted. This must show your profit for 2017/18.

**Please also provide evidence of any of the following:**

- The gross amount of any contributions you made to a pension scheme or retirement annuity contracts;
- The gross amount of any payments made to charity via gift aid;
- Any amount you added on for averaging perhaps because you are a farmer or market gardener with fluctuating profits. (Averaging is not allowed in tax credits claims). Plus amount you deducted for averaging on the self-employment pages of the full Tax Return.

### **3.8 Other Income**

In addition to social security benefits and earning from your work, we also take into account any miscellaneous income within the 2017/18 tax year.

Do not include the following:

- Maintenance received from a former partner.
- Working Tax Credit and Child Tax Credit.
- Student loans. You should not deduct student loan repayments from your income.
- Other student grants such as those to meet the cost of tuition fees, child care, etc.
- War pensions, or pensions or annuities payable under German or Austrian law to victims of Nazi persecution.
- Income your children may have had, unless it is taxable in your name or your partner's name.

### 3.9 Notional Income

Income that you are treated as having received. Notional income also includes income that you are treated as having received, even though you may not have. It may include:

- Income that you have deprived yourself of to get tax credits or more tax credits.
- Income that you were entitled to but did not apply for. For example, a social security benefit or allowances paid to local government councillors or civic dignitaries. This does not apply to a
  - deferred state pension (although when it is paid, a social security pension lump sum or an enhanced state pension will count as 'pension income' for tax credits purposes)
  - a deferred personal pension
  - a deferred retirement annuity or
  - compensation for personal injury
- Income that you lost out on because you worked for less than the going rate (or for nothing) as the person your working for, or to whom you are providing a service, has means to pay you. This does not apply to voluntary work (for example, helping out in a charity shop or Citizens Advice Bureau), or employment or training programmes. **Please provide appropriate evidence.**

### 3.10 UK Pension

Please provide evidence of any State Pension you received, including

- The basic (or old age) pension
- The social security pension lump sum
- State earning related pensions (SERPS)
- Graduated pension (graduated retirement benefit)
- Industrial Death Benefit
- Widow's Pension
- Widowed Mother's Allowance, Widowed Parent's Allowance
- Any increase for a dependent child
- Any incapacity addition or addition for a dependent adult
- Any increases paid by the Department of Work and Pensions or Department for Social Development to up rate a guaranteed minimum pension.

**Do not include the Christmas Bonus and the Winter Fuel payment.**

### 3.11 Other UK pensions

If you received a pension other than a State Pension, include the full amount before any tax was taken off. Your pension provider should provide you with a P60 (or similar certificate) by the end of May each year showing the amount of pension paid and tax deducted.

Also include any annuity payments from a pension scheme. If your pension includes an extra amount because you were disabled by injury or duty, or by a work-related illness (compared to what would



have been paid had you retired at the same time on ordinary ill health grounds), exclude that extra amount.

**If you receive a pension from outside of the UK it should be included as foreign income (see page 10).**

### **3.12 Income from savings and investments**

Include interest from any personal or joint bank or building society accounts. This is the interest before tax was taken off (the gross interest). Your passbook or statement will help you work out this figure. If you received company dividends from any UK company (including dividends from a company of which you or your partner, or both of you are directors), add the tax credit shown on the voucher supplied by the company, to the dividend.

Ignore tax-free savings (for example, ISAs, TESSAs, PEPs, Index Linked and Fixed Interest National Savings Certificates and Children's Bonus Bonds).

Also include here a 'chargeable event' gain from a life insurance policy. Include the full amount before 'top slicing' relief for income tax. **Please provide appropriate evidence.**

### **3.13 Property Income**

Include income from property or land in the UK that you owned or leased out. If this was part of your business income (if you were self-employed), include it here. Ignore any income covered by the 'Rent a Room' scheme (briefly, if you let furnished accommodation in your own home for up to £4,250 a year).

If your rental property made a loss, relief for this loss (for tax credits purposes) is generally given in the same way as for income tax. Normally, the loss should be carried forward and set-off against profits from the same source in the following tax year.

If, however, part of the loss arises from capital allowances or from agricultural land, that part of the loss may be set against other income which you (but not your spouse or partner) may have, either in the tax year in which the loss was made or in the following tax year. In such cases, the amount of loss relief available for tax credits purposes is based on your tax calculations. **Please provide appropriate evidence.**

### **3.14 Trust income**

If you received income from a trust, settlement or a deceased person's estate, the trustees or administrators will have given you a certificate telling you what income was paid to you. Include the gross income (that is, the amount before any tax was taken off). **Please provide appropriate evidence**

### **3.15 Foreign income**

For example, income from investments and property overseas, non-UK pensions and social security payments from overseas governments. Include the full amount, whether or not it was remitted to the UK, in British pounds not the foreign currency. Also, include the gross income (the amount before any foreign tax was taken off) even if it is not taxable in the UK because of a double taxation agreement.

If you receive a foreign pension, whether or not it was remitted to the UK, you should include 90% of the full amount received (**in British pounds, not the foreign currency**).

You may deduct any banking charge or commission paid when converting foreign currency to British pounds. **Please provide appropriate evidence.**

### **3.16 Deduction from income**

The sum total income under the following sections are subject to a £300 disregard. If the sum total is £300 or less, it is treated as nil. If the sum total is more than £300, only the excess is taken into account:

- Notional income
- UK pensions
- Other UK pensions
- Income from savings and investments
- Property income
- Trust income
- Foreign income

For more information on EMA please call us on 01389 737309.

Please note that West Dunbartonshire Council only administer the EMA scheme on behalf of Scottish Government – we are not responsible for Policy decisions.

## **4. COMPLETING YOUR APPLICATION FORM – STUDENTS PERSONAL DETAILS**

- Please provide your original birth certificate – unfortunately we are unable to accept medical cards, baptism certificates or photocopies. If no birth certificate is available other forms of documentation may be required, i.e. passport. If your name is different from that shown on your documents, please submit information relating to your change of name.
- Enter your date of birth using DD MM YYYY format. For example if you were born on 12 March 1999, enter 12 03 1999.
- If you have not been ordinarily resident in the UK for 3 years, you may still be considered for an EMA.
- Students who are non UK residents please submit ORIGINAL passport and other documents for evidence of residency.
- If the above is not available at the time of completing the EMA application, then please submit the EMA form as it is.
- Remember to indicate on the form if any of your documents are not available at this time, and that these will be forwarded to the EMA Team when they are available.
- All documents sent to the EMA Team must state son/daughter's full name, date of birth and the School / Learning Centre they will be attending.
- Please ensure the bank details page is completed correctly:-

The name of the person holding the account must be the EMA student only, except where the applicant has additional support needs which makes this impractical.

To receive an EMA payment you must hold a bank/building society account which accepts payments by Bank Automated Credit System (BACS) Transfer. If unsure, please check with your bank/building society.

Payments will normally be paid directly into your bank/building society account on a fortnightly cycle in arrears

Sort code – this is a 6 digit number. Account number – this is an 8 digit number.

Please do not use the 16 digit number which appears across the card unless you have a building society account opened. Please contact EMA office for guidance.

## Family Details

- Please tick the appropriate options which refer to your household.
- If you have ticked the box which states that you live on your own, you do not need to fill in address details of parent(s) / carer(s) in this section.
- Enter correct address details in boxes provided if you have ticked that you do not live with a parent/carer.
- The term ‘parent’ as it appears can refer to your father, mother, carer, step-parent or parent’s partner who lives in your home.
- The term ‘partner’ as it appears can refer to your spouse, civil partner or live-in partner.
- Please include proof of guardianship, e.g. child benefit letter, if living with someone other than your mother or father.
- Please include proof of Lone Parent status, e.g. current Council Tax notice for April 2016 – March 2017.
- Please include details of any dependant children in the household. Acceptable documents include:
  - Tax Credit Award Notice showing your 2017/2018 income
  - Recent child benefit letter (showing names of all children)
  - SAAS or college letter of award for academic year 2017/18

## 5. HOW YOUR APPLICATION WILL BE DEALT WITH BY WEST DUNBARTONSHIRE COUNCIL’S EMA TEAM.

### Stage 1

Please complete your EMA form fully, enclose all documentation required and ensure that the form is signed by the applicant and their Parent(s)/Guardian(s). For those young adults on an Activity Agreement, you will have a Senior Phase Officer or SDS Work Coach to help you complete your application form.

### Stage 2

When your application form is received by the EMA Team, the date is recorded and any original documents that accompany the application form are checked, copied and returned immediately.

### Stage 3

If the EMA form is submitted without original documents or information has not been fully completed, a letter will be sent requesting this information. Until the information requested is sent to the EMA Team your application form will be put on hold. **Please note final closing date for receipt of all applications and documented evidence is 31<sup>st</sup> March 2019 for the Academic year 2018 – 2019.**

## Stage 4

When your application is finalised, you will receive a Letter of Award with details of terms and conditions, payment dates and a Learning Agreement. The Learning Agreement must be completed, signed by both you and your parent(s)/guardian(s), your school, then returned to the EMA Team before payment can be activated.

## Stage 5

If you are refused an EMA but think you should be eligible (due to a significant decrease in household income) you may lodge an appeal. Any appeal should be made no later than one month from receipt of your refusal letter, please include documentary evidence as proof of your current income. **Please refer to page 15 section 9 – Appeals Process**

## 6. THE EMA LEARNING AGREEMENT

### General Guidance

All eligible students must have signed a learning agreement that must also be countersigned by their parent/guardian and by an appropriate representative of the Educational establishment at which they are studying. The requirement for a parental signature will be waived for students who are estranged from their families and assessed as independent for DSS benefit purposes. The requirement for the student's signature will be waived if the student has additional support needs that make it impractical.

West Dunbartonshire Council may discontinue EMA payments where the information supplied by the establishment states that the student has failed to comply with their learning agreement.

Where review of the learning programme results in a change of courses at the same establishment, the learning agreement will be varied and remain valid for EMA payments provided that the variation is signed by the student and the Educational establishment concerned. Where a student changes establishment mid-year, a new learning agreement, signed by student, establishment and parent/guardian, will be required.

The responsibility will be on the student to ensure that he/she has a valid learning agreement.

- If successful, you must complete a Learning Agreement and adhere to the terms and conditions laid out in your agreement.
- If successful, you will only receive EMA payments for those weeks where you have maintained 100% attendance (including authorised absences) and acceptable punctuality and conduct.

**A First Class stamp will not be sufficient postage when sending in your completed application form. Postage charges are now based on weight and size.**

**Please check postage prior to sending in your form.**

**We recommend you to use registered post for original documents you are sending or alternatively please bring these in person to educational services where our EMA team will check, copy and return them to you immediately.**

EMA Section  
Education, Learning & Attainment  
West Dunbartonshire Council  
16 Church Street  
Dumbarton G82 1QL  
Telephone No: (01389) 737309

If you do not want to post original documents please bring your documents to Educational Services and the EMA Team will be happy to verify and copy your documents before returning them to you.

All documents sent to the EMA Team must be properly referenced with the name of the EMA applicant and the school they attend.

## **7. FREQUENTLY ASKED QUESTIONS (FAQS)**

### **PAYMENT ADMINISTRATION**

**Q: Can payment be made into a parental bank account if a student has severe additional support needs and is unable to manage their own finances?**

**A.** Yes – this is considered to be an exceptional circumstance and therefore it is appropriate to use discretion. West Dunbartonshire Council will monitor the numbers of payments made in such circumstances.

**Q: Is it compulsory for a young person to have an EMA paid into a bank account?**

**A.** Yes

**Q: What happens if applicants find it difficult completing the forms?**

**A.** Students/guardians can contact the EMA team on (01389) 737309 who will provide assistance.

**Q: If someone's financial circumstances deteriorate, under what circumstances will their EMA application be reconsidered?**

**A:** If income drops by 15% the EMA will be reassessed for revised payments.

**Q: What happens if the person moves out of the area once their course has started?**

**A:** Once the residence test has been satisfied, eligibility will last until the following August, irrespective of further changes in residential circumstances. If the young person moves educational establishment during the academic year, it will affect their entitlement to an EMA within West Dunbartonshire.

**Q: Is an EMA payable when students are on work experience?**

**A:** Only if this work experience is a pre-arranged integral part of their course, takes place during term time, and the student does not receive a wage.

### **ATTENDANCE/ABSENCE**

**Q: Are payments stopped or suspended if a student drops below the required level of attendance in their learning agreement?**

**A:** EMA is weekly allowance. Part payments for attendance will not be made.

**Q: Does a student have to maintain 100% attendance in a week to qualify for an EMA?**

**A:** Yes. There is a requirement of 100% attendance throughout the year however, if absent due to ill health, up to 5 consecutive days, you must complete a self certification form . Beyond the normal 5 days a medical certificate should be submitted to the school.

**Q: Will payment be made for revision periods leading up to exams?**

**A:** Yes – provided that they are in term time. These will generally be timetabled as study time.

**Q:** **Will absences be authorised when a student goes on holiday during term time?**

**A:** No

**Q:** **In what circumstances would an educational provider authorise an absence?**

**A:** The following are examples, but are neither prescriptive or exhaustive. Education providers will require to use their discretion in all cases.

- Documentary evidence that the student was unfit to attend. A medical certificate will normally be required. Exceptional circumstances must be referred to West Dunbartonshire Council for adjudication. Medical absences that extend beyond 3 weeks will be the subject of review. Individual circumstances will be taken into account.
- Attendance at the funeral of a close family relative is permitted, once authorisation is obtained prior to the funeral .
- The confirmed breakdown of the student’s method of transport to and from the education establishment.
- Attendance at a court or probation meeting.
- If you return to school for a sixth year, i.e. session 2019/2020, you may be eligible for a further year’s EMA support.

## **8. DATA PROTECTION ACT**

The Council is under obligation to manage public funds properly. Accordingly, the information that you provide will be used to ensure all sums due to the Council are paid timeously, e.g. by identifying persons who are non payers of council tax and to improve the uptake of benefits.

The information may also be used to prevent and detect fraud. It is also possible that this information may be shared for the same purposed with public bodies, including neighbouring councils or other organisations which handle public fund.

- Education Maintenance Allowance (EMA) is a programme funded by the Scottish Government and administered to Local Authority Education Departments for schools throughout Scotland. The Scottish Government and Local Authorities are controllers in relation to your information.
- The information you supply shall be used for the purposes of assessment, award, payment and where necessary, recovery of the EMA and we will provide information to the Scottish Government, all in accordance with the requirements in the Scottish Government EMA (Scotland) Business Model.
- We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information about you from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, for research or statistical purposes, as permitted by law. These third parties include other government departments.
- We will not disclose information about you to anyone outside our Local Authority unless the law permits us to.

## **9. APPEALS PROCESS**

An applicant must launch an appeal within one calendar month of the date of the refusal letter notifying them of this decision.

The appeal is to be made through the Department of Educational Services who will consider any additional evidence provided by the applicant.

Appeals must be lodged in writing and sent to the Department of Education, Learning & Attainment. The applicant should state the reason for the appeal and be accompanied by any relevant additional evidence or information. Such evidence may be clarification of household income, written confirmation from employers if available, or a benefits statement if not already provided.

All such evidence is to be considered confidential under the terms of the Data Protection Act and treated accordingly.

The Appeals Process should take no longer than 14 days including any Scottish Government input / involvement. However, it is possible that some appeals may raise issues of government policy which may require more time to resolve.

The student will be notified of the result in writing. The Department of Education, Learning & Attainment will record the decision and additional evidence, or copies provided should be stored with the original application information in accordance with the terms of the Data Protection Act.

Where an appeal is successful the student will receive their Notice of Entitlement and EMA Contract and any original documents supplied with their appeal.

Where an appeal is successful, the student will be eligible for back-payment of previously unpaid weeks as follows:

- If the appeal is resolved prior to 30 September, they may be paid for each week back to the beginning of the current term providing attendance criteria have been met.
- If the appeal is resolved after 30 September, and the original application was made prior to 30 September, they may be paid for each week back to the beginning of the current term providing attendance criteria have been met.
- If the appeal is resolved after 30 September and the original application was made after 30 September, they may be paid from the Monday of the week in which the original application was received providing attendance criteria have been met.

**Overscale Appeals:** If your total household income has significantly decreased (by more than 15%) of the total shown on your P60 or Tax Credit Award Notice for the 2017/2018 income period, you may be eligible for in-year assessment and you should apply for EMA on this basis. Please contact the EMA Team for information by telephone on 01389 737309.