

**ORKNEY**  
ISLANDS COUNCIL

**Education, Leisure and Housing**

**Student Funding  
Application Guidance  
Session: 2022 to 2023**

**You should retain this document for your information.  
Do not return it with your application form.**

**Please note: these guidelines may be subject to change at any time.**

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## Contact Details

The student funding application form can be used to apply for two types of funding:

- Education Maintenance Allowance (EMA), and/or
- Further Education Bursary.

The purpose of this booklet is to provide you and your parent/carer(s) or partner with a source of reference for any EMA and/or bursary related queries or issues you may have. It also provides useful information to help complete the student funding application form.

If you have any queries, please refer to this booklet in the first instance. If you require a student funding application form, further information or have any other queries, please do not hesitate to contact the Education Grants Team at:

**Address:** Education Grants,  
Education, Leisure and Housing,  
Orkney Islands Council,  
Kirkwall, Orkney,  
KW15 1NY.

**Telephone:** 01856873535 extension 2416.

**Email:** [education.grants@orkney.gov.uk](mailto:education.grants@orkney.gov.uk)

Application forms can also be downloaded from our website at:

<https://www.orkney.gov.uk/Service-Directory/G/grants-emas-and-bursaries.htm>

# Education Maintenance Allowance (EMA)

## What is an EMA?

EMAs are aimed at 16 to 19 year olds from low income households who are participating in non-advanced learning in school/college or at an approved learning centre. It is also available to those who are home-educated.

The aim is to increase participation and retention in post-16 education. The Scottish Government wants young people to be able to choose from the same learning opportunities, regardless of background or circumstance.

EMAs are payments of £30 per week, normally paid fortnightly in arrears, dependent on attendance and conduct at your school, college or learning centre, and are paid directly into your bank account.

**Please note:** Orkney Islands Council is responsible for the administration of the EMA Scheme on behalf of the Scottish Government. Orkney Islands Council is not responsible for policy decisions. Scottish Ministers reserve the right to amend the terms of the scheme at any time.

## Who Can Apply?

To be eligible for an EMA you must meet the age, residency, household income and course criteria set out by the Scottish Government.

### Age

Your date of birth must fall between 1 March 2003 and 28 February 2007.

### Residency

Orkney Islands Council refers to various legislation when assessing a young person's residency eligibility. To meet the 'ordinarily resident' criteria, you must be able to demonstrate:

- That you have been or will be resident in Scotland before your qualifying date (when you become age eligible for EMA) or the start date of your course; and
- That you have been resident in the United Kingdom and Islands, or EEA and Switzerland, for three years prior to your qualifying/start date.

There are different arrangements in place for those who have been granted refugee status, leave to remain, temporary protection and Syrian nationals. In these circumstances you will need to be:

- Resident in Scotland before your qualifying date (when you become age eligible for EMA) or the start date of your course; and
- That you have been resident in the United Kingdom and Islands **at all times** since being granted the relevant status.

## Household Income

Your household income must be below a certain threshold depending on the number of dependent children within the household. Dependent children are those up to the age of 16 and those between the ages of 16 and 25 who are in full-time Further or Higher Education.

The thresholds for 2022/2023 are:

- Up to £24,421 for households with one dependent child.
- Up to £26,884 for households with more than one dependent child.

These thresholds do not apply to young people who are considered to be a 'Looked After Child' (as set out in the Children (Scotland) Act 1995) and are looked after away from home, such as in a foster care placement, residential/children's unit, residential school or in a formal kinship care arrangement. Looked After Children do not need to provide household income details.

Young people living in informal kinship care (i.e. not arranged by Orkney Islands Council) would be required to provide their carers' income details.

## Course

<b>School Pupils.</b>	Full-time, non-advanced course of education. Usually a minimum of 21 guided learning hours per week.
<b>College Students.</b>	Full or part-time, non-advanced course of education. Guided learning hours may vary.
<b>Activity Agreement.</b>	Learning hours may vary.

Non-advanced courses are those up to and including National Certificate (NC) level.

## How and When Do I Apply?

Application forms are available from your school, college, learning centre, Orkney Islands Council or online at <https://www.orkney.gov.uk/Service-Directory/E/EMAs.htm>

You should apply for EMA as soon as you are eligible. Your date of birth and when you submit your application form will affect the date that you can receive payments from and is based on the statutory school leaving date (as defined in the Education (Scotland) Act 1980).

<b>Date of Birth.</b>	<b>Submission Date.</b>	<b>Eligible for payments from:</b>
Between 1 March 2003 and 30 September 2006.	By 30 September 2022. Between 1 October 2022 and 31 March 2023.	August 2022. Date your application is received by Education Grants.

Date of Birth.	Submission Date.	Eligible for payments from:
Between 1 October 2006 and 28 February 2007.	By 28 February 2023. Between 1 March 2023 and 31 March 2023.	January 2023. Date your application is received by Education Grants.

All eligible applications received before the submission date stated above can be backdated to the start of term. Any received after this date will only be eligible for payment from the date the Education Grants Team receive the application form. Applications are dealt with in order of the date they are received.

**Final deadline for all applications for the 2022/2023 academic year is 31 March 2023. No applications will be processed after this date.**

Those on Activity Agreements, should submit EMA applications once they have signed their agreement with Connect/Orkney Islands Council as these programmes do not follow the academic calendar.

## Provisional Awards

EMA may be awarded provisionally if, for example, you've had a change in circumstances in your household or if a self-employed parent/carer or partner does not currently have their Self-Assessment Tax Calculation (SA302) for 2021-22. For self-employed individuals in these circumstances, an Accountant's Certificate should be completed (available in Section 15 of the application form) with the SA302 to follow.

By accepting a provisional award, you are clear that your EMA entitlement is yet to be finalised and you should submit any further documentation that has been requested as soon as possible. **All outstanding information must be received by 31 January 2023.**

When all necessary evidence has been received, your award will be finalised and if your household income is:

- Below the income thresholds, your EMA payments will continue.
- Above the income thresholds (or if you fail to submit the necessary information by the deadline date), your EMA payments will stop and any overpayments may be reclaimed by the Authority.

## Learning Agreement

If your application is successful, you will be sent a letter with your full award details and a Learning Agreement. This is an agreement between the student and the educational establishment which sets out the targets for the academic year and details the responsibilities of the student and the school or learning centre. Failure to adhere to the terms and conditions of the agreement may result in non-payment of EMA.

Learning Agreements must be signed by the student, their parent/carer, if applicable and someone from the place of study, such as a Guidance Teacher. Your school or learning

centre can advise you of who needs to sign your agreement. No payments can be made until the Learning Agreement has been signed and returned to Education Grants.

**It is your responsibility to ensure that you have a valid Learning Agreement in place.**

## **EMA Payments**

Once we have received your completed and signed Learning Agreement, your payments may begin. Payments will normally be made fortnightly in arrears straight into your bank account, dependent on your attendance, progress and conduct at your school or learning centre, and will follow the payment schedule on page 25. Please note that there may be occasions where payments are delayed due to public or bank holidays.

Your EMA can only be paid for each full week's attendance within term time, up to a maximum of 42 weeks in any one academic year. You will not receive any payments during short, term-time holidays which include the October break, Christmas and Easter.

**If you do not receive an EMA payment when you think you should have, please discuss this with your school or learning centre in the first instance. They should be able to advise if your payment has been stopped, for example, as a result of poor attendance. If they cannot provide you with a reason, then please contact Education Grants.**

It is your responsibility to check your EMA payments. Although rare, there may be occasions where errors occur and any overpayments of EMA must be returned immediately.

Payments will stop at the end of the SQA exam timetable for pupils in S6 and any S4 or S5 leavers. Students returning to school after exams will continue to get EMA payments to the end of the academic year.

## **Duration of Allowance**

If your application is approved, the award will be for one academic year. A new application must be submitted each year.

Payment of EMA will normally be restricted to a maximum of three years from the date of the first payment and recipients must be between 16 and 19 years old. However, if you have additional support needs there may be some flexibility with this.

## **Attendance**

Your EMA payments will depend on your attendance, which must be 100% of your agreed attendance rate each week.

There are some circumstances which will not affect your attendance, as long as they are authorised by the school or learning centre, such as work experience, field trips, medical or dental appointments (on production of a valid appointment card), etc.

There may be occasions where absences are out with your control. These absences must be authorised by your school or learning centre and may include:

- Ill health (further details below).
- Attendance at the funeral of a close family member.
- Attendance at a court hearing or probation meeting.
- Severe weather conditions affecting transport and/or closure of the establishment.
- Authorised educational activities.

In these circumstances, you must notify a relevant person (such as a Guidance Teacher, Tutor or Support Worker) of your intention to be absent and produce evidence of your appointment, where appropriate.

If you are absent due to ill health, you must inform the school or learning centre on the first day of your absence, and the reason for it, as early as possible. Please consult your place of study for more information regarding their specific absence policy.

### **Self-Certification (5 days or less)**

On any occasion where you are unwell for less than 5 days, you should produce a letter from your parent/carer to confirm the absence. However, it is at the discretion of the learning centre how often this will be accepted. They have the right to turn down the request for authorisation if it is suspected that the reason is not genuine.

### **Medical Certification (5 days or more)**

For absences over 5 days, a medical certificate should be obtained from a doctor, which may have to be at your own expense. If a medical certificate cannot be obtained, the school or learning centre will determine whether the absence is genuine. Individual circumstances will be considered.

### **Suspension of Payments**

EMA payments may be stopped for:

- Persistent lateness or absences – authorisation is at the learning centre's discretion.
- Unsatisfactory conduct – if you do not comply with the learning centre's discipline policy, they may request that your EMA payments are stopped.
- Unauthorised absences – you must maintain 100% of your agreed attendance rate.
- Lack of progress – you should progress in your studies as set out in your Learning Agreement.

**Please note:** If you go on holiday during term time, even for one day, you will not receive an EMA payment for that week.

## Further Education (FE) Bursary

### What is a Further Education (FE) Bursary?

This is an award made by Orkney Islands Council to help a student beyond statutory school leaving age (as defined in the Education (Scotland) Act 1980 as the date at which a person can leave school) who is studying a qualifying course either within or out with Orkney. It is not a loan and it does not need to be paid back.

### Submitting an application form is not a guarantee of support.

There is no automatic entitlement to a bursary, even where eligibility is established. There is a limited budget and awards will be issued on a first come, first served basis. Once the budget has been fully allocated then no further applications will be accepted or processed. Therefore, it is important that you get your application and all supporting documents in as soon as possible.

**Please note:** bursaries awarded by Orkney Islands Council are provided as a contribution towards study and living costs and there may be additional costs that you will have to fund yourself.

### Who can apply?

To be eligible for FE funding, you must be:

- Beyond statutory school leaving age and have left school.
- Studying a full-time, non-advanced course up to a maximum level of National Certificate (NC) within or out with Orkney.
- Able to satisfy the residential conditions contained in the Education (Access Funds) (Scotland) Determination 2013 or subsequent updates. Broadly, this means being ordinarily resident in the United Kingdom for at least 3 years before the start of your course, although some exceptions may apply depending on your circumstances. (See page 3 for more information about residency criteria).

If you are moving to Orkney, you will only be eligible for a full bursary for the 2022-2023 academic year if you are resident in Orkney from 1 June 2022.

Those who have been granted discretionary leave to remain in the UK as victims of modern slavery/human trafficking will have the status of 'home students' for the purposes of student support and level of tuition fees charged.

### Eligible courses

Orkney Islands Council support courses up to Level 6 on the Scottish Credit and Qualifications Framework (SCQF). This includes:

- Full-time, non-advanced courses up to National Certificate (NC) level / SVQ1-3.
- Approved courses at Orkney College for students with additional support needs.

Part-time and short courses or courses that are above SCQF Level 7 (e.g. HNC, HND, Degree) are not eligible for funding and you should seek support from other sources, such as SAAS ([www.saas.gov.uk](http://www.saas.gov.uk)) or Skills Development Scotland ([www.myworldofwork.co.uk/learn-and-train/sds-individual-training-accounts-ita](http://www.myworldofwork.co.uk/learn-and-train/sds-individual-training-accounts-ita)).

Part-time courses up to NC level may qualify for a fee waiver grant. You should discuss this with your college, not Orkney Islands Council.

## **Duration of support**

Normally courses will be completed within one year. In certain circumstances funding may be approved for a maximum of 3 years. However, receiving approval for one year does not guarantee that support will continue for future years of study. You must submit a fresh application each academic year.

## **When should I apply?**

You can apply for bursary funding once you have received your acceptance letter from your chosen college. It is recommended that you apply as soon as possible due to the large number of applications that are submitted.

Applications are dealt with in order of the date they are received, until the bursary budget has been fully allocated. Delays in supplying relevant documentation or returning bursary acceptances may mean that the funding is awarded to another student. Therefore, it is important to make sure that you submit all necessary information in good time.

Orkney Islands Council cannot be held responsible for a student failing to obtain funding for their course due to delays in supplying information.

## **What if I don't submit my application before my course starts?**

Ideally you should submit your application as soon as possible as funding is awarded on a first come, first served basis until the budget has been fully allocated. However, bursary payments may be backdated to the start of your course if the complete application is received within 6 weeks of the start date. Any applications received after this will only be eligible for funding from the date that we receive the application.

The final deadline for applications for academic year 2022/2023 is **31 March 2023**, unless the budget has been fully allocated prior to this.

## **Are there any exemptions for funding?**

**Applicants may be excluded from further education bursary funding if:**

- They are applying for funding for a second course (unless it is a progression from their previous course; the student is unemployed or employed at a level significantly below their potential and completion of the course would make them highly employable).

- They already hold a similar or higher qualification (unless making a career change deemed necessary by the Authority to offset unemployment). This is regardless of whether or not the student received funding for their previous course.
- They have previously received bursary or SAAS funding, or equivalent, towards their maintenance, study or travel costs, unless their cumulative support covers less than the full-time equivalent of three years or less within the last six years and one of the following applies:
  - They last received support at least four years ago.
  - They last received support at least two years ago and immediately prior to enrolling on the course they had been registered as a jobseeker for a continuous period of no less than three months.
  - They last received support for a course which enabled them to progress towards the course they now require support for.
  - They did not complete and/or failed the course that they previously received support for on medical or compassionate grounds.

#### **There may be restrictions on funding:**

- For students studying out with Orkney where the same or similar course could be studied in Orkney. Any award would be restricted to the equivalent of the more local or less expensive alternative.
- For students applying for support for a second course after failing to complete their first course. The award may be restricted by the difference between grant aid already received and the proposed award for the second course.

### **Student categories**

Bursary awards are calculated based on your age and circumstances. There are 5 student categories:

#### **Student Under 18**

Students beyond their statutory school leaving date but under 18 years of age at the start of their course. If you turn 18 during the academic year you will remain in the under 18 category until the end of your course for bursary assessment purposes.

#### **Parentally Supported Student**

Students between 18 and 24 years of age at the start of their course unless they are classed as self-supporting. Students may be:

- **Parentally supported at home** - living at their parental home which is within reasonable travelling distance of the college and do not have an established permanent home of their own.
- **Parentally supported away from home** – living away from their parental home because it is not within reasonable travelling distance of the college and/or have an established permanent home of their own.

## **Self-Supporting Student**

Students over 25 years old at the start of their course.

Students under 25 years old may be considered self-supporting if one or more of the following applies:

- They are married or living with a partner in an established relationship (of at least 3 months). This does not include situations where the student was married but the marriage broke down prior to the start date of the course.
- They have no living parents or are estranged from their parents (permanent and irrevocable breakdown in parent/child relationship) and can provide proof of this. A breakdown in family communication is not considered to be estrangement. Letters of proof will be accepted from a lawyer, doctor, a head or guidance teacher, or someone else in authority who knows the family well enough to confirm the position.
- They are caring for a child or an adult who is dependent on them.
- They have supported themselves for a period of at least 3 full years before their course starts. This includes where the individual was employed/supported by a partner with earnings equal to or more than current income support levels; on a training programme operated by or on behalf of the Scottish Government or Skills Development Scotland; in receipt of benefits (such as universal credit, jobseekers allowance, employment and support allowance, income support, etc).

This list is not exhaustive, and the onus is on the student to provide documentary evidence to prove they have self-supporting status.

## **Care-Experienced Student**

A student who is 16 years or older and has been looked after by a local authority in the UK at any time during their life.

## **Universal Credit Student**

In some circumstances, students may be able to study full-time and receive Universal Credit (UC), for example where they are:

- A parent of a child.
- Severely disabled.
- A young person estranged from their parents.
- Living with a non-student partner and making a joint Universal Credit claim.

Students in receipt of Universal Credit will have their award of Universal Credit reduced, on a pound for pound basis, in respect of any maintenance funding they are awarded which exceeds £110 per month for the duration of their studies.

A comparison will be made as to whether the student would be better off on the full bursary award or on the UC award rate.

## **What is included in a bursary award?**

The award is split into three parts – travel, materials and maintenance allowances – depending on your circumstances and the type of bursary that you are applying for.

### **Travel Allowance**

#### **For students studying in Orkney:**

You may be eligible for a travel allowance if you live at least 2 miles from Orkney College. An additional allowance may be allocated to students travelling from the isles.

#### **For students studying out with Orkney:**

You may receive an allowance covering travel from your permanent home to your term-time address to start your course and to return to your permanent home at the end of the course, using the cheapest form of public transport. In addition to this, you may receive an allowance for return journeys between your term-time and permanent home address for each of the college's short holidays, excluding weekends, bank and public holidays.

#### **For students with additional support needs:**

Travel costs for students requiring specialist transport will be considered on an individual basis.

### **Materials Allowance**

An allowance may be awarded for materials and the amount will depend on the type of course that you are studying. In some cases, this may be paid directly to the college rather than the student.

### **Maintenance Allowance**

The maintenance allowance is designed to contribute towards living costs, such as rent and food, for example. Rates are set annually by the Scottish Funding Council. The actual amount paid to you will vary as awards are assessed on household income and deductions may be made depending on family circumstances.

**Please note that all allowances may be subject to change.**

## **Types of bursary applications**

### **Fees only**

This type of application is relevant only to students aged 18 and over attending Orkney College. No allowance will be paid towards maintenance, travel or course materials. If you are studying in Orkney, course tuition fees will be paid directly to Orkney College, so no income or bank details are required. If you are studying out with Orkney, we can provide you with a fee waiver form to submit to your college.

## Travel and Materials

This type of application applies only to students aged 16 or 17 years old who will be living at home with parents/carers. A travel allowance may be paid if you live at least 2 miles from the College. Household income details are not required.

## Full Bursary

This type of application applies to all students except those under 18 years old who will be living at home with parents/carers (they should apply for Travel and Materials). A full bursary includes a maintenance award as well as travel and materials. This award is dependent on the level of household income.

## Care Experienced

This type of application is available to students over 16 years old, who have been looked after by a Local Authority in the UK at any point in their lives. Full details about the types of care experience can be found on page 17.

## How will the bursary award be calculated?

Where bursary awards are means-tested we will require details of your household income. If this amount is above a certain threshold, then a nationally agreed contribution will be deducted from your bursary award as outlined in the sections below. **These details may be subject to change.**

### Under 18

Bursary Type.	Means Tested?	Income Threshold.	Contribution.
Travel and Materials.	No.	N/A.	£0.
Full Bursary.	Yes.	£20,351.	Initial payment of £45, then £1 for every £9 of income above the threshold.

### Parentally Supported

Bursary Type.	Means Tested?	Income Threshold.	Contribution.
Fees only.	No.	N/A.	£0.
Full Bursary.	Yes.	£24,275.	Initial payment of £45, then £1 for every £9 of income above the threshold, up to a threshold of £50,977. Where income exceeds £50,977 the contribution will change to £1 for every £6.50 of excess income.

## Self-Supporting

Bursary Type.	Means Tested?	Income Threshold.	Contribution.
Fees only.	No.	N/A.	£0.
Full Bursary.	Yes.	£20,643.	Initial payment of £45, then £1 for every £9 of income above the threshold, up to a threshold of £50,977. Where income exceeds £50,977 the contribution will change to £1 for every £6.50 of excess income.

The maximum contribution is £7,988. If there are children who are dependent on your parent(s)/carer(s) or partner's income, then your contribution will be reduced by £152 per dependent child (excluding the student being assessed).

### How will my bursary be paid?

If you are eligible, bursary awards will normally be paid in 10 monthly instalments (where courses run throughout the whole academic year), partly in advance and partly in arrears. The actual number of instalments may vary depending on your course length. The instalments are paid directly into your bank account so please make sure that you complete the bank mandate at the end of the application form, (if applicable to the type of bursary you are applying for).

Bursary payments can only be backdated to the start of the course if the complete application is received within six weeks of the course start date.

The amount of bursary may be revised at any time if the college or Orkney Islands Council thinks that:

- The student is not complying with the conditions of their bursary award.
- There has been a change in circumstances which may affect the amount awarded.
- There has been an error made in the calculation of the bursary award.

Students are expected to refund, on demand, any overpayments that may occur, including overpayments due to miscalculation, re-evaluation of eligibility, unsatisfactory attendance or failure to comply with the college's code of conduct. This may be deducted from future payments, if applicable.

### What are my responsibilities?

All bursaries are subject to the satisfactory conduct, progress and attendance of the student. There will be specific conditions attached to any award you may receive. If you fail to meet these conditions, then Orkney Islands Council may require a refund of payments already made to you and may cancel or withdraw future payments. Full details will be included with the award letter.

## Attendance Requirements

The expectation is that, normally, students should attend all their classes and attendance will be monitored on a regular basis. However, Orkney Islands Council recognise that students may need to have periods of absence and we permit Colleges to use their discretion to determine what absences will be accepted as authorised and their frequency, considering the student's wider circumstances.

### **Some examples of authorised absences include (but are not limited to):**

- Self-certified absences due to illness. Illnesses lasting more than five days require a medical certificate which may have to be at the student's own expense.
- Religious holidays.
- Work experience placements.
- Exam preparation / study leave.
- Attendance at children's hearing, court, meeting related to caring responsibilities or care needs, etc.
- Unexpected caring responsibilities, either for the student's child(ren) or an adult dependant, such as the illness of the child or dependant.
- Severe weather and transport breakdown.
- Attendance at a family funeral.
- Medical or dental appointments – for either the student, or a child or adult who is dependent on the student. Where possible, these should be arranged out with college hours but may be accepted if this cannot be arranged.

Where students have unauthorised absences or have exceeded their college's policy for accepted authorised absences, the college must confirm that the student has taken reasonable steps to engage with their studies, despite being absent.

### **Some examples of student engagement include (but are not limited to):**

- Student maintaining contact with relevant college staff, explaining the reasons for their absences and the steps they are taking to remain engaged with their studies.
- The student has kept up to date with their learning by obtaining lecture notes, online resources or other learning materials from college staff.
- Student can demonstrate they have engaged in independent study to keep up to date with their learning.
- Student has handed in classwork or assignments.
- The student is continuing to meet their learning objectives.
- Student has engaged with the college in any other way which demonstrates that they are continuing to participate in studies.

## **Suspension of Payments**

Every bursary is subject to the following conditions:

- The student must comply with the requirements of their course for which their bursary has been awarded.
- The college must be satisfied with the student's conduct and progress.

If the above conditions are not met, or if the student has received support from another source which, in the opinion of the college or Orkney Islands Council, makes it unnecessary for them to be assisted by means of a bursary, the payment of the bursary may be suspended or terminated.

Where students are having difficulties meeting the attendance criteria of their course of education, colleges should, in the first instance, ensure that the student is offered pastoral care and support before resorting to disciplinary measures, such as the suspension of the student's bursary. In addition to this, college's must also confirm that the student is continuing to engage in their studies despite their non-attendance.

If the student has taken reasonable measures to continue to participate in their learning and is still able to meet their learning objectives, despite their absences, they may still receive bursary support. Consideration will be given to students with complex circumstances or health issues which impacts on their attendance.

If the college has been unable to identify a valid reason for non-attendance or if the student is not taking reasonable steps to engage with their studies then they have the right to request that Orkney Islands Council suspend the student's bursary for that period.

## Care Experienced, Care Leavers and Looked after Children and Young People

The terms Care-Experienced, Care Leaver and Looked After have been used over time to describe various types of care experience in different ways. These different categories are defined as follows:

- **Care-experienced student:** A student who has been looked after by a local authority at any time during their life. This includes adoptive children who were previously looked after.
- **Care leaver:** A young person who was looked after on or after their 16th birthday and who is under 26 years old.
- **Looked after child:** A child or young person currently looked after in a formal arrangement with a local authority, typically, but not always, involving compulsory supervision arrangements following a children's hearing. Children can be looked after while remaining in the family home with social work support, or in a kinship, foster or residential care placement.
- **Informal Care:** This can be arranged with or without the involvement of the Local Authority.

### Categories of care eligible for the Care Experienced Bursary:

#### Foster care

Fostering is a temporary arrangement - on either a short- or long-term basis at any point in their childhood - and many children in foster care will return to their birth family. Some fostered children are eventually adopted, either by their foster carer or by another family.

#### Kinship care

Kinship care is when a child is looked after by their extended family or close friends, if they cannot remain with their birth parents. It is different to foster care and adoption. Under the Looked After Children (Scotland) Regulations 2009, Part V, paragraph 10(2)(a) and (b), kinship carers are defined as "a person who is related to the child (through blood, marriage or civil partnership) or a person with whom the child has a pre-existing relationship".

Kinship care includes children who are looked after and are placed in a formal kinship care arrangement by the local authority. When the child is not Looked After by a local authority the arrangement may be referred to as an 'informal' kinship care arrangement, which means that they would not be eligible for the Care Experienced Bursary and should apply for one of the other bursary types.

#### Residential care, residential schools and secure units

Care placements could have been provided by a Local Authority, Council, religious organisation or charity. Other names for residential care could be List D school, a Borstal, a close support unit or a children's home.

Residential care homes and schools offer young people (usually of secondary school age) a safe place to live away from their families. Residents live alongside a number of/several other young people in the home, cared for by staff who do not live on site. Most young people who live in a residential establishment will have been assessed as needing to be cared for away from home by the local authority, such as on the recommendation of a Children's Hearing Panel, or on an emergency (short-term) basis to guarantee their safety.

Secure accommodation is a form of residential care that restricts the freedom of children under the age of 18. It is for the small number of children who may be a significant risk to themselves, or others in the community. Their needs and risks can only be managed in secure care's controlled settings. Secure care aims to provide intensive support and safe boundaries to help these highly vulnerable children re-engage and move forward positively in their communities.

### **Compulsory Supervision Order with no condition of residence (Looked after at home) – previously known as a Supervision Requirement**

As set in the Social Work (Scotland) Act 1968 Part III, paragraph 44(1)(a) where a child or young person is subject, through the Children's Hearing system, to a Compulsory Supervision Order (CSO) with no condition of residence, that child or young person continues to live at their normal residence (often the family home). This is known as being looked after at home and the child will have a social worker while remaining at home.

### **Compulsory Supervision Order with a condition of residence (Looked after away from home) – previously known as a Supervision Requirement**

Where a child or young person has either:

- Commonly been referred to as being in care, for example living in foster care, children's home or residential school as set out in the Social Work (Scotland) Act 1968, Part III, paragraph 44(1)(b).
- Been through the Children's Hearings system and is subject to a Compulsory Supervision Order with a condition of residence as set out in Part 9, paragraph 83 of the Children's Hearing (Scotland) Act 2011.
- Is subject to an order made or authorisation or warrant granted by virtue of Part II, Chapters 2, 3 and/or 4 of the Children (Scotland) Act 1995.
- Is being provided with accommodation under Part 2, Chapter 1, paragraph 25 of the Children (Scotland) Act 1995 (a voluntary agreement). **OR**
- Is placed by a local authority which has made a permanence order (definition below) under Part 2, paragraph 80 of the Adoption and Children (Scotland) Act 2007. In these cases the child is cared for away from their normal place of residence, by foster or kinship carers, prospective adopters, in residential care homes, residential schools or secure units.

### **Permanence order**

Permanence orders (legal orders settled by the Court) were introduced by the Adoption and Children (Scotland) Act 2007. They can only be applied for by the local authority and

are designed to safeguard a child who will not be returning home. A permanence order will remove the child from the children's hearing system and can last until the child reaches the age of 18. It can allow foster carers (and others caring for children) to have some or all of the parental rights and responsibilities needed to make day-to-day decisions affecting the child.

### **Informal Care / Non-Compulsory Arrangements**

To qualify for a Care-Experienced Bursary, students should be in an informal care arrangement which can be confirmed by their Local Authority. This can include non-compulsory care arrangements which were made on a voluntary basis. Examples include:

- Where someone lives in an informal kinship care arrangement with extended family and has been subject to a court order under "Section 11" of the Children's (Scotland) Act 1995.
- Young people who have been the subject of action by a local authority under "Section 22" of the Children's (Scotland) Act 1995 (whose involvement with social work services is on a voluntary basis).
- Young people referred to a local authority under "Section 68(5)" of the Children's Hearings Scotland Act 2011 as this is a Voluntary Supervision Order.

## Completing the Application Form

Application forms must be fully completed but depending on the type of funding you are applying for you may not need to complete all sections. The guide below indicates which sections you need to complete depending on your circumstances and application type.

### Sections that must be completed

All applicants must complete sections 1-4, 6-8, 9A and 11.

### Sections that may need to be completed

Additional sections may be required depending on the category of student and the type of funding you are applying for.

**Section 5** – required if the applicant has left school.

**Section 9B** – required to be completed if you are applying for EMA or a Full Bursary.

**Section 12** – required in order to pay any allowances you may be entitled to. You do not need to provide this if you are over 18 and applying for fees only or if you are under 18 and applying for a Travel and Materials Bursary, studying at Orkney College and you live less than 2 miles from the College.

### Optional Sections

Sections 10, 14 and 15 are optional and you may not need to use them if you have provided all required information.

**Section 10** can be used for providing additional information relevant to your application or if you ran out of space on a previous question.

**Section 14** – can be used for providing details about income received from benefits in the absence of award letters.

**Section 15** – can be used for providing self-employed income details in the absence of the Self-Assessment Tax Return.

## **Financial Assessment**

Most applications will be means-tested and based on gross taxable household income for the period 6 April 2021 to 5 April 2022. The guide below indicates the income that is and is not taken into consideration when assessing your application, and who needs to provide it.

### **Household Members**

Depending on household circumstances, the following people will be required to submit income details:

#### **Households with two parents or carers**

If the applicant's parents live together or if the parent is married/living with a partner, then both incomes must be provided.

#### **Households with one parent or carer**

If the applicant's parents are separated, divorced or no longer live together then the income of the parent that the applicant normally lives with the majority of the time must be provided. However, if the lone parent is living with a partner then their partner's income must also be taken into consideration.

#### **Applicants with a partner**

If the applicant is married or lives with a partner, then both student (if applicable) and partner's income details must be provided.

### **Income Details**

Where applicable, applicants will be asked to provide a Universal Credit statement, or a Tax Credit Award Notice (TCAN) (TC602) supplied by HMRC after having their income assessed for tax credits for the relevant tax year. For academic year 2022-2023 the relevant tax year is 2021-2022. Provisional awards or annual returns may not be accepted unless it states the actual income for 2021-2022. If the income figure is not provided or is estimated, then the documents will not be accepted.

Clear copies of award letters, annual summaries or photos/screenshots can be accepted but must show full details of all pages. Please do not submit partial information (e.g. two pages of a six page award letter) as your application will not be approved and you will be required to submit the outstanding details, resulting in a delay to your application process.

Where the Universal Credit statement or TCAN is not available or the applicant's household is not in receipt of one of these, additional evidence will have to be provided such as P60s or payslips.

Please refer to the table at the end of this section for further details about what sources of income are used in means-tested financial assessments.

## **Unearned Income**

Any income that you do not get from employment or self-employment is classed as 'unearned income'. The following list includes examples of unearned income but is not limited to this:

- Bank or building society gross interest.
- Profits from property, lettings or rent.
- Dividends or investments.
- Trusts or sponsorships.
- Unemployment / welfare / social security payment or benefits.
- Retirement pensions.

## **Income Exceptions**

### **Looked After**

All eligible young people who are either Looked After or Care Experienced are treated as 'independent' for the purposes of financial assessment. Evidence of their Looked After status or care experience must be provided with the application, e.g. letter from a Social Worker.

### **Foster Care**

The student's foster parents' income is not taken into account. However, if the student's parents are foster carers for a child who is not the student, then income details must be provided.

The fee that the parent receives for fostering would be assessed as income, however any allowance granted for maintenance of the child is exempt.

### **Kinship Care**

If a young person is in formal kinship care that has been arranged by the Local Authority, then a household income assessment is not required.

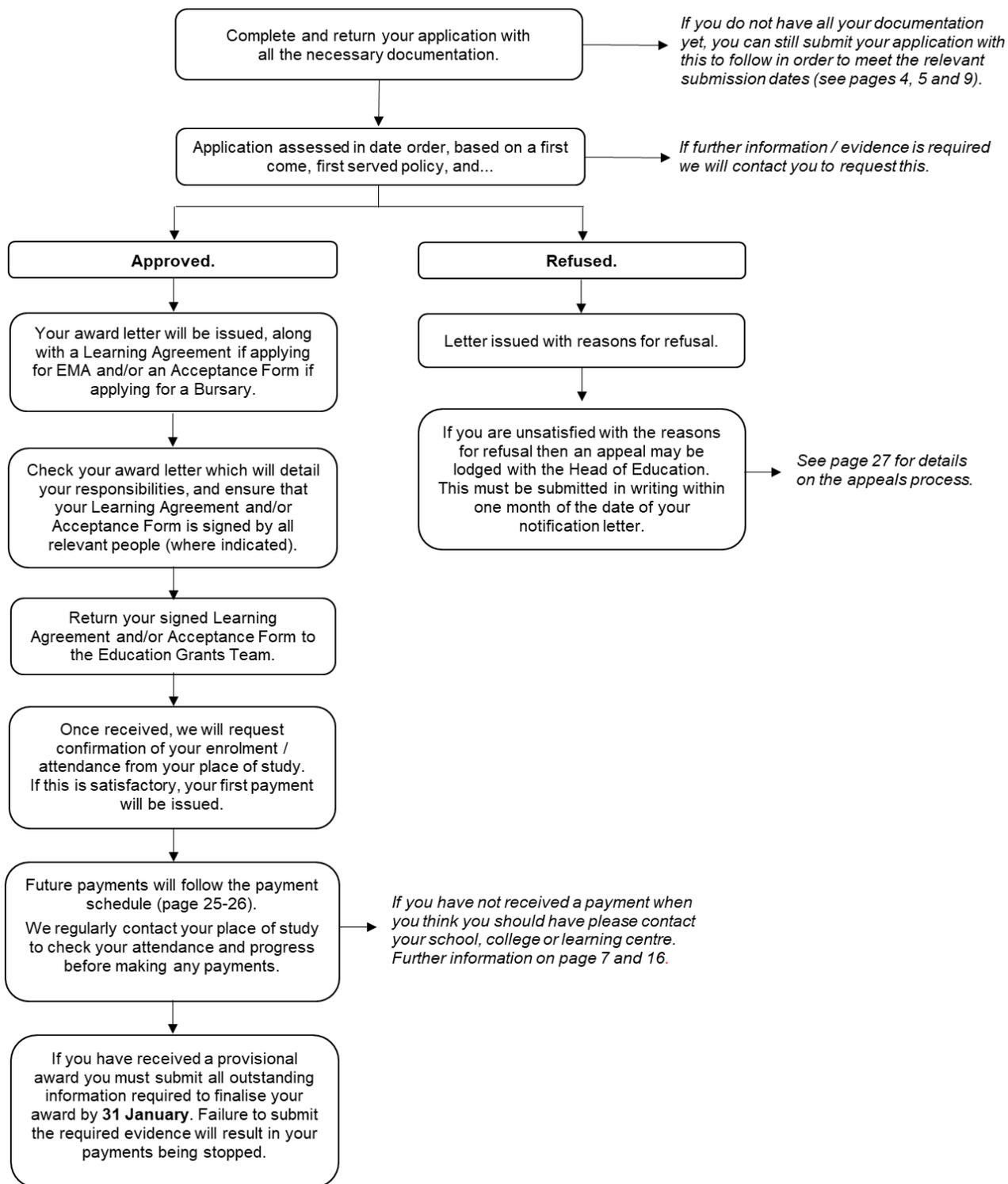
Where the arrangement has no Local Authority involvement at all then household income details must be provided as well as proof of guardianship, such as a Child Benefit letter.

## **Income Table**

The following income table provides information on the types of income you need or do not need to tell us about. This information is correct as of 1 June 2022 but may be subject to change.

Income USED in assessment.	Income NOT USED in assessment.
<ul style="list-style-type: none"> <li>• Bank / Building Society Interest.</li> <li>• Bonds, National Savings.</li> <li>• Child Maintenance / Child Support paid (this belongs to the person it is paid to regardless of who it was paid for).</li> <li>• Dividends.</li> <li>• Employment and Support Allowance.</li> <li>• Fees paid for fostering childcare (part two income for fosterers only).</li> <li>• Gross earnings from employment or self-employment (excluding the student's earnings).</li> <li>• Income from property, boarders, casual fees.</li> <li>• Income replacement benefits (other than those listed in the column on the right) including Carers Allowance.</li> <li>• Income Support.</li> <li>• Industrial Death benefits scheme pension.</li> <li>• Industrial Injuries Benefit (including disablement benefit, reduced earnings allowance and retirement allowance).</li> <li>• Jobseekers Allowance.</li> <li>• Maintenance paid into household by someone not resident (this belong to the person it is paid to regardless of who it is paid for).</li> <li>• Maternity Allowance.</li> <li>• Money paid as compensation for loss of income (excluding compensation paid to the student).</li> <li>• Pension income (other than those listed in the column on the right).</li> <li>• Reduced earnings allowance.</li> <li>• Redundancy payments.</li> <li>• Retirement Pension.</li> <li>• Severe Disablement Allowance.</li> <li>• Statutory Maternity / Paternity / Adoption Pay.</li> <li>• Statutory Sick Pay.</li> <li>• Trust income.</li> <li>• Unemployability allowance.</li> <li>• Universal Credit – Standard Allowance.</li> <li>• War Widow's Pension / War Pension.</li> <li>• Widowed Parent's Allowance.</li> <li>• Working Tax Credits (not childcare or disability elements).</li> </ul>	<ul style="list-style-type: none"> <li>• Armed Forces Independence Payment.</li> <li>• Attendance Allowance.</li> <li>• Benefits classed as additional living costs.</li> <li>• Bereavement Support Payment and Allowance.</li> <li>• Carer's Allowance Supplement.</li> <li>• Care leavers and care experienced payments made by local authorities.</li> <li>• Child Benefit.</li> <li>• Child Disability Payment.</li> <li>• Child Maintenance (paid for student's children).</li> <li>• Child Tax Credit.</li> <li>• Child Winter Heating Assistance.</li> <li>• Childcare element of Working Tax Credit.</li> <li>• Christmas bonuses.</li> <li>• Cold Weather Payment.</li> <li>• Comfort Allowance.</li> <li>• Constant Attendance Allowance.</li> <li>• Council Tax Reduction.</li> <li>• Disability Living Allowance.</li> <li>• Disability element of Working Tax Credit.</li> <li>• Educational Endowment.</li> <li>• Guardian's Allowance.</li> <li>• Housing Benefit.</li> <li>• In Work / Return-to-Work / Back-to-Work Credits.</li> <li>• Income from student loans, discretionary funds or childcare funds.</li> <li>• Industrial Injuries Benefit.</li> <li>• Job Start Payment.</li> <li>• Mobility Supplement.</li> <li>• Part 1 &amp; 2 Adoption/Fostering fees.</li> <li>• Personal Independence Payment.</li> <li>• Privately funded grants and scholarships.</li> <li>• School Age Payment.</li> <li>• Scottish Child Payment.</li> <li>• Scottish Welfare Fund (Community Care and Crisis Grants).</li> <li>• Social Fund Payments.</li> <li>• Student's own earnings (PAYE and SE).</li> <li>• Universal Credit – Children, Disability and Housing Elements. (Standard Allowance is considered in financial assessment).</li> <li>• War Pension – Disability Element only.</li> <li>• Winter Fuel Payments.</li> <li>• Winter Heating Assistance.</li> <li>• Young Carer's Grant.</li> </ul>

# What Happens Next?



## Payment Schedules

### EMA

The following payment schedule is for young people at school, college or on Activity Agreements. The maximum payment per fortnight is £60, unless otherwise stated. Actual payments depend on your attendance, progress and conduct.

Paid:	For Weeks Ending:	Notes:
17/08/2022.	22/07/2022 and 29/07/2022.	Payment for Activity Agreement only due to school/college holidays. <b>Young people in an Activity Agreement must submit a new application or no further payments will be made.</b>
31/08/2022.	05/08/2022 and 12/08/2022.	Payment for Activity Agreement only due to school/college holidays.
14/09/2022.	19/08/2022 and 26/08/2022.	<b>School/College term begins.</b> Those born between 1 March 2003 and 30 September 2006 are eligible to receive payments from this date.
28/09/2022.	02/09/2022 and 09/09/2022.	
12/10/2022.	16/09/2022 and 23/09/2022.	
26/10/2022.	30/09/2022 and 07/10/2022.	
09/11/2022.	14/10/2022 and 21/10/2022.	Payment for Activity Agreements only due to school/college October holidays.
23/11/2022.	28/10/2022 and 04/11/2022.	
07/12/2022.	11/11/2022 and 18/11/2022.	
21/12/2022.	25/11/2022 and 02/12/2022.	Payment date may be subject to change due to public holidays.
18/01/2023.	09/12/2022 and 16/12/2022	
N/A	30/12/2022 and 06/01/2023.	No payments due to Christmas holidays.
02/02/2023.	23/12/2022 and 13/01/2023.	Those born between 1 October 2006 and 28 February 2007 are eligible to receive payments from this date.
15/02/2023.	20/01/2023 and 27/01/2023.	
01/03/2023.	03/02/2023 and 10/02/2023.	
15/03/2023.	17/02/2023 and 24/02/2023.	
29/03/2023.	03/03/2023 and 10/03/2023.	
12/04/2023.	17/03/2023 and 24/03/2023.	
26/04/2023.	31/03/2023 and 07/04/2023.	Only 1 week payable for schools/college due to Easter holidays.

<b>Paid:</b>	<b>For Weeks Ending:</b>	<b>Notes:</b>
10/05/2023.	14/04/2023 and 21/04/2023.	Only 1 week payable for schools/college due to Easter holidays.
24/05/2023.	28/04/2023 and 05/05/2023.	
07/06/2023.	12/05/2023 and 19/05/2023.	
21/06/2023.	26/05/2023 and 02/06/2023.	Final payment for school leavers.
05/07/2023.	09/06/2023 and 16/06/2023.	Final payment for college students.
19/07/2023.	23/06/2023 and 30/06/2023.	End of 2022/23 academic year. <b>If remaining in further education, a fresh application for academic year 2023/24 should be submitted.</b>

## **Bursary**

The first instalment will be issued after 1 August 2022 once your signed Award Acceptance has been received. The remaining instalments will follow the payment schedule below

<b>Payment Dates</b>	<b>Period of attendance monitored</b>	<b>Payments for periods</b>
Aug/Sep	N/A	N/A
21/09/2022	Up to 26/08/2022 (or confirmation of enrolment)	Start – 09/09/2022
19/10/2022	29/08/2022 – 23/09/2022	12/09/2022 – 07/10/2022
16/11/2022	26/09/2022 – 21/10/2022	10/10/2022 – 04/11/2022
14/12/2022	24/10/2022 – 18/11/2022	07/11/2022 – 02/12/2022
18/01/2023	21/11/2022 – 16/12/2022	05/12/2022 – 30/12/2022
15/02/2023	02/01/2023 – 20/01/2023	02/01/2023 – 27/01/2023
15/03/2023	23/01/2023 – 17/02/2023	30/01/2023 – 24/02/2023
12/04/2023	20/02/2023 – 17/03/2023	27/02/2023 – 24/03/2023
10/05/2023	20/03/2023 – 14/04/2023	27/03/2023 – 21/04/2023

## **Appeals Process**

### **Application Refused**

If you are refused EMA or Bursary support and you disagree with the decision you may lodge an appeal. This must be submitted in writing within one calendar month of the date of your letter notifying you of the decision, including your reasons for the appeal. You should also provide any supporting documentation that you think may be relevant to your case, such as clarification of household income.

### **Appeals should be sent to the Head of Education at:**

Education, Leisure and Housing,  
Orkney Islands Council,  
Kirkwall,  
Orkney,  
KW15 1NY.

We will also accept appeals by email and these should be sent to [education.grants@orkney.gov.uk](mailto:education.grants@orkney.gov.uk)

Unfortunately, we cannot accept appeals that are made in person or by telephone.

### **Payments Withheld**

If your application for EMA or Bursary has been accepted but you have not received a payment when you think you should have, you should discuss this with your School or Learning Centre in the first instance.

Payments are usually withheld when we receive notification that the student has an unauthorised absence. If you believe that your absences are authorised then you must provide your School or College with evidence of this so that they can authorise Orkney Islands Council to make your payment.

If, after discussing this with your educational establishment, you are still dissatisfied with the outcome then you can escalate your appeal to Orkney Islands Council using the process outlined above.

### **Timeframe**

You will be notified of the outcome of your appeal in writing. We aim to respond to all appeals within 14 days of receipt of the appeal letter. However, in complex cases this may take longer.

## Key Terms and Definitions

### Adult Dependant

This is an adult who is financially dependent on the student or for whom they have carer responsibilities. In order to be defined as an adult dependant, the person must be aged 16 or over. The adult dependant will normally be:

- A family member (e.g. parent, partner or child) who is financially dependent on the student or for whom the student has carer responsibilities or legal responsibility.
- A child between the ages of 16 and 24 (inclusive) who is in full-time education.

### Assessable Parent

This is a parent who will be assessed for contributions towards the student's support in situations where the student either:

- Lives in the parental home – the parent(s) who the student lives with should be assessed. **OR**
- Does not live in the parental home – the parent(s) with whom the student most recently resided should be assessed.

**The definition of parent includes step-parents, partners of parents and guardians.**

If the assessable parent lives alone then this status should be supported by documentary evidence such as a Council Tax bill.

### Carer

The Carers (Scotland) Act 2016 defines carers as those who provide unpaid support to family and friends who could not manage without their help. A carer and young carer are defined in the Act as follows:

- Carer: an individual who provides or intends to provide care for another individual (the 'cared for person').
- Young Carer: a carer who is under 18 years old.

### Dependent Child

For a person to be defined as a child for student support purposes they must be:

- Aged under 16. **OR**
- Aged between 16 and 24 (inclusive) and still in education, unless they can be defined as self-supporting.

It should be noted that students under the age of 25 at the start of their course will still be the responsibility of an adult (as in the 'Family' section below) unless they are classified as self-supporting.

Parents' obligation to support children undergoing education or training up to the age of 25 is set out in Section 1(5) (b) of the Family Law (Scotland) Act 1985 (this covers both fees and student support).

## **Family**

A family is defined as:

- A married or unmarried couple.
- A couple in a civil partnership.
- A married or unmarried couple or a couple in a civil partnership and any child or young person who is a member of the same household and the responsibility of either or both members of the couple, **OR**
- A person who is not a member of a married or unmarried couple or civil partnership (this will usually be a lone parent) and any child or young person who is a member of the same household and the responsibility of that person.

## **Married / Civil Partnership / Established Relationship**

The student or parent is legally married, is in a legally recognised civil partnership, or is living with a partner in an established relationship at the start date of the course. The onus is on the student to prove they are in an established relationship if they wish to be considered as a self-supporting student on that basis. This proof will require documentary evidence such as a marriage certificate, a civil partnership certificate, a recent Council Tax bill or an official letter that clearly states the couple's names and address.

## **Partner**

For assessment purposes a Partner is a husband, wife, civil partner, or partner (of an established relationship) of a student or their parent.

## **Permanent Home**

This is the student's established home. If, at the start of the course, that student was (or is expected to be) living with one or more of their parents, then the parental home is the permanent home.

## **Statutory School Leaving Date**

As defined in the Education (Scotland) Act 1980, the dates at which a person can leave school are pre-determined by when that person becomes 16 years of age. This means that a person is no longer of compulsory school age from:

- Summer school leaving date (that is the last day in May), if they reach 16 years of age on or after 1 March but before the following 1 October. **OR**
- Winter school leaving date (that is the first day of the Christmas holidays or 21 December for non-attendees), if they reach 16 years of age on or after 1 October but before the following 1 March.

## **Frequently Asked Questions**

### **What if I am not a UK Citizen?**

To be residentially eligible, the student should satisfy the legislative conditions contained within the Education (Access Funds) (Scotland) Determination 2013 or subsequent updates. You may still be able to get an EMA and/or Bursary even if you are not a UK citizen and applications will be assessed on a case-by-case basis.

### **What if I am not financially dependent on my parents/carers?**

We will need details of your own income and if you live with a partner then we will also need proof of their income.

### **Do I get paid for holidays?**

#### **EMA**

If you are in receipt of EMA, you will not be paid during school holidays. In-Service days and emergency closures are not counted as holidays.

#### **Bursary**

Bursaries are paid in monthly instalments and are not affected by term-time holidays. However, your attendance must be satisfactory for all weeks where the College is open to receive your bursary for that month.

### **I have had an EMA/Bursary before, do I need to apply again?**

An award is for one academic year only. If you are remaining in further education at school or college then a new application should be submitted along with supporting documents for each year that you are eligible.

### **Can I apply if there is another young person in my family receiving EMA or Bursary Support?**

Yes. You may both be eligible for funding, depending on your household circumstances.

### **Do I need to submit original documents with my application?**

All students must provide appropriate documentation to support their application whenever they are required to do so. Orkney Islands Council will accept:

- Clear photocopies or scanned copies of documents submitted with the application form.
- Photos or screenshots of documents emailed to [education.grants@orkney.gov.uk](mailto:education.grants@orkney.gov.uk)
- Original documents to be copied/scanned and returned to the student. You must include a stamped, addressed envelope for the return of your documents.

Orkney Islands Council reserves the right to request original documentation if required.

## **Will studying affect my benefits?**

It depends on the benefit(s) that you receive. Generally, full-time students do not qualify for benefits as entitlement is based on your circumstances prior to becoming a student.

However, it may be possible to continue claiming certain benefits and study at the same time. **You should check with the Department for Work and Pensions (DWP) before you begin your course.**

You can contact the Kirkwall Job Centre Plus by telephone on 0800 169 0190 or alternatively visit the office at Tankerness Lane, Kirkwall. Central DWP contact details are available from: <https://www.gov.uk/contact-jobcentre-plus>

Useful information about benefits, including how studying affects them, can be found on the CPAG website: <https://cpag.org.uk/scotland/welfare-rights/resources>

## **What if I change my address or bank account?**

You need to notify us of any changes as soon as possible. To change your account details, you will need to fill out a new bank mandate.

## **Will I have to pay for my course fees?**

If you are under 18 years old then you will not have to pay tuition fees – these are automatically waived. However, students over 18 years old who are studying part-time or full-time courses may be expected to pay tuition fees.

Part-time students who are in receipt of certain benefits or have a low income may be entitled to a fee waiver. You should contact your place of study for more information about this.

Full-time students will need to apply to have their tuition fees paid. Fees only applications are not means tested but if you wish to apply for a full bursary then you will need to provide supporting evidence. If you are studying out with Orkney then we can provide you with a fee waiver letter to give to your College, if required.

## **What do you do with my personal information?**

Orkney Islands Council respects your personal information. Any information provided as part of the student funding application will be held securely and treated confidentially in accordance with the Data Protection Act 2018 (DPA 2018), and the UK General Data Protection Regulation (UK GDPR). This information will only be used for the purposes of assessment, award, payment, and where necessary, recovery of payments.

We may check information provided by you, or the 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 as 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.

The information relating to this application will be retained for the period stated in the Council's Retention and Disposal Schedule.

For more information about how we process information, please contact us or visit:  
<https://www.orkney.gov.uk/Online-Services/privacy.htm/>

### **What if I need further information?**

If your question has not been answered in this document or you would like further information then please contact us using the details on page 2.