

Leading and delivering London Councils

ESF Programme 2014-2020

Eligibility Guidance

V2.0 5 June 2017



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01

ESF Compliance

- London Councils Responsibilities
- Leading and delivering ESF compliant projects

ESF Compliance

**London Councils
is responsible
for ensuring that**

- Delivery partners are fully aware of the regulations related to ESF grant
- Reports of the project's achievements and spend are provided as required
- All delivery partners develop the systems and checks required to ensure that the project is compliant with ESF regulations
- The London ESF programme is delivered successfully and according to DWP, GLA and ESF requirements

ESF Compliance

Leading and delivering ESF compliant projects

- Leading or delivering an ESF compliant project puts quite specific requirements on you and your organisation
- If your project is found not to be compliant, at best you will not be paid and at worst you will have funds already paid to you clawed back
- You will be audited, several times by several different audit authorities, so getting it right in terms of fulfilling your role is important

02

Eligibility Requirements

- Partner
- Audit
- Self declaration

Partner Requirements

Partners must assess to ensure that a participant is eligible, including:

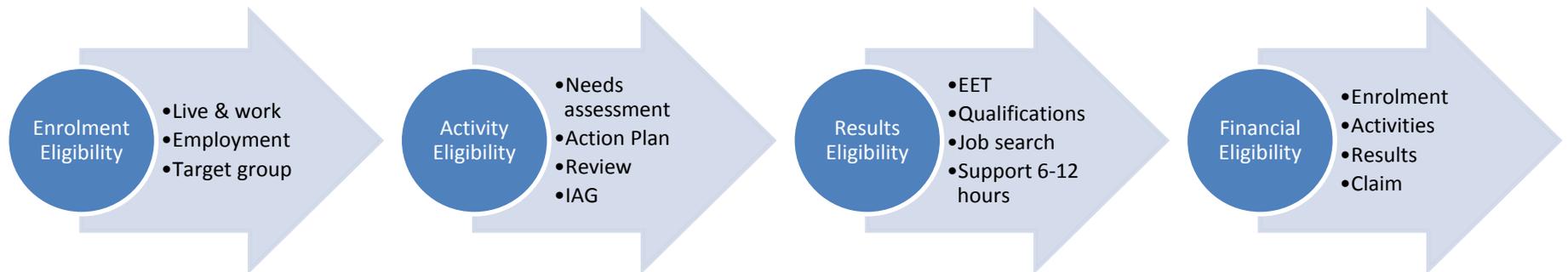
- How to assess if participants are eligible
- The evidence required to demonstrate eligibility:
 - Enrolment
 - Activities
 - Target Group Criteria
 - Results
- Eligibility evidence must be obtained at the point of enrolment
- Enrolment to the database is made only when eligibility evidence has been obtained
- That enrolment, activity and or results eligibility are sufficiently evidenced to enable a payment to be made.

Audit Requirements

- Auditors (EU/DWP/GLA/London Councils) need to be able to verify how a partner:
 - satisfied themselves about a participants eligibility on enrolment
- **AND OR**
 - whether activities and or results eligibility were sufficiently evidenced to enable a payment to be made.
- Partners must be able to demonstrate that they have taken the appropriate steps and can evidence this

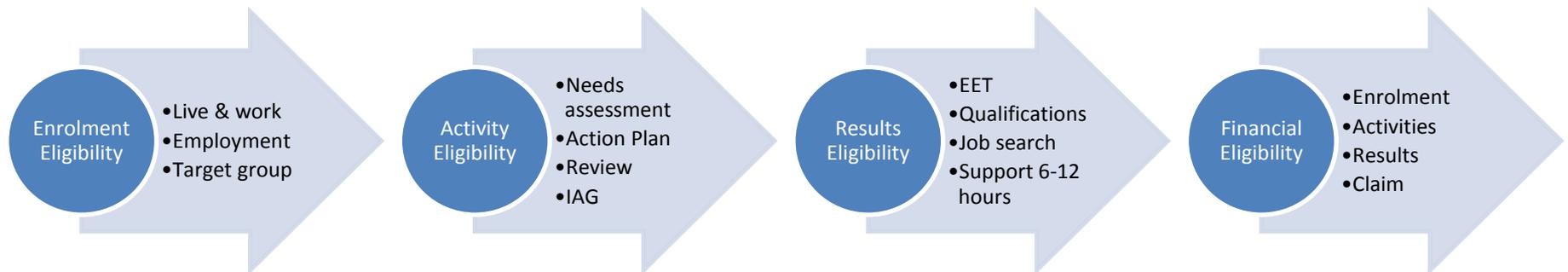
Self-declaration

- There is a strict requirement that **supporting evidence goes beyond a self-declaration by a participant**
- Payments are linked to a participant achieving targets as they are supported through the programme from enrolment which partners are paid, therefore financial eligibility is also required.
- Self-declaration as an **exclusive** source of data collection is acceptable **ONLY** in a case of data **NOT** related to financial eligibility [Ref: ESF Data Evidence Requirements-Eligibility and Results \(Page 5\)](#)



When Self-declaration Applies

- TO REPEAT: Self-declaration as an **exclusive** source of data collection is acceptable **ONLY** in a case of data **NOT** related to financial eligibility [Ref: ESF Data Evidence Requirements-Eligibility and Results \(Page 5\)](#)
- Self-declaration should not be solely used to evidence payments for the following financial eligibility:
 - Eligibility of enrolment
 - Eligibility of target criteria (employment status/target group criteria)
 - Payment for Activities
 - Payment for Results



03

Participant Eligibility

- Steps to verify eligibility
- Essential criteria
- Preferred evidence

Steps to verify eligibility

Four-step methodology to verifying eligibility

- Step 1: identify the eligibility criteria to be evidenced
- Step 2: obtain documents from the 'preferred list' of evidence
- Step 3: if no preferred evidence available, consider 'credible' alternative documents
- Step 4: if no 'credible' alternative documents, consider whether an exception to the evidence requirements can be justified (Audit) and is low risk

Essential Criteria - Enrolment

All participants must be:

- legally resident in the UK during the period of ESF support
- able to take paid employment in EU
- no upper age limit, but must contribute to the growth of the economy through employment
- Not under 25 (YEI provision is likely to be more appropriate)

Preferred evidence for assessing participants

Legal right to live in the UK and work in an EU member state

- Full passport (EU Member)
- Full passport (not EU Member State):
 - Passport either endorsed 'indefinite leave to remain – proceed (settled status) or includes work or residency permits or visa stamps (unexpired) and all related conditions met
 - Some non-EEA nationals have an Identity Card issued by the Home Office in place of a visa, confirming the individual's right to stay, work or study in the UK – these cards are acceptable
- National insurance number, either the plastic card or letter from HMRC (you must have the right to work or study in the UK to get a NINO)

Preferred evidence for assessing participants

Legal right to live and work in the UK (cont.)

- Letter from UK Immigration and Nationality Directorate granting indefinite leave to remain (settled status)
- Birth/adoption certificate (EU Member State) **London Councils requires additional evidence to a birth/adoption certificate as outlined on the enrolment form**
- Residency permits for foreign nationals (usually in a passport)
- Marriage/civil partnership certificate (if partner has legal right to live in the UK and this can be evidenced)

Essential Criteria – Employment Status

All participants must be:

- Long-term unemployed:
 - Unemployed: available for and actively seeking work
 - Long-term: a) under 25, unemployed continuously for 6+ months b) over 25, unemployed continuously for 12+ months
- Economically inactive:
 - not in employment, has not been seeking work within the last 4 weeks and/or unable to start work within the next 2 weeks

Essential Criteria – Employment Status

Economically inactive is not defined by the benefits a participant is claiming. A person may be economically inactive if they:

- Are not working and not available to start work immediately
- Are out of work, but are not available to start tomorrow should a job become available
- Have issues with finding work, preparing for work or holding down a job, for example:
 - Persons who have retired early
 - Those with particular caring responsibilities (children)
 - Discharging care responsibilities
 - Lone parents
 - Long term sick
 - Temporarily sick
 - Looking after the home
 - Looking after family

Key Note - Evidencing employment Status

- It is vital that employment status is clarified and correctly recorded from the point of enrolment.
- The managing agent for this programme is DWP. Where DWP identify potential conflicts through participant follow-up or audit (e.g. participants in receipt of Jobseekers Allowance recorded as economically inactive) a participant's benefits could be jeopardised and they may have to pay back any benefits they received during the period of support.
- Where a participant's employment status is long-term unemployed proof of both unemployment and the length of unemployment must be obtained.

Preferred evidence for assessing employment status

People not in work

Unemployed including long term unemployed and economically inactive

- DWP/Jobcentre Plus benefits decision notification letter - new claims award/decision or change of circumstances decision letter
- Referral/introduction letter from a 'Statutory' provider (DWP, Jobcentre Plus, National Careers Service or Local Authority) as outlined below:
 - Referrer must provide a written statement on headed paper
 - Written confirmation must be signed, dated and at least contain:
 - The name and address of the participant
 - Name of the ESF project
 - The eligibility criteria being confirmed

Preferred evidence for assessing employment status

People not in work (cont.)

Unemployed including long term unemployed and economically inactive

- Referral/introduction letters from the DWP, Jobcentre Plus, National Careers Service or Local Authority as statutory providers can be accepted in good faith, at face value in the absence of any information to the contrary
- Statutory referrals/introductions are **not** Participant 'Self-declarations'
- The participant/Partner does not need to obtain additional evidence on how that organisation was able to confirm the eligibility criteria.
- The onus on checking eligibility rests ultimately with the ESF Partner

Preferred evidence for assessing employment status

People not in work (cont.)

Unemployed including long term unemployed and economically inactive

- Where an individual is not engaged with DWP/Jobcentre Plus: written confirmation from a third party that has been **assisting** the individual and **has an understanding** of and can **verify their circumstances** (e.g. NGO, voluntary organisation, charity, third sector/not for profit organisation, social services or other professional providing support and guidance etc.)
- Third party verification must be independent of the ESF project management and delivery team

Preferred evidence for assessing employment status

People not in work (cont.)

Unemployed including long term unemployed and economically inactive

Third party verification must provide:

1. A written statement on headed paper
2. Addressed to the ESF Partner
3. Date, signature, position and contact details of the third party signatory
4. Written confirmation, must at least contain:
 - The name and address of the participant
 - The eligibility criteria being confirmed

Preferred evidence for assessing employment status

People not in work (cont.)

Unemployed including long term unemployed and economically inactive

- As an alternative to written confirmation, sight of original case notes and support records are acceptable.
- Photocopies must be suitably redacted to remove sensitive personal data or if inappropriate or not permitted, a written agreement that GLA/DWP and EC auditors can access original records on request

Preferred evidence for assessing employment status

Self-employed

- A submitted HMRC 'SA302' self assessment tax declaration, with acknowledgement of receipt (SA302s can be requested from HMRC)
- Where the first SA302 has not yet been submitted, other documentation to show that the trade/business activity is registered with HMRC for tax and national insurance purposes
- Records to show actual payment of Class 2 National Insurance Contributions
- Business records in the name of the business - evidence that a business has been established and is active/operating e.g. lease on premises; purchase/lease of equipment; publicity materials; business invoices; correspondence with Local Authority; legal correspondence.

Preferred evidence for assessing employment status

Self-employed (cont.)

- If registered as a limited company:
Companies House records / listed as
Company Director
- Confirmation letter from accountant
- VAT registration confirmation from HMRC
submitted HMRC `SA302' self assessment tax

Employed - Number of hours worked

**Applies to Skills
Escalator project
only**

- Latest payslip
- Employment contract
- Correspondence from employer
- If applicable, copy of redundancy
consultation or notice (general notice to
group of staff or individual notifications)

Preferred evidence for assessing borough eligibility

Address

- Letter/confirmation from home owner*
- Full driving licence (EU)
- Recent statement from bank/building society/credit card company/credit union*
- Evidence of registration on electoral roll**
- Benefits/State Pension notification letter*
- Recent utility bill* or council tax correspondence**
- Tenancy agreement/documents*
- Mortgage statement**
- HMRC correspondence*
- Rent card/statement*
- Solicitors correspondence*

* should be less than 3 months old

** should be less than 12 months old

Preferred evidence for assessing borough eligibility

Age

- Birth certificate
- Full driving licence
- Full passport
- National Identity Card (EU)
- Firearms certificate/Shotgun licence
- Northern Ireland voters card
- Employment contract/payslip
- Pension statement Evidence that in receipt of age-related state benefits
- Letter/confirmation from educational institution

04

Steps 3 and 4 to verify eligibility

- When no preferred evidence available
- When no credible alternative evidence is available
- Audit requirements – A reminder

Steps to verify eligibility

Four-step methodology to verifying eligibility

- Step 1: identify the eligibility criteria to be evidenced
- Step 2: obtain documents from the 'preferred list' of evidence
- Step 3: if no preferred evidence available, consider 'credible' alternative documents
- Step 4: if no 'credible' alternative documents, consider whether an exception to the evidence requirements can be justified (Audit) and is low risk

Step 3 - Verify eligibility

Step 3: if no preferred evidence is available, consider 'credible' alternative documents i.e.

- Documents from 'preferred evidence' list that have recently expired
- Documents with partial information e.g. Surname but no first name
- Combination of documents not listed as 'preferred' evidence e.g. TV licence correspondence; digital TV subscription letters
- **London Councils will not accept combined documents to evidence a participants eligibility to live in the UK and work in an EU member state, nor their employment status**
- Should this apply to a participant we would recommend Partners support participants to apply and gain the required preferred evidence and then enrol them

Step 3 - Verify eligibility

Step 3: Where satisfied with such alternative evidence, document the justification for proceeding, including:

- Reasons why the participant does not have any preferred evidence available and confirmation that credible and plausible reason has been provided and are accepted.
- Explain why the alternative items provide persuasive evidence that the participant meets the criteria

Step 4 - Verify eligibility

- **Step 4:** if no 'credible' alternative documents, consider whether an exception to the evidence requirements can be justified (Audit) and is low risk. Where satisfied that, despite the absence of any evidence, the participant qualifies for support, document the justification for proceeding, to include:
 - Reasons why participant does not have any preferred or alternative evidence available.
 - Document how the beneficiary/delivery partner has attempted to collect the required evidence
 - Explain how/why satisfied that the reasons provided by participant are credible/plausible
- If there is no case to justify an exception then the individual will not qualify for ESF support

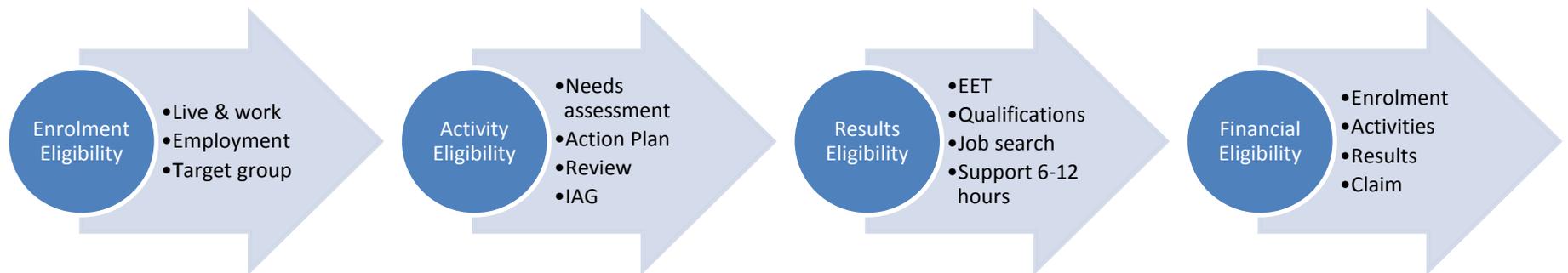
Audit requirements - a reminder

- Auditors (EU/DWP/GLA/London Councils) need to be able to verify how a partner:
 - satisfied themselves about a participants eligibility on enrolment
- **AND OR**
 - whether activities and or results eligibility were sufficiently evidenced to enable a payment to be made.
- Partners must be able to demonstrate that they have taken the appropriate steps and can evidence this.

05

Evidencing Activity Results

- Assessment, Planning, Implementation, Review



Activity evidence - assessment, planning, implementation, review

- Partners will have a wealth of forms and templates for use locally to record and document a participants journey and or support received whilst on the programme
- London Councils does require Partners to complete and evidence the following activities for each participant:
 - Needs Assessment
 - Action Plan
 - Action Plan Review
 - 1-2-1 support/IAG
 - Other activity as outlined in your grant agreement

Activity evidence - assessment, planning, implementation, review

Needs assessment

- A completed robust Partner needs assessment (i.e. family, health, education, employment, personal/social) to identify support needs, possible barriers, and personal development to improve a participants capacity to bring about change

Action plan

- A completed Partner action plan detailing the process to help participants focus on what they want to achieve and the steps to take to achieve particular goals they may have over a given period of time

Activity evidence - assessment, planning, implementation, review

Action plan review

- Partner template - Review of the participants action plan to recognise accomplishments, achievements, measure impact, evaluate progress and review plans

1-2-1 support/ IAG

- Evidence of 1-2-1 support/IAG sessions having taken place (Partner 1-2-1 session template/register)

Other

- Partners may be required to record locally other activities participants complete on the programme which are outlined in your contract specification/grant agreement

Activity evidence - assessment, planning, implementation, review

Group sessions

- Partner register detailing the session activity, type, description, date, length, delivered by, whether accredited, signed by both the participant and tutor

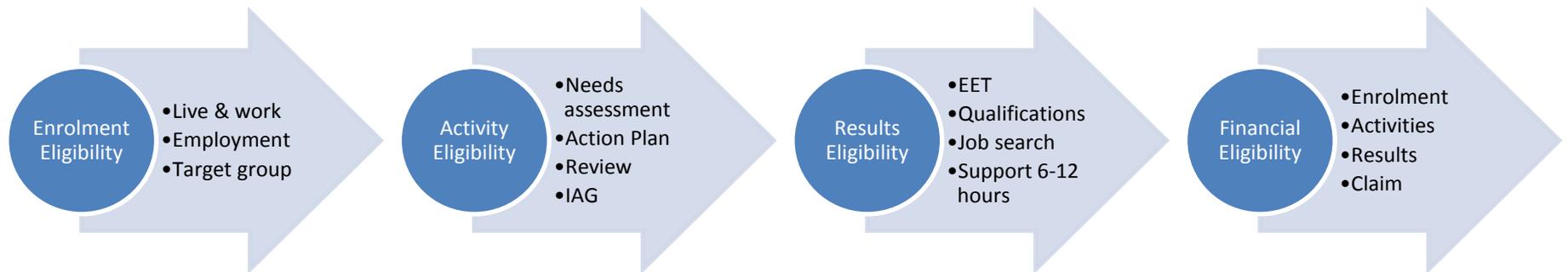
Volunteering and work experience

- Partner template detailing:
 - Provider, employer and participant details
 - Aims and objectives of the placement
 - Agreed tasks and duties
 - Support and training received
 - Review of placement (achievement, challenges, lessons learnt)

06

Evidencing Results

- One step methodology to verify results
- Preferred Result Evidence



Verifying eligibility of results

ONE-STEP methodology to verifying eligibility of results

- Step 1: ESF partner obtains documentary evidence from the 'preferred list' of evidence

If no suitable evidence can be found, no payment should be made or counted

[Ref: ESF Data Evidence Requirements-Eligibility and Results \(Page 19\)](#)

Preferred results evidence - employment

Into employment

- Confirmation of employment from employer (London Councils template)
- Wage slip
- Contract of employment

Into self-employment

- Confirmation of Self-employment – London Councils template **AND**
 - HMRC letter evidencing registration
 - Bank statement for business account
 - Registration with Companies House

Preferred results evidence - job search

Into job search

- Award letter/notification/detailing Jobseeker's Allowance
- Copy of individual's bank statement showing benefit payments
- Signed referral from DWP
- ES40 (Jobseekers card) or My Work Plan demonstrating current status
- Signed referral from a recognised agency/service who can reasonably be considered to have an accurate knowledge of the participants circumstances. (e.g. local authority, public body, or organisation receiving public funding)

Preferred results evidence - education or training

Into education or training

- Evidence of enrolment/registration at school, college, university or learning provider (letter or email verification)
- Verification from educational/training institution (London Councils template)
- Signed referral from a recognised agency/service who can reasonably be considered to have an acute knowledge of the participants circumstances (e.g. local authority)

Preferred results evidence - gaining a qualification

Gaining a qualification

- Qualification certificate issued to individual. Partners should keep a copy of the certificate in the participants record and certify it as a true copy of the original
- Letter/award letter/confirmation from awarding body
- Partner or participant to request confirmation of the qualifications in writing from the academic institution/qualifying body

Audit requirements – a reminder

- Auditors (EU/DWP/GLA/London Councils) need to be able to verify how a partner:
 - satisfied themselves about a participants eligibility on **enrolment**
- AND OR**
- whether **activities and or results** eligibility were sufficiently evidenced to enable a payment to be made.
- Partners must be able to demonstrate that they have taken the appropriate steps and can evidence this