



Llywodraeth Cymru
Welsh Government

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Welsh European Funding Office

European Social Fund 2014-2020: Guidance on assessing participant eligibility

Version 2

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Introduction

This document provides guidance on how to assess and evidence an individual participant's eligibility to be supported by the European Social Fund (ESF) in Wales.

The purpose is to provide further details on how the basic rules on participant eligibility set out in the 'WEFO eligibility rules and conditions for support from the European Structural Funds 2014-2020' (Welsh eligibility rules) are to be implemented in practice. However, this guidance does not apply to the European Regional Development Fund (except in circumstances where cross fund flexibility applies).

All references to 'written' and 'document' in this guidance mean **either** a hard-copy document ('wet' signature where needed) **or** an equivalent electronic record if this meets the requirements set out in Section 5.1.4.2 of Welsh eligibility rules.

Where this guidance uses the term 'project' rather than 'operation' this is to be consistent with other published WEFO guidance. Please note an 'operation' always comprises at least one 'project'.

The following are not part of the participant eligibility assessment and are therefore outside the scope of this guidance document.

- Indicator definitions and evidence of project outputs and results.
- Evidencing the reality of project activity (things produced and services delivered by the project).
- Participant data/ ESF micro-data.

Please see the monitoring and evaluation guidance on the WEFO website. Link provided below.

<http://gov.wales/funding/eu-funds/2014-2020/wefo-guidance/monitoring/esf-indicators/?lang=en>

PART 1 – ASSESSING ELIGIBILITY AND SUITABILITY FOR SUPPORT

WHY does ESF participant eligibility need to be assessed and evidenced?

1. WEFO expects sufficient evidence to be available to demonstrate that the participant fulfils the eligibility criteria established for the **programme, priority and project** that is providing them with the ESF support.
2. This evidence should **normally** be from an **independent** source - rather than a self-declaration from the participant themselves - and clearly documented in the participant records so that WEFO and EC/ national auditors can verify how a beneficiary or delivery partner satisfied themselves of the participant's eligibility at the enrolment stage.
3. It is essential to also carry out a suitability assessment in order to assess the personal circumstances of the participant and identify how the ESF funded activity will be suitable and effective in addressing their individual needs. An inadequate suitability assessment can result in poor value-for-money decisions, resulting in project costs that may be ineligible for ESF support.

WHAT needs to be assessed and evidenced?

4. There are a number of questions about suitability and eligibility which need to be answered at the outset. These must be documented as a core part of the participant records and form part of the project audit trail:

First - is the participant eligible for support under the **programme**; i.e. does the participant have the **legal right to live, work or study** in the programme area providing support.

Second - is the participant eligible for support under the specific objectives for the **priority**; i.e. is the individual part of the participant target group for this specific objective.

Third – is the participant eligible for support under the aims and objectives of the individual ESF **project**. This can go in parallel to the suitability assessment to establish and address the particular barriers or challenges for the individual participant.

WHO should undertake the assessment and obtain the evidence?

5. The beneficiary or, where applicable, the provider or delivery partner carrying out the participant enrolment procedures for the beneficiary. The **beneficiary decides** who carries out the assessments.

WHEN/ WHERE is the assessment undertaken and evidence obtained?

6. Eligibility evidence **should** be provided and certified copies retained either at the point of enrolment or on the first day of the ESF funded activity. In any event, participants should not be included in a claim until their eligibility has been confirmed.

7. The beneficiary decides the best approach for their project, whether delivered by themselves or a delivery partner, but should consider the associated risks. For example, if participants are enrolled on the condition that they must provide suitable evidence at a later point, then:

- Procedures and controls must be put in place to prevent participants being declared to WEFO/ Intermediate Body **until** suitable evidence is provided by the participant.
- If the participant is subsequently unable to provide suitable evidence or a reason to apply an exception then any ESF associated participant indicators claimed must be reduced accordingly.

PART 2: METHODOLOGY FOR OBTAINING EVIDENCE OF ESF ELIGIBILITY

8. This section provides guidance on **how** WEFO requires participant eligibility to be checked. Before obtaining the evidence, beneficiaries will need to establish what the eligibility criteria are for the participant at Programme, Priority and Project level. Once this is established, they would then follow the process set out on page 7 in order to obtain the relevant evidence.

9. The project will be compliant with WEFO eligibility rules if the methodology in this guidance is adopted. WEFO and auditors will check whether the beneficiary or delivery partner has followed the methodology correctly. **Intentional non-compliance** with the required approach – such as using the ‘exception/ no evidence’ option (Step 4 – see below) **before making reasonable attempts** to obtain stronger evidence from the participant – can lead to a reduction in ESF eligible participant numbers.

IDENTIFY THE ESSENTIAL ELIGIBILITY CRITERIA

Programme Level

10. Proof must be obtained to evidence that the individual is **legally able to reside in the UK** and, if relevant to the project, **work or study in the UK** during the period of ESF support. (See also Section 28 of the Welsh eligibility rules for further information on this). This applies to all potential participants.

Geographic eligibility of ESF participants

11. Individuals must live, work or study in the ESF programme region that is providing funding for the project, regardless of where the ESF activity takes place. The individuals full address together, where applicable, with their usual workplace address or study location must be documented in the participant’s records along with all other evidence to support their eligibility.

12. As a general rule there is no need to obtain independent corroborative proof that the individual lives, works or studies in the Wales programme regions, although there may be certain circumstance where this may be required, and these instances should be agreed with your project development officer.

13. Where individuals are potentially eligible for support from both East Wales and West Wales & the Valleys Programmes the eligibility rules set out at section 25.1 of the Welsh eligibility rules must be followed in order to establish that the participant qualifies for support from the correct region. An order of precedence is set out in the table at section 25.1 of the Welsh eligibility rules to help establish which programme region applies. Your assessment of the order of precedence and which eligibility

criteria applies (and needs to be evidenced) must be documented in the participant record.

14. In the case of homeless participants, the advice provided under Section 25.1 of the Welsh eligibility rules will apply.

Priority Level

15. Evidence that the individual is **part of the target participant group** determined by the specific objectives of the relevant Priority, and if required agreed between the beneficiary and WEFO (e.g. specified by employment status, educational attainment, age group etc.).

Project Level

16. Certain criteria will be established by the beneficiary in agreement with WEFO as the project qualifying criteria for whether the participant is able to receive support from the specific project. If a beneficiary's business plan is approved on the basis of targeting a group of individuals, then demonstration of the appropriate characteristics of that group becomes a project entry condition that must be evidenced before support is provided.

17. However, there is no requirement to obtain evidence for the following participant criteria **even if** they are project qualifying criteria.

- Disabilities, medical records/ opinions, work-limiting health conditions, substance misuse.
- Gender/ gender identity
- Sexual orientation
- Ethnicity
- Religion or beliefs
- Identifies as part of a minority group or marginalised community
- Participant is an ex-offender
- Homelessness (other than limited inquiries necessary to establish which of the two Welsh EU programme regions can provide support).
- Records relating to other people, for example: children, dependents, caring responsibilities

18. Where the above factors are part of the qualifying criteria/ target participant group, the following principles must be followed:

- The participant must confirm that they meet the required criteria. This confirmation should be **specific, signed and dated** - electronically or paper documents - and retained with the participant records. 'Specific' means that the relevant eligibility criteria must be stated; a generic statement such as 'I meet all

applicable criteria” is not acceptable. The confirmation can be part of other participant forms and declarations.

- The **‘suitability assessment’** is particularly important and must address the participant’s needs in relation to the intervention being proposed. It is important that the assessment makes clear the link between the needs/ barriers of the participant and the positive outcome sought through the ESF assistance.

19. Beneficiaries or delivery partners should of course remain alert to the possibility that false information is being provided in order to gain access to ESF support. Suspected fraud must be properly investigated and beneficiaries must not enrol participants unless satisfied, to the best of their knowledge, that they meet the criteria.

FOLLOW THE 4 STEPS FOR OBTAINING THE EVIDENCE

20. There are four Steps in evidencing eligibility which are set out below and must be considered in the order described below and also set out in the flow chart on page 12.

21. Beneficiaries must always request ‘preferred evidence’ i.e. Step 1 below in the first instance. If evidence for Step 1 is not available the beneficiary can accept evidence under the other Steps (in the below order) but must document what attempts have been made to obtain evidence under Step 1 and why it is not available. Similarly, when moving down the Steps the attempts to obtain evidence and reasons for non availability of the evidence under each Step should be documented.

22. The beneficiary will also need to document why it feels the evidence it has accepted (if not from the ‘preferred evidence’ list) is in their view sufficient to demonstrate eligibility for support. Whether this justification passes the test of reasonableness will be considered at the verifications/ audit stage.

23. Alternative evidence i.e. Step 3 or risk based exceptions i.e. Step 4 must not be used ahead of ‘preferred evidence’ for reasons of convenience or simplicity, and WEFO will not accept risk based exceptions as the predominant way of assessing eligibility.

24. Auditors may review the methods used by beneficiaries to highlight potential misuse of the rules and/ or unusual trends against comparable projects and so beneficiaries must apply the methodology in the way intended.

25. In summary, adopting the approach below means that ESF support should only be refused when the beneficiary or delivery partner is not convinced that the individual meets the entry conditions, based on the information and documents they have presented, the suitability assessment or where appropriate and by exception

the reasons given by the participant for not having any 'preferred evidence' under Step 4.

STEP 1: REQUEST ITEMS FROM THE 'PREFERRED' LIST OF EVIDENCE

26. See PART 4 of this guidance for the list of 'preferred' evidence.

Please note:

- Only **one item** from each bulleted list is required.
- The intention is to obtain **documents that are readily available** to the participant. The approach is not to ask the participant to spend additional time, effort or costs trying to obtain something that they don't currently have.
- Where the participant does have the preferred evidence but has not brought the item along when requested, they should be asked to return with the evidence at a convenient time, preferably before the point of enrolment or the first day of the ESF funded activity. See also section entitled 'When/ Where is the evidence obtained' in this guidance note and Section 28 of the Welsh eligibility rules.
- If possible, try to obtain an item of evidence that will verify more than one eligibility condition, e.g. a recent payslip may be taken to confirm (a) participant is in work and (b) is likely to contain the participant's National Insurance number, evidencing a legal right to do so.

STEP 2: IF NO PREFERRED EVIDENCE AVAILABLE CONSIDER REFERRALS/ INTRODUCTIONS FROM AN INDEPENDENT THIRD PARTIES

27. Where utilising referrals/ introductions from an independent third party (either an individual or an organisation) that the individual is already engaged with, and who is therefore familiar with their personal circumstances, employment experience and/or level of educational attainment, the following will need to be provided:

- The name of the potential participant
- Title of the ESF operation/ WEFO Case ID if available
- The specific eligibility criteria being confirmed e.g.
 - Educational attainment
 - Managerial or employment experience
 - Employment status
- The relationship between the potential participant and the third party
- The relationship between the third party and the operation (confirming independence/ no conflict of interest)

28. The written confirmation containing this information must be signed and dated by the third party. The third party may be for example a government department, HMRC, social services, schools or third parties such as a charity, NGO, voluntary organisation, not for profit organisation, or other professional providing support and guidance to the participant. Personal contacts/ character references are not acceptable.

29. In all cases, the third party referring the participant must be independent of the direct management and delivery of the ESF project, with no conflicts of interest (financial or other interests).

30. However, there may be certain circumstances where a referral from a participant's employer would be acceptable. Where this may be relevant to your operation please discuss/ agree with you project development officer.

31. There may be specific situations where there is no independent third party that can provide a referral/ introduction and where moving straight to Step 3 would be a more logical progression in determining eligibility. Agreement for this must be obtained in advance from your PDO and, where feasible, can be agreed at the level of the operation. A record of this agreement must be kept for audit purposes.

STEP 3: IF NO PREFERRED EVIDENCE OR INDEPENDENT THIRD PARTY REFERRAL/ INTRODCUTION IS AVAILABLE, CONSIDER CREDIBLE ALTERNATIVE DOCUMENTS

32. Examples of 'alternative' evidence include:

- Documents from the 'preferred' evidence list that are too old to be classed as 'preferred' evidence or have expired.
- Documents with partial information e.g. surname but no forename.
- A combination of documents not listed as 'preferred evidence' that the beneficiary considers suitable for evidencing eligibility.

33. Where a beneficiary is satisfied with such alternative evidence, the justification for proceeding based on this evidence **must** be documented as part of the participant records. Justification will need to include:

- What attempt the beneficiary has made to obtain 'preferred' evidence and why the participant does not have any 'preferred' evidence available,
- An explanation as to why the alternative items provide persuasive evidence that the participant meets the criteria

34. Again, the intention is to obtain documents that are readily available to the participant. The participant should not be asked spend additional time, effort or costs trying to obtain something that they don't currently have.

STEP 4: IF NO PREFERRED EVIDENCE, INDEPENDENT THIRD PARTY REFERRAL OR ALTERNATIVE EVIDENCE IS AVAILABLE, CONSIDER WHETHER AN EXCEPTION TO THE EVIDENCE REQUIREMENTS CAN BE JUSTIFIED.

35. Where the beneficiary is satisfied that the participant still qualifies for support, then any justification for proceeding must be documented as part of the participant records.

Justification must include:

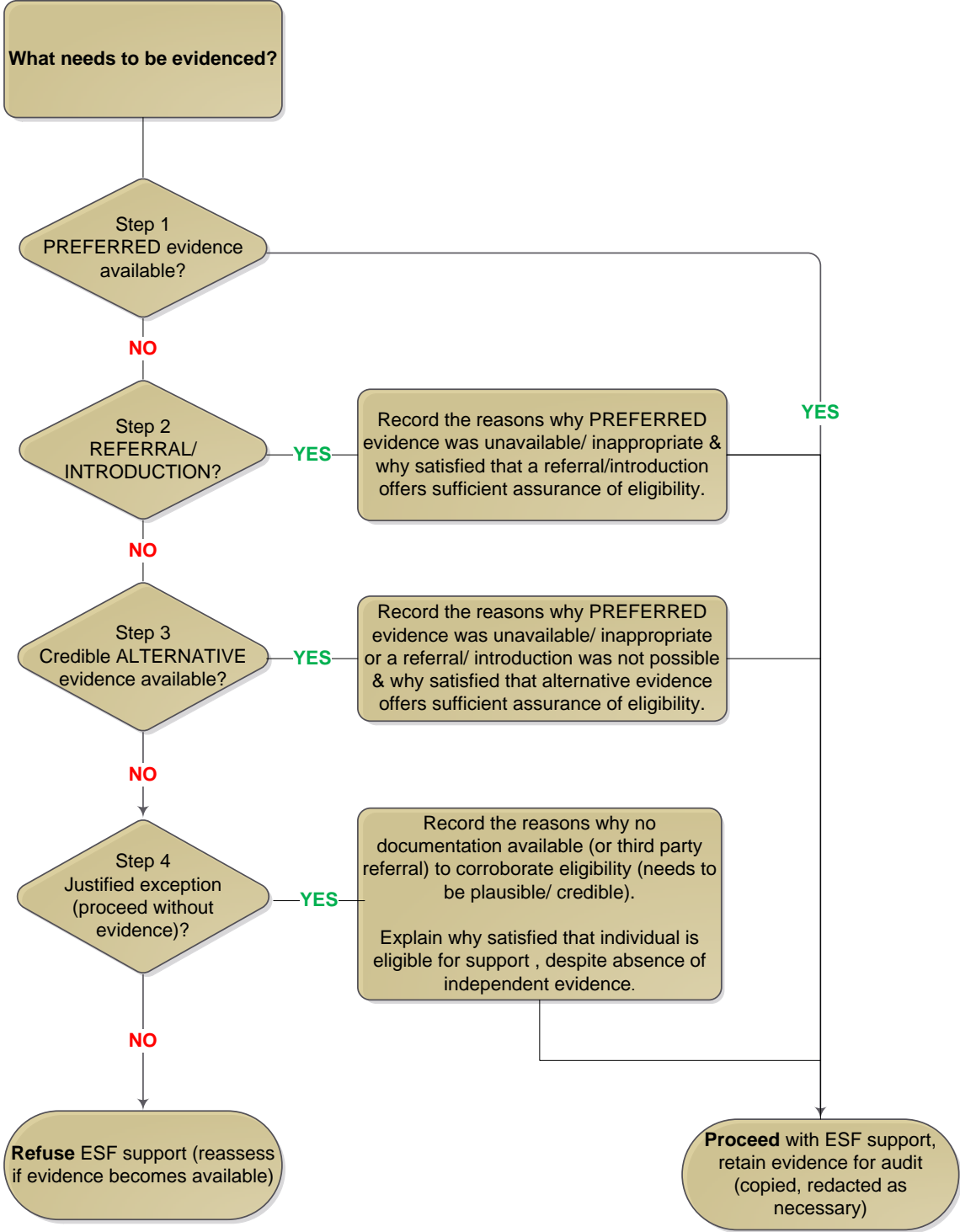
- Confirmation that the beneficiary has attempted to collect the required evidence by following each of the previous 3 steps, and how this was undertaken.
- Reasons why the participant does not have any 'preferred' or alternative evidence available
- A rationale for continuing to support the individual.

36. WEFO will not accept risk-based exceptions as the predominant way of assessing eligibility and this should be seen as a last resort in determining eligibility.

WHERE THERE IS NO CASE TO JUSTIFY AN EXCEPTION

37. The individual will not qualify for ESF support unless evidence becomes available. The participant may choose to request duplicate documents where feasible (benefits, tax credits, National Insurance number correspondence etc.) but this must be the participants own choice – not a WEFO requirement. Of course, a beneficiary or delivery partner may still choose to support the individual with other sources of funding (outside of the ESF funded project).

Assessing ESF Participant Eligibility



PART 3 – Frequently Asked Questions

Q1): If a participant's eligibility is confirmed by a referral, or similar correspondence from DWP/ Jobcentre Plus or Gyrfa Cymru Careers Wales, does the beneficiary or delivery partner need to substantiate how that organisation was able to provide such confirmation?

A1): No, the referral document can be accepted in good faith at face value in the absence of any information to the contrary; such referrals are not considered to be participant 'self declarations'.

Q2): In cases where an individual has been transferred from Employment Support Allowance (ESA) to new style Job Seekers Allowance (JSA) or Universal Credit (UC) prior to enrolment on an ESF intervention, this effectively means they have been transferred from being economically inactive to unemployed. As a result their new employment status will mean they will be classed as short term unemployed. Will they be eligible for support from projects that target long term unemployed participants which was their employment status prior to the transfer?

A2): WEFO will expect to see evidence of a participant's employment status (employed/ unemployed/ self employed) where a project specific eligibility criteria for support requires this. However, there is no requirement to obtain independent evidence of the length of time a participant has been unemployed, even if it is a project qualifying criteria or an operational/ strategic objective specific requirement. The participant can self declare the length of time they have been unemployed.

Where these factors (i.e. long term unemployed) are part of the qualifying criteria/ target group, the principles set out on Page 7 must be followed.

Q3): Under the 2007-13 programmes there was no requirement to evidence educational attainment. This is a requirement under the 2014-20 programmes, particularly in relation to the Skills for Growth Priorities in the ESF programmes. What are the evidence requirements for a participant whose ESF intervention crosses the 2007-13 and 2014-20 programme periods?

A3): There is no requirement to seek evidence of educational attainment where the participant was in receipt of ESF support before 1 January 2015. WEFO issued new guidance applicable to the 2007-13 Programme in November 2014. Verification of evidence would commence from 1 January 2015 onwards with no retrospective application. If the participant joined their ESF intervention prior to 1 January 2015 they can continue until the end of their intervention without the need for evidence. If

the participant entered support from 1 January 2015 onwards, the new rules will apply.

Q4): What if the project-specific criteria is a negative ‘absence of’ condition e.g. eligible if the individual does not have certain further/ higher education or vocational qualifications or the level/ number of qualifications?

A4): It is clearly not possible to ‘prove a negative’ such as the lack of higher level qualifications so the participant can self-declare their eligibility in these circumstances.

Q5): How can I confirm whether a participant is ACCA/ FCCS qualified?

A5): The Association of Chartered Certified Accountants (ACCA) website holds a directory of ACCA/ FCCS members, which allows you to search by full name of the individual concerned and/ or their certificate number.

Q6): What evidence would be acceptable in the case of proving a child’s legal right to live in the UK where the child is within the care of the local authority and they do not have access to the birth/ adoption certificate?

A6): In such cases written confirmation from the local authority social services department caring for the child can be considered as suitable evidence of the right of the child’s legal right to live in the UK. Where the same local authority is the beneficiary in an operation the social services department must be independent of the department/ beneficiary directly managing and delivering the operation, with a clear separation of duties. Alternatively, written confirmation from a relevant independent third party that has been caring for the child within the local authority area e.g. local authority procured caring/ foster organisation will be considered suitable evidence of the right of the child to live in the UK.

Q7): Where a permit/ visa records a status of ‘no recourse to public funds’ will the individual be eligible for ESF support?

A7): Yes the individual will still be eligible for ESF support, providing all other eligibility conditions are met e.g. legal right to live, work or study in the UK. The classification ‘public funds’ in this context is determined via UK Immigration Policy and does **not** include European Structural Funds.

A link to UK government guidance is below and Section 28 of the Welsh national eligibility rules also refers.

<https://www.gov.uk/government/publications/public-funds--2/public-funds>

Q8): When is eligibility evidence too old / out-of-date?

A8): Some documents are never out-of-date (e.g. qualification certificates) but information related to a participant's current circumstances needs to be supported to recent evidence. The following guidelines apply:

- Recent payslip = issued in last 3 months.
- Documents produced annually (tax related, tax credits) = latest issued (should therefore be no longer than 12 months old).
- Award letters (Grants, Benefits, Student Loans) - original letter acceptable unless recurring award letters are issued (e.g. annual tax credits notification).
- Other correspondence (non-recurring in nature) = no longer than 12 months old.
- Introductions/ referrals from relevant third party = within last 3 months.

Q9): Are there any exceptions? The participant is unable to provide any of the documents in Part 4 of this guidance – do we refuse to provide them with ESF support?

A9): There will inevitably be some **very limited** cases where, for good reasons, a participant is unable to provide any of the documents listed in Part 4 of this guidance. The 4 steps outlined in this guidance detail how such individuals may still be accepted as eligible for support.

Remember that the 'preferred' evidence list is a non exhaustive list of documents that the majority of participants should be able to provide. The list is provided as an aid to beneficiaries and providers as it gives them comfort that the documents will be readily accepted by verifications and audit staff.

<p>The core requirement is that the project's audit trail must include suitable justification of an assessment of participant's fulfilment of the entry conditions for receipt of ESF grant.</p>
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PART 4 – PREFERRED EVIDENCE TO CONFIRM PARTICIPANT IS ELIGIBLE TO RECEIVE ESF SUPPORT

Please Note:

a) WEFO’s objective is to achieve a **reasonable degree of assurance – to the extent possible** – that the participant qualifies for support, without imposing a significant burden on the participant or refusing support to those most in need.

b) The items in the list are acceptable in terms of **satisfying eligibility for the European Social Fund** but cannot be relied upon to satisfy requirements for other Government Departments/ Agencies.

Eligibility category	Details/ examples	PREFERRED evidence
<p>Basic rule to participate in the Wales ESF programmes</p> <p>[applies to all participants]</p>	<p>Legal right to live in the UK during the period of the ESF support.</p> <p>For operations helping participants to gain work or other work-related outcomes: the legal right to work in an EU member state</p>	<p>ONE of the following items:</p> <ul style="list-style-type: none"> • <u>Passport</u> - valid, unexpired (from UK or another EU Member State) • <u>Passport</u> – valid, unexpired (outside of EU) • <u>Passport</u> either endorsed ‘indefinite leave to remain – proceed’ (settled status) or includes work or residency permits or visa stamps (unexpired or not due to expire during the expected period of ESF support) and all related conditions are met. • <u>Evidence that participant is in receipt of State benefits/ pension:</u> DWP/ Universal Credit/ Jobcentre Plus/ the Pension Service correspondence e.g. new claim award/ decision, change of circumstances decision letter, statements etc. • <u>Birth/ adoption certificate</u> (EU Member State) • <u>Marriage/ civil partnership certificate</u> (if partner has legal right to live in the UK and this can be evidenced). • <u>Evidence that participant is employed in the UK</u> (e.g. recent payslip; contract of employment; or HMRC correspondence that includes employers name). • <u>National Insurance number:</u> where confirmed to sight of plastic card/ where plastic card has been superseded the official document received to confirm the NI number; Correspondence from HMRC; Correspondence from DWP/ Jobcentre Plus/ Universal Credit/ Pension Service; or Letter/

		<p>contract/ payslip from employer. Note: where participant has lost their NI number HMRC has an NI helpline to assist in providing confirmation/ reminder of the number.</p> <ul style="list-style-type: none"> • <u>Documents containing an individual's 'Unique Learner Number' (ULN)</u> – where the document also clearly shows the participants full name, full address, and NI Number. • <u>Correspondence confirming receipt or award</u> of Welsh Government Learning Grant FE; Educational Maintenance Allowance; or other loans/ grants provided via Student Finance Wales/ Student Loans Company. • <u>UK Citizens Card</u> - in order for someone to obtain a citizen card they have to be a resident in the UK and provide ID such as a birth certificate, passport, photo driving licence etc. which is countersigned by a permitted referee, or if ID is not available the application has to be verified by a referee from official records such as a GP, school or place of employment. • <u>National identity card</u> issued by an EEA member state or Switzerland which describes the holder as a national or citizen of the relevant EEA country or Switzerland. Note where the holder is described as a resident this would not be sufficient to demonstrate a right to work in the UK. • <u>Evidence of enrolment/ registration at school or college</u> (documentation or a referral/ introduction from the school or college) for school pupils & sixth-form/ FE college students where NI numbers have not yet been issued. • <u>Biometric Residence Permit (BRP) Non expired</u> Biometric Residence Permits – issued to migrants granting them permission to remain in the UK for more than 6 months (replacing UK visa). Only valid in terms of the individual holder's immigration status in the UK e.g. permanent or limited permission. This can be used to prove both the individual's right to live and work in the UK. Note: BRPs contain the holder's Date of Birth and some BRPs also contain details of the individual's NI Number. • <u>Residence Cards</u> – (similar to BRPs) Some non-EEA nationals may have a Residence 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.
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		<ul style="list-style-type: none"> • <u>Letter from the UK Immigration and Nationality Directorate</u> granting ‘indefinite leave to remain’ (settled status). • <u>Application Registration Card (ARC)</u> acknowledging an application for asylum to the UK prior to asylum being granted (right to be in UK whilst application being considered only). Some ARCs allow asylum seekers to work in UK. • <u>Standard Acknowledgement Letter (SAL) (unexpired)</u> acknowledging an application for asylum to the UK where not possible to issue ARC within 3 days (right to be in UK whilst application being considered only) • <u>ASL4264 Letter</u> (evidence that an asylum seeker has been granted permission to work in UK) (right to be in and work in UK) • <u>Immigration status document (ISD)</u> is issued to non EEA migrants granted permission to remain in UK where the individual does not possess their national passport. This will evidence that the holder has been granted discretionary leave, humanitarian protection or refugee status. Note: Biometric Residence Permits have replaced ISDs but if ISD is still current it can be used to demonstrate a right to work in UK where presented with an official document either issued by a UK Government agency or individual’s previous employer where document provides the individual’s name and NI number. • <u>NASS35 form</u> - a document which states that the holder is no longer entitled to asylum support as they have received a positive decision on their asylum application. It is used to demonstrate that they are eligible for welfare benefits and have the right to work.
Educational attainment	ESF support for individuals who have <i>attained a specific qualification(s)</i> or certain level of education (and/ or specified subject)	ONE of the following items: <ul style="list-style-type: none"> • <u>Qualification certificate</u> issued to individual. • <u>Records of the academic institution/ qualification body/ or the Learning Records Service (part of the Skills Funding Agency)</u>. If such direct access would not be available to auditors/ WEFO staff in the future, then the project must retain copies of the records inspected. • Project, or the participant, to request <u>confirmation of qualifications in writing</u> from the academic institution/ qualification body.

		<ul style="list-style-type: none"> • <u>Wales Essential Skills Toolkit (WEST)</u> – Can be used where the beneficiary/ delivery provider is satisfied that the participant meets the project eligibility criteria but where the participants certificate is not available to evidence the required level of attainment.
	ESF support for those individuals studying full-time	<p>ONE of the following items:</p> <ul style="list-style-type: none"> • <u>Evidence of enrolment/ registration at school, college, university or learning provider</u> (documentation or a referral/ introduction from the institution/ provider). • <u>FE/ HE - Correspondence to confirm receipt of grants/ financial support</u> e.g. Student Finance Wales; receipt of Educational Maintenance Allowance (EMA); EMA award decision; Welsh Government Learning Grant FE
	ESF support only for individuals <u>without</u> any qualifications (or support only for individuals with qualifications <u>no higher than</u> a specified level).	No independent evidence required – <u>written declaration from participant</u> is acceptable (see Part 3, FAQ 4).
Employment status	<p>ESF support for people in work (employed or self-employed or 'under employed' as determined by Universal Credit</p> <p>and/ or</p> <p>Must be working more than /less than a certain number of hours each week.</p> <p>and/ or</p> <p>Must have a certain type of employment contract</p>	<p><u>Employed and/ or number of hours worked</u></p> <p>ONE of the following items:</p> <ul style="list-style-type: none"> • Recent payslip. • Employment contract. • Correspondence/ confirmation from employer. • If applicable, copy of redundancy consultation or notice (general notice to group of staff or individual notifications). • HMRC correspondence, including Tax Credits that confirms employer, earnings and, if needed, number of contracted hours worked. • DWP/ Universal Credit/ Jobcentre plus correspondence that confirms employer, earnings and, if needed, number of contracted hours worked. • Where participants are in receipt of Universal Credit a copy of the 'My Work Plan' or other correspondence detailing appropriate eligibility evidence/ current status.

	(permanent, fixed term, zero hours, temporary etc.).	<p><u>Self-employment</u></p> <p>ONE of the following items:</p> <ul style="list-style-type: none"> • A submitted HMRC 'SA302' self assessment tax declaration, with acknowledgement of receipt. SA302s can be requested from HMRC. • Where first SA302 not yet 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 that evidence that a business has been established and is active/ operating – lease on premises; purchase/ lease of equipment; publicity materials; business invoices; correspondence with Local Authority; legal correspondence, business bank account in the name of the business used for ESF support. • If registered as a limited company: Companies House records/ listed as Company Director. • Confirmation letter from accountant. • VAT registration confirmation from HMRC. • Operational website in the name of the business used for ESF support.
	Support for people who do not work/ persons with disabilities/ economically inactive/ 'NEET'.	<p>ONE of the following items:</p> <ul style="list-style-type: none"> • DWP/ Universal Credit/ Jobcentre Plus benefits decision notification letter - new claim award/ decision or change of circumstances decision letter. Other correspondence that indicates that DWP/ JCP consider the participant to be unemployed. <p><u>Note:</u> WEFO does not expect participants to provide evidence to demonstrate that they are specifically long term unemployed or unemployed for an extended period of time. The only proof of eligibility required would be regarding the participant's general employment status. Participant can self declare their period of unemployment via a specific, written, signed and dated confirmation that they meet the criteria.</p> <ul style="list-style-type: none"> • Where participants are in receipt of Universal Credit a copy of the 'My Work Plan' detailing appropriate eligibility evidence/ current employment status • Signed referral from DWP/ Jobcentre Plus or Gyrfa Cymru Careers Wales.
	Support for individuals under consultation or	<p>ONE of the following items:</p> <ul style="list-style-type: none"> • Redundancy notice from employer • Employer consultation: documentation from

	notice of redundancy.	employer or representative (trade union or other employee representative)
Employer/ employment sector	Support only for those employed by certain employers (location, business-type) or sector (public sector; Welsh public services; private sector; third sector etc.).	<p>ONE of the following items:</p> <ul style="list-style-type: none"> • Latest payslip. • Latest annual P60. • Latest benefits-in-kind statement. • Employment contract. • Correspondence from employer to employee.
Age	Minimum age; maximum age; age ranges.	<p>ONE of the following items:</p> <ul style="list-style-type: none"> • Birth certificate • Driving licence, full or provisional (EU) • Passport - expired or unexpired. • National Identity Card (EU) • UK Citizen's Card • European Health Insurance Card • Application Registration Card (ARC)/ Standard Acknowledgment Letter (SAL) (Asylum seekers – see basic rule above) • Biometric Residence Permit • Firearms certificate/ Shotgun licence • Military Service ID card (National/ Government issued) • Northern Ireland Voters Card. • Employment contract/ payslip (if date of birth quoted). • Pension statement (if date of birth quoted). • Evidence that in receipt of age-related state benefits or government grants/ loans. • NHS correspondence where this contains the individuals 'Date of Birth' and only if the individual is content to share this correspondence Letter/ confirmation from educational institution (if applicable). • Correspondence confirming receipt or award of Welsh Government Learning Grant FE (minimum age 19 at 1 September in the academic year). • Correspondence confirming receipt or award of Educational Maintenance Allowance (EMA is for 16 to 18 year olds at 31 August in the academic year).

Please note: WEFO welcomes suggestions for including **common/ generic** 'alternative evidence' for satisfying eligibility criteria particularly where difficulty is being experienced by a number of participants/ operations/ projects. WEFO will give due consideration as to whether these can be added to the preferred evidence list.

Annex A

Universal Credit

This Annex describes how Universal Credit correspondence can be used to evidence eligibility. The annex does not cover every eventuality and if you need any further help with this please contact your project development officer with any questions.

General Notes

- Where an individual is in receipt of Universal Credit (UC) and this is set out in the award notification (paper or electronic) this can be used to evidence the basic rule to participate in the Wales ESF programmes.
- Where 'take home pay' for the period shows zero this can be used to evidence the participant is not working.
- For those **individuals** who have undergone a 'Carers test' or 'Work Capability Assessment' as part of their UC award this can be used to determine eligibility for ESF support involving barriers to work or economically inactive criteria respectively. [The award notification itself may not be sufficient without further supplementary questions in the case of proving an individual is the primary carer where the award notification relates to a couple or household benefit unit].
- Although awards under some specific headings of the award notification do not directly link to proving eligibility for ESF support they may be used as 'alternative' evidence (Step 3 of this guidance) where appropriate and where there is no 'preferred' evidence available. For example awards paid in respect of children may be used to confirm barriers to employment [if there is also evidence to confirm that **the award is made to the individual** within a household/ benefit unit who is applying for ESF support i.e. they are the primary carer].
- Housing allowance is not relevant to determine eligibility other than the basic rule to participate in Wales ESF programmes – i.e. in receipt of State benefits.

Labour Market Regimes (LMR)

The following provides guidance on how the various LMR stages can/ cannot be used to evidence eligibility for ESF support.

- **Working Enough** – *‘those whose earnings are over either the individual or household/ Conditionality Earnings Threshold (CET) OR self employed and Minimum Income Floor applies’*. For this LMR individuals will be employed and in receipt of earnings. Therefore, not eligible for employability support but eligible for in work skills support.
- **No Work related requirements** – *‘those not expected to work at present: This includes those too sick to work, over State Pension age, those with significant caring responsibilities and lead carers with a child under 1 year old’*. For this LMR individuals are likely to be economically inactive/ have complex barriers to employment.
- **Work focussed interview** – *‘those expected to work in the future but are currently too committed to work because of their childcare responsibilities. This includes lead carers of a child over 1 and under 3 years old’*. For this LMR individuals are likely to be economically inactive/ have complex barriers to employment.
- **Work Preparation** – *‘those expected to work in the future but not expected to work at this stage. This includes those assessed as having Limited Capability for Work (LCW) and those who are the lead carer for a child 3 or over and under 5 years old’*. For this LMR individuals are likely to be economically inactive/ have complex barriers to employment.
- **Light touch** – *‘those whose individual or household earnings are above the Administrative Earnings Threshold (AET) but insufficient to take them above the relevant individual or household CET’*. For this LMR individuals are likely to be employed and in receipt of earnings. Therefore, not eligible for employability support but eligible for in work skills support.
- **Intensive Work Search:** *‘those who are not working and those who are working but earning very low amounts who can work and are expected to take intensive action to secure work or more work’*. For this LMR where participant is classed as not working these are likely to be eligible for employability support; for those participants classed as working but are taking intensive action to secure more work these are likely to be eligible for in work skills support.

Annex B

Some worked examples (not exhaustive):

Project-specific criteria (target group):	ESF Evidence requirements:
a) Economically inactive participants aged 25 and over, who have complex barriers to employment.	<ul style="list-style-type: none"> • Evidence that participant is legally able to reside and work in UK • Evidence that participant is economically inactive • Evidence that participant is 25 or over • Declaration of barriers faced
b) Employed, including self employed, with no formal qualifications	<ul style="list-style-type: none"> • Evidence that the participant is legally able to reside and work in UK • Evidence that the participant is employed or self-employed • Self-declaration of no qualifications
c) Employed, including self-employed participants, with a lower secondary education. (e.g. Priority 2, SO 2)	<ul style="list-style-type: none"> • Evidence that the participant is legally able to reside and work in UK • Evidence that the participant is employed or self-employed. • Evidence that the participant has achieved the required minimum educational attainment

VERSION HISTORY

Version	Date	Comments
1	January 2016	Publication of Version 1
2	May 2017	Publication of Version 2: <ul style="list-style-type: none">• Reworked presentation of document• Additional 'preferred evidence' included• Additional FAQs• Flow Chart amended to include Step 2• Addition of Annex A - Universal Credit• Addition of Annex B – Some worked examples



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