



Llywodraeth Cymru  
Welsh Government

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Welsh European Funding Office

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

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Llywodraeth Cymru  
Welsh Government

**Cronfa Gymdeithasol Ewrop  
European Social Fund**

## 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.

<https://gov.wales/eu-structural-funds-programme-2014-2020-performance-indicators>

## 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 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 is not a beneficiary or delivery partner for the operation) 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 your project development officer.
31. There may be limited 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. This must be agreed with the PDO in advance and a record of this agreement kept for audit purposes.

### **STEP 3: IF NO PREFERRED EVIDENCE OR INDEPENDENT THIRD PARTY REFERRAL/ INTRODUCTION 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).

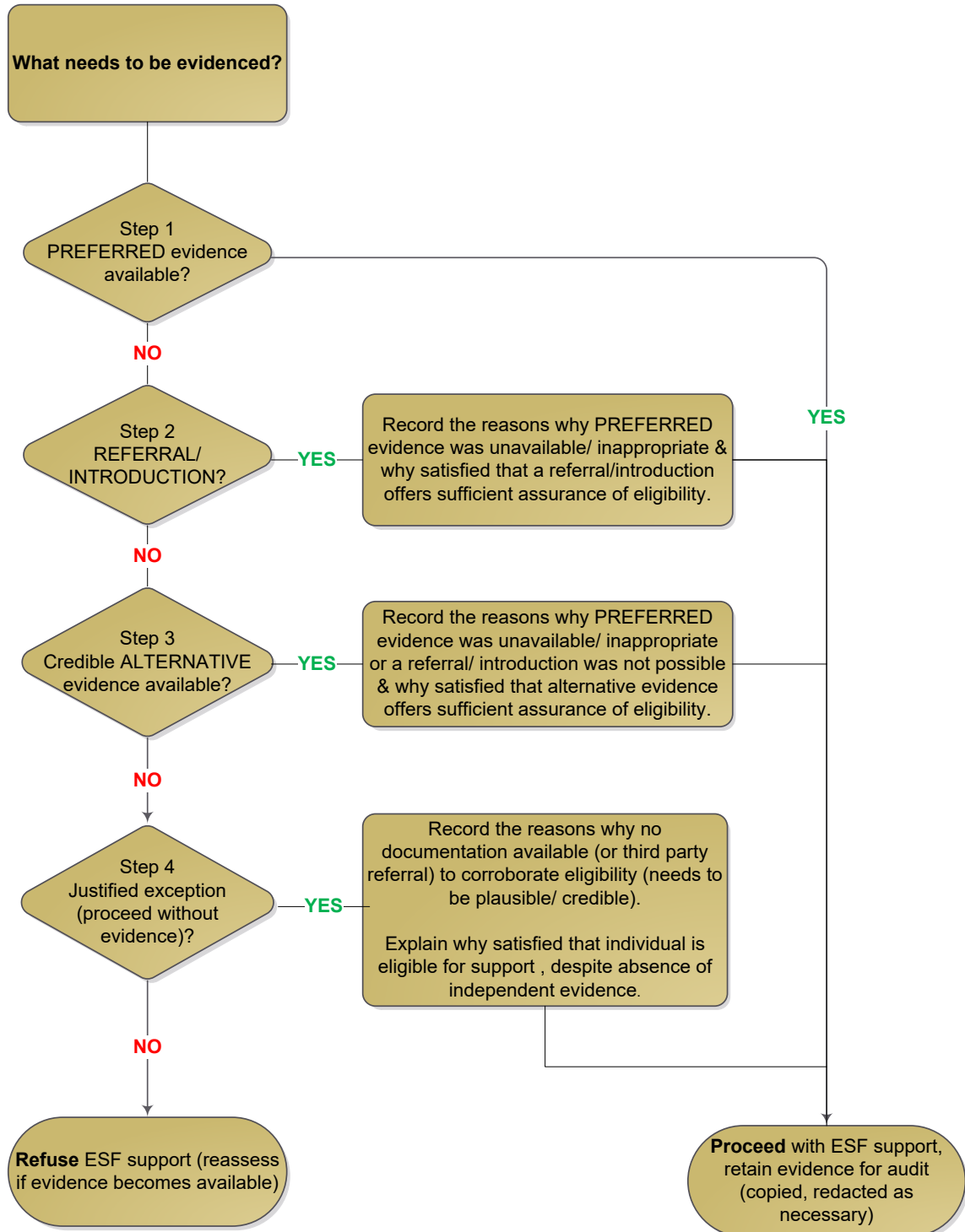
**EXCEPTION FOR BENEFICIARIES THAT ARE GOVERNMENT DEPARTMENTS OR AGENCIES HOLDING CITIZEN DATA FOR THEIR STATUTORY/ CORE FUNCTIONS:**

38. Where this type of beneficiary or delivery partner can verify eligibility directly to their existing records, they do not need to obtain additional evidence using the steps 1-4 approach above.

39. This must of course be compliant with all applicable data protection laws, including GDPR.

40. The organisations that WEFO has in mind for this approach are those that routinely hold data about citizens in order to provide services such as tax, benefits and employment services, for example:
- Department for Work and Pensions
  - Jobcentre Plus
  - HM Revenue and Customs
  - NHS/ Health Boards
  - National Offender Management Service
41. So, for example, where this type of organisation is a Beneficiary or delivery partner and needs to verify an individual's age or employment status (for the purposes of ESF eligibility) then they can simply check their own records and proceed on that basis. There is no requirement to ask participants to provide additional documents or seek a referral from a third party just to confirm what the beneficiary already knows.
42. This approach does not change the standard requirements on document retention and full audit trails.
43. The beneficiary still checks eligibility at point of enrolment in the usual way, checking, for example, their own information systems to establish an individual's age, address, employment status etc.
44. The beneficiary must make a record of their officials carrying out the procedure i.e. create a note or declaration that the source records were checked, date, and name of the official who checked it.
45. Verifications and audit teams will inspect these notes/ declarations as evidence that eligibility was checked. Furthermore, where verifications or audit teams have concerns about the the procedure followed **or** if they decide to re-perform the check for themselves by checking a sample of individuals through to the beneficiary's source information systems, they retain the right to do so. Where this level of access cannot be readily provided, this exceptional approach must not be used.

## 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.

The change in the type of DWP benefit does not necessarily mean a change to an individual's readiness for work or labour market status. In any event, DWP benefits do not determine ESF eligibility – only the reality of the participant's employment status. Annex A explains this in more detail.

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 2007-2013 programmes there was no requirement to evidence educational attainment. This is a requirement under the 2014-2020 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 2007-2013 and 2014-2020 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 2007-2013 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) How can Ukrainian nationals arriving in Wales evidence basic eligibility for support from the ESF Programmes?**

A9) The UK Government has confirmed the following schemes for individuals from Ukraine arriving in the UK:

- Ukraine Family Scheme – allows applicants to join family members or extend their stay in the UK
- Homes for Ukraine Sponsorship Scheme – allows Ukrainian nationals and their family members to come to the UK if they have a named sponsor who can provide accommodation

For both of these schemes once an application has been successful, individuals with a valid Ukrainian passport and/or expired Ukrainian passport with a formal extension stamp issued by the Ukrainian Government will be issued with an official permission letter from UK Visas & Immigration, which will enable travel to the UK. Upon arrival, Border Force officials will endorse an individual's passport with a **6 month entry stamp** which can be used to **evidence the right to work, study and claim benefits** in the UK. Where an individual does not hold a valid Ukrainian passport, applications will be made via a Visa Application Centre. Successful applicants will be issued with a **visa**, which can be used to **evidence the right to work, study and claim benefits** in the UK.

Where a 6 month entry stamp has been placed within passports for individuals accessing entry to the UK via the above schemes, each will need to submit their biometrics within 6 months of arriving in the UK in order to extend their stay for up to 3 years (36 months) and to be issued with a biometric residence permit (BRP) as evidence of their immigration status.

**Please note:** From 6 April 2022 a BRP cannot be used to confirm the right to work in the UK. Proof of the right to work in the UK can be done online via:

<https://www.gov.uk/prove-right-to-work>. Please see Annex C for further information.

The above schemes took effect on 30 March 2022 and prior to this date were run as a concession basis with individuals/ applicants considered for a grant of leave outside of the rules. This means that, during this time, there may be a number of documents that will be acceptable as evidence for meeting the basic eligibility rule/ requirements to enable participation in the Wales ESF Programmes. Some successful applicants may have been issued with a 90 day visa endorsed with 'Leave Outside the Rules' and a 'Form for Affixing the Visa (FAV)' or a permission to travel letter and a 6 month entry stamp and these can be used to evidence the basic eligibility requirements.

In addition, any of the other documents at the 'preferred evidence' list at part 4 of this guidance can be used to evidence basic eligibility.

**Q10) How can Ukrainian nationals arriving in Wales evidence project specific eligibility (i.e. educational attainment)?**

A10) We recognise that some project specific eligibility evidence such as educational attainment/ employment status may be difficult to obtain.

Whilst the ESF participant eligibility guidance is clear that eligibility evidence should be provided at the point of enrolment there is already some flexibility available to the beneficiary around the timing of this (see paragraphs 6 and 7 of the guidance). For example, a participant could be enrolled on the operation on the basis that the evidence is provided at a later date and before the costs and indicators are included in a claim to WEFO. There are some risks around this option, however the beneficiary could put in place a system to arrange for the receipt of this evidence at a later meeting with the participant.

The guidance does also already cater for scenarios where evidence cannot be obtained and there is scope to make an exception in justified circumstances. Beneficiaries should follow the four step process and document the reasons as to why they are unable to obtain evidence from (1) the preferred list, (2) a third party referral or (3) other alternative evidence and then they can make a justified exception.

**Q11) If Ukrainian nationals arriving in Wales have no fixed/ permanent address, how can they evidence geographical eligibility?**

A11) 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. However,



there is no need to obtain independent corroborative proof that the individual lives, works or studies in the Wales programme regions. In addition, where an individual's personal circumstances means that they do not have, or cannot evidence, a home address, the advice provided under Section 25.1 of the Welsh eligibility rules will apply.

**Q12) What do the Immigration Rules Appendix ATAS: Academic Technology Approval Scheme (ATAS) mean for Ukrainian nationals seeking support from the ESF programmes?**

The ATAS condition means that someone must obtain a valid ATAS certificate prior to commencing study or research in any of the specified subjects or fields of research. For more information please see: [Immigration Rules Appendix ATAS: Academic Technology Approval Scheme \(ATAS\) - Immigration Rules - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/immigration-rules-appendix-atas-academic-technology-approval-scheme)

**Q13) If a Ukrainian national does not arrive in Wales via the UK Government Visa Schemes in place for Ukrainian nationals, how can they evidence basic eligibility for support from the ESF Programmes?**

A13) The ESF participant eligibility guidance at part 4 already lists a number of acceptable 'preferred evidence' such as an Application Registration Card or a Standard Acknowledgment Letter that asylum seekers/ refugees are issued with upon arrival to the UK.

**Q14) How can a Ukrainian national who is already resident in the UK and is seeking to extend their visa evidence eligibility for support from the ESF Programmes?**

A14) The Ukraine Extension Scheme is due to be launched by the UK Government, 3 May 2022. This will allow Ukrainian nationals with their partners and children in the UK with permission by 18 March 2022 to remain in the UK. This guidance will be updated once further details are made available.

**Q15): 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?**

A15): 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.

In certain type of projects, WEFO recognises that the likelihood of obtaining stronger evidence (Steps 1-3) will be low because of the type of participants targeted. More specifically, for operations that target those aged 54 or above and seeking to enter or re-enter employment, it is more likely that they will not be seeking or eligible for DWP

unemployment benefits. This could be because of their personal financial circumstances means that they are not as reliant on income from benefits as a younger participant group, perhaps because of redundancy or early/ partial retirement. Equally, there could be other explanations for why no benefit-related evidence would be available e.g. not claimed due to personal reasons, beliefs or values: not eligible for benefits because of value of assets; not eligible for benefits because of partner/ family circumstances etc.

Similarly, projects helping young people under 19 will find it more difficult to obtain documentation because some individuals in this group may not be eligible for out-of-work government benefits such as Universal Credit.

In both cases, it is still essential for the beneficiary or delivery partner to keep records of the reasons why the participants were unable to provide evidence using Steps 1 to 3.

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.

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.
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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
<b>Basic rule to participate in the Wales ESF programmes</b> [applies to all participants]	<p>Legal right to <b>live in the UK</b> 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 <b>work</b> in an EU member state</p>	<p><b>ONE of the following items:</b></p> <ul style="list-style-type: none"> <li>• <b><u>Passport</u></b> (from UK or another EU Member State) - valid, unexpired (NB: EU, EEA, or Swiss citizens can continue to use their passport or national identity card to prove they can live and work in the UK up until 31 June 2021. However, as from 1 July 2021 confirmation from the EU Settlement Scheme will be required <b>as outlined at *Note below</b>).</li> <li>• <b><u>Passport</u></b> (outside of EU) – valid, unexpired, expired Ukrainian international passport with a formal extension stamp issued by the Ukrainian Government - 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 – being mindful of the requirement placed upon Ukrainian nationals to seek a Biometric Residence Permit within the first 6 months of arrival within the UK) and all related conditions are met.</li> <li>• <b><u>A 90 day visa</u></b> endorsed with 'Leave Outside the Rules' and a 'Form for Affixing the Visa (FAV)' – these</li> </ul>

		<p>documents being specific to entry into the UK via the following schemes: Ukraine Family Scheme and Homes for Ukraine Sponsorship Scheme</p> <ul style="list-style-type: none"> <li>• <b><u>A permission to travel letter and a 6 month entry stamp</u></b> evidencing right to work, study and claim benefits in the UK – this letter being specific to entry into the UK via the following schemes: Ukraine Family Scheme and Homes for Ukraine Sponsorship Scheme</li> <li>• <b><u>Evidence that participant is in receipt of State benefits/ pension</u></b>: DWP/ Universal Credit/ Jobcentre Plus/ the Pension Service correspondence e.g. new claim award/ decision, change of circumstances decision letter, statements etc.</li> <li>• <b><u>Birth/ adoption certificate</u></b> for UK citizens and inclusive of citizens from within the Common Travel Area i.e. Jersey, Guernsey, Isle of Man and Ireland.</li> <li>• <b><u>Marriage/ civil partnership certificate</u></b> (if partner has legal right to live in the UK and this can be evidenced). <b>As from 1 April 2021 WEFO will no longer accept these as preferred evidence items, due to General Data Protection Regulation (GDPR) requirements.</b></li> <li>• <b><u>Evidence that participant is employed in the UK</u></b> (e.g. recent payslip; contract of employment; or HMRC correspondence that includes employers name).</li> <li>• <b><u>National Insurance number</u></b>: 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/ contract/ payslip from employer. Note: where participant has lost their NI number HMRC</li> </ul>
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		<p>has an NI helpline to assist in providing confirmation/ reminder of the number.</p> <ul style="list-style-type: none"> <li>• Documents containing an individual's <b><u>'Unique Learner Number' (ULN)</u></b> – where the document also clearly shows the participants full name, full address, <b>and</b> NI Number.</li> <li>• <b><u>Correspondence confirming receipt or award</u></b> of Welsh Government Learning Grant FE; Educational Maintenance Allowance; or other loans/ grants provided via Student Finance Wales/ Student Loans Company.</li> <li>• <b><u>UK Citizens Card</u></b> - 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>Note: UK Citizens Card can only be used to evidence an individual's legal right to live in the UK. This is not sufficient to demonstrate a right to work in the UK.</u></li> <li>• <b><u>National identity card</u></b> issued by an EEA member state or Switzerland which describes the holder as a <b>national</b> or <b>citizen</b> of the relevant EEA country or Switzerland &amp; which can be used to prove right to live and work in the UK up until 31 June 2021. From 1 July 2021 confirmation from the EU Settlement Scheme will be required <b>as outlined at *Note below</b>. Where the holder is described as a resident this would <b>not</b> be sufficient to demonstrate a right to work in the UK.</li> <li>• <b><u>Evidence of enrolment/ registration at school or college</u></b> (documentation or a referral/ introduction from the school or college) for school pupils &amp; sixth-form/ FE college students where NI numbers have not yet been issued.</li> </ul>
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		<ul style="list-style-type: none"> <li>• <b><u>Biometric Residence Permit (BRP) Non expired</u></b> 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 the individual’s right to live in the UK. Note: From 6 April 2022 a BRP cannot be used to confirm the right to work in the UK. The Home Office provides an on-line checking system in respect of ‘right to work’ where a participant is in receipt of a BRP, Biometric Residence Card (BRC) and EU Settlement Scheme. Please see Annex C for further details as to how this system can be utilised to evidence a participants ‘right to work’.</li> <li>• <b><u>Biometric Residence Cards (BRC) –</u></b> (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. As noted above, please see Annex C for further details as to how the Home Office on-line system can be used to evidence a participants ‘right to work’.</li> </ul> <p><b>* Note:</b> EU, EEA or Swiss citizens, resident in the UK by 31 December 2020, <b>will need to apply to the EU Settlement Scheme to continue living in the UK. The deadline for this is 30 June 2021.</b></p> <p>This requirement will also be applicable where a resident qualifies as a family member of an eligible person of Northern Ireland. Please note this requirement does not, in the majority of cases, apply to Irish citizens.</p> <p>Therefore, after 1 January 2021, EU participants can also provide confirmation of their EU settlement scheme/status to confirm their eligibility for ESF support. This will only</p>
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		<p>apply to EU participants recruited on to ESF operations from 1 January 2021 and a retrospective exercise on current ESF participants is not required.</p> <p>Please see <u>EU Settlement Scheme: presentation</u> for further details (Press Ctrl + Click to access presentation) or access <a href="https://www.gov.uk/settled-status-eu-citizens-families">https://www.gov.uk/settled-status-eu-citizens-families</a> and which will provide an outline of the evidence beneficiaries may be required to collect to determine participant eligibility i.e. digital proof of pre-settled or settled status through the online service: <a href="https://www.gov.uk/view-prove-immigration-status">gov.uk/view-prove-immigration-status</a></p> <ul style="list-style-type: none"> <li>• <b><u>Letter from the Home Office, UK Visas and Immigration Department (formally known as (a) UK Border Agency as from April 2008, (b) Border and Immigration Agency from April 2007 and (c) UK Immigration and Nationality Directorate prior to 2007)</u></b> granting 'indefinite leave to remain' (settled status). As noted above, please see Annex C for further details as to how the Home Office on-line system can be used to evidence a participants 'right to work'.</li> <li>• <b><u>Application Registration Card (ARC)</u></b> acknowledging an application for asylum to the UK <b>prior to</b> asylum being granted (right to be in UK whilst application being considered only). Some ARCs allow asylum seekers to work in UK.</li> <li>• <b><u>Standard Acknowledgement Letter (SAL) (unexpired)</u></b> 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)</li> <li>• <b><u>ASL4264 Letter</u></b> (evidence that an asylum seeker has been granted permission to work in UK) (right to be in and work in UK)</li> <li>• <b><u>Immigration status document (ISD)</u></b> is issued to non EEA migrants granted permission to remain in UK where the</li> </ul>
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		<p>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.</p> <ul style="list-style-type: none"> <li>• <b><u>NASS35 form</u></b> - 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.</li> <li>• <b><u>UK Driving Licence, full or provisional</u></b> – Note: a driving licence can only be used to evidence an individual's legal right to live in the UK. This is not sufficient to demonstrate a right to work in the UK.</li> </ul>
<b>Educational attainment</b>	ESF support for individuals who have <i>attained a specific qualification(s)</i> or certain level of education (and/ or specified subject)	<p><b>ONE of the following items:</b></p> <ul style="list-style-type: none"> <li>• <b><u>Qualification certificate</u></b> issued to individual.</li> <li>• <b><u>Records of the academic institution/ qualification body/ or the Learning Records Service (part of the Skills Funding Agency)</u></b>. 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.</li> <li>• Project, or the participant, to request <b><u>confirmation of qualifications in writing</u></b> from the academic institution/ qualification body.</li> <li>• <b><u>Wales Essential Skills Toolkit (WEST)</u></b> – Can be used where the beneficiary/ delivery provider is satisfied that the participant meets the project eligibility criteria but where</li> </ul>



		the participants certificate is not available to evidence the required level of attainment.
	ESF support for those individuals studying full-time	<b>ONE of the following items:</b> <ul style="list-style-type: none"> <li>• <b><u>Evidence of enrolment/ registration at school, college, university or learning provider</u></b> (documentation or a referral/ introduction from the institution/ provider).</li> <li>• <b><u>FE/ HE - Correspondence to confirm receipt of grants/ financial support</u></b> e.g. Student Finance Wales; receipt of Educational Maintenance Allowance (EMA); EMA award decision; Welsh Government Learning Grant FE</li> </ul>
	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 – <b><u>written declaration from participant</u></b> is acceptable (see Part 3, FAQ 4).
<b>Employment status</b>	ESF support for people in work (employed or self-employed or 'under employed' as determined by Universal Credit  <b>and/ or</b>  Must be working more than /less than a certain number of	<u>Employed and/ or number of hours worked</u>  <b>ONE of the following items:</b> <ul style="list-style-type: none"> <li>• Recent payslip.</li> <li>• Employment contract.</li> <li>• Correspondence/ confirmation from employer.</li> <li>• If applicable, copy of redundancy consultation or notice (general notice to group of staff or individual notifications).</li> <li>• HMRC correspondence, including Tax Credits that confirms employer, earnings and, if needed, number of contracted hours worked.</li> <li>• DWP/ Universal Credit/ Jobcentre plus correspondence that confirms employer, earnings and, if needed, number of contracted hours worked.</li> </ul>

	<p>hours each week.</p> <p><b>and/ or</b></p> <p>Must have a certain type of employment contract (permanent, fixed term, zero hours, temporary etc.).</p>	<ul style="list-style-type: none"> <li>Where participants are in receipt of Universal Credit a copy of the 'My Work Plan' or other correspondence detailing appropriate eligibility evidence/ current status.</li> </ul> <p><u>Self-employment</u></p> <p><b>ONE of the following items:</b></p> <ul style="list-style-type: none"> <li>A submitted HMRC 'SA302' self- assessment tax declaration, with acknowledgement of receipt. SA302s can be requested from HMRC.</li> <li>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.</li> <li>Records to show actual payment of Class 2 National Insurance Contributions.</li> <li>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.</li> <li>If registered as a limited company: Companies House records/ listed as Company Director.</li> <li>Confirmation letter from accountant.</li> <li>VAT registration confirmation from HMRC.</li> <li>Operational website in the name of the business used for ESF support.</li> </ul>
	<p>Support for people who do not work/ persons with disabilities/ economically inactive/ 'NEET'.</p>	<p><b>ONE of the following items:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><u>Note:</u> WEFO does not expect participants to provide evidence to demonstrate that they are specifically long term unemployed or</p>

		<p>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"> <li>Where participants are in receipt of Universal Credit a copy of the 'My Work Plan' detailing appropriate eligibility evidence/ current employment status</li> <li>Signed referral from DWP/ Jobcentre Plus or Gyrfa Cymru Careers Wales.</li> </ul>
	Support for individuals under consultation or notice of redundancy.	<p><b>ONE of the following items:</b></p> <ul style="list-style-type: none"> <li>Redundancy notice from employer</li> <li>Employer consultation: documentation from employer or representative (trade union or other employee representative)</li> </ul>
<b>Employer/ employment sector</b>	Support only for those employed by certain employers (location, business-type) or sector (public sector; Welsh public services; private sector; third sector etc.).	<p><b>ONE of the following items:</b></p> <ul style="list-style-type: none"> <li>Latest payslip.</li> <li>Latest annual P60.</li> <li>Latest benefits-in-kind statement.</li> <li>Employment contract.</li> <li>Correspondence from employer to employee.</li> </ul>
<b>Age</b>	Minimum age; maximum age; age ranges.	<p><b>ONE of the following items:</b></p> <ul style="list-style-type: none"> <li>Birth certificate</li> <li>Driving licence, full or provisional</li> <li>Passport - expired or unexpired.</li> <li>National Identity Card (EU)</li> </ul>

		<ul style="list-style-type: none"> <li>• UK Citizen's Card</li> <li>• European Health Insurance Card</li> <li>• Application Registration Card (ARC)/ Standard Acknowledgment Letter (SAL) (Asylum seekers – see basic rule above)</li> <li>• Biometric Residence Permit</li> <li>• Firearms certificate/ Shotgun licence</li> <li>• Military Service ID card (National/ Government issued)</li> <li>• Northern Ireland Voters Card.</li> <li>• Employment contract/ payslip (if date of birth quoted).</li> <li>• Pension statement (if date of birth quoted).</li> <li>• Evidence that in receipt of age-related state benefits or government grants/ loans.</li> <li>• NHS correspondence where this contains the individuals 'Date of Birth' and <b>only</b> if the individual is content to share this correspondence.</li> <li>• Letter/ confirmation from educational institution (if applicable).</li> <li>• Correspondence confirming receipt or award of Welsh Government Learning Grant FE (minimum age 19 at 1 September in the academic year).</li> <li>• Correspondence confirming receipt or award of Educational Maintenance Allowance (EMA is for 16 to 18 year olds at 31 August in the academic year).</li> </ul>
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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

### Introduction

This Annex provides guidance on the approach to determining whether an individual qualifies for support from ESF projects that help unemployed or out of the labour market completely (economically inactive) when evidence of employment status is required. These projects are funded by ESF Priority 1 (age 25 or over) or Priority 3 (16 to 24 year olds).

In addition, the roll-out of a new DWP benefit, Universal Credit, means that it is no longer possible to confirm an individual's employment status by looking at Universal Credit documents. Indeed, Universal Credit can be paid to people in work as well as to those not in work.

### Guiding principles

Where a specific case is not covered by this guidance, beneficiaries should contact their Project Development Officer and WEFO will provide advice on a case-by-case basis. In doing so, the following principles will guide WEFO's approach:

**PRINCIPLE 1:** ESF eligibility is determined by the reality of the individual's personal circumstances at the point they start to be supported by the project, using the International Labour Organisation's established definitions of 'Unemployed' and 'Economically Inactive'.

**PRINCIPLE 2:** ESF eligibility is not determined by DWP benefits received, if any, or the related conditions for payment of those benefits. The ESF Operational Programmes are focussed on employment and economic activity regardless of entitlement to out-of-work benefits. The UK Government's out-of-work benefit schemes may change but ESF eligibility continues to be focussed on the internationally understood definitions of economic inactivity and unemployment and addressing barriers to employment. This principle ensures that those needing help to become job-ready or closer to work will not be treated less favourably because of their entitlement to benefits, benefit conditions or sanctions, or whether they chose not to engage with the DWP benefit system.

### Brief definition of 'Unemployed'

- Without work, AND
- Available for work in the next 2 weeks , AND
- Actively seeking work within the last 4 weeks.

Remember, the individuals prospects of finding work, availability of suitable work and/or their preferred type of work or level of pay are not a consideration when looking at this definition.

## Brief definition of 'Economically Inactive'

- Not part of the labour force.
- Not seeking work and/ or not available for work.
- In other words, not 'employed' or 'unemployed'
- Those in full-time education or training are not 'economically inactive' for the purposes of ESF eligibility.

## Requesting proof of Universal Credit

### When, and why, should proof of DWP benefits be requested?

If an individual lives in an area where Universal Credit (full service) has not yet been rolled-out:

- Documentation to show in receipt of DWP Job Seekers Allowance (JSA) is acceptable as proof of unemployment.
- Documentation to show in receipt of DWP Employment and Support Allowance (ESA) is acceptable as proof of economic inactivity.

Where the individual is claiming UC, proof of this should be requested in all cases – see practical arrangements section below. A different approach can be followed where JCP/DWP is an ESF beneficiary or delivery partner – see below.

While evidence of UC does not provide proof of employment status – UC is paid to working people and for non-work related support such as Housing Benefit – it does provide some degree of assurance as an out-of-work individual is more likely than not to be in receipt of UC, JSA or ESA.

Remember that some projects are only for those experiencing **long-term** unemployment.

- If under 25 years of age – this means more than **6 months** of continuous unemployment.
- If over 24 years of age – this means more than **12 months** of continuous unemployment.

Participants can self-declare the length of time unemployed and this should be accepted in the absence of any indications to the contrary.

Evidence of UC will not always provide clear evidence of whether an individual is economically inactive or unemployed. The online 'Journal' should be reviewed to look for indications e.g. are they looking for work, what type of activities have they agreed with JCP Work Coach? Where the Journal does not provide sufficient information, the participant's description of their employment status (EI or unemployed) can be accepted.

## Practical arrangements

The roll-out of Universal Credit 'Full Service' in Wales means that the claim process is fully digital. Benefit award letters and related correspondence will not be posted to the claimant.

UC claimants can access a web-based online account at any time and see their benefit statements and notifications. The client can also view a 'Journal' of interactions with their JCP Work Coach.

The recommended approach is to ask the participant to log onto their account during the ESF eligibility assessment discussion and print off the relevant screens.

The online account also provides an option to print information. When printing the 'Journal' the printed record will include a date and time stamp which can be used to correlate with the other records in the participant's ESF file at enrolment stage.

The 'Journal' and online benefit statement are digital records which are not designed for printing in terms of formatting. However they can still be printed and if a beneficiary needs to obtain copies of this information, care must be taken on handling this type of sensitive personal data and preventing fraud. The benefit statement will show the participant's name, however the 'Journal' will not. Irrelevant information can be redacted.

The UC online account does not show National Insurance numbers.

## **Universal Credit Labour Market and Conditionality Regimes**

As explained in the guidance principles above, UC classifications, conditions or sanctions determined by JCP/DWP are not the main consideration for ESF eligibility purposes. In any event, UC claimants usually are not aware of the classifications and they can change over time.

Prospective participants must **not** be asked to request information about their UC Labour Market Regime or Conditions from their JCP Work Coach. This is in line with the well-established WEFO position that when seeking evidence of eligibility, the intention is only to see documents that are readily available to the participant. The participant must not be asked spend significant time, effort or costs trying to obtain something that they don't currently have or would not be expected to have, such as UC regime classifications.

## **Where JCP/ DWP are an ESF beneficiary or delivery partner and aware of UC Labour Market and Conditionality Regimes**

DWP officials can check their existing records to verify that the individual is in receipt of UC. As JCP/DWP will also then be aware of the UC regime for the individual, they must be satisfied that this is consistent with the situation described by the participant

on enrolment to an ESF project. This is not an additional check, it is simply the application of point 19 of this guidance document, the need to be alert and consider any apparent inconsistent information.

All applicable data protection laws must be followed.

**Where the beneficiary or delivery partner has established a relationship with local JCP for the provision of UC information and/or information about individual's employment status.**

Beneficiaries and delivery partners can continue with established procedures. The most useful information would be for JCP to inform the beneficiary of whether the individual is unemployed (seeking work) or economically inactive (out of the labour market). Where this information cannot be provided, confirmation that an individual is in receipt of UC is the most useful information. WEFO does not require confirmation of UC regimes or classifications but where a beneficiary/delivery partner is informed of this information they need to be alert and consider any apparent inconsistencies in line with point 19 of this guidance.

**What potential inconsistencies could exist between UC regimes/ conditions and a participant's employment status for ESF eligibility?**

UC regime	Description	What to consider for ESF
Searching for work	18 or over, not working and not in full-time education or training, or with very low earnings. Claimant is required to take action to secure work - or more / better paid work. The Work Coach supports them to plan their work search and preparation activity.	If not working and not in full-time education/training, aligns to an ESF <b>unemployed</b> participant. Potential issue if participant states they are economically inactive (EI).  If working but with very low earnings, this participant is <b>employed</b> .
Working (with requirements) OR Working (no requirements)	<i>(in short, individuals are working).</i>	Potential issue if participant states they are unemployed or economically inactive (EI).
No work requirements	Not expected to work at present. Health or caring responsibility prevents claimant from working or preparing for work.	Aligns to an ESF participant who is <b>EI</b> . Potential issue if participant states they are unemployed (seeking work).
Planning for work	Expected to work in the future.	Aligns to an ESF participant who is <b>EI</b> . Potential issue if



	<p>Lone parent / lead carer of child aged 1.</p> <p>Claimant required to attend periodic interviews to plan for their return to work.</p>	<p>participant states they are unemployed (seeking work).</p>
Preparing for work	<p>Expected to start preparing for future even with limited capability for work at the present time or a child aged 2. The claimant is expected to take reasonable steps to prepare for working including Work Focused Interview.</p>	<p>Aligns to an ESF participant who is <b>EI</b> (no capability for work now) or <b>unemployed</b> (some capability for work now).</p>

Where the ESF employment status and UC regime are apparently inconsistent, the beneficiary/ delivery partner should establish the potential reasons for the differences and, in the absence of any concerns (see point 19), should be led by the participant's description of the reality of their employment status rather than UC regimes.

Where an ESF operation supports both EI and unemployed people, there is no motivation or benefit to be realised by an individual by describing their situation incorrectly (because they can be supported in both cases), but the beneficiary/delivery partner may wish to determine if the individual is unemployed or economically inactive in order to ensure the participant receives the most appropriate support. A greater degree of caution is recommended where an operation only supports EI or unemployed people.

## Annex B

Some worked examples (not exhaustive):

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

## Annex C

### How the Home Office's on-line employer checking system on 'Right to work in the UK' can be used in the context of ESF basic eligibility checks

From 28 January 2019, an on-line 'right to work' checking service was introduced by the Home Office which aims to provide employers with a 'statutory excuse' against civil penalty in the event of illegal working involving the subject of the check. Although this new on-line service is primarily aimed at employers, WEFO considers that, under certain circumstances, the service can also act as a useful strand of evidence for ESF supported projects that need to check a participant's 'right to work in the UK'.

Participants who wish to prove their 'right to work' using the on-line service can access this via Gov.UK (please see link below):

<https://www.gov.uk/prove-right-to-work>

Beneficiaries, providers and delivery partners are also able to confirm a participant's status of 'right to work' via the Home Office on-line checking system. However, to be able to do so, a participant must provide beneficiaries/ providers/ delivery partners with (a) permission for access to the Home Office system, together with (b) their date of birth and details of a 'share code' assigned to them to access their on-line record to substantiate their 'right to work'. The 'share code' is only valid for 30 days, therefore beneficiaries are advised to access the on-line checking system within this period. The on-line checking system can be found at: <https://www.gov.uk/view-right-to-work>

Beneficiaries must follow the steps outlined at pages 17-20 of the Home Office guidance entitled, 'An Employer's Guide to Right To Work Checks', where this option is utilised to evidence a participant's 'right to work'. The guidance is located at:

[Right to work checks: an employer's guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/right-to-work-checks-an-employers-guide)

Beneficiaries/ providers/ delivery partners will need to retain evidence of the on-line check i.e. storing securely the 'profile' page confirming a participant's right to work, whether this be a hard copy document, a PDF or HTML file. In the case of a PDF/ HTML file, the ICT/ information management system used must conform with British Standard BSI BIP008-1:2014 or ISO 27001:20136 i.e. accepted security standards in the UK, as set out at section 5.1.4.2 of the Welsh Eligibility Rules.

Please note the above is another option to enable participants/ beneficiaries to evidence 'right to work' for support via an ESF intervention. It is not a compulsory requirement and participants and beneficiaries may utilise / provide other evidence items as per the preferred evidence list detailed at Part 4 of this document.

## 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"> <li>• Reworked presentation of document</li> <li>• Additional 'preferred evidence' included</li> <li>• Additional FAQs</li> <li>• Flow Chart amended to include Step 2</li> <li>• Addition of Annex A - Universal Credit</li> <li>• Addition of Annex B – Some worked examples</li> </ul>
3	November 2017	Publication of Version 3: <ul style="list-style-type: none"> <li>• Added updated Annex A – Universal Credit Full Service</li> </ul>
4	February 2019	Publication of Version 4: <ul style="list-style-type: none"> <li>• Revised Annex A to update and better explain the relationship between DWP benefits and ESF employment status eligibility.</li> <li>• Further guidance in Annex A on evidence of eligibility for participants receiving Universal Credit.</li> <li>• Clarification on evidence requirements when the ESF beneficiary already holds data about citizens that can be used to confirm eligibility, such as government departments and agencies dealing with tax, benefit or similar personal records (subject to compliance with data protection legislation).</li> <li>• Clarification of the participant groups that WEFO recognises are likely to need the 'Step 4' approach to be used more often.</li> </ul>
5	January 2020	Publication of Version 5: <ul style="list-style-type: none"> <li>• Part 4 – Preferred Evidence to Confirm Participant is Eligible to Receive ESF Support, updated in respect of Biometric Residence Permit (BRP), Biometric Residence Cards (BRC) and UK Visas and Immigration Department</li> <li>• Addition of Annex C – details as to how the Home Office's on-line employer checking system on 'Right to work in the UK' can be used to satisfy ESF basic eligibility checks</li> </ul>
6	June 2020	Publication of Version 6: <ul style="list-style-type: none"> <li>• Revised Annex A to align with International Labour Organisation's established definition of 'Economically Inactive'</li> </ul>

7	February 2021	<p>Revised Part 4 'preferred evidence' to include the EU Settlement Scheme noting the following:</p> <ul style="list-style-type: none"> <li>• after 1 January 2021 EU participants can provide confirmation of their EU settlement scheme status to confirm their eligibility for ESF support, and</li> <li>• as from 1 July 2021 EU participants <b>must</b> provide confirmation of their EU settlement scheme status to confirm their eligibility for ESF support</li> </ul>
8	March 2021	<p>Revised Part 4 'preferred evidence' providing clarification in terms of birth/ adoption certificate and marriage/ civil partnership certificates.</p>
9	March 2022	<p>Publication of Version 9:</p> <ul style="list-style-type: none"> <li>• Revised Part 3 – FAQs to include additional guidance on participant eligibility for Ukrainian nationals.</li> <li>• Revised Part 4 'preferred evidence' noting from 6 April 2022, the Biometric Resident Permit can no longer be used as evidence as the right to work in the UK.</li> </ul>



For more information:

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