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European Regional Development Fund
Investing in a Smart, Sustainable and Inclusive Future

EUROPEAN STRUCTURAL AND INVESTMENT FUNDS 2014 – 2020 PROGRAMME

ESF PARTICIPANT DATA AND EVIDENCE

FREQUENTLY ASKED QUESTIONS

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This FAQ has been compiled to share questions raised by various Lead Partners; provide clarification on advice and ensure consistency of approach across Lead Partners.

Lead Partners are encouraged to read the guidance available on the ESIF Division website (inc: *The National Rules on Eligibility of Expenditure, Participant Guidance* etc) and the Commission's *Monitoring and Evaluation of European Cohesion Policy Guidance including Annex D*.

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1. BARRIERS TO EMPLOYMENT AND EMPLOYMENT STATUS

Q1. Are the rural area postcodes listed on the ESIF Division website (required to evidence rurality as a barrier to employment) the same as the employment related SIMD classification?

A. No. The rural area postcodes were added to the ESIF Division website because rurality is a barrier to employment. In addition, the European Commission requires this participant characteristic to be captured and allow for Member State definitions to be added to those provided in the Commission's *Monitoring and Evaluation Guidance*.

There are two classifications:

- those classed as 'Rural' by the European Commission DEGURBA classification
- those classed as 'Remote Rural' or 'Very Remote Rural' in the Scottish Government classification.

Therefore, if a participant resides in one of the postcodes areas listed above (using either classification), rurality can be selected as a barrier to employment.

As noted in the *Participant Guidance* on the ESIF Division website, only one geographical barrier can be claimed for any participant – even if the participant resides in an area that meets the definition for several geographical area classifications.

Q2. Does the barrier 'Primary carer of a child/children (under 18) or adult' include a parent or lone parent or does it specifically only refer to registered Carers?

A. This barrier does not specifically refer to only registered carers.

Q3. Postcodes relating to new housing developments have been identified that lie in datazones within the 15% most employment deprived areas in the 2012 or 2016 SIMD for employment deprivation - if these postcodes are given the same status as those already listed in the Employment Deprived Areas, can this be counted as a barrier to employment.

A. In principle yes if these new developments are directly in the same zone. The MA will consider updating the postcode guidance for new housing developments.

Q4. Can individuals on ‘zero-hour’ contracts be classed as unemployed?

A. The answer is dependent on the type of intervention:

Pipeline / Social Inclusion & Poverty:

Individuals on zero-hours contracts must be classed as ‘employed’. These individuals can still be supported on the Employability Pipelines i.e. to assist individuals in achieving an ‘improved labour market situation’.

YEI:

To be eligible for YEI, young people have to be inactive or unemployed (including long term unemployed). Therefore young people on zero hour contracts are not eligible for YEI support

Q5. The definition of long term unemployed within the guidance is “Individuals who are registered as unemployed and in receipt of Jobseekers Allowance (JSA) for:

- **more than 6 months continuous unemployment (under 25)**
- **more than 12 months continuous unemployment (over 25)”**

Can a participant be classed as long term unemployed if they are in receipt of Employment Support Allowance (ESA) instead of Job Seekers Allowance (JSA)?

A. As long as the individual meets the criteria defined by the European Commission’s *Monitoring and Evaluation of European Cohesion Policy Guidance* they can be considered ‘long-term unemployed’.

Unemployed:

“persons usually without work, available for work and actively seeking work. Persons considered as registered unemployed according to national definitions are always included here even if they do not fulfil all three of these criteria.”

Long Term Unemployed

“The definition of Long-term unemployed (LTU) varies with age:

- *Youth (<25 years of age) – more than 6 months continuous spell of unemployment (>6 months).*
- *Adult (25 years of age or more) – more than 12 months continuous spell of unemployment (>12 months).”*

Economically Inactive (NEET)

Persons currently not part of the labour market in the sense that they are not employed or **registered** unemployed according to the definitions ie, not claiming benefits

The ESF *Participant Guidance* was meant to supplement these definitions and provide clarification on the type of documentation that could be provided to evidence eligibility.

In this case, if an individual is unemployed (as evidenced by attending an ESA Work Related Activity Group) and can evidence that they have been unemployed for the appropriate age-dependent qualifying criteria (e.g. via a signed referral from DWP, Benefits Award letter etc), the individual can be classed as 'long-term unemployed'

Q6. Is there a minimum number of hours that are required to be worked for an individual to be considered 'employed' at registration / 'on entry' e.g. 16 hours

A. The answer is dependent on the type of intervention:

Pipeline / Social Inclusion & Poverty:

There are no minimum number of hours required for an individual to be considered 'employed' (European Commission's *Monitoring and Evaluation of European Cohesion Policy Guidance*, p55). However, individuals in receipt of Universal Credit and who are in the 'Intensive Work Search' Labour Market Regime can be considered 'Unemployed'.

YEI:

Please note that if an individual is classed as 'employed' (e.g. has a contract of employment at registration for any number of hours, including zero hour contracts) they are not eligible for YEI.

Q7. When using the barrier of 'at risk of becoming NEET' is there a requirement to provide any further evidence outlining why the school deem them to be at risk? What ages are eligible for support and, for the Pipeline, is a second barrier required?

A. The answer is dependent on the type of intervention:

Pipeline / Social Inclusion & Poverty:

Please refer to the *Participant Guidance* for further details relating to the correct definition for this barrier.

In order to be eligible for support, each individual must meet all of the relevant eligibility criteria (e.g. multiple barriers, right to live and work etc). In addition, the Managing Authority would expect for these individuals to have specifically identified as being at risk of becoming NEET (e.g. by the school, guidance counsellor, social work department etc) and for this to be detailed in the Project Worker Assessment that should accompany the Registration Form.

The Lead Partner can work with any individual who has been identified as being at risk of becoming NEET (e.g. 4th, 5th and 6th years) – however the

individuals must be of 'working age' as a minimum (or around 6 months from reaching 'working age').

For Pipeline interventions a second eligible barrier must also be evidenced

For Social Inclusion & Poverty interventions the individual must also be within one of the three target groups.

YEI

Individuals 'at risk of becoming NEET' are not eligible for support.

Q8. Can individuals on Income Support be classed as Unemployed?

- A.** No – as stated in the *Participant Guidance* only individuals in receipt of JSA or ESA (Work Related Activity Group) at the point of registration are considered as 'Unemployed' for the purposes of ESF. Individuals in receipt of Income Support should be recorded as either 'Economically Inactive' or 'Inactive, not in education or training'.

Q9. If an individual is in the assessment period of ESA at the point of registration, should they be recorded as 'Unemployed' or 'Inactive'?

- A.** Provided appropriate documentation can be provided to evidence that the individual is in the assessment phase of ESA, the individual should be recorded as either 'Economically Inactive' or 'Inactive, not in education or training', as it is not possible to establish whether they will be placed in either the Work Related Activity Group or the Support Group.

Q10. What evidence is required to document a change to a Participant's name?

- A.** A deed poll (whether 'unenrolled' or 'enrolled') can be used as proof that an individual have changed their name (for individuals not born or adopted in Scotland) - however, it is not a proof of identity and must be viewed in conjunction with other identity documents, such as a birth certificate or passport.

A Statutory Declaration (a signed document prepared by a Notary Public, local Registrar or Justice of the Peace, declaring that from a stated date, an individual has been using the new name) can also be used to evidence a change of name (for individuals born in Scotland).

If the individual has not used a deed poll or Statutory Declaration, a File Note should be added to the individual Participant File clarifying the reason for the change of name and should be signed by both the Participant and Project Worker.

2. DOCUMENTATION REQUIRED TO EVIDENCE BARRIERS/EMPLOYMENT STATUS

Q1. Would the Managing Authority expect evidence to be provided to support someone's nationality/ citizenship e.g. passport, birth certificate, proof of NI number etc.

A. The Lead Partner should be able to demonstrate that all participants are legally able to reside (and, if relevant to the operation, work) in the UK and, in addition, meet the eligibility criteria for the relevant ESF Priority – please refer to the *Participant Guidance* on the ESIF Division website.

Q2. Where a signed declaration is provided by DWP / Job Centre Plus (stating that all of the information is correct), would this be sufficient to evidence Name, Address, Date of Birth etc? In addition, would this be sufficient to evidence Barriers?

A. Please refer to the *Participant Guidance* on the ESIF Division website.

Q3. Is the Managing Authority in discussion with DWP / Job Centre Plus with regards to assisting Lead Partners with the process of receiving confirmation of an individual's length of unemployment?

A. DWP have issued a streamlined template Referral / Data Sharing Form directly to Lead Partners to try and assist with this process. Lead Partners are encouraged to liaise directly with their local JCP to gain this confirmation.

Q4. Can a Driving Licence be used as evidence of the right to reside and work in the UK?

A. A driving licence can only be used to evidence an individual's legal right to live in the UK. A driving licence is not sufficient to demonstrate the right to work in the UK. A full or provisional licence is appropriate.– see updated *Participant Guidance* on the ESIF Division website.

Q5. Where errors are identified on the Registration Form or within Participant Files, how should these be corrected?

A. Where errors are identified on a participant's Registration Form or other documentation, the Lead Partner must take the following steps to rectify this:

- The Lead Partner should identify whether the Participant is still engaging with the intervention
- If the participant is still engaging – the Lead Partner should ask the participant to correct the errors and initial /date these revisions to the form. In addition, a file note should be added to the Participant Record documenting the error and the steps taken to rectify the error

- If the participant had exited the intervention – the Lead Partner should not attempt to alter the form. A file note should be added outlining the error and confirming the correct information
- In all cases, the Lead Partner's MIS and EUMIS must be updated to reflect the correct information. In addition, where the errors identified result in the participant being ineligible because the Lead Partner is unable to fully evidence eligibility the 'Supported' field on EUMIS should be 'unticked'.

Q6. Can Disclosure Forms be used as evidence (e.g. of an individual's address, date of birth etc)?

- A.** No – Disclosure Forms must not be shared with third parties (as per Disclosure Scotland's website) and should not be issued to the MA .

Q7. Can an individual's CHI (Community Health Index) number be used to evidence an individual's date of birth?

- A.** Yes – provided the CHI number is recorded on official correspondence or documentation that is retained on the participant's file. The CHI number is a unique 10-character numeric identifier which contains the individual's date of birth and is allocated to each patient on first registration with the NHS Scotland system

Q8. Where an individual is in receipt of Universal Credit, it is sometimes difficult to obtain a letter that contains a full breakdown of the benefits making up the overall payment. Where it can be demonstrated that the standard JSA or ESA (Work Related Activity Group) payments are being paid, will this be acceptable evidence to prove an individual is 'Unemployed'?

- A.** Yes - provided the individual is getting the standard Universal Credit allowances (see attached links below) or it can be easily calculated what the additional add-ons are (e.g. extra amounts for having dependent children or having a disability etc)

Universal Credit

<https://www.gov.uk/universal-credit/what-youll-get>

ESA

<https://www.gov.uk/employment-support-allowance/what-youll-get>

Where it is not possible to use the standard allowances to determine an individual's employment status, the Lead Partner must provide a breakdown or additional evidence to prove the employment status recorded on the Registration Form.

Q9. Is it possible to use a bank statement to evidence an individual's Employment Status?

- A. Yes, provided the bank statement clearly specifies the type of benefit being received e.g. JSA, ESA (WRA Group), ESA (Support Group) etc. Please note that if the bank statement simply refers to 'Universal Credit' or 'ESA', additional documentation will be required to fully evidence whether the individual is Employed, Unemployed or Inactive.

3. OUTPUTS / RESULTS

Q1. Is there any guidance about the minimum hours required or length of contract for a job to count as an employment outcome?

- A. The answer is dependent on the type of intervention:

Pipeline / Social Inclusion & Poverty:

There is no minimum number of hours or contract length required for a job to be reported as an outcome. However, Lead Partners should note that deliberately short-term job opportunities (e.g. Christmas cover) will not be considered as 'in employment' and must not be reported as an outcome via EUMIS.

YEI:

Contracts must be for a minimum of 16 hours per week for a job to be considered as an outcome.

Q2. If a participant who received an offer of a college place prior to registering with a Pipeline, is at risk of not attending or taking up this college place without Pipeline support over the summer, can a 'in education or training' outcome be claimed (if the individual subsequently attends college)?

- A. No, as it would be difficult to prove that the assistance provided on the Pipeline assisted the participant in taking up their college place as the date on the college letter is prior to the date on the registration form.

In addition, the Commission's *Monitoring and Evaluation Guidance of European Cohesion Policy* Guidance states that there are minimum requirements in place to "avoid the reporting of participants benefitting from extremely short-term or low intensity support, for which it would be very difficult to assess whether the results achieved can be attributed to the ESF support".

Q3. Can zero-hour contracts be recognised as a job outcome?

- A. The answer is dependent on the type of intervention:

Pipeline / Social Inclusion & Poverty:

While zero-hours contracts can be claimed as job outcomes, Lead Partner are encouraged to ensure that, as far as possible, all jobs are of sufficient quality, sustainable and suitable for the individual concerned - thereby minimising the chances of individuals returning to the pipeline for further support.

YEI

Zero-hours contracts are not eligible as job outcomes.

Q4. Can more than one result be recorded against the same Participant?

- A.** Yes – it is possible for more than one result to be achieved, as long as the results are appropriate for the operation and documentation is retained to evidence these results e.g.:

Employability Pipeline

Participant A could achieve a qualification during their engagement with the Pipeline (Result – ‘Unemployed and inactive participants with multiple barriers gaining a qualification’) and enter employment two weeks after exiting the Pipeline (Result – ‘Unemployed and inactive participants with multiple barriers in employment, including self-employment, upon leaving’). In this example, it is acceptable to record two results for the Participant.

Social Inclusion & Poverty

Within a financial inclusion intervention, Participant B could potentially achieve both of the following results – ‘Disadvantaged participants in workless, lone parent or low income households with improved money management skills’ and ‘Participants no longer affected by debt as a barrier to social inclusion’. These are two distinct result achievements as a participant can gain money management skills without necessarily removing debt as a barrier.

In addition, the Commission’s FAQ to the Monitoring and Evaluation Guidance (page 11) states: “Indicators related to a change in labour market situation are mutually exclusive at each observation point (on leaving or six months later), but not between points, and cannot be combined. For example, the immediate result indicator “inactive, engaged in job searching upon leaving” is intended to measure the transition from inactivity to unemployment, with the definition of “engaged in job-searching” referring to the definition of “unemployed” used for output indicators, which qualifies that persons concerned should be out of work (on leaving). This indicator therefore cannot be combined with the indicator for “in employment, including self-employment, upon leaving”. If a participant who was inactive on joining subsequently takes up a part-time job and at the same time is seeking a full-time job they would be counted only as being in employment and not as newly engaged in job-searching (because they are not out of work).

For the longer-term results the indicator on “participants in employment, including self-employment, six months after leaving” cannot be combined with “participants with an improved labour market situation six months after leaving” because they cover different reference populations – respectively those who were unemployed or inactive on joining and those who were employed on joining (see Annex B in the EC guidance document).”

Q5. When should results be recorded on EUMIS?

- A.** Results can only be recorded on EUMIS once a Participant has fully exited the operation. As stated in the European Commission's *Monitoring and Evaluation Guidance – Annex D* and the *Participant Guidance*, if a participant enters and leaves the same operation several times during one or several reporting years, data relating to this participant should be recorded, stored and reported only once. The start date and information relating to output indicators should always refer to the first participation (i.e. not changed upon re-entry). The exit date should however be updated to reflect the final exit date and any other previously recorded result indicators should be updated accordingly.

In addition:

- immediate result indicators should only relate to results achieved in the 4 week period after the participant has exited the operation.
- longer-term results should only relate to results achieved 6 months after the participant has exited the operation.

Therefore, where a participant leaves and then re-engages with an operation, the original exit date and result indicators must be removed from EUMIS and only re-entered once the participant exits again (provided they are still correct and appropriate).

Q6. When using the result 'Unemployed and inactive participants with multiple barriers entering education or training', what constitutes 'training' and can it be internal training i.e. delivered by the Lead Partner)?

- A.** The Commission's *Monitoring and Evaluation Guidance: Annex C* (page 46) defines this result as:
"Persons who have received ESF support and who are newly engaged in education (lifelong learning, formal education) or training activities (off-the-job/in-the-job training, vocational training, etc.) immediately upon leaving the ESF operation... "upon leaving" is to be understood as up to four weeks after the exit date of the participant."

In addition, Lead Partners should note that deliberately short-term educational courses / training opportunities (e.g. opportunities that last less than four weeks) will not be considered as 'entering education or training' and must not be reported as an outcome via EUMIS. Lead Partners are expected to be able to demonstrate that there is a change in the participant's situation upon leaving, compared to the situation when entering the ESF operation.

While it is possible for the Lead Partner to delivery this type of training to a participant who has exited the operation, the Lead Partner would need to demonstrate why this training was not offered as part of a package of support during the participant's engagement with the intervention.

In addition, the Commission's FAQ to the Monitoring and Evaluation Guidance (page 7) states:

"All common result indicators (immediate and longer-term) measure changes in the situation of participants compared to their situation before starting on an ESF operation. In the case that a participant continues in training after the end of a period of ESF supported training then whether or not they should be counted under the immediate result indicator "participants in education/training upon leaving" depends on whether they were in education or training before starting on the ESF supported part of their training. Only participants who were not in education or training before starting the ESF supported training should be counted. See definitions and further guidance *Annex C* and *Annex D* of the EC Guidance document on Monitoring and Evaluation."

<https://ec.europa.eu/sfc/en/system/files/ged/FAQ%2024%20June%202014.pdf>

Q7. Participant A is unemployed and registers with a Pipeline intervention, the Lead Partner works with that individual and is successful in assisting them with securing a job opportunity. However, the participant needs additional support and the Lead Partner continues to engage with the individual, providing in-work support for a substantial period. When the participant finally exits the operation (e.g. a number of months after actually commencing employment), can the Lead Partner claim the 'Unemployed and inactive participants with multiple barriers in employment, including self-employment, upon leaving' result? If so, when should this result be recorded on EUMIS? In addition, when can the ' Unemployed and inactive with multiple barriers in employment, including self-employment, six months after leaving' result be claimed?

A. As mentioned in the response to Question 5, results can only be recorded on EUMIS once a Participant has fully exited the operation e.g. after all support has ended.

The Commission's *Monitoring and Evaluation Guidance: Annex C* (page 47) defines this result as:

"Unemployed or inactive persons who have received ESF support, and who are in employment, including self-employment, immediately upon leaving the ESF operation... "upon leaving" is to be understood as up to four weeks after the exit date of the participant."

Further, the document states:

"This indicator is to be understood as a change in the employment status upon leaving, compared to the situation when entering the ESF operation (with the participant being unemployed or inactive when entering the ESF operation)."

Therefore, in this instance, the Lead Partner can claim the above result, provided:

- the participant is still in employment up to four weeks after exiting the operation;
- it can be demonstrated that the change in the participant's circumstances is as a direct result of ESF support;
- appropriate documentation can be provided to fully evidence the result (e.g. proof of employment - letter, contract, payslip etc) - please refer to the *Verification Checks – Outcomes: Outputs / Results Guidance* on the ESIF Division website for further clarification)

If the participant is not in employment up to four weeks after they finally exit the operation, the Lead Partner must not claim the above result.

As mentioned in the answer to Question 5, longer-term results should only relate to results achieved 6 months after the participant has finally exited the operation.

Q8. What is the definition of a 'qualification'?

- A.** The Commission's FAQ to the Monitoring and Evaluation Guidance (pages 7 - 8) states:
"According to the European Qualifications Framework definition, a qualification is 'a formal outcome of an assessment and validation process which is obtained when a competent body determines that an individual has achieved learning outcomes to given standards'.
The main criterion is that the participants in an ESF operation need to pass a formal examination which attests the knowledge, skills and competence acquired on completion of the learning process. Participants who are given simple attendance certificates at the end of a course should not be counted in the indicator "Participants gaining a qualification upon leaving". It is recommended to define "qualification" in the national context on national, Operational Programme and/or project level..."

There are no specific requirements in relation to the "competent body". The competent body could be the institution delivering the qualification or the national body entrusted with the formal examination."

<https://ec.europa.eu/sfc/en/system/files/ged/FAQ%2024%20June%202014.pdf>

Q9. What is the definition of an 'improved labour market situation'?

- A.** The Commission's FAQ to the Monitoring and Evaluation Guidance (pages 8 - 9) states:
"The definition of improved situation on the labour market is limited to the following criteria (provided in *Annex C* of the EC Guidance document on Monitoring and Evaluation):

“Persons who are employed when entering ESF support and who, following the support, transitioned from precarious to stable employment, and/or from underemployment to full employment, and/or have moved to a job requiring higher competences/skills/ qualifications, entailing more responsibilities, and/or received a promotion 6 months after leaving the ESF operation”...

Thus, participants who better meet the requirements of the labour market or increase their salary, but have not experienced any change in position, hours worked or range of activity, are not to be counted as “participants with an improved labour market situation six months after leaving”. If you want to monitor the change in meeting the requirements of the labour market it is suggested to set up programme-specific indicators to do so.”

In addition: “A change from employed to self-employed does not necessarily imply an improvement in the labour market situation of the individual concerned according to the definition of the indicator. For each case, all criteria set out in the definition should be checked irrespective of whether the participant is employed or self-employed.”

<https://ec.europa.eu/sfc/en/system/files/ged/FAQ%2024%20June%202014.pdf>

Q10. If a qualification has been achieved but the participant is still receiving support can the indicator “Participants Gaining a Qualification Upon Exit” be recorded?

- A.** Yes – As per *Annex D (page 66)*: “the time at which the qualification has been obtained, provided it is as a result of taking part of ESF operation is not relevant.”

Therefore in this scenario the achievement could be recorded against this indicator if the qualification was satisfactory and achieved as a result of the operation. Please note that the qualification can only be physically recorded on EUMIS once the individual has exited the operation.

In addition, please see the answer provided at **Q8**, outlining what the Commission’s definition of a ‘qualification’ is.

Q11. Can an email from an employer be accepted as proof of a job outcome?

- A.** Yes – provided the email includes:
- the name of the employer organisation within the email address string (and ideally, the employer’s logo);
 - the name and address of the employer;
 - the participant’s details;
 - job title;
 - contract start date;
 - the number of hours worked per week;
 - contract type.

Q12. In order to claim the result relating to ‘in employment, including self-employment, six months after leaving’ does the participant have to be employed within the same job that they were in when they exited the operation?

A. No. As per *Annex D (page 57)*: “Result indicators, both immediate and longer-term, aim to identify a change in the situation of participants compared to that on entry to the operation. In other words, to show the number of people for whom the operation might have had some result”. Therefore, provided the participant was unemployed or inactive when they registered with the operation, and in employment during the timescales relating to immediate and long-term results, Lead Partners can claim these results (provided they can be appropriately evidenced)

4. ELIGIBLE COSTS

Q1. Are Disclosure certificates eligible i.e. where a participant being supported on the Pipeline requires a Disclosure Certificate take up an employment opportunity?

A. Disclosure certificates are eligible as per section 4.3.3 of the *National Rules on Eligibility of Expenditure* (see ESIF Division website) – these costs should be “claimed” as part of the percentage of Indirect Costs (Flat Rate) or as part of a Procured delivery contract.

Q2. Are Childcare costs eligible i.e. where a participant may need support to cover initial Childcare costs until a first wage is received?

A. Childcare costs are eligible as per section 4.3.4 of the *National Rules on Eligibility of Expenditure* (see ESIF Division website) – these costs should be “claimed” as part of the percentage of Indirect Costs (Flat Rate) or as part of a Procured contract.

Q3. The *National Rules on Eligibility of Expenditure* states that PPE is only eligible when it relates to the delivery of a project, however if a participant has received support through the Pipeline and as a result has been offered employment and require PPE to take up the offer, would this be eligible?

A. Some Participant costs are eligible as per section 4.3.3 of the *National Rules on Eligibility of Expenditure* (see ESIF Division website) – these costs should be “claimed” as part of the percentage of Indirect Costs (Flat Rate) or as part of a Procured contract. However, it should be noted that equipment relating to employment should be provided by either the employee or employer.

Q4. Are Travel costs eligible i.e. where a participant may need support to cover initial Travel costs until a first wage is received?

A. Travel costs are eligible as per section 4.3.3 of the *National Rules on Eligibility of Expenditure* (see ESIF Division website) – these costs should be “claimed” as part of the percentage of Indirect Costs (Flat Rate) or as part of a Procured contract.

Q5. Where a Strategic Intervention has two operations (one of which relates to Lead Partner Management costs), is it possible to transfer costs between these operations?

A. Offer of Grants are awarded per operation and are specific to the operation that is included within that offer - any movement of costs between operations would have to go through the formal Change Request process.

It is not possible to transfer Indirect costs between operations - as the costs are directly tied to a specific post / salary.

Q6. Are the following costs eligible:

- **Software**
- **Laptop warranty costs**
- **Laptop configuration and installation costs**

A. These costs are eligible and should be “claimed” as part of the percentage of Indirect Costs (Flat Rate) or as part of a Procured delivery contract.

5. WAGE SUBSIDIES

Q1. Is it possible to allow staged payments to employers at 13 weeks and 26 weeks based on the national minimum wage – employers would be reimbursed by the staged payments.

A. This is acceptable provided that employers have been consulted and are content with this arrangement.

Q2. Is it possible to pay more than the national minimum wage?

A. In exceptional circumstances, the Managing Authority may allow Lead Partners to pay above the national minimum wage – this must be agreed with the Managing Authority in advance. The Managing Authority would expect to be provided with details about the proposed payment amounts and clarification outlining why the increased amount is necessary.

Q3. What is meant by the ‘Final Participant’ in relation to documentation being checked?

A. The ‘Final Participant’ is the Participant / Employee.

Q4. Are wage subsidy costs only eligible if the job opportunity is within an SME?

A. No – there is no requirement for the job opportunities to be within an SME only. Lead Partner should ensure that all relevant State Aid regulation are complied with.

Q5. Does the participant have to be at least one day unemployed to be eligible for a wage subsidy?

A. The answer is dependent on the type of intervention:

Pipeline / Social Inclusion & Poverty:

Not necessarily - a participant needs to be “eligible” under the terms of the priority and operation they are supported under e.g. under Priority 1 they would have to be unemployed or inactive with multiple barriers to receive assistance as part of a wage subsidy element of an employability pipeline.

YEI:

The participant has to be unemployed for at least one day.

Q6. Is holiday pay eligible as part of costs that can be claimed under wage subsidies?

A. Yes – holiday pay is eligible.

Q7. Could you advise if contracts definitely need to be split into wage subsidy and formal job offer or would the MA accept a contract of employment at the start of the wage subsidy that lasts for at least a year to help encourage sustainability.

A. As the pipeline is designed to help the development of participants who have multiple barriers to employment it is important to demonstrate that the operation will have added value. It would be difficult to do this with an open ended job and therefore we would expect to see a contract with a specific period of time (e.g. up to a year) or probationary period specified (e.g. up to a year). Therefore if the job is extended we would expect to see a contract/letter confirming that the job is now permanent.

Please note that this applies to YEI also.

Q8. Is it acceptable for an Employer to approach the Delivery Organisation/Agent with an eligible ESF participant that they are employing and enquire about the Wage Subsidy (if the participant has been sourced and recruited by the employer) - the employer is the beneficiary and they are aware of the ESF Wage Incentive prior to recruitment through the marketing process and liaising with the Employability Officer)?

- A.** Participants must be registered with the Pipeline / YEI project before they are matched to a wage subsidy opportunity with an employer – this ensures that the individual is eligible for support (i.e. has multiple barriers to employment, has the right to live and work in the UK etc), has an appropriate action plan in place and are aware that they are receiving ESF support. An employer cannot approach the LP asking for someone to be on a wage subsidy.

Wage subsidy opportunities should be brokered between the Lead Partner / delivery agents and the employer– participants should not be recruited by the employer directly. It should be noted that the employer is not ‘the beneficiary’ of Structural Funds – the participant is ‘the end beneficiary’.

Pipeline specific

It should be noted that the main focus of the pipeline is to assist individuals with multiple barriers to employment (and who are the furthest away from the labour market) to progress into or through employment – not to provide wage subsidy placements (this is merely an eligible activity within the pipeline to assist individuals into employment). Due to the nature of the participants being assisted, it is anticipated that most participants would require some form of barrier removal activity prior to being able to apply for any wage subsidy opportunities.

Q9. Is occupational sick pay eligible to claim for a participant on a wage subsidy scheme?

- A.** Yes – in relation to wage subsidies, the ESF relates to the ‘participant’ rather than the ‘post’, therefore occupational sick pay is eligible. Please note that statutory sick pay is not eligible.

Q10. Is it possible to pay the Scottish Real Living Wage?

- A.** Yes – see above answer provided at Question 2.
In addition, employers must have achieved Living Wage Scotland accreditation status or be working towards achieving accreditation. Please note that evidence of accreditation (or the steps being taken to achieve accreditation) must be retained and provided at audit. Please refer to the Scottish Living Wage website for further information about achieving accreditation status: <http://scottishlivingwage.org/>

Q11. What is the difference between the National Minimum Wage, the National Living Wage and the Real Living Wage?

- A.** An explanatory table is provided on the Scottish Living Wage website (https://scottishlivingwage.org/what_is_the_living_wage)

	THE MINIMUM WAGE <i>Government minimum for under 25s</i>	NATIONAL LIVING WAGE <i>Government minimum for over 25s</i>	REAL LIVING WAGE <i>The only wage rate based on what people need to live</i>
WHAT IS IT?	£7.70	£8.21	£9.00 across the UK and £10.55 in London
WHAT IS IT MONTHLY?	£1,251.25	£1,334.12	£1,462.50 across the UK and £1,714.37 in London
WHAT IS IT ANNUALLY?	£15,015	£16,009.50	£17,550 across the UK and £20,572.50 in London
IS IT THE LAW?	Statutory	Statutory	Voluntary
WHAT AGE GROUP IS COVERED?	21 and older	25 and older	18 and older
HOW IS IT SET?	Negotiated settlement based on recommendations from businesses and trade unions	A % of medium earnings, currently at 55%, it aims to reach 60% of median earnings by 2020.	Calculation made according to the cost of living, based on a basket of household goods and services
IS THERE A LONDON WEIGHTING?	No London Weighting	No London Weighting	Yes - Separate higher rate for London

(Please refer to the table published on the Scottish Living Wage website when confirming the different wage rates - this guidance document will not necessarily be updated to reflect yearly increases).

Q12. A potential employer has requested that participants complete an unpaid work trial (for up to a week) to determine suitability before committing to a 6 month wage subsidy. The participant would not be provided with a contract of employment unless the work trial is successful and the participant then commences a wage subsidy. Is it acceptable to claim the wage subsidy costs as the Participant is not technically employed when the wage subsidy commences?

A. Where there is no formal contract of employment in place, the Participant would not be considered as 'Employed' when the wage subsidy commences.

However, the Managing Authority would discourage Lead Partners from placing participants in work trials (whether paid or unpaid), as it may have a detrimental impact on their overall experience of the labour market (particularly for those individuals who are furthest away from the labour market, with multiple barriers to employment).

Please note that any costs associated with the work trial are not eligible and must not be claimed.

6. GENERAL

Q1. Are participants on the Employability Fund eligible?

A. The answer is dependent on the type of intervention:

Pipeline:

Yes – provided that it can be demonstrated that the activity being delivered is additional.

YEI:

No – a young person who is on the Employability Fund is not eligible for YEI support.

Q2. Section 1.8 of the *National Rules on Eligibility of Expenditure* states that “Use of single source awards must have prior approval by the Managing Authority” - is this the case for “Sole suppliers” also?

A. Yes - approval would be required.

Q3.a. Would it be acceptable to put a brief out to the third sector explaining what the Strategic Intervention requires for effective implementation and asking them to compile a range of organisations (national and local) that could potentially work together to deliver this.

A. No – this would not be acceptable.

Q3b. Does this conflict with the principles of the challenge fund guidance?

A. Yes – this would conflict with the challenge fund guidance. There should be a formal process i.e. an open and transparent process, clear criteria, applications, evaluations and assessments.

Q4. What is the definition of Workforce Returner?

A. The status for these individuals would be either ‘Unemployed’ or ‘Inactive’ i.e. individuals returning to work after a deliberate period of absence.

Q5. How should MAPPAs participants be recorded – given that Scottish Government guidelines stipulate that all information relating to these individuals should be paper based and stored securely within a locked filing cabinet?

A. There is no requirement for MAPPAs participants to be logged on the Lead Partner’s MIS as long as they are correctly logged on EUMIS (where the only identifier would be the individuals National Insurance number – combined with relevant multiple barriers i.e. criminal convictions). In addition, paper copies of the files should be retained (albeit securely – as stated) - if the individuals are picked for verification, the files would be viewed on-site.

Q6. Gender – are there any other options other than ‘Male’ or ‘Female’ i.e. Transgender?

- A.** No. The Commission have stipulated that data should be collected relating to ‘Male’ and ‘Female’ only. Participants should be encouraged to choose the gender that they most identify with.

The Commission’s *Monitoring and Evaluation Guidance: Annex D*, section 5.2.1:

“The term “sex” refers to the biological and physiological characteristics that define men and women while the term “gender” refers to the social representation of male and female attributes. Given that for some people the issue of gender is sensitive, for the purposes of ESF monitoring it is recommended that:

- in cases where information is collected directly from participants the gender identity of participants should be recorded (i.e. the sex/gender that the participant wishes to be identified with)...”

Q7. What is the minimum ‘working age’?

- A.** The answer is dependent on the type of

intervention: Pipeline:

The minimum working age relates to when an individual is legally able to leave school – this is dependent on when the individual turns 16

Where an individual turns 16:

- between 1 March and 30 September – they can leave school after the 31 May of that year
- between 1 October and the last day of February – they can leave at the start of the Christmas holidays in that school year

Example of 15 year old being of working age:

Participant A is 15 years old and their DOB is 29/09/2001. As their 16th Birthday falls between 1 March and 30 September, Participant A is allowed to leave school from 31 May. Therefore, even though Participant A is still only 15 years of age, between 31 May – 29 September, they are allowed to start full-time work – as they have reached the minimum school leaving age.

YEI: Participants must be between 16 and 29 years of age to be eligible for YEI support.

Q8. Can a young person who is active on an Activity Agreement via Opportunities for All funding access ESF also?

A. The answer is dependent on the type of intervention:

Pipeline:

Yes – provided that it can be demonstrated that the activity being delivered is additional and there are no related targets or outputs attached to the funding. Please note that a participant going on to an Activity Agreement should not be recorded as an outcome for ESF.

National Third Sector Fund:

SDS have issued advice to delivery organisations to clarify that they do not consider it appropriate for NTSF participants to be referred onto Activity Agreements - since the NTFS is not part of the established Activity Agreement referral routes. In addition, outcomes should not be claimed on this basis either.

YEI:

No – a young person who is active on an Activity Agreement is not eligible for YEI support.

Q9. If an individual has ‘no recourse to public funds’ noted on their residency or permit, are they still eligible for ESF support?

A. Yes. ‘No recourse to public funds’ means that individuals are not able to ‘claim most benefits, tax credits or housing assistance that are paid by the state.’ However, Public funds do not include benefits that are based on National Insurance contributions.

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

In relation to ESF, since the interventions are delivering services related to employability and / or social inclusion & poverty, and not providing welfare type payments, participants who have ‘no recourse to public fund’ are considered eligible for support (provide they meet all other eligibility criteria for the intervention).

Q10. What ‘Employment Status’ should be given to an individual who has been in receipt of Jobseekers Allowance, but is currently sanctioned by the Benefits Agency at the point of registration?

A. The individual should still be recorded as ‘Unemployed’ as they are technically registered as unemployed even though they are not receiving the benefits while they are sanctioned.

Q11. Can the Skills Development Scotland Data Hub be used as a national register (as per the *Participant Guidance*) to evidence participant eligibility?

- A. No – data is uploaded to the SDS Data Hub from a variety of sources and it is not possible to determine when the data is uploaded, how the evidence is verified and how often the information is updated.

Q12. How should a Participant who has no qualifications be recorded on EUMIS – there does not appear to be an option for ISCED Level 0?

- A. EUMIS records an individual's highest level of qualification / education attainment rather than their highest certificated qualification level (although often these equate to the same ISCED level). As recorded in the qualifications table within the *Participant Guidance*, ISCED Level 1 is equivalent to completing primary school education – therefore most Participants will generally have a minimum of ISCED Level 1.

Q13. Participant A is an Asylum Seeker and does not currently have an NI Number or Scottish Candidate Number – what should be recorded in the 'NINO' field on EUMIS?

- A. In this instance a temporary, interim number can be used (e.g. the individual's Home Office Reference Number or ARC card number) – appropriate evidence (e.g. official documentation, ARC card etc) must be retained to evidence this. Once an NI Number or Scottish Candidate Number is received, EUMIS must be updated accordingly.

Q14. Can participants access Fair Start Scotland (FSS) and ESF at the same time or use FSS as match funding?

- A. The answer is dependent on the type of intervention:

Pipeline:

No - where activity and outcomes have been specifically procured (as with Fair Start Scotland), dual funding is not eligible (as per section 1.4 of the National Rules). Therefore FSS is not eligible match funding and participants must not access FSS and ESF at the same time.

However:

- individuals can access the ESF Employability Pipeline provision prior to being referred to FSS or after they have left FSS;
- if individuals supported by ESF Pipeline provision are referred to FSS, Lead Partners need to satisfy themselves that it does not impact on their ESF terms and conditions; and

- if an individual is participating in FSS, access to any interventions that form part of the ESF Employability Pipelines needs to meet audit and compliance obligations (e.g. demonstrating additionality of outcomes).

Social Inclusion & Poverty:

FSS is not eligible match funding

However, participants could potentially access FSS and Social Inclusion & Poverty interventions at the same time provided that it can be demonstrated that the activity being delivered adds value to the employability support being offered through FSS.

Q15. Can participants access Kickstart and ESF at the same time?

The Kickstart programme is a DWP programme targeting Universal Credit claimants aged 16 -64. This programme is a fully funded 6 month work placement with additional costs given to the employer to support and train a participant.

Any individual who has been supported by ESF and moves onto Kickstart needs to be recorded as a leaver on ESF.

However, a limited number of exceptions to this rule may be possible, depending on the participant circumstances. The Lead Partner **must** consult their PCM in the first instance, and any exceptions must be granted in writing by the MA.

Q16 Can participants access Job Entry Targeted Support (JETS) and ESF at the same time?

No. The Job Entry Targeted Support (JETS) programme in Scotland is a DWP programme providing light touch employment support to help people recently made unemployed, primarily due to the economic impact of Covid-19. Participants with barriers to employment are not suitable for this support.

Any individual who has been supported by ESF and moves onto Job Entry Targeted Support needs to be recorded as a leaver on ESF.

Q17 Can the Parental Employment Support Fund (PESF) be used as match funding on ESF operations?

Yes as long as the match funding is 'clean' and that the activity being delivered is additional and there are no targets or outputs attached to the funding.

Q18. Is it acceptable to claim the Result Indicator relating to 'In education / training upon leaving' when a Participant is referred to Fair Start Scotland?

A. No.

Q19. Do Lead Partners need to collect Exit information for every Participant?

A. Yes (where possible), the Lead Partner should make reasonable attempts to collect relevant information relating to the Participant's decision to exit the operation e.g.

- why has the Participant chosen to exit the intervention;
- have any results been achieved;
- what impact has the ESF intervention had on the Participant's individual circumstances etc

Where it is not possible to collect this information (e.g. because the Participant has disengaged), the Participant File should be updated to document this e.g. via Project Worker notes or evidence of correspondence to the Participant.

Q20. Can an individual who receives a New Enterprise Allowance (<https://www.gov.uk/moving-from-benefits-to-work/starting-your-own-business>) also access ESF and can a result relating to 'in employment' be claimed?

A. Yes, the individual can access ESF and receive a NEA, provided that it can be demonstrated that the activity being delivered is additional and does not duplicate the support being provided by ESF.

With regards to claiming results, Lead Partners should measure whether a change in circumstances from the point ESF support commenced to the point it ended has occurred. Therefore, where the participant's initial employment status has changed from unemployed / inactive to employed, then it is acceptable to claim the 'in employment' result, provided that it can be demonstrated that the change in circumstances is as a result of ESF support (and not just the NEA).

Q21. How do the Universal Credit conditionality groups and labour market regimes correspond to the ESF Employment Status definitions?

A. The Participant Guidance now include a breakdown of these groups and how they relate directly to the ESF Employment Status definitions – see Annex B.

Q22. Can participants access the Youth Obligation Support Programme (<https://www.gov.uk/guidance/support-for-18-to-21-year-olds-claiming-universal-credit>) and ESF at the same time?

A. Yes – provided that it can be demonstrated that the activity being delivered is additional and there are no related targets or outputs attached to the funding.

Q23. Is a Project Worker Assessment always required?

A. As per the Participant Guidance, Project Worker assessments are extremely important and should address the Participant's needs in relation to the intervention being proposed - assessments should therefore clearly outline the link between the needs or barriers of the Participant and the positive outcome that it is anticipated ESF assistance will generate.

These assessments may include a record of the individual's eligibility / circumstances / lifestyle and should ideally be signed by the Project Worker and Participant – a Project Worker Assessment combined with a self-certified Registration Form (where self-certification forms part of the evidence requirements detailed in the 'Definitions' section) is always preferable to self-

certification on its own.

7. NEW (DECEMBER 2020) BARRIER QUESTIONS

GENERAL QUESTIONS

- Q1. Can these new barriers be used for participants who we have registered since 01/04/20 and who may only have had one of the pre-existing barriers? We gather a lot of detailed information on our registration form, and where applicable there would be a detailed assessment to support these. Given that we have not yet been able to obtain any wet signatures, could we record on EUMIS any of these new barriers for participants who were registered between 01/04/20 and 01/12/20 if they only had one of the pre-existing barriers? Or if they only have two of the new barriers?**
- A.** These assessments may include a record of the individual's eligibility / circumstances / lifestyle and should ideally be signed by the Project Worker and Participant – a Project Worker Assessment combined with a self-certified Registration Form (where self-certification forms part of the evidence requirements detailed in the 'Definitions' section) is always preferable to self-certification on its own. Unfortunately the MA cannot retrospectively apply the guidance. We have reviewed the EC Monitoring and Evaluation Guidance and this is littered with references to the situation of the participant upon entry. Even with the Covid-19 pandemic, very little flexibility has been afforded to compliance requirements.
- Q2. Could we select the 'impacted by COVID-19 and under age 25' and one of the other new COVID barriers for a participant?**
- A.** The two new household barriers are not related to the Covid situation. These target groups / barriers have been identified by the 'Every Child, Every Chance' - The Tackling Child Poverty Delivery Plan 2018-22 as preventing a participant's progress towards and / or progress in employment – therefore hindering their ability to increase their income through employment or self-employment to a level that exceeds to the current poverty thresholds. The two Covid related barriers are Employment Status affected by Covid-19 and Young People under 25 impacted by Covid-19. Therefore you can selected one of the Covid-19 barriers and one of the household barriers.
- Q3. If the barrier 'employment status affected by COVID-19' is used as a barrier, would the second qualifying barrier have to be one of the pre-existing ones? Could 'households where there are 3 or more dependents' be used for example?**
- A.** Yes that would be acceptable.

QUESTIONS RELATING TO HOUSEHOLD BARRIERS

- Q4. I am trying to update our registration form and Hanlon and have been**

speaking to other local authorities and there seems to be some mixed messages about what barriers can be used together.

One local authority has been told that none of the household barriers can be used together, I am taking Household barriers to mean:

Living in a Jobless Household

Living in a Jobless Household with Dependent Children

Households where the youngest Dependent is aged <1

Households with 3 or more dependents

However the Living in a Single Adult Household with dependent Children has also been included in this by the other local authority. Please can you clarify the situation?

- A.** The MA has reviewed the household barriers. There has been no change to the requirement for jobless households, only one jobless household barrier can be selected between either 1 or 2. Only one of the new household barriers can be selected eg, select only one between number 3 and 4.

The Single Adult Household barrier can be used with number 1 or 2 but cannot be used with numbers 3 or 4. The reason for the latter is because they all relate to dependents.

- Q5. Could the following be used as the two qualifying ESF barriers: household where the youngest dependent is under the age of one, and household where there are 3 or more dependents?**

- A.** No as above the LP should select only one barrier that best fits the participants circumstances.

- Q6. Could the dependent child be a sibling of the participant?**

- A.** Only if they have parental responsibility for that child.

- Q7. Page 22 states participants must have an additional barrier to the new COVID barrier, does this mean you can't use two of the new barriers as the two barriers, for example a Household Barrier (dependent under 1 year of age or 3 or more dependents) plus Employment Status affected by COVID as your 2 barriers?**

- A.** You can use one of the new household barriers and one of the Covid related barriers. See the response to question 2

- Q8. New Household Barriers evidence states evidence of benefits can be used as evidence however not all of these mentioned will show there is a dependent under 1 year of age or 3 or more dependents, i.e. Council Tax Reduction evidence might not cover this?**

- A.** The MA accepted that Council Tax reduction may not cover this. The list of benefits under these barriers is the same as the jobless household barriers and is listed to be as flexible as possible. The MA expect the lead partner to

accept evidence where it shows details of the dependents eg evidence from HMRC.

QUESTIONS RELATING TO COVID BARRIERS

Q9. I would be grateful if you could provide some clarification regarding the Young People Aged <25 impacted by Covid-19 barrier as the definition is very light – i.e. there is very little in the definition regarding what is meant by ‘impacted’ and also the evidence seems simply age evidence. Is this barrier simply if a young person is under 25? Are we to record specific notes regarding how they have specifically been impacted by covid? Is simply that there are less job opportunities etc acceptable.

A. The evidence has been amended in the ESF Participant Guidance to include a key worker assessment.

The MA has left the definition loose in order for the LP to be able to support as many young people as possible. It is not for the MA to determine eligibility but examples of an acceptable situation for this barrier may include: young people under 25 looking for work with limited opportunities available to them; young people made redundant because of Covid-19; having to leave college or university early and not completing coursework; working reduced hours. This list is not exhaustive.

Q10. At the bottom of page 46 of the Participant Guidance, there is a statement about ‘under-employed because of COVID-19’. This states that it is when a person has been made redundant due to COVID-19 should that not say that the person’s normal working conditions have changed? If they were made redundant, their working hours wouldn’t have reduced as they wouldn’t have the job any longer

A. The footnote under this barrier was reflecting the situation where a person has been made redundant because of Covid-19 and has gained new employment. The new employment may result in the person being over qualified or have experience and skills beyond the requirements of the job. The wording in the footnote has been amended to reflect any new employment situation (including working reduced hours in the same job).

Q11. We have a 17 year old participant who has registered with us today. He was participating on a college course which was cut short due to COVID-19. He failed the course but believes that he would have passed had he been able to finish the course. Would we be able to tick ‘under 25 and impacted by COVID-19’ in this scenario?

A. Yes and reflect this the in key worker assessment.

Q12. We also have a participant who is under the age of 25 and has mental health issues which have been caused by COVID-19. Can we use the following two barriers in this case: mental health issues and under the age of 25 and impacted by COVID-19?

A. Yes. The participant would need to have a mental health issue at the point of entry to the operation. This could have been impacted by the Covid labour market situation. The key worker assessment is essential to reflect the participants situation

Q13. Employment Status Affected by COVID-19 barrier – Self-Employed not working or working reduced hours due to COVID-19.

A. Evidence guidance states evidence is evidence of self-employment **AND** an Assessment **OR** Signed Registration Form and Assessment. My understanding of this is the evidence is either evidence of self-employment and Assessment **OR** the Registration Form signed and an Assessment? However you will always need evidence of their self-employment for their employment status as well as a Signed Registration Form and an Assessment?

That is correct. This evidence is for the barrier. You should continue to evidence the employment status in accordance with the guidance.

Q14. I presume that you can have a client with both barriers – the Employment status affected by covid AND the Under 25 affected by Covid – guidance does not suggest it is one or the other (the employment status seems to be for all ages including Under 25)

A. No you cannot select both of the Covid barriers listed above. The LP should only select one of the Covid barriers and the one which is most appropriate to the participant circumstances.

Q15. Young Person Under 25 Impacted by COVID-19 Barrier – Not all of the evidence listed will show the age, evidence of NI Number e.g. NI Card, payslip, some correspondence from HMRC/DWP/JCP or Evidence in receipt of age-related state.

A. The list of evidence at this section is the same as the list of evidence for YEI participants and the age related barrier over 54 years of age. It is listed to be as flexible as possible. The MA expects the lead partner to use a common sense approach and accept evidence which shows the date of birth