Northern Ireland European Social Fund Programme 2014 - 2020

ESF Promoter Guidance on Participant Eligibility, Data Collection and Validation for ESF Projects Funded under Call 2 of Priority Axis 1 & 2 - April 2018

ESF Guidance Note 1

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Content

1   INTRODUCTION

The European Commission (EC) regulations require member states to **collect <u>and</u> store** data on each participant that benefits directly from ESF support. This has a number of implications in respect of data collection, data storage and the reporting of indicators. This document has been produced by the Northern Ireland ESF Project Delivery Branch (ESF PDB) to provide practical guidance to ESF operations (projects) on data collection and validation of participant eligibility and performance. The content of this document complies with EC guidance issued in May 2016.

1.1   Overview of Indicators

In order to assess progress against the achievement of the ESF Programme 2014-2020 objectives and performance indicator targets, monitoring for the programming period uses a number of different types of indicators. The indicators appropriate to operations are included below for ease of reference:

NB Indicators 12 – 14 and 18 referred to information on the participant's household situation and are no- longer required from May 2018. Indicators 20 – 23 relate to entities only.

	Common Output Indicators
1	unemployed, including long-term unemployed
2	long-term unemployed
3	inactive
4	inactive, not in education or training
5	employed, including self-employed **(Not applicable to Priority Axis 1&2)**
6	below 25 years of age
7	above 54 years of age
8	above 54 years of age who are unemployed, including long-term unemployed, or inactive not in education or training
9	with primary (ISCED 1) or lower secondary education (ISCED 2)
10	with upper secondary (ISCED 3) or post-secondary education (ISCED 4)
11	with tertiary education (ISCED 5 to 8)
15	migrants, participants with a foreign background, minorities (including

	marginalised communities such as the Roma)
16	participants with disabilities
17	other disadvantaged
19	from rural areas
	Common Immediate Result Indicators
24	inactive participants engaged in job searching upon leaving
25	participants in education/training upon leaving
26	participants gaining a qualification upon leaving
27	participants in employment, including self-employment, upon leaving
28	disadvantaged participants engaged in job searching, education / training, gaining a qualification, in employment, including self-employment, upon leaving
	Common Longer Term Result Indicators
29	participants in employment, including self-employment, six months after leaving
31	participants above 54 years of age in employment, including self-employment, six months after leaving
32	disadvantaged participants in employment, including self-employment, six months after leaving

2. PROTECTION & STORAGE OF PERSONAL DATA

2.1 General Data Protection Regulation (GDPR)

GDPR came into effect on 25 May 2018 and the collection and storage of personal data on participants by operations must comply with these regulations in accordance with Article 140 CPR. This is not intended to be a definitive guide to the GDPR, however projects should be aware of 3 key elements of the regulation:

- Privacy Notices
- Conditions of Consent and Right to Erasure
- Data Minimisation.

2.2 Privacy Notices (PN)

Being transparent and providing accessible information to individuals about how their personal data will be used is a key element of the GDPR. The most common way to provide this information is through a PN. Letters of Offer set out the roles and responsibilities of the beneficiaries and provides a template which operations may find useful to develop a clear and effective privacy notice. For all enrolments in Call 2, projects will be obliged to provide participants with a privacy notice which will let them know what will happen with their personal data. A copy of a project's privacy notice will be asked for during on the spot checks.

2.3 Protection of Personal Data

As data controller PDB require assurance that personal data collected from participants is held securely and protected from exposure or loss.

The following controls whilst not exhaustive represents good practice in ensuring the security of participant's personal data and should be shared with all staff with responsibility in this area.

- The enrolment of participants should be carried out in a secure environment and not in a public office or reception. This will ensure that others do not overhear participant's personal information.

- Personal data on participants should be stored in locked, proof cabinets and not be left unattended at workstations or public areas. This is to ensure that personal data does not fall into the wrong hands. Hardcopies of personal data should be shredded when entered on to the ESIF database.

- The Personal Training Plan (PTP) contains personal data of participants as outlined in ESF memo 24/18. Where possible the PTP signed by the project and the participant should be scanned and held electronically for inspection by PDB on request.

- When transporting personal data secure communication methods should always be used e.g. Globalscape (do not use e mail or internal / external post).

- If laptops or other mobile devices are used to store personal data of participants to allow staff to work remotely, only encrypted devices should be used.

- Access to the ESIF database should be securely controlled – Passwords should be held securely and not be written on noticeboards etc.

This list is not exhaustive and projects may and should apply other controls to ensure the security of personal data.

An essential feature of the DPA provides for participants to be told, on request, what data is held on them and gives them the opportunity to correct any errors. Projects should ensure that the individual rights section of the PN provides assurance that participants have the right to have access to their personal data and that they have the right to have inaccurate or incomplete personal data rectified. Requests from participants to access the personal data or to rectify incorrect or incomplete personal data held either on the ESIF database or on other secure system within the organisation should be actioned promptly and have due regard for the security of that data. Access to data held should be done through a verbal interview with the participant, under no circumstances should ESIF database screen prints or hardcopies of other personal records held be given to participants. Changes to inaccurate or incomplete data on the ESIF database should be carried out by the project where appropriate. Any further issues in relation to access or rectification of

personal data held on the ESIF database or other documents within the organisation should be addressed to PDB.

2.4   Conditions of Consent and Right to Erasure

GDPR provides the legal basis for collection and processing of personal data and there is **no requirement for written consent from participants.** This is not a criterion for eligibility and a participant who fulfils the eligibility criteria for an Investment Priority but requests that their data is not recorded on the database should not be recorded and reported as a participant in monitoring data, but will still be supported. Data subjects have a right to have personal data erased in specific circumstances however it is not anticipated that participants on ESF programmes will meet these. Requests for data erasure should be sent to PDB.

2.5   Data Minimisation

Data Minimisation is a key GDPR privacy principle.   In short, it states that organisations should collect only the smallest amount of personal data for the shortest period of time and delete it quickly after it has served its purpose. Less data held means less data to protect. Head of PDB guidance in this area can be accessed here.

2.6   ESIF Database

The EU IGJ Managing Authority has established the ESIF database to record and store the operation data necessary for monitoring, evaluation, verification and audit, including data on individual participants. All information in relation to the participant (including personal data) monitoring should be recorded on the **"Participant Monitoring Information"** form in the performance monitoring module of the ESIF Database. ESIF database access (log-on) should be limited to key operations staff and log on details should be held securely.

2.7   Segregation of Data between Operations

The Managing Authority will normally consider an 'operation' to be any single project/activity for which a distinct Letter of Offer setting out the ESF support that has been awarded by the relevant Intermediate Body as well as the objectives/targets for that operation.   Beneficiaries with more than one operation should take special care to ensure data recorded for different operations are adequately segregated.

2.8   Data Protection Act

The Data Protection Act (DPA) 2018 came into effect on 25 May 2018. It sets out rules for processing "personal data", particularly that held on computers, but it also applies to some manual records. The essential features of the DPA are that it:

- requires organisations holding personal data to notify the Information Commissioner's Office (ICO) in broad terms of what they hold;
- requires organisations holding personal data to comply with the data protection principles; and
- provides for individuals to be told, on request, what data is held on them and gives them the opportunity to correct any errors.

In practical terms, personal data means any information relating to an identifiable living individual who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

Anyone who holds and processes personal data must comply with the data protection principles and the other requirements of the DPA. This means that anyone in a Project who is responsible for personal data must ensure that it is processed in a way that conforms to data protection legislation, and is registered, where appropriate, with the ICO.

Personal data should be:

    (a) processed lawfully, fairly and in a transparent manner,

(b) collected for specified, explicit and legitimate purposes,

(c) adequate, relevant and limited to what is necessary,

(d) accurate and where necessary kept up to date,

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which those data are processed, and

(f) processed in a manner that ensures appropriate security of the personal data - data must always be held securely.

All Projects must be fully aware of, and abide by, their duties and responsibilities under the Act. Projects are required to collect and use personal data for a wide range of people in order to carry out their business and provide their services. These may include participants, current, past and prospective employees. Projects must ensure that all personal information, however it is collected, recorded and used, and whether it is on paper, in electronic records or recorded in other formats, on other media, or by any other means must be handled and dealt in line with the Act.

Projects should ensure that all their employees take responsibility for handling of personal information correctly through appropriate training and good management practices. All new staff should be made aware of their responsibilities during induction.

All projects should have a Data Protection Policy, approved by a senior member of staff, which sets out how the Project will meet the data protection principles, listed above, and the other requirements of the DPA.

All projects should also have a Data Breach Policy. A data breach is a breach of security leading to the destruction, loss, alternation, unauthorised disclosure, or access to, personal data. A breach is more than just losing personal data. If there is a data breach in your Project you should notify the Performance Monitoring mailbox immediately at esfperformancemonitoring@economy-ni.gov.uk Staff in the Performance Monitoring Team will get advice on the best way to handle the breach from staff within the Department's Information Management Unit.

Projects must ensure that access to personal data is only available to those staff within the organisation who need to see it. User names and passwords for the ESIF database must only be provided to essential staff and these must not be written down. Hard copies of documents must be security stored. Periodic checks on record security should be carried out.

In accordance with Article 140 CPR, beneficiaries must ensure that all documents relating to each operation, its implementation and financing are retained until 31 December 2030 or otherwise instructed by the Managing Authority. However, Projects must securely dispose of all hard copies of documents when they upload them to the ESIF database.

3. PARTICIPANT ELIGIBILITY ASSESSMENT

Operations are required to carry out an assessment at **point of entry** on the participant's eligibility and confirm based on the information provided that the participant meets the following eligibility criteria:

- Eligibility Criteria for the ESF Operational Programme; and
- Eligibility Criteria for the Investment Priority.

3.1   ESF Operational Programme Criteria

To be eligible for support from the ESF Programme, under any Investment Priority, an individual **must be legally able to reside and work in the UK and must be of minimum school leaving age.**

There are Specific rules which apply **the eligibility of Refugees and Asylum Seekers and Croatian Citizens.** These are set out in Annex B of this guidance note

3.2   Evidence of ESF - Operational Programme Criteria Eligibility

The intention is to obtain documents that are readily available and not ask the participant to spend additional time, effort or costs trying to obtain evidence they don't currently have.

A valid National Insurance Number, a full (EU Member State) passport or a birth/adoption certificate are examples of the kinds of evidence which operations may accept that a participant meets this criteria.

Operations must indicate within the **"eligibility criteria"** section of the participant monitoring information form on the ESIF Database the evidence which they have seen and which they have carried out their eligibility assessment on.   The ESF Operational Programme criteria section allows the following options:

- National Insurance Number;
- Full Passport (EU member state);

- Birth Certificate (EU member state); and
- Other eligibility evidence.
- No evidence justification.

When the participant provides confirmation of their National Insurance Number, this must be entered into the relevant box within this section. All other types of evidence provided should be scanned and uploaded onto the performance module of the ESIF Database.

Other Eligibility Evidence

A full list of acceptable documents for right to work checks is available in **Annex A** of the Home Office **"Right to Work Checks Guidance (issued August 2017)"** which can be accessed here. Where the **"Other Eligibility Evidence"** option is chosen the evidence provided must be listed in this guidance. A copy of the evidence provided should be scanned and uploaded to the Database

No Evidence Justification

Where operations are satisfied that the participant meets the eligibility criteria of being legally able to reside and work in the UK but no evidence is available, they must choose the **"no evidence justification"** option. This will generate a pop up dialogue box which must be completed to justify this course of action. **This option is only intended for use in exceptional circumstances**

3.3   Basic and Specific Eligibility Criteria

The eligibility criteria for each Investment Priority is detailed below. Operations must carry out an assessment of the participant's eligibility against this criteria prior to **point of entry** based on information provided by the participant.

Priority Axis	Investment Priority (IP)	Eligibility Criteria
1 – Access to Employment	8i – Unemployed and Inactive	Either: - Unemployed; or - Economically Inactive
	8ii – 16-24 Year Old NEETs	Either: - Unemployed; or - Economically Inactive And: - Below 25 years of age; and - Not in any other form of education, employment or training (NEET)
2 – Social Inclusion	9i(a) – Disability	Either: - Unemployed; or - Economically Inactive And: - Disabled
	9i(b) – CFSP (16+ year old NEETs)	Either: - Unemployed; or - Economically Inactive And: - Part of a family receiving Community Family Support; and - Not in any other form of education, employment or training (NEET)

3.4   Unemployed & Economically Inactive Eligibility

An individual must be unemployed or economically inactive to participate on the ESF Programme.

Evidence to confirm that participants meet the criteria of **unemployed or economically inactive** may be in the form of a self-declaration by the participant and this should be recorded in the eligibility section of the ESIF Database.

An assessment template to allow projects to guide participants in ensuring that these declarations accurately reflect the participants LMS has been developed. This assessment template is included in Annex B to ESF Memo 24/18.

Periods of supported employment up to 35 hours per week do not affect qualifying periods of unemployment for participants and as such are treated as "unemployed" within the ESF Programme and are eligible for support under Priority axis 1 and 2.

A participant may avail of other government or non-government training courses while participating on an ESF project. A person in formal education may avail of ESF employability support to address their assessed needs in circumstances where this support is not already provided or funded by the formal education provider. Projects are expected to demonstrate this. **Full time students enrolling on an ESF project should be recorded as inactive** and not unemployed, even if they are registered as being unemployed for part of the year (for example during summer vacation)

The definition of employed, underemployed, unemployed, economically inactive, subsidised employment and supported employment are included as Annex A of this Guidance

Eligibility Exceptions

A participant on an ESF project is not allowed to be on another ESF Project simultaneously. The participant must leave the original project before enrolling on the new project. The database will prevent this happening.

Individuals in formal education are not eligible to participate in the NEET and CFSP investment priorities because their educational status conflicts with the relevant eligibility criteria.

Participants who are in **subsidised employment more than 16 hours** are always treated as **"employed"** within the NI ESF 2014-2020 OP and are not eligible for support under priority axis 1 or 2.

Steps to Success (S2S) is a mandatory government training programme for people in receipt of JSA / UC. It is not permissible for an individual to be on S2S and an ESF funded operation at the same time. Beneficiaries and their direct delivery partners should ensure that participants they intend to enrol are not already enrolled in S2S.

The **PEACE IV** Programme is an initiative of the European Union which has been designed to support peace and reconciliation.

Participants on a PEACE IV Programme cannot join an ESF Project as they are both funded by the EU. A list of PEACE IV projects can be found here List of PEACE IV funded projects (English version)

3.5   Recording Eligibility on the ESIF Database

The self - declarations made by the participant should be recorded on the **"eligibility criteria"** section of the participant monitoring form.
When declaring unemployed and inactive 4 options are available:
- Unemployed less than 6 months;
- Unemployed between 6 and 12 months;
- Unemployed more than 12 months; and
- Economically Inactive.

Eligibility for NEET IP
The DOB of the participant should be recorded in the eligibility section of the database as this forms part of the eligibility criteria for the NEET IP. For the NEET IP there should be evidence of proof of age which should be scanned and uploaded to the database.

Disability Declaration

Participants who are declaring a disability and are enrolling on **unemployed / economically inactive, NEET or CFSP** investment priority must make a verbal self-declaration that they have a disability as defined in Disability Discrimination Act and this is recorded in the eligibility section of the participant monitoring form.

For participants enrolling on the **Disability** investment priority it is preferable, in the first instance, that participants complete a self-declaration form that they have a disability (as defined by the Disability Discrimination Act 1995). If this is not possible, because the participant is either unwilling or unable to complete the declaration form, then it is agreed that the beneficiary can complete the declaration form by proxy providing either:

- The participant has provided verbal confirmation that they have a disability; and/or
- The beneficiary feels confident, based on their own assessment and/or evidence provided to them, that the participant has a disability (as defined by the Disability Discrimination Act). The beneficiary should keep a record of their assessment and/or evidence to ensure a sufficient audit trial is available for EC purposes.

A form should be completed for each participant enrolling on a project within the Disability IP. This form should be scanned and uploaded to the ESIF database during the enrolment process. The original declaration should then be destroyed. The template for the form can be found on ESF Memo 15/18. This template or an approved alternative can be used.

4   RECORDING PARTICIPANTS DETAILS

This section provides guidance on the recording of **"participant details"** on the ESIF Database. Further guidance in this area accessed here.

4.1   Participant Details

A participant's personal details should be input directly onto the ESIF Database. The following information should be recorded in the **participant details section** of the database.   These are all mandatory fields and must be completed before a participant is enrolled on the ESIF Database.

- Unique Learner Number – Detailed guidance in this area is available here
- Forename & Surname
- Gender
- Post Code
- Ethnic Minority – Yes/ No option
- Educational Attainment – based on the highest level of educational attainment.

4.2   Highest Level of Education Achieved

The highest level of education achieved refers to the highest level of education attained by participants before they benefit from ESF support and should be determined on the date of entering the operation. This applies even when the ESF support aims to raise that level. Based on information provided by participants operations should record participants in 1 of 9 options:

- No Education Attainment
- Foundation / Key Stage 1 / Key Stage 2
- Key Stage 3
- Key Stage 4
- Key Stage 5
- Studying Towards Higher Education
- Bachelor / Foundation Degree / NVQ 4 / NVQ 5 / HND
- Studying Towards Masters / Postgrad Diploma or Certificate
- Master's Degree / Doctorate

An educational attainment table has been attached as an annex to ESF Memo 16/18 which provides a description of the qualifications linked to each of these options and the ISCED level they map to. Projects should only choose 'No Educational

Attainment' if the participant has had no formal education (including home schooling). It does not mean no qualifications. **The minimum school leaving age in Northern Ireland is 16 so it would be very unusual for someone who comes from Northern Ireland to fit into this category.**

4.3   Rural and Disadvantaged Areas

The rural and disadvantaged fields of the participant's details on the performance monitoring from are automatically populated when the post code is entered.

4.4   Ethnic Minority Group

An Ethnic Minority Group refers to the following groups – Black African, Bangladeshi, Chinese, Black Caribbean, Pakistani, Indian, Black, Other, Irish Traveller, Mixed Ethic Group or other Ethnic Group

An Ethnic Minority Group is defined as anybody of an ethnicity other than white.

5   PROJECT PARTICIPATION DETAILS

The **"project participation details"** section of the performance monitoring form captures the following details:

- Participant Start Date - The date on which a participant first entered the operation;
- Entry Status – New Entrant /Returner; and
- Participant Status - Currently Participating.

5.1   New Entrant

When a participant is enrolled in a project for the first time operations will enter the **participant start date** and set the entry status field to **new entrant**. When new entrant is selected the **currently participating** field will autofill. A participant moving from one co–financed operation to another, even when the second operation is being implemented by the same beneficiary, should be counted as a **"New Entrant".**

A full **"New Entrant"** participant record relating to the second operation should be created on the ESIF database.

5.2   Returner

A participant should be recorded **only once in any given project.** Therefore, if a participant leaves the project and an exit date is recorded, but later returns to enrol on the same project **(a returner)**, their previous participation record should be maintained and updated.

The initial start date for the returner will be maintained however when the entry status is changed to "**Returner"** the participant status will autofill to "**currently participating"** and all post project details (see paragraph 7) will be removed.

When the exit date is entered into post project section (see paragraph 7) of the ESIF database the currently participating status will automatically blank out.

When a participant is marked as a "Returner" their Immediate Result Indicators are automatically removed from the system. If they had a positive outcome from their first period on a project but did not have a positive outcome from their second (or subsequent) period on the project the original positive result should be re-entered.

Projects should note on the IRI self-declaration (or other evidence if applicable) that this positive outcome relates to the first period that a participant was enrolled on a project. If however a participant returns to a projects and gets another positive into employment or into education outcome only one of these can be recorded.

6.   TRAINING PLANS

6.1   Immediate & Long Term Result Indicators are the means by which the EC capture the effects of ESF support on participants as a result of being on the project. They capture a change in the participant's situation (e.g. employment situation).

6.2   The means for identifying a participant's needs, and recording their progress from ESF support, is the Participant Training Plan (PTP). Projects must ensure that the training plan accurately reflects agreed objectives and activities of the ESF support, including incorporating the relevant Labour Market Status and Educational Attainment.

6.3   To assist projects in demonstrating the achievements of ESF support, a simple pro-forma (included at Annex C) has been developed that must be included and retained with all training plans – it is recommended that projects retain this pro-forma as the top page of the training plan. The Labour Market Status and Educational Attainment captured must accurately reflect the participant's status on entering the project.

6.4   All participant training plans must continue to be signed and dated by both the participant and the project, and must accurately reflect the values recorded on the ESIF database. This pro-forma will form part of your organisation's on-the-spot checks and is a critical component to the integrity of the results data produced from the ESIF database.

7 POST PROJECT DETAILS

This section of the performance monitoring form on the ESIF Database is used to record participants exit date and record data on the Immediate Result Indicators and Long-Term Results Indications:

- Immediate Results Indicator – The participants change in circumstances from the date they enter the project and up to 4 weeks after they exit the project;
- Long–Term Results indicator – The change in the participant's employment status six months after their exit date.

Immediate results indicator can manifest in the time span between the day the participant begins the project (their "entry date") and any time up to 4 weeks after they leave (their "exit date"). However these results will only be counted as part of the performance monitoring process (see paragraph 8) when an exit date is entered. Therefore it is important that exit dates are entered as soon as possible after the participant leaves the project.

7.1 Cumulating results in relation to education/training

Participants can be recorded for both common immediate result indicators relating to education and training simultaneously:

- Participant in education/training upon leaving and
- Participant gaining a qualification upon leaving.

In this case, each result would typically relate to a different training course. For example, the participant has exited an ESF supported course that resulted in a qualification (result counted once the exit date is entered); the participant joins a new course (separate ESF operation or other).

In addition, participants may experience a change in their labour market situation, as well as their education / training status / achievement. Examples of possible combinations include:

- Inactive participant newly engaged in job searching upon leaving and participant gaining a qualification upon leaving;
- Participant in employment upon leaving and participant gaining a qualification upon leaving;
- Participant in employment upon leaving and participant in education/training upon leaving.

7.2 Recording Immediate Results Indicators

The **"Immediate Results Indicator"** field in the post project section of the ESIF Database allows operations to tick each immediate result indicator relevant to the participant.

Immediate results indicators recorded on the database include:

- In employment (16 hrs or more) including self-employed;
- In employment (less than 16 hrs) including self-employed;
- In employment (supported / sheltered / rehabilitation)
- In Education/Training;
- Engaged in Job Searching;
- Gained a Qualification.

Projects should ensure that the correct "In employment" option is selected as this has implications for ESF reporting. The Self – Declaration by projects (see paragraph 6.4) to confirm the immediate results indicator <u>must</u> clearly state the in employment category for the relevant the participant.

In Education / Training should be used if a participant enters any form of education and training whilst on or after being on the ESF project. It can include both Government and Non – Government sponsored training.

7.3 Longer Term Results Indicator (LTRI)

The LTRI capture information on participants who are employed, including self-employed 6 months after they have left the project. LTRIs are required to be collected by all investment priorities, regardless of whether the relevant projects

have letter of offer targets in this area. The change in employment status can occur at any point between the participants exit date and 6 months after that point **as long as the change is sustained at the 6 month mark**. LTRIs should be recorded where available but it should not become overly burdensome or administratively challenging.

Long Term results indicators recorded on the database include:

- In employment (16 hrs or more) including self-employed
- In employment (less than 16 hrs) including self-employed
- In employment (supported / sheltered / rehabilitation)
- No Positive Outcome
- Could not contact

7.4   Immediate and Longer Term Results Indicator

The results indicators reported may be supported by either evidence gained by the project to support the result or based on a self - declaration by the operation or participants. The performance monitoring module of the database provides a facility where the operation can upload the evidence or self-declaration when a result indicator is recorded. Operations must maintain an accurate record of correspondence with the participant to support self-declarations. Further guidance in this area which may be accessed here

7.5   Qualifications/ Soft Skills

Qualifications and soft skills gained during participation on the project should be recorded on the performance monitoring form on the database. These include:

- NVQ Level 2 or equivalent gained (Disability only);
- NVQ Level 1 or equivalent gained;
- Below NVQ Level 1 or equivalent gained;
- Non Accredited Course Completed;
- Other Qualifications Gained; and
- Soft skills/Voluntary/Other positive outcomes.

Projects should record the number of qualification / soft skills gained through participation on the project.

7.6   Community Family Support (CFSP) Performance Indicators

Data on the number of families supported through the CFSP and CFSP specific indicators should be captured separately by projects and reported in progress reports to PDB.

8   PERFORMANCE MONITORING OF PARTICIPANT RESULTS

ESF PDB will carry out quarterly monitoring of projects actual performance against the performance targets that are set out in the operations ESF Call 2 application form, agreed in the Letter of Offer and performance forecast. Operations will be required to provide explanations for variances against agreed performance levels. Unsatisfactory performance, that is not addressed, may result in a financial penalty, however this will be a last resort. Payment of claims may also be delayed until performance issues have been addressed.

Definition of Employed, Underemployed, Unemployed, Economically Inactive, Subsidised Employment and Supported Employment

Employed persons are persons aged 16 and over who performed work for pay, profit or family gain or were not at work but had a job or business from which they were temporarily absent because of, for instance, illness, holidays, industrial dispute, and education or training. Self-employed persons with a business, farm or professional practice are also considered to be working if one of the following applies:

- A person works in his/her own business, professional practice or farm for the purpose of earning a profit, even if the enterprise if failing to make a profit;
- A person spends time on the operation of a business, professional practice or farm even if no sales were made, no professional services were rendered, or nothing was actually produced (for example, a farmer who engages in farm maintenance activities; an architect who spends time waiting for clients in his/her office; a fisherman who repairs his boat or nets for future operations; a person who attend a convention or seminar).A person is in the process of setting up a business, farm or professional practice; this includes the buying or installing of equipment, and ordering of supplies in preparation for opening a new business. An unpaid family worker is said to be working if the work contributes directly to a business, farm or professional practice owned or operated by a related member of the same household.

People in maternity or paternity leave (understood as an employee benefit that provides paid or unpaid time off work for giving birth and subsequent short term care of the baby) are always considered as "employed".

People in full-time parental leave (understood as absence from work to bring up a child of young age for a period which does not fall under the classification of maternity or paternity leave) should be considered as "inactive", unless already registered as "unemployed", in which case this should take priority.

Underemployed is a person age 16-74 who is in employment, working less than 48 hours per week, would like to work more hours and is available to start in the next fortnight. Part-time work is recorded as self-reported by individuals.

Unemployed persons are those who are not employed or are underemployed and are:

a) Currently available for work i.e. were available for paid employment or self-employment before the end of the two weeks following their enrolment;
b) Actively seeking work i.e. had taken specific steps in the four week period ending before their enrolment to seek paid employment or self-employment or who found a job to start later, i.e. within a period of at most three months from the end of the reference week.,

Economically Inactive are those not in employment and not unemployed, i.e. those not seeking work or available to work. Full time students should always be considered as 'Economically Inactive' even if they are registered as unemployed e.g. during part of the year.

Subsidised employment should be understood as employment incentives covering measures that facilitate the recruitment of unemployed persons and other target groups, or help to ensure the continued employment of persons at risk of involuntary job loss. Employment incentives refer to subsidies for open market jobs which might exist or be created without the public subsidy and which will hopefully be sustainable after the end of the subsidy period.

Subsidised employment is classified as a labour market intervention measure by the LMP - Labour Market Policy. Participants in subsidised employment 16 hours or more are always treated as "employed" within NI ESF 2014-20 OP and are **not eligible** for support under priority 1 or 2.

Supported employment refers to employment in a regular working environment where people with disabilities or other working limitations are enabled through public support (financial or otherwise) to work alongside able-bodied employees.

Supported employment covers measures that aim to promote the labour market integration of persons with reduced working capacity through supported employment.

Persons with reduced working capacity refers primarily to those registered as disabled according to national definitions. However it also covers persons temporarily incapacitated after an accident or illness, recovering drug-addicts and other groups who are not work-ready and may benefit from rehabilitation - Eurostat,. Labour Market Policy. Participants who are in supported employment are treated as

Eligibility of Refugees and Asylum Seekers

Asylum seekers are individuals who are seeking international protection who claim they are unwilling or unable to avail themselves of the protection of the authorities in their home or habitual country of residence. Refugees are people who have been granted international protection and have been given permission to stay. Refugees are eligible for ESF support, but asylum seekers are only eligible in certain circumstances.

Asylum seekers are not generally allowed to work while their claims are being decided. However, since February 2005 they have been allowed to apply for permission to work if they have waited for over a year for an initial decision on their asylum claim or further submissions. This is the result of a European Union directive on reception conditions for asylum seekers.

Where asylum seekers have been given permission to work they will normally be able to access the full range of ESF support. Where permission to work has not been granted, they may request permission to work if they have made asylum-based further submissions which have been outstanding for more than 12 months.

From 09 September 2010, changes in the Immigration Rules came into effect, confirming that the permission to work rules apply to both initial asylum applications and to fresh claims for asylum. However, the amended rules also introduced new restrictions on all asylum seekers' employment rights. An asylum seeker given permission to work will not be allowed to become self-employed and will only be allowed to take up a job which is included on the list of shortage occupations published by the Home Office.

Asylum seekers who do not have permission to work may be supported through ESF pre-vocational provision which might take the form of:

- Initial English for speakers of other languages and other basic skills (literacy, numeracy and IT) where they are not part of provision that is designed to lead to employment;
- Provision of information about further education and voluntary work which they can take part in; and
- General advice about life in the United Kingdom for those given leave to remain (information about law, culture, housing, welfare, health, education and employment).

Those individuals whose asylum claim is deemed to be unfounded and who have not obtained permission to work may only be supported by the ESF where they have signed up to return home as soon as they can, they are taking all reasonable steps to leave the UK, and they meet one of the following criteria:

- They are unable to leave due to a physical impediment to travel or another medical reason; or
- If, in the opinion of the Secretary of State, there is no safe route of return for the individual to return home

Croatian Citizens

From 01 July 2013, Croatian nationals have been able to move and reside freely in any EU Member State. However, those wishing to work in the UK need to obtain work authorisation before starting any employment, unless they are exempt from this requirement. Work authorisation is normally in the form of an accession worker authorisation certificate (or 'purple registration certificate').

A Croatian national with an offer of employment in the UK must obtain this document from the Home Office before commencing work. It will contain an endorsement restricting the holder to a particular job or type of employment. Those qualifying will generally be skilled workers who meet the criteria for the issue of a certificate of sponsorship. Further information can be found on the Home Office website.

ESF Personal Training Plan – Participant Details

For Completion by the Project	
UNIQUE LEARNER NUMBER	
DATE OF BIRTH	
POST CODE	
GENDER	
NATIONAL INSURANCE NUMBER	
ETHNICALLY	
Labour Market Status (at entry)	
Educational Attainment (at entry)	
Authorised signature	
Date	

For Completion by the Participant	
Signature	
Date	

Participant Assessments

Labour Market Status (LMS)

1. Are you currently in employment?

   If yes – Go to Question 2

   If no – Go to Question 3

2. Are you employed full-time or part-time?

   If full time – Ineligible for ESF project

   If part time* – Go to Question 3

3. Are you actively seeking work or more work and available to start work or more work?

Yes	UNEMPLOYED
No	ECONOMICALLY INACTIVE

* Part time is self-declared by the individual

Educational Attainment Assessment

Use the table below to identify the participant's educational attainment.

ESIF Database choices	Qualifications
Foundation/Key Stage 1/Key Stage 2	Entry level diplomas, certificates and awards, Essential Skills at entry level
Key Stage 3	GCSE grades D-G, Level 1 diplomas, certificates and awards, Key Skills level 1, NVQ level 1, Essential Skills level 1. Music grades 1 to 3
Key Stage 4	GCSE grades A* - C, intermediate apprenticeships, Level 2 diplomas, certificates and awards, OCR Nationals, NVQ level 2, Essential Skills level 2, Music grades 4 and 5
Key Stage 5	AS and A levels, Access to Higher Education diploma, advanced apprenticeship, International Baccalaureate, NVQ level 3, BTEC diplomas, certificates and awards, BTEC Nationals, OCR Nationals, Music grades 6 to 8
Studying towards Higher Education	Higher apprenticeship, Certificate of Higher Education (CertHE), HNCs, BTEC professional diplomas, certificates and awards, NVQs.
Bachelor/Foundation Degree/NVQ4/NVQ5/HND	HNDs, NVQs level 4 and 5, Foundation Degree, Bachelor Degree, Professional Graduate Certificate in Education, Graduate diplomas, Degree apprenticeship, Diploma of Higher Education (DipHE), BTEC Professional diplomas, certificates and awards
Studying towards Masters/Post Grad Diploma or Certificate	Postgraduate Certificate in Education, Postgraduate diplomas, certificates and awards.
Master's Degree/Doctorate	Master's Degree, Doctoral Degree, BTEC Advanced professional diplomas, certificates and awards, Specialist diplomas, certificates and awards.
No Educational Attainment	No Education (formal home schooling)

Educational Attainment

* Key Stage 1 / Key Stage 2/Key Stage 3/Key stage 4/ Key Stage 5 /Key Stage 6/ Studying towards HE/ Bachelor, F- degree,NVQ4,NVQ5,HND/ Studying towards Masters or PG Diploma or Cert/ Master's Degree/doctorate /No Education Attainment
* delete as appropriate