MAYOR OF LONDON

European Union
European
Social Fund

GLA Adult Education Budget (AEB) Procured Provision

Guidance Note Version 1, September 2019

Decision trees

Interpreting the eligibility of asylum seekers, determining the labour market status of learners for European Social Fund (ESF) eligibility and AEB funding purposes, and determining whether a job outcome attracts payment and can be reported as an ESF Result

1. Purpose of this guidance note

The GLA has created a series of step by step 'Decision Tree' diagrams covering:

- Asylum seekers' eligibility to take part in GLA AEB Procured provision;
- The employment (or labour market status) of participants for ESF reporting purposes and for AEB funding purposes;
- Whether a job outcome is eligible for ESF reporting purposes and AEB funding purposes.

These Decision Trees aim to provide a simple and practical "question and answer" guide to aid providers in understanding the requirements set out in the *GLA Adult Education Budget 2019-23 Funding and Performance Management Rules for Procured Providers* (the "GLA AEB Procured Rules"). If there is any discrepancy between these Decision Trees and the GLA AEB Procured Rules, the information in the Rules takes precedence.

Note that, as explained in the GLA AEB Procured Rules, you will need to have evidence that confirms the learner's responses to the questions in the Decision Trees and supports your decision to enrol them on the programme and to claim AEB funding to support their activities and/or their job outcomes.

If, having followed these Decision Trees you are unable to determine the labour market status or eligibility of a particular learner or job outcome, then please seek advice from your GLA provider manager.

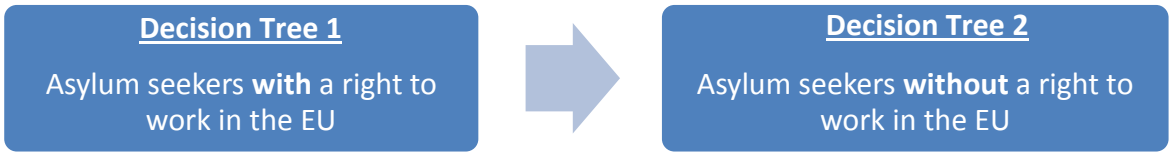
2. Using the Decision Trees

The Decision Trees are best viewed and used in the order set out below, although it is expected that only some will need to be used in any given set of circumstances.

2.1 Determining the eligibility of asylum seekers to participate in GLA AEB Procured provision

The factors determining a learner's eligibility to participate on the GLA AEB Procured programme are set out in paragraphs 27 to 105 of the GLA AEB Procured Rules.

Decision Trees 1 and 2 only apply if the learner is an asylum seeker and relate to paragraphs 58 to 67 in the AEB Procured Rules. In addition to using these Decision Trees where they are relevant to determining a learner's eligibility, providers should ensure that the learner meets all other relevant eligibility checks (such as age, London residency, right to live in the UK and immigration status).



Each of these two Decision Trees will lead you to one of three options:

a) The learner is eligible to participate in the GLA AEB Procured programme (in this case the learner meets both ESF and AEB eligibility requirements);
b) The learner is not eligible for ESF support, but they may be supported on the GLA AEB Procured programme from a provider's Flexible Allocation (in this case the learner only meets the AEB eligibility requirements);
c) The learner is not eligible to participate in the GLA AEB Procured programme (in this case the learner does not meet the AEB eligibility requirements).

In the case of options a) or b) you may then go to Decision Trees 3, 4 and 5 to determine the learner's employment (or labour market) status.

2.2 Determining a learner's employment (or labour market) status

Once you have determined that a learner is eligible to participate on the programme you will need to determine their employment status.

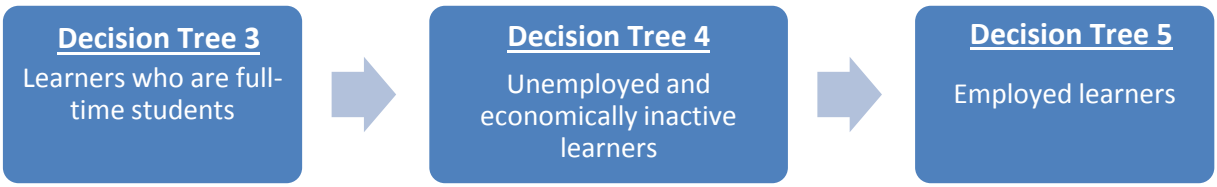
A learner's employment status needs to be determined for two reasons: first because their eligibility to participate on either a Lot 1 or a Lot 2 contract is determined by their ESF employment status; second because their eligibility for full funding, co-funding, loan funding etc. is determined by their AEB employment status.

Paragraphs 145 to 166 of the GLA AEB Procured Rules define a learner's employment status. A learner's employment status may be defined differently for ESF eligibility purposes than for AEB funding purposes.

Decision Trees 3, 4 and 5 will help you to identify whether a learner should be classified as:

a) "Unemployed" or "Economically Inactive" and eligible for ESF Lot 1;
b) "Employed" and eligible for ESF Lot 2;
c) Not eligible for ESF Lot 1 or ESF Lot 2 but eligible to be supported from your Flexible Allocation.

These Decision Trees will also help you to identify whether a learner should be classified as "Unemployed" for the purposes of determining their eligibility for AEB fully-funded contributions.



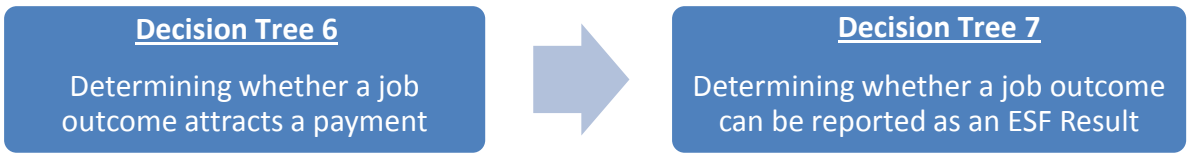
Note regarding Decision Tree 3 that ESF is intended to support people who are unemployed or economically inactive (Lot 1, ESF Priorities 1.1 and 1.2) and those in work but requiring skills to progress in employment (Lot 2, Priority 2.1). ESF is not intended to support learners who are moving from full-time education or training straight onto AEB provision. Therefore, learners who are full-time students on the day before their first day of learning on GLA AEB Procured provision are only eligible for ESF Lot 1 if they are aged 19-24 and are evidenced as at being "At Risk of NEET" (see paragraph 152 of the GLA AEB Procured Rules). In common with other ESF eligibility criteria, guidance on the requirements for evidencing that a learner is "At Risk of NEET" are set out in the *European Social Fund data evidence requirements: eligibility and results guidance*.

For the avoidance of doubt, a person who will be leaving their current education or training when they complete their learning aim would not be considered as "At Risk of NEET". Similarly, a person who intends to leave their current employment when they start an AEB course would not be considered as "At Risk of NEET" because at the time of first contact/enrolment they would be employed and would not fall within the ESF Priority 1.1 and 1.2 indicators, which are for economically inactive and unemployed people.

2.3 Reporting and claiming payment for job outcomes

If an unemployed and fully funded learner leaves their course to start a job prior to completing their learning aim a provider may be able to claim the achievement payment (as set out in paragraphs 231 to 236 of the GLA AEB Procured Rules). Job outcomes achieved both before and after a learner completes their learning aim may be able to be reported against a GLA AEB Procured provider's ESF Results targets (ESF R1 and ESF R5).

Decision Tree 6 aims to help providers to identify whether a job outcome attracts an AEB payment, while Decision Tree 7 helps determine whether the job outcome can be reported as an ESF Result.

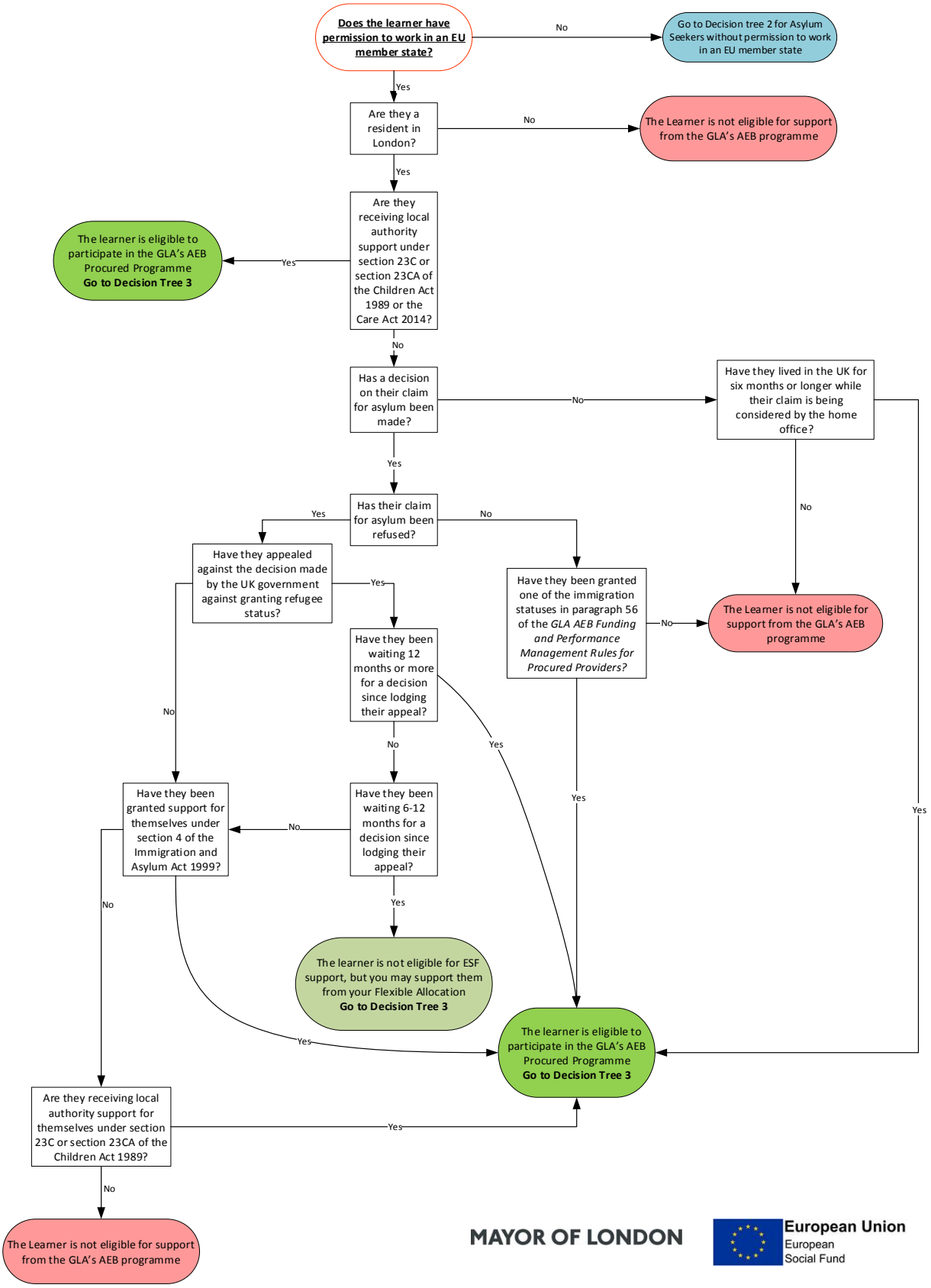


Note that an easy to print version of the Decision Trees 1-7 below has been published on the GLA AEB webpage at https://www.london.gov.uk/what-we-do/skills-and-employment/skills-londoners/adult-education-budget/information-gla-aeb-providers#acc-i-57898

Decision Tree 1

GLA AEB Procured Provision

Decision Tree 1: Determining the Eligibility of Asylum Seekers for AEB support: Asylum seekers with permission to work in an EU member state



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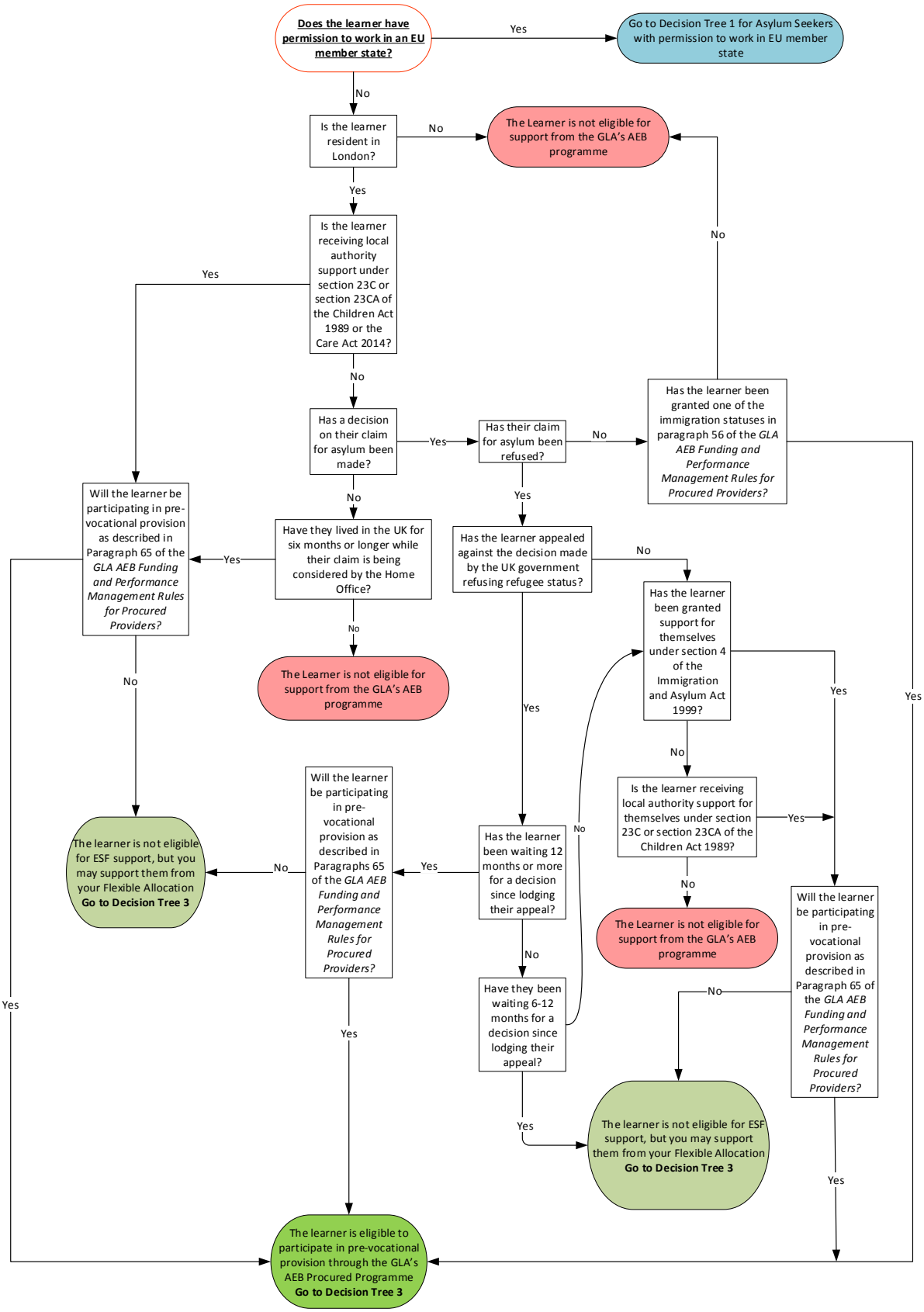
Decision Tree 2

GLA AEB Procured Provision

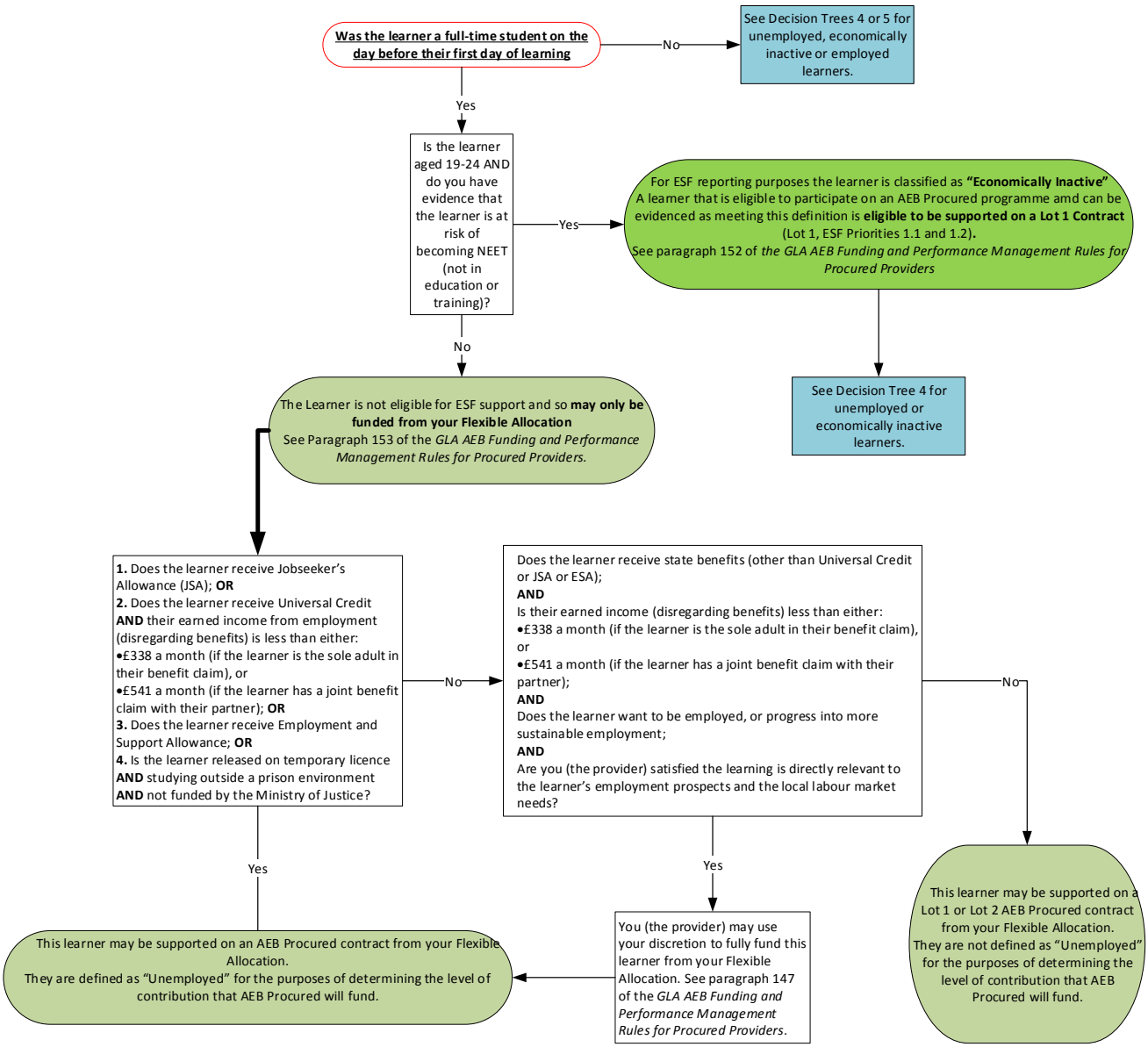
Decision Tree 2: Determining the Eligibility of Asylum Seekers for AEB support: Asylum seekers without permission to work in an EU member State



Decision Tree 3

GLA AEB Procured Provision

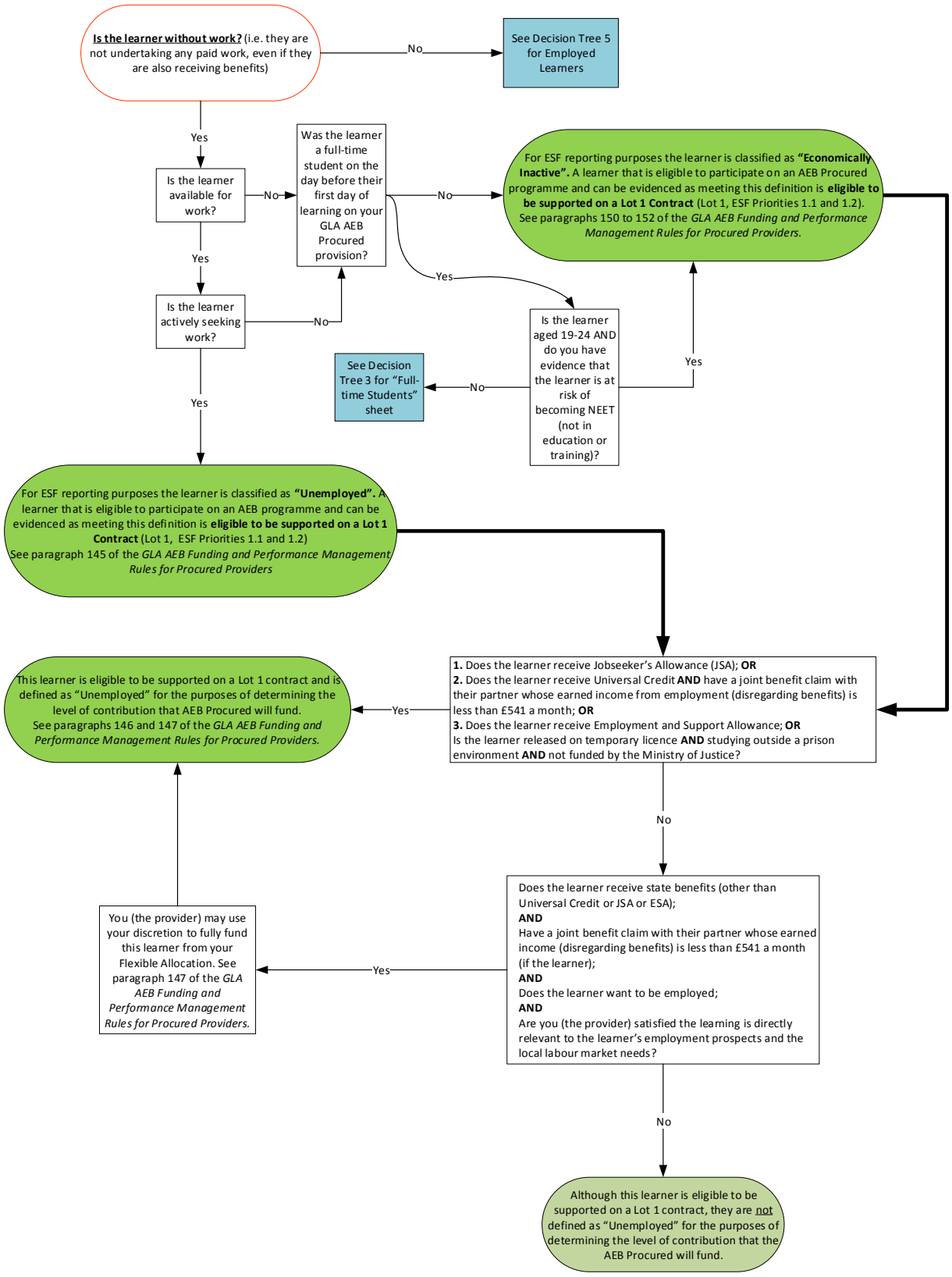
Decision Tree 3: Learners who are "full-time students" on the day before their first day of learning



Decision Tree 4

GLA AEB Procured Provision

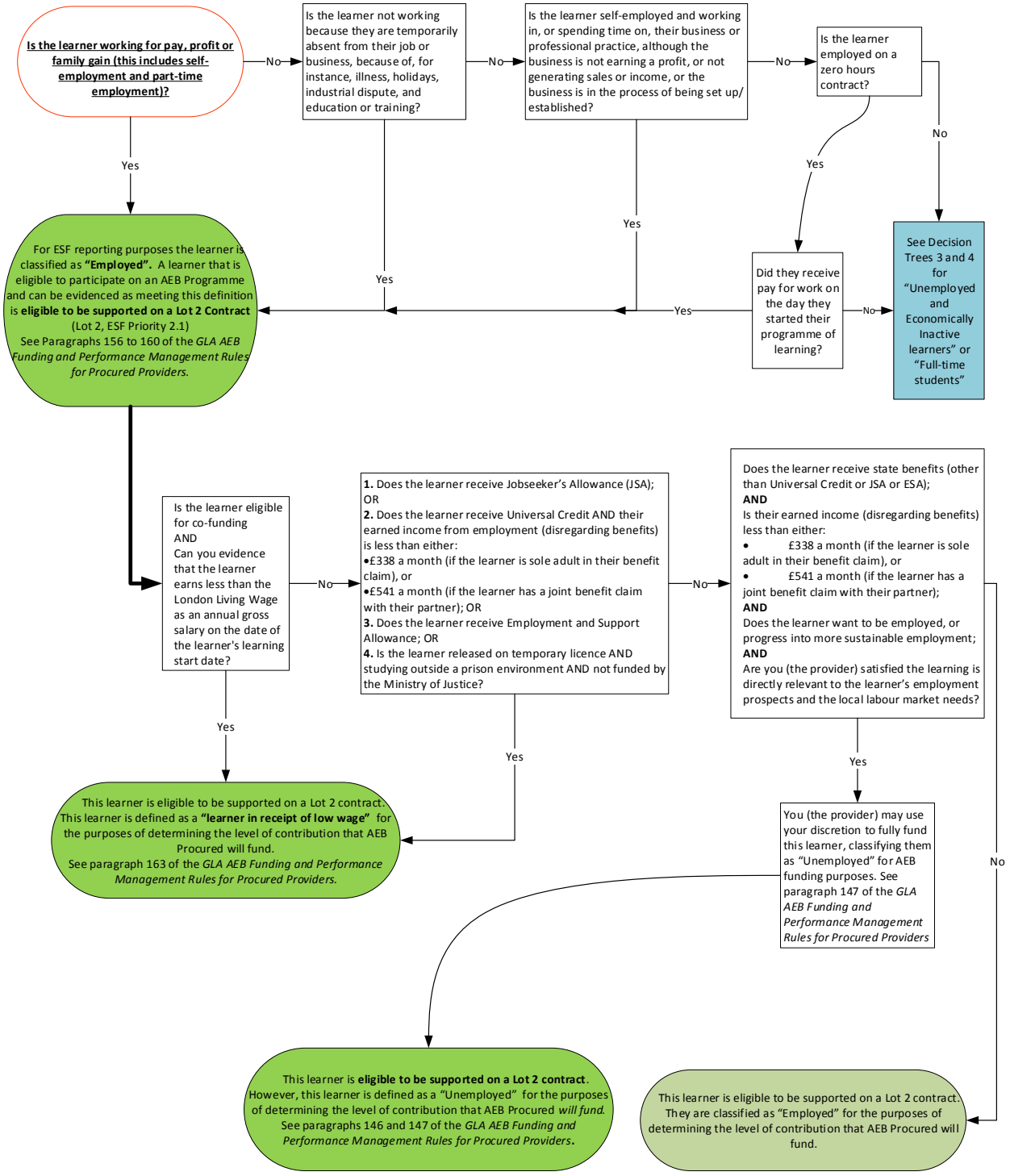
Decision Tree 4: Learners defined as "Unemployed" or "Economically Inactive" for ESF eligibility and AEB funding purposes



Decision Tree 5

GLA AEB Procured Provision

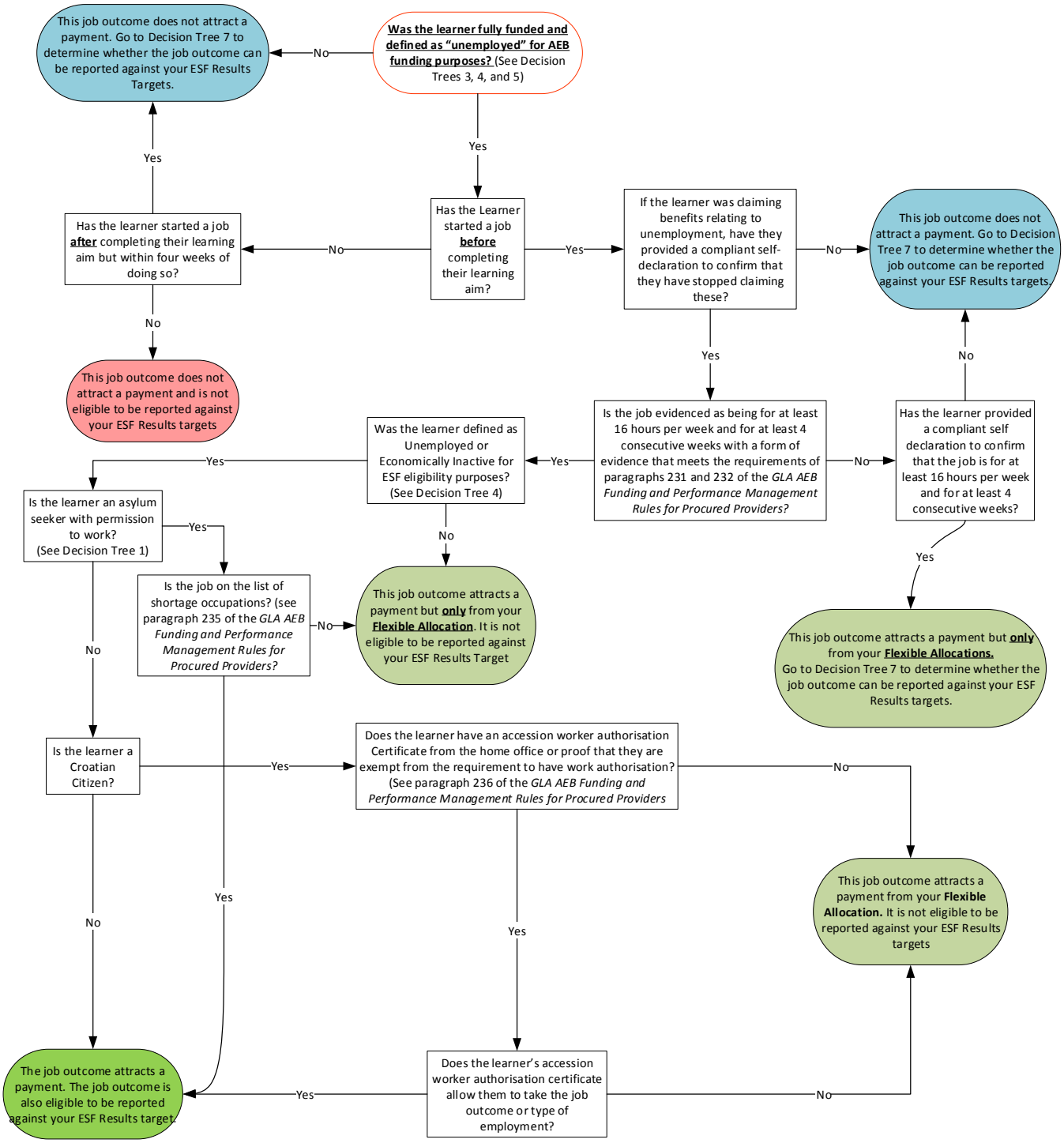
Decision Tree 5: Learners defined as "Employed" for ESF eligibility and AEB funding purposes



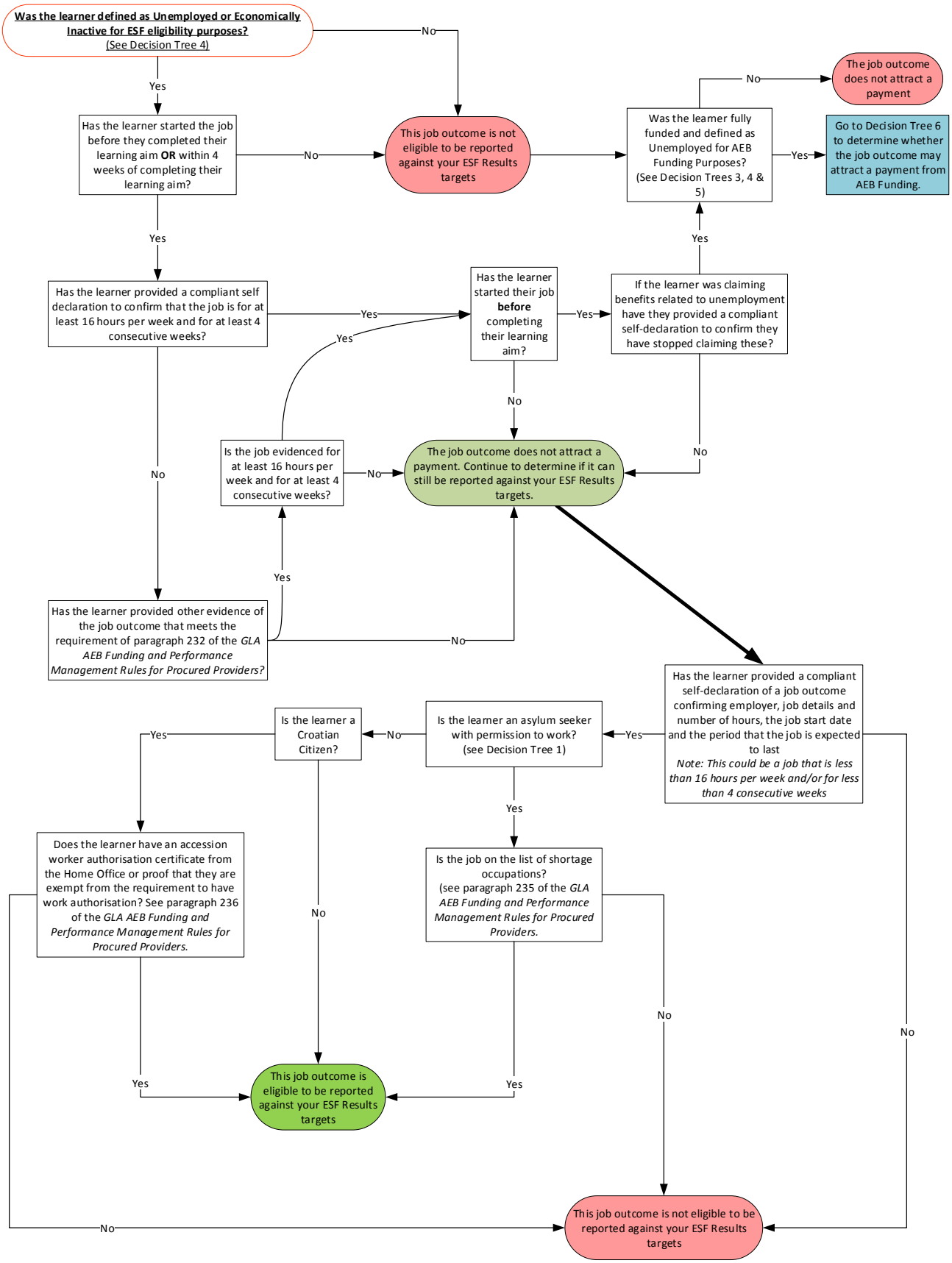
Decision Tree 6

GLA AEB Procured Provision

Decision Tree 6: Job Outcomes attracting Payments (Lot 1 or Lot 2)



Decision Tree 7

GLA AEB Procured Provision

Decision Tree 7: Job outcomes that can be reported against ESF Results Targets (Lot 1 Only)