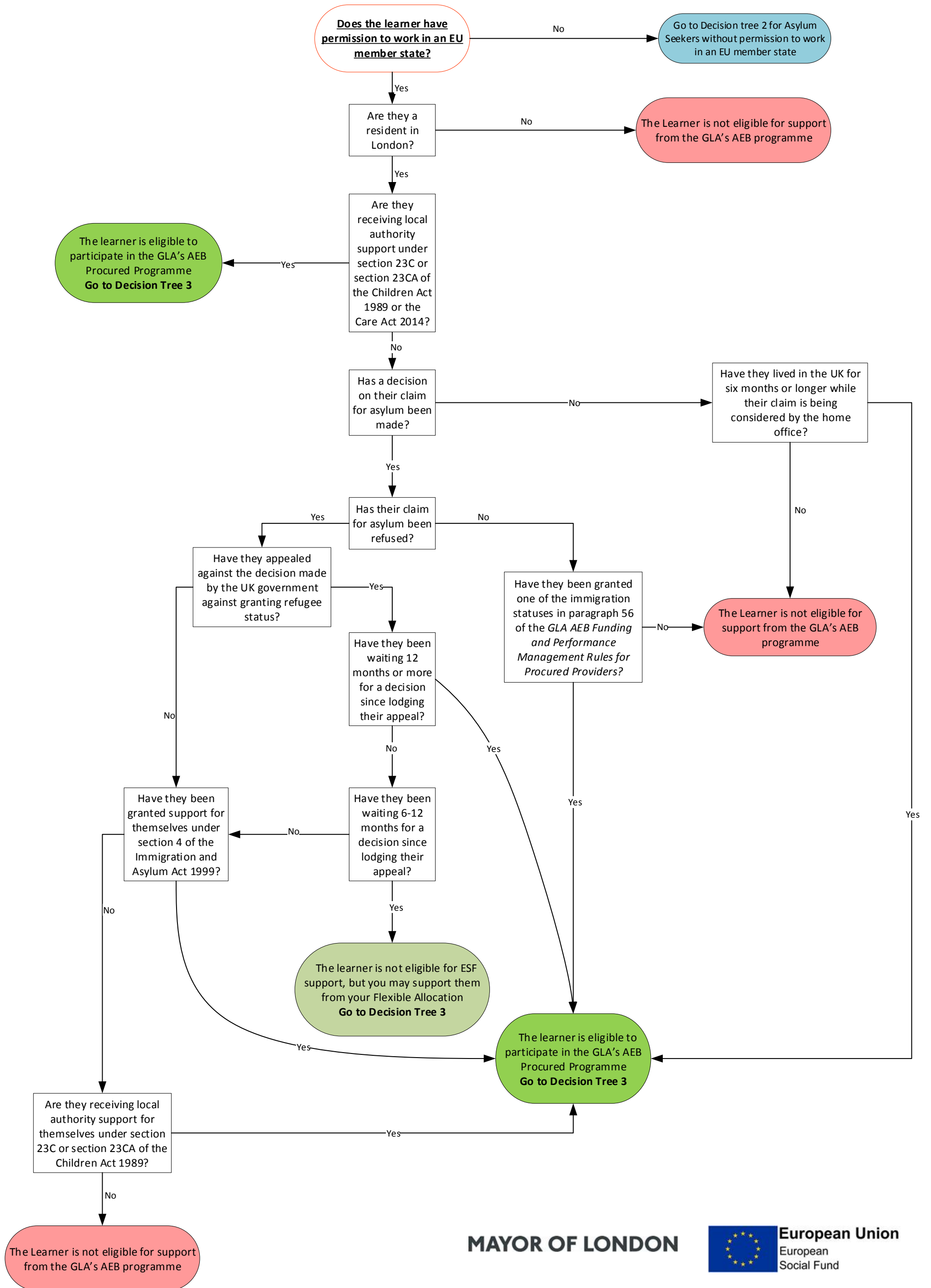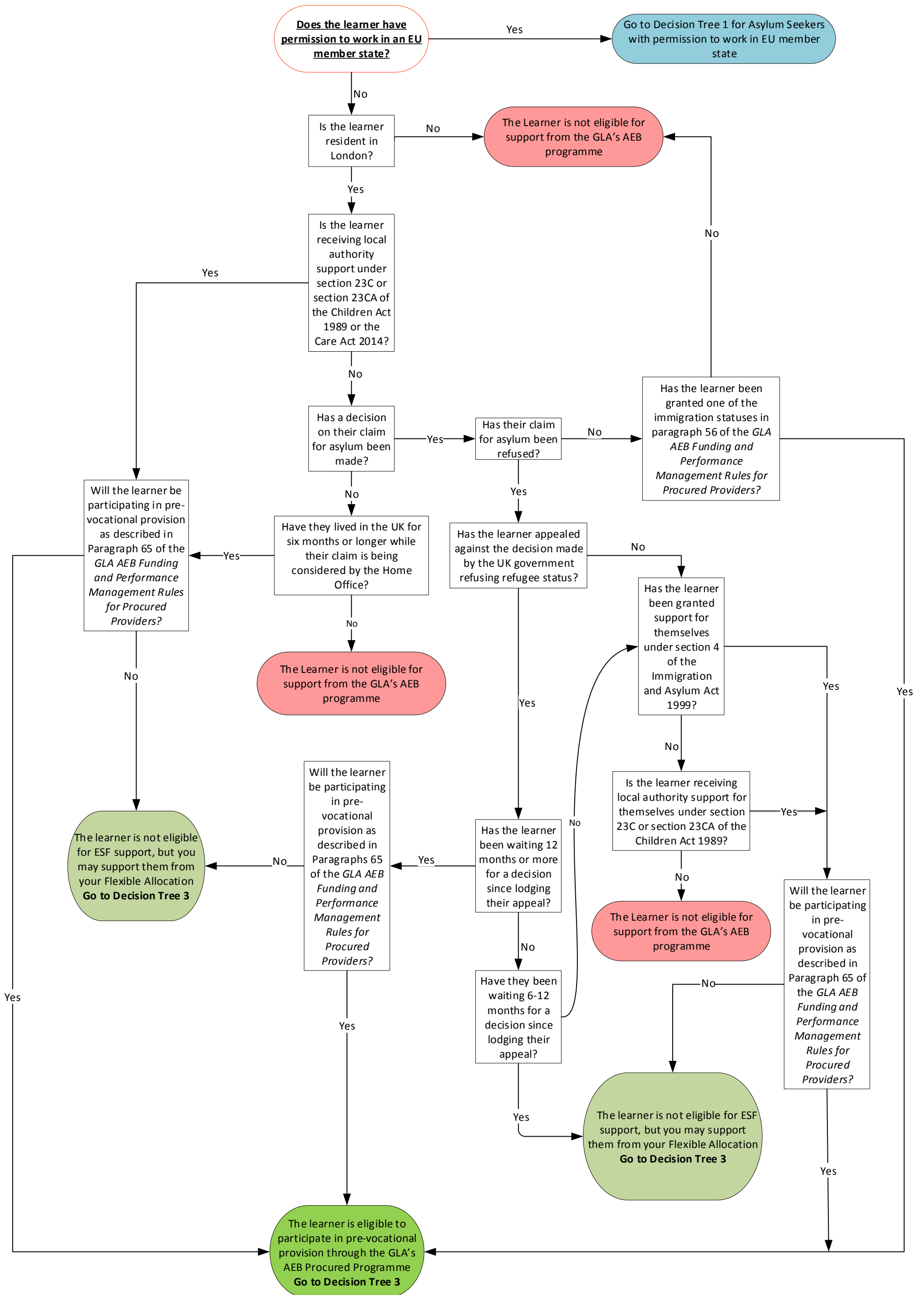# GLA AEB Procured Provision

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

Does the learner have permission to work in an EU member state?

— No → Go to Decision tree 2 for Asylum Seekers without permission to work in an EU member state

↓ Yes

Are they a resident in London?

— No → The Learner is not eligible for support from the GLA's AEB programme

↓ Yes

Are they receiving local authority support under section 23C or section 23CA of the Children Act 1989 or the Care Act 2014?

— Yes → The learner is eligible to participate in the GLA's AEB Procured Programme **Go to Decision Tree 3**

↓ No

Has a decision on their claim for asylum been made?

— No → **Have they lived in the UK for six months or longer while their claim is being considered by the home office?**
  - No → The Learner is not eligible for support from the GLA's AEB programme
  - Yes → The learner is eligible to participate in the GLA's AEB Procured Programme **Go to Decision Tree 3**

↓ Yes

Has their claim for asylum been refused?

— No → **Have they been granted one of the immigration statuses in paragraph 56 of the *GLA AEB Funding and Performance Management Rules for Procured Providers*?**
  - No → The Learner is not eligible for support from the GLA's AEB programme
  - Yes → The learner is eligible to participate in the GLA's AEB Procured Programme **Go to Decision Tree 3**

— Yes (claim refused) → **Have they appealed against the decision made by the UK government against granting refugee status?**

Have they appealed against the decision made by the UK government against granting refugee status?

— Yes → **Have they been waiting 12 months or more for a decision since lodging their appeal?**
  - Yes → The learner is eligible to participate in the GLA's AEB Procured Programme **Go to Decision Tree 3**
  - No → **Have they been waiting 6-12 months for a decision since lodging their appeal?**
    - Yes → The learner is not eligible for ESF support, but you may support them from your Flexible Allocation **Go to Decision Tree 3**
    - No → **Have they been granted support for themselves under section 4 of the Immigration and Asylum Act 1999?**

— No (not appealed) → **Have they been granted support for themselves under section 4 of the Immigration and Asylum Act 1999?**

Have they been granted support for themselves under section 4 of the Immigration and Asylum Act 1999?

— Yes → The learner is eligible to participate in the GLA's AEB Procured Programme **Go to Decision Tree 3**

— No → **Are they receiving local authority support for themselves under section 23C or section 23CA of the Children Act 1989?**
  - Yes → The learner is eligible to participate in the GLA's AEB Procured Programme **Go to Decision Tree 3**
  - No → The Learner is not eligible for support from the GLA's AEB programme

MAYOR OF LONDON

European Union
European Social Fund

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

Does the learner have permission to work in an EU member state?
— Yes → Go to Decision Tree 1 for Asylum Seekers with permission to work in EU member state
— No ↓

Is the learner resident in London?
— No → The Learner is not eligible for support from the GLA's AEB programme
— Yes ↓

Is the learner receiving local authority support under section 23C or section 23CA of the Children Act 1989 or the Care Act 2014?
— Yes → Will the learner be participating in pre-vocational provision as described in Paragraph 65 of the *GLA AEB Funding and Performance Management Rules for Procured Providers?*
   — No → The learner is not eligible for ESF support, but you may support them from your Flexible Allocation **Go to Decision Tree 3**
   — Yes → The learner is eligible to participate in pre-vocational provision through the GLA's AEB Procured Programme **Go to Decision Tree 3**
— No ↓

Has a decision on their claim for asylum been made?
— Yes → Has their claim for asylum been refused?
   — No → Has the learner been granted one of the immigration statuses in paragraph 56 of the *GLA AEB Funding and Performance Management Rules for Procured Providers?*
      — No → The Learner is not eligible for support from the GLA's AEB programme
      — Yes → The learner is eligible to participate in pre-vocational provision through the GLA's AEB Procured Programme **Go to Decision Tree 3**
   — Yes → Has the learner appealed against the decision made by the UK government refusing refugee status?
      — No → Has the learner been granted support for themselves under section 4 of the Immigration and Asylum Act 1999?
         — Yes → Will the learner be participating in pre-vocational provision as described in Paragraph 65 of the *GLA AEB Funding and Performance Management Rules for Procured Providers?*
            — Yes → The learner is eligible to participate in pre-vocational provision through the GLA's AEB Procured Programme **Go to Decision Tree 3**
            — No → The learner is not eligible for ESF support, but you may support them from your Flexible Allocation **Go to Decision Tree 3**
         — No → Is the learner receiving local authority support for themselves under section 23C or section 23CA of the Children Act 1989?
            — Yes → (to "Will the learner be participating...")
            — No → The Learner is not eligible for support from the GLA's AEB programme
      — Yes → Has the learner been waiting 12 months or more for a decision since lodging their appeal?
         — Yes → Will the learner be participating in pre-vocational provision as described in Paragraphs 65 of the *GLA AEB Funding and Performance Management Rules for Procured Providers?*
            — No → The learner is not eligible for ESF support, but you may support them from your Flexible Allocation **Go to Decision Tree 3**
            — Yes → The learner is eligible to participate in pre-vocational provision through the GLA's AEB Procured Programme **Go to Decision Tree 3**
         — No → Have they been waiting 6-12 months for a decision since lodging their appeal?
            — Yes → The learner is not eligible for ESF support, but you may support them from your Flexible Allocation **Go to Decision Tree 3**
            — No → (to "Has the learner been granted support for themselves under section 4...")
— No → Have they lived in the UK for six months or longer while their claim is being considered by the Home Office?
   — Yes → Will the learner be participating in pre-vocational provision as described in Paragraph 65 of the *GLA AEB Funding and Performance Management Rules for Procured Providers?*
   — No → The Learner is not eligible for support from the GLA's AEB programme

GLA AEB Procured Provision

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

Was the learner a full-time student on the day before their first day of learning —No→ See Decision Trees 4 or 5 for unemployed, economically inactive or employed learners.

Yes ↓

Is the learner aged 19-24 AND do you have evidence that the learner is at risk of becoming NEET (not in education or training)? —Yes→ For ESF reporting purposes the learner is classified as **"Economically Inactive"** A learner that is eligible to participate on an AEB Procured programme amd can be evidenced as meeting this definition is **eligible to be supported on a Lot 1 Contract** (Lot 1, ESF Priorities 1.1 and 1.2)**.** See paragraph 152 of *the GLA AEB Funding and Performance Management Rules for Procured Providers*

↓ (from green box) See Decision Tree 4 for unemployed or economically inactive learners.

No ↓

The Learner is not eligible for ESF support and so **may only be funded from your Flexible Allocation** See Paragraph 153 of the *GLA AEB Funding and Performance Management Rules for Procured Providers.*

1. Does the learner receive Jobseeker's Allowance (JSA); **OR**
2. Does the learner receive Universal Credit **AND** their earned income from employment (disregarding benefits) is less than either:
•£338 a month (if the learner is the sole adult in their benefit claim), or
•£541 a month (if the learner has a joint benefit claim with their partner); **OR**
3. Does the learner receive Employment and Support Allowance; **OR**
4. Is the learner released on temporary licence **AND** studying outside a prison environment **AND** not funded by the Ministry of Justice?

—No→

Does the learner receive state benefits (other than Universal Credit or JSA or ESA);
AND
Is their earned income (disregarding benefits) less than either:
•£338 a month (if the learner is the sole adult in their benefit claim), or
•£541 a month (if the learner has a joint benefit claim with their partner);
AND
Does the learner want to be employed, or progress into more sustainable employment;
AND
Are you (the provider) satisfied the learning is directly relevant to the learner's employment prospects and the local labour market needs?

—No→

Yes ↓

This learner may be supported on an AEB Procured contract from your Flexible Allocation.
They are defined as "Unemployed" for the purposes of determining the level of contribution that AEB Procured will fund.

Yes ↓

You (the provider) may use your discretion to fully fund this learner from your Flexible Allocation. See paragraph 147 of the *GLA AEB Funding and Performance Management Rules for Procured Providers*.

This learner may be supported on a Lot 1 or Lot 2 AEB Procured contract from your Flexible Allocation.
They are not defined as "Unemployed" for the purposes of determining the level of contribution that AEB Procured will fund.

GLA AEB Procured Provision

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

Is the learner without work? (i.e. they are not undertaking any paid work, even if they are also receiving benefits)

— No → See Decision Tree 5 for Employed Learners

Yes ↓

Is the learner available for work?

— No → Was the learner a full-time student on the day before their first day of learning on your GLA AEB Procured provision?

— No → For ESF reporting purposes the learner is classified as **"Economically Inactive"**. A learner that is eligible to participate on an AEB Procured programme and can be evidenced as meeting this definition is **eligible to be supported on a Lot 1 Contract** (Lot 1, ESF Priorities 1.1 and 1.2). See paragraphs 150 to 152 of the *GLA AEB Funding and Performance Management Rules for Procured Providers.*

Yes ↓

Is the learner actively seeking work?

— No → (back to full-time student question)

Yes ↓ (from full-time student question)

Is the learner aged 19-24 AND do you have evidence that the learner is at risk of becoming NEET (not in education or training)?

— No → See Decision Tree 3 for "Full-time Students" sheet

— Yes → (to Economically Inactive box)

For ESF reporting purposes the learner is classified as **"Unemployed".** A learner that is eligible to participate on an AEB programme and can be evidenced as meeting this definition is **eligible to be supported on a Lot 1 Contract** (Lot 1, ESF Priorities 1.1 and 1.2)
See paragraph 145 of the *GLA AEB Funding and Performance Management Rules for Procured Providers*

1. Does the learner receive Jobseeker's Allowance (JSA); **OR**
2. Does the learner receive Universal Credit **AND** have a joint benefit claim with their partner whose earned income from employment (disregarding benefits) is less than £541 a month; **OR**
3. Does the learner receive Employment and Support Allowance; **OR**
Is the learner released on temporary licence **AND** studying outside a prison environment **AND** not funded by the Ministry of Justice?

— Yes → This learner is eligible to be supported on a Lot 1 contract and is defined as "Unemployed" for the purposes of determining the level of contribution that AEB Procured will fund.
See paragraphs 146 and 147 of the *GLA AEB Funding and Performance Management Rules for Procured Providers.*

No ↓

Does the learner receive state benefits (other than Universal Credit or JSA or ESA);
AND
Have a joint benefit claim with their partner whose earned income (disregarding benefits) is less than £541 a month (if the learner);
AND
Does the learner want to be employed;
AND
Are you (the provider) satisfied the learning is directly relevant to the learner's employment prospects and the local labour market needs?

— Yes → You (the provider) may use your discretion to fully fund this learner from your Flexible Allocation. See paragraph 147 of the *GLA AEB Funding and Performance Management Rules for Procured Providers.*

No ↓

Although this learner is eligible to be supported on a Lot 1 contract, they are <u>not</u> defined as "Unemployed" for the purposes of determining the level of contribution that the AEB Procured will fund.

GLA AEB Procured Provision

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

Is the learner working for pay, profit or family gain (this includes self-employment and part-time employment)?

—No→ Is the learner not working because they are temporarily absent from their job or business, because of, for instance, illness, holidays, industrial dispute, and education or training?

—No→ Is the learner self-employed and working in, or spending time on, their business or professional practice, although the business is not earning a profit, or not generating sales or income, or the business is in the process of being set up/ established?

—No→ Is the learner employed on a zero hours contract?

—No→ **See Decision Trees 3 and 4 for "Unemployed and Economically Inactive learners" or "Full-time students"**

Yes (from zero hours) → Did they receive pay for work on the day they started their programme of learning?

Did they receive pay... —No→ See Decision Trees 3 and 4...

Yes ↓ (working for pay)

For ESF reporting purposes the learner is classified as **"Employed".** A learner that is eligible to participate on an AEB Programme and can be evidenced as meeting this definition is **eligible to be supported on a Lot 2 Contract** (Lot 2, ESF Priority 2.1)
See Paragraphs 156 to 160 of the *GLA AEB Funding and Performance Management Rules for Procured Providers.*

Is the learner eligible for co-funding AND
Can you evidence that the learner earns less than the London Living Wage as an annual gross salary on the date of the learner's learning start date?

—No→ **1.** Does the learner receive Jobseeker's Allowance (JSA); OR
2. Does the learner receive Universal Credit AND their earned income from employment (disregarding benefits) is less than either:
•£338 a month (if the learner is sole adult in their benefit claim), or
•£541 a month (if the learner has a joint benefit claim with their partner); OR
3. Does the learner receive Employment and Support Allowance; OR
4. Is the learner released on temporary licence AND studying outside a prison environment AND not funded by the Ministry of Justice?

—No→ Does the learner receive state benefits (other than Universal Credit or JSA or ESA);
AND
Is their earned income (disregarding benefits) less than either:
•	£338 a month (if the learner is sole adult in their benefit claim), or
•	£541 a month (if the learner has a joint benefit claim with their partner);
AND
Does the learner want to be employed, or progress into more sustainable employment;
AND
Are you (the provider) satisfied the learning is directly relevant to the learner's employment prospects and the local labour market needs?

Is the learner eligible for co-funding... —Yes↓

This learner is eligible to be supported on a Lot 2 contract.
This learner is defined as a **"learner in receipt of low wage"** for the purposes of determining the level of contribution that AEB Procured will fund.
See paragraph 163 of the *GLA AEB Funding and Performance Management Rules for Procured Providers.*

(JSA box) —Yes→ This learner is eligible to be supported on a Lot 2 contract...

(state benefits box) —Yes↓

You (the provider) may use your discretion to fully fund this learner, classifying them as "Unemployed" for AEB funding purposes. See paragraph 147 of the *GLA AEB Funding and Performance Management Rules for Procured Providers*

You may use your discretion... ↓

This learner is **eligible to be supported on a Lot 2 contract**. However, this learner is defined as a "Unemployed" for the purposes of determining the level of contribution that AEB Procured *will fund*.
See paragraphs 146 and 147 of the *GLA AEB Funding and Performance Management Rules for Procured Providers*.

(state benefits box) —No→ This learner is eligible to be supported on a Lot 2 contract. They are classified as "Employed" for the purposes of determining the level of contribution that AEB Procured will fund.

GLA AEB Procured Provision
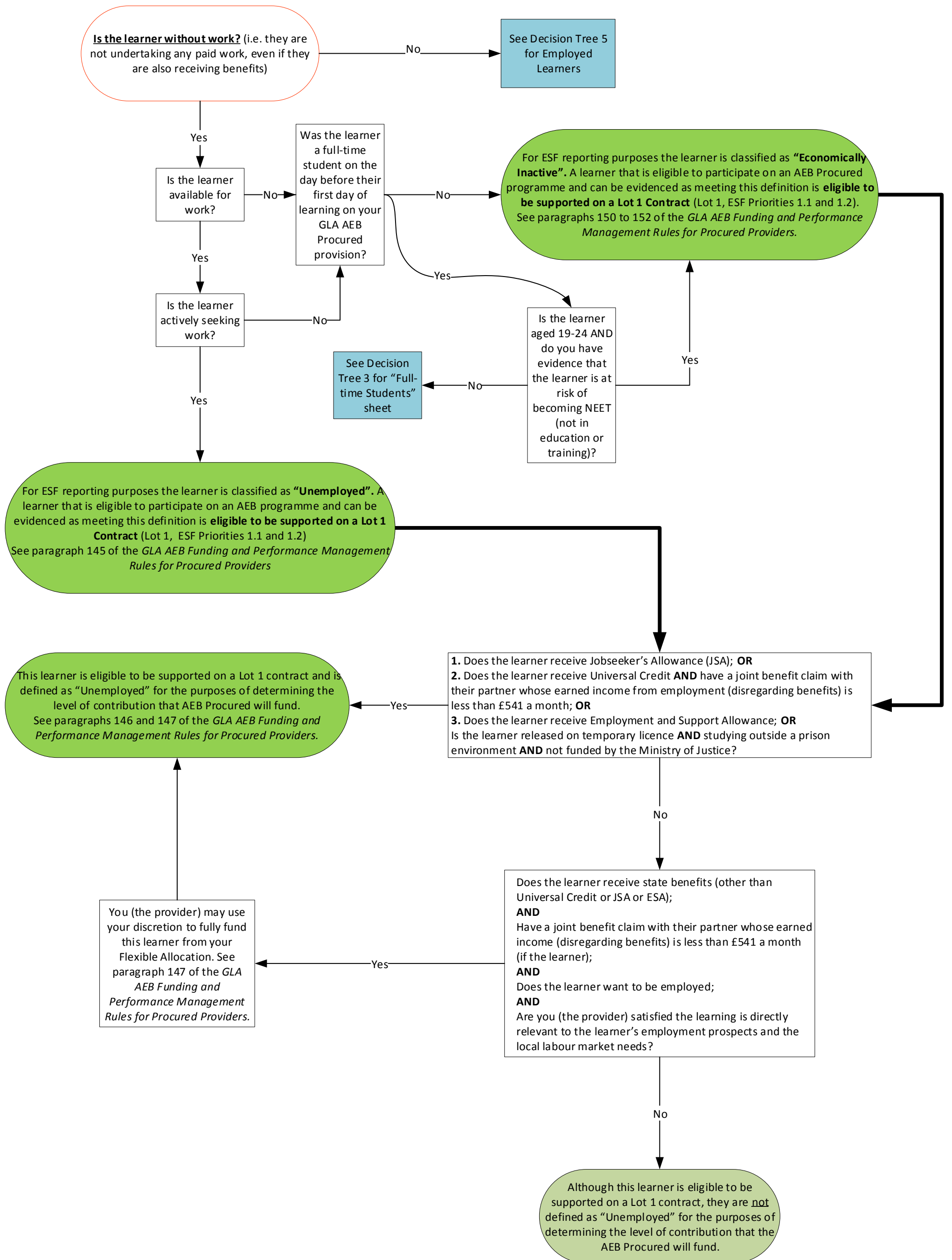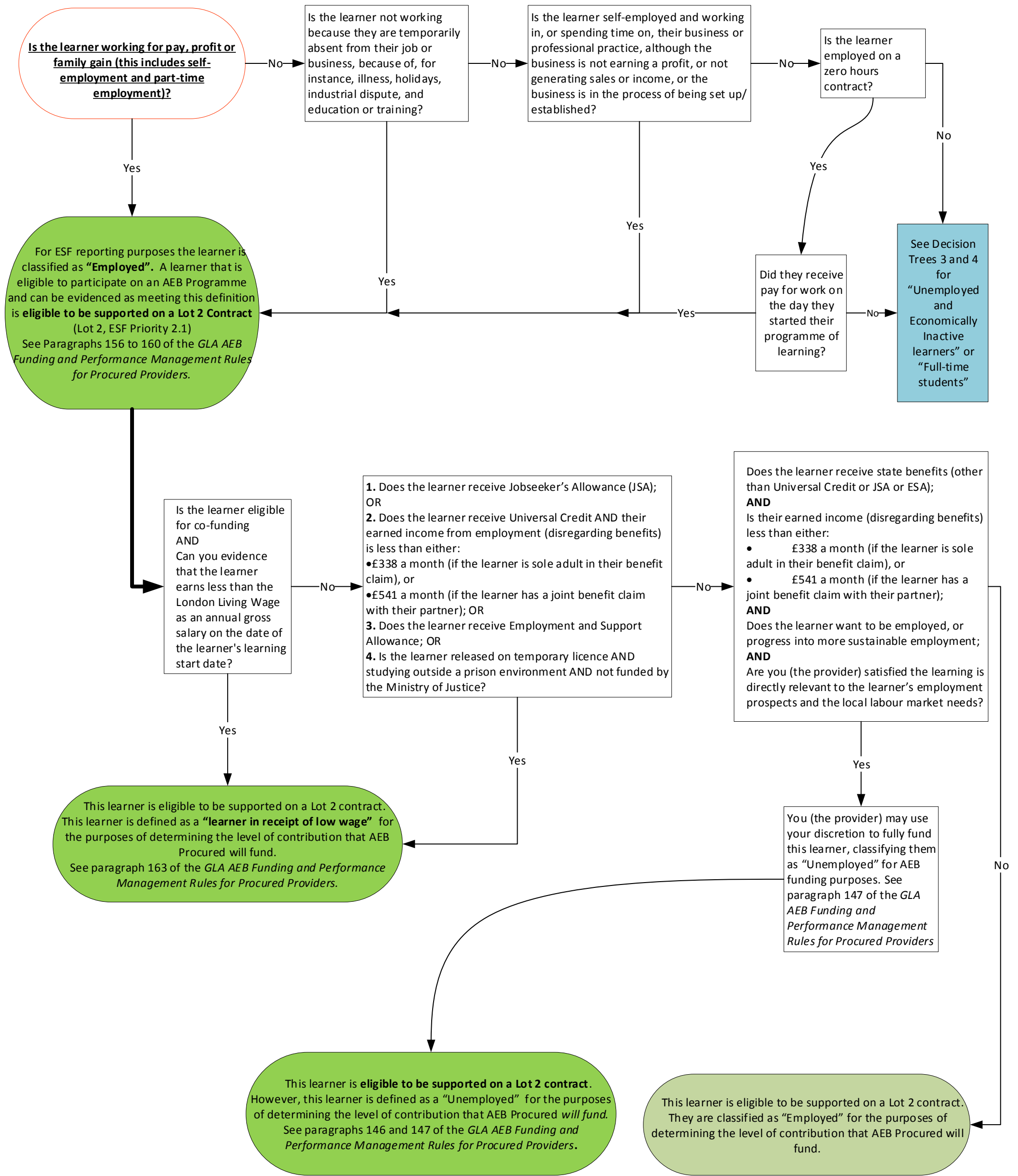
Decision Tree 6: Job Outcomes attracting Payments (Lot 1 or Lot 2)

Was the learner fully funded and defined as "unemployed" for AEB funding purposes? (See Decision Trees 3, 4, and 5)

No → This job outcome does not attract a payment. Go to Decision Tree 7 to determine whether the job outcome can be reported against your ESF Results Targets.

Yes ↓

Has the Learner started a job **before** completing their learning aim?

No → Has the learner started a job **after** completing their learning aim but within four weeks of doing so?

Yes → If the learner was claiming benefits relating to unemployment, have they provided a compliant self-declaration to confirm that they have stopped claiming these?

No (from self-declaration) → This job outcome does not attract a payment. Go to Decision Tree 7 to determine whether the job outcome can be reported against your ESF Results targets.

Yes (from after within four weeks) → This job outcome does not attract a payment. Go to Decision Tree 7 to determine whether the job outcome can be reported against your ESF Results Targets.

No (from after within four weeks) → This job outcome does not attract a payment and is not eligible to be reported against your ESF Results targets

Yes (from self-declaration) → Is the job evidenced as being for at least 16 hours per week and for at least 4 consecutive weeks with a form of evidence that meets the requirements of paragraphs 231 and 232 of the *GLA AEB Funding and Performance Management Rules for Procured Providers?*

Yes → Was the learner defined as Unemployed or Economically Inactive for ESF eligibility purposes? (See Decision Tree 4)

No (from 16 hours evidenced) → Has the learner provided a compliant self declaration to confirm that the job is for at least 16 hours per week and for at least 4 consecutive weeks?

No (from self declaration 16 hours) → This job outcome does not attract a payment. Go to Decision Tree 7 to determine whether the job outcome can be reported against your ESF Results targets.

Yes (from self declaration 16 hours) → This job outcome attracts a payment but **only** from your **Flexible Allocations.** Go to Decision Tree 7 to determine whether the job outcome can be reported against your ESF Results targets.

From "Was the learner defined as Unemployed..."
- Yes → Is the learner an asylum seeker with permission to work? (See Decision Tree 1)
- No → This job outcome attracts a payment but **only** from your **Flexible Allocation**. It is not eligible to be reported against your ESF Results Target

Is the learner an asylum seeker with permission to work?
- Yes → Is the job on the list of shortage occupations? (see paragraph 235 of the *GLA AEB Funding and Performance Management Rules for Procured Providers?*)
  - No → This job outcome attracts a payment but **only** from your **Flexible Allocation**. It is not eligible to be reported against your ESF Results Target
  - Yes → The job outcome attracts a payment. The job outcome is also eligible to be reported against your ESF Results target.
- No → Is the learner a Croatian Citizen?

Is the learner a Croatian Citizen?
- No → The job outcome attracts a payment. The job outcome is also eligible to be reported against your ESF Results target.
- Yes → Does the learner have an accession worker authorisation Certificate from the home office or proof that they are exempt from the requirement to have work authorisation? (See paragraph 236 of the *GLA AEB Funding and Performance Management Rules for Procured Providers*)
  - Yes → Does the learner's accession worker authorisation certificate allow them to take the job outcome or type of employment?
    - Yes → The job outcome attracts a payment. The job outcome is also eligible to be reported against your ESF Results target.
    - No → This job outcome attracts a payment from your **Flexible Allocation.** It is not eligible to be reported against your ESF Results targets
  - No → This job outcome attracts a payment from your **Flexible Allocation.** It is not eligible to be reported against your ESF Results targets

GLA AEB Procured Provision

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

Was the learner defined as Unemployed or Economically Inactive for ESF eligibility purposes? (See Decision Tree 4)
— No → This job outcome is not eligible to be reported against your ESF Results targets

— Yes → Has the learner started the job before they completed their learning aim **OR** within 4 weeks of completing their learning aim?
— No → This job outcome is not eligible to be reported against your ESF Results targets

Was the learner fully funded and defined as Unemployed for AEB Funding Purposes? (See Decision Trees 3, 4 & 5)
— No → The job outcome does not attract a payment
— Yes → Go to Decision Tree 6 to determine whether the job outcome may attract a payment from AEB Funding.

Has the learner started the job... — Yes → Has the learner provided a compliant self declaration to confirm that the job is for at least 16 hours per week and for at least 4 consecutive weeks?
— Yes → Has the learner started their job **before** completing their learning aim?
— No → Has the learner provided other evidence of the job outcome that meets the requirement of paragraph 232 of the *GLA AEB Funding and Performance Management Rules for Procured Providers?*

Is the job evidenced for at least 16 hours per week and for at least 4 consecutive weeks?
— Yes (from other evidence)
— No → The job outcome does not attract a payment. Continue to determine if it can still be reported against your ESF Results targets.

Has the learner started their job **before** completing their learning aim?
— Yes → If the learner was claiming benefits related to unemployment have they provided a compliant self-declaration to confirm they have stopped claiming these?
— No → The job outcome does not attract a payment. Continue to determine if it can still be reported against your ESF Results targets.

If the learner was claiming benefits...
— Yes → Was the learner fully funded and defined as Unemployed for AEB Funding Purposes?
— No → The job outcome does not attract a payment. Continue to determine if it can still be reported against your ESF Results targets.

The job outcome does not attract a payment. Continue to determine if it can still be reported against your ESF Results targets.
→ Has the learner provided a compliant self-declaration of a job outcome confirming employer, job details and number of hours, the job start date and the period that the job is expected to last
Note: This could be a job that is less than 16 hours per week and/or for less than 4 consecutive weeks
— No → This job outcome is not eligible to be reported against your ESF Results targets
— Yes → Is the learner an asylum seeker with permission to work? (see Decision Tree 1)

Is the learner an asylum seeker with permission to work? (see Decision Tree 1)
— No → Is the learner a Croatian Citizen?
— Yes → Is the job on the list of shortage occupations? (see paragraph 235 of the *GLA AEB Funding and Performance Management Rules for Procured Providers.*)

Is the learner a Croatian Citizen?
— Yes → Does the learner have an accession worker authorisation certificate from the Home Office or proof that they are exempt from the requirement to have work authorisation? See paragraph 236 of the *GLA AEB Funding and Performance Management Rules for Procured Providers.*
— No → This job outcome is eligible to be reported against your ESF Results targets

Does the learner have an accession worker authorisation certificate...
— Yes → This job outcome is eligible to be reported against your ESF Results targets
— No → This job outcome is not eligible to be reported against your ESF Results targets

Is the job on the list of shortage occupations?
— Yes → This job outcome is eligible to be reported against your ESF Results targets
— No → This job outcome is not eligible to be reported against your ESF Results targets