

# Employability Fund Frequently asked questions 2019/20

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## Introduction

This document replaces and updates earlier versions of FAQs relating to the EF and should be read in conjunction with the EF Rules 2019-20. The EF Rules are published in [Provider Central](#) together with supporting documentation and presentations:

Questions have been clustered under the following sections:

1. Eligibility
2. Referral and Assessment
3. EF Delivery
4. Outputs
5. Outcomes
6. Terms and Conditions
7. Participant Allowances
8. EF Provider Contract Management/ FIPS
9. Miscellaneous enquiries

Each updated version will show latest additions in **green**.

## **1. Eligibility.**

### **Q1.1. Do EF participants remaining or progressing in Stage 2-4 still need to meet the eligibility criteria?**

A1.1. An EF Eligibility Confirmation must be completed prior to entry to each stage of EF. For participants claiming a DWP benefit who are progressing to Stage 3 or Stage 4 of the Strategic Skills Pipeline with the same or a different Provider, the Provider must treat this as a new referral and must contact the Jobcentre to arrange an interview for the Participant with their DWP work coach during their last week of training prior to progressing to a higher Stage of the Employability Fund to complete a new Eligibility Confirmation for the higher Stage. However, if a Participant is claiming a DWP benefit and is progressing to Stage 3 or Stage 4, without any break in training where the combined length of training does not exceed the maximum length of stay as outlined in EF Rules 3.5.1.1 and 3.5.1.2 a Change of Circumstance form can be used as an alternative to completing a new EF Eligibility Confirmation. To assist with a smooth transition between Stages it is recommended that the Provider consults with DWP throughout the process.

### **Q1.2 Is a young person who has accepted a place on a non-advanced mainstream FE course eligible for EF programme?**

A1.2 No. EF should not be used just to fill a gap whilst an individual is awaiting entry to College provision.

### **Q1.3 Why has an additional early entry category been introduced for DWP benefit recipients progressing to a Higher Stage of EF?**

A1.3 To assist DWP benefit participants to progress to a Higher Stages without having to wait 13 weeks to meet the eligibility criteria. In order to comply with benefit Rules this is only valid for 28 days from the end date of the lower Stage.

### **Q1.4 Are individuals who are eligible for Work First and Work Able Scotland also eligible for EF?**

A1.4 Some individuals may be eligible for more than one Scottish Government employability service but will not be eligible if already participating in an employment, training or enterprise programme funded by any Government department or by SDS

### **Q1.5 Why has an additional early entry category been introduced for DWP benefit recipients who are care experienced?**

A1.5 To assist DWP benefit participants who are care experienced to enter the EF without having to wait 13 weeks to meet the eligibility criteria.

### **Q1.6 How does a Provider check if an overseas national has any employment or funding restrictions?**

A1.6 Providers should request a copy of the individual's passport and either their visa or letter from the Home Office outlining their status. If the information supplied is not conclusive the Provider should contact their SIA in the first instance.

### **Q1.7 Are young carers eligible for EF?**

A1.7 Caring responsibilities do not exclude individuals who are otherwise eligible for EF. Anyone with caring responsibilities should discuss their caring commitments with the referral organisation as it may impact on the suitability of EF as an appropriate route to access employment.

## 2. Referrals and Assessment

SDS Compliance has agreed that the 18/19 EF Eligibility Confirmation document is still valid for audit purposes up to 31 May 2019. From 1 June 2019 all referrals must be made using the 19/20 EF Eligibility Confirmation document available for download on Provider Central.

### **Q2.1 Are there any restrictions on an individual “travelling to train” from one Local Authority area to another?**

A2.1 EF contracts are based on Local Employability Partnership (LEP) areas; however, participants may access provision out with their own LEP area if it is appropriate for their needs and/or not available in their own LEP area. This flexibility needs to be managed as volumes allocated are to address the needs of local residents within the LEP area; SDS Skills Investment Advisers will undertake monthly reviews of Provider entry patterns from out with the LEP area.

### **Q2.2 When will referring organisations receive information on what EF provision is available in their local area?**

A2.2 It is the responsibility of the EF providers to ensure that they submit their EF fact sheets to their Skills Investment Adviser for approval within 7 days of agreeing their EF contract. Once approved by their SIA, it is the responsibility of the EF Provider to circulate to local referring organisations. [A full list of local contact details for EF Referring Organisations is available from your SIA.](#)

### **Q2.3 How is the necessity for a signed document addressed when the Eligibility Confirmation document has been sent electronically using password protection?**

A2.3 In order to comply with relevant data protection legislation, a hard copy of the Eligibility Confirmation documents must be signed by all individuals being referred to the Employability Fund prior to any data being transferred to a third party.

If the referring organisation chooses to send the EF Eligibility Confirmation to the EF Provider electronically (using password protection) then they can either (a) attach a scanned copy of the signed document or (b) to minimise any delay caused by lack of access to printers or scanners once the individual has signed a hardcopy the referring organisations can send an unsigned document by email using password protection but must state clearly in the covering email that the individuals consent to share personal details has been obtained and a signed copy is held by the referring organisation. The EF Provider must keep a copy of the covering email for audit purposes.

### **Q2.4 How many times can a participant be referred onto the same stage?**

A2.4. The EF Activity Rules state: If a 16 or 17 year old wishes to re-enter Employability Fund Activity for a third or successive time, his/her needs and suitability must be clearly identified by an SDS adviser. We would recommend that the SDS adviser consults with the appropriate SIA prior to making the third or successive referral. In respect of other participants who wish to re-enter Employability Fund Activity for a third time, the Provider must obtain written approval (which may include approval by email) from their SDS Skills Investment Adviser prior to registering the Start on FIPS.

### **Q2.5 Who makes the referral for under 18 benefit recipients?**

A2.5 The intention is that DWP will signpost all under 18 clients to SDS for referral. If an EF Provider receives a referral for an individual in these circumstances they must arrange a pre entry interview for the individual with their local Jobcentre to assess and confirm their ongoing entitlement to benefit.

## **Q2.6 Who makes the referral for individuals who are over 18 and not on DWP benefit?**

A2.6 The referral can be made and the eligibility can be confirmed by SDS, College, EF provider or LA as detailed in the Eligibility confirmation document.

## **Q2.7 Who refers 18+ year olds who are on DLA/PIP, Income Support and ESA?**

A2.7 Those on Income Support and ESA need to be confirmed by DWP as their benefit needs to be converted to a Training Allowance. DLA/PIP on its own does not fit into the criteria of "in receipt of benefit" and as such DWP does not need to confirm their eligibility unless they are in receipt of another benefit as well. We would recommend that they attend a pre entry interview with their local Jobcentre to confirm any entitlement to a DWP Training Allowance (not all individuals will have an entitlement).

## **Q2.8 Does an EF Provider need to complete Section 9 of the Eligibility Confirmation and return by email to the referring organisation?**

A2.8 Once the outcome of the referral is known it is the responsibility of the EF Provider to complete Section 9 of the Eligibility Confirmation (including the signature) and return to the source of the referral within 7 calendar days but it does not specify by email. This requirement was included to ensure that referring organisations are notified of the outcome of the referral and are able to update their records accordingly. This applies in all cases for all Stages of the Employability Fund.

For those in receipt of benefit, it is the start date notified in Section 9 that is used during the pre entry interview to determine timescales for transfer from benefit to a Training Allowance.

## **Q2.9 Why is the signature on the Eligibility Confirmation only valid for 28 days?**

A2.9 To ensure currency of referral.

## **Q 2.10 What if takes longer than 28 days between referral and start date?**

A 2.10 If the start date is beyond 28 days of the Eligibility Confirmation (EC) being signed by the referring organisation then the referring organisation has to review the information supplied on the EC to ensure that the individual is still eligible and suitable for the EF e.g. is still not eligible for the Work Programme.

If the information has not changed or the changes can be updated on the original EC form then an updated signature from the EF referring organisation and the individual is enough to ensure that the requirement has been met (an email signature is acceptable and must be printed by the EF Provider and kept with the original EC form). If the information has changed and the changes are not easily updated on the original form then a new form should be generated and signed.

## **Q2.11 What is the purpose of pre entry interviews with the Jobcentre and do all individuals due to start on the EF need to attend one?**

A2.11 The purpose of the pre entry interview with the Jobcentre is to assess and confirm any entitlement to a Training Allowance or National Insurance Contribution Training Credits and, where appropriate, process the transfer from DWP benefit to Training Allowance. (Not every Participant will have this entitlement, e.g. Participants in receipt of Universal Credit will not transfer to a Training Allowance but will remain on their Universal Credit)

A pre entry interview is mandatory for all individuals aged 18 or over and in receipt of benefit prior to commencement of EF activity.

A pre entry interview is not mandatory for those not in receipt of benefit but should be encouraged as an opportunity to discuss their entitlement to a DWP Training Allowance prior to any claim for

benefit which may affect their eligibility for the EF. In this circumstance the Provider should contact the local Jobcentre to book an Employability Fund pre entry appointment and highlight that it is for a participant who has been authorised entry under the SDS authorised eligibility category 'not in receipt of benefits'. The Provider must share the fully completed EFEC with the Jobcentre in time for the appointment.

Individuals who are 18 and not in receipt of benefit can access the SDS Young Persons Allowance and therefore do not need to attend a pre entry interview with the Jobcentre.

**Q2.12 How does an EF Provider know if an individual is “case managed by SDS”?**

A2.12 EF providers should contact their named SDS Centre link. The named SDS Centre links are published on Provider Central in the “Employability Fund Referring Organisation Contacts”.

**Q2.13 Are the Christmas and New Year holiday periods counted as part of the 28 day validity for the EFEC?**

A2.13 The 14 day period from Saturday 21 December 2019 to Friday 3 January 2020 (inclusive) is not counted towards the 28 day criteria for validity of the EF Eligibility Confirmation documentation.

**Q21.4 Please explain Section 7 and 8 of the EF Eligibility Confirmation document?**

In line with new GDPR regulations the EFEC has been amended to include specific detail regarding data protection at the point of referral to the Employability Fund. In Section 7 the “contact details for any data protection enquiries” should be the name of the adviser assisting the individual to complete the EFEC form in particular explaining the Privacy Notice in Section 8. In Section 8 the Privacy Notice has been worded in such a way that it captures the GDPR requirements for all EF Referring Organisations. Each organisation will need to explain their own processes to the individual that they are referring to the EF. We will be reviewing the Privacy Notice in Section 8 of the EFEC as GPDR requirements develop and become embedded in everyday practice.

**3. EF Delivery**

**Q3.1 Can I use my own ITP document?**

A3.1 Yes, however it must contain the minimum of information in the best practice ITP as detailed in Appendix 3 of the EF Rules and be approved by your Skills Investment Adviser.

**Q3.2 Is there a standard Review Record document for EF?**

A3.2 There is no mandatory review document for the Employability Fund. The EF ITP is where review details should be recorded. Please use additional supporting information if you require it and retain along with the ITP.

**Q3.4 Why was a maximum duration of training introduced for 2016/17?**

A3.4 As Universal Credit (UC) continues to roll out across Scotland, the Scottish Government has been working closely with the Department of Work and Pensions to examine the interaction between benefit rules and UC claimant availability to participate on EF. In line with Scottish Government priorities for national service delivery and universality of services the rules developed in response to UC will apply to all EF starts from 1 April 2016.

### **Q3.5 Why is there a difference in the maximum duration for those who are 25+?**

A3.5 The maximum duration for those 24 and under mirrors the traineeship model in place in England and Wales. The maximum duration for those 25 and over is in line with UK benefit regulations.

### **Q3.6 Has there been a change to the work experience definitions in relation to the maximum hours per week?**

A3.6 The only change to the work experience definitions as set out in Appendix 4 of the EF Activity Rules is a recommended minimum duration of 100 hours and absolute maximum duration of 240 hours for a work experience placement. The introduction of a maximum of 30 hours per week does apply to all EF activity including work experience.

For those participants undertaking the Certificate of Work Readiness the Training Provider must ensure there has been sufficient time spent preparing the participants before they go out on Work Placement. In order to safe guard the participant and minimise the likelihood that the Participant will not complete the 190 hours work experience element of the CWR, Providers must try and ensure they have assessed the clients readiness for participating in work experience. We would recommend there is weekly dialogue/ ongoing reviewing of the participants progress during the first 2 weeks of work placement and if there is any indication that the participant is not likely to progress with the placement this must be identified as early as possible to ensure that another suitable placement can be found and the Provider complies with the EF rules on maximum 240 hours work experience.

### **Q3.7 Does the introduction of maximum duration apply to all EF starts from 1 April 2016?**

A3.7 Yes. This ensures alignment with Scottish Government priorities for national service delivery and universality of services.

### **Q3.8 Is the maximum duration cumulative if the participant has had more than one EF start?**

A3.8 No. It is the role of the referring organisation to confirm eligibility and suitability for every entry to the EF. For the avoidance of doubt, in the case of DWP benefit recipients this must be confirmed by DWP.

### **Q3.9 What do EF Providers advise work experience placement providers who expect participants to work more than 30 hours per week?**

A3.9 There are no exceptions to this criteria and EF Providers will have to explain that EF participants are unemployed and must have time to undertake active jobsearch.

### **Q3.10 What evidence will be required for compliance purposes with regard to hours of attendance?**

A3.10 All changes to hours and duration of training including work experience must be recorded and updated in the ITP.

### **Q3.11 Does the introduction of maximum duration apply to those in training prior to 1 April 2016?**

A3.11 No.

### **Q3.12 How do these changes impact on self employment training?**

A 3.12 If test trading is included in the delivery model for self employment training this would be considered as part of the work experience element. Other activity in support of self employment would be considered as employability skills training.

### **Q3.13 Can a Participant with a disability extend their time on work experience beyond 240 hours?**

A3.13 From 1 April 2017, Providers can request an extension to the 240 maximum duration of work experience placement for Participants who are not DWP benefit recipients with an identified disability who require an extension to the 240 hour period to complete the work experience. Providers must seek prior written approval from the SDS assigned Skills Investment Adviser for such an extension and submit evidence of the Participant's identified disability.

### **Q3.14 Now that it is mandatory to enter the Participant's email address in FIPS, what do Providers do if the Participant does not have an email address?**

A2.14 If the Participant does not have a personal email address then the Provider must assist the Participant to set one up.

## **4. Outputs**

### **Q 4.1 Is it mandatory to register all participants for an SCQF rated qualification when they start on EF?**

A 4.1 Certification is not a mandatory element of the EF.

### **Q4.2 A participant has completed SCQF core skills level 4 while at School, the Initial Assessment indicates that they would be more appropriate for Stage 2 EF - will the EF Provider be able to work with this individual at personal development SCQF level 3 and be paid for outputs achieved at this level?**

A4.2 Stage 2 output payments are for personal development, employability and/or core skill provision. As the participant has already achieved the relevant SCQF level for core skills prior to entry to the EF, the EF Provider can only claim an output for personal development or employability SCQF provision.

### **Q4.3 If a participant at stage 3 holds an SCQF level above level 4 in core skills, can an output for the Certificate of Work Readiness (CWR) still be claimed?**

A4.3 Stage 3 output payments are for employability, vocational and/or core skill provision. As the participant has already achieved the relevant SCQF level for core skills prior to entry to the EF, the EF provider can only claim an output for employability or vocational SCQF provision. CWR is an employability award.



#### **Q4.4 Can the Output Payment be claimed after an Outcome has been achieved?**

A 4.4 The output payment can be claimed after an outcome has been achieved. The EF Rules state that:

8.3.4 In cases where the Participant has progressed into employment, in the event only that:-

8.3.4.1 the Participant achieves (i.e. training completed and certified by the awarding body) an Output which he/she started before leaving the Employability Fund Activity to commence employment;

8.3.4.2 the Output corresponds with the ITP agreed with the Provider, and

8.3.4.3 achievement occurs no later than 13 calendar weeks after the date the Participant left the Employability Fund Activity to commence his/her employment;

the Provider may claim the Output Payment.

#### **Q 4.5 Is a print out from SQA Connect/Navigator sufficient evidence for an Output payment?**

A 4.5 A print from either SQA Connect or Navigator/Monitor will suffice providing it confirms achievement of the stated Output.

#### **Q4.6 If a participant completed part of an Employability award (e.g. 6 credit points), left the EF and then re-entered and completed the full award (e.g. 18 credit points in total over the two periods of training) can an output be claimed?**

A 4.6. If a participant re-enters the EF and the EF Provider claims a new start payment for them, a new ITP must be generated at that point taking on board any previous qualifications and experience. In order to claim an output then the participant must have completed a minimum of 18 SCQF credit points at the appropriate level as part of their current ITP. If a participant re-enters the EF and the EF Provider does not claim a new start payment for them then the participant can pick up where they left off with their original ITP. We will not support an output payment for qualifications equivalent to something the participant has achieved prior to their current start on EF. In the case of the enhanced output payment at Stage 3, the evidence requirement is the achievement of the Group Award of at least 34 SCQF credit points where employer opinion is integral to the attainment of the Group Award rather than the individual units which make up the Group Award and as such all 34 units do not have to have been completed during the current start on EF.

#### **Q4.7 Must the participant achieve all expected qualifications as listed in the ITP to claim an Output or is this claimable as long as 18 credit points have been achieved?**

A4.7 To qualify for an output payment the provider must supply evidence as set out in EF Rules i.e. at stages 2 and 3 a minimum of 18 credit points must be achieved at the appropriate level.

#### **Q4.8. If someone completed a Stage of EF having achieved an output of 18 SCQF credit points and is re-entering the same Stage of the EF can the new EF Provider claim an output for this individual?**

A4.8. If an individual has completed a Stage on the EF we would assume that they have achieved the goals set out in their ITP and are ready to move on to the next Stage of the Strategic Skills Pipeline. However, we realise that individuals needs change and if they are referred back to the same Stage of the EF the EF Provider must agree a new ITP. When agreeing a new ITP, the EF Provider can include further SCQF qualifications as part of the planned training. In order to claim an output, the qualifications must be at least 18 credit points at the appropriate level for the EF Stage and they must be different from what the individual has already achieved. SDS Skills Investment Advisers will be monitoring re-entrants to the same Stage of the EF.

## 5. Outcomes

### **Q5.1 Is there a time limit to claim a progression to a different Stage within the EF?**

A5.1 There is no timescale at present but the intent is that the Providers maintain a momentum with the participant.

### **Q5.2 Can participants progress from Stage 3 to Stage 4 in order to extend their time on work experience?**

A5.2 Stage 4 is not to be used as an extension of stage 3. Participants should be job ready at the end of stage 3 and if not should be retained at Stage 3 until they are job ready. Stage 4 should be to provide a sector specific qualification, customised training for a particular employer/sector, sector based work academy or experience which facilitates direct progression into employment. Providers should not limit the amount of time participants spend on a Stage according to their own timetables, participants should remain on the Stage until they have completed their ITP.

### **Q5.3 If the participant does not achieve all expected qualifications as listed in the ITP, can a Progression to the higher Stage of the EF still be claimed?**

A5.3 No.

### **Q5.4 Is progression onto Community Jobs Scotland counted as an employment outcome in EF?**

A5.4 No. CJS **cannot** be used as evidence for a “progression to a job” payment. However, it can, where appropriate, be used as evidence for “progressing from one stage of the Strategic Skills Pipeline to a more advanced stage” payment as it is nationally recognised within the Strategic Skills Pipeline as Stage 4 provision.

### **Q5.5 Is progression into a job supported by Youth Employment Scotland counted as an employment outcome in EF?**

A5.5 Yes

### **Q5.6 Can EF Providers who do not deliver any qualifications or have not identified a qualification on a participant’s ITP still claim the progression to a more advanced Stage payment?**

A5.6 EF Providers who do not deliver any qualifications or have not identified a qualification on a participant’s ITP **CAN** still claim the progression to a more advanced Stage payment if the ITP has been completed. They cannot claim an output payment.

### **Q5.7 Can EF Providers claim a progression payment for participants who move into a full time FE course at the same SCQF level that they have achieved on EF?**

A5.7 If a participant progresses to FE on leaving the EF, the EF Provider can claim a progression payment if they have the evidence that the Participant has started in further education at a higher level of SCQF than the minimum output levels for the Stage of the EF activity from which the Participant has progressed. If the FE provision is a vocational course a progression payment can be claimed if they have the evidence that the Participant has started in further education at the same or higher level of than the minimum output levels for the Stage of the EF activity from which the Participant has progressed.

### **Q5.7 Can EF Providers claim an outcome for a Participant progressing from Stage 2 to Stage 4 of the Strategic Skills Pipeline?**

A5.8 Yes.

## 6. Terms and Conditions

### **Q6.1 With the changes to expenses for 2017/18 is the £3 per week travel expenses participant's contribution still expected?**

A6.1 Certain Participants will be expected to contribute no more than the first £3 per week towards their own travel expenses. See EF Rules Part 2 item 7.5 for full details.

### **Q6.2 Do participants need to complete a Travel Authorisation form every week?**

A6.2 Participants who started prior to 1 April 2017 need to have completed one at the start of training but only need subsequent forms if the travel costs change. Participants who start from 1 April onwards do not need to complete a Travel Authorisation form for SDS purposes.

### **Q6.3 Will Employability Fund provision be treated as "approved training" with regard to Tax Credits & Child Benefit?**

A6.3 Yes. HMRC has included The Employability Fund as "approved training".

### **Q6.4 Will those who are on training through the EF be able to access an Individual Learning Account?**

A6.4 No. From 23 October 2017 ILAs have been replaced by the new Individual Training Account (ITA). ITAs cannot be used by Participants to fund training delivered as part of the Employability Fund Activity or for any elements of the Individual Training Plan. Participants in the Employability Fund Activity will be ineligible to apply for SDS ITA funding or to renew an existing account for SDS ITA funding whilst participating in an Employability Fund Activity. Further information is available on the SDS website: [Individual Training Accounts](#)

### **Q6.5 What is the situation regarding holiday entitlement and unauthorised absence for participants on the EF?**

A6.5 The EF is not prescribing the attendance pattern for participants. It is up to each contracted EF provider to establish their own system for authorised and unauthorised absence and agree the attendance pattern with each participant as part of the Individual Training Plan. If in receipt of DWP benefit the participant should inform their local Jobcentre of any plans for travel abroad as it may affect their benefit entitlement. Please note that periods of authorised and unauthorised absence are counted when calculating the maximum length of stay for all new starts from 1 April 2016.

### **Q 6.6 Are EF Participants able to access support for childcare costs?**

A 6.6 SDS do not cover the cost of childcare as part of the EF.

### **Q6.7 What are the maximum hours of attendance for someone on EF?**

A6.7 For those in training who started prior to 1 April 2016, EF providers must legally comply with the Government working time directives. Guidance can be found on the [\*\*business.scotland.gov.uk\*\*](http://business.scotland.gov.uk) site which is an online resource designed to make it easier for Scottish businesses to find information they need from government and the wider public sector. It pulls together information from a variety of public sector organisations delivering services to Scottish businesses. For all new starts from 1 April 2016 onwards the maximum hours of attendance per week is 30 hours.

## **Q6.8 What have been the changes to the EF travel expenses policy?**

A6.8 For new starts from 1 April 2017, Providers must cover the cost of travel expenses from the enhanced recruitment payment. Dependent on circumstances, some Participants who are also DWP benefit recipients may be able to claim travel expenses from DWP (e.g. those DWP benefit recipients participating in a sector based work academy). Please refer to the EF Rules for full details.

## **7. Participant Allowances**

### **Q7.1 Can EF Providers reduce the SDS Young Persons Allowance (YPA) pro-rata if the participant is part-time or absent?**

A7.1 The YPA is a weekly allowance regardless of the attendance pattern. If a Participant fails to participate in the training activity as set out within their Individual Training Plan, Providers have the discretion to reduce the weekly allowance paid to the Participant – what is paid to the Participant will be the amount reclaimed from SDS via FIPS. It is at the Providers discretion what they agree for part time attendance, authorised and unauthorised absence. The Provider must fully explain their rules regarding attendance at induction and agree the attendance pattern with each Participant as part of the Individual Training Plan. Compliance will check to ensure that YPA claimed from SDS has been paid out to the participant. To ensure that any deductions can be processed through FIPS they should be in £5.50 blocks.

### **Q7.2 Who is eligible for the SDS Young Persons Allowance of £55 per week?**

A7.2 Participants aged 16, 17 who are not in education, employment or training are eligible for the SDS Young Persons Allowance of £55 per week.

Participants aged 18 who are not education, employment or training and not in receipt of DWP benefits are eligible for a SDS Young Persons Allowance of £55 per week.

### **Q7.3 For individuals who are under 18 and in receipt of DWP benefit (e.g. JSA hardship, income support, Universal Credit) what allowances are they entitled to when participating in the EF?**

A7.3 16 and 17 year olds in receipt of JSA hardship or income support will be expected to transfer to a Young Persons Allowance. They may be able to claim income support to top up the Young Persons Allowance. 16 and 17 year olds in receipt of Universal Credit will remain on Universal Credit rather than transfer to a Young Persons Allowance.

### **Q7.4 If a person starts on an EF programme when they are 18 years old (not in receipt of DWP benefits) are they eligible for £55 per week for the length of their programme even if during that time they turn 19 years old?**

A7.4 An 18yr old not in receipt of DWP benefit is eligible for the Young Persons Allowance until their training in that Stage of the EF is completed regardless if they turn 19 during the period of training.

### **Q7.5 If a participant is over 19 and not in receipt of benefit what allowance do they receive?**

A7.5 A participant over 19 and not in receipt of benefit is **not** entitled to the SDS Young Persons Allowance. They may be entitled to a DWP Training Allowance. In order to determine any entitlement to a DWP Training Allowance the EF Provider should arrange a pre entry interview with DWP to discuss. This must be undertaken prior to any claim for benefit which may affect their eligibility for the EF.

**Q7.6 What happens if someone is over 19 and not in receipt of benefit and does not want to attend the Jobcentre for a pre entry interview or is not entitled to a Training Allowance?**

A7.6 Please refer to Q and A 2.11 for the purpose of the pre entry interview. All identified new starts aged 19 and over and not in receipt of benefit should be encouraged to attend a pre entry interview.

If someone is 18 and not in receipt of benefit they are eligible for the SDS Young Persons Allowance of £55 per week paid by the EF provider. If someone is 19 or over and not in receipt of benefit and refuses to attend a pre entry interview with DWP they would be unable to have their entitlement to a Training Allowance assessed and would not be eligible for any allowances whilst on the EF.

**Q7.7 Do participants in receipt of DWP benefit require to transfer their benefits to a Training Allowance?**

A7.7 Participants who are 18 years and over and in receipt of DWP benefit would normally transfer to a Training Allowance equivalent to their benefit package when they start on the Employability Fund. There are three exceptions to this, provision which is expected to last for less than 2 weeks, provision which is categorised as a sector based work academy and participants in receipt of Universal Credit. For these situations participants can remain on DWP benefit but it needs to be confirmed and actioned by DWP.

**Q7.8 Can deductions be made to the Training Allowance paid through DWP for part time or absence?**

A7.8 No. The Training Allowance is linked to benefit rules and Scottish Government has agreed the policy with DWP. Scottish Government policy is clear that they will not support any action that may result in sanctions on the individual. EF Providers should only share information with DWP as detailed in the Start/Leaver Notification and Change of Circumstance form.

**Q7.9 How is an individual's housing benefit affected by participation on the EF?**

A7.9 Individuals have a personal responsibility to inform whoever administers their Housing Benefit (HB) of a change to their circumstances. Any further guidance would have to come from the relevant local authority staff dealing with HB.

**Q7.10 Where a participant is in receipt of DLA/PIP and ESA what happens to their benefits/allowances when they go on EF?**

A7.10 For those in receipt of DLA/PIP they will continue to receive DLA/PIP for the duration of their training with no impact on their entitlement to other benefits or allowances. For those in receipt of ESA they have the choice of whether to remain on their ESA or transfer to a Training Allowance. There are no guarantees that their participation on EF will not affect later decisions on their fitness for work which is determined by the DWP, ESA team. We would recommend that referring organisations have a discussion with DWP locally to make them aware of the contact they have with the individual and make arrangements for them to attend the Jobcentre to ensure a smooth transition.

**Q7.11 What is the situation for participants in receipt of UC with regard to declaring any income generated through test trading as part of their EF ITP?**

A7.11 EF participants in receipt of UC must declare all income, which includes what they generate through test trading, to DWP. There are no differences to the way earnings will be treated between a UC claimant declaring earnings from being Self Employed and a UC claimant declaring earnings whilst test trading on EF. A full assessment will be made by DWP to work out the UC entitlement. Provider must advise their EF participants who are in receipt of UC of the potential implications prior to undertaking any test trading.

## **8. EF Provider Contract Management/ FIPS**

### **Q8.1 How are qualifications added to the approved list for Stage 4 output payments?**

A8.1 The Stage 4 Approved qualifications listing is available to all Bidders as part of the contracting process and the qualifications that the Provider wanted to include in their Stage 4 provision should be itemised in their bid. If a Provider wants to add a qualification to the Stage 4 Approved qualifications listing in year this needs to be discussed with their Skills Investment Adviser and if appropriate a request submitted for consideration by a SDS NTP Operations panel. There is no guarantee that the request will be approved. (For the avoidance of doubt the recruitment payment is expected to be used to cover the costs of training related to a participants needs and it is only if the costs are higher that a qualification will be considered for inclusion)

### **Q8.2 How do EF Providers record work experience on FIPS if work experience is planned but an employer has not yet been identified?**

A8.2 An EF FIPS Training video is available on Provider Central. FIPS allows Providers to indicate that work experience is planned and the employer details can be updated when they become available.

### **Q8.3 Do EF Providers need to complete another Training Agreement when the Employer details are added?**

A8.3 The EF Rules states in paragraph 6.2.4 “The Provider shall ensure that the Training Agreement is kept accurate and up-to-date and amended to reflect any subsequently agreed variation in content or timescale, and where any material variations are made (e.g. but without limitation, Output Type), the Training Agreement shall be printed from FIPS and immediately signed and dated by the Participant and Provider.”

### **Q8.4 Where would I find information on the SDS equalities monitoring procedure?**

A8.4 Information on the SDS Equalities Monitoring procedure is published on Provider Central.

### **Q8.5 What changes have been made to the Training Agreement with the introduction of GDPR?**

A8.5 As the national skills body supporting the people and businesses of Scotland to develop and apply their skills, Skills Development Scotland reviewed and updated the MA and EF Programme Rules and Conditions to reflect GDPR and these documents were published on our website. At the same time each Programme published a Privacy Statement which is referenced in the MA and EF Training Agreements for Participants which can be accessed at [www.skillsdevelopmentscotland.co.uk/about/policies/privacy](http://www.skillsdevelopmentscotland.co.uk/about/policies/privacy). The MA and EF Privacy Statements provide information about what the information is used for, why it is required, data retention periods and what an individuals' rights are in relation to personal data and GDPR.

New Participants should see the respective Privacy Statement during their registration process. Our recommendation is that existing Participants are made aware of the Privacy Statement that applies to them at the next point they engage with the training provider, whether that be in person or through email. It is not important what avenue is taken – whichever route is most convenient/applicable to the specific programme. Existing participants do not have to re-consent to the Training Agreements they have previously signed in this financial year – they only have to be made aware of the existence of this Privacy Statement. They do not have to explicitly sign anything to say they have accepted the Privacy Statement. What is important is that the Participants are made aware of it the next time they engage with their Provider and that they can request a hard copy as an alternative.

**Q8.6 When undertaking an individual search prior to completing an EF registration on FIPS, the individual was found on the system but with a different NI number. Which NI number should be used to complete the registration?**

A8.6 . If the NI number already linked to the Participant is a temporary or different NI number, Providers must continue to use the existing NI number until the assignment has been approved on FIPS. Once the assignment has been approved the Provider must update the NI number on FIPS. Providers must refer to FIPS guidance on updating Participants personal details.

**9. Miscellaneous enquiries**

**Q9.1 What is a sector based work academy (sbwa)?**

A9.1 sector based work academies are one of the Governments “Get Britain Working” measures led by DWP. The Employability Fund Stage 4 can be used as a mechanism to deliver sbwa in Scotland. sector based work academies must meet the following criteria:

- targeted at sectors with high volumes of entry-level jobs and current vacancies;
- aimed at DWP clients who are “close to the labour market”;
- last for a maximum of 6 weeks; and
- include pre-employment training, a work experience placement and where possible a guaranteed job interview.

**Q9.2 What is the process for EF provision to be recognised as a sector based work academy?**

A9.2 All discussions regarding the development of local sbwa provision using EF funding must include DWP and SDS representatives and be agreed by both parties prior to delivery. To start the discussion, DWP must complete a “sbwa Opportunities: Training Programme Specification” and submit this to the local SDS EF Team leader. For the avoidance of doubt and in line with all other EF provision, local availability of sbwa provision that is delivered through EF must be agreed as part of the co decision making process with the Local Employability Partnership. Local requests during the contract year will be considered subject to budget availability.

**Q9.3 What support is available for Providers with the introduction of FIPS?**

A9.3 Support materials are available on the FIPS page of Provider Central. This includes a series of EF FIPS Training Videos as well as a FIPS FAQ and Glossary.