

# Withdrawn

**This publication has been withdrawn.**

It is no longer current.

## DWP Provider Guidance Chapter 3

### ESF Support for Families with Multiple Problems (England)

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#### Eligibility Requirements

1. To be eligible for support from this provision people must be from families that have multiple problems including a history of worklessness. Participation in the provision is voluntary and the fundamental eligibility requirements are:

- The family must have multiple problems
- There must be a qualifying person
- Individuals referred by Providers must be eligible for ESF support
- Referral and eligibility confirmation must have been made by either the Local Authority - the Primary Referral Route or by the Provider - the Secondary Referral Route

2. Once a family's eligibility is established either by the Local Authority or yourselves you must confirm that the individual is eligible and that there is a qualifying person ([See paragraph 20 of this Chapter](#)).

## **Primary Referral Route - Determining Eligibility by Local Authorities**

3. The primary route for identifying families to ESF providers is through the Local Authority, who are likely to be already aware of these families, and working with them, or in the process of identifying them as part of their delivery of the Government's Troubled Families Programme. Local Authorities are also able to nominate their partner organisations to identify families for this provision and to make referrals to your ESF provision on the Local Authority's behalf. This will remain the primary referral route for the provision and Local Authority identified referrals **must** take priority.

## **Identification of the Family by the Local Authority**

4. Each Local Authority will determine who makes up the family unit – no standard definition will apply.

5. An eligible family with multiple problems must;

- have either no-one in the family who is working over 16 hours or, if one or more family members are in full-time work, have a history of worklessness across generations; and
- include a family member on a DWP working age benefit who agrees to act as the qualifying person to passport other family members into the provision (although the qualifying person need not participate in the provision and could be, for example, in the Work Programme); and
- constitute at least two people, one of whom may be a child. A family does not need to be living in the same household. A family should be a group of people where there is a clear family relationship (not necessarily always by blood relation or marriage/other formal partnerships) and interaction of the family members, with impacts in common resulting from the problems the family has. Ex-partnerships may still qualify the members to be treated as a family if there is a continuing relationship affected by the family's difficulties, for example relating to financial support or joint parenting

6. You are expected to engage with each family that the Local Authority identifies. You can expect to receive details that will enable you to contact the family members. As a minimum you will receive confirmation from the Local Authority of the name and contact details.

7. If a family or an individual does not wish to participate, you should notify the Local Authority in accordance with the local arrangements you have agreed with them.

8. When you receive the details from the Local Authority you must check:

- Individual Eligibility ([See paragraph 19 of this Chapter](#)).
- There is a Qualifying Person ([See paragraph 20 of this Chapter](#)).

## **Secondary Referral Route - Determining Eligibility by Providers**

9. If you have opted to operate the secondary referral route you will identify, contact and confirm eligibility for people in families with multiple problems who wish to join the provision, without the requirement to clear eligibility through Local Authorities.

10. You will have full and sole responsibility for determining the eligibility of any participants you attach using the criteria below and gathering and retaining any evidence to support your eligibility judgements for monitoring and audit purposes. Ineligible attachments may result in recovery of funds paid.

11. You will first need to establish the eligibility of the family, and then consider eligibility of the individual family member(s) wishing to join. You must establish and retain evidence of eligibility checks for any participants referred through the secondary referral route. ([See paragraphs 17 and 18 of this Chapter](#)).

## **Secondary Referral Route - Eligibility Requirements for Families and Individual Participants**

### **Summary Check List**

12. All of the family criteria and all of the individual criteria must be met:

Does the family qualify?

- Minimum 2 people
- Meets worklessness criteria
- Has a qualifying family member
- Affected by one of the four multiple problem areas:
  - 1) Family-related
  - 2) Housing-related
  - 3) Health-related
  - 4) Antisocial/ offending behaviour-related

Does the individual qualify?

- From an eligible family
- Aged 16+
- Legally resident and allowed to work in the EU
- Not working 16+ hours or in full-time education
- Not on the Work Programme or any other disqualifying programme

## Eligible Participant

13. To be eligible a participant must:

- be from a family with multiple problems;
- meet the requirements for an eligible individual ([See paragraph 19 of this Chapter](#)), and
- have someone in the family who is on a DWP working age benefit and agrees to act as the qualifying person for other family members or themselves be the qualifying member for their family

## Eligible Family

14. An eligible family with multiple problems must:

- have either no-one in the family who is working over 16 hours or, if one or more family members are in full-time work, have a history of worklessness across generations; and
- include a family member on a DWP working age benefit who agrees to act as the qualifying person to passport other family members into the provision (although the qualifying person need not participate in the provision and could be, for example, in the Work Programme); and
- constitute at least two people, one of whom may be a child. A family does not need to be living in the same household. A family should be a group of people where there is a clear family relationship (not necessarily always by blood relation or marriage/other formal partnerships) and interaction of the family members, with impacts in common resulting from the problems the family has. Ex-partnerships may still qualify the members to be treated as a family if there is a continuing relationship affected by the family's difficulties, for example relating to financial support or joint parenting; and
- experience at least one of the difficulties listed under at least one of the four multiple problem areas specified in paragraph 15 – i.e. family, housing, health and antisocial/offending behaviour-related. These are multiple problem areas affecting the family and which **also** affect, or have the potential to affect, individual family members' ability to work or their likelihood of working

## Multiple Problems

15. When using the Provider Secondary Referral Route the eligibility assumption for defining multiple problems is that as employment-related difficulties will affect all families participating, one further problem area is sufficient for the family to be regarded as having multiple problems. Families must experience at least one of the difficulties in one of the four areas listed below:

### Family-related

- parenting difficulties; or
- severe relationship breakdown between family members, including where there is domestic violence; or

- increased daily caring responsibilities for disabled children, disabled adults or elderly people in the family (compared to non-disabled children or adults); or
- school exclusion or truancy problems; or
- debt management difficulties; or
- bereavement affecting family functioning; or
- child protection issues (current or previous) or children in care; or
- safeguarding arrangements in place for adults or children.

#### Housing-related

- poor or unsafe housing, housing in severe disrepair; or
- severe overcrowding; or
- severe difficulties with supply or quality of water, sanitation or other utilities supply, including problems in provision of warmth and shelter; or
- security of housing, including for example rent arrears, family affected by the benefit cap, temporary housing or known threat of eviction.

#### Health-related

- family members affected by substance misuse, recovery from addiction, or having continuing care or maintenance support in place for recovering addicts; or
- poor diet, nutritional difficulties, obesity; or
- family members with a physical or sensory disability, or experiencing a mental health condition or other long-standing limiting illness or debilitating condition.

#### Antisocial/offending behaviour-related

- anti-social behaviour order (current or previous); or
- probation order or other conditions family members are legally obliged to comply with; or
- history of offending; or
- family member in prison (currently or previously).

16. If you are in doubt regarding confirmation of eligibility, please ask your Performance Manager for advice.

## **Secondary Referral Route - Evidencing Your Eligibility Decisions**

17. The basis for your assessment of eligibility will need to be supported by clear evidence and relevant supporting information so that an objective observer (e.g. a Compliance Monitoring Officer or ESF Auditor) would be able to understand how the eligibility decision had been reached in relation to the criteria. You will need to retain this evidence with any other participant information or documentation you are keeping for audit purposes ([See DWP Generic Provider Guidance Chapter 11](#)). However, copies of passports, driving licences or other data should not be kept. Instead the provider record should note the identification number of such documents. To manage this, it is acceptable to use your existing processes, such as initial assessments or

family and participant action plans to record the information, in order not to increase the range of material you will be retaining for ESF purposes.

18. There will need to be enough information from the initial contact to show why you have decided at that point that the person and their family fit the criteria, including a brief explanation of the effect of the family problems and individual problems on the participant's potential for working. You are free to design appropriate forms or processes however self-identification tick lists should not be used unless they are supported by other evidence related to the family's multiple problems status. For example, you could use the initial pre-provision discussion to expand on and confirm any information completed by the participant, and record this for later linking to the initial assessment or action plan records once the participant has been attached. If you are unsure about whether you are gathering the right kind of information to support your eligibility decision please ask your Performance Manager for advice.

## **Further Eligibility Checks – all referrals**

### **Eligible Individual**

19. To be eligible, an individual must satisfy all of the following:

- be from an eligible family with multiple problems, and
- be aged 16 or over; and
- be legally resident in the UK and able to take paid employment in a European Union member state; and
- not be in work of over 16 hours; and
- not be in full-time education; and
- not be already participating in the Work Programme, Work Choice and other provision specified in [Annex 2](#) of this Guidance.

### **Qualifying Person**

20. You must identify at least one Qualifying Person per family. The Qualifying Person does not need to join the provision and may for example, be already participating in the Work Programme or another provision. Alternatively, the potential participant may act as their own Qualifying Person if they are on an appropriate DWP benefit and are the first of their family to join the provision. A Qualifying Person is defined as a person on an eligible DWP working age benefit when identified:

- Carer's Allowance
- Severe Disablement Allowance
- Employment and Support Allowance (including claimants who are sanctioned or in receipt of Credits Only)
- Incapacity Benefit
- Income Support
- Jobseekers Allowance (including claimants who are sanctioned or in receipt of Credits Only)
- Universal Credit

21. If family members want to volunteer, each individual must be referred separately ([See Chapter 4](#)).
22. Other family members can join at any time and will be entitled to support in their own right. Their eligibility is still linked to the original Qualifying Person.
23. You will be able to continue to work with those other members of a family that you are already supporting even if the Qualifying Person subsequently leaves benefit.
24. If you cannot identify a Qualifying Person, or no-one agrees to act as the Qualifying Person, then the family is not eligible for provision. Where the referral came from the Local Authority you should notify them through the agreed routes ([See Chapter 4](#)).

### **Jobcentre Plus Role**

25. Jobcentre Plus is not a referring agent for this provision, but will signpost potentially suitable individuals.
26. Although attendance on the provision is voluntary, Jobcentre Plus can use a Jobseeker's Direction where appropriate, to mandate attendance at the initial discussion.
27. Jobcentre Plus cannot determine the eligibility of families or individuals. Where a person is identified to you through Jobcentre Plus for your secondary referral route you should not assume that they are automatically eligible and should conduct your eligibility confirmation checks as normal. Jobcentre Plus' role in the initial attachment of participants once you have identified them as wishing to and have completed the ESF14 form is to carry out some of the checks that need to be made, as part of their processing of the ESF14 ([See Chapter 4](#)).

28. The ESF Admin Team will:

- confirm to you that the Qualifying Person is on a relevant benefit;
- confirm that the potential participant is not on the Work Programme or any of the other excluded provisions ([see Annex 2](#));
- process the ESF 14, update Jobcentre Plus systems and confirm to you via PRaP that the person is able to be attached, or
- let you know the reasons why any of the above requirements have not been met.

Further information about working with Jobcentre Plus can be found in [Chapter 2](#).

### **How ESF Families Provision fits with the Work Programme**

29. If an individual is already on the Work Programme (WP) they will not be eligible for ESF Families Provision. If an individual enters the WP on a

voluntary basis, while they are on ESF Families support they should leave the ESF Families Provision ([See Chapter 9](#)).

30. If an individual is participating in ESF support and reaches their mandatory entry point for the WP referral, they may be able to participate in both ESF and WP provision simultaneously. For the individual to continue to receive ESF provision you must demonstrate and record on their Action Plan how the support provides added value to WP support.

31. Any activity to which an individual is mandated by Jobcentre Plus or a WP provider will take precedence over a coinciding ESF activity. This does not affect the eligibility of other family members who will be able to receive support from the ESF Families Provision.

32. Once a participant has been mandated on to the WP you should work with the WP providers to ensure that all support is aligned. You should also set out what WP support an individual is receiving in their ESF action plan and describe the added value of ESF provision.

33. Where it is not possible to work with the WP provider to align support, you should record your efforts to work with them and include in the Action Plan how the ESF Families provision adds value to the WP.

## **Engaging the Family and individual family members**

### **Sharing Participant Information between Local Authority and Provider**

34. Where the Local Authority initially identified the family and the information is requested by the Local Authority, you will be expected to keep them informed of a family's progress during their time on the provision as this is vital to assure Local Authorities of the progress of participants and to maximise referral continuity. You must ensure that the necessary data sharing protocols are in place. ([See Chapter 10 for guidance on sharing statistical information](#)).

35. Where the family is identified through the Secondary Referral Route It would be helpful, for effective joint working and the co-ordination of services which may be engaging with the families, for you to share with the Local Authority the names of any families/ family members you have recruited into the provision. This is subject to the family members giving consent for you to share this information. If requested by the Local Authority you should also consider sharing feedback about individual participants' progress.

36. When information is transferred between yourself and the Local Authorities it is essential that you have proper agreements in place to cover data transfer of personal information.

37. Where the Local Authority identifies individuals to you, they are responsible for ensuring that the appropriate informed consents are obtained authorising them to share their data with you.

38. You will need to ask all individuals for their consent before you share personal data about them back to the Local Authority. This consent needs to be obtained at the first contact. You should also agree with Local Authorities how to keep in touch about progress once individuals have entered the provision.

39. The form at [Annex 3](#) is an example of the type of consent that enables you to share information, for example during case conferences.

### **Initial Engagement with the Family**

40. You must ensure that family members who are attending a pre-provision discussion provide information for you to perform the appropriate identity checks.

41. At the pre-provision discussion you should:

- Meet with the family/individual members
- Complete identity checks
- Identify at least one 'Qualifying Person' per family
- Complete a pre provision discussion
- Complete the ESF14 and send to the ESF admin team to set up the referral ([See Chapter 4](#)).

### **Identity Check**

42. It is your responsibility to verify with the family member whom you are communicating with, **that they are eligible for ESF funded provision and entitled to work in the UK**. You must ask individual/families to provide information for you to undertake an **appropriate** identity check.

43. Examples of suitable documentation for identity checks are:

- Passport
- Driving license
- Proof of DWP benefit recipient
- Birth certificate
- Utility bill

or a combination of these. You will need to note which documents have been seen, and any reference numbers, but do not need to keep a copy of the documents.

Further information on the types of identity documents employers use prior to offering employment can be found here:

<https://www.gov.uk/check-an-employees-right-to-work-documents>

44. Providers should not keep copies of the identification provided by the participant. To support audit requirements the provider could annotate the participant's file with the type of identity document seen.

## **Pre-Provision Discussion**

45. When you have completed the appropriate checks and the family/individual members agree to participate, you should conduct a pre-provision discussion.

46. This can take place during the original contact with the family/individual members or at a further meeting.

47. During the pre-provision discussion you should:

- explain the support that is being offered by this ESF provision and how it will help the individual/family members, include details of your minimum standards;
- if the individual is in receipt of benefit, consider their conditionality against the support being offered and explain that the claimant must still adhere to the conditions of their benefit;
- explain that the provision is voluntary and funded by ESF;
- issue ESF leaflet DWPF06 to all individuals who agree to participate; **Please Note: this is a key audit requirement and failure to issue the leaflet and record evidence that it has been issued can result in a financial penalty.**
- send the referral form (ESF14) to the ESF Admin Team as per your local arrangements ([See Chapter 5](#)).

## **Minimum Service Standards and Complaints**

48. You must provide written information setting out your minimum service standards so that individuals know what they can expect from you before they take part in the provision.

49. When you first interview the participant you should explain the individual's rights and responsibilities whilst on the programme and provide details of the first step in your complaints process ([See DWP Generic Provider Guidance Chapter 2](#)).

50. In the event that the customer remains unhappy with the response you have provided to their complaint, it is open to them to escalate their concerns to the Independent Case Examiner (ICE). An example of the standard wording for your final response to the participant can be found in [Annex 1](#).

51. Any marketing or information material developed to support this provision should meet the ESF marketing requirements ([See DWP Generic Provider Guidance Chapter 11](#)).