



BBO Grant Holder Panel Feedback

On the Building Better Opportunities programme, we are keen to ensure that we support grant holders to discover and share ideas, best practice, and solutions throughout the programme.

Before Christmas, we worked with ERSA to gather a sample group of grant holders to help identify topics for learning and develop solutions to challenges.

These were some of the questions raised, along with the answers. We will also be using the feedback to shape future learning events.

In the next few months, we will also be working on our guidance to ensure it is kept as simple and accessible as possible.

Here are our responses to the questions raised at the grant holder panel.

What is the guidance/process for storing MAPPA (Multi Agency Public Protection Arrangements) information?

It is unlikely that individuals on MAPPA will be referred directly from a source other than Job Centre Plus (JC+). Information from JC+ advises that often there are no restrictions on data for MAPPA participants. If there is a particular restriction on data for a participant, the grant holder should document why the Probation Service / Offender Management team is unable to provide this data, including an audit trail to show that the grant holder tried to obtain this data. It is recommended that the grant holder puts their own delivery address and contact details for the participant, if none is given. The MA has given further guidance about working with MAPPA individuals around the issue of participant records, evidence and eligibility. The grant holder should contact Kate Dugdale at HMPPS (Kate.dugdale@noms.gsi.gov.uk) to discuss each case. See ESF Action note (007/17) available on www.gov.uk

What documents should the lead organisation hold originals of? Why do these differ from those on other EU Funding programmes?

Lead organisations must retain all original or certified copies associated with the project until at least 31 December 2026, or until advised otherwise by the Fund.

The retention period is dependent on the date at which the final ESF claim is submitted to the European Commission by the Managing Authority, which has not yet been confirmed. It is recommended that organisations do NOT destroy any records at this point, and contact the Fund to confirm a final retention period. This is because projects may be audited at any point up to the retention date and is in line with ESF funding guidelines for this programme.



Can we have broader support around the issue of Data Protection?

Individual organisations are responsible for their general data protection compliance. Further information can be found on the Information Commissioner's Office website: <https://ico.org.uk>. More specific information around the new legislation due to be applied this year can be found here: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr>

Are documents solely held as electronic copies are enough to satisfy auditors?

Electronic document storage systems are acceptable, indeed necessary, as most documents now are electronically generated with no paper original, and will need to be made available through the electronic data exchange system. They are acceptable as audit evidence, provided that they are subject at all times to an adequate system of control over their completeness and validity. These systems of control may be subject to audit so that assurances can be obtained in this respect. Each version must be certified as conforming to the original document, with a declaration by the grant recipient. All electronic documents must be kept for the same duration as required for paper copies.

Why is so much data being recorded and stored? Is there a danger from so much information being passed between organisations? Where does the data go?

It is the European Commission and Managing Authority who set the framework for how ESF money must be evidenced. All organisations need to have processes in place to minimise any security risk with the transfer of information. Big Lottery Fund (BLF) has its own policy for the secure transfer and retention of sensitive data.

The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) is a regulation by which the European Parliament, the Council of the European Union and the European Commission intend to strengthen to unify data protection for all individuals within the European Union. Organisations handling sensitive data have to prepare for the new needs of data protection regulations before 2018.

Organisations awarded BBO funding retain all participant documentation, but they are required to send some details to the Fund - for example, evidence to prove individuals eligibility to the programme during sample checks of quarterly claims.

This evidence could contain sensitive material. The two prime examples of this are Annex L and, for sampling, Annex H (which only feeds into Annex L). These details need to be transferred securely to BLF. All information will be kept in secure storage while being checked and **deleted** as soon as checking is complete.

The BBO programme also strictly controls the sharing of participant data necessary to delivering the programme. A redacted version of Annex L, providing anonymous participant data, is provided to the Managing Authority as required in the Participant Data



Schema. Some participant data is used in the Managing Authority Evaluation process, and this has its own level of security. BLF will also use some participant data for its own evaluation process, which will also meet the requirements of GDPR.

What happens if a person requests to withdraw their information?

There is currently no right to the erasure of details under the current guidance, other than through a court order where the data controller (MA) has unlawfully or inappropriately processed the data. The General Data Protection Regulation (GDPR) comes into effect in May 2018. We will issue further guidance about the impact on ESF in due course.

The volume of evidence required, and the complexity of working through the tiers of evidence, make the process difficult. Is there a justification for these requirements?

The European Commission sets the framework for evidencing how ESF money is spent and administered. The Department for Work and Pensions (DWP), is the Managing Authority (MA) is responsible for administering ESF money in England. The Big Lottery Fund's role is to work within the framework set by the European Commission and manage the relationship with lead organisations, including delivery, payments and reporting^{[RL1][PK2]}.

Can JSA and ESA letters be accepted as evidence?

Although ESA and JSA letters can both be accepted as eligibility evidence, the onus remains on the organisation to confirm the participant is unemployed or economically inactive.

Could BIG offer 1:1 or group training on evidence requirements?

You as an organisation must ensure that BBO training is provided. However, your Funding Officer is available to work with the lead organisation to clarify any issues arising.

What is the guidance in regard to Self-Declaration? Currently, lots of inactive participants are being lost.

We recognise that it may prove difficult to obtain the preferred forms of evidence given the groups this programme targets. The Guide to European Funding lists a hierarchy of preferred evidence to prove eligibility ahead of a risk-based exception of self declaration. Self-declaration is the lowest level of acceptable evidence in the evidence hierarchy.

If self-declaration is used, the reasons why participant does not have any preferred or alternative evidence available should be documented. You should also document how the



beneficiary and delivery partner have attempted to collect the required evidence and explain why you are satisfied that the reasons provided by participant are credible.

Projects should always request 'preferred evidence' in the first instance. Self-declarations must never be used ahead of preferred evidence just for ease or speed.

What evidence and/or process checks confirm eligibility (in particular in regard to disability)?

Checks confirming eligibility as 'unemployed' or 'economically inactive' for people with or without a disability are the same, as documented in the Guide to European Funding. There is no need for evidence to prove a participant is disabled. For the purposes of this programme and participant definitions, any participant who is not covered under the Equality Act 2010 but who has a long-term illness which limits their ability to work, may be considered to be eligible. Participants also class as disabled if they are in receipt of a disability benefit.

Could we re-introduce an online Q&A document?

We are planning to review our online Guide to Delivering European Funding, our Annexes and the FAQs to ensure that the guidance is up to date, simple and accessible. We will also consider how to ensure that all changes are timely and well communicated.

Can BIG take into account a wider range of information that gives the picture of a participant's eligibility?

The Guide to European Funding lists a hierarchy of preferred evidence to prove eligibility ahead of a risk-based exception of self declaration. Self-declaration is lowest level of acceptable evidence in the evidence hierarchy. If self-declaration is used, additional justification should be documented:-

- Reasons why participant does not have any preferred or alternative evidence available
- How the beneficiary / delivery partner has attempted to collect the required evidence
- Why you are satisfied that the reasons provided by participant are credible

Projects should always request 'preferred evidence' in the first instance. Self-declarations must never be used ahead of preferred evidence just because it is easier and quicker to take this approach. We are currently communicating with the MA regarding this.

Can Annex H be adapted to work as a tool for collating evidence in line with the hierarchy of evidence and serve as a self-declaration?



We are currently working on a new version of Annex H which will remove the requirement for a separate self-declaration document for participants in the category of 'risk based exception (self-declaration)' due to no evidence. We hope to issue this ~~in~~ shortly. Until the new version is released, projects must continue to provide a separate self-declaration to the current Annex H for these participants.

Where does liability fall, and what are the implications for partners, leads, the Big Lottery Fund, and the MA? Who bears the risk when there are changes or clarifications to previous interpretations?

The Managing Authority may identify issues that were not picked up by the lead organisation or ourselves, which may result in adjustments to claims accordingly. In addition, where serious issues are identified, the European Commission can 'clawback' some or all of the money that has been paid to a project. We will do everything we can do to minimise the chances of this. If this is a result of changes or clarification to previous interpretations then liability will be reviewed on a case by case basis with the lead organisation.

Does BBO operate punitive performance management?

Performance at project level is reviewed as part of the quarterly claims. The Guide to European Funding has specific performance benchmarks. We are currently developing a policy, now that we are in a position where the majority of BBO projects have a demonstrable track record of performance, but a more detailed framework will be shared in the near future.

What are the expectations as to how leads support their partners?

The lead organisation has legal responsibility for the project and is financially accountable for any money that is distributed to partners. A partnership agreement has been put in place and signed by all partners. As each project differs, the partnership agreement should document how the lead organisation and partners will work together, be paid and apportion risk.

What can be done to facilitate a better understanding of the programme by DWP at a local level with engagement from JC+ service?

Given that the engagement of some councils is far better than others, could we work to share best practise between them? Perhaps there needs to be discussions with the Local Government?

The Fund is currently changing the way we work across England, tripling the number of staff working locally to bring us closer to the communities and organisations we serve.



These changes will enable us to increase our engagement with local stakeholders to improve our grant making and share learning, including learning from BBO projects.

Can leads be given the power to spot purchase?

Lead organisations can spot purchase if they identify the need for small discrete services or if they need to bring in new partners that were not identified in the stage one application. Any such changes should be discussed with the Funding Officer first. Organisations must procure services competitively and in accordance with ESIF national procurement requirements.

How will BIG provide improved and earlier communication?

We are planning to review our online Guides to delivering European Funding, Annexes and the FAQs to ensure the guidance is up to date, and any changes are timely and clearly communicated.

What will be the impact of the feedback from the Article 125 visits (1720)?

We will liaise with the MA throughout Article 125 visits to ensure clear guidance is agreed and updated communication is issued once the MA confirm any changes.

Can the Fund provide a universal self-declaration template?

We are currently working on a new version of Annex H which will remove the requirement for a separate self-declaration document for participants in the category of 'risk based exception (self-declaration)' due to no evidence. We hope to issue this in shortly. Until the new version is released, projects must continue to provide a separate self-declaration to the current Annex H for these participants.

Will changes continue to be applied retrospectively, or will they now be from the day they happen?

We meet with the MA on a regular basis and we will endeavour to agree changes are not applied retrospectively. The MA will have the same discussion with the ESF. Unfortunately, we cannot guarantee this will not happen in future.

Can the Fund provide a fair lead in time for action on changes?

We endeavour to provide a fair and equitable lead in time for action on changes. Some changes are out of our control, and so we cannot guarantee the lead time for these



changes. Where changes are made due to feedback to improve our systems, we aim to provide reasonable lead time whenever possible.

Can the Fund provide clear and agreed communication channels for changes?

We are planning to review our online Guides to delivering European Funding, Annexes and the FAQs to ensure the guidance is up to date, any changes are timely and are clearly communicated.

How does the Fund promote and ensure consistency of FO's?

While we strive to ensure consistency of approach through weekly team meetings, forums and internal updates, we provide information on a case by case basis. Responses are based upon the context surrounding the specific circumstances provided by grant holders.

Can the Fund issue an agreed date for future changes or clarifications?

As part of the planned review of our online Guides to delivering European Funding we will review how and when changes are implemented.

Projects are currently referred between guidance from the Fund, the MA and ESF? Can the Fund provide a consistent point of guidance?

Guidance by the MA and the Big Lottery Fund is based on an interpretation of the ESF published guidance, to help apply it specifically to BBO. We are in regular contact with the MA to ensure guidance is consistent.

Can there be a self-declaration approach to right to live and work?

ESF guidance says that no-one should be made ineligible due to lack of evidence but BIG tell us that self-certification cannot be used for the right to live and work. Why is this?

People can live in the UK without having the legal right to work here. However, people that have the right to work in the UK always have the right to live here. For this reason, you can address both parts of this eligibility requirement through a single check on potential participant's right to work. Since 2008, employers have been legally obliged to carry out document checks to ensure that a potential employee has the right to work in the UK, and take copies of the documents to prove they have not knowingly employed someone who cannot work here.



Since the checks that must be conducted for each participant of ESF-funded projects mirror these employer checks exactly, we recommend that the same guidance is used.

For the majority of cases, the evidence that needs to be checked and copied is simply a page in the participant's passport. However, checks can be more complex in cases where immigration status and/or right to work is not clear-cut, or where passports cannot be provided.

There is a great deal of guidance available from the Home Office on this requirement, including information on how to conduct the check, lists of acceptable documents, and a tool for working through individual cases to establish which documents to check.
<https://www.gov.uk/legal-right-work-uk>

Please note that associated costs in obtaining evidence for those participants that struggle to provide it, are eligible costs providing they are enrolled on the programme.

Why are audits carried out on items from over 12 months ago when there is little or no ability to correct issues?

The Managing Authority and the European Commission could carry out audits on any organisation involved in the delivery of the project at any time. An audit can include anything from a spot check of your expenditure to a full investigation of your participant files. This may happen at random, both during the project and up to ten years after the final payment from us. We predict the retention period will end by 31 December 2026. For this reason, audits may be carried out on historic participants.

Can we have an 'agreed from' for changes please?

Any suggested changes should be discussed with your relevant Funding Manager/Officer.