



**An Roinn Coimirce Sóisialaí**  
Department of Social Protection

# **Community Employment**

## **Procedures Manual**

Revised April 2022

Procedures for Sponsor Organisations and Department of Social Protection Officers

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## Introduction

The Community Employment (CE) Procedures Manual has been devised to assist Department of Social Protection (DSP) Officers and Sponsor organisations in the management of Community Employment.

The purpose of this manual is to facilitate ease of cross-reference between the Sponsor and the DSP Officer and to ensure a consistent approach by DSP staff in responding to queries or giving advice. DSP reserves the right to amend, alter or delete any part or element of the manual.

The material content of this manual does not purport to be a legal interpretation of:

- a) The agreement between the Sponsor and DSP

Or

- b) Any legal requirements that must be complied with while operating a Community Employment project, as an employer

The Manual is also not intended to be a comprehensive guide to Community Employment. Before delivering the programme, Sponsors should consult with professional advisors and/or relevant Government Departments where clarification is required on technical and legal matters.

# **Community Employment – Procedures Manual**

## **Chapter 1 – INTRODUCTION/PRE-AGREEMENT**

### **1.0 Introduction**

This chapter covers the objectives of Community Employment and the role of the Sponsor in meeting these objectives. It also details the role of the Sponsor/Project Management Committee (see para 1.4), the Participant Development Officer, and the Department of Social Protection (DSP), in delivering the project.

### **1.1 Objectives of Community Employment**

The aim of CE is to enhance the employability and mobility of disadvantaged and unemployed persons by providing work experience and training opportunities for them within their communities. In addition, it helps long-term unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to work routine. CE projects are typically sponsored by groups wishing to benefit the local community, namely voluntary and community organisations and, to a lesser extent, public bodies involved in not-for-profit activities. Such projects provide a valuable service to local communities while at the same time providing training and educational opportunities to jobseekers. The Department's priority in supporting CE is having access to schemes that can provide job seekers and other vulnerable groups with good quality work experience and training qualifications to support their progression into open labour market employment.

In general, with effect from 3<sup>rd</sup> July 2017 all CE placements for entrants aged between 21 and 55 years will be for one year. However, if a CE participant is working towards a major award, their time can be extended up to an additional 2 years to complete this award. No extension will be given beyond 3 years (4 years for those on a disability-linked social welfare payment). Those aged 55 years and over can remain on CE for 3 consecutive years. Those aged 60 years and over can remain on CE up to State pension age, subject satisfactory performance on the scheme and annual approval by the Department.

Participation on CE in the 7 years previous to the current year will not be counted in the context of the overall limit of 6 years in a lifetime (7 years for those in receipt of a disability-linked social welfare payment).

### **1.2 Application Process and Procedures for New and Existing Sponsors**

The Sponsor will go through the following Application Process and Procedure.

#### **1.2.1 Initial Enquiry**

The Sponsor at initial enquiry stage should be given a copy of this Procedures Manual for information. The Sponsor should also be invited to attend a formal briefing to be given by the DSP Officer. The key points for Sponsors are:



- Projects must be **non-commercial** and **not-for-profit**:
- Sponsors should be able to provide a varied and well-organised work programme for participants. A major requirement of Sponsors will be their ability to provide quality work experience or skills that are transferable to the open labour market and support for the unemployed person to facilitate progression:
- Sponsors should have the capacity to provide development and training for participants, geared specifically towards building the readiness of the participants for participation in the open labour market, with clear targets and supports for progression:
- Sponsors should have the capacity to administer the project satisfactorily in relation to finances, financial and non-financial records, statutory obligations, etc.:
- The work programme of the Sponsor should not involve any specific promotional/advocacy of:
  - A specific political party or the policies of a specific political party:
  - A specific religious belief or church unless clearly confined to the members/followers of that church/belief:
  - Any cult (secular or religious)

**In general, it should be noted that no single Sponsor (other than Public Sector Sponsors) may hold more than three separate Community Employment contracts at any one time, without prior approval from the CE Policy Unit of the DSP.** Community Employment places an emphasis on the ability of Sponsors to meet the training and progression needs of participants, as well as meeting the Sponsors own needs in terms of undertaking useful work of benefit to the community.

### 1.2.2 Briefing for New Projects/Sponsors

Each DSP office should arrange formal briefings for new Sponsors/initial applications only, with a fixed date and time, as necessary. This formal briefing should be scheduled when supplying the "Community Employment Procedures Manual". The formal briefing will cover the following:

- Presentation on key responsibilities of the Sponsor (Employer)
- Explanation of Application Process and Procedures
- Questions and Answers

The DSP Officer will assess whether the proposed project complies in outline form with the criteria for Community Employment. She/he will also assess the suitability/compatibility of the proposed Sponsor to manage the Project (based on the background of the individuals involved, their bona fides, history and former achievements). The DSP Officer must satisfy her/himself that the potential Sponsor is a bona fide group/organisation i.e.:

- The Sponsor consists of at least 7 members, independent of each other (this is required for the implementation of good corporate governance) (see Section 1.3 for specific roles):
- The Sponsor is legally incorporated as either:
  1. A **Company** Limited by Guarantee (CLG) **not having a share capital** under the Companies Acts 2014, as amended by the Companies (Accounting) Act 2017 or

2. A **co-operative** or will incorporate as such if successful in the application and remain incorporated for the duration of the project and has the endorsement or support of a defined community, which can be geographic or interest-based.
- The Sponsor does not exist to benefit the Sponsor members or immediate relatives in a substantive and material manner.

Where the DSP Officer is satisfied on these counts, he/she will give the potential Sponsor the "Community Employment Sponsor Application Pack".

### **Garda Vetting**

Garda vetting is required in respect of any work or activity which is carried out by a participant or supervisor, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons. It is the responsibility of the Sponsor to ensure Garda Vetting policies and procedures are adhered to. Participants referred to a drug rehabilitation places are exempt from the Garda vetting process as they are considered vulnerable adults themselves.

### **Childcare Programme**

In addition to the standard CE application procedures, applicants involved in Child Care Services should be advised of the need to comply with the [Child Care \(Pre School Services\)\(No.2\) Regulations 2006](#) and [Child Care \(Pre-School Services\) \(No 2\) \(Amendment\) Regulations 2006](#) (as amended). Sponsors of Child Care Services should also be advised that they are required to submit a copy of the Schedule ([Early Years Notification of a Pre-School Service](#) PDF) being submitted to Tusla ([Child and Family Agency](#) ) to DSP, along with a declaration that they have notified the Child and Family Agency of the service and that they are satisfied that they are in compliance with the regulations. (Ref CE Childcare Programme Guidelines)

### **Health and Social Care Programme**

Applicants involved in the Health and Social Care services should be advised of the need to comply with Health and Social Care Programme guidelines and all elements of statutory requirements in that sector. (Ref CE Health and Social Care Programme Guidelines)

### **Drug Rehabilitation Programme**

In addition to the standard CE application procedures, applicants involved in the CE drug response must develop a specific project plan for the proposed drug programme. This plan must be in line with the requirements and objectives of the CE Drug Rehabilitation Programme Framework Guidelines, 2015. (ref: CE Drug Rehabilitation Programme Framework, specifically Appendix 1 Guidelines on the Agreement on the Nine Points Revised Conditions for Ring-Fenced CE Drug Rehabilitation Places, 2015).

**All completed applications for *new* projects from existing Sponsors and applications from new Sponsors that are appraised by CDO and recommended by Divisional AP/PO, must be submitted to DSP Employment Programmes Policy Unit for decision. This is to ensure that the proposed application is in line with the current direction of CE and that a budget allocation is available.**

The Sponsor should be made aware of any deadlines for submitting applications to the CE National Monitoring Committee. The CDO should also impress upon the Sponsor the necessity of completing the Community Employment Sponsor Application Form in full and attaching all the necessary back up documentation.

The CDO should also utilise this (these) early meeting(s) to discuss with the Sponsor issues such as incorporation as a legal entity (if such status has not already been attained), the number of participants to be employed on the Project, the length/content of the work programme, the Individual Learner Plan system, and any other relevant issues.

Particular emphasis should be placed on:

- Sponsor compliance with all relevant legislation
- Sponsor responsibility for participant progression into employment
- integration of Community Employment participants with existing workers
- terms and conditions of work
- work practices
- relevance/contribution of project to local social and economic development
- requirements of the Qualifications and Quality Assurance (Education and Training) Act 2012 (as amended) or industry related equivalent, with regard to the requirement that training leads to a nationally recognised qualification

The Sponsor should be aware that funding provided by DSP under the CE Programme may not be sufficient to meet all project costs. In addition, the Sponsor must clearly indicate how any shortfall in funding will be sourced.

The CDO must also inform the Sponsor that prior to any funding being paid to the project, proof must be furnished by way of receipted returns, that PAYE/PRSI and VAT (where applicable) have been paid and are up to date and that sponsor is tax compliant.

### **1.2.3 Trade Union Approval**

Prior to the submission of the completed Application to DSP, a potential Sponsor shall obtain approval from the relevant Trade Union(s) for the proposed project work plan (SIPTU or Fórsa). **This approval is only to ensure that there is no displacement, replacement or reductions of hours of permanent/established staff, by CE participants.** Based on the 3-year application, the Trade Union will give approval in principle for 3 years. However, sponsors must notify the Unions if there are any significant changes in staffing levels or work undertaken during the lifetime of the project (including any proposed new placements with sub-sponsors). See paragraph 1.2.9 on CE monitoring committee.

### **1.2.4 Special Conditions**

Prior to submission of the completed Application Form, the CDO will ensure that the Sponsor is aware of the special conditions pertaining to the approval of project applications emanating from groups/organisations listed below. This material shall be included in the Sponsor Application Pack.

## **Clubs, Charity Shops and other income generating projects**

Projects of this type that are making a second or subsequent application will be required to supply the following information:

- Number of full-time and part-time staff
- Numbers of full-time and part-time members together with fees charged
- If a club, whether the club has provided permanent employment as progression for any previous Community Employment Participants
- Confirmation that full membership is open to all persons equally
- In certain circumstances, DSP may require Clubs to submit Audited Financial Statements (AFS) for the activities of the Club (in addition to the CE project)
- Where income is generated, how the income is expended
- Details of any reduction in working hours or redundancies in the last 3 years
- Are additional payments being made to participants or supervisors

## **Environmental Works (National Monuments)**

The National Monuments Acts (1930 to 2004) (as amended) requires that written notice of works at, or in relation to, a monument in the Record of Monuments & Places be sent to the National Monuments Service, Department of Culture, Heritage and the Gaeltacht at least 2 months prior to starting work. It should be noted that under the National Monuments Acts, (1930 to 2004) (as amended), it is an offence to carry out works on any National Monument in the ownership/guardianship of a Local Authority without the consent in writing of both the Minister for Culture, Heritage and the Gaeltacht, and the Local Authority concerned. In the case of a potential DSP funded project, an application for funding will not be accepted by DSP without:

- Permission from the property owner for work to be carried out on site.
- Letter from the National Monuments Service permitting work on site and accepting the provision for archaeological supervision of such work.

## **Application Stage – Notes regarding Projects with an Archaeological Aspect**

Where the application from the Sponsor concerns an archaeological-based project only, and where the work-programme is **solely** concerned with work on sites covered by the National Monuments Acts (1930 to 2004), the following will apply:

- 1. Written permission to engage in the work being proposed in the projects Work Programme must be sought from the National Monuments Service, by the owner of the site, and included with the completed Application Form**
- 2. The project must be supervised by a suitably qualified person with a background in archaeology. The Supervisor appointed must have an archaeological qualification and proof of same must be obtained by the Sponsor**

Where the application from the Sponsor concerns a project **that includes an archaeological site** as part of the projects Work Programme, the following will apply:

- 1. Written permission to engage in the work being proposed for the named site must be sought from the National Monuments Service, and included with the completed Application Form**
- 2. Evidence that the Sponsor has made provision for on-going monitoring of the work being carried out on the archaeological site by a qualified archaeologist, and that the necessary funds have been identified by the Sponsor to meet any costs that may arise from such monitoring**

The [National Monuments Service](#), of the Department of Culture, Heritage and the Gaeltacht, is responsible for maintaining a list of all sites covered under the National Monuments Acts. DSP advises all Sponsors or potential Sponsors of Community Employment to consult this list. It is the responsibility of the Sponsor to establish and declare in their application if work is proposed on any site covered by the National Monuments Act.

### **Projects involving Construction Work**

Where a Project is involved in construction work, its activity will be covered by the [Safety, Health and Welfare at Work \(Construction\) Regulations 2013 \(as amended\)](#). The Project Sponsors should ensure that they are aware of, and fully conversant with, their responsibilities under these regulations. Further information is available from the Health & Safety Authority at 1890 289 389 or on their website at [www.hsa.ie](http://www.hsa.ie).

#### **1.2.5 Sponsor Application Process**

A new three-year project application providing a three-year plan for the CE scheme and for funding for the first year of this period must be submitted. Thereafter, a separate application must be submitted each year for years two and three of the project, by the chairperson of the sponsoring organisation, through [www.welfarepartners.ie](http://www.welfarepartners.ie)

The submission of a formal 3-year application is made to the CDO at least 2 months prior to the date of the CE National Monitoring Committee meeting to which it is to be submitted. The new project application shall consist of:

- Special condition material (if applicable – see Section 1.2.4)
- Trades Union Approval Letters
- Current Certificate of Incorporation/Registration as Co-op with Friendly Societies
- Audited Financial Statements, prepared to Financial Reporting Standards (FRS) 102 or FRS 102, Section 1A (most recently submitted to the CRO and fully signed and dated by the auditor and sponsors)
- CRO Company Printout
- Register of Members as prescribed by the Companies Act 2014
- Annual Statement of Compliance with DPER Circular 13/2014
- List of names and positions of not less than 5 members of the Project Management Committee
- Letter of Delegation of Responsibilities for day-to-day operation of the project – if appropriate.

Existing Sponsors will be alerted by letter/email, in advance, to submit a renewal/repeat application. All renewal/repeat applications should be made through [www.welfarepartners.ie](http://www.welfarepartners.ie).

All associated documents as outlined in letter/email from CDO, can be scanned and uploaded to [www.welfarepartners.ie](http://www.welfarepartners.ie).

### 1.2.6 DSP Procedure for Processing an Application

The Sponsor will receive an acknowledgement of the Application, in writing, upon receipt by the CDO. The CDO should scan all documentation received from the Sponsor to BOMi. If scanned through the U-drive, all folders and scanned hard copy documents should be deleted once they have been scanned to BOMi. The CDO should then complete the application assessment form and scan to BOMi.

Where the number of participants recommended by DSP differs from the number requested by the Sponsor, under each job title and job description on the Community Employment Application Form, the CDO should advise the Sponsor.

#### Note:

Scanned images should be checked for legibility before updating to BOMi. The CDO must ensure that all job titles, job description and project stream are updated on BOMi. The project stream must be updated in order for progression targets to be included on the agreement schedule.

<b>Job Sector</b> <b>(To be input by CDO)</b>	<b>Job Title</b> <b>(ESCO code input on Welfare Partners)</b>	<b>Job Description</b> <b>(Free text field to describe job undertaken input on Welfare Partners)</b>	<b>Project Stream</b> <b>(Social Inclusion/Activation to be input by CDO)</b>
Example	*see note below	This is the true job title of the participant, for example:	**See note on SI & ACT.
Advice and Information		Administrator	Activation
Arts / Cultural		Tour Guide	Activation
Childcare		Childcare Assistant	Activation
Environmental		Grounds person	Social Inclusion
Health and Social Care		Meals on Wheels	Social Inclusion

\* ESCO is a European common classification of job descriptions. Codes are available on Stór and [here](http://www.gov.ie) on gov.ie (scroll down to locate the document titled ESCO Codes -Social Inclusion and Activation roles).

\*\* CE placements are categorised as either a training/activation strand or a social inclusion strand. This is to acknowledge that not all CE places are the same, the Social Inclusion placements provide an opportunity for those who are very distant from the labour market to work and deliver services in their local communities while the activation placements are more

directly related to employment opportunities for participants who are long-term unemployed with a view to providing them with more labour market relevant work experience. It is expected that 50% of those who exit from an Activation placement will be progressed into open labour market employment or further education and 20% in the case of Social Inclusion placements.

Once the CDO confirms the application satisfies the application assessment guidelines and all grant details and project costs are input, they can recommend the application to an AP/PO for decision.

Before approving the application to proceed to Monitoring Committee an AP/PO must ensure:

- Application has been completed in full, including all governance questions and contact details. Those who will be accessing Welfare Partners must have a work domain email address.
- All job descriptions are completed by the sponsor.
- All job categories (Social Inclusion/Activation) must be completed in full by the Officer.
- Participant and supervisor numbers are approved by the Officer (it is not sufficient that numbers are recommended)
- All project costs are input by the officer under Budget Details on the application.
- Financial and training programme monitoring of the Sponsors current claim is completed and compliant (for renewed applications).
- Most recent **full, audited** company Audited Financial Statements and Accounts have been received and these should be up to date (for renewed applications).
- TCAN is correct.
- That company status on CRO is correct (normal).
- Union approval is only sought from SIPTU and Fórsa.
- All hard copy documentation is uploaded on BOMi.
- That the application is approved and authorised at the appropriate levels within the Division, depending on the overall cost of the scheme.
- That the Officer has the application at a status of "approved to proceed to MC" on BOMi, in line with deadlines as advised by CE Policy.

### **1.2.7 DSP Application Assessment**

Using the Application Assessment Form, the CDO shall undertake an assessment of each 3-year application and each subsequent renewal and make a recommendation to the Divisional AP/PO.

The CDO may invite potential Sponsors to an interview to clarify aspects of their application prior to decision.

Should a project application not satisfy the criteria the CDO can recommend that the application does not proceed and write to the Sponsor confirming same.

*(All CE projects will be monitored on an annual basis. For years 2 and 3 the renewal of contract will amongst other things require Financial and Training & Programme compliance on the current project (between cycles 6 and 9). All required documentation must be scanned to BOMi)*

### **1.2.8 Managerial Approval of Applications for Monitoring Committee**

Applications approved/authorised at all stages will proceed to the National Monitoring Committee (NMC) Secretary. The NMC Secretary then presents these applications to the NMC. When approved the status goes to Monitoring Committee approved.

### **1.2.9 Monitoring Committee Review**

**Update Monitoring Committee Outcome:** After the Monitoring Committee has reviewed the applications the outcome will be updated on BOMi. The outcome will be either:

- **MC Approved** - contract can be drawn up
- **MC Conditionally Approved** – this/these condition(s) must be met before the contract can be issued.

After the NMC has met, the CO/CDO can search for the application status or name on BOMi, to confirm the application has been approved ("MC Approved"). The NMC Secretary will contact the appropriate CO/CDO where it is "MC conditionally approved". This can be viewed on BOMi under approval conditions in collections folder on application.

## **1.3 The Role of the Sponsor**

The role of the Sponsor of a Community Employment project is to provide a meaningful work programme and training and progression plan for each participant. The Sponsor is required to facilitate the participants in undertaking training and development, appropriate to their progression and employment goals.

The Sponsor will:

- Incorporate as a legal entity and remain incorporated for the full duration of the project. The Sponsor must form a **Company Limited by Guarantee (CLG)** with no share capital, or a **Co-operative**. To ensure the implementation of good corporate governance, a minimum of 7 members, independent of each other is required. If the sponsor is a national organisation with a central headquarters and is sponsoring projects throughout the country, it may set up a separate national legal entity for Community Employment. Public Bodies/authorities are exempt from this requirement as they are statutory legal entities.
- This legal entity must be capable of keeping adequate financial records and controls for each project (See Note: Audit Exemptions). The bank accounts set up by this legal



entity must be used solely for the receipt and payments of monies in relation to Community Employment Projects (certain Public bodies and national organisations may be exempt, as approved by DSP). Community Employment funding must not be transferred to any other bank account either within or outside of the legal entity without express written DSP divisional approval. In the case of Public Bodies and national organisations<sup>1</sup>, where a separate CE bank account is not opened, they must be able to identify and retrieve **all** transactions in relation to receipt and payments of monies in relation to each Community Employment project

- Be fully responsible for the management and the administration of the project
- Provide a safe and secure environment for all staff and clients of the service
- Comply with all the relevant statutory and legal obligations of a Sponsor/employer
- Comply with the terms and conditions laid down in the Agreement with DSP
- Participate as required in Sponsor Briefings
- In conjunction with DSP, recruit participants under the priority target groups set down by DSP. All participants engaged must comply with the eligibility requirements
- Provide 19.5 hours work per week for each week of the 52-week participant contract duration. Refer to 3.2.3 Hours of Work. A critical element in the approval of the project is the capacity of the Sponsor to provide quality work experience and skills that are transferable to the open labour market
- Completion of Individual Learner Plan (ILP) for each participant and facilitate participant development and training which will lead to employment and/or further education.
- The Sponsor shall ensure that the training provided under CE leads to nationally accredited certification or industry recognised equivalent
- The Sponsor must set training targets for the project on an annual basis Co-operate fully with all DSP requirements
- Sponsor must be familiar with and be in compliance with all GDPR obligations
- Must ensure participant meets JobPath obligations as appropriate.

**Note: Audit Exemptions.** Continued funding under Community Employment is contingent upon submitting Annual Financial Statements and Accounts for each CE contract year. CE schemes may not avail of an exemption (under the terms of Chapter 15, Part 6 of the Companies Act 2014) as amended by the Companies (Accounting) Act 2017 from the requirement to have the Annual Financial Statements and Accounts audited (which are appended to its CRO annual return).

#### 1.4 The Project Management Committee

The Sponsoring Organisation must establish a Project Management Committee. This committee may have some (or all) of the **same members/directors** as the Sponsoring Organisation. The Project Management Committee should consist of the Sponsoring organisations Chairperson, Company Secretary and Treasurer and at least 2 ordinary members. One of the members of the Project Management Committee must be nominated as the Participant Development Officer (PDO). Details of the members of the Project Management Committee should be entered on the application on [www.welfarepartners.ie](http://www.welfarepartners.ie). If

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<sup>1</sup> Public Bodies includes City and County Councils and the HSE.

members/directors change during the year, the CDO should be notified in writing by the chairperson. The CDO should remove access to Welfare Partners for members no longer associated with the project and add the new member and their personal project domain email address. The Sponsor should withdraw their ROS sub cert and request a ROS sub cert for the replacement member.

Management meetings should be held monthly, and minutes taken and retained on file. A written report should be presented by the CE Supervisor to the Board on the projects progress since the last meeting, including details on recruitment, progression, training and work experience. Minutes should be available for inspection by DSP personnel, if requested. If a wider meeting is held, and a specific agenda item in respect of CE is included, this should be minuted and available for inspection.

The Chairperson, Company Secretary, Treasurer and Participant Development Officer (PDO) of this Project Management committee will take responsibility for the project on behalf of the Sponsor Organisation. It is a condition of receipt of wage grant funding by a CE Sponsor Organisation for its employment of a CE supervisor / assistant supervisor that the directorship or ordinary membership of its company or membership of the CE Project Management Committee must not include the CE supervisor / assistant supervisor.

- It is a condition of grant funding that a CE Supervisor **cannot** be a member of their CE projects Sponsoring Committee or CE Project Management Committee or their JI projects Managing Agent.
- It is also a condition of grant funding that a CE Participant **cannot** be a member of their CE projects Sponsoring Committee or CE Project Management Committee and cannot have access to [www.welfarepartners.ie](http://www.welfarepartners.ie) for the scheme on which they are a participant.

#### **1.4.1 Department of Public Expenditure and Reform (DPER) Circular (13/2014)**

All sponsors need to be familiar with the Department of Public Expenditure and Reform (DPER) Circular (13/2014) "Management of and Accountability for Grants from Exchequer Funds". The circular is available [here](#) on [www.gov.ie](http://www.gov.ie) (scroll down to the document titled DPER Circular 13 2014).

This Circular, which is applicable from 1<sup>st</sup> Jan 2015, aims to ensure that all exchequer funds are accounted for and properly managed. The Circular outlines the public financial management principles, procedures, and standard additional reporting requirements to be followed in the management of grant funding provided from public money. The overall principle is that there should be transparency and accountability in the management of public money, in line with the requirements of economy, efficiency and effectiveness. 2014 Financial Statements must comply with provisions of Circular 13/2014.

The Department requires that each CE Sponsor:

- a. Provides the Department with a copy of its full accounts each year, to include all of the requirements of DPER Circular 13/2014, and also to include a line item for each source of funding received, broken down by the funder and the scheme.
- b. Files the same, Audited Financial Statement with the Companies Registration Office (CRO).

Sponsors should be aware of their specific obligations under Section 5 Grantee Responsibilities, the reporting requirements for grantees in relation to annual reports/accounts, compliance with vouched expenditure requirements and confirmation of adherence to the Agreement with the Department. The circular also includes an illustrative checklist for Grantors and Grantees for guidance and these must be included in the sponsors processes and grant requirements. The "Statement of Principles for Grantees" is contained in Circular 13/2014.

#### **1.4.2 Responsibilities of Directors and Members:**

**The following responsibilities must be assigned to specific members/directors of the Project Management Committee:**

- Signing of cheques/authorisation of online banking payments and all other financial documentation relating to the project and the maintenance of all financial records. There must be at least three authorised cheque/online banking signatories consisting of the Chairperson, Treasurer and Company Secretary, with at least two of these signing / authorising payment each time. **The CE Supervisor/Assistant Supervisor/Bookkeeper/Administrator/CE participant cannot be a cheque signatory or Approver/ Authorised Person for online banking. In the case of national organisations/public bodies it should be those delegated by the board of the organisation in agreement with the Department (Divisional).** All signatories to bank account/banking online must be **current** members of Committee as notified to DSP.
- Ensuring compliance with all statutory and legal obligations
- Liaising with experts who can advise on the work being undertaken (where necessary)
- Ensuring that Individual Learner Plans are completed and up-to-date for each participant. Identifying local job opportunities and assisting with contacts. (Participant Development Officer)
- Ensuring the work programme is carried out in compliance with the terms and conditions of the CE Contract of Agreement.

### 1.4.3 Summary Table of Roles within Sponsor/Project Management Committee

Role on Sponsor/ Project Management Committee	Company Director	Cheque Signatory/ Online	Project Responsibility
1. Sponsor Chairperson	Yes	Yes	Yes
2. Sponsor Secretary (Company Sec.)	Yes	Yes	Yes
3. Sponsor Treasurer	Yes	Yes	Yes
4. Participant Development Officer	No	No	Yes
5. Member	No	No	No
6. Member	No	No	No
7. Member	No	No	No

**All changes/alterations to the Directors/Company Secretary of the Project Management Committee should be notified to DSP immediately by forwarding a hard copy of the Companies Registration Office B10 document (Notice of change in directors or secretaries or in their particulars). This will necessitate notification to DSP of changes to the bank account signatories.**

### 1.4.4 Organisations - Delegation of day-to-day running of Scheme to a Local Management Team

It may be allowable for an organisation to delegate the responsibility of the day-to-day running of the Scheme to a Local Management Team. This must be agreed locally between the DSP Division and the organisation.

The proposed delegates on the Local Management Team should be in a position of responsibility within the organisation. The Chairperson of the Sponsor/Project Management Committee must send details of the proposed delegates, on headed paper, to the relevant Divisional DSP Officers (HEO and AP level) for consideration. DSP Approval/Disapproval will be sent to the Chairperson.

The following details of the delegates should be included in the letter from the Chairperson of the Sponsor/Project Management Committee:

- Delegates Name
- Delegates Work Address
- Delegates Position in organisation
- The duties that have been delegated to each person

Only the following duties can be delegated to the Local Management Team:

- Approving AWS, Materials and Development Claims
- Approving Payroll, Bank Reconciliations, Payments Book and Receipts Book

- Approving Expenditure (Invoices)
- Signing Cheques, Authorising Bank Transfers (Wages and Suppliers) and Direct Debits (Utility Bills only – See Chapter 5.7.3)

Although the above duties can be delegated once approved by DSP, the ultimate responsibility resides with the Chairperson and Board of the organisation. Any items not listed above (e.g. CE Agreement Forms, Agreement Schedules, Renewal Applications, etc.) are still required to be signed and approved by the Chairperson and Board of the organisation.

**N.B.: The Supervisor/Assistant Supervisor or a Participant on the Scheme cannot be a delegate on the Local Management Team.**

### **1.5 Participant Development Officer (PDO)**

Each Sponsor must nominate a member of the sponsor/project management committee to be the Participant Development Officer (PDO). He/she will work with the Supervisor in respect of Participant Development. The PDO will:

- Be responsible within the Committee for the participant development (see Participant Development - Chapter 4 or details)
- Give full support to the supervisor in the preparation and delivery of the Individual Learner Plan for each participant and liaise with the supervisor on all related matters
- Provide support to the supervisor in meeting the progression and employment targets of the project
- Be the contact person for participant development with DSP
- Keep the other members of the Project Management Committee up-to-date on the development and progress of participant development
- Ensure that CE supervisor complies with all requirements of the ILP system with respect to participant development.
- Support compliance with the training and programme monitoring procedures
- The PDOs name should be entered on the application contacts on BOMi.

#### **Note:**

Local Authorities must appoint a dedicated Participant Development Officer (PDO) who must take responsibility for Participant Development and who must complete any relevant briefings/training. The appointed PDO should be of a higher grade than clerical officer. The PDO must be identified on BOMi.

### **1.5 The Role of DSP**

DSP will provide advice and grant aid to the approved project for a period of 52 weeks towards.

- Wages for project participants
- Wages for full-time supervision where applicable
- Certain overheads (described as Materials Grant)
- Development and training, as approved within the Individual Learner Plans

DSP will conduct project monitoring inspections on the implementation of the Individual Learner Plan and work programme. DSP will also conduct financial monitoring of the project (See Chapter 6 - Monitoring).

## **1. 6 Publicising Community Employment**

### **1.6.1 Publications**

If a Community Employment Project results in the publication of a book, booklet, website, social media platform etc. the Sponsor must ensure that the title page contains the following inscription:

“This publication is supported by the Department of Social Protection, which is funded by the Irish Government.”

### **1.6.2 Invitation Cards**

Sponsors should endeavour to ensure that invitation cards to official openings, launching of publications etc. bear the following inscription:

**“Supported by the Department of Social Protection, which is funded by the Irish Government.”**

### **1.6.3 Representation at Official Functions**

In this context, official functions are deemed to be official openings of Community Employment Projects: official openings of exhibitions: launching of publications etc. resulting from Community Employment Projects. When a ceremony is performed by the President, An Taoiseach, An Tánaiste, a Government Minister, or a Minister of State, the official DSP representative shall be nominated by PO of CE Policy Unit and/or the PO in the Division. In all instances, the PO of the CE Policy Unit must be advised of all official functions. The official DSP representative must be included on the list of speakers at the function.

## **1.7 Special Provision for Care of Children or People with Special Needs**

In working with children, the elderly or people with special needs, the protection and welfare of the child/young person must always be the first priority of the Sponsor. Sponsors are required to have procedures in place to deal with the protection of these vulnerable groups.

It is the responsibility of the Sponsor to draw up and implement clear and precise procedures to deal with any allegation, disclosure or suspicion of abuse of children or vulnerable clients. Assistance is available from [Tusla](#). Tusla has developed a Handbook ([The Child Protection and Welfare Practice Handbook](#)) to assist Sponsors. Sponsors involved in Pre-School Child Care Services are required to be familiar with the [Childcare \(Pre School Services\) \(No. 2\) Regulations 2006](#) or as amended. Sponsors must also complete a Schedule of Notification ([Early Years Notification of a Pre-School Service](#) PDF) for Tusla. Please note further information regarding the above can be obtained on the [Tusla](#) website.

Where any work or activity is carried out by a participant or supervisor, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons, sponsors must ensure that Garda Vetting regulations are complied with, prior to commencement on CE.

### **1.8 Sponsor Engagement**

Each DSP Division must organise a briefing for all **new** Sponsors prior to the issue of a contract. In addition, DSP will provide updates of Community Employment for existing and new Sponsors. The format will be provided by the CE Policy Unit to ensure consistency across Divisions in the DSP approach to Sponsors regarding the operation of Community Employment. Sponsors who fail to attend such briefings should not be approved for support under Community Employment, nor should they have their Community Employment contract renewed.

## Community Employment – Procedures Manual

### Chapter 2 – GETTING STARTED

#### 2.0 Introduction

This chapter provides a guide to completing the agreement with DSP along with a checklist of the administrative tasks that must be undertaken prior to project start-up and/or renewal.

#### 2.1 The Agreement (Contract & Schedule)

The Agreement, which is made up of a Memorandum of Agreement and an Agreement Schedule, determines the relationship between the Community Employment Sponsor and DSP. It sets out the terms and conditions that will apply to the operation of the Community Employment project for each contract period. In the Agreement, specific reference is made to:

- The name of the Sponsoring body
- The location of the project
- The commencement date of the project
- The end date of the project
- The maximum number of participants
- The main tasks which will be undertaken
- The name and address of the person who will be responsible for the management of the project

It is important that the CE Insurance Checklist is fully completed, signed and stamped by the Sponsors Insurer or Insurance Broker (see Section 2.2.2 Liability Insurance). The checklist is available [here](#) on gov.ie (scroll down to locate document titled Insurance checklist).

**READ THE AGREEMENT CONTRACT AND SCHEDULE CAREFULLY.** If you become aware of any inaccuracies in the Agreement, you should bring them to the attention of your local DSP office **immediately**.

##### 2.1.1 Preparing the Agreement, Agreement Schedule

The department officer will prepare two copies of the CE Agreement and Agreement Schedule and send them to the sponsor. Should the sponsor wish to confirm acceptance of the CE Agreement and Schedule, the chairperson of the sponsor must sign and have witnessed both copies in ink/ biro and return them to the department.

##### 2.1.2 Return of the Agreement, Agreement Schedule and documents required for commencement of claim.

The completed hard copies of the CE Agreement and Agreement Schedule and all documentation listed below must be received by the department no less than four weeks prior to the end date of the current claim year.



- CE / JI Initial Grant Form
- CE Insurance Checklist
- CE Bank Authorisation Form
- Motor Contingency Letter and Form of Undertaking

**All documents listed above are available to download from [www.gov.ie](http://www.gov.ie).**

When returned, the CDO will check that all documentation has been completed properly. This will include checking that:

- the Agreement and Agreement Schedule has been duly signed by the chairperson of the sponsoring organisation, witnessed and dated
- the Insurance Checklist is fully completed, signed and stamped by the sponsors insurer or insurance broker
- A new bank account has been set up (new schemes only)
- The Bank Authorisation Form has been received and signed by the authorised signatories. The CE supervisor, assistant supervisor or any participants must not be signatories. Authorised signatories sign the Bank Authorisation Form **before** it is completed by the bank

In addition to the above, the CDO must also check that the sponsors current Tax Clearance Certificate is valid. The sponsors tax reference number and Tax Clearance Access Number (TCAN) will be required for this purpose. Where a sponsor has registered charitable status, a CHY (Revenue charitable tax exemption number) will be required.

When approved, the Agreement and Schedule will be signed by the DSP Assistant Principal (AP) and witnessed by a second department officer in ink/ biro, before returning one copy to the sponsor for its records. The Agreement & Agreement Schedule will be scanned to the claim on the departments BOMi system. **A hard copy must also be retained on file by the Department.**

Where the CE Agreement Schedule requires alteration during a claim year, an amendment must be created. Two copies of the Amendment to Agreement must issue to the sponsor. Should the sponsor wish to confirm acceptance of the amended CE Agreement Schedule, both copies must be signed by the chairperson of the sponsor and returned to the department. When approved, they will be signed by the DSP AP and witnessed. One signed copy will be returned to the sponsor. The Amendment to Agreement Schedule must be scanned to the claim on BOMi and a hard copy retained on file by the department.

**Note:**

If for whatever reason an Agreement and Agreement Schedule (and amendments) has to be cancelled, the hard copy **must not** be discarded. It must be scanned to relevant claim on BOMi and noted on BOMi as cancelled. The hard copy must be retained on file for 6 years plus the year of signature.

## 2.2 Prior Administrative Requirements

### 2.2.1 Registration with Revenue Commissioners

You must register with the Revenue Commissioners. If you have not already done so, you should apply for registration immediately on notification of approval from DSP (your local Tax Office will supply details: Website – [www.revenue.ie](http://www.revenue.ie)).

- **The project cannot commence until the Sponsor is registered with the Revenue Commissioners and the registration number has been submitted, in writing, to DSP**
- **Future funding of the project is conditional on continued tax compliance**

### 2.2.2 Liability Insurance

Adequate insurance is required to cover project legal liabilities, including:

- Employers Liability
- Public Liability
- Employment Practices Liability
- Directors/Officers Liability
- Cyber Risk

The project cannot commence until this requirement has been complied with. The Sponsor must ensure that the insurance meets the standards as required by DSP, i.e.

- Cover the full period of the project (where an Amendment to the Agreement contract has been issued insurance cover must also be amended. Be prepaid and a receipt produced by insurance provider/broker
- Specify the name of the project and type of work being undertaken and the locations involved - this should coincide with the approval given by DSP
- Indemnify DSP against any liability that may arise
- The Sponsor must endeavour to obtain the best value when procuring project insurance
- Written evidence of at least two insurance quotations (per project year) must be held on file for inspection by DSP where the insurance is funded/part-funded by DSP
- A copy of the Insurance Certificate for the project **must** be forwarded to DSP.

- An Insurance Checklist Form is provided for completion by the Insurance provider/Broker on behalf of the Sponsor. **Completion of the checklist is compulsory and must be submitted to DSP along with the Agreement contract.**

If a difficulty is experienced in obtaining insurance, the local DSP AP should be consulted.

**Note:**

You should ensure that the Participants **do not**, under any circumstances, undertake work that has **not** been disclosed to insurers. To do so could result in the Sponsor having **personal liability** for loss or injury to participants and/or third parties. Any infringement will render the agreement with DSP open to revocation. If any difficulty is encountered as to the interpretation of cover, consult with your broker or insurer and obtain confirmation in writing that the work undertaken is covered by the policy. In the event of any incident or injury occurring, the insurers involved should immediately be informed and their instructions followed. The DSP Officer should also be informed of any incidents.

Please note that CE participants on external work experience will be covered for insurance under the external organisations Employers Liability insurance.

### **2.2.3 The Bank Account**

All Sponsors must have a single **dedicated** bank account for each project that will be used solely for that project. A Bank Authorisation Form must be completed and returned to DSP with each annual Agreement contract. This project Bank Account must be used **solely** for the lodgement and payment of monies for the specific CE project

- Where an organisation uses a central payroll/payments system via a central bank account, **on approval from DSP**, the organisation may transfer funds to this central account to pay CE payroll and expenditure. A full audit trail must be maintained for all monies transferred and be available for inspection
- All authorised cheque signatories or online banking Approver/Authorised Persons (for EFT) must be members of the **current** Sponsoring/Project Management Committee, as notified to DSP
- There must be at least 3 authorised cheque/online banking signatories consisting of the Chairperson, Treasurer and Company Secretary, with at least 2 of these signing/authorising payment each time.
- Online (EFT) payments cannot be made unless a minimum of 2 of the 3 Authorised signatories approve the payment **online. Under no circumstances** should any Sponsor give their online password/authorisation to the Bookkeeper/ Administrator or Supervisor. The Bookkeeper/Administrator or Supervisor can be granted limited access to input details for payment, but cannot authorise payments
- Each person who is an authorised signatory to the bank account must sign the Bank Authorisation Form in the space provided and complete her/his name in BLOCK capital letters and state position held. A new bank authorisation form must be completed for each new contract.
- Ensure that all authorised signatories on the Bank Account are on the Bank Authorisation Form **before** sending it to the bank

- The Bank must complete, sign and stamp the Bank Authorisation Form, and return it directly to the CDO. **This must be done at the earliest possible date to avoid delays in making payments**
- All payments should be made by crossed cheque or Electronic Funds Transfer (EFT) and drawn in favour of a third party. All cheques must be signed by at least **two**, authorised signatory members of the Management Committee i.e. the Treasurer/Chairperson/Company Secretary and/or one other authorised signatory (if applicable) who must be a member of the Management Committee. A Supervisor, Assistant Supervisor, Admin/Clerical participant or other participant cannot be a signatory to the account
- The bank account set up for the purposes of managing the Community Employment project must not be changed without prior written agreement with DSP
- CE Sponsor Organisations must notify DSP immediately of any changes to the authorised signatories/Approvers
- CE Sponsor Organisations should carry out **monthly** bank reconciliations, as per best practice. These may be inspected by DSP Officers on monitoring inspections
- CE Sponsor Organisations must provide evidence at project rollover/end of project income and expenditure reconciliation and up-to-date bank reconciliations
- Debit Cards are not permitted as they do not accommodate the requirement of having three authorised signatories. Use of Personal debit/credit cards are also not permitted for the purposes of the project.

#### **2.2.4 Tax Clearance Access Number.**

A current tax clearance access number (TCAN) must be provided to the CDO who will enter on BOMi

# Community Employment – Procedures Manual

## Chapter 3 – THE WORKFORCE

### 3.0. Introduction

This chapter details the steps to be taken in recruiting/appointing the project participants and the project supervisor and the terms and conditions of work applicable to both. The responsibilities as a project Sponsor are also covered here.

### 3.1. Recruiting the Participants

#### 3.1.1 Advertising the Vacancy

Project Sponsors must register all Community Employment vacancies online with JobsIreland at [www.jobsireland.ie](http://www.jobsireland.ie).

#### 3.1.2. Selection Process

The selection of participants will take account of unemployment figures and priority cohorts as identified by Government. Sponsors should be encouraged to recruit participants from priority client groups and should refer to [Appendix 2](#) for details relating to interview panels and person specifications. All CE candidates must be referred to the Sponsor by DSP Intreo Centre. Only CE places filled by those referred via DSP Intreo Centre will be funded – with the exception of drugs rehabilitation places.

In the case of a participant applying for a drug rehabilitation place on CE, the normal DSP CE eligibility and referral requirements are waived based on evidence of an appropriate referral from a recognised addiction referral service, as per the DSP procedures and following an assessment of the applicant by the referral practitioner as part of their care planning process. A referral to a CE Drug Rehabilitation place can be made by a Key Worker or Case Manager (HSE), a Counsellor, GP, a Treatment Centre practitioner, or a Health Service practitioner. The age of entry is reduced to 18 years. The applicant must be interviewed by the Scheme sponsor. Please refer to [Nine Points Revised Conditions for Drug Rehabilitation Places](#).

The DSP referral documentation must be kept at Scheme level and available for monitoring by DSP.

Sponsors must ensure that written Contracts of Employment are in place for Supervisors, Assistant Supervisors and Participants. Please refer to the Department of Enterprise, Trade & Employment, regarding terms and conditions of employment.

#### 3.1.3. Filling Vacancy Process

Nomination of a customer to a CE vacancy is merely putting the customer forward for consideration. When the customer has started the scheme, the officer will update the nomination to reflect this. The nomination is now known as a referral. "Nomination" on BOMi is a referral of a customer to the project and a "Referral" on BOMi is confirmation that

participant has started. It is the responsibility of the DSP officer to establish eligibility before beginning the process.

#### **3.1.4. Interview Process**

Interview arrangements for any referral should be made between the Sponsor and those nominated. All nominations on the list provided must be invited for interview. Following interviews, a Sponsor must download the CE Vacancy Feedback Form to note those who attended, those who failed to attend and those who are to be offered a position. The form is available to download [here](#) on gov.ie (scroll down to locate the document titled Community Employment Vacancy Feedback Form).

The Sponsor must notify the DSP Officer of the selected candidate(s) immediately and return (within 1 week of selection) the completed Vacancy Feedback Form to the DSP Intreo Centre.

The DSP Officer must manually update the CE vacancy nomination with the feedback from the sponsor so that a complete record of the referral is recorded on the Employment Support Record (ESR).

#### **3.1.5. Confirmation of Eligibility**

CDO must be satisfied that the participant is still in receipt of their qualifying social welfare payment within the 7 days preceding CE commencement. The CDO must notify the relevant payment sections in DSP of the participants PPSN and proposed start date on CE (2 weeks advance notice required by Disability Allowance, Invalidity Pension and Blind Pension sections) to ensure qualifying social welfare payment is stopped. The Officer confirms the rate payable on CE for each participant and advises sponsor.

The officer enters the start date of participant on BOMi. If the participant does not start on CE, the sponsor must notify the CDO. The CDO must enter never started on BOMi. If start date is later than original proposed start date, the CDO should re-confirm eligibility and enter new start date on BOMi.

Participants must also notify their original DSP payment section or Intreo/Branch Office (as applicable) individually of their commencement on CE.

#### **3.1.6. Eligible Applicants**

Eligible applicants may be recruited via DSP Intreo Centre, or the Local Employment Services (LES) as follows:

##### **Aged between 21 and 55 years**

Following 12 months in receipt of a qualifying Social Welfare payment (see 3.1.1.2), CE placements for those aged between 21 and 55 years will be for one year. However, if a CE participant is working towards a QQI Major Award or working towards a recognised industry standard, their time on CE can be extended by up to a maximum of 3 years to complete the full award/qualification standard i.e. a total participation of 3 consecutive years in which to complete any outstanding modules. This must be reviewed each year to establish evidence of

achievement and ensure continued progress towards achieving the Major Award/industry recognised standard. No extension will be given beyond 3 years (4 years for those on Disability-linked payments). In the case of a drug rehabilitation place, the duration can be up to 4 years on a drugs scheme with an additional year for progression to a mainstream CE scheme. It will be possible to re-qualify for CE after a further 12 months in receipt of a qualifying payment.

### **Aged 55 years and over**

Following 12 months in receipt of a qualifying Social Welfare payment, those aged 55 years and over can remain on CE for a maximum of 3 consecutive years. After this 3-year period, it may be possible to re-qualify for CE after a further 12 months in receipt of a qualifying Social Welfare payment. A person aged 55 years and over should be given access to training and development and supported with addressing any barriers to employment.

### **Aged 60 years and over**

Under the Service Support Stream participants aged 60 years and over who meet the CE eligibility requirements may remain continuously on CE up to the State pension age. This is subject to a suitable placement being available and the agreement of the sponsoring organisation.

### **Saver clause**

Participants who commenced on CE prior to 3<sup>rd</sup> July 2017 will be entitled to remain under their existing CE eligibility rules, where this is to their advantage. If it is more advantageous to the person, the current criteria can be applied.

## **3.1.7. Eligibility Criteria**

Eligibility for CE is determined by the following:

- Persons **aged 21 years** of age or over who are currently in receipt (i.e. payment received within the 7 days preceding CE commencement<sup>2</sup>) of any combination of the following qualifying payments for 12 months or more:
  - Jobseekers Allowance (JA) (See Note 1)
  - Jobseekers Benefit (JB) (See Note 1)
  - Jobseekers Allowance Transition (JST)
  - One-Parent Family Payment (OPFP)
  - Widows/Widowers or Surviving Partners Contributory Pension
  - Widows/Widowers or Surviving Partners Non-Contributory Pension
  - Deserted Wives Benefit (DWB)
  - Farm Assist (FA)

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<sup>2</sup> Persons successful at interview and whose payment/benefit has exhausted while awaiting Garda vetting retain their eligibility to commence CE. This saver clause does **not** apply where a person is disqualified from the payment or if they sign off voluntarily before their payment exhausts while awaiting Garda vetting.

- Time spent in receipt of Jobseekers Benefit (JB) (See Note 1) can also count towards the 12-month period provided the claimant is currently in receipt of one of the above listed payments (i.e. no breaks between payments), e.g. 2 months on JB followed immediately by 10 months on JA
  - Time spent in receipt of Basic Supplementary Welfare Allowance (BASl) can also count towards the 12-month period provided the claimant is currently in receipt of one of the above listed payments (i.e. no breaks between payments), e.g. 2 months on SWA followed immediately by 10 months on Jobseekers Allowance
  - Time spent in receipt of Carers Allowance/half rate Carers Allowance/Carers Benefit can also count towards the 12-month eligibility period, but **caring responsibilities must have ceased** and the person must **currently** be in receipt of one of the qualifying payments
  - Time spent on a CE-qualifying disability-related payment can count towards the 12-month period provided it is contiguous with the current social welfare payment, as listed above (i.e. no breaks), e.g. 3 months on Illness Benefit followed immediately by 9 months on Jobseekers Allowance
  - Time spent in receipt of Illness Benefit (IB) can also count towards the 12-month period provided the claimant is currently in receipt of one of the above listed payments (i.e. no breaks between payments), e.g. 2 months on IB followed immediately by 10 months on JA
- Persons **aged 18 years** or over who are currently in receipt of any of the following qualifying payments **from the Department for any length of time, but** payment received within the 7 days preceding CE commencement:
    - Disability Allowance
    - Blind Pension
    - Invalidity Pension\*
    - Illness Benefit for 6 months or more\*
  - Travellers/Roma aged 18 years or over, in receipt of Jobseekers Allowance/Jobseekers Benefit **for any length of time but** payment received within the 7 days preceding CE commencement or in receipt of One Parent Family Payment for **one year or longer**. This applies to new entrants to CE who are defined as those who have not participated in the programme in the preceding 12 months. Any participant who exits CE will only be considered eligible again following 12 months in receipt of a qualifying payment, provided they have not reached the lifetime eligibility limit which applies to their underlying qualifying welfare payment.
  - Refugees aged 18 years or over, as authenticated by the Department of Justice and Equality (i.e. Department of Justice letter of confirmation of refugee status **plus** valid work permit or GNIB with Stamp 4) in receipt of **any DSP payment for any length of time** can qualify for CE. The sponsor should ensure that participants have valid work permit or GNIB with Stamp 4 for the duration of their CE contract. The CDO should enter the work permit/GNIB expiry date on BOMi.



- CE Drugs Rehabilitation Places (DRPs) are available to persons aged 18 years or over who are in recovery and referred for a rehabilitation place on CE. These individuals do not need to be in receipt of a qualifying social welfare payment. Application for a drugs rehabilitation place is based on evidence of an appropriate referral following an assessment of the applicant attending a recognised addiction support service within the last year within the context of the National Rehabilitation Framework of care and case management. This includes HSE addiction services and treatment centres, GPs and other relevant statutory, community and voluntary addiction services. The DSP 9 Point Agreement specifies the conditions for access, eligibility and delivery of the CE drug rehabilitation places (see [Appendix 3](#))
- Ex-offenders aged 18 years or over and referred by the following agencies: the [Probation Service](#): [IASIOs Services](#) - the [Linkage Service](#), the [Gate Service](#) and [Resettlement Service](#); and the [Irish Prison Service](#).
- These individuals do not need to be in receipt of a qualifying social welfare payment. Ex-offenders aged 18 and over and not referred by these Services must be in receipt of Jobseekers Allowance for a period of 12 months or more to qualify for CE. Time spent as a prisoner is regarded as reckonable when considering duration unemployed. In addition, prisoners released on Temporary Release are considered eligible for application.
- Inhabitants of offshore islands aged 18 years or over that are currently in receipt of a CE-qualifying payment for 6 months or more. Islander positions will be reviewed annually and are subject to demand
- A person attending JobPath is permitted to undertake a placement on CE providing they satisfy the eligibility criteria for CE and maintain their engagement with the JobPath provider.

#### **Note 1: Qualifying Period**

- Breaks off the Live Register/worked days up to a maximum of 30 days in the 12 months prior to application are allowed in assessing eligibility for those in receipt of JB & JA.
- Time spent on a recognised training course e.g. ETB (SOLAS/VTOS) Youthreach or may count as part of the qualifying period
- Time spent as a qualified adult dependant on another persons claim does **not** count towards CE eligibility
- Time spent as a temporary replacement on CE i.e., to cover a period up to 26 weeks can count towards the 12month qualifying period (in the last 12 months). However continued participation should be permitted if suitable vacancy exists

#### **Note 2:**

- Persons availing of Tús, Rural Social Scheme, Springboard or Momentum, or receiving Back to Education Allowance (BTEA) or Back to Work Enterprise Allowance (BTWEA) cannot simultaneously participate on CE.
- Time spent on Tús, Rural Social Scheme, Springboard, Momentum, BTEA or BTWEA will **not** count towards the qualifying period for eligibility to CE. Entry to CE following any of these programmes is not considered as a suitable or valid progression. The only exceptions to this rule are:
  - If the BTEA was being received for **second-level** education purposes
  - Tús participants aged 21 or over who have completed 52 weeks on that programme can progress **directly** onto CE where it is considered appropriate

within the context of an agreed progression plan mediated by Intreo/DSP Employment Services/Local Employment Service (LES). Applications for CE vacancies can be made up to 12 weeks in advance of the Tús finish date to allow for CE positions that require Garda vetting. As Tús participants are selected by the Department from the long-term unemployed, they already meet the standard eligibility requirements for CE

- Ex-Tús participants who sign back on the Live Register can have their previous time on the Live Register combined with their current claim and qualify as Jobseeker clients for CE in the normal way (Tús participation is disregarded)
- Time spent on Part-Time Education Option (PTEO) can count towards the CE qualifying period – the underlying payment should stop in favour of the CE rate
- Time spent on the Pandemic Unemployment Payment (PUP) can count towards the CE qualifying period. A person must establish their entitlement to a qualifying payment prior to commencing on CE
- Progression from CE to any of these programmes (excluding Tús) is considered as a suitable and valid progression.
- Current CE participants **can** avail of 3<sup>rd</sup> level [Springboard](#) programmes at zero cost. The CE Supervisor will follow the ILP process and on reaching agreement with the CE participant on the course choice, the CE Supervisor should refer the participant to the appropriate Intreo/Employment Services Case Officer. The Springboard course can then be input and approved by the DSP Community Development Officer via the ILP system
- YESS participants aged 21 or over who have completed their term on that programme can progress directly onto CE providing they have a total of at least 12 months on a qualifying payment or a combination of qualifying payments and time spent on their YESS placement. It must be considered appropriate within the context of an agreed progression plan mediated by Intreo/DSP Employment Services/Local Employment Service (LES). Applications for CE vacancies can be made up to 12 weeks in advance of the YESS finish date to allow for CE positions that require Garda vetting.
- Time spent on WPEP is reckonable for CE. However, going to CE directly following WPEP is not considered progression as it is hoped that the Participant would secure a job with the Host Organisation. The person therefore could not be considered for CE directly after WPEP.

**Note 3:**

- Any person who started on a Community Employment scheme on or after 16 January 2012 is disqualified from receiving Widows, Widowers or Surviving Civil Partners Contributory Pension. When a person qualifies for CE by virtue of this pension, the pension is stopped for the duration of their CE participation, and it can recommence when they leave CE. Their CE rate will be based on the rate they currently receive on the Survivors Pension plus €22.50.
- Any person who started on CE on or after 16 January 2012 is disqualified from receiving Disability Allowance.

### **\*Rules of Behaviour pertaining to Illness Benefit and Invalidity Pension participants who commenced CE prior to 16/01/2012**

Those in receipt of Illness Benefit and Invalidity Pension who were employed on CE prior to 16/01/2012 and who remain on CE are bound by the Department Rules of Behaviour for these payments. In applications involving Illness Benefit/Invalidity Pension recipients, the Department must grant a **written exemption from the Rules of Behaviour** before each year of participation.

On completing their CE placement, former Invalidity Pension, Disability Allowance and Blind Pension customers can be re-instated for payment (providing they still meet the qualifying criteria) by sending in a CE Participant Form to Disability Allowance/Invalidity Pension Section, to the address stated on the form. This form can be downloaded [here](#) from gov.ie (scroll down to locate the document titled CE Participant Form to DA/IP Section re Return to Payment). Former Illness Benefit clients will have to make a fresh claim by visiting their GP.

#### **3.1.8. Eligibility Criteria over 60 (Service Support Stream)**

Those aged 60 years and over can avail of places under this initiative. Participants on this initiative will have an annual renewable contract of employment, up to the working day before the participant reaches State pension age, subject to availability of a place and the agreement of DSP and the sponsoring organisation.

The following can apply to participate on the SSS depending on place availability:

- Participants currently on CE who have reached age 60
- New entrants (defined as those who have not participated on CE in the preceding 12 months) who are aged 60 and over who meet the CE eligibility criteria i.e. currently in receipt of a relevant qualifying payment and satisfying the relevant qualifying period
- Former CE participants aged 60 and over who have exhausted their standard CE lifetime participation limit of 6 years (7 years for persons in receipt of a qualifying disability-linked Social Welfare payment) and who meet the CE eligibility criteria i.e. currently in receipt of a relevant qualifying payment and satisfying the relevant qualifying period. Previous CE participation will be disregarded for the over 60 initiative.
- A participant who has completed their term on CE and then turns 60 will be eligible to take up a placement under the SSS (without having to wait 12 months) providing they satisfy the scheme conditions.

#### **3.1.9. Eligibility Criteria for Childcare and Health / Social Care Sector**

For dedicated Childcare, and Health and Social Care vacancies (i.e. those working **directly** with service users only) there is a requirement for the applicant to demonstrate a commitment to engage in sector specific certified training during their time on CE, leading to the achievement of a QQI (FETAC) Major Award at Level 5. The Childcare, and Health and Social Care Programme Guidelines (see links below) outline the timeline and minimum standards of QQI (FETAC) modules to be achieved in the Childcare Programme and Health and Social Care Programme leading to the completion of the relevant Major Award.

For those working in support roles and ancillary staff in childcare or health/social care projects, the standard CE eligibility criteria apply regarding age, qualifying payments and the qualifying period (see 3.1.2 above).

All referrals to these CE placements will be made by the Intreo Centre Case Officers who will have a critical role in determining the appropriate referrals. The Case Officers will identify clients that meet the eligibility criteria and will submit only those applicants who are suitable for the programme and who match the profile of the particular placements. Scheme Sponsors will then select from the candidates submitted by the Case Officers.

The duration of participation will be 1 year to 2 years to facilitate the achievement of a Major Award with an optional 3rd year to assist weaker participants to achieve the required standard of qualification needed to become job ready. The option of a third year will require the approval of the DSP Officer.

The **Programme Guidelines for the Childcare Programme** are available [here](#) on gov.ie (scroll down to locate the document titled Programme Guidelines for the CE Childcare Programme).

The **Programme Guidelines for the Health and Social Care Programme** are available [here](#) on gov.ie (scroll down to locate the document titled Programme Guidelines for the CE Health and Social Care Programme).

### **3.1.10 Eligibility Criteria for Drug Rehabilitation Places**

- CE Drugs Rehabilitation Places (DRPs) are available to persons aged 18 years or over who are in recovery and referred for a rehabilitation place on CE. These individuals do not need to be in receipt of a qualifying social welfare payment. Application for a drugs rehabilitation place is based on evidence of an appropriate referral following an assessment of the applicant attending a recognised addiction support service within the last year within the context of the National Rehabilitation Framework of care and case management. This includes HSE addiction services and treatment centres, GPs and other relevant statutory, community and voluntary addiction services. The DSP 9 Point Agreement specifies the conditions for access, eligibility and delivery of the CE drug rehabilitation places (see [Appendix 3](#) – scroll down to locate document titled 03 Appendix CE Drug Rehabilitation Places).
1. A person referred to CE on the drug referral basis can qualify for a maximum of 4 consecutive years participation. Having completed 4 consecutive years as a drug referred participant they can requalify for a mainstream / non-drug referred role after 12 months in receipt of a qualifying payment. In this instance the maximum further participation on CE is 3 years as long as they continue to meet the qualifying conditions i.e. in pursuit of a major qualification.
  2. Drug referred participants who have completed 4 consecutive years on CE may, in certain circumstances qualify for a 5th year but must transfer to a mainstream or other

non-drug related scheme for that year. The 5th year must be to continue training or development in line with the participants ILP.

3. A participant who was previously on a CE Scheme (as non-drug referred participant) may qualify as a drug referred participant provided they have not been on CE during the previous 5 years.

### **3.1.11. Re-engagement (Rollover) of Participants with CE**

Where DSP has approved a further project period, after the initial 1<sup>st</sup> year, and the Sponsor wishes to re-engage participants for additional years, the Sponsor must:

1. Complete an extension request form, which must be submitted for eligible participants no later than 12 weeks prior to the completion of the participants 12-month engagement on CE.

Identify the reasons for the re-engagement of each participant, in line with the following: and obtain DSP approval. See template on welfare.ie

#### **Aged between 21 and 55 years**

A participant must be working towards a QQI Award on the NFQ Framework of Qualifications/or industry equivalent to be eligible for up to an additional 2 years on CE (maximum total of 3 consecutive years). The Sponsor must seek approval from DSP, in writing, at the end of each year, and provide evidence of the following:

- Current and past ILP records for the participant detailing career planning, training undertaken, progression planning /and or work plans, including details of training outcomes and Award(s) achieved to date
- Details of work experience planned or completed
- Details of what the additional time will offer to participant i.e. what accredited training will be achieved and evidence that this is in keeping with ILP records and career planning for the participant. The modules proposed should link to a major award and cannot be a number of minor components with no link to a career/progression path

All mandatory training must be completed. The track record of the CE project should be reviewed by DSP in relation to getting people placed and progressed. Project compliance with DSP financial, training and programme monitoring procedures must be evidenced. The Sponsor should reference the accrediting /lead body that is associated with the industry standard for the nominated sector.

#### **Aged 55 years and over**

Participants aged 55 and over may remain on CE for 3 consecutive years. Participants should be given access to training and development and supported with addressing any barriers to employment.

### **Aged 60 years and over**

Participants aged 60 years and over may remain on CE continuously up to the State pension age, subject to conditions set out at 3.1.8

#### **Note:**

Where completion of a project has been delayed for a short time for reasons outside the control of the Sponsor, e.g. disruption due to bad weather re-engagements may be considered on an exceptional basis.

### **3.1.12. Lifetime Participation Limits**

Participation on CE prior to the 7 years previous to the current year is not counted. Lifetime participation on Community Employment is limited to:

- 6 cumulative years (312 weeks) up to State pension age
- 7 cumulative years (364 weeks) for persons in receipt of a qualifying disability-linked Social Welfare payment (incl. Illness Benefit, Invalidity Pension, Disability Allowance)
- Offshore island residents are exempt from this participation cap, subject to the availability of places on island-based CE schemes

### **3.1.13. Maximum Age Limits for Funding**

Funding for participation on Community Employment has an upper age limit of the age at which the State pension becomes available to that person, as per Section 7 of the Social Welfare and Pensions Act 2011.

DSP will not make funding available for a participant who has reached State pension age. Sponsors should consider this in the terms and condition of employment.

Funding for a CE participant will only be provided by DSP until the day before their birthday at which they will reach State pension age, provided they meet all other eligibility requirements.

Where the participants birthday falls on a Saturday, Sunday or Monday, they should finish on the *preceding* Friday. Where the participants birthday falls on a weekday (other than Monday), they should be finished the Friday *of the same week* with the final weeks payment adjusted to reflect the actual finish day, e.g. if they turn State pension age on Wednesday, they can be paid up to the Tuesday of that week.

**Sponsors are advised to take account of the termination of wage grant funding, for their employment of a CE supervisor and/or a participant, on the working day before they reach State Pension age, when setting terms and conditions of employment and the duration of employment contracts.**

### **3.1.14 Interview**

It is the responsibility of the sponsor to establish an interview panel and ensure candidates are interviewed in accordance with procedures and practice as stated as stated in Appendix 2

available [here](#) on gov.ie (scroll down to locate the document titled 02 Appendix 2 Interview Procedures).

- Only referred, eligible applicants (as advised by DSP) should be invited to attend for interview
- The applicant should be fully briefed on the type of work and the training opportunities available on the project and how this experience can enhance their employment prospects
- During the interview, the suitability of the applicant for the position should be determined and an indication should be sought as to the applicants level of interest in accepting a place on the project if offered. It should also be stated that payment on CE is by EFT **only**
- Selected applicant(s) should be formally offered a place in writing subject to their final eligibility being confirmed. If Garda vetting is required for the position, the Sponsor must immediately commence the Garda Vetting process with the selected applicant(s)
- The Sponsor should inform DSP of those who attended for interview, those who failed to attend and those offered a position using the CE Vacancy Feedback Form (only one form should be used per participant for data protection purposes).

Note: A participant may not commence on a project until the Sponsor has been notified in writing by DSP of the persons eligibility and the allowance rate.

### **3.1.15 Garda Vetting**

The statutory obligations for employers, including CE Sponsoring Organisations in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016 or as amended.

The CE Sponsoring Organisation must ensure full compliance with all the requirements of the legislation.

The decision on the suitability of a CE applicant for a CE place lies with the CE Sponsor, as the employer. The results of vetting form an essential part of the recruitment decision.

Applicants for positions that require Garda vetting **cannot commence work** on the project until Garda vetting process is completed.

### **3.1.16 Appointment**

All participants must be in place within the first eight weeks of the project year. After this 8-week period the number actually in place will become the approved number and an amendment contract must be issued. Only participants who leave may be replaced within the approved numbers and subject to approval and agreement by DSP.

Upon appointment of participants the Sponsor is obliged to:

- Provide the participant with an Induction Programme: this should include Health & Safety in the workplace
- Ensure the Supervisor completes an Individual Learner Plan in consultation with each participant

Under the [Terms of Employment \(Information\) Acts 1994 -2014 \(pdf\)](#), the following items are also obligatory for the Sponsor:

- Provide the participant a written/mailed statement of gross to net wages (payslip) itemising each deduction with every wage packet (under Section 4 of the [Payment of Wages Act, 1991](#)). If wages are paid by credit transfer, the statement of wages should be given to the employee soon after the credit transfer has taken place. Complaints regarding non-provision of payslips/written statements of gross wages, itemising each deduction, should be made to the [Workplace Relations Customer Services](#).
- Provide the participant with a statement of terms and conditions covering work conditions of employment ([Written Statement of Terms of Employment](#)). While the complete contract of employment does not have to be in writing, the Terms of Employment (Information) Acts 1994 - 2014 provide that certain terms of the contract must be available to the employee in writing. This requirement does not apply to employees who have been employed for less than a month. For all other employees, the following terms should be available in writing:
  - The full names of the employer and the employee
  - The address of the employer in the State or, where appropriate, the address of the principal place of the relevant business of the employer in the State or the registered office (within the meaning of the [Companies Act, 2014](#) as amended by the Companies (Accounting) Act 2017)
  - The place of work or, where there is no fixed or main place of work, a statement specifying that the employee is required or permitted to work at various places
  - The title of the job or nature of the work for which the employee is employed
  - The date of commencement of the employees contract of employment
  - In the case of a temporary contract of employment, the expected duration thereof or, if the contract of employment is for a fixed term, the date on which the contract expires i.e. the end date of the current claim contract.
  - The rate or method of calculation of the employees remuneration
  - The length of the intervals between the times at which remuneration is paid, whether a week, a month or any other interval
  - Any terms or conditions relating to hours of work (including overtime)



- Any terms or conditions relating to paid leave (other than paid sick leave)
- Any terms or conditions relating to—
  - Incapacity for work due to sickness or injury and paid sick leave, and
  - Pensions and pension schemes (e.g. PRSAs)
- The period of notice which the employee is required to give and entitled to receive (whether by or under statute or under the terms of the employees contract of employment) to determine the employees contract of employment or, where this cannot be indicated when the information is given, the method for determining such periods of notice
- A reference to any collective agreements which directly affect the terms and conditions of the employees employment including, where the employer is not a party to such agreements, particulars of the bodies or institutions by whom they were made

The written statement should be signed and dated by or on behalf of the employer and must be given to the employee within two months of the date of commencement of employment.

### **3.1.17 Appointment of an Administrative Secretary/Bookkeeper**

For projects of 15 or more participants, one of the approved number of participants may be assigned to the specific post of secretary/administrator/bookkeeper for all or part of his/her hours on the project as required. This person must have the capacity to do the task. Training can be funded from the Training Grant.

**A person engaged in this capacity may not sign any official documents such as grant claim forms, insurance certificates, Revenue returns etc., and must not be a signatory on the bank account. Access to Welfare Partners is restricted for this person.** Once appointed, this persons duties should not be changed without prior consultation with DSP.

### **3.2 Terms of Work**

When applicants are appointed, as the employer, the Sponsor is fully responsible for all aspects concerning the management and welfare of participants. An employment contract and description of work tasks must be drawn up between the Sponsor and each participant and signed by both parties.

It is recommended that such contracts reflect that the position is subject to continued funding from the DSP for the project. The written employment contract between the Sponsor and their employee should state that in the event of funding for the Project ceasing, it alone shall be grounds for terminating the contract of employment.

The Sponsor will agree to release each participant to participate in any training/development that has been identified and approved in the participants ILP.

### 3.2.1 Duration of Work Period

The contract for a participant starting at the beginning of the claim contract will be for 52 weeks. A participant contract commencing during the project claim period will be for the remaining number of weeks left on the current claim. A participant may be re-engaged for subsequent periods, where approval has been authorised by DSP.

Participants (and supervisors) are **excluded** from the provisions of Section 9 of the [Protection of Employees \(Fixed-Term Work\) Act 2003 \(as amended\)](#) as they are “employees with a contract of employment which has been concluded within the framework of a specific public or publicly-supported training, integration or vocational retraining programme” under Section 2 of this Act. This means that CE contracts for participants or supervisors **cannot** be of indefinite duration. The contracts must be for a fixed duration and renewed annually.

### 3.2.2 Protection of Employees (Part-Time Work) Act, 2001

The above [Act](#) covers all part-time workers including those on Community Employment. A regular part-time employee is one who has been in the continuous service of an employer for at least 13 weeks.

The Act applies the same rights and entitlements to part-time employees as apply to full-time employees and will ensure that such entitlements are applied to part-time employees on a pro-rata basis. The Act states that a part-time employee cannot, in respect of their remuneration and conditions of employment, be treated in a less than favourable manner than a comparable full-time employee.

#### **It is the Sponsors responsibility to be familiar with all relevant employment legislation.**

Further details on aspects of employment law and regulations can be obtained from the Department of Enterprise, Trade and Employment at 23 Kildare Street, Dublin 2, Telephone (01) 6312121 or 0818 302 121; e-mail: [info@enterprise.gov.ie](mailto:info@enterprise.gov.ie). Information is also available from the [Workplace Relations Commission](#), Telephone (059) 9178990 or 0818 80 80 90.

### 3.2.3 Hours of Work

Participants are required to work for a period of 19.5 hours per week (excluding breaks) for the Sponsor to be eligible for a grant towards the cost of wages.

The Sponsor may agree with DSP for this period of work to be arranged in various combinations, e.g. 39 hours every second week, or 19.5 hours every week, in combinations of full or half days or 2.5 days per week. To facilitate monitoring of the project, DSP must be informed of these working arrangements and any subsequent changes thereto. **Work rosters for each participant must be submitted to DSP on commencement** and whenever such rosters change. The Department need to know the location and times the participant is working for monitoring purposes.

### 3.2.4 Attendance Records

All participants must sign an attendance record for each daily work period they work (under [Section 25 of the Organisation of Working Time Act 1997](#)) (as amended) and this record must

be available for inspection by DSP on request. There are examples of attendance record forms, available [here](#) on gov.ie (scroll down to locate the documents titled 04A Appendix CE Participants Attendance Sheet and 04B Appendix CE Supervisors Attendance Sheet).

For multi-location projects, loose sheets are preferable at each location and these must be collated 4 weekly and placed on a central file. Notes should be checked by the Supervisor/Sponsor and back-up documentation for Sick Leave etc., should be attached to the relevant sheet. Notes should cover items in procedures 3.2.9 to 3.2.14 following. Where <sup>3</sup>sub-sponsors are involved communication should be made to the supervisor when a participant is absent.

Employers are obliged to keep records of holidays and public holidays for a period of 3 years. The manner in which records must be kept is prescribed by the [Organisation of Working Time \(Records\) \(Prescribed Form and Exemptions\) Regulations, 2001 \(as amended\)](#). Generally, these records must be in such form as will enable an Inspector to understand the particulars contained in them without difficulty. These records must be available for inspection by Inspectors of the [Workplace Relations Commission](#).

### 3.2.5 Wage Grant

Wage grant rates for participants are set by the Government in consultation with the Department (see the). Wages should normally be paid every week on a current week basis by Electronic Funds Transfer (EFT). As per [Section 20\(2\) of the Organisation of Working Time Act, 1997](#) (as amended), pay in respect of an employees annual leave shall be paid to the employee in advance of his or her taking the leave.

The payment cycle may differ, with the Department and the participants permission, in projects sponsored by the Public Sector (e.g. fortnightly). When submitting AWS on Welfare Partners wages must be entered for each participant for each week of the AWS to ensure that the maximum allowable materials funding is released.

Participant wage rates are determined by the underlying social welfare entitlement (called the **scheduled rate**) at the time of commencement, subject to the standard personal rate CE payment as a minimum allowance. The social welfare scheduled rate is the rate payable to a claimant (inclusive of any adult and/or child dependants, less assessed household means) and is exclusive of fuel allowance and exclusive of deductions for social welfare overpayments.

- Where the scheduled rate is **equal to, or less than**, the applicable social welfare **personal** rate, the rate payable on CE is the equivalent CE personal rate **only**. (Dependants are considered to be included in this payment due to means)
- Where the scheduled rate **exceeds** the applicable personal rate, the CE allowance rate will match the scheduled payment, plus €22.50

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<sup>3</sup> e.g. where participants are placed in charity shops, childcare facilities or GAA clubs

## Examples:

- 1) Claimant in receipt of Jobseekers Allowance, including personal rate, adult dependant and one child (full rate) with €200 household means.  $€208.00 + €138.00 + €40.00 = €386.00$  less €200 means = €186.00. The participant would receive  $€208.00 + €22.50 = €230.50$  on CE as €186.00 is less than the applicable Jobseekers Allowance personal rate of €208.00
- 2) Claimant in receipt of invalidity pension, personal rate only, no dependants @ €213.50. The participant would receive the equivalent applicable personal rate on CE of €213.50 + €22.50 = €236.00
- 3) Claimant in receipt of Jobseekers Allowance, including personal rate, adult dependant and one child (full rate) – no means.  $€208.00 + €138.00 + €40.00 = €386.00$ . The participant would receive  $€386.00 + €22.50 = €408.50$  on CE.

Officers can establish the correct payment rates and Fuel allowance eligibility for participants, including by accessing the claimants record on BOMi. Other social welfare payments may be checked on their respective systems.

**N.B.** Where the adult dependant of a CE participant is in receipt of a half-rate carers allowance and/or has applied for full-rate carers allowance, the CE participant must be paid at the rate applicable at the time of CE commencement (inclusive of any increase for an adult dependant and/or child dependants) **until the full-rate carers allowance has been awarded**. At that point, the participants CE allowances should be revised to **personal rate only** plus applicable children **at half-rate** (carers allowance can only pay half-rate child as a maximum). Individual instances will be dealt with on a case-by-case basis by the Divisional staff.

### 3.2.6 Change of Circumstances

All participants are required to declare any change in their circumstances **immediately** to their local Intreo Centre using the Change of Circumstances form (EP1) available [here](#) on gov.ie (scroll down to locate the document titled EP1 Change of Circumstances Participant Form). This may require a change in the calculation of their total weekly payment and a clause to this effect **must** be included in the participants Contract of Employment. DSP will request appropriate documentary evidence of any change in dependency status.

Where an amount has been overpaid to the participant the DSP officer should agree a weekly repayment with the participant, draw up a repayment plan and have the participant sign it. This agreed amount should be deducted from the participants CE payment each week by the Sponsor via the AWS. The DSP officer should refer to the (see [CE Participant Overpayment and Recoupment Process](#)).

The DSP officer should inform the Sponsor of the reduction in wage for the participant and the period of time involved - the officer should monitor this.

The Department may request confirmation of dependency status at participant contract renewal time.

The level of pay may vary during the participants period of employment on Community Employment if there are changes to:

- The value of any underlying social protection payments to which they were in receipt of, prior to employment on CE having increased or decreased
- Civil status, as a result of marriage, entry into a civil partnership, divorce or death of a spouse/civil partner/cohabitant
- The employment or self-employment (gained or lost) status of spouse/civil partner/cohabitant
- The imprisonment or absence from the State of the spouse/civil partner/cohabitant
- Spouse/civil partner/cohabitant have applied for or have been awarded a Social Welfare Payment in his/her own right. (e.g. Carers Allowance/Benefit, Maternity Benefit, Paternity Benefit, Jobseekers Benefit/Allowance, Illness Benefit, etc.)
- Spouse/civil partner/cohabitant is no longer in receipt of a Social Welfare Payment in his/her own right
- Birth, adoption or death of a child dependant
- Child dependant turns 18 years of age and is no longer in full-time education or a child dependant in full-time daytime education turns 22 years of age
- Where a child between the age of 18 and 22 is attending a course which includes paid work experience for a period in excess of 6 months
- Where a qualified child is no longer resident in the State, is detained in a reformatory or an industrial school or no longer lives with the participant:
- A child dependant increase is not payable in respect of a child in receipt of a Social Welfare payment in their own right

**Late Claims:** Where a claim for an increase in payment is notified to the Department, the maximum back-dating period possible is 6 months and only then with good reason and subject to evidence of qualification for such payment. Normally claims must be made when the change of circumstances arises. Please note that **no** backdating of a claim for fuel allowance is permitted.

**Note:** In the event of the death in service of a CE participant, CE allowances will cease immediately.

### **3.2.7 Tax / PRSI / USC**

**PAYE** - All Community Employment payments to participants are assessable for Income Tax (PAYE) purposes. However, the actual amount payable by any individual will depend on her/his Tax Credits and Standard Rate Cut-Off Point. Participants should contact their local Tax Office to secure a Certificate of Tax Credits and Standard Rate Cut-Off Point. The Sponsor must make the necessary returns to the Revenue Commissioners on a monthly basis.

**PRSI** - Employment under Community Employment is currently insurable under the Social Welfare Acts for all Social Welfare benefits and pensions. Participants joining Community Employment are insured at special Class A8/A9 PRSI, which will give them a paid contribution for each week, as with other Class A workers.

Weekly Income Band	PRSI Subclass	How much of weekly income	Employees %	Employers %
Up to €352.00	A8	All	nil	0.5%
More than €352.00	A9	All	4%	0.5%

The Department of Social Protection has produced a special leaflet outlining the arrangements and benefits relating to [PRSI](#).

A weekly tapered PRSI credit of €12 has been introduced for employees insured at Class A whose earnings are between €352.01 and €424.00 in a week. The maximum PRSI credit of €12 per week applies to gross weekly earnings of €352.01. A participant earning €352.01 pays €14.08 PRSI (4%). After the €12 credit is deducted they will pay PRSI of €2.08. For employees earning between €352.01 and €424.00, the credit of €12 is reduced by one-sixth of earnings over €352.01. There is no PRSI credit once earnings exceed €424.00.

**USC** – Community Employment-related payments to **participants** are exempt from USC. Any employment outside of the CE placement **is** liable for USC.

### 3.2.8 Public Holidays

Under [Section 21 of the Organisation of Working Time Act, 1997 \(as amended\)](#), participants are entitled, without loss of pay, to all public holidays that fall on days they would normally work. The Sponsor cannot alter working arrangements to avoid public holidays.

There are ten (10) public holidays in Ireland each year. Good Friday is not a public holiday. The list of public holidays is as follows:

- New Years Day (1st January)
- First Monday in every February, except where St Brigid’s day happens to fall on a Friday, in which case that Friday, February 1<sup>st</sup> will be a public holiday.
- St. Patricks Day (17th March)
- Easter Monday
- First Monday in May
- First Monday in June
- First Monday in August
- Last Monday in October
- Christmas Day (25th December)
- St. Stephens Day (26th December)

There are four possible arrangements in relation to the entitlements of participants **not** normally required to work on the day on which the public holiday falls. These are:

- a) A paid working-day off on that day
- b) A paid working-day off within a month of that day
- c) An additional working-day of annual leave
- d) An additional working-days pay

The Sponsor will select the appropriate option from the possible arrangements as listed (a) to (d) above. It should be noted that DSP will not provide Sponsors with any additional funding in relation to the above. That said, the arrangement with the least-cost implication for Sponsors would be to give an additional working-day of annual leave (i.e. 4 hours).

The 4 hours provision derives from [S.I. 475 of 1997](#), Organisation of Working Time (Determination of Pay for Holidays) Regulations, 1997 that allows for one fifth of the working week as public holiday benefit.

For clarity, a CE participant that is rostered to work 8 hours on a Monday that happens to be a public holiday, receives the full 8 hours as a paid day off. They only have to work the remaining 11.5 hours of their 19.5 hours per week. A participant that works 4 hours on Monday that happens to be a public holiday, will get those 4 hours as a paid "day" off, but will have to work the remaining 15.5 hours. Persons **not** scheduled to work on that public holiday are entitled to one fifth of a working week off, which is 4 hours leave (regardless of their weekly working pattern).

Please note that under [Section 23 of Organisation of Working Time Act 1997 \(as amended\)](#), where an employee ceases to be employed during the week ending on the day before a public holiday and the employee has worked for at least 4 weeks preceding cessation, the employee, as compensation for the loss of entitlements under Section 21 of the Organisation of Working Time Act 1997 in respect of the public holiday, is to be paid by the employer an amount equal to an additional days pay calculated at the appropriate daily rate (i.e. 4 hours pay).

### **3.2.9 Flexible Rostering/Holidays**

A participant engaged for the full duration of a 52-week project is entitled to **81 hours** holidays per project year (or on a pro-rata basis 8% of time worked). Where a lesser period is worked, holidays should be calculated on a pro rata basis.

A formal process of recording annual leave is required for the Supervisor(s) and participants. A leave sheet for each DSP-funded employee (Supervisors, Assistant Supervisors and participants) signed by the Sponsor should be made available to the Officer.

Holidays must be taken within the 52-week project period. Holiday pay/time off is earned against time worked and CE participants have an entitlement to pay in lieu of any untaken holidays at the end of their CE placement under [Section 23 of the Organisation of Working Time Act 1997 \(as amended\)](#), similar to other workers. Since 1 August 2015, an employee can accumulate statutory annual leave entitlement during a period of certified sick leave. Employees on long-term sick leave can retain annual leave they could not take due to illness for up to 15 months after the end of the year in which it is accrued. It is a matter for the

Sponsor/Supervisor to ensure that all holiday entitlements are taken as leave before the end of the participants contract. Holiday arrangements are a matter of agreement between the Sponsor and the participant.

### **3.2.10 Christmas and Easter Period**

The work schedule may be re-arranged immediately before/after Christmas or Easter to allow a short block of time-off in addition to the Public Holidays. However, no such arrangement shall have the effect of reducing the overall amount of time (26 weeks full-time equivalent) that each participant works over the 52 weeks of the project or of postponing the project completion date.

### **3.2.11 Sick Leave - Certified/Uncertified**

- a. **Certified** - Each participant is eligible to claim up to 56 hours certified sick leave during their 52 weeks of participation for which DSP provides grant support. Payments to any participant on certified sick leave beyond this will not be grant-aided by DSP. All medical/doctor certificates must be available for inspection by DSP. If an instance of sick leave extends beyond 6 consecutive days an application can be made for [Illness Benefit](#) using the application form (IB1) supplied by the GP who furnished the medical certificate.
- b. **Uncertified** - The Sponsor may exercise some discretion in relation to a participant on uncertified sick leave. Payment may not, in any circumstances, exceed 2 working days (i.e. 8 hours total) in any 12-month period for any participant.

Employees can accrue annual leave when they are absent on long-term sick leave (under [Section 86\(1\) of the Workplace Relations Act 2015](#)) (as amended). Employees can carryover such accrued annual leave for a period of 15 months after the leave year in question.

### **3.2.12 Absent Participants**

A person can be temporarily replaced while on sick or maternity leave (of whatever duration). Priority must be given to a person who is using the period of substitution to complete an earlier broken or incomplete 52-week period on Community Employment. The substitute may be kept on the project to complete their 52 weeks when the original participant returns. An amendment must be made to the contract and the insurance cover to reflect this increase in participant number. The replacement participant must be eligible to participate on the CE Scheme.

It is recommended that participants who are absent for a prolonged period of time due to illness or maternity leave (4 weeks or more) be made inactive on the project as otherwise their period of participation on CE is still being counted. There is no provision for a participant to continue to access a childcare place if they are absent from CE for a prolonged period.

### **3.2.13 Maternity Leave**



The Maternity Protection Acts ([1994](#) and [2004](#)) (as amended) apply to all CE participants and Supervisors.

A participant should be facilitated in completing the 52 weeks of paid CE work in addition to any maternity leave taken (i.e. CE time suspended for the duration of maternity-related leave).

Details of maternity leave entitlements are on the [CitizensInformation.ie](#) website, and details of [Maternity Benefit](#) entitlements are on the [welfare.ie](#) website.

If a Sponsor elects to pay a participant while on maternity leave, it is on the clear understanding that DSP cannot provide grant support for such payments.

Participants are entitled to accrue annual leave during maternity and additional unpaid maternity leave.

Participants are entitled to leave for any public holidays that occur during their maternity leave (including additional maternity leave). The right of employees to leave for public holidays is set down in Section 21 of the [Organisation of Working Time Act 1997 \(as amended\)](#). (See Section 3.2.8 above).

**N.B.: Under no circumstances should a persons employment be terminated while they are availing of their entitlements under the Maternity Protection Acts.** Persons whose current contract expires before their return date will have to have their contract of employment finish date extended up to their return date from maternity leave. Failure to do so is deemed to be an automatic case of unfair dismissal.

### **3.2.14 Paternity Leave**

The Paternity Leave and Benefit Act 2016 (as amended) applies to all CE participants and Supervisors.

A participant should be facilitated in completing the 52 weeks of paid CE work in addition to any paternity leave taken (i.e. CE time suspended for the duration of paternity-related leave).

Details of paternity leave entitlements are on the [Citizens Information.ie](#) website, and details of [Paternity Benefit](#) entitlements are on the [welfare.ie](#) website.

If a Sponsor elects to pay a participant while on paternity leave, it is on the clear understanding that DSP cannot provide grant support for such payments.

Participants are entitled to leave for any public holidays that occur during their paternity leave. The right of employees to leave for public holidays is set down in Section 21 of the [Organisation of Working Time Act 1997 \(as amended\)](#) (See Section 3.2.8 above).

**N.B.: Under no circumstances should a person's employment be terminated while they are availing of their entitlements under the Paternity Benefit Leave and Benefit Act 2016.** Persons whose current contract expires before their return date will have to have their contract of employment finish date extended up to their return date from paternity leave. Failure to do so is deemed to be an automatic case of unfair dismissal

### 3.2.15 Other Absences

If a participant is not available because of the opportunity of full-time work outside of CE, the participant can take one period of temporary unpaid leave with the Sponsors agreement for up to 26 weeks within the participants current 52 weeks of employment on the scheme. Participation on CE is suspended (made inactive) for the duration of the absence. This absence period allows a participant to cover a maternity leave/long term sick leave absence arising *externally* to CE.

The participant **must** contact Revenue to transfer their tax credits to the new employer for the duration of the employment. The tax credits must be transferred back to the CE employment when returning. If the work opportunity continues beyond this, the participant must leave the project and may not return to Community Employment unless they re-qualify. A replacement participant can backfill the CE place for the duration of the absence of the original participant.

Bereavement leave may be funded. The number of days to be funded will for the most part depend on the closeness of the deceased relative. Special consideration is usually given to the particular circumstances of the situation. For bereavement leave, up to <sup>4</sup>three days paid leave for the death of close family members may be funded.

A close family member is usually defined as a spouse or civil partner, daughter, son, parent, sister or brother and may include grandparents or in laws. In the event of death of grandparents, in laws, aunt or uncle one day may be funded.

### 3.2.16 Equality of Opportunity

Sponsors must comply with all relevant legislative provisions in relation to Employment Equality and ensure that at all times during the recruitment and operational stages of the project, no act is committed which could constitute direct or indirect discrimination, which will be in contravention of the Employment Equality Acts 1998 - 2015 (see [www.equality.ie](http://www.equality.ie)). All facilities and amenities provided on a project by the Sponsor should be equally available to all persons. Information on related issues may be obtained from the Department of Justice, 51 St. Stephens Green, Dublin 2. Telephone (01) 6028202 Fax ~~(01) 6615461~~ or [www.justice.ie](http://www.justice.ie).

### 3.2.17 Health & Safety and Other Labour Legislation

The Sponsor is responsible for ensuring that all relevant health and safety requirements under the [Safety, Health and Welfare Act 2005](http://www.hsa.ie) (as amended), and subsequent enactments, Regulations and Orders are adhered to and must respond to requests from DSP staff or the Department of Enterprise, Trade and Employment officials to ensure proper standards. Non-compliance with the Act may be deemed non-compliance with the Community Employment Agreement. Information on related issues can be obtained from the Health & Safety Authority, [www.hsa.ie](http://www.hsa.ie). The HSA also has a website called [www.BeSmart.ie](http://www.BeSmart.ie) that may be useful. Information

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<sup>4</sup> A working day means a day on which the participant is due to attend work, regardless of the number of hours they are due to work.

regarding other legislation that may be relevant is available from the Department of Enterprise, Trade & Employment, e-mail: [info@enterprise.gov.ie](mailto:info@enterprise.gov.ie).

### **3.2.18 Tools, Clothing, Facilities, Outdoor Work in Poor Weather**

The Sponsor is responsible for supplying necessary tools, equipment and protective clothing for participants to undertake their work. The Sponsor must provide adequate eating, washing and indoor facilities for inclement weather in accordance with standards available to full-time participants in similar local employment.

### **3.2.19 Working - Time Off**

Community Employment participants are encouraged to seek other work or engage in any other activity which would enhance their work options, while on their time off the project, without any fear of losing their Community Employment income for any part of the full 52-week period. Payment for any such work is subject to normal PAYE/PRSI conditions (A rate) but does not alter their PRSI status for their Community Employment work (A8/A9, as applicable). However, where a participant is taking up paid employment they should check with the DSP if there are any implications in relation to receipt of DSP payments/secondary benefits etc.

Community Employment Participants must only be engaged by the Sponsor in achieving the work programme submitted and agreed by DSP. No tasks outside this agreed work programme may be allocated to or undertaken by participants during project time.

A Sponsor may, at their own expense, employ a participant under a separate contract of employment for additional hours outside of the participants normal Community Employment hours, on the sole condition that the participant is not employed for more than an additional 234 hours in any given 12-month employment contract. The Sponsor must declare all such hours to DSP on a monthly basis using the format provided in [Appendix 4A](#) (scroll down to locate document titled 04A Appendix CE Participants Attendance Sheet) .

**N.B.** The PRSI rate payable for these additional hours is at the applicable PRSI **A** rate.

### **3.2.20 Termination of Participants**

When terminating a participants employment on a project, Sponsors should do so in accordance with the Minimum Notice and Terms of Employment Acts, 1973 to 2005. No DSP-funded extension beyond 52 weeks is possible on grounds of Sponsor non-compliance with this section. An Exit Interview should be conducted by the Supervisor when the participant is leaving (see Individual Learner Plan process). The exit planning part of the ILP should commence no later than 12 weeks before the exit date of the participant. The exit plan should be held on the participants ILP file for DSP monitoring purposes.

### **3.2.21 Unfair Dismissals Act**

In relation to expiry of participant contracts, Sponsors are advised that since all engagements are limited to one year, subject to re-engagements on new contracts for additional periods of

one year maximum, the provisions of Unfair Dismissals Acts 1977 – 2015 (as amended) legislation, does not apply, save for exceptions in respect of maternity and paternity leave. The Acts give rights to compensation for wrongful dismissal.

Where a Sponsor wishes to rely on the expiry of a fixed term contract as grounds for dismissing an employee the Unfair Dismissals Act requires that the contract states that the provisions of Unfair Dismissals shall not apply to such a dismissal, and that the contract must be signed by both the Sponsor and the Supervisor/Assistant Supervisor/participant.

The written employment contract between the Sponsor and their employee should state that in the event of funding for the Project ceasing, it alone shall be grounds for terminating the contract of employment.

### **3.2.22 Return to Live Register**

Time spent on Community Employment is disregarded for linking purposes with regards to those who were in receipt of Jobseekers Allowance (JA) immediately prior to commencing the programme. This means that regardless of the duration of CE participation, the Jobseekers claim can be re-opened without serving a waiting period, provided the person still meets the criteria for receipt of Jobseekers Allowance or Benefit.

Contact should be made with the relevant DSP Office on the first day of unemployment.

### **3.2.23 Complaints Procedure**

Complaints related to employment matters should be addressed to the complainants employer, i.e. the Sponsor of the project.

Complaints related to DSP management of the programme or to decisions relating to eligibility should be referred to the DSP Officer in the local Intreo Centre with responsibility for the project. If the complaint remains unresolved it should then be referred to the Divisional DSP Assistant Principal (DSP Office contact details [here](#)).

## **3.3 The Supervisor**

### **3.3.1 Role of the Supervisor**

The filling of a Supervisor/Assistant Supervisor position must be approved in advance by DSP.

A Supervisor must be competent to oversee the administrative, technical and participant development aspects of the project. Therefore it is essential that every care is taken with the recruitment process (please refer to [Appendix 2/2A](#) – scroll down to locate the documents titled 02 Appendix Interview Procedures and 02A Appendix CE Drug Rehabilitation Framework Supervisor Specification).

Each Supervisor must attend all Community Employment Supervisor training/briefings organised by DSP as part of his/her supervisory duties. DSP will cover the cost of Supervisors attending training/briefings.

The Supervisor has the responsibility for developing an Individual Learner Plan for each participant employed on the project, and for its implementation. It is the responsibility of the Supervisor to ensure that a profile of each individual participants learning needs is drawn up through one-to-one consultations, and that this profile is reflected in the Individual Learner Plan.

The Supervisor should keep the Sponsors Participant Development Officer (PDO) informed of the progress of the planning and delivery of participant development and should consult with the PDO for support.

No offer of appointment should be made until DSP has been informed of the proposed appointee and has agreed in writing to funding the post and the starting salary point.

All **new** Supervisors, defined as a person who has never been employed as a CE Supervisor previously, will initially commence on Point 1 of the appropriate scale and move by annual increments on the anniversary of their commencement date thereafter, subject to satisfactory performance. **Supervisors may not sign any official documents such as grant claim forms, insurance certificates, cheques, Revenue returns etc., or be a signatory to the bank account.**

### **3.3.2 Sponsor and Supervisor - Commitment to the Individual Learner Plan**

The Sponsor is responsible, through the Supervisor for ensuring that the development needs of each participant on the project are catered for in the Individual Learner Plan for each participant. The Sponsor must also make the Supervisor available to attend all Supervisor training/briefings (See - Chapter 4 of this manual for full details).

Following the completion of training on the Individual Learner Plan system (See Chapter 4), the grant for supervision can be adjusted in accordance with DSP procedures and with the Community Employment Grant Allowance. This should be retrospective to the date that Supervisors commenced employment under the current project contract.

For Supervisors on their second or subsequent year of employment, the higher rate will continue **provided the ILP system is being utilised correctly (as per the Benchmarking/Sustaining Progress/T16 Pay Agreements requirement).**

### **3.3.3 Project Supervisory Grant**

Sponsors may qualify for a Supervisor wage grant. In order to claim a Supervisor wage grant the Sponsor must retain on file: (a) a comprehensive job and person specification, and (b) a copy the Supervisors certificate of qualification (c) a copy of the Supervisors signed contract of employment The DSP Officer will confirm these documents are in place as part of the formal monitoring process. Grants in respect of participant development may be claimable in respect of a Supervisor/Assistant Supervisor. No grant in respect of Materials is claimable. The Supervisor Wage grant must be approved by CE Policy Unit in DSP prior to advertising the position.

### 3.3.4 Eligibility

CE Supervisor candidates (including temporary replacements) must have attained a Major 3<sup>rd</sup> level qualification (NFQ Level 6 or higher) in Business/Financial Administration, Training, Human Resources, Project Management or related disciplines and have 3 years supervisory experience. Minor/component awards at Level 6 or higher are insufficient. ICT skills are also essential (e.g. MS Office).

Note:

- The qualification/experience criteria above apply to all **new** applicants and to those who were previously employed as a CE Supervisor/Assistant Supervisor, but who are no longer employed as such.
- The qualification/experience criteria will also apply to current assistant supervisors applying for a full Supervisor position (promotion).
- The only exception to the above criteria will be if a current Supervisor or Assistant Supervisor is transferring **directly** to another position *of the same rank* (e.g. due to an amalgamation/transfer of undertakings). Additionally, if a current Supervisor or Assistant Supervisor wishes to apply for a vacant position *of the same rank* in another CE scheme, they are eligible to submit an application and be considered for the position.

#### Eligible Major Awards

Level 6	Advanced Certificate, Higher Certificate
Level 7	Ordinary Bachelor Degree
Level 8	Honours Bachelor Degree, Higher Diploma
Level 9	Masters Degree, Post-Graduate Diploma
Level 10	Doctoral Degree, Higher Doctorate

Prior to appointment, the original award certificate(s) must be sighted by the Sponsor, photocopied and the copy held on the Supervisors file.

Where a member of the main Sponsoring body or Project Management Committee is offered the position of Project Supervisor, he/she **must resign** their office from all project-related committees prior to commencing work as a Supervisor.

Where an employee of the Sponsor (other than a Community Employment Project participant) is appointed as Community Employment Project Supervisor, he/she must resign their former position with the Sponsor.

The Sponsor must then replace this employee and continue to pay the new employee from their own private funds. DSP must be satisfied that this replacement has taken place before the Supervisor wage grant can be paid.

## Assistant Supervisor Eligibility

Assistant supervisor (including temporary replacements) must have previous office management/supervisory experience, be computer literate with the necessary skills to undertake all of the administration duties required for the scheme at this level, be able to work as part of a team, have knowledge of community activities and work and have good communication and inter-personal skills.

Funding for an assistant supervisor will commence at the first point on the grant funding scale for an assistant supervisor, unless the person is working as a CE assistant supervisor on the working day immediately preceding commencement and has been in that role for a 52-week employment contract term or longer, in which case, commencement at a point on the grant funding scale above point 1 may be considered so as not to cause disadvantage.

**Please note: An Assistant Supervisor will not be deemed eligible for the role of Supervisor regardless of their experience if they do not have the relevant qualifications for the position of CE Supervisor.**

Funding for a supervisory position is provided by DSP until the working day before their birthday at which they will reach State pension age. DSP will not make funding available to a Sponsor for any Supervisor or Assistant Supervisor (or participant) who has reached State pension age. Sponsors should consider this in the terms and condition of employment.

Please note, where the Supervisors birthday falls on a Saturday, Sunday or Monday, they should finish on the *preceding* Friday. Where the Supervisors birthday falls on a weekday (other than Monday), they should be finished the Friday *of the same week* with the final weeks payment adjusted to reflect the actual finish day, e.g. if they turn State pension age on Wednesday, they can be paid up to the Tuesday of that week.

### 3.3.5 Assistant Supervisory Support

Where a project maintains an approval level of 26 or more participants, additional supervisory grant support may be allocated for an Assistant Supervisor to enable the sponsor provide assistance with additional supervision. DSP will only consider such grant support when the Sponsor submits, with the project application, a detailed job description for the additional supervision tasks and the intended salary levels. Assistant supervisors will, inter alia:

- Assist in the business administration of the project as directed by the Sponsor
- Assist the CE Supervisor in sourcing and costing effective training/development opportunities to meet the training needs identified in participants Individual Learning Plans (ILPs)
- Provide effective supervisory cover in the absence of the CE Supervisor as directed by the Sponsor, if qualified for the post
- Assist in ensuring the CE scheme is compliant with financial and programme and training monitoring requirements as detailed in the relevant CE procedures

See [Appendix 2](#) for guidelines and procedures for interview panels, which includes sample personal and job specifications for supervisors and assistant supervisors (scroll down to locate the document 02 Appendix Interview Procedures).

The Sponsor must ensure:

That the job descriptions involved differ from and are supportive to that of the Supervisor and:

- That the conditions as appropriate, differ from that of the Supervisor and are reflective of the post as supportive to and reporting to the Supervisor.

The DSP HEO/CDO will decide the grant funding point on the scale for the nominated Assistant Supervisor

### **3.3.6 Sourcing Applicants**

- All Community Employment Supervisor vacancies, complete with a full job description, should be registered and advertised on [www.jobsireland.ie](http://www.jobsireland.ie).

The Sponsor should seek assistance with recruitment from DSP Intreo/Employment Services.

### **3.3.7 Interview**

The panel of interviewers should consist of 3 people with at least one independent person invited to participate based on their experience in appointing staff of a supervisory or higher nature and/or because they are not directly involved with the Sponsoring organisation. The DSP officer should be provided with the list of suitable candidates but will not sit on the interview board. All members of the panel must disclose to the other members of the panel any relationship that exists between themselves and any of the candidates and abstain from participation in that particular interview if appropriate.

As a minimum, 2 employment references must be sought for all persons who are appointed as Supervisors/Assistant Supervisors (prior to their appointment) and copies of these references must be filed on the Project. In addition, the Sponsor should obtain telephone/verbal confirmation of the content of any written references.

No offer of appointment should be made until DSP has been informed of the proposed appointee and has agreed in writing to funding the post and the starting salary point. An offer of the position should then be made in writing to the person concerned. (See also Appendix 2 re. Guidelines and Procedures for Interview Panels)

### **3.3.8 Garda Vetting**

All potential Supervisors (post interview) may be subject to Garda vetting procedures when applying for positions. In circumstances where one or more participants on their project have to be Garda vetted, the Supervisor(s) of the project must also be Garda vetted.

The statutory obligations for employers, including CE Sponsoring Organisations in relation to Garda vetting requirements for persons working with children and vulnerable adults are set



out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016 or as amended.

CE Sponsoring Organisations must ensure full compliance with all the requirements of the legislation.

The decision on the suitability of a CE applicant for a CE place lies with the CE Sponsor, as the employer. The results of vetting form an essential part of the recruitment decision.

Applicants for positions that require Garda vetting cannot commence work on the project until Garda vetting process is completed.

### **3.4 Terms of Work**

#### **3.4.1 Duration of Work Period**

The period for which the Sponsor contracts with the Supervisor is a matter between the Sponsor as the employer, and the Supervisor as the employee. However, DSP funding is only provided for the duration of the Agreement that DSP has with the Sponsoring organisation. As per employment law, Community Employment Sponsors must provide the Supervisor with a job description and a written contract of employment. All contracts must reflect that the position is for the duration of the current contract period and that the position is subject to continued funding from the Department for the project. It is recommended that such a contract should cover the termination arrangements, retirement age (i.e. on the working day before the birthday on which they can claim the State pension), remuneration, hours of work and other conditions of employment.

Supervisors (and participants) are **excluded** from the Section 9 provisions of the [Protection of Employees \(Fixed-Term Work\) Act 2003 \(as amended\)](#) as they are “employees with a contract of employment which has been concluded within the framework of a specific public or publicly-supported training, integration or vocational retraining programme” under Section 2 of this Act. This means that CE contracts for Supervisors **cannot** be of indefinite duration.

Note: No funding will issue from the Department for a supervisor unless they have a valid current contract of employment.

A Job Performance Review form (scroll down [here](#) to locate the document titled 05 Appendix CE Supervisor Appraisal) must be completed at the 3, 6 and 9 month intervals for a new Supervisor/Assistant Supervisor and maintained on file locally for monitoring purposes. The Sponsor must agree to the release of the Supervisor to participate in any training or briefings organised or approved by DSP from time to time.

#### **3.4.2 Hours**

The post of Supervisor is a full-time 39-hours per week position, (every week), irrespective of the specific work arrangements for the participants. The 39 hours **exclude** time off for lunch periods. The hours should coincide with the hours worked by participants except where work

is scheduled to cover more than 39 hours per week. In this instance the Supervisor should be available at peak and essential times to suit the nature of the work being done. The above hours should include a weekly schedule of tasks relating to the supervision and support of participants - implementation of the Individual Learner Plan, administration of the scheme, co-ordination of training and other duties related to the work experience provided by the project.

N.B. [Section 15 \(1\) The Organisation of Working Time Act 1997](#) (as amended) states that the maximum average working week for many employees cannot exceed 48 hours.

All employees (including Supervisors) must sign an attendance record for each daily work period they work (under [Section 25 of the Organisation of Working Time Act 1997](#)) (as amended) and this record must be available for inspection by DSP on request.

The supervisory role must be designated on a full-time basis to the support of CE participants, administration of the scheme and to meeting the key output indicators contained in the application approved by the Department. No additional work or duties outside of the approved project whether remunerated or not can be undertaken during the scheme 39-hour contractual period for this post. Any additional CE-scheme work outside of the 39 hours contractual period will not be funded by DSP but may accrue as time off in lieu (TOIL). Comprehensive records should be kept for time off in lieu.

Any Supervisor engaged in additional non-CE scheme work with their Sponsor or for another employer outside of the 39-hours CE work must have written approval from their Sponsor organisation (signed off by 2 Board Members minimum) stating the nature of the work and there must be no conflict of interest with the CE post. There must be a separate employment contract in place for this additional work. Such work will not be funded by the Department.

### **3.4.3 Supervisor Wage Grant**

DSP provides a grant to cover the cost of employing Supervisors for a full time 39-hour week exclusive of lunch breaks. Details of CE Grant Aid is available [here](#) on gov.ie (scroll down to locate the document titled CE Rate Sheet). This grant can only be used to fund Supervisor wage costs for the 39-hour contractual week. Any additional scheme work outside of the 39 hours contractual period will not be funded by DSP.

Funding for a supervisor will commence at the first point on the grant funding scale for a supervisor, unless the person is working as a CE supervisor on the working day immediately preceding commencement and has been in that role for a 52-week employment contract term or longer, in which case, commencement at a point on the grant funding scale above point 1 may be considered so as not to cause disadvantage.

Funding for a supervisor will commence on Point 1 of the appropriate scale and move by annual increments on the anniversary of the commencement date thereafter, subject to satisfactory performance.

Supervisors (and Assistant Supervisors) who move to another scheme at the behest of the Department or Sponsor will retain their point of scale on a personal basis if the scheme to

which they transfer falls into the lower paid category. If the scheme has the same or more participants, they will retain their point of scale and progress on through the incremental scale.

Where the number of participants on the scheme is reduced below the higher pay scale threshold by DSP, the Supervisor will retain his or her rate at their existing point of the scale on a personal-to-holder basis.

#### **3.4.4 PAYE**

The gross wage payable to a Supervisor is assessable for Income Tax (PAYE) purposes. However, the actual amount payable by a Supervisor will depend on his/her Tax Credit/Standard Rate Cut-Off status.

#### **3.4.5 PRSI/USC**

The Sponsor must pay employers PRSI, at the A1 rate, in respect of the Supervisor. The Supervisor must pay employee PRSI at the A1 rate. This also applies to Assistant Supervisors. Supervisors and Assistant Supervisors are liable for the Universal Social Charge (USC).

#### **3.4.6 Holidays**

A Supervisor qualifies for the statutory holiday entitlement, which is 8% of the hours an employee works in a leave year (but subject to a maximum of 4 working weeks) plus public holidays (see Section 3.2.8). Holidays **must** be taken within the 52-week period of the project. Details can be obtained from the Department of Enterprise, Trade & Employment. Email: [info@enterprise.gov.ie](mailto:info@enterprise.gov.ie)

The Sponsor must make satisfactory arrangements to cover for essential supervisory tasks during periods of Supervisors annual leave and in respect of any time off in lieu. DSP will not provide additional funding towards any allowance granted to a participant who is temporarily acting as a Supervisor in such instances. The DSP Officer dealing with the project should be informed of a Supervisors holiday and time off in lieu arrangements.

CE Supervisors have an entitlement to pay in lieu of any untaken holidays on cessation of their CE employment under [Section 23 of the Organisation of Working Time Act 1997](#), (as amended) similar to other workers.

See Section 3.2.8 regarding Public Holiday entitlement, which also applies to Supervisors. Please note that a Supervisors "working day" under [S.I. 475 of 1997](#), Organisation of Working Time (Determination of Pay for Holidays) Regulations, 1997, allows for one fifth of the working week as public holiday benefit, and pro-rata that for lesser weekly hours worked.

#### **3.4.7 Sick Leave**

DSP will provide grant support for up to 15 days certified and 4 days uncertified for any full-time supervisor during the 52-week project period - the certified sick leave is in respect of the 5 days worked each week and does not apply to the 2 days off. Work sharing/part-time supervisor sick leave will be on a pro-rata basis to that of a full-time supervisor.

Where the supervisor is paid Illness Benefit (IB) in addition to their wages during this 15-day period the rate of IB paid must be repaid by the supervisor to the sponsor and in turn repaid to the Department.

**DSP will allow a Sponsor to claim a grant towards the additional wages paid to an existing Assistant Supervisor/participant who meets the supervisor qualifying criteria and acts for a Supervisor on long-term (3 months or more) sick leave.**

### **3.4.8 Maternity Leave**

For details on Maternity leave for Supervisors and participants see Section 3.2.13 above.

DSP will allow a Sponsor to claim a grant towards the additional wages paid to an existing Assistant Supervisor/participant who meets the supervisor qualifying criteria and acts for a Supervisor on Maternity leave. The maximum level of grant aid will be the difference between the participants gross wage and the relevant DSP supervisor rate payable in this case. **DSP cannot provide grant support for any payments which you choose to make as a Sponsor to a Supervisor while absent.**

### **3.4.9 Adoptive Leave/Paternity Leave/Parental Leave/Carers Leave**

DSP will allow a Sponsor to claim a grant towards the additional wages paid to an existing Assistant Supervisor/participant who meets the supervisor qualifying criteria and acts for a Supervisor on any of the above types of leave. The maximum level of grant aid will be the difference between the participants gross wage and the relevant DSP supervisor rate payable in this case. **DSP cannot provide grant support for any payments which you choose to make as a Sponsor to a Supervisor while absent.**

### **3.4.10 Equality of Opportunity**

The Sponsor must comply with all legislative provisions in relation to Employment Equality and ensure that at recruitment and operational stages of the project no act is committed which could constitute direct or indirect discrimination, which will be in contravention of the Employment Equality Legislation.

### **3.4.11 Health & Safety and other Labour Legislation**

The Sponsor is responsible for ensuring that all health and safety requirements and other Labour Legislation are adhered to. Information on related issues can be obtained from the Health & Safety Authority, [www.hsa.ie](http://www.hsa.ie). The Department of Enterprise, Trade & Employment or [info@enterprise.gov.ie](mailto:info@enterprise.gov.ie) will inform you of other relevant legislation and its sources.

### **3.4.12 Supervisors/Participants Vehicle Insurance**

Where an agreement has been made between a Sponsor and the project Supervisor/participant that the Supervisor/participant may use their vehicle to carry out their approved project-related duties, it is imperative that the Supervisor/participant inform their

insurers that they are using their vehicle for business purposes and have their vehicle insurance policy adjusted accordingly (Motor Contingency letter). It is the responsibility of the Community Employment Sponsor to ensure that this is done.

### **3.4.13 Supervisors/Travel & Subsistence**

Travel and subsistence by the CE supervisor / assistant supervisor, which is necessary for the operation of the scheme, may be payable in respect of vouched and receipted expenditure as determined by DSP and in line with the requirements of DPER Circular 13/2014. Any such claim should include the following details:

- The name and address of the employee.
- The date of the journey.
- The reason for the journey.
- The distance travelled in kilometres.
- The starting point, destination and finishing point of the journey.
- Original expenses receipts must be retained on file for inspection.
- Please note the retention period for such travel records is 6 years after the end of the tax year to which the records refer.

### **3.4.14 Supervisors: Membership of Public and Statutory Bodies**

Supervisors who are also members of Public and Statutory Bodies may apply to the Sponsor for time off to attend meetings. Requests should be made in writing, giving relevant details.

Staff members, depending on the demands of their job at the time of the request, will be eligible for up to **5** days leave **without pay** in the project year.

Public and Statutory Bodies considered under this procedure are:

- County Councils
- ETBs
- Health Service Executive and similar public and statutory bodies.

### **3.4.15 Supervisors: Employee (Union) Representatives**

#### **Time off During Work**

Employee representatives may be granted time off with basic pay to undertake routine duties arising from their position. Time off to attend union duties is at the discretion of the Sponsor and is contingent upon service needs being met. Requests for such leave will not be unreasonably withheld. The Workplace Relations Commission should be used for guidance.

#### **Special Leave with Pay**

Special leave with pay may be granted to non-full-time representatives to attend conferences/meetings who are duly authorised in writing by the Sponsor to attend such meetings. The following time limits apply:

- **Association / Union Meetings**
  - Annual delegate conferences: 2 days per annum
  - Special delegate conferences: 1 day per annum
  - National Executive meetings: 20 days per annum (excludes Branch Executive / Committee Meetings, and it also excludes meetings of sub-committees etc. of the National Executive)
  
- **Conference of the Irish Congress of Trade Unions**
  - Annual conferences and special delegate conferences: No Limit

The granting of time off during work and special leave as outlined above should be extended to time necessarily spent travelling to and from the meeting in question. The granting of such leave is also subject to the representatives Sponsors ability to release the representative, having regard, to the exigencies of work.

In relation to special leave with pay, a representative will have to submit a written application for the leave to the Sponsor, giving details of the purpose for which the leave is sought and other relevant information at least **two weeks** (except in exceptional circumstances) before the date on which the leave is due to commence.

The Code of Practice determining the parameters for employers and employee representatives is under S.I No. 169 of 1993, cited as the Industrial Relations Act 1990, Code of Practice on Employee Representatives (Declaration) Order 1993 and is detailed in the booklet "[Duties and responsibilities of employee representatives and the protection and facilities afforded them by employers](#)".

### **3.5 Responsibilities of the Sponsor**

**The Sponsor organisation is the legal employer of the CE Supervisor and the participants.**

As the employer, the Sponsor should be fully aware of all relevant legislation and be committed to fully implementing its spirit and letter at all times (see [www.enterprise.gov.ie](http://www.enterprise.gov.ie)). All positions must be open to all and the project should have a written equal opportunities policy.

#### **3.5.1 Code of Practice**

As part of the Induction process, new participants to the project must be made aware of policies and procedures (See [www.workplacerelations.ie](http://www.workplacerelations.ie)).to include the following

- Grievances
- Discipline
- Sexual Harassment (see [Code of Practice on Sexual Harassment and Harassment at Work](#))

### 3.5.2 Union Membership

Union membership is entirely a matter for individual participants. Project Sponsors should facilitate access to trade union membership by participants where this is their expressed wish. Trade Union membership is not a condition for approval or re-approval of projects.

### 3.5.3 Computer Usage Policies/Data Protection

The Sponsor is responsible for having in place adequate computer usage and data protection policies to prevent misuse or abuse of the project computer facilities or loss/misuse of data. The policies should as a minimum cover the following headings:

- Computer Acceptable Usage Policy
- Email Acceptable Usage Policy
- Internet Acceptable Usage Policy
- Information Security Policy (ILP, etc.)
- General Data Protection Policy

### 3.6 Social Welfare Overpayment and Debt Recovery

Where a person commencing CE has an outstanding debt arising from an overpayment of a DSP *social welfare payment* (**N.B not an overpayment from CE**), it is the responsibility of the original payment section to ensure that the person is engaging **directly** with the Department to repay the debt (i.e. **not** via the CE Sponsor), as per Section 3.8 of the [Overpayment Recovery Guidelines on the Recovery of Debt](#).

The Central Overpayments and Debt Management Unit (CODMU) of DSP is responsible for coordinating the implementation of the debt recovery strategy in the Department and for monitoring the operation of the strategy.

The Department uses the Debt & Receipts Accounting System (DRAS) system to trace all debts owed and any transactions made in respect of those debts. DRAS is also the system through which the Department reports its overpayments to its annual accounts.

**For these reasons it is crucial that all overpayments raised and all recoveries in respect of debts are recorded on the DRAS system.**

# Community Employment – Procedures Manual

## Chapter 4 – TRAINING & DEVELOPMENT

### 4.0 Introduction

All eligible CE participants can avail of up to one year on the programme. The duration of participation can be extended, on approval by the Department, by up to 2 more years (up to 3 years if linked Disability payment) if the participant is working towards a major award/industry recognised equivalent to support progression to employment. During their time on CE, participants are given access to training and development opportunities and supported with addressing any barriers to employment, including literacy and numeracy needs, in order to maximise progression opportunities.

### 4.1 Participant Development in Community Employment

Participant development is the central feature of Community Employment. This includes development opportunities provided through the scheme work programme and through education and training provided under the Participant Development Grant. All participant activities and achievements are recorded on the CE Individual Learner Plan (ILP) on Welfare Partners.

The following stages should be addressed in progressing participant development:

- Participant Induction and Support: this includes participant briefings: guidance: career planning: training, and other development opportunities needed to support progression.
- Planning Learning Activities: this involves the identification of individual training needs: the identification of training Provider(s) and the procurement of training delivery
- Programme and Learning Reviews: this involves the completion of quarterly programme and learning reviews with individual participants
- Reporting to DSP on progress and outcomes through the ILP Welfare Partners IT system
- Engaging with DSP in all programme and training monitoring procedures

#### **DSP staff will be directly responsible for the following areas in relation to Community Employment:**

- Approval of the Participant Individual Learner Plan (ILP)
- Monitoring of implementation of the ILP
- Ensuring the appropriate drawdown and use of the training budget, as per the DSP procurement guidelines
- Approve training requests in line with the participants career plan as per the individuals ILP
- Undertake a minimum of one Training & Programme monitoring inspection per project year
- Ensuring qualifications, placement and progression statistics are up to date and correct



## 4.2 Quality and Qualifications (QQI) Regulations

Under the Qualifications and Quality Assurance (Education and Training) Act 2012 (as amended) and as part of the quality assured accredited training providers must adhere to the [Quality and Qualifications Ireland](#) (QQI) Awards Councils (formerly FETAC: HETAC) procedures. Please consult the [QQI website](#) for details of the Awards available under the National Framework of Qualifications (NFQ).

Useful links include

- <http://qsearch.qqi.ie>  
Searchable listing of all 1991 QQI awards offered
- <https://irq.ie/search/providers>  
Searchable listing of providers which also sets out the programmes that this provider can offer (which lead to QQI awards)
- The site at [www.qualifax.ie](http://www.qualifax.ie) is also a comprehensive database of course information targeted at learners and their guidance personnel. It includes all programmes and courses including QQI and other providers in Ireland and further afield. Part-time, full-time, etc. are also included in this database

## 4.3 Participant Development: Individual Learner Plan

**A key objective of Community Employment involves the provision of development opportunities for participants to assist them to secure job placement and progression opportunities after Community Employment.** These guidelines refer explicitly to such participants. In all Community Employment schemes, the Sponsor is required to provide structured development and training opportunities for each participant on the scheme, based on the daily work plan and approved training activities. This process requires the preparation of an ILP for each participant. The planning, development, management, delivery and review of the plans are part of the day-to-day responsibilities of the Supervisor, acting on behalf of the Sponsor, as per the ILP Operational Guidelines.

The needs of each participant emerge from an analysis of training needs undertaken by the Supervisor, through job analysis and informal and formal one-to-one discussions with each participant. Having identified the individuals development/training needs, the Supervisor records the details in the participants ILP of training to be undertaken: the training provider(s), the training costs: the training schedule, and details of expected outcomes, including accreditation details. This request must be submitted to the DSP Officer for approval through Welfare Partners.

DSP staff have overall responsibility for approval of training activities and ensuring the participant Individual Learner Plan procedures are adhered to by the Sponsoring Organisation. **Please refer to the Community Employment Individual Learner Plan Operational Guidelines – Working with the Learner and Guide to Documentation for further information which can be found [here](#) on gov.ie.** The development and training undertaken

by each participant must be recorded in the format as laid down in the Individual Learner Plan documentation. The Supervisor (on behalf of the Sponsor) must submit the training request to the Officer noting the training details: proposed costs and training provider. No training should be commissioned prior to DSP approval. All training requests are processed through the WelfarePartners IT system.

For a Scheme to be eligible for the DSP Participant Development Grants, the Sponsor must also comply with the following:

- The Supervisor must develop an Individual Learner Plan for each participant which he/she manages and ensures its implementation.
- The Supervisor (on behalf of the Sponsor) must submit the proposed training activities to DSP for approval as soon as the ILP process has commenced with each participant on the project.
- Adhere to DSP training and programme monitoring procedures.
- Plan, procure and ensure the delivery of the approved training activities in accordance with DSP procedures

**Failure to operate the ILP in accordance with the guidelines and agreed procedures will result in the supervisory grant being reduced to the non-developmental pay scale until such time as the ILP is being operated correctly.**

**Continued/persistent failure to operate the ILP in accordance with the guidelines and agreed procedures may result in the non-renewal of the Scheme contract.**

The Participant Development Grant, which is calculated on the basis of a grant per place per annum, is available for all participants

The Supervisor will identify the development and training needs of each participant on the project. This identification of needs is based on:

- The skills required by the participant to carry out the duties/role that has been assigned to the individual on the scheme
- The participants personal development and career planning needs and goals
- The participants progression options, including the achievement of relevant QQI Awards, (Major and Minor) and other industry-recognised certification, to assist the participant in seeking full-time employment after completing Community Employment.

The above are incorporated into the participants Individual Learner Plan.

The Supervisor is required to source and cost the relevant development for the participants on the scheme (as per the procurement guidelines below), and to agree the delivery dates with selected training provider(s). This information will also be included in the ILP. When all of the necessary details have been recorded regarding each participants development, the planned ILP activities should be submitted by the Supervisor to DSP for approval through the Welfare Partners IT system.

**Once the Plan has been agreed it should be submitted immediately by the Supervisor to DSP for approval using the Welfare Partners IT system.**

The ILP records must be maintained on file on the project showing:

- How each Participants Plan was devised, and
- How each element of development and training in the plan will be organised and scheduled. This should include a record of:
  - Training approved and completed.
  - Minor and Major Awards to be achieved.
  - Industry-certified awards to be achieved.
  - Exit and progression planning.

The ILP will record how participants will be provided with development within the project. This includes:

- Mandatory training, including Health & Safety-related training (e.g. Manual Handling, Occupational First Aid)
- Job-Related Training (Skills required to do the assigned job)
- Specific Skills Training leading to recognised qualifications

Training should address both personal and future job-related skill needs of participants as per their career plan and the specific job/work-related skills required for the project.

- Sponsors should note that DSP expect all Plans to identify and detail training/education opportunities to be provided for participants in areas which do not relate necessarily to the work they carry out on the project but is project related.
- The completion of Minor Awards leading to the achievement of a Major Award is a key objective
- Training should be clearly planned and lead towards the achievement of a Major Award
- Sponsors are required to use the Participant Development Grant funds available from DSP as a resource to provide incremental training to participants leading to Awards on the NFQ or industry recognised equivalent

Each Sponsor is obliged to train participants in the essential skills of the job. This includes job-specific and technical skills, which may or may not be project related. Training should also include Induction, Team Meetings and Personal/Employment needs, e.g. personal development, planning skills and job search skills, etc. Skills training can be delivered to participants using a variety of training methodologies, which include:

- Coaching/mentoring (one-to-ones)
- Demonstrations and talks
- Supervised practice
- Work experience – internal and external

## **Job-Related Training**

Job-related training specifically means training necessary to do the job a participant has been assigned to and as recorded in the ILP. This includes mandatory training such as Health and Safety: Manual Handling etc. In general, participants carry out this training **in working time** unless this directly conflicts with work commitments, e.g. working in a crèche that has to maintain certain ratios of staff to children. In this instance, the participant and supervisor must come to a mutually agreed solution (**in writing**) in advance of the submission to DSP for approval and the training commencing as to the proportion of working time to own time for that particular piece of training.

## **Specific Skills Training**

Specific Skills Training undertaken throughout the project and identified in the Training Plan should link to the potential for employment after the project. This involves the participant, in consultation with the supervisor, sourcing and undertaking identified and approved training/education opportunities. Participants will generally carry out this training **in their own time** unless the participant and supervisor come to a mutually agreed solution (**in writing**) in advance of the submission to DSP for approval and the training commencing as to the proportion of working time to own time for that particular piece of training.

## **Work Experience.**

It is recommended that a period of internal and external work experience of up to 6 weeks duration, over the duration of participation and as approved by DSP should be built into the programme at appropriate times in line with the participants occupational skills development and progression goals. (See Section 2.2.2 for details of insurance cover).

## **Individual Learner Plan – Activities Submitted**

Activities will be submitted by the Supervisor online via the ILP system. Each activity will be carefully examined and assessed by DSP and any queries arising will be returned to the Supervisor for clarification. The Plan should be examined under the following headings: -

### **a) Content:**

- Does the proposed development match the profile of the participant and their potential for improving employment prospects/career options?
- Is it relevant to the Project and the participants needs? Does it progress the individuals development?
- Does the nature and variety of options chosen indicate adequate consultation with the participant?
- Is the Job Title: Job Description Career Goal present and linked to the training activity requested? If not, **return** the activity back to the Supervisor for review/amendment.
- Is the Training Type and Certifying Body/industry standard recorded correctly?
- Is the Award level and Type (Major/Minor/Supplemental/Special Purpose/ Industry standard (non-QQI) recorded correctly?

- Does the Module Award title match the QQI code?
- If inputted from drop down menu/cut and paste option/manual input – is the data correctly recorded and matched to the request?
- Are the ILP procedures followed correctly?

**b) Training Providers (Procurement):**

- The DSP Procurement Guidelines must be followed for all training activities
- Is the Trainer from an accredited training Provider? See Section 4.3.3.4 below for a link to the QQI list of eligible trainers under [Registered Providers](#) and 4.3.3.8 for lists of ineligible trainers
- Is anyone accredited person or Provider getting a large volume of business? If so, check relationship/validity/procurement issues.
- Are the ILP procedures followed correctly?

**c) Cost:**

- In following the training procurement procedures, look at each cost. Is it the cost per person or a group basis? Does the proposal represent value for money?
- Is any participant being allocated a disproportionate amount of the participant development grant?
- Where a Supervisor is providing development, this must be on a **no-cost** basis. Material costs can be claimed, if reasonable.
- Are the ILP procedures followed correctly?

**d) Development Time:**

- Are the times allocated for each session/topic/planned experience appropriate to the training objectives?
- Learning supports need to be built into the Plan, where required

**e) Certification/Assessment:**

- Do **not** approve non-certified courses where a certified alternative is available. QQI-certified training is recommended but in some cases certification to industry standards may be a relevant option.
- What is the status of such certification? Is it nationally/internationally accredited?
- **Certificates of attendance/completion are not permitted and have no currency**

**4.3.1 Guidelines – Individual Learner Plans**

Please refer to the Individual learner Plan Operational Guidelines: Working with the Learner and Guide to the ILP Documentation, available [here](#) on gov.ie (scroll down to locate the documents) **for specific details.**

**4.3.2 Rules and Regulations**

In any workforce there needs to be provision made for employee development. In Community Employment this is achieved through the Participant Development Grant and the Individual Learner Plan system.

## 4.4 Participant Development Grant

All Participant Development Grants are conditional upon satisfactory submission and approval of the Individual Learner Plans by DSP.

Each project fulfilling the above conditions is eligible for a Grant which is allocated in respect of all approved places on a “per-place, per annum” basis. Any proposed expenditure is approved on a year by year basis by DSP in line with the Scheme contract. The amount/allocation of the training grant is advised on an annual basis [directly by the DSP Division](#).

Any proposed training that causes the annual grant amount per place to be exceeded must be approved by the DSP Officer (HEO/CDO, whether it is due to participants cumulative costs (for the project year) exceeding the annual per place grant amount, or a single piece of training that costs in excess of the annual per place grant amount.

### 4.4.1 Procurement of Training

***N.B.: See [Appendix 6: Procedure for Procuring Training available here on gov.ie](#) (scroll down to locate the document: 06 Appendix Procedures for Procuring Training on CE)***

**Training should be procured, in the first instance, from the local Education and Training Boards (ETBs) as part of overall provision at low or no cost to the Scheme.**

#### Choosing a trainer

- For QQI accredited modules/Awards, the trainer can be sourced on the QQI website from their list of [Registered Providers](#). The scheme must be able to show the training provider was chosen in a fair and equitable manner, as per the procurement procedures. Trainers must be verifiably qualified to deliver the training programmes.
- Funding provided by DSP for training courses is only available for courses undertaken on the island of Ireland.

#### Value for Money

- It is the responsibility of the scheme to ensure that training is procured at the best price and value for money has been achieved.
- Where a scheme wishes to select a Trainer that is not the lowest priced, the scheme must notify the DSP Officer seeking approval of same and detail the rationale for selection.

#### Quotations

- Where the total cost of the training exceeds €500, one written quotation is required.
- Where the total cost of the training, or payments to one particular trainer in one year, exceeds €1,000, two written quotations are required.
- Where the total cost of the training, or payments to one particular trainer in one year, exceeds €5,000, three written quotations are required. Prior written approval must also be sought in these instances.

These values are not “per person” specifically, but the total cost of delivering the desired module/course to one or more participants, e.g., if 10 participants want to do a specific course and it costs €120 per person, then two written quotes would need to be obtained as the value exceeds €1,000. **Where quotes are required, they must be retained for inspection by DSP.**

### **Invoices for Training**

The Scheme should request that all invoices from their suppliers meet the following criteria in compliance with Revenue requirements.

- Name, address, email address/website and contact telephone number of the Trainer.
- PPS No., Tax Registration No. of the Trainer
- Name and address of the Scheme to whom the training was supplied.
- Date of issue of the Invoice.
- Invoice Number – sequential number, based on one or more series, which uniquely identifies the Invoice.
- The details of the training delivered, including a breakdown of costs.
- The date(s) and time(s) on which the training was delivered.
- The Total Amount of Invoice

#### **4.4.2 Training Expenditure**

All expenditure must be accounted and vouched for by way of receipts/receipted. Invoices are to be held on file by the Project and made available to DSP upon request. The following conditions will apply to the above grant elements:

- All expenditure must be in accordance with the Individual Learner Plans agreed with DSP. Any change in an Individual Learner Plan must receive prior approval by DSP.
- All expenditure must be limited to:
  - A training fee which is paid to the 3<sup>rd</sup> party trainer hired to deliver/provide development. This is to facilitate the use of local resources.
  - Travel and subsistence towards the cost of attending training at an external location as long as it does not exceed the rates per person, per day, and is in respect of vouched and receipted expenditure as determined from time to time by DSP. Any such claim should include the following details:
    - The name and address of the employee
    - The date of the journey
    - The reason for the journey
    - The distance travelled in kilometres
    - The starting point, destination and finishing point of the journey
    - The basis for the reimbursement of the travel expenses (e.g. temporary absence from normal place of work to attend training course)
    - Original expenses receipts must be retained on file for inspection

\*Please note the retention period for such travel records is 6 years after the end of the tax year to which the records refer

Public transport where available must be used. In cases where public transport is not available, the use of private transport may be allowed - subject to approval by the Sponsor. The maximum allowable for such transport will be as determined by DSP from time to time.

**N.B. Community Employment participants are exempt from having to pay “Certification Fees” associated with QQI qualifications at NFQ Levels 1 to 4. If participants have a medical card, they are also exempt from QQI Certification Fees for awards at NFQ Levels 5 and 6. Please ensure with Training Providers that this is not being charged.**

#### **4.4.3 Accredited Training**

It is a requirement that all training delivered must lead to nationally accredited awards. In circumstances where the accredited option is not available, training to recognised industry-standards may be submitted for approval. In all cases, evidence of procurement procedures must demonstrate that such training is effective and focused on value for money.

Given the profile of participants on CE, only programmes accredited up to and including Level 6 in the National Framework of Qualifications (NFQ) will be funded. This is in line with the stated target group for Community Employment of long term unemployed with low educational qualifications and the many disadvantaged groups with similar characteristics.

**Any training leading to awards at higher levels (NFQ 7 or higher) require the approval of the Community Services Manager (i.e. Assistant Principal or higher).**

All [training providers](#) that can deliver and process nationally accredited certification under the NFQ are listed under QQI [Registered Providers](#), see [Section 4.3.3.7 below](#).

Access to the **Springboard Programme** which provides access to 3<sup>rd</sup> level courses without incurring fees is now available to CE participants, once the criteria are satisfied and approved by an Employment Services Case Officer. The CE Supervisor will follow the ILP process and on reaching agreement with the CE participant on the course choice, the CE Supervisor should refer the participant to the appropriate Employment Services Officer or Job Facilitator.

In addition, there are other nationally accredited Awards such as the Driving Licence, and other awards that are formally mapped to the National Framework of Qualifications (these include some City & Guilds and professional qualifications). The training provider can provide further details on accreditation available.

Projects with authorised drug rehabilitation places (DRPs) have a concession under the 9-points Revised Conditions of the “Programme Framework for CE Drug Rehabilitation Schemes” (06 October 2015) which is available [here](#) on gov.ie (scroll down to locate the document) to allow up to 30% of ILP activities for DRP participants to be non-accredited, pending periodic review by DSP. This is to address the range of uncertified personal development and rehabilitation activities undertaken.



**Certificates of Attendance/Completion have no value or currency.** Training that does not offer a nationally recognised/accredited award (with the exception of statutory-based, non-accredited training such as Safe Pass: Manual Handling) should be declined under the ILP system with the exceptions as noted above for DRP clients.

#### **4.4.4 Eligible trainers:**

- All [training providers](#) that can deliver and process nationally accredited certification under the NFQ.

#### **4.4.5 Ineligible Trainers:**

The Sponsor cannot hire/contract with the following for the purpose of Development/Training delivered under this CE training grant, nor make a payment to:

- any project Supervisor:
- any member of the Sponsor committee/sub-committee:
- any staff member of the Sponsor organisation:
- any project participant, while they are under contract on the Project.

It should be noted that:

- The provider supplying training for the project participants is responsible for his/her own tax returns.
- The provision of training room/facilities by the Sponsor for in-house training is not claimable under the training grant.

A record of all development provided by the project must be kept in the format required by DSP (i.e. the ILP system – hardcopies and online records). DSP reserves the right to request and inspect such records at any time. The Sponsor is obliged to submit records when requested for DSP inspection.

#### **4.4.6 Conditions**

These “Rules and Regulations” govern the operation of the Individual Learner Plan. DSP reserve the right to amend/update these rules and regulations at any stage throughout the programme.

**Each Community Employment project will, as an absolute condition of Project funding approval, submit participant Individual Learner Plans. The Supervisor, on behalf of the Sponsor, must submit the Individual Learner Plans to DSP. DSP must agree with and approve the Individual Learner Plans.**

#### **4.4.7 Insurance Cover for Training/Development Modules**

All insurance contracts must allow for mobility between the organisations participating in the schemes, whether or not it is anticipated this will happen.

In respect of the training modules, the Insurers must have agreed to provide cover for the liability of the Sponsor in respect of such training carried out for or by any supervisor or employee of any scheme but only to the extent of the existing terms, conditions and limitations of the Policy and certificate. Where training is carried out by a company, organisation or person outside the project, insurance should be provided by such company, organisation or person. A copy of this must be made available upon request.

Furthermore, any participant engaged in *external* work experience will be covered under the host employer organisations Employers Liability (EL) insurance. There is no additional insurance cost to the host employer of having a CE participant engaged on work experience on their premises. Sponsors should confirm with the host employer that they have Employers Liability insurance cover before any placement commences.

#### **4.4.8 Re-engaged Participants**

Where a Participant is re-engaged for a second or third year on CE they are to continue with their (updated) Individual Learner Plan as agreed. This will enhance the training provided on the participants first year in Community Employment. The training provided should be specifically targeted at supporting the progression of the participant into full time employment/training/education.

#### **4.4.9 Role of the Participant Development Officer (PDO)**

Each project must designate a member of the Project Management Committee to fulfil the role of the Participant Development Officer (PDO). This person should be nominated by the Sponsoring Committee and be assigned the following tasks:

- Be responsible within the Committee for the Participant Individual Learner Plans:
- Give full support to the Supervisor in the identification, preparation, procurement and delivery of all relevant training modules as outlined in the Individual Learner Plans, leading to recognised qualifications:
- Liaise with the Supervisor on all development and training matters:
- Be the contact person from the Sponsor Group with DSP in matters relating to the Individual Learner Plans:
- Keep the other members of the Sponsor group up to date on the progress of the Individual Learner Plans:
- Support the Supervisor in progressing participants to further work and learning opportunities.

#### **4.4.10 Monitoring and Recording of Participant Development**

The Department of Social Protection (DSP) undertakes periodic Programme & Training Monitoring inspections of all Community Services funded schemes in accordance with standard procedures.

This inspection will involve monitoring all aspects of training, programme administration, and management. The Sponsor must show evidence of programme delivery, participant career and

progression planning, training leading to Awards, evidence of exit planning and follow-up after CE exit. This should be in line with the project contract targets agreed with DSP.

The following documentation should be available for inspection on the day: -

- Attendance records and Contracts of Employment for all CE participants:
- Weekly work plans or activity plans for participants:
- Evidence of contact with local Employers:
- Evidence of a review of learning for participants:
- CE Application Form for the last completed contract and for the current contract:
- A list of Major Awards achieved by participants for the last completed contract:
- A list of Major and Minor Awards planned in the current contract period:
- Placement detail forms, including late placement forms:
- Exit plans:
- 4-month follow-up records:
- Minutes of Sponsoring Committee Meetings:
- Documentation in relation to procurement of training for participants.

It is important that a member of the Sponsor Group and the Supervisor is available on this day. Part of the monitoring inspection will also involve meeting with 3-4 participants.

The primary purpose of a monitoring inspection is to ascertain compliance with DSP CE Procedures.

In order to achieve this, it is important that the DSP Officer looks for:

- Evidence of programme delivery
- Evidence of Career and Progression Planning
- Evidence of Training provided
- Evidence of exit planning and follow-up.

Each Officer must complete one Training and Programme Monitoring Inspection per scheme per year. **It is important to note that renewal of a scheme is dependent on a scheme achieving compliance during a Training & Programme Monitoring Inspection and a Financial Monitoring Inspection.**

The Programme and Training monitoring inspection will involve meeting with the Sponsor, the Supervisor and a sample of participants on the scheme. Desk preparation should also be undertaken by the Officer before going out on a monitoring inspection (see Chapter 6 Monitoring for further information).

Following a training and programme monitoring inspection the completed monitoring form (available on Stór) should be uploaded onto the BOMI by the Officer.

The CE Policy Unit reserve the right to monitor a sample of CE schemes on an annual basis (schemes will be selected randomly). This is in addition to the requirement of each Officer to carry out one training and programme monitoring inspection per scheme per year. Following

a Policy Unit monitoring inspection, a report of the inspection will be compiled and sent to the relevant AP and Officer.

#### **4.5. Progression for Participants**

With the focus on participant-centred learning and in keeping with the objectives of Community Employment, all efforts must be made to assist participants to **progress to employment or further training**. The rate of progression and placement is established by DSP. Consideration of individual circumstances and external factors, especially availability of job opportunities in the labour market is a factor in placement targets. The role of Community Employment in this regard will be to assist participants to compete more effectively for available opportunities. The Supervisor is obliged to maintain a 4-month follow-up for all participants

There are specific points at which special attention should be given to the employment prospects of the individual, e.g. when planning development and training, when reviewing progress, when approaching the final quarter of the work contract or when the individual decides to explore other options i.e. job offers. DSP Employment Services will, provide:

- Advice, support and periodic inputs for job-seeking information:
- Information on education, training and other development opportunities:

Prior to finishing on CE, unplaced participants should be advised to register with [MyWelfare.ie](https://www.mywelfare.ie)

**Guidance:** The Sponsor is required to ensure the provision of job-focused guidance for participants, as an integral part of participant development under the Individual Learner Plan to access employment and other progression options. Please refer to the ILP Guidelines for further details, including intensive job search and exit planning.

**N.B.: The progression outcomes for participants while on CE and after CE into further education/training and placement into jobs are factors in the assessment of Schemes at contract renewal time.**

**N.B.: The progression outcomes for participants while on CE and after CE into further education/training and placement into jobs are factors in the assessment of Schemes at contract renewal time.**

#### **4.6. Sponsor Briefings**

Briefings will be provided to Sponsors as and when required to assist them in the management and delivery of the project, specifically in participant development, scheme governance, including legislative requirements e.g., scheme administration and controls, financial management and the ongoing development of participants.

# Community Employment – Procedures Manual

## Chapter 5 – ADMINISTRATION AND FINANCE

### 5.0 Introduction

This chapter will assist the Sponsor in correctly completing the necessary grant application forms in a timely manner. It details items that may be claimed, and the amounts involved. It also identifies items that are not allowable under Community Employment support. For further details on financial best practice, please refer to the Financial Guidelines for CE and JI Sponsors available [here](#) on gov.ie (scroll down to locate the document).

### 5.1 Administration and Finance

On receipt of a signed Agreement/Agreement Schedule the Departments Officer will process the application via the IT system. This will allow Participants to be registered on the project.

No payment will be made unless a signed copy of the agreement is available on the IT system. The grant rate payable to the Sponsor for a participant will always be based on the persons Social Welfare scheduled entitlement.

### 5.2 Initial Grant Instalment (Form IG)

The sponsor will be required to pay the participants (employees) on a weekly basis (current week). At the end of each four-week period/cycle, the Sponsor can claim a grant from DSP towards the cost of wages paid over the previous four weeks. Wage grants are therefore paid in arrears and only on submission of the relevant AWS on Welfare Partners.

To assist Sponsors with cash flow prior to the start-up date of the CE Project Voluntary Sector Sponsors can claim an Initial Grant equivalent to eight weeks advance of employee wages. This once-off advance is intended to ease any cash-flow difficulties that may otherwise be encountered in the first weeks of the project and can be used to cover participant wages, Supervisor wages, materials or training expenses. The advance payment will be recouped or "clawed-back" by DSP in instalments over the remaining life of the project.

### 5.3 Claiming the Initial Grant Instalment

An Application for Initial Grant Instalment (Form IG) should be submitted to DSP four weeks in advance of the project start date. The form is available [here](#) on gov.ie (scroll down to locate document titled CEJI Initial Grant Instalment).

To facilitate the payment, DSP must receive:

- A Bank Authorisation Form, detailing the bank account number submitted yearly prior to roll-over.
- The Insurance Checklist, which must be fully completed.

Form IG must be signed by the person responsible for the project (or their named deputy) as shown on the original project Application Form. **A Supervisor may not sign this, or any other claim form.**

#### **5.4 Calculating the Initial Grant Instalment**

Form IG facilitates the calculation of the wage grant advance to be claimed. The calculations will be based on:

- The number of current participants by the rate on the Initial Grant Form:
- The amount to be paid to the Supervisor:

If Form IG is fully and accurately completed, a payment will normally be lodged directly to the projects bank account within 7 to 10 days of receipt of the form by DSP.

On receipt from the Sponsor the Initial Grant (IG) form will be checked to ensure:

- Employers Number is correct:
- Claim Reference Number is correct:
- Insurance Reference Number is in accordance with Certificate:
- Start Date is correct and in accordance with date on system:
- That it is signed by the responsible person from the Sponsor Committee:
- Calculations are based on 8 weeks (see Section 5.2).

[Bank Authorisation Form](#) - The account details should be checked for accuracy and to ensure the form is properly authorised by the Bank. The form should be signed by the same person as on the application form or by a person duly authorised to do so. The signatures of authorised signatories should also be on the form. The Bank details should be inputted together with the Insurance details on the IT system.

#### **5.5 Repayment of the Advance Payment**

The wage grant advance will be repaid as follows:

- On production of Cycle 4, if the initial current number of participants is lower than the number approved, the full advance for the difference between the initial current number and the approved number will be clawed back, i.e. if an advance was paid for 20 participants and only 15 are employed on the project at the end of cycle 3, a deduction equal to the wages of 5 participants for eight weeks will be made from cycle 4 (four weeks in the case of a public sector sponsor).
- The outstanding advance will be recovered as follows:
  - Cycle 10 – 15%
  - Cycle 11 – 15%
  - Cycle 12 – 35%
  - Cycle 13 – 35%

- The amount to be deducted is recorded on the Application for Wages & Supervision (AWS) on Welfare Partners.

With this method of repayment it is important that a check is kept on the advance at all stages to ensure that there is enough in unpaid funding claims to fully recoup the advance. This is especially important if a project is going to close or if the number of participants on the project falls. The level of recoupment required can be adjusted by the Officer if necessary.

## **5.6 Application for Wages and Supervision (AWS)**

### **5.6.1 Prompt Submission of AWS**

In order to manage the project Bank Account and to avoid unnecessary interest charges, the Sponsor should ensure that the procedures outlined below are completed on time. The importance of the submission of accurate and complete AWS funding requests cannot be overstated.

### **5.6.2 AWS**

Details of Participants and Supervisors rates of pay are available on Welfare Partners by way of an AWS which is under the finance tab. The AWS can be generated through Welfare Partners from the Friday of week 1 in the Cycle and this can be done by any member of the Sponsoring Committee and/or the Supervisor. Only a Sponsor can submit the AWS to DSP for approval and payment. The AWS should be submitted after the Cycle period has ended i.e. after the Friday of week 4 in the Cycle. It is possible to submit it early (from Wednesday in week 4) to accommodate holiday periods such as Christmas and Easter.

### **5.6.3 Participant Wage Grant Funding**

Participant wage grant funding may not be used for any other purpose. Any overpayments should be deducted from the next AWS.

### **5.6.4 Supervisor Wage Grant Funding**

Supervisor wage grant funding may not be used for any other purpose.

### **5.6.5 Editing and saving the information**

Once a Participant/Supervisor has been started by DSP their details will appear automatically on the AWS with the correct rate of pay. If you need to change this rate of pay for any reason, this can be done throughout the AWS Cycle prior to submission to DSP. Editing and saving information on the AWS can be done by any member of the Sponsoring Committee and/or the Supervisor however, only a Sponsor can submit the final version of the AWS to DSP. Once the AWS has been submitted, the option to make any further edits will be removed.

The Comments Column on the extreme right is to be used to record the reason for changing the rate of pay from the normal payment amount. There is also an Export option which will export the AWS information into an Excel format which can then be printed if necessary.

### 5.6.6 Submit to DSP

When the AWS is fully completed at the end of each four-week cycle, it should be submitted to DSP. The Submit button will appear in Welfare Partners once the AWS has reached the allocated submission time. It is not possible to submit the AWS to DSP until this button becomes available on the system and only the Sponsor has access to do so. Payment will only be made to projects for participants that have been approved by DSP to commence on the Community Employment project.

Sponsors should be encouraged during the first monitoring inspection (see Chapter 6.1 Monitoring) to submit the AWS promptly on completion of each Cycle. When the AWS is received, DSP will check for the following:

- That the wage rates are the same as those notified to Sponsors:
- That the calculation of the AWS is correct:
- That number of participants does not exceed the number approved:
- That the number claimed for does not exceed the number covered by insurance.

If the AWS is incorrect or incomplete it will be returned to the Sponsor for proper completion. If this happens you will receive a notification through Welfare Partners and the AWS will appear with a status of Incomplete. If the AWS is in order the funding request will be processed for payment.

Sponsors who do not submit their AWS funding requests regularly and on time will be regularly monitored by DSP.

#### **Please note:**

- Payroll expenditure is based on actual attendance: therefore, the AWS must only be submitted by the Sponsor **after** the Period End Date for that AWS Cycle.
- AWS funding requests must **not** be submitted to DSP in advance of the Period End Date displayed on the AWS Cycle.
- DSP staff must **not** process AWS funding requests on the system in advance of the Period End Date on the AWS Cycle unless they have permission to do so (Christmas/Easter periods). Attendance details may need to be confirmed with the Sponsor before processing.

### 5.6.7 Final Payment Cycle 13

Wage grant funding requests properly due to the project will be paid to the Sponsor for each of the 4-week cycles as soon as they are claimed and verified by DSP. The final cycle AWS will not be paid until the End of Project reconciliation (see Chapter 7 – End of Project Reconciliation) is received and accepted by DSP. It is important that Sponsors and their Bank understand this so that the overdraft facilities can be provided during this period, if required. Care should be taken in submitting the final payment calculation to ensure all relevant documentation is included.



## 5.7 Application for Materials Grant

The Materials Grant funded by the Department is a contribution towards the running costs of the scheme. It is expected that the sponsor group will be required to cover any shortfall that arises. In order to maintain a positive cash-flow, claims should be made regularly. Much of the expense of a project is incurred prior to and immediately at the commencement of a project. The Materials Grant is based on claims made by the Sponsor. It can never exceed the amount due, as calculated by reference to the number of participants multiplied by the [grant amount](#) for the number of weeks worked.

The Sponsor will need to plan for the payment of materials so that, as far as possible, the project does not go into overdraft and incur interest charges while awaiting payment of the claim.

Income generated by the project is to be apportioned in accordance with the number of CE employees versus the total number of employees. Income is to be used to reduce the cost of the CE materials claims.

### 5.7.1 Materials Claimable

All consumable services and materials necessary for the effective operation of the project will normally be considered including such items as Employers and Public Liability Insurances, tools, stationery, audit fees (up to a maximum of €1,500) bank charges (excluding bank interest), postage, protective clothing, hire of equipment, Participants Employers PRSI etc.

For materials to be allowable (other than insurance and audit fees), they must be for the use of, or by, the participants and/or Supervisor and **specifically relate to the tasks approved for the project** as per the Agreement Contract and Project Plan, except with the specific, written approval of DSP. Where there are shared facilities an apportionment policy should be in place for example for utility bills and this must be agreed with the Departments Divisional Management. Materials/services must be paid for **before** being claimed, and a receipt/receipted invoice must have been obtained from the supplier. The choice of supplier should be based on value for money principles and alternative quotes sought for larger orders in line with best procurement practice. Where suppliers offer incentives such as "free" gifts, the sponsor should request a price reduction instead. The Materials Grant process requires that the Sponsor list **all** the items being claimed for, and that all original documentation relating to these claims be kept on file for audit purposes.

Sponsors should be encouraged, as far as practicable, to submit claims for materials acquired, on the same cycle as wages. Materials can only be claimed in respect of the expenditure incurred within the dates of the current contract.

Material Grant Requests when received by DSP will be checked to ensure that the items claimed are allowable and that they relate to the project (scroll down to locate the Materials Funding Request Form available [here](#) on gov.ie). Claims for capital items should be dealt with in accordance with Paragraph 5.7.4.

### 5.7.2 Invoice Criteria

All invoices received by the Scheme must meet the following criteria: -

- Name, address and contact telephone number of the Supplier of the goods or services.
- PPS No., Tax Registration No. or VAT No. of the Supplier (If VAT is being charged).
- Name and address of the Scheme to whom the goods or services were supplied.
- Date of issue of the invoice.
- Invoice Number – sequential number, based on one or more series, which uniquely identifies the invoice.
- The quantity and nature of the goods supplied, or the extent and nature of the services rendered, including a unit price per goods or services.
- The date on which the goods or services were supplied.
- The Total Amount Due (including a breakdown of VAT, if applicable).

The Scheme should request that all invoices from their suppliers meet the criteria above in line with Revenue requirements.

### 5.7.3 Direct Debits

Direct Debits (DD) are allowed on a Schemes Bank Account for **Utility Bills only**. Utility Bills are defined as follows:

- Electricity Bill.
- Gas Heating Bill.
- Waste Disposal Bill.
- Fixed-line Telephone and Broadband Bill.
- Mobile

The following conditions apply:

- Only the signatories on the Schemes Bank Account can authorise Direct Debits. There must be evidence on file that this is the case, e.g. copy of the direct debit mandate.
- An invoice must be received, checked (queried and challenged with supplier where appropriate) and approved by the Sponsor before payment is charged to the Schemes Bank Account.
- The Direct Debit must be reviewed on an annual basis, in line with the Schemes contract renewal with DSP.
- All other conditions as part of the Procedures Manual, Financial Best Practice Document and Financial Monitoring Guidelines apply.

### 5.7.4 Materials Not Claimable

The following are **not** allowable under Community Employment Materials Claims:

- Rent of Premises, except where acquired with DSP consent and not previously occupied by the Sponsor. From the 1<sup>st</sup> of January 2014 rental costs will not be allowable under CE except if the cost is **exclusively associated** with the participants on the scheme. Where

rent is allowed the following details **must** be supplied before payment can be authorised:

- Landlords full name
- Landlords home address
- Landlords Telephone no./email address
- Landlords PPS No. or Tax Reference Number (issued by Revenue)
- Landlords Tax Compliance Certificate (Copy)
- Agents full name (if applicable)
- Agents address and telephone number (if applicable)

**Please Note:** A copy of the rental agreement must be available for inspection by the Department personnel on monitoring inspections, if requested.

- Rental of existing telephone lines in premises owned by the Sponsor:
- Standing charges for premises already occupied by the Sponsor:
- Travel expenses (other than as agreed with DSP):
- Food and drink:
- Supervision:
- Public Sector Sponsors may not claim rental or lease of their own equipment or premises unless prior permission is obtained from DSP:
- Materials already claimed in full, from another funding body, if applicable.
- Bank interest (unless approved by DSP).

### **5.7.5 Materials Grant Payable**

Where a participant is present for their full or part of their working week, the full amount of the materials grant in respect of that participant will be available to be claimed by the sponsor.

If a participant is absent for the full normal period of work in the relevant week then no materials grant will be reimbursed to the Sponsor by DSP for that week, *except* where the weeks absence is due to the participant availing of annual leave.

### **5.7.6 Capital Items**

#### **Voluntary Sector Sponsors**

Necessary capital items costing up to €100.00 per item may be purchased from the Materials Grant. Capital items costing between €100.00 and €750.00 may also be purchased but a specific register of these purchases must be available for inspection by DSP at all times.

The purchase of any capital items worth more than €750.00 may only be undertaken when its capital cost is more favourable than the possible rental costs over the duration of the project. At least two written quotations must be obtained and forwarded to DSP. **DSP approval must be obtained in writing prior to such purchases being made.** Capital items in excess of €750.00 must also be recorded on the asset register of the project.

No more than one third of the total Materials Grant can be used to fund capital items (i.e. costing €100.00 or more).

The capital register should include as a minimum the following details:

- Asset Number (if applicable)
- Manufacturer Name
- Model Number
- Serial Number
- Purchase Order Number or Invoice Number
- Purchase date
- Purchase cost (inc. VAT)
- Supplier details
- Physical location of Asset
- Asset Custodian
- Funding Source (e.g. DSP CE funding)

If a project closes for whatever reason, DSP reserves the right to determine how capital items purchased in accordance with the above will be disposed of. This may include the redistribution of capital items to other schemes that can utilise such items.

An Asset transfer form should be completed for the transfer of capital from one project to another and it should be checked against the asset register. A copy of this form should be provided to the Departments Officer.

**N.B. Public Bodies (e.g. Local authorities, HSE, etc.) are not allowed to claim for capital items under the Materials Grant.**

## **5.8 Application for Participant Training Grant**

The Participant Development Grant should be claimed on a regular basis. The amount payable will be based on a rate agreed with DSP.

**Note:** The Participant Development Grant form will be checked by the DSP Officer to ensure that it is completed accurately. The limit applying to the grant support payable should be checked each time the form is submitted. The grant support for Participant Development can only be used for this purpose and cannot be used for any item covered under the materials grant.

Training funding must be managed by the Departments Officer to take account of throughput as each participant is eligible for an individual training grant per scheme contract period.

### **5.8.1 Basis for Payment of Fees:**

When procuring training on behalf of the CE scheme, the CE Supervisor should advise training providers that the payment of fees is based on **invoiced costs**. This is in keeping with the current practice in claiming materials.

Training costs will not be reimbursed by the Department to the Sponsor until the training has taken place.

This is to be submitted by the scheme using Welfare Partners. Training Funding requests should be submitted regularly, preferably monthly, but no less frequently than bi-monthly. Please note the following:

- Learner records must be fully updated on the ILP system by the CE supervisor, i.e. actual cost, start date, completion dates and outcomes (as applicable at the time of submission)
- Participant training attendance records must be held by the scheme, be available to support the claimed amounts, and be subject to monitoring by the DSP Officer
- Training that has not been approved on the ILP will not be paid for by the Department
- Inaccurate records will be referred back to the scheme.
- Where the participant does not complete the course, the reasons for the non-completion should be noted by the CE Supervisor and entered on the ILP for the participant on Welfare Partners.
- All records are subject to audit

Proof of payment for invoices submitted for DSP reimbursement must be held on file at the project for monitoring and audit purposes.

### **5.8.2 Tracking and Monitoring:**

In order to ensure value for money, all the information relating to the training activity is subject to monitoring by the DSP Officer. This includes notifications of course cancellation: finished early/drop out or other issues that affect participation and course completion.

### **5.8.3 Criteria for Training Provision on CE**

All training courses procured by a CE Sponsor, including non-fee paying training, are subject to the following criteria:

- a) Training provision must be based on the identification of learner needs and be part of a career plan as agreed with the CE supervisor. This should be informed by opportunities which may arise within the local economy and identified personal goals
- b) **ALL** training, whether paid for or at no cost, including training related to project tasks, must be included and input on the ILP System
- c) All education and training courses approved should have an accredited outcome and/or lead to an award under the National Framework of Qualifications, except in circumstances where essential training is not accredited e.g. Safe Pass
- d) The training provider must be an approved provider under the National Framework of Qualifications (NFQ) or equivalent awarding body.
- e) Training should be procured in the first instance from SOLAS or ETB. **CE participants may have access to SOLAS/ETB courses at no cost.**

- f) Where training is procured) (see [DPER Public Spending Code](#)) at a cost, value for money and transparency in the process must be evident (e.g. evidence of quotations sought). All training procured at a cost must be via a 3<sup>rd</sup> party training provider, i.e. a Sponsor cannot provide the training in-house and charge the cost to DSP. Sponsors can provide in-house training at no charge.
- g) A review of the training provided is to be undertaken by the CE supervisor and the participant. A separate follow up review must be completed with the training provider, as per the existing ILP Guidelines.
- h) Intreo Employment Services records will be automatically updated in accordance with the qualifications achieved once the CE supervisor has updated the ILP.

## **5.9 Maintenance of Financial Records**

All Sponsors are obliged to maintain proper financial records including books of account, records of all payments and receipts, and retain all supporting documentation i.e. receipts/receipted invoices, supplier and bank statements. Records should be kept in such a manner as to provide precise financial details of the project at any point in time (calendar month-based bank reconciliations as are standard).

One bank account must be opened for each project that can be used solely for that project on a rolling year-to-year basis.

DSP officers will carry out monitoring inspections to the project during the course of the year. All financial records must be made available for inspection when requested to do so. Advance notice will be given of a comprehensive financial monitoring or audit inspection in order to afford the Sponsor the opportunity to have the records available for inspection.

Under the Companies Act, 2014, Section 285, as amended by the Companies (Accounting) Act 2017 Company books and records must be retained by the Company Directors for a minimum period of 6 years, plus the current year.

# Community Employment – Procedures Manual

## Chapter 6 – MONITORING

### 6.0 Introduction

This chapter outlines the role of DSP and the Sponsor, in the monitoring of the project.

### 6.1 Monitoring Inspections

DSP staff will conduct monitoring inspections during each contract period of the project. The primary purpose of a monitoring inspection is to ascertain compliance with DSP CE Operating Procedures.

The outcome of the monitoring inspection will form part of the overall assessment of the project at approval stage.

There are two types of monitoring inspection: Training & Programme Monitoring (which can cover all aspects of the project administration including the ILP system) and Financial Monitoring, which focuses on the financial aspects only (scroll down to locate the Financial Guidelines for CE and JI Sponsors [here](#) on gov.ie:).

Scheme renewal is dependent on a scheme achieving compliance both in the Financial Monitoring and in the Training and Programme Monitoring inspection.

The primary purpose of monitoring is to ascertain compliance with DSP CE procedures.

#### 6.1.1 Financial Monitoring Inspections

The Officer should refer to the CE Financial Monitoring Form and Financial Guidelines for CE and JI Sponsors, for guidance on Financial Monitoring inspections.

A minimum of one Financial Monitoring inspection must be undertaken per project year. The recommended time to conduct a financial monitoring is between cycles 6 and 9. This would ensure (a) sufficient transactional activity on the project to enable a review of all of the associated documents enabling a broad overview of records and transactions and (b) give the project sponsor sufficient time to rectify any anomalies prior to the renewal of a further contract.

The CE Financial Monitoring Form should be used to undertake the inspection. The Financial Monitoring Form should be completed for each inspection signed off by the Assistant Principal and uploaded on to the IT system.

If issues of non-compliance are identified these should be notified to the Assistant Principal. The Financial Monitoring follow up letter should be issued to the Sponsor

The Sponsor should ensure that a member of the Sponsor Group, preferably the Treasurer along with the Bookkeeper/Administrator is available on the day of the Financial Monitoring inspection.

The following documents should be available for inspection: -

- Original Monthly Bank Statements
- Monthly Bank Reconciliations
- Receipts Book (detailing, analysing and totalling the income)
- Payments Book (detailing, analysing and totalling the expenditure)
- Payroll Gross to Net Listings along with Online Banking reports
- Payslips
- Revenue PAYE Return Submissions and Acknowledgment of Payment Instruction
- Original Training and Materials Invoices and proof of payment (Copy of Cheque or Online Bank report attached)

### **6.1.2 Programme & Training Monitoring**

**The primary purpose of a monitoring inspection is to ascertain compliance with DSP CE Operating Procedures.**

**The outcome of this monitoring inspection will form part of the overall assessment of the project at approval stage.**

The DSP undertakes Programme & Training Monitoring inspections of all schemes in accordance with standard operating procedures.

A Sponsor will receive notification of a Programme & Training Monitoring inspection. It is important that a member of the Sponsor Group, preferably the PDO is available on the day. Part of the monitoring inspection will involve meeting with 20% (or a maximum of 4) participants and the supervisor. The Sponsor will be advised before the inspection regarding which participants the Officer wishes to meet.

The following documents should be available for inspection:

- Attendance records and Contracts of Employment for all CE participants
- Weekly work plans or activity plans for participants
- Evidence of contact with local Employers
- Evidence of ILP records for participants
- A list of Major Awards/Industry related standards achieved by participants for the last completed contract
- A list of Major and Minor Awards/Industry related standards planned in the current contract period
- Placement detail forms, including late placement forms
- Exit plans
- 4-month follow-up records
- Minutes of Sponsoring Committee Meetings
- Documentation in relation to procurement of training for participants



In order to ensure a successful programme and monitoring inspection the following desk preparation will be undertaken by the Officer before going out on site.

### **Pre-Monitoring Checklist**

- Check the number of participants on the project – approved and actual (print off list)
- Check that each participant has an ILP and if it is up-to-date on the IT SYSTEM
- Check that training is recorded correctly i.e. Award Body, Award Level, Award Title and Code
- Check the last application targets for progression and training against what is recorded and achieved (current year, past year)
- Check the ratio of Participants to Supervisors against what was approved
- Review the relevant ILP screen shots, application for course approvals and outcomes
- Select a minimum of 3 participants (6 for schemes with 30 or more participants) and be familiar with the participants history on the project in preparation for follow-up with them.

### **Note:**

- An Officer should compare ILP screen shot information with information that the Sponsor/Supervisor gives them during the course of the monitoring inspection to ensure consistency. (This includes information on progression into employment)
- The follow-up participant form should be completed for each participant in the selected sample
- The completed Programme and Training monitoring form should be uploaded onto the IT system by the Officer

If issues of non-compliance are identified problems are highlighted during an inspection these should be notified to the Assistant Principal. The Programme and Training Monitoring follow up letter should be issued to the Sponsor.

## **6.2 Sponsor Duties**

It is **essential** that all project records are accurate and up-to-date and that the Supervisor and/or the Sponsor nominee are in a position to clarify any queries that may arise during the monitor.

The Sponsor and Supervisor should use monitoring inspections to seek clarification from the DSP officer on any matters about which they are uncertain or need guidance. Projects should invite a monitoring inspection if they feel that any aspect of their operation (work, administration, personnel, etc.) should be looked at by DSP in order to confirm current practice or suggest alternatives. Any outcome should be confirmed in writing.

Participants must be allowed to meet with DSP Staff or their representatives without the Supervisor or Sponsor representatives present, if requested.

DSP reserves the right, as per the relevant clause of the Community Employment Agreement, to terminate the agreement should the Sponsor fail to operate and administer the Project to

the satisfaction of DSP and in accordance with the specific conditions of said Agreement, e.g. unapproved expenditure, unauthorised re-allocation of funding, use of non-3<sup>rd</sup> party invoices, failure to deliver services as per the Agreement/Project Plan or unresolved non-compliance issues etc.

DSP reserves the right to make unannounced monitoring inspections to the project.

# Community Employment – Procedures Manual

## Chapter 7 – END OF PROJECT RECONCILIATION

### 7.0 Introduction

This chapter outlines the end of project reconciliation procedures that apply to CE. It also covers the preparation of the final payment.

**N.B: The End of Project Reconciliation should not be confused with the Sponsors Annual Financial Statements and Accounts. Annual Financial Statements and Accounts are required to be submitted to the Department and the CRO and must be in compliance with DPER Circular 13/2014 (see section 1.4.1).**

### 7.1 Accountability

An “Auditors Statement” template for the purpose of the end of project reconciliation is available for download from Gov.ie. The completed form should be returned by the Sponsor within six weeks of the project finish date.

At the end of each project the Sponsor must have a record of all financial transactions of the project presented in a coherent manner. These records must be supported by the submission of an independent, professionally certified, “Auditors Statement”.

This must be accompanied by:

- A copy of the Auditors/Accountants practising certificate **OR** their Auditor Registration Number (ARN) for use on the Companies Registration Office website [Auditor lookup](#) facility

The payment for the final 4 weeks (Cycle 13) will be withheld pending receipt of the Auditors Statement and the other required documentation. Should there be any overpayment on the account, this money will be deducted from the amount of the final claim.

The Sponsor is required to submit to DSP any outstanding reports/documentation pertaining to progression from the programme or ILP training completed at the end of the project. These specifically include:

- Signed copy of Annual Training Budget Update sheet printed from Welfare Partners.

Books of account and financial records must be retained by the Sponsor for a minimum of **six** years (plus the current financial years records).

### 7.2 Reconciliation

The financial records, together with the Auditors Statement (which includes an Income and Expenditure Statement Form), should be submitted by the Sponsor to the auditor for

completion as soon as the project finishes. This will facilitate the early preparation of the Auditors Statement of Income and Expenditure.

CE Income and Expenditure must be shown as separate items on the companys Annual Financial Statements and Accounts. It is the Sponsors responsibility to administer the project correctly. Inputting of deliberately incorrect or misleading information may result in the closure of the scheme.

Upon receipt of the Auditors Statement, the Chairperson must approve and sign the completed audited Income and Expenditure Statement before forwarding to DSP. The Department will only release the last project payment on receipt of the audited statement. Failure to submit an audited statement within a reasonable period may delay the start-up of future projects or result in suspended payments on existing projects or termination of contract.

### **7.3 Who Can Sign/Undertake Audits?**

A professionally certified accountant/auditor\* with a valid practising certificate who is a member of any of the following Accountancy Bodies:

- Association of Chartered Certified Accountants (ACCA)
- Institute of Certified Public Accountants in Ireland (ICPAI): (aka CPA)
- Institute of Chartered Accountants in Ireland (ICAI)
- Institute of Chartered Accountants in England and Wales (ICAEW)
- Institute of Chartered Accountants in Scotland (ICAS)

**N.B. The Auditor cannot be a director or employee of the company being audited, or a family member, partner or employee of a director of the company.**

\*Under Companies legislation (primary and secondary) and S.I. No. 220 of 2010, A Statutory Auditor or Statutory Audit Firm within the meaning of the European Communities (Statutory Audits) (Directive 2006/43/EC) Regulations 2010 (as amended)

The annual statutory Audit (Annual Financial Statements and Accounts) for the Companies Registration Office (CRO) should be performed and signed off by the same Auditor/Accountant signing the DSP-required Auditors Statement.

### **7.4 The Auditors Statement**

The exact dates of the project and the project reference number must be stated on the Auditors Statement. Funding from DSP as shown on the audit statement must agree with payments made by DSP. The statement must be signed by:

- In the case of Public Bodies - The Finance Officer/CFO
- In the case of Voluntary Organisations - The statutory Auditor (as defined above)

### **7.5 DSP Right of Access to Audited Accounts of CE Sponsor**

DSP reserves the right to inspect and retain the audited accounts of any entity engaged in Sponsoring CE.

## **7.6 Final Payment**

### **7.6.1 Auditors Statement Form**

The Auditors Statement should be completed in full and checked by the Officer to ensure the following:

- That the statement is signed by both the Auditor/Finance Officer and Sponsor Chairperson and Treasurer
- That the claim number is correct
- That the dates on the Auditors Statement form agree with the Project dates. If dates do not agree they must be queried
- That the statement is stamped on pages 1 to 4 by the Auditor/Finance Officer
- The Auditors/Accountants practising certificate or their Registration Number is included

### **7.6.2 Calculation of Final Payment**

The calculation of the final payment allows for the reconciliation of all payments due or recoverable. Until the Final Payment is prepared, approved and paid, the project remains "**unfinished**". The Final Payment calculation is subject to inspection by DSP Internal Audit, and the Comptroller and Auditor General.

To calculate the final payment, DSP will complete a Progress/Final Payment Form to be used in conjunction with the returned and completed Auditors Statement Form.

#### **Note:**

a) If there is an advance outstanding on the Audit Cycle (usually Cycle 13) the officer must ensure that it is fully recouped.

The advance must be recouped by ensuring that any amount outstanding is offset against all claims i.e. Wages, Supervision, Materials and Training. This is particularly important if the number on the project decreases, or the project is due to close. Section 2.4 (pages 26 to 29) of the CE BOMi Manual provides instructions on amending advance deductions.

Any amount outstanding after all payments are remitted must be recouped by EFT – see [CE and JI Employer Debt Recovery Process](#)

b) If any of the figures appearing under Wages, Materials, Supervision and Training costs against "Per Audit Statement" differ to those against "Per AWS" the lesser figure must be used. Where the differences are considerable they must be queried with the Sponsor.

c) If the final figure as calculated on the "Calculation of Final Payments" section gives an overpayment by DSP then the officer should

- Provide a copy of the final calculation to the Sponsor
- Inform the Sponsor of the amount due and how this occurred and provide them with bank details so that the amount can be repaid by EFT. Please note that repayments must be made by EFT - **cheque payments cannot be accepted**. (See CE/JI Employer Overpayment and Recoupment Process)
- Retain copies of all correspondence on BOMi

d) If completed Auditors Statement Forms are not received within six weeks of the project finish date follow-up by the officer with the sponsor should be continuous until submitted.

f) If additional worksheet(s) are necessary in calculating the Final Payment, all documents must be scanned.

g) All claims for Wages, Materials and Training costs must be on BOMi/Welfare Partners to support the figures used in the final calculation for payment.

## Community Employment – Procedures Manual

### Chapter 8 - REVIEW OF CE SCHEMES / RESTRUCTURING

It is opportune at the three-year application stage and thereafter at the annual rollover to review the Project work-plan and the likelihood of continued referral of eligible persons being available to sustain that work-plan. A project review may also arise in other circumstances such as the retirement of a supervisor, retirement of a sponsor board or another unforeseen event. Each set of circumstances is unique to an individual project owing to its geographic location or sector type employment.

If as a result of the review it is identified that change to the project structure or administration needs to be considered some or all of the following steps may be applicable:

DSP Area Manager / Officer to set up a meeting with the sponsor board to discuss the situation - discussion to include potential options with a view to achieving a mutually agreed outcome. If the meeting relates to supervisor leaving / retiring and approval to recruit a new supervisor is granted, proceed as per Section 3.3

Other options need to be considered in the following situations.

- A decision is made not to replace the supervisor.
- A decision is made to seek a merger with another scheme
- Retirement / withdrawal of sponsor board

Facilitate a merger of a scheme with neighbouring projects or projects operating in the same sector locally. This may allow for increased efficiencies to be achieved at Departmental level e.g. reduced number of payment requests, the submission of one set of audited accounts, a reduction in number of monitors to be undertaken etc.

Details of sponsor contacts will be provided by the Department. Contact between these projects may be facilitated by officers of the Department who will be available to assist the process and attend meetings as required. This may be an opportunity for a CE board to review its own representation and or structure.

It is also an opportunity for the Department to reiterate employer corporate governance and legislative responsibility requirements. These will include compliance with employment legislation, operational processes (e.g. TUPE<sup>5</sup>), registration with CRO if applicable, appointment of directors, auditors, signatories to bank accounts etc. If a merger takes place a new board is formed - This may or may not involve the establishment of a new legal entity that may require consideration as to whom to appoint as company auditors. The new board should be representative of membership of the restructuring organisations.

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<sup>5</sup> Transfer of Undertaking (Protection of Employment) Regulations

If one of the companies ceases trading they will be required to comply with their statutory obligations and will be responsible for any associated costs. Final reconciliation will be carried out in respect of any outstanding debts/ obligations to creditors and /or the Department.

Final income and expenditure and audited accounts will be prepared by the company and submitted to the Department prior to dissolution of the company.

All employees, participants and supervisors should be considered for transfer to the new employer. This may involve the retention of supervisory posts that may exceed standard guideline ratios.

If a participant refuses the options given to them and returns to the Live Register they must satisfy the 12-month eligibility before being considered for a return to CE.

In some circumstances when a scheme is closing (no amalgamation) the DSP officer may assist in liaising with other CE sponsoring organisations to request their agreement on the placement of the closing schemes participants in CE roles on their schemes. If no suitable placements are available, their participation in CE will cease.

Employees whose employment is being terminated will be advised accordingly by their employer and legislative termination process followed.

Any assets of the company for which the Department has reimbursed the costs will be reviewed by the Officer and a decision taken as to their redistribution or otherwise.

The recipient of redistributed assets should ensure they are fit for purpose and safe to operate. (See "Capital Items").

### **Administration / Finance - advance recovery**

Contract amendments will be required following amalgamation /restructuring of schemes. See Section 2.1.

If a scheme is closing a CE Progress / Final Payment Calculation must be processed by the DSP officer on receipt of audit from the schemes auditors.