

## QUALIFYING YOUNG PERSONS PARTICIPATING IN RELEVANT TRAINING SCHEMES – ESA

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### INTRODUCTION

- 1 This memo provides guidance on the Social Security (Qualifying Young Persons Participating in Relevant Training Schemes)(Amendment) Regulations (SS(QYPPRTS)(Amdt) Regs 2017) ([S.I. 2017 No.987](#)) and come into force on 6.11.17<sup>1</sup>. The guidance in this memo applies to ESA(IR) only.

*1 SS (QYPPRTS)(Amdt) Regs 2017, reg 1*

### BACKGROUND

- 2 It is a condition of entitlement to ESA(IR) that a claimant is not receiving education<sup>1</sup>. A claimant who is participating in approved training (including a qualifying young person (QYP) as in [DMG 41662](#)) will be treated as in education<sup>2</sup> and therefore not entitled to ESA(IR). These regulations<sup>3</sup> insert a new definition of what a Traineeship is and ensure that participating in such a scheme does not prevent a claim to ESA(IR) by virtue of the rules relating to receiving education.

*1 WR Act 07, Sch 1, Part 2, para 6(1)(g); 2 ESA Regs, regs 14, 15 & 16; 3 SS(QYPPRTS)(Amdt)Regs. Reg 3*

## DEFINITION OF TRAINEESHIP

- 3 Traineeship means<sup>1</sup> a course which:
1. is funded (in whole or in part) by, or under arrangements made by the:
    - 1.1 Secretary of State under section 14 of the Education Act 2002, or
    - 1.2 Chief Executive of Education and Skills Funding, **and**
  2. lasts for no more than 6 months, **and**
  3. includes training to help prepare the participant for work and a work experience placement, **and**
  4. is open to persons who, on the first day of the course have reached the age of 16 but not the age of 25

*1 SS(QYPPRTS)(Amdt)Regs. Reg 3*

## MEANING OF EDUCATION – TRAINEESHIP

- 4 From 6.11.17 the meaning of education<sup>1</sup> is amended so that it does not include those claimants participating in a Traineeship, whether that's by mandatory or voluntary choice.

*1 ESA Regs, reg 14(2B)*

## RECEIVING EDUCATION AND QUALIFYING YOUNG PERSONS

- 5 A person aged between 16 and 19 who is undertaking a Traineeship, is treated as a QYP and thus as "receiving education". Traineeships are not courses of advanced education for the purposes of the Regulations. A QYP who is treated as receiving education is not entitled to ESA(IR) (see DMG [41662](#)). These amendments make an exception to this rule in order to allow a QYP to participate in Traineeships and maintain entitlement to ESA(IR).

**Note:** In order to fall within the definition of a QYP, a person aged 19 must have been enrolled on, been accepted for, or started the relevant course before 1st September following their 19th birthday.

- 6 For the purposes of DMG [41662](#), a QYP who is participating in a Traineeship is not treated as receiving education.

## **MISCELLANEOUS CHANGES – JSA**

- 7 Where the definition of “traineeship” appears in the regulations<sup>1</sup>, the ‘Chief Executive of Skills Funding’ is amended to ‘the Chief Executive of Education and Skills Funding’.

*1 SS (QYPPRTS)(Amdt) Regs 2017, reg 2, JSA Regs, reg 1(3)*

## **ANNOTATIONS**

Please annotate the number of this memo (Memo DMG 21/17) against the following DMG paragraphs: 15177, 21554, 21555, 21763, 21771, 26150, 30027, 30037, 30076, 30078, 30088, 30133, 30148, 30162, 30163, 30166, 30172, 30173, 30186, 30190 (heading), 30191, 30193, 30197, 30202, 41556 (Heading), 41661, 41662, 41717, 49176 51805, 51807 (heading), 51811, 51828, 51855, 51867, 51869 & 51876 (heading).

## **CONTACTS**

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in Memo DMG 3/13 - Obtaining legal advice and guidance from DMA Leeds.

**DMA Leeds: October 2017**