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Education and Skills

**Minutes of the Programme for Employability, Inclusion and
Learning (PEIL) 2014-2020
6th Monitoring Committee Meeting
Thursday 24th May 2018
Clock Tower, Marlborough Street, DES.**

CHAIRPERSON: Ms. Mary McGarry, Department of Education and Skills

Attendance and Apologies: See Appendix 1 – Attendance List

Chairperson's Welcoming Comments

The Chairperson welcomed the members of the Committee to the sixth meeting of the PEIL PMC, and welcomed the new European Commission representative, Ms Joanna Gawrylczyk-Malesa from DG Employment, Social Affairs and Inclusion, EU Commission, to her first meeting of the PEIL PMC. She apologised for the late delivery of the documentation for the meeting and undertook to ensure that the documentation would be circulated two weeks in advance of the meeting in the future.

1. Agenda

The Chairperson presented the agenda for adoption. No additional items for inclusion were proposed and the Agenda was adopted.

2. Minutes of 5th PMC held on 14th December 2017

The Chairperson referred to the [minutes of the fifth PMC meeting \(item no. 2\)](#) circulated to the Committee for adoption. As no amendments or matters arising were put forward, the minutes were approved.

3. Revised Rules of Procedure for PMC

Mr Tim Freeman, ESFMA, outlined the background for the revision of the [Rules of Procedure \(item no. 3a\)](#) for the PMC, i.e.

- to include a Code of Conduct for PMC Members drawn up primarily to comply with a recommendation contained in the Performance Audit, commissioned in 2017, into the PEIL OP Thematic Objective 9 (social inclusion) by the European Commission and to underpin existing national guidelines, including, the Code of Practice for the Governance of State Bodies, 2016;
- to update the format and text in line with the other ESIF Funds;
- to update decision making procedures to provide for majority voting on decision making procedures in the event that a consensus cannot be reached. Full members have voting rights, 1 per body;
- to include a provision for Technical Assistance to aid the work of the PMC; and
- to revise the membership list removing obsolete references; adding in the Disability Federation of Ireland; National Youth Council of Ireland; ETBs; and POBAL.

The revised Rules of Procedure also updates references to the Regulatory Requirements to reflect the changes (that PMC give an opinion on planned activities/ visibility of Funds) being made in the Omnibus Regulation.

A [draft leaflet on PMC's Role and Responsibilities \(item no. 3b\)](#) was also presented to the Members. The PMC agreed to adopt the new rules of procedures as proposed and noted the leaflet for publication.

A copy of the [Code of Conduct \(item no.3c\)](#) was provided to the Members at the meeting. The Chairperson asked the Members to sign it and return it to the ESFMA.

4. Revised Communication Strategy and update on Activities

Ms Nicola Finnegan, ESF Information and Communication Officer, in a [Note on the Communications Strategy \(item no. 4a\)](#), outlined the reasons for the changes to the [Communications Strategy \(item no. 4b\)](#), mainly resulting from the Omnibus Regulation. These included updates relating to the PEIL programme allocation, ESF cascade structure and IB/Beneficiary contact details; an ESF Information and Communication Events Policy; reference to the information and communication compliance checks of relevant bodies conducted by the ESF MA; and changes relating to Information and Communications contained in Article 272 of the Omnibus Regulation, which amends the CPR and which is expected to come into force over the summer. A table comparing references to Information and Communication in Article 272 and the CPR is at Annex 1 of item no.4a.

Ms Finnegan summarised the main [Information and Communication Activities \(item no. 4c\)](#) planned for 2018. ESF MA activities included "Europe in my Region", the Campaign for 30 years of Cohesion Policy and the major communication activity for 2018 will be attendance at the National Ploughing Championships. Full details on planned activities can be found on the document referred to above.

Ms Finnegan raised concerns about a number of Beneficiaries not returning their planned activities, and also the issue of nil returns. Mr Ciaran Lawler, DEASP, informed the Committee that while BTWEA and JobsPlus did not hold specific scheme events, they promoted the ESF through their stands during National Jobs Week. Ms Grace O'Malley, DEASP, added that the Case Officers promoted the ESF as part of their work on BTWEA and JobsPlus. It was acknowledged that some Activities had greater opportunities to promote the ESF nevertheless all were urged to take proactive measures to increase the visibility of the ESF.

The Chairperson asked the Intermediate Bodies to ask their Beneficiaries to notify the ESF MA of all publicity events, e.g. press releases, attendance at Jobs Fairs, events, etc. The issue of the visibility of the Funds and the general public's awareness of the support of the Funds continued to be important; particularly in the context of Brexit. The Chairperson stated that following the commencement of the Omnibus Regulation, the PMC would be required to give an opinion on the proposed information, communication and visibility of the ESF.

Ms Finnegan sought the approval of the Members to the amendments to the Communication Strategy. No objections were put forward and the revised Strategy will be adopted once the Omnibus Regulation comes in to force.

5. Overview of PEIL Activity status and AIP amendments

Mr Andrew Diggins, ESFMA, introduced a paper - [AIP amendments PMC May 2018 \(item no. 5\)](#) - outlining proposed amendments to some of the AIPs, including re-allocation of funding (Youthreach to the Disability Programme, both in Priority 2; extension to the project operation (Springboard+) and commencement of SICAP under Priority 2 (from 2018). Following the earlier agreement of the Committee to include Community Training Centres (CTCs) and the Youth Employment Support Scheme (YESS) activities within the YEI, AIPs were proposed to the PMC for approval. The allocation for the [Disability Project \(Ability Programme\) \(item no. 5a\)](#) was increased by a total of €6m, transferred from the Youthreach Activity; both of these Activities are part of Priority 2. [The YESS Scheme \(item No. 5b\)](#) will be launched in June 2018 by the Department of Employment Affairs and Social Protection.

The Chairperson sought the agreement of the Members to the revised changes to the AIPs as presented. The changes were agreed.

6. Financial Progress Report

Mr Andrew Diggins, ESF MA, presented [the financial progress report \(item no. 6\)](#) and updated the Committee on the financial de-commitment position for 2018. He outlined the amount of expenditure that had to be declared to the Commission by the end of 2018 (€255.4m gross /€127.7m net) and the current situation as regards financial returns by the Activities on the new ecohesion system. He was confident that the de-commitment figure would be reached and surpassed by year end.

7 Horizontal Principles Reports

Ms Therese Callery, ESF Managing Authority, introduced the [Horizontal Principles Report \(item 7\)](#) to the Committee. A Horizontal Principles Working Group was set up in order to give practical guidance to IBs and Beneficiaries on promoting the Horizontal Principles, to incorporate the Principles more firmly into the operation of the projects and activities and on improving the reporting of these Principles. Three meetings had been held to date and the findings included the need for more communication between the ESF MA and the Intermediate Bodies and Beneficiaries on guidance for reporting on horizontal principles in respect of ESF Activities and linking the reporting to Public Sector Duty.

A seminar on horizontal principles was held on the 1st May for the IBs and a number of issues were identified for future discussions.

Ms AnnMarie Quarry, Gender Equality Division, DJE, presented her review of the Activities reports entitled [Gender Equality Report on Horizontal Principles \(item no 7a\)](#). She thanked the Department of Education and Skills for organising the workshop to assist the projects' understanding of the requirements for Horizontal Principles reporting and why the information was needed. She also acknowledged the improvement in the reporting for most projects, e.g. provision of statistics showing male and female participation by year in tabular form. Ms. Quarry noted that there was a greater understanding of the issues involved, and evidence to support the targeting of male or female participation was now being provided. The more detailed collection of the data allowed for a more effective analysis of policies, which in turn identified the barriers that may prevent participation on programmes.

Ms Quarry provided a brief assessment of the Activities' Gender Equality reports. She welcomed the extension of eligibility for Springboard courses in 2017 to homemakers. The Garda Youth Diversion Projects Activity was highlighted for its work on providing education programmes to the young male participants on gender, relevant laws on the age of consent, masculinity, etc. In relation to Young Persons Probation, the improved educational status among participants demonstrated the positive impact of the interventions on the participants. With regard to the issue raised by the EU Funds Unit, DJE, that current reporting requirements at project level do not include reporting on the horizontal principles other than the non-financial indicator data, Ms Quarry said she looks forward to working with the Irish Human Rights and Equality Commission and the Department of Education and Skills and the EU Funds Unit to address this issue.

The Department of Justice EU Funds Unit and the Gender Equality Activity would be happy to report on additional horizontal principles in addition to the current one (?) The Adult Literacy Activity was commended on the efforts made to increase the number of male participants attending literacy classes, which were traditionally under-represented. The work of the Back to Education Initiative Activity was noted in relation to the inclusion of disadvantaged women experiencing barriers to labour market participation and also disadvantaged men in isolated rural areas to increase their participation. SICAP was commended on its work in particular the community development approach which attempted to ensure that refugees and migrants, and people living in isolated locations, were included. See full report at link above.

Mr. Abed Aldakar, IHREC, presented his [Review of the Equal Opportunities and Non-Discrimination HP \(item no 7b\)](#). He noted that several IBs had developed a better understanding of reporting on this horizontal principle since the previous report. There appeared to be a need for support to develop a better understanding of the applicability of the nine equality grounds throughout the projects and on how to eliminate discrimination and promote equal opportunities in the implementation of the projects. IBs were encouraged to take steps to proactively encourage participation of people under the nine equality grounds and support statements of non-discrimination by quoting policies in place. He pointed out that in relation to outsourcing services by projects, it was important to note that IBs needed to ensure that the service providers clearly understood equality legislation and demonstrated how they intended to comply with the horizontal principles aspect of the project.

Mr. Aldakar referred to the Public Sector Duty (Section 42) of the Irish Human Rights and Equality Commission Act 2014 which placed a positive duty on public sector bodies to have regard to the need to eliminate discrimination, promote equality, and protect human rights, in their daily work. Section 42 also set out three core steps to be taken by public bodies:

1. In preparing strategic plans, public sector bodies must assess and identify the human rights and equality issues that are relevant to their functions. These issues must relate to all of its functions as policy maker, employer and service provider.
2. Public bodies must then identify the policies and practices that they have in place or that they plan to put in place to address these issues.
3. Finally, in their annual reports, or equivalent documents, public bodies must report in a manner accessible to the public on their developments and achievement in that regard.

Mr. Aldakar provided a summary of his comments on the Activities Reports. He highlighted the issue of intersectional or multiple inequalities for some Activities. In relation to those Activities that have project managers overseeing the projects, he said that the Intermediate Bodies or beneficiaries should monitor the data collected and report on the actions taken to support the participants. The Third Level Access Activity Report noted the publication of the third National Action Plan for Equity of Access to Higher Education 2015–2019; and one of the specific targets was the increased participation in higher education by members of the Traveller community, but the Report did not provide any information on the number of participants who were Travellers or other minority ethnic backgrounds or on steps taken to encourage their participation. The SICAP Activity Report was commended on its steps and innovative measures that sought to ensure that the aims of the Horizontal Principles were achieved in practice, from procurement to implementation and review. The report also provided a practical insight on the importance of equal opportunities at ground level through informative case studies.

The Chairperson thanked Ms AnnMarie Quarry and Mr Abed Aldakar for their presentations to the Committee. There appeared to be a divergence between what was expected by the Reviewing Bodies and the information provided by the Activities. While the ecohesion system will contain the non-financial indicator details going forward, the reporting structures may need to be revised.

Ms Bríd O’Brien, INOU, noted that the reporting on HPs had improved and recognised the extra administrative burden in collecting the data. She stressed the importance of communicating with the actual people who collected the data on the reasons why it was required and how to obtain it without it seeming too intrusive. She noted that there was no socio-economic status ground included in the reports, which was a really important one.

It was agreed that the Working Group would continue its work and consider the potential to facilitate beneficiary training for one or two activities as a pilot.

8. Performance Framework Update and proposed amendment for OP

Mr Hugh Geoghegan, ESFMA, updated the Committee on the PEIL Performance Framework, which was also discussed at the last PMC meeting. He introduced an [Outline Proposal to Amend the PEIL Performance Framework \(item 8\)](#), by setting out the background to the Performance Framework and its central position within the ESF funding structure for the current round. The purpose of this was to ensure that OPs were operated efficiently, outputs delivered and objectives achieved. The Framework contains milestones and targets for the years 2018 (mid-point) and 2023 (end of OP) respectively, which were established prior to the approval of the Programme. The targets and milestones are linked to the output and financial indicators.

PEIL falls within the “Investment for Growth and Jobs” Goal, which means that the PEIL Performance Framework is linked to a “Performance Reserve”. This Reserve applies to Priorities 1 to 3 of the OP

(YEI is exempted (Priority 4) and Technical Assistance (Priority 5) is excluded). The Reserve amounts to an average of 6% of the ESF contribution to Priorities 1 to 3, or approximately €28.58m. In line with the Regulations, a Performance Review will be undertaken by the Commission in 2019 based on the data supplied to the Commission in the AIR for 2018, which will form the basis of the assessment of the OP, and then it will adopt its decision on the achievement of the milestones. Each of Priorities 1 and 2 must achieve 85% of their milestone targets to receive the reserved amount of funding. As Priority 3 has more than two indicators, it must achieve 85% in respect of two of its indicators, and 75% in respect of the remaining indicator. Priorities which do not achieve their milestones will not receive their performance reserve amounts – instead, these amounts will be re-allocated to a Priority that does achieve the targets. Where there are more serious failures to meet the targets, financial penalties can be imposed by the Commission.

The Commission permits amendments to the target and milestones for a number of reasons, including a serious change in the economic environment, milestones or targets being based on incorrect assumptions, or a change in policy, including a change in target group or the types of actions to be supported.

The ESF MA will propose to seek to have milestones and targets revised for a number of reasons -

(1) there has been a significant change in the economic conditions in Ireland, most notably the very significant decrease in unemployment, and youth unemployment in particular, since the outset of the programming period;

(2) certain milestones and targets were calculated on the basis of incorrect assumptions, including assumptions relating to the number of unique participants on, and the “cost per participant” of, certain activities, and

(3) the types of actions supported under each Priority have been subject to change over the course of the programming period. The full details of the proposed changes by Priority are set out in the Outline proposal document.

The Commission has recommended that requests for changes should be submitted before the end of June 2018. The ESF MA will consult with the Commission and the relevant stakeholders on the final proposal to be submitted by end-June.

Ms Joanna Gawrylczyk-Malesa, DG Employment, EU Commission, reminded the ESF MA that the proposal for amending the OP must be sent formally through the SFC system to the Commission.

The Chairperson stated that it was imperative that all the data should be entered on the cohesion system as soon as possible and that it was correct. A draft proposal will be circulated to the Members by mid-June for approval.

9. AIR 2017 Report

Mr Hugh Geoghegan, ESF MA, informed the Committee that the draft AIR for 2017 and the draft Citizens Summary for 2017, which had been circulated to the PMC, were not the final versions, as some additional data remained to be included in the documents. The text of both documents would basically remain unchanged. The Chairperson sought the approval of the Members to the two draft reports subject to the final numbers being included. The text of the two reports were approved.

10. Report on use of SCO's in PEIL

Mr Conor Kelly, ESF Certifying Authority (CA), introduced his paper on the [Use of Simplified Cost Options \(SCOs\) in PEIL \(item 10\)](#) in response to the Commission's performance audit in 2017 and to provide an update from the last meeting. The CA submitted an application for an Article 14.1

Delegated Act (DA) based on historical costs incurred by SOLAS and the number of successful results¹ recorded on the RCCRS² for the years 2013 -2016. The Article 14 DA has been approved by the Commission and it is expected to be in force by mid-July. The adoption of an SSUC for the ETB Training for the Unemployed/CTCs will bring IE's total proportion of expenditure covered by SCOs above the Member States (MS) average of 35% to 46%. The CA has been engaged with the Commission and scheme providers to increase the number of schemes adopting SSUCs. In particular, it is proposed to claim SICAP 11 using an SSUC and to move to an SSUC for GYDPs. If successful, this will increase the proportion of costs covered by SCOs to 51% of the OP value.

The Chairperson thanked the IBs for their cooperation in relation to the preparation of the Article 14 DA's for Simplified Cost Options.

11. Designation, ecohesion and Data Protection Updates

(a) Designation:

Mr Geoghegan, ESF MA, updated the Members in relation to the completion of the designation process. The PMC was informed that the MA had prepared a significant volume of material in response to the queries raised by the Audit Authority, which is body which is undertaking the designation process. The designation process must be completed before the MA/CA can submit claims to the Commission. While the exact timing of the designation of the MA and CA is a matter for the AA, the MA is confident that it would be in a position to submit claims to the Commission in Q3, and has asked a number of IBs and beneficiaries to prepare claims on that basis.

(b) eCohesion:

The final rollout of the eCohesion system took place at the end of March. The development of the system had been a significant undertaking on behalf of the ESF authorities, but the authorities are satisfied the system has the functionality required to support the implementation of the PEIL OP, in accordance with the relevant Regulations. Twenty days of training have been provided to IBs and beneficiaries by the MA, catering to approximately 200 people so far. All of the performance indicator data for the 2017 AIR had been processed via eCohesion, and a large volume of financial claims have also been uploaded to the system in preparation for the first claim under PEIL.

(c) Data Protection:

Mr Geoghegan, ESF MA, updated the Members on the current position in relation to Data Protection. As the PMC had previously been informed, the CSSO provided legal advice in November 2017, which stated *inter alia* that all Bodies in the ESF Cascade are joint data controllers in respect of data collected for ESF purposes, and that DPER is a data processor acting on their behalf (as it is responsible for the maintenance of the eCohesion system). He noted that the GDPR Regulation came into force on the 25th May. A draft Data Protection Agreement is being drafted by the MA in conjunction with the CSSO, in accordance with their November 2017 advice, and the intention is that these agreements will be signed jointly by the MA, the IBs and beneficiaries. The agreements will set out the respective roles and responsibilities of the bodies concerned, as joint data controllers, and

¹ A successful result refers to a participant achieving the required assessment criteria with the result being approved by the Results Approval Panel and recorded on the "F12-Course-Summary-Assessment-Sheet-and-Results-Approval-Form"

² Results Capture and Certification Request System (RCCRS)

would also formally appoint DPER as a data processor on their behalf. A draft Data Consent Form was also being finalised by the MA. These would be made available as soon as possible.

12. Mid-Term Evaluation, Evaluation Tracker and Performance Audit Update

Ms. Theresa Ryan, ESF MA, provided an update to the Members on the follow up to [the Social Inclusion Performance Audit \(item 12\)](#), carried out on Priority 2, Social Inclusion. She outlined the findings from the audit and the current status of each finding. In response to one of the findings, the MA has developed a database of relevant evaluation recommendations, which will be reviewed on a six-monthly basis. The latest version of the database was circulated to the PMC.

Ms Ryan then provided an update on the PEIL Evaluation Plan and the proposed amendments to the Plan. These included some small textual amendments and the revision of the timeframe for completion of the Mid-Term Evaluation to Q4, 2018, as had previously been discussed with the PMC. The Revised Evaluation Plan was approved by the PMC.

The Evaluation Steering Group was established and held its initial meeting on 22nd March. The functions of the Steering Group were outlined.

An update on the Mid-Term and YEI Evaluation was provided. The Evaluation Steering Group agreed the Terms of Reference and a Supplementary Request for Tenders under the OGP Business & Management Consultancy and Advisory Services Framework was issued in April with a closing date of 9th May. The tender evaluation sub-group are currently reviewing the tenders and will submit recommendations to the Steering Group. It is expected that the Evaluator will be appointed in mid-June.

13. Developments for next Programming Period Post 2020 – ESF+

Ms. Joanna Gawrylczyk-Malesa, EU Commission, introduced her presentation on the [European Commission’s proposal for a future Multiannual Financial Framework for the period 2021 to 2027 \(item 13\)](#). The new Multi Annual Framework (MFF) was presented to the European Parliament and the EU Council of Ministers on 2nd May; the draft CPR and draft “ESF Plus” Regulation were also due to be issued in May. The ESF share of the new budget would be €101.2 billion for the whole of the EU. The new draft ESF Regulation would encompass five funds and programmes, namely the ESF, the YEI, the FEAD, the EASi and a Health Programme. The ESF would also be linked to the European Semester and the Country Specific Recommendations (CSR), with the 2019 CSRs being used as the baseline. Further information can be found at:

<https://ec.europa.eu/commission/priorities/democratic-change/future-europe/eu-budget-future>

Ms Brid O’Brien, INOU, expressed concern at the linking of the European Semester with the ESF. A lot of good work has been done by the ESF in Ireland and there were concerns that social policy objectives comprised a very small part of the Semesters.

Ms. Gawrylczyk-Malesa, EU Commission, noted that the new ESF Programme would not exclusively address the Country Specific Recommendations; they could be confined in one Priority only (Article 11 proposed ESF+). The Chair also noted the current requirement to target at least 20% of the ESF resources to social inclusion measures and that similar arrangements were likely in the next round. Ms Gawrylczyk-Malesa agreed and highlighted the importance of the European Pillar on Social Rights.

Mr Aidan O'Brien, EU Funds DJE, noted that also included in the new MFF 2021 to 2027 is a proposal that integration as a theme would be included under the ESF rather than within the Asylum and Migration Fund.

14. AOB

Ms. Gawrylczyk-Malesa, EU Commission, stated that the Commission saw a need for greater support for Member States with the most migrants. There will be an indicator to monitor the number migrants supported by the fund.

15. Date of next meeting

The Chair thanked the Members for their ongoing co-operation and attendance and participation.

The next Programme Monitoring Committee meeting will be held on the 22nd November 2018.

APPENDIX 1 - ATTENDANCE

	NAME	ORGANISATION
1	Brian Liggett	SEUPB
2	Rod Tierney	SOLAS
3	Bríd O'Brien	INOUE
4	Alan McGrath	HEA
5	Bernie Reape	DRCD
6	Tim Maverley	DJE
7	Kara McGann	IBEC
8	Barry Guckian	NWRA
9	Carole Sullivan	DJE
10	Aidan O'Brien	DJE
11	Amanda Taylor	CMETB
12	Mairead Victory	Probation Services
13	Abed Aldakar	IHREC
14	Deirdre Coomey	EMFF DAFM
15	Ross Weir	DPER
16	David Dunne	SOLAS
17	Donal Bergin	D/Defence
18	Emma Rorke	POBAL
19	Simon Cornish	Probation Services
20	Gerry Browne	DJE
21	AnnMarie Quarry	DJE
22	Clare Droney	DJE
23	John Collins	DES AA
24	Ger Gibbons	ICTU
25	Gerard Gasparro	SOLAS
26	David Waters	DEASP
27	Ciarán Lawler	DEASP
28	Paul Hill	DEASP
29	Joanna Gawrylczyk-Malesa	European Commission
30	Grace O'Malley	DEASP
31	Jean-Marie Cullen	NYCI

32	Mary McGarry	ESF MA
33	Hugh Geoghegan	ESF MA
34	Theresa Ryan	ESF MA
35	Conor Kelly	ESF MA
36	Andrew Diggins	ESF CA
37	Catherine Ryan	ESF MA
38	Nicola Finnegan	ESF MA
39	Padraig Creed	ESF MA
40	Therese Callery	ESF MA
41	Cathy Dolan	ESF MA
42	Ashling Abbott	ESF MA
43	Pat Costello	ESF MA
44	Paul Daly	ESF MA
45	Tim Freeman	ESF MA
46	Stuart Morris	ESF MA
47	Ruth Shannon	ESF MA
48	Catherine Ormsby	ESF MA
	Apologies	
	Joseph Keaney	Probation Service
	Labhaoise McKenna	EMRA
	Dominic Greene	WWETB
	Owen O'Mahony	WWETB
	Vincent Dunphy	SRA
	Enda Hogan	SRA
	Sarah O'Halloran	SID/DEASP
	James Doorley	National Youth Council of Ireland (NYCI)