

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD3278

### Adult Skills Fund Assurance and Governance 2024-25

#### Executive summary:

This decision seeks approval of the revised Adult Skills Fund (ASF) Assurance Framework ('the Framework') for the 2024-25 academic year and amendments to the constitution of the ASF Mayoral Board.

The Framework provides assurance to key stakeholders, including HM Government, that the Greater London Authority (GLA) has the necessary systems and processes to manage delegated functions and funding relating to the ASF effectively. Changes to this version of the Framework relate to:

- the introduction of the Adult Skills Fund (formerly Adult Education Budget)
- updated governance arrangements
- updated grant and provider management processes as outlined at chapters five and six.

Amendments are also proposed to reconstitute the AEB Mayoral Board as the ASF Mayoral Board, in line with the introduction of the ASF as well as a change in membership. The Mayor is also asked to note the review of the wider Skills for Londoners governance structure.

#### Decision:

That the Mayor:

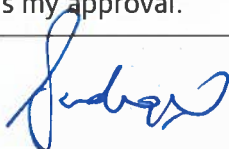
1. approves the updated ASF Assurance Framework (at Appendix A) for the 2024-25 academic year
2. approves the reconstitution of the AEB Mayoral Board to the ASF Mayoral Board, and the proposed constitution at Appendix B, noting that any changes required to the Skills for Londoners Board or Jobs & Skills Business Partnership can be agreed by the Mayor at the ASF Mayoral Board meeting.

#### Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

14/8/24

## PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

### Decision required – supporting report

#### 1. Introduction and background

- 1.1 In preparation for delegation of the Adult Education Budget (AEB) functions, the GLA was required to meet six readiness conditions to demonstrate to the Secretary of State for Education that the GLA was prepared to carry out these functions effectively. As a part of a submission to the Department for Education (DfE) setting out how the readiness conditions would be met, a commitment was made to publish an AEB Assurance Framework (“the Framework”) that sets out the processes and procedures the GLA has put in place to manage the AEB effectively.
- 1.2 The Framework provides assurance to key stakeholders, including HM Government, that the GLA has in place the necessary systems and processes to manage delegated functions and funding relating to the AEB effectively. The GLA has committed to reviewing the AEB Assurance Framework annually to ensure it remains consistent with current policy and is up to date in terms of processes and procedures. The Mayor reviews, revises and publishes a new version of the Framework ahead of each academic year (by 1 August). As the Framework is the primary governance document, it is taken through the GLA’s formal decision-making process.
- 1.3 From the start of the 2024-25 academic year, the Education and Skills Funding Agency (ESFA) will implement a new adult education funding model. The AEB will, from August 2024, be replaced with the Adult Skills Fund (ASF). As such a number of edits have been made to the Framework to bring it into line with the ASF. The GLA’s approach to the national funding reform was approved under the cover of [Mayoral Decision \(MD\)3195](#). Furthermore, a range of administrative changes are needed to the document to match updated GLA policies.
- 1.4 In addition, substantive amendments have been made throughout Chapter 1 on Governance & Decision-Making, as well as to Chapters 5 and 6 which now summarise: processes in place for managing grant-funded provision paid on profile; and commissioning and managing grant providers paid on actual levels of delivery. Further detail is set out in section two of this decision form.

#### ASF Mayoral Board constitution and wider governance structure

- 1.5 The AEB Mayoral Board was established in July 2018 under [MD2328 – Governance arrangements for statutory functions relating to the AEB](#).
- 1.6 In line with the introduction of the ASF, it is proposed to reconstitute the AEB Mayoral Board as the ASF Mayoral Board (“The Board”). The Board’s constitution has been updated to reflect the introduction of the ASF and a change in membership.
- 1.7 The Skills for Londoners Board and Jobs and Skills Business Partnership were also established under the cover of MD2328. The Boards provide advice and strategic direction to the Mayor on the AEB and other adult skills programmes, and form part of the wider ASF governance arrangements. The Mayor retained the power to make amendments to the Skills for Londoners Board and Jobs & Skills Business Partnership constitutions in consultation with the Skills for Londoners Board or Jobs & Skills Business Partnership (or their (co)Chair if urgent).
- 1.8 Following the announcement that the Adult Skills portfolio would be transferred to the Deputy Mayor for Business & Growth for the 2024-28 Mayoral Term, a review of the Skills for Londoners Board and Jobs & Skills Business Partnership is currently underway. Once complete, any amendments to their membership and constitutions will be agreed, following consultation with the Skills for Londoners Board and Jobs & Skills Business Partnership, by the Mayor at ASF Mayoral Board, pursuant to paragraph 1.2.4 of the amended ASF Assurance Framework at Appendix A which provides that decisions that can be made at the ASF Mayoral Board that fall within the scope of any MD form setting the strategic direction or Mayoral priorities (and where these do not affect the basis

of the original decision) and/or where a decision is not, according to the rules set out in Mayoral Decision Making in the GLA, reserved to the MD process.

## **2. Objectives and expected outcomes**

### ASF Assurance Framework

- 2.1 The latest version of the ASF Assurance Framework is attached at Appendix A for approval. Several updates made to this version of the Assurance Framework are administrative such as referring to the relevant academic year or updated hyperlinks to the latest versions of documents and webpages.
- 2.2 Substantive changes are being made to the Framework to account for the introduction of the ASF. Herein, references to the AEB will be removed and replaced with ASF as appropriate. These changes occur throughout the document.
- 2.3 Changes are furthermore required to confirm the administration of Free Courses for Jobs (FCFJ) grant funding within the scope of the Assurance Framework. The FCFJ grant paid to the GLA by DfE is ring-fenced and can only be used to support eligible expenditure.
- 2.4 There are a number of changes to Chapter One "Governance & Decision Making" to reflect the updated ASF Mayoral Board constitution.
- 2.5 Chapters Five and Six of the Framework have been reordered and references to the now closed AEB Procured programme removed. As such the new Chapter Five now discusses Grant-Funded Provision Paid on Profile and sets out a summary of the approach approved by the Mayor to managing grants with providers, in line with his strategic priorities for adult skills. Edits have been made throughout the chapter but are largely focused on the subsections regarding Sub-contracting (5.3) and Intervention (5.4).
- 2.6 The new Chapter Six has been reframed to cover Commissioning and Managing Grant Providers paid on Actual Levels of Delivery and is inclusive of all funding competitively awarded through the £130m Jobs and Skills for Londoners (JSFL) Fund over three academic years of which up to £30m per year will be ringfenced to spend on learning aims delivered through the FCFJ Level Three offer.
- 2.7 Other amendments have been made throughout to ensure the Framework remains up to date with current processes and in line with policy changes. This includes audit, whistleblowing and data management processes.

### ASF Mayoral Board constitution and wider Skills for Londoners governance structure

- 2.8 It is proposed that the AEB Mayoral Board will be reconstituted as the ASF Mayoral Board in line with the introduction of the ASF from August 2024. Where relevant, references to the AEB have been removed and replaced by ASF in the constitution.
- 2.9 A change will also be required to the Board membership to add the Deputy Mayor for Business & Growth in place of the former Deputy Mayor for Planning, Regeneration & Skills.
- 2.10 The Skills for Londoners Board is a Mayoral advisory body which was established as a part of the wider AEB governance arrangements to enable the Mayor to engage with key stakeholders on the direction of his adult skills programmes, including the AEB/ASF. The Skills for Londoners Board is currently under review and is expected to be reconstituted to ensure priorities and membership reflect the adult skills priorities of this new Mayoral term, as well as the new co-Chairing arrangements now that the Mayor has brought together responsibility for Skills and Business under the Deputy Mayor for Business and Growth.
- 2.11 Furthermore, the role of Jobs & Skills Business Partnership, also established under the cover of MD2328, is also being reviewed. The Partnership is responsible for advising the Mayor on how to improve and better align skills provision, including specialist, industry-relevant and higher-level skills

provision (considering progression routes to higher education), to meet skills needs in London. As with the Skills for Londoners Board, should the Partnership be re-established changes may be required to its membership and constitution to ensure they reflect adult skills priorities of this new Mayoral term.

- 2.12 If required, approval for the amended Skills for Londoners Board and Business Partnership's constitutions will be given by the Mayor via the ASF Mayoral Board, in consultation with the Skills for Londoners Board/Jobs & Skills Business Partnership, without the need for a further decision form once the updated governance structure has been finalised.

### **3. Equality comments**

- 3.1 In carrying out any functions in respect of the ASF, the Mayor must comply with the public sector equality duty under section 149 of the Equality Act 2010.
- 3.2 Section 149(1) of the Equality Act 2010 provides that, in the exercise of their functions, public authorities – of whom the Mayor is one – must have due regard to the need to:
- eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.3 Relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The Assurance Framework includes a Diversity and Inclusion section that references the Mayor's Equality, Diversity and Inclusion Strategy, and states how implementation of the ASF promotes equal opportunities. This Decision makes no changes to those arrangements and has no impact on those with protected characteristics.
- 3.4 Any equalities impacts are considered on a case-by-case basis for each ASF decision prior to it being submitted to the Mayor for approval. All ASF Mayoral Board reports, Skills for Londoners Board reports and MD forms contain a section on equality comments and equalities impacts must be considered as a part of this process.
- 3.5 The constitutions of the ASF Mayoral Board, Skills for Londoners Board and Jobs & Skills Business Partnership will include provision setting out the role of members in ensuring that the diversity of London's communities and economy is acknowledged and embedded in all aspects of their work.

### **4. Other considerations**

- 4.1 Delivering the ASF supports Londoners to develop the skills needed to move into employment in some of the sectors considered critical to London's economic growth.
- 4.2 The Mayor's Equality, Diversity and Inclusion Strategy sets out how the Mayor will work to create a fairer, more equal, integrated city where all people feel welcome and able to fulfil their potential. The ASF supports the strategy by ensuring Londoners from disadvantaged groups continue to have access to employability and skills support to help them move into and progress in London's labour market.

#### Risks arising/mitigation

- 4.3 The ASF Assurance Framework sets out robust governance arrangements for managing the ASF to minimise any programme risks. By reviewing an over-arching framework setting out the GLA's

approach to decision-making, transparency, audit, value for money and engagement, stakeholders can be confident that any decisions are proper, evidence-based and capable of being independently scrutinised.

- 4.4 Work will be undertaken to ensure any new processes are fully understood by those administering the ASF, that they are embedded properly, and that there is engagement with relevant colleagues and stakeholders at the right point.

#### Conflicts of interest

- 4.5 There are no conflicts of interest to declare from those involved in the drafting or clearance of this decision.

### **5. Financial comments**

- 5.1 This decision seeks approval for:

- the updated ASF Assurance Framework (at Appendix A) for the 2024-25 academic year
- the reconstitution of the AEB Mayoral Board to the ASF Mayoral Board, and the proposed constitution at Appendix B, noting the changes to the wider Skills for Londoners governance structure outlined.

- 5.2 There are no direct financial implications to the GLA arising from changes to the ASF Assurance Framework and the reconstitution of the AEB Mayoral Board to the ASF Mayoral Board.

### **6. Legal comments**

- 6.1 Section 39A of the Greater London Authority Act 1999 (the GLA Act 1999) permits the delegation of eligible ministerial functions to the Mayor, subject to certain limitations and conditions. The Secretary of State for Education (SSE) has exercised the powers under section 39A of the GLA Act 1999 to delegate certain functions of the SSE under the Apprenticeships, Skills, Children and Learning Act 2009 (the 2009 Act) to the Mayor. The functions delegated under the 2009 Act are:
- sections 86 to 88 which are to be exercised by the Mayor instead of by the SSE, except any functions relating to apprenticeship training or persons subject to adult detention
  - sections 90 and 100(1) which are to be exercised concurrently with the SSE except any functions relating to apprenticeship training or persons subject to adult detention.
- 6.2 The delegation together with the terms and conditions relating to the exercise of the delegated functions are contained in a letter to the Mayor dated 6 December 2018. Section 39A (6) of the GLA Act 1999 provides that the Mayor is unable to delegate functions delegated to him under section 39A and therefore must take all delegated decisions personally and this is specified in the Mayoral Decision-Making in the Greater London Authority document as well as in the proposed ASF Mayoral Board Constitution. In exercising the delegated functions, the Mayor must have regard to the guidance issued by the SSE, as amended from time to time. The Mayor has entered a Memorandum of Understanding with the SSE, dated January 2019, entitled "Delegation of Certain Adult Education Functions to the Greater London Authority" which sets out how the delegation will operate which the Mayor signed on 22 January 2019. The decisions sought above are consistent with the exercise of the delegated functions.
- 6.3 In taking the decisions to be requested, the Mayor must have due regard to the Public Sector Equality Duty and the Mayor is referred to section 3 above.

## 7. Planned delivery approach and next steps

7.1 The next steps are set out below:

Activity	Timeline
Publish the Assurance Framework and ASF Mayoral Board constitution	August 2024
Skills for Londoners Board and Jobs & Skills Business Partnership constitutions considered by ASF Mayoral Board (if required)	September 2024
Assurance Framework annual review for 2025-26 academic year	July 2025

### Appendices and supporting papers:

Appendix A - Revised ASF Assurance Framework.

Appendix B - Adult Skills Fund (ASF) Mayoral Board – draft constitution.

## Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

## Part 1 – Deferral

**Is the publication of Part 1 of this approval to be deferred? NO**

## Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under the FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form – NO**

## ORIGINATING OFFICER DECLARATION:

Drafting officer to  
confirm the  
following (✓)

### Drafting officer:

Rachel Greenwood has drafted this report in accordance with GLA procedures and confirms the following:

✓

### Sponsoring Director:

Tunde Olayinka has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

### Mayoral Adviser:

Howard Dawber has been consulted about the proposal and agrees the recommendations.

✓

### Advice:

The Finance and Legal teams have commented on this proposal.

✓

### Mayoral Delivery Board

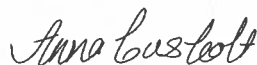
This decision was agreed by the Mayoral Delivery Board on 29 July 2024.

## INTERIM CHIEF FINANCE OFFICER:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

### Signature:

### Date:



29 July 2024

pp. Anna Casbolt, Assistant Director Financial Services.

## CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor.

### Signature:

### Date:



29 July 2024

