



Department for Education

Delegation of specified adult education function from the Secretary of State to the Mayor of London

By letter dated 6th December 2018 from the Secretary of State to the Mayor of London (attached at Annex A) the Secretary of State delegated specified adult education functions to the Mayor of London ("the Mayor").

The Secretary of State in exercise of the powers in section 39A of the Greater London Authority Act 1999 ("the 1999 Act") makes the following additional delegation of adult education functions to the Mayor¹.

The Secretary of State is satisfied that the specified function below can appropriately be exercised by the Mayor.

In accordance with section 39A(4) of the 1999 Act, the Secretary of State has consulted each London Borough Council, the Common Council, and the London Assembly.

In accordance with section 39A(5) of the 1999 Act, this additional delegation may be revoked at any time by any Minister of the Crown.

In this delegation letter "Greater London" means the London Boroughs, the City of London, and the Inner Temple and Middle Temple, in accordance with section 2(1) of the London Government Act 1963.

Additional delegation of function by the Secretary of State in relation to the area

1. The Secretary of State delegates, pursuant to section 39A of the 1999 Act, to the Mayor the exercise of the function of the Secretary of State under section 100(1B) of the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act") (provision of financial resources in connection with approved technical education qualifications or approved steps towards occupational competence) subject to the conditions at paragraphs 5 to 11 below.
2. The function under section 100(1B) of the 2009 Act is to be exercised by the Mayor concurrently with the Secretary of State in relation to the area of Greater London.
3. The function mentioned in paragraph 1 does not include:
 - a) any function relating to persons subject to adult detention²;
 - b) any function relating to a person who, at the time of starting a course of study for an approved technical education qualification or starting to take approved steps towards occupational competence, is:
 - i. aged under 19, or
 - ii. aged under 25 and for whom an EHC Plan³ is maintained.

¹ The Greater London Authority consists of the Mayor and the London Assembly.

² A "person subject to adult detention" has the meaning given by section 121(4) of the 2009 Act.

³ "EHC Plan" means a plan within the meaning of section 37(2) of the Children and Families Act 2014.

Secretary of State arising out of or in connection with the performance or non-performance (including any breach) by the Mayor of London of his obligations under this delegation letter.

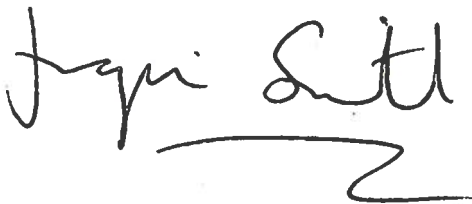
Agreement by the Mayor

14. In accordance with section 39A(3) of the 1999 Act, the Mayor has agreed to this delegation.

The Mayor signed to agree to this delegation on [date]

ANNEX A

Delegation of specified adult education functions from the Secretary of State to the Mayor of London - letter



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The Mayor signed to agree to this delegation on [date]

ANNEX A

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Jagjit Singh

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4. This delegation comes into effect immediately and applies only in relation to the provision of education or training in an academic year beginning on or after 1st August 2025. An “academic year” means a period beginning with 1st of August and ending with the next 31st July.

Conditions on the exercise of the delegated function

5. Where the Mayor adopts rules of eligibility for awards by any institution to which the Mayor makes grants, loans or other payments under section 100(1B) of the 2009 Act, the Mayor must adopt such rules in accordance with any direction given by the Secretary of State.
6. In exercising the function delegated under paragraph 1 (“the Additional Function”) the Mayor must have regard to guidance issued by the Secretary of State for this purpose (as amended from time to time or as replaced by a subsequent document).
7. Any funds provided for the purpose of the exercise of the Additional Function must only be used for the purpose of the exercise of that function or matters related to the exercise of that function.
8. The Mayor may retain an underspend of funds from the funds mentioned in paragraph 7 subject to paragraph 9 below.
9. The Secretary of State may reclaim all or part of any underspend of funds where, in the Secretary of State’s opinion, the Mayor has not sufficiently committed to spend such funds in relation to a future financial year for the purpose of the exercise of the delegated functions, or matters relating to the exercise of those functions.
10. For the purpose of paragraphs 8 and 9, an underspend of funds occurs where the Mayor has not spent the funds within the financial year for which those funds have been given by the Secretary of State.
11. The Mayor must provide to the Secretary of State appropriate assurance, monitoring and evaluation information as specified by the Secretary of State.

Accountability to the Secretary of State

12. Provided that the Additional Function is exercised by the Mayor in accordance with the conditions on the exercise of the Additional Function, the requirements to which the Mayor is subject under Managing Public Money⁴, and any associated Memorandum of Understanding between the Secretary of State and the Mayor, the Secretary of State and the DfE Accounting Officer will not participate in, or approve, decisions taken by the Mayor regarding the exercise of the Additional Function.

Indemnity

13. The Mayor is responsible for and will fully and effectively indemnify and hold harmless the Secretary of State against all liabilities, costs, expenses, damages and losses (including but not limited to any direct, indirect or consequential losses) suffered or incurred by the

⁴ Managing Public Money May 2023