

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2841

Title: Adult Education Budget assurance, governance and inclusive commissioning

Executive summary:

This decision seeks approval of a revised Adult Education Budget (AEB) Assurance Framework ("the Framework") for the new academic year 2021-22, updates to the AEB Mayoral Board Constitution and funding to develop and implement a new inclusive commissioning protocol.

The Framework is a voluntary document that has been drafted to provide assurance to key stakeholders, including HM Government, that the GLA has in place and follows the necessary systems and processes to effectively manage delegated functions and funding relating to the AEB. The GLA has committed to reviewing the AEB Assurance Framework annually to ensure it remains consistent with current policy; is up to date in terms of processes and procedures the GLA has in place for managing the AEB programme; and meets any new requirements.

The AEB Mayoral Board Constitution has been updated to reflect changes to membership, as well as to reflect minor process changes.

This decision also seeks approval for up to £10,000 from the AEB's Management & Administration (M&A) budget to procure specialists to develop a new bespoke inclusive commissioning protocol and train GLA staff. The funding will be used as a lever to encourage workforce equality and ensure that small organisations, voluntary community sector organisations and organisations led by individuals with protected characteristics, have equitable access to the AEB budget.

Decision:

That the Mayor approves:

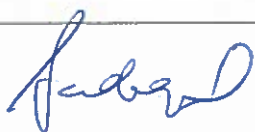
1. the updated AEB Assurance Framework (version 3) for publication (attached at Appendix A)
2. the amendments to the AEB Mayoral Board Constitution (attached at Appendix B) to reflect changes to the membership of the Board and other minor amendments
3. expenditure of up to £10,000 from the AEB's Management & Administration (M&A) budget to procure specialists to develop a new bespoke inclusive commissioning protocol and train GLA staff.

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:

22/1/24

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

Decision required – supporting report

1. Introduction and background

AEB Assurance Framework

- 1.1 In preparation for delegation of the 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 that sets out the processes and procedures the GLA has put in place to manage the AEB effectively. The GLA volunteered to write this document as part of its commitment to openness and transparency.
- 1.2 In August 2019, the GLA published the first Framework for the 2019-20 academic year to coincide with the first year of delegated AEB functions. The Framework took into consideration the Mayor's Office for Policing and Crime (MOPAC) internal audit requirements and further "Guidance for the Mayor of London and Greater London Authority" (the London Guidance). This guidance ensures that funding and provider management arrangements are agreed by the Mayor with providers in a way that minimises costs and maximises consistency and transparency.
- 1.3 The second annual review took place in 2020 and was published in July 2020. Further updates were made and published in March 2021, namely an update to the AEB decision-making processes in line with the provisions set out in Mayoral Decision (MD) 2736 – changes to AEB decision-making.

AEB Mayoral Board Constitution

- 1.4 The AEB Mayoral Board was established in July 2018 under MD2328 – Governance arrangements for statutory functions relating to the AEB. The Board's constitution has been updated following changes to Board membership at the start of this Mayoral term. Amendments have also been made to reflect other minor process changes.

Development of an Inclusive Commissioning Protocol

- 1.5 Expenditure of up to £10,000 from the AEB's Management & Administration (M&A) budget will be used to procure specialists to develop a new bespoke inclusive commissioning protocol and train GLA staff. The funding will be used as a lever to encourage workforce equality and ensure that small organisations, voluntary community sector organisations and organisations led by individuals with protected characteristics, have equitable access to the AEB.
- 1.6 The decisions set out in this form were considered by the AEB Mayoral Board on 8 July 2021 and were endorsed with no further recommendations.

2. Objectives and expected outcomes

AEB Assurance Framework

- 2.1 The AEB Assurance Framework has been based on the requirements of the readiness conditions set by the DfE and contains the following chapters:
 1. Governance and Decision-Making
 2. Financial Assurance and Auditing
 3. Data Management

4. AEB Policy: Funding Rules and Learner Eligibility
5. Commissioning and Managing Procured Provision
6. Grant-Funded Provision.

- 2.2 The AEB Assurance Framework will continue to be reviewed and updated annually, or sooner if required.
- 2.3 Most updates made to this version of the AEB Assurance Framework are clerical and include ensuring the 2020-21 academic year is referenced rather than the previous academic year.
- 2.4 Information has been added that was previously omitted including references to the Skills for Londoners Framework Consultation and the AEB's inclusion in the MOPAC audit schedule.
- 2.5 There have been some amendments to the structure of Chapter 4 (Funding Rules and Learner Eligibility), which now links to the relevant pages and specific documents on the GLA website rather than listing each change in the Framework.

AEB Mayoral Board Constitution

- 2.6 The AEB Mayoral Board constitution has been updated to reflect changes to membership which was reviewed at the start of the new Mayoral term. Richard Watts, Deputy Chief of Staff, will replace David Bellamy, Chief of Staff, on the Board, and Nick Bowes, former Mayoral Director of Policy, has also stood down as he left the GLA at the end of the last Mayoral term. Further minor amends have been made to the constitution to reflect process changes.

Development of an Inclusive Commissioning Protocol

- 2.7 The budget to develop and implement a new inclusive commissioning protocol will ensure that the Skills and Employment Unit strengthens its commissioning and procurement approach, appropriately integrating corporate policy, legal obligations, and established best practice.
- 2.8 To oversee this activity, officers are establishing an 'Inclusive Commissioning Working and Implementation Group', which will lead on the development of the protocol and will oversee the £10,000 budget. The budget will be used to procure specialists to develop a new bespoke inclusive commissioning protocol and train GLA staff involved in the process. Officers are currently agreeing an Invitation to Tender (ITT) to seek specialist support to help us develop the protocol and train GLA staff accordingly.
- 2.9 Timelines are being agreed but the new protocol will be considered by the AEB Mayoral Board before publication by the end of this year. This timeframe allows us to engage with our stakeholders in advance of all our major commissioning activities in 2022, including procurement of new four-year AEB contracts.

3. Equality comments

- 3.1 In carrying out any functions in respect of the AEB, the Mayor is required to 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 re-assignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The AEB Assurance Framework includes a Diversity and Inclusion section that references the Mayor's Equality, Diversity and Inclusion Strategy and states how implementation of the AEB promotes equal opportunities.
- 3.4 An Equalities Impact Assessment is being prepared which sets out how the Protocol might impact on different groups including those who share protected characteristics.

4. Other considerations

Links to Mayoral strategies and priorities

- 4.1 Delivering the AEB will support the Mayor's vision to ensure that all Londoners and businesses gain the skills they need to succeed as set out in the Skills for Londoners' Strategy. It aims to meet the strategy's three aims:
- to empower all Londoners to access the education and skills to participate in society and progress in education and work
 - to meet the needs of London's economy and employers, now and in the future
 - to deliver a strategic city-wide technical skills and adult education offer.
- 4.2 The AEB supports the London Recovery Programme, specifically the Helping Londoners into Good Work mission. Since the start of the pandemic, the Mayor has prioritised using the AEB to deliver education and training to those Londoners most at risk of losing their jobs, in order to help them retrain and reskill/upskill to access new employment opportunities.

Risks arising / mitigations

- 4.3 The AEB Assurance Framework sets out robust governance arrangements for managing the AEB in order 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 robust, evidence-based and capable of being independently scrutinised.
- 4.4 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 is seeking approval for the revised Adult Education Budget (AEB) Assurance Framework for the new academic year 2021-22 and amendments to the AEB Mayoral Board Constitution.
- 5.2 There are no direct financial implications to the GLA arising from changes to the AEB Assurance Framework or the AEB Mayoral Board constitution.
- 5.3 Approval is also sought for the expenditure of up to £10,000 which is required for the inclusive commissioning work. This will be funded from the AEB Management and Administration budget.

6. Legal comments

- 6.1 Section 39A of the Greater London Authority Act 1999 permits the delegation of ministerial functions to the Mayor, subject to certain limitations and conditions. This forms the basis for the delegation of AEB functions from the Secretary of State for Education to the Mayor. A particular limitation of a delegation under s39A is that the usual power of delegation by the Mayor is not available in respect of s39A delegated functions.
- 6.2 Paragraph 10.4 of the AEB Mayoral Board constitution provides "The Mayor retains the right to amend this Constitution at any time following consultation with the Board or if urgent, in consultation with his Deputy Chief of Staff and the Deputy Mayor for Planning, Regeneration and Skills. Any changes will be reported at the next meeting of the Board." Officers are proposing changes to the Constitution which the Mayor may approve following consultation with the Board.
- 6.3 In taking the decisions to be requested, the Mayor must have due regard to the Public Sector Equality Duty - namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it (section 149 of the Equality Act 2010). The Mayor is referred to paragraph 3 of this report.
- 6.4 Officers must ensure that the changes and any impacts upon AEB providers and/or bidders are published and communicated clearly to such persons and seek further legal and commercial advice to the extent that resulting changes to contracts for services/Grants are required.
- 6.5 Section 2 of this report indicates that the GLA intends to procure services. Officers must ensure such services are procured in accordance with the GLA Contracts and Funding Code.

7. Planned delivery approach and next steps

- 7.1 The next steps are set out below:

Activity	Timeline
Publish the Assurance Framework and AEB Mayoral Board constitution	By 1 August 2021
Publish the Inclusive Procurement Protocol to GLA Website	By December 2021
Assurance Framework and AEB Mayoral Board constitution annual review	July 2022

Appendices and supporting papers:

Appendix A – AEB Assurance Framework (version 3)

Appendix B – AEB Mayoral Board 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

Until what date: (a date is required if deferring)

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:

Jamie Davies has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Halima Khan as reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Jules Pipe has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 19 July 2021.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature



Date

20 July 2021

CHIEF OF STAFF:

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

Signature



Date

20 July 2021