

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD3018

The Adult Education Budget (AEB) Assurance Framework 2022-23 and amendments to the AEB Mayoral Board and Skills for Londoners Board constitution

Executive summary:

This decision seeks approval of a revised Adult Education Budget (AEB) Assurance Framework (the Framework) for the 2022-23 academic year and updates to the AEB Mayoral Board and the Skills for Londoners (SfL) constitutions.

The Framework has been drafted to provide 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 AEB effectively.

This is the third annual review of the Framework and the proposed changes relate to enhanced intervention measures for independent training providers (ITPs).

A decision is sought to amend section 5 of the AEB Mayoral Board constitution and allow the Executive Director, Communities and Skills to nominate an alternative Lead Officer.

Finally, a decision is sought to make amendments to the constitution of the SfL Board to reflect changes to membership and to amend the terms of reference to include the Skills Roadmap for London.

Decision:

That the Mayor approves:

- the updated AEB Assurance Framework (attached at Appendix A) for the 2022-23 academic year
- an amendment to the AEB Mayoral Board constitution (Appendix B); namely, to update section 5 to allow the Executive Director to nominate an alternative Lead Officer
- amendments to the SfL Board constitution (Appendix C) to reflect changes to membership and amendments to the terms of reference to include the Skills Roadmap for London.

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:

18/8/22

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 AEB functions, the GLA was required to meet six readiness conditions to demonstrate to the Secretary of State for Education that the GLA is 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.
- 1.2 The Framework has been drafted to provide 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 up to date in terms of processes and procedures.
- 1.3 In July 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 internal audit requirements of the Mayor's Office for Policing and Crime and August 2019 Guidance from the Department for Education to the Mayor of London and GLA on the exercise of delegated adult education functions (the London Guidance). The London Guidance is intended to ensure that funding and provider management arrangements are agreed by the Mayor with providers in a way that minimises costs and maximises consistency and transparency.
- 1.4 Each year the Mayor reviews, revises and publishes a new version of the Framework ahead of each academic year (by 31 July). As the Framework is the primary governance document, it is taken through the GLA's formal decision-making process.
- 1.5 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 to reflect current staffing responsibilities; namely, to update section 5 to allow the Executive Director, Communities and Skills to nominate an alternative Lead Officer.
- 1.6 The SfL Board provides advice and guidance to the Mayor on the AEB and forms part of the wider AEB governance arrangements. The SfL Board constitution has been updated following recent changes to the Board membership, and to include the Skills Roadmap for London as part of the terms of reference.

2. Objectives and expected outcomes

AEB Assurance Framework (Appendix A)

- 2.1 The Framework has been based on the requirements of the readiness conditions set by DfE and contains the following chapters:
 - Governance and Decision-making
 - Financial Assurance and Auditing
 - Data Management
 - AEB Policy: Funding Rules and Learner Eligibility
 - Commissioning and Managing Procured Provision

- Grant-Funded Provision.

- 2.2 The Framework will continue to be reviewed and updated annually, or more frequently if required.
- 2.3 The only substantive change made to the Framework is enhanced intervention measures for ITPs as highlighted in paragraph 6.4.6. Any interventions by the GLA must be justified, proportionate and in accordance with any agreement(s) entered into with those provider(s). Minor changes can also be found highlighted at paragraph 5.2.2 and 6.4.5.
- 2.4 Other changes are administrative e.g. inclusion of the relevant academic year, updating hyperlinks from out-of-date documents and webpages.

The AEB Mayoral Board constitution (Appendix B)

- 2.5 Section 5 of the AEB Mayoral Board constitution has been updated to allow the Executive Director, Communities and Skills to nominate an alternative Lead Officer.

The SfL Board constitution (Appendix C)

- 2.6 The SfL Board constitution has been updated to reflect recent changes to the membership of the SfL Board and to include the Skills Roadmap for London as part of the terms of reference.

3. Equality comments

- 3.1 In carrying out any functions in respect of the AEB, 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 AEB promotes equal opportunities. This Decision makes no changes to those arrangements and has no impact on those with protected characteristics.

4. Other considerations

- 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:
- empower all Londoners to access the education and skills to participate in society and progress in education and work
 - meet the needs of London's economy and employers, now and in the future
 - deliver a strategic city-wide technical skills and adult education offer.

Risks arising/mitigation

- 4.2 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 proper, evidence-based and capable of being independently scrutinised.
- 4.3 There are no conflicts of interest to declare from those involved in the drafting or clearance of this decisions.

5. Financial comments

- 5.1 There are no direct financial implications to the GLA arising from these proposals.

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 used powers under 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:
- a. 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
 - b. 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 eligible Ministerial functions delegated to him and therefore must take all AEB decisions personally and this is specified in the Mayoral Decision-Making in the Greater London Authority protocol as well as in the AEB 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 into 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 the agreed understanding of how the delegation will operate and the Mayor signed to agree to the delegation 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 paragraph 3 above.

7. Planned delivery approach and next steps

- 7.1 The next steps are set out below:

Activity	Timeline
Publish the Assurance Framework, the Sfl Board constitution and the AEB Mayoral Board constitution	July 2022
Assurance Framework annual review for 2023-24 academic year	July 2023

Appendices and supporting papers:

- Appendix A: Revised AEB Assurance Framework
- Appendix B: AEB Mayoral Board – draft constitution
- Appendix C: Skills for Londoners (SfL) 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:

Kulsum Mohmed 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:

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 1 August 2022.

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date

D. Gene

4/8/22

CHIEF OF STAFF: Signed by Richard Watts on behalf of David Bellamy

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

Signature

Date

Richard Watts

1/8/22