

# GREATER **LONDON** AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD2580

### Title: Skills for Londoners Framework Consultation 2021/22

#### Executive Summary:

Through its annual Skills for Londoners Framework consultation, the GLA is planning on consulting on potential changes to the Adult Education Budget (AEB) for the academic year 2021-22 and future years, as well as other skills and employment policies.

A consultation paper will be published in February 2020. The findings will be used to inform potential changes to the AEB Funding and Performance Management Rules in 2021/22 and beyond, as well as supporting the ongoing development of the Mayor's long-term vision for skills in the capital.

#### Decision:

That the Mayor:

- 1) approves the publication of the Skills for Londoners Framework consultation (attached as an appendix) on proposed changes to the Adult Education Budget in 2021/22 and future years; and
- 2) approves expenditure of up to £40,000 to commission a consultant to log, collate and analyse written responses to the consultation and produce a summary report to be published on the GLA website by November 2020.

#### 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:

19/2/20

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

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1 From 1 August 2019, the Mayor was delegated responsibility from the Secretary of State for Education for the commissioning, delivery and management of London's Adult Education Budget (AEB).
- 1.2 The AEB covers skills provision for learners aged 19+ including Adult and Community Learning. It is delivered by a range of different provider types including general Further Education (FE) colleges, local authorities, independent training providers, sixth form colleges and universities.
- 1.3 As part of the preparation for the delegation of the AEB to the Mayor in 2019, the GLA published the Skills for Londoners (SfL) Framework in November 2018, following a five-week consultation in July-August 2018. Approved under MD2389, the Framework outlined how the Mayor would support the delivery of the objectives of the SfL Strategy, which was published in June 2018. It set out the implementation plans for the AEB, as well as the European Social Fund (ESF) and the SfL Capital Fund.
- 1.4 To build on the proposals set out in the Framework and to plan for any potential changes to the AEB in 2020/21 and future years, a consultation paper was published in April 2019. A summary report of the findings from the consultation, which ran for five weeks, was published in December 2019.
- 1.5 The GLA is now preparing to publish a third consultation paper in February 2020 which will put questions to the sector about potential changes to the AEB in 2021/22 and future years, as well as other skills and employment policies.
- 1.6 As for all AEB decisions, an MD is being sought as, under the legislative framework which permits the transfer of statutory AEB functions to the Mayor, he is not able to delegate those functions in the normal way.<sup>1</sup> This is recognised as a matter reserved by law for the personal exercise of the Mayor only under the *Mayoral Decision-Making in the Greater London Authority* document.

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

- 2.1 The consultation process will enhance the evidence base available to the Mayor on which to base future decisions on AEB policy. The consultation paper sets out 13 questions and is presented in two parts. The first section outlines potential changes to AEB policy in 2021/22 and future years. The second section focuses on other areas of skills and employment policy.
- 2.2 The consultation will run from 20 February to 22 March 2020. The shorter timescale for the consultation is a result of the pre-election period (beginning on 23 March 2020) during which no consultation can take place.
- 2.3 The consultation will be carried out using an online survey software tool which will be published as a link on the GLA website. The consultation will be promoted through the GLA's existing communication channels.
- 2.4 The GLA will commission consultancy services to log, collate and analyse written responses to consultation and to produce a summary report to be published on the GLA website. The successful bidder will also be expected to produce an interim report within one month of the consultation

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<sup>1</sup> Section 39A of the Greater London Authority Act 1999

ending, including presentation slides summarising the report's content in an engaging and easy-to-read format.

- 2.5 Alongside the formal consultation process, the GLA will conduct other forms of consultation, including roundtables with key stakeholder groups and meetings with representatives from boroughs, colleges and independent training providers to discuss the potential policy changes identified in the paper.
- 2.6 Any changes proposed to the AEB funding rules as a result of this consultation will be brought forward through the established governance process for the AEB, including consideration at the AEB Mayoral Board, and a further Mayoral Decision.
- 2.7 The summary report of the consultation will be published by November 2020 when any AEB policy changes for the academic year 2021/22 will have been approved through the established governance process outlined above.

### **3. Equality comments**

- 3.1 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; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Relevant protected characteristics are age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 3.2 The Mayor's Skills for Londoners Strategy sets out current disparities in employment and skills levels among different groups of Londoners. Young people, disabled adults, black, Asian, and minority ethnic (BAME) groups and women are all disproportionately under-represented in the labour market, especially in higher-skilled, better-paid jobs. City Hall is actively considering how the Mayor's control over the AEB can help reduce some of these gaps – including through the potential changes and requests for input – as outlined in the attached consultation document.
- 3.3 Any policy changes proposed as a result of this consultation will be assessed for their equality and diversity impact prior to a final decision and implementation.

### **4. Other considerations**

#### Links to Mayoral strategies

- 4.1 The consultation is part of the implementation of the commitments made in the Mayor's Skills for Londoners Strategy, to:
- 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; and
  - deliver a strategic city-wide technical skills and adult education offer.

#### Risks arising/mitigation

- 4.2 The principal risk associated with the Framework consultation is that there will be insufficient engagement from the provider base and wider stakeholders. This risk will be mitigated by ensuring input is received from providers through the planned programme of regular provider engagement meetings and proactive engagement with stakeholder organisations.
- 4.3 Personal data, for example name and contact details of consultees, will be collected through the online survey tool, presenting an information security risk. This has been mitigated through ensuring that the platform to be used complies with the requirements of the EU General Data Protection Regulation. For example, sensitive information collected will be kept to a minimum and stakeholders taking part in the consultation will not be required to provide an email address for future correspondence.

#### Other

- 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 There are no direct financial implications arising from the publication of the consultation paper on proposed changes to the administering of the AEB from 2021/22 onwards. However, the expenditure of up to £40,000 for commissioning a consultant to record, analyse and produce a summary report on the responses to the consultation, will be contained within the overall AEB 2020/21.
- 5.2 If there are agreed changes after the consultation, any resulting financial implications will be subject to further approval via the authority's decision-making process.

### **6. Legal comments**

- 6.1 As is stated in Part 1 above, the Secretary of State for Education has delegated functions in respect of the AEB pursuant to s39A of the Greater London Authority Act 1999 and it is these functions which the Mayor is being asked to exercise in making the decisions sought. A particular limitation of a ministerial delegation under s39A is that the Mayor's own powers of delegation in s38 do not apply to the delegated functions and so it is the Mayor who must be the decision maker in this instance.
- 6.2 In taking the decision requested, the Mayor must have due regard to the Public Sector Equality Duty under section 149 of the Equality Act 2010. To this end, the Mayor should have particular regard to Part 3 (above) of this report.
- 6.3 Should the Mayor be minded to make the decisions sought, officers must:
- exercise care in incurring or committing to any expenditure in reliance on delegated AEB before the grant of the same has been made, including liaison with the DfE to ensure that the funding may be claimed in respect of expenditure proposed; and
  - to the degree that reliance is to be placed upon access to and the use of ESF funding, liaise closely with the GLA's European Programmes Management Unit to ensure that such use is ESF compliant.
- 6.4 Section 2 of this report indicates that the GLA intends to procure services. Section 9 of the GLA Contracts & Funding Code requires the GLA to, in respect of services valued over £25,000 and up to £150,000, seek a call-off from a suitable framework where possible or, if not, undertake a formal

tender process which will be managed by TfL Commercial, before the commencement of the services.

## **7. Planned delivery approach and next steps**

<b>Activity</b>	<b>Timeline</b>
Framework consultation	February -March 2020
Analysis of consultation responses	May-July 2020
Publication of summary report	By November 2020

### **Appendices and supporting papers:**

- Appendix A – Draft Skills for Londoners Framework Consultation – AEB consultation 2021/22
- MD2389

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) 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 approval or on the defer date.

**Part 1 Deferral:**

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

If YES, for what reason:

**Part 2 Confidentiality:** Only the facts or advice considered to be exempt from disclosure under the FOI Act should be 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:**

Matt Bailey, Senior Policy Officer, Funding Policy & Systems has drafted this report in accordance with GLA procedures and confirms the following:

✓

**Sponsoring Director:**

Sarah Mulley and Halima Khan, Executive Director, Communities and Skills have reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

**Mayoral Adviser:**

Jules Pipe, Deputy Mayor for Planning, Regeneration and Skills 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 17 February 2020

**EXECUTIVE DIRECTOR, RESOURCES:**

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

**Signature**

*M. J. Allen*

**Date**

*17.2.20*

**CHIEF OF STAFF:**

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

**Signature**

*D. Bellamy*

**Date**

*19/2/2020.*