

# Adult Education Budget Mayoral Board Constitution

## 1 Purpose

- 1.1 The Adult Education Budget Mayoral Board ("the Board") is the key forum for ensuring that the statutory functions relating to the Adult Education Budget, as delegated by the Secretary of State for Education to the Mayor of London under Section 39A of the Greater London Authority Act 1999 from 1 August 2019, are implemented and delivered effectively.
- 1.2 The AEB aims to engage adults and provide the skills and learning they need to equip them for work, an apprenticeship or other learning. It enables more flexible tailored programmes of learning to be made available, which may or may not require a qualification, to help eligible learners engage in learning, build confidence, and/or enhance their wellbeing.
- 1.3 Under the legislative framework permitting the delegation of functions to the Mayor, he is excluded from delegating any decisions further and must take them personally. This Board provides an opportunity for the Mayor to actively consider pending decisions, before making any final decision either at the meeting or through the Mayoral Decision (MD) form process. Paragraph 2.4 sets out the two-tier decision-making process, including guidance as to which decisions may be made by the Mayor at the AEB Mayoral Board meetings, and which decisions remain subject to the standard MD form process.

## 2 Authority and decision-making procedures

- 2.1 The Board is authorised to consider any activity within its terms of reference.
- 2.2 In conducting its business, the Board must consider any resource implications and have regard to existing GLA processes, and any guidance or legislation issued by HM Government.
- 2.3 The Board will act as an advisory body on all matters relating to the AEB and the Mayor must pay due regard to the Board's recommendations when making his final decisions. Significant changes to any recommendations considered by the AEB Mayoral Board will usually be referred to the GLA's Mayoral Decision-making process. All decisions taken through the Mayoral Decision-making process will be reported back to the next Board meeting for completeness.
- 2.4 Following any Board recommendations, the Mayor may take decisions related to the AEB in two ways, as agreed under MD2736:
  - **AEB decisions that require endorsement by the AEB Mayoral Board and approval by the Mayor via an MD form.** This may include, but is not limited to: strategic direction and priorities; overarching governance & decision-making arrangements; the AEB commissioning strategy and overarching annual budget; and provider allocations for the year. Decisions taken in this way should first be considered by the AEB Mayoral Board before the MD form is submitted for approval through the Mayoral decision-making process. Where required, overarching MD forms will set the parameters under which the AEB Mayoral Board can consider the

matter and the Mayor can make decisions at the AEB Mayoral Board meeting. In addition, if changes are required to the MD after approval, it would be subject to the following variation procedure:

- Where the value of a financial commitment associated with a decision changes, then a new MD form is required unless the original MD form has set out specific criteria or financial thresholds; and
  - If there are significant changes to the nature of a decision, the basis on which it was taken or to the outcomes being pursued, then a new MD form may also be required, subject to consultation with GLA Governance.
- **AEB decisions that can be approved by the Mayor at the AEB Mayoral Board meetings.** The guidance set out in the AEB Assurance Framework provides that this is decision-making that falls 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. To formalise decisions made in this way, following consideration of a report on a matter by the AEB Mayoral Board, the Mayor will approve the decision(s) made at the end of the AEB Mayoral Board meeting which are then recorded. Should the AEB Mayoral Board require substantive amendments to any recommendations, the decision will be automatically referred to MD and submitted once the changes have been made.

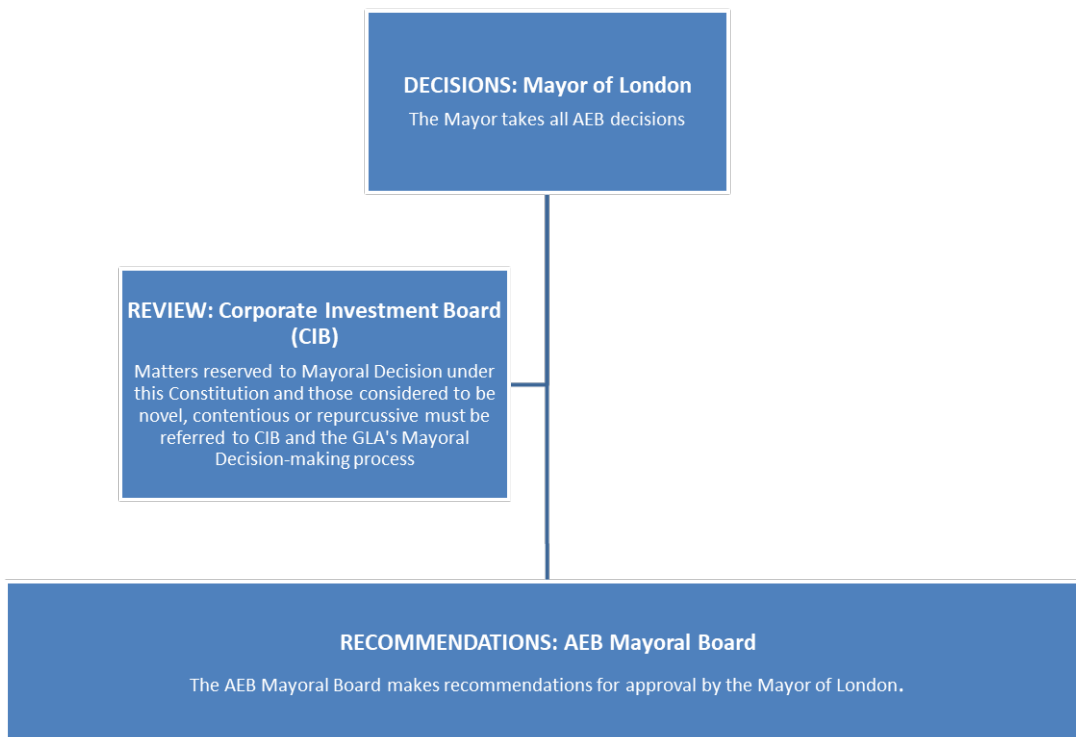
2.5 Guidance on the decisions that sit under each tier are set out in Chapter 1 of the AEB Assurance Framework under the ‘Schedule of AEB Matters Reserved to the Mayor’. As a general principle, any decisions that, under Part B of the Mayoral Decision-Making framework, are Reserved Mayoral Matters which would usually require an MD form (i.e. for areas outside of the AEB) will still be subject to the MD process. Decisions that would usually be delegated, either to Senior Officers or staff more widely, but cannot due to the restrictions relating to AEB, will be taken by the Mayor at the AEB Mayoral Board meeting (rather than through an MD form). In addition, processes that are considered operational are defined in the ‘Schedule of Officer Responsibilities’ in the AEB Assurance Framework.

2.6 For decisions requiring an MD form, alongside the AEB Mayoral Board process a draft MD form will be submitted to the GLA’s Corporate Investment Board (CIB) for consideration. Once draft MD forms have been reviewed by CIB and proposals have been considered and endorsed by the AEB Mayoral Board, they are submitted to the Mayor for signature. If any amends to decisions are required following consideration by the AEB Mayoral Board or CIB, they will be written into the decision before submission for Mayoral signature. All MDs are also signed by the GLA’s Chief Finance Officer to certify they are financially viable.

2.7 CIB performs a number of important functions including senior review and challenge of proposed decisions and the opportunity to ensure strategic alignment with the Mayor’s vision and manifesto commitments across all GLA policy areas. It is also the mechanism to ensure that policies are turned into

decisions in a coordinated and timely manner. Although all MD forms need to be cleared through CIB ahead of formal approval, CIB's role is largely, except in exceptional circumstances, to make sure those decisions are being made properly rather than to reject them in principle.

- 2.8 For those decisions not requiring an MD form, a summary of each AEB Mayoral Board meeting is reported back to CIB for noting and therefore CIB is made aware of any decisions made by the Mayor at the AEB Mayoral Board meetings.
- 2.9 If there is urgent business which needs to be considered before the next scheduled meeting, the Chair, or in the absence of the Chair, the Mayor's Deputy Chief of Staff, may convene an urgent meeting of the Board where circumstances allow. When this is not possible, so that the Board is able to progress its business in an efficient manner, urgent matters may be determined by email consultation before submission for final decision by the Mayor. The two-tier process outlined above does not apply to urgent AEB decisions. All urgent matters requiring a decision will be subject to an MD form (notwithstanding the exceptions set out at paragraph 10.5), and further detail on the urgency procedure is set out at section 10.
- 2.10 When a decision has been taken outside of a Board meeting, a report concerning the action taken will be placed on the agenda for the next scheduled meeting of the Board (as a matter for notification only) with a rationale for the decision having been taken in this way.
- 2.11 **Diagram 1: AEB decision-making process**



### 3 Terms of reference

- 3.1 The Adult Education Budget Mayoral Board will consider proposals in relation to:

- a) the strategic priorities and funding requirements for the AEB, including alignment to the Mayor's Skills for Londoners Strategy;
  - b) the modelling of funding allocations for the AEB programme;
  - c) the funding allocations to education and training providers;
  - d) any redistribution of allocated funding in the AEB programme;
  - e) any key programme risks identified; and
  - f) any other area that the Mayor determines is needed in order to exercise his delegated authority.
- 3.2 The Mayor may take certain decisions at the AEB Mayoral Board meetings, as set out in the guidance in Chapter 1 of the AEB Assurance Framework (Schedule of AEB Matters Reserved to the Mayor). Examples of decisions include: policy changes designed to achieve the overall strategic direction; agreement of research and evaluation priorities; changes to individual provider allocations; and in-year changes to the AEB Funding Rules.

## **4 Membership**

- 4.1 The Board comprises the following Members:
- Mayor of London – Chair;
  - Deputy Mayor for Planning, Regeneration & Skills;
  - Mayor's Deputy Chief of Staff;
  - GLA Executive Director – Resources (Chief Finance Officer); and
  - any other appointment that the Mayor deems to be in furtherance of the Board's aims.
- 4.2 Final AEB decision-making rests with the Mayor and all other members attend in an advisory capacity.
- 4.3 The Mayor may vary the membership and number of members of the Board at any time subject to consideration of any guidance and/or legislation set out by HM Government in relation to the delegation of the statutory AEB functions.
- 4.4 Board Members (other than any appointed by virtue of another role they hold (i.e. ex officio Members), or those already appointed to positions of employment or elected office at the GLA or board membership or employment at a GLA functional body) will be recruited and selected in accordance with the [GLA's Protocol on Mayoral Appointments](#). For those Members, the length of tenure and any requirements in relation to conduct and the disclosure and registration of personal interests will be set out in a letter of appointment.
- 4.5 Whilst Membership is restricted to Board Members, the capacity is retained to invite outside specialist input either on a standing basis or, where appropriate, on a specific topic or initiative.

## **5 Lead Officer**

- 5.1 The Lead Officer will be the GLA's Executive Director of Communities and Skills.

## **6 Meetings and reporting procedures**

- 6.1 Meetings shall usually be held quarterly or at such other intervals as the Board may be required to take decisions.
- 6.2 Recommendations to the Board shall be by way of a report to the relevant meeting and will normally be issued to Members a minimum of five clear working days before the meeting. Reports seeking a decision from the Mayor at the AEB Mayoral Board meeting must take into account advice from GLA Finance and TfL Legal.
- 6.3 The Board's Secretary, or a person nominated by the Secretary, will attend to provide secretarial and logistical support, take the minutes of the meeting and provide advice on governance and procedural matters.

## **7 Openness and transparency**

- 7.1 The Mayor of London is [committed to openness and transparency](#) in his administration and will make sure delivery of the AEB is in line with Mayoral policy and stakeholder expectations wherever possible.
- 7.2 Agendas and reports for the Board will usually be published on the GLA's website at least five clear working days before the meeting to which they relate.
- 7.3 All reports will be released with the agenda except in those cases where officers reasonably consider that information may be exempt from disclosure under an applicable exemption under the Freedom of Information Act 2000 (FOIA). These reports will be classed as 'reserved from publication'.
- 7.4 The main exemptions that are likely to make information reserved relate to the following (although others may be applicable under the FOIA):
- commercial sensitivity
  - information provided in confidence
  - personal data
  - legal professional privilege
  - information intended for publication at a future date
- 7.5 AEB Mayoral Board meetings will not be held in public, reflecting the accountability arrangements Parliament has put in place for the GLA, in that the Mayor is answerable to the London Assembly through Mayor's Question Time only after he has taken decisions.
- 7.6 Summary minutes of the meetings of the Board will usually be posted on the GLA's website within two weeks of the meeting to which they relate, with a final version published within ten clear working days of approval, which would normally take place at the following meeting.

## **8 Assurance**

- 8.1 The GLA will publish an AEB Assurance Framework which will provide details on how funds will be controlled, including arrangements for monitoring the levels of sub-contracting provision, audit, risk and scrutiny.
- 8.2 The Framework will signpost to all the GLA's existing policies and procedures relating to complaints, whistle-blowing and any other relevant and applicable provisions. It also sets out in detail the process by which the Mayor can take decisions related to the AEB programme. The GLA will ensure this framework is compliant with any HM Government directions and it will be subject to review by the AEB Mayoral Board.

## **9 Stakeholder engagement**

- 9.1 Although accountability for all decision-making sits with the Mayor, City Hall recognises the need to engage with key stakeholders, particularly in relation to ensuring strategic priorities are being met, and addressing local need. As such, the Board will take into account any recommendations from other Mayoral bodies including, but not limited to, the Skills for Londoners Board and the Skills for Londoners Business Partnership.

## **10 Urgency Procedure**

- 10.1 If the Board has urgent business that needs to be considered before the next scheduled meeting, the Mayor, as Chair, may convene an urgent meeting of the Board where circumstances allow.
- 10.2 For any urgent decision where it is not practical to arrange an extraordinary meeting, and in order to ensure that the Board is able to progress decisions in an efficient manner, urgent matters may be determined by agreement of the Chair through the following procedure:
- 10.3 The Board will receive an email notification which identifies:
  - Details of the matter requiring decision or views and the reason for urgency (including an explanation as to why an emergency meeting is not proposed to be held to conduct the business);
  - The date the decision is required by; and
  - The name of the person or persons making or putting forward the proposal/decision.
- 10.4 Urgent decisions will be made by MD form (notwithstanding the exceptions set out at paragraph 10.5 below) and will not follow the two-tier process set out at 2.4 above. The draft decision will be circulated to the AEB Mayoral Board for comment concurrently to it undergoing final checks for consideration at CIB. Any comments from AEB Mayoral Board or CIB members will be incorporated into the MD form prior to final sign off. In the absence of an extraordinary AEB Mayoral Board meeting, the final, signed MD will constitute the formal record the Mayor's approval of the decision.
- 10.5 In exceptional circumstances, the Mayor may take a final decision outside of the standard Mayoral Decision process. Any decisions taken outside of the

standard process must be shared with the AEB Mayoral Board in line with the process set out at paragraph 10.3 and appropriately recorded and reported.

- 10.6 Where a decision has been taken under this procedure a report concerning the action taken will be placed on the agenda for the next scheduled meeting of the Board (as a matter for notification only) with a rationale for the decision having been taken under these procedures rather than at an upcoming meeting.

## **11 Amendments to this Constitution**

- 11.1 The Constitution will be reviewed at the first meeting of the Board, again as the AEB enters the delivery phase and annually thereafter.
- 11.2 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.