

COMBINED AUTHORITY MEETING

22 JULY 2024

CONSTITUTION AMENDMENT - ADULT SKILLS FUND DELEGATIONS

Report of the Interim Deputy Monitoring Officer

1.0 Purpose of the Report

- 1.1 This reports seeks the approval of the Combined Authority to include additional delegations in relation to the Adult Skills Fund and governance arrangements.

2.0 Recommendations

- 2.1 The Combined Authority delegates the functions set out in Appendix A of the report to the Chief Executive.
- 2.2 The Combined Authority delegates authority to the Interim Monitoring Officer to make amendments to the draft Constitution to reflect these additional delegations.

3.0 Background

- 3.1 The Combined Authority will recall that at their January 2024 Meeting, they approved the setting up of a Skills and Employability Working Group and delegated responsibility for determination of the membership of the Working Group and drafting the Terms of Reference to the Interim Monitoring Officer, in consultation with the then Interim Head of Paid Service and Lead Members for each Constituent Authority.
- 3.2 The Working Group has now been set up, with the Terms of Reference being finalised in February 2024. A governance framework is in the process of being established, which will include an Officer led Operational Programme Board.
- 3.3 This report seeks the approval of the Combined Authority to make certain delegations to the Chief Executive including the approval or amendment of certain operational documents, including the Funding and Performance Management Rules and Commissioning and Procurement Plan, as well as giving a specific delegation to the Chief Executive to agree grant agreements in relation to Adult Skills Fund work. A full list of the proposed delegations can be found at Appendix A.

4.0 Financial Implications

- 4.1 There are no specific financial implications arising from this report.

5.0 Legal Implications

5.1 The legal implications of the additions to the constitution are contained in the body of this report.

6.0 Equalities Implications

6.1 None.

7.0 Environmental Implications

7.1 There are no environmental implications arising from this report.

7.2

8.0 Combined Authority Areas Impacted (Council Areas/Wards/Divisions)

8.1 York and North Yorkshire.

9.0 Recommendations

- 9.1 9.2 The Combined Authority delegates the functions set out in Appendix A of the report to the Chief Executive.
- 9.3 The Combined Authority delegates authority to the Interim Monitoring Officer to make amendments to the draft Constitution to reflect these additional delegations.

10.0 Reasons For Recommendations

10.1 To ensure that the governance framework for the Combined Authority, in particular in relation to the Adult Skills Fund remains in accordance with all legal requirements.

11.0 Contact Details

For further information please contact the author of this Report.

Author

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Report approved:	James Farrar
Date:	10 July 2024

Background papers - None

Appendices – Appendix A – Adult Skills Fund Delegations

Appendix A - Adult Skills Fund (ASF) Delegations

The Combined Authority will approve the ASF Strategic Skills Plan and will approve any changes to the Strategic Skills Plan following its 3-year review period. The table of delegation below allows the Chief Executive to approve or amend operational documentation in relation to the fund.

Decision	Decision maker	Rationale
To make interim changes to the YNYCA ASF Strategic Skills Plan in response to new emerging economic needs, crisis or responsiveness.	Delegated Authority from the Combined Authority members to the Chief Executive	Decision on interim measures that affect operation, responding to economic needs, in line with sector intelligence. Required for quick decisions needed to minimise any impact of responsiveness on delivery.
To approve the Funding and Performance Management Rules (annually)	Delegated Authority from the Combined Authority members to the Chief Executive	The Funding and Performance Management Rules form part of the suite of contractual documents and are operational in function. Technical expertise and recommendation will be provided to the Chief Executive by specialist subject matter expert Officers where necessary, supported by the ASF Team.
To make interim minor technical or process driven amendments to the Funding and Performance Management Rules in line with strategic direction set by the Combined Authority.	Delegated Authority from the Combined Authority members to the Chief Executive	Any amendments must remain in accordance with the YNYCA ASF Strategic Skills Plan, as approved by the Combined Authority. Technical expertise and recommendation will be provided to the Chief Executive by specialist subject matter expert Officers where necessary, supported by the ASF Team. Required for quick decisions needed to minimise any impact of responsiveness on delivery – these decisions will be operational and process driven.

<p>To approve the ASF Commissioning & Procurement Plan – inclusive of grant and procurement value methodology (annually)</p>	<p>Delegated Authority from the Combined Authority members to the Chief Executive</p>	<p>In accordance the with the methodology outlined in the YNYCA ASF Strategic Skills Plan, as approved by the Combined Authority members.</p> <p>Technical expertise and recommendation will be provided to the Chief Executive by specialist subject matter expert Officers where necessary, supported by the ASF Team.</p>
<p>To approve mid year amendments to the ASF Commissioning & Procurement Plan.</p>	<p>Delegated Authority from the Combined Authority members to the Chief Executive</p>	<p>Technical expertise and recommendation will be provided to the Chief Executive by specialist subject matter expert Officers where necessary, supported by the ASF Team.</p>
<p>To agree Grant Agreements.</p>	<p>> £500K - The Combined Authority members</p> <p>< £500K - Delegated Authority from the Combined Authority members to the Chief Executive</p>	<p>Grant allocations will be determined in accordance the with the methodology outlined in the YNYCA ASF Strategic Skills Plan, as approved by the Combined Authority members.</p> <p>In accordance with the Funding and Performance Management Rules, Performance Management Framework, and Grant Agreement terms and conditions.</p> <p>Technical expertise and recommendation will be provided to the Chief Executive by specialist subject matter expert Officers where necessary, supported by the ASF Team.</p>
<p>To agree Contracts for Services awarded through procurement.</p>	<p>> £500K – The Combined Authority members</p> <p>< £500K – Delegated Authority from the Combined Authority members to the Chief Executive</p>	<p>In accordance with the YNYCA ASF Strategic Skills Plan, Funding and Performance Management Rules, Performance Management Framework, and Contract for Services terms and conditions.</p> <p>Technical expertise and recommendation will be provided to the Chief Executive by specialist subject matter expert Officers where</p>

		necessary, supported by the ASF Team.
To agree Delivery Plans for providers (annually)	Delegated Authority from the Combined Authority members to the Chief Executive	<p>Will align to the priorities set out in the YNYCA ASF Strategic Skills Plan.</p> <p>In accordance with criteria set out in the Performance Management Framework.</p> <p>In line with the process detailed in Grant Agreements and Contracts for Services.</p> <p>Technical expertise and recommendation will be provided to the Chief Executive by specialist subject matter expert Officers where necessary, supported by the ASF Team.</p>
To agree variations to Delivery Plans with providers	Delegated Authority from the Combined Authority members to the Chief Executive	<p>Will align to the priorities set out in the YNYCA ASF Strategic Skills Plan.</p> <p>Variations will be approved based on performance.</p> <p>In accordance with criteria set out in the Performance Management Framework.</p> <p>In line with the process detailed in Grant Agreements and Contracts for Services.</p> <p>Technical expertise and recommendation will be provided to the Chief Executive by specialist subject matter expert Officers where necessary, supported by the ASF Team.</p>
To approve subcontracting where not already approved under current ESFA regulations. ESFA guidance available here .	Delegated Authority from the Combined Authority members to the Chief Executive	<p>In accordance with the Funding and Performance Management Rules which outline strict requirements regarding subcontracting practice.</p> <p>Technical expertise and recommendation will be provided to the Chief Executive by specialist</p>

		subject matter expert Officers where necessary, supported by the ASF Team.
To approve overperformance and requests for growth	Delegated Authority from the Combined Authority members to the Chief Executive	<p>In accordance with criteria set out in the Performance Management Framework.</p> <p>In line with the process detailed in Grant Agreements and Contracts for Services.</p> <p>Technical expertise and recommendation will be provided to the Chief Executive by specialist subject matter expert Officers where necessary, supported by the ASF Team.</p>
To approve underperformance and contract reduction / termination	Delegated Authority from the Combined Authority members to the Chief Executive	<p>In accordance with criteria set out in Performance Management Framework.</p> <p>In line with the process detailed in Grant Agreements and Contracts for Services.</p> <p>Technical expertise and recommendation will be provided to the Chief Executive by specialist subject matter expert Officers where necessary, supported by the ASF Team.</p>
To approve funding clawback	Delegated Authority from the Combined Authority members to the Chief Executive	<p>In accordance with criteria set out in Performance Management Framework.</p> <p>In line with the process detailed in Grant Agreements and Contracts for Services.</p> <p>Technical expertise and recommendation will be provided to the Chief Executive by specialist subject matter expert Officers where necessary, supported by the ASF Team.</p>