

Request for Consent and Agreement on Combined Authorities (Adult Education Functions) (Amendment) Order 2025

Date: 12 February 2025

Report of: Director of City Development

Report to: Executive Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

In 2024 new types of technical qualifications were approved by the Institute for Apprenticeships and Technical Education, for delivery from 2025. These are funded nationally under section 100 (1B) of the Apprenticeships, Skills, Children and Learning Act 2009.

To enable Combined Authorities and Combined County Authorities to use their Adult Skills Fund budget to fund the new technical qualifications from 2025, the Government will need to transfer this funding power to them via a statutory instrument.

The consent of constituent councils, of which Leeds City Council is one, in principle is sought before the Order can be made. This report requests this consent be granted.

The Department of Education is seeking consent as quickly as possible in order that the Order can be enacted in time for the 2025/26 academic year. The report is being received as a late item by Executive Board due to late notification from Department of Education that consent from the combined authority and constituent councils will be required.

Brief summary

Recommendations

Executive Board is asked:

- a) As Constituent Council, to provide consent in principle to the Department of Education's creation of a statutory instrument conferring additional funding powers for adult education functions to established combined authorities.
- b) To delegate authority to the Chief Executive of the Combined Authority, in consultation with Mayor of the Combined Authority, to finalise and consent to the final draft of the Order.
- c) To approve that recommendations (a) and (b) above are exempt from call-in on the grounds of urgency, for the reasons set out in paragraphs 16 to 18 of this report.

What is this report about?

- 1 In 2024 new types of technical qualifications were approved by Institute for Apprenticeships and Technical Education, for delivery from 2025. These are funded nationally under section 100 (1B) of the Apprenticeships, Skills, Children and Learning Act 2009. To enable Combined Authorities and Combined County Authorities to use their Adult Skills Fund budget to fund the new technical qualifications from 2025, the Government will need to transfer this funding power to them via a statutory instrument.
- 2 The Combined Authorities (Adult Education Functions) (Amendment) Order 2025 (“the Order”) will be made, subject to Parliament’s approval, under provisions within the Local Democracy, Economic Development and Construction Act 2009, including section 105A. This Order will amend the existing education-related statutory instrument for each Combined Authority to add the further funding power, to enable combined authorities to fund new, high-quality technical qualifications alongside others already available to them.
- 3 This will ensure that adult learners in the area will have access to the same high-quality technical qualifications as those in other devolved, and non-devolved, areas. The aim (subject to Parliamentary approval and timetabling) is for the statutory instrument to come into effect by the start of August 2025, in time for the new academic year.
- 4 A public consultation and an assessment of burdens has been undertaken by the Department for Education, which concluded that transferring section 100 (1B) will not place any additional burdens on combined authorities.
- 5 Qualifications are withdrawn and new qualifications are approved all the time, so the list of qualifications from which combined authorities can select is not static – it is constantly changing. Commissioning officers and providers already have processes in place to manage changes to the qualifications landscape and decide which ones are most appropriate for adults in their areas.
- 6 The proposed Order will not require the Combined Authority to do anything different, or change the way it operates, it will merely give the power to fund the new technical qualifications, alongside other qualifications that are already available to it, if it wants to.
- 7 The Department of Education has indicated that a draft order will be provided in early February 2025, once it has gone through the various internal checks and procedures. The consent of the Combined Authority and each of its constituent councils is required before the Order can be made. The Department of Education is seeking consent as quickly as possible in order that the Order can be enacted in time for the 2025/26 academic year.
- 8 The Combined Authority provided its consent to the making of this Order at its ordinary meeting on the 30 January 2025.

What impact will this proposal have?

- 9 There will be minimal impact from this proposal. Consent for the change will ensure that adult learners in the area will have access to the same high-quality technical qualifications as those in other devolved, and non-devolved, areas. It will not require the Combined Authority to do anything differently.

How does this proposal impact the three pillars of the Best City Ambition?

- Health and Wellbeing Inclusive Growth Zero Carbon

- 10 The Adult Skills Fund funds education and training for adults aged 19 and above to gain skills which will lead them to meaningful, sustained, and relevant employment.

11 By increasing the suite of qualifications available to the Combined Authority to fund through this budget will have positive impact on the pillars through increasing access to high Quality technical education including those needed to achieve Net zero ambitions.

What consultation and engagement has taken place?

12 A public consultation and an assessment of burdens has been undertaken by the Department for Education, and previously a public consultation was undertaken in 2020, in anticipation of the first stage of devolution and the creation of the Mayoral Combined Authority for West Yorkshire.

Wards affected:

Have ward members been consulted? Yes No

What are the resource implications?

13 There are no resource implications for the council arising from this report.

What are the key risks and how are they being managed?

14 There are no risk implications for the council arising from this report.

What are the legal implications?

15 S101(5) Local Government Act 1972 provides that two or more local authorities (defined to include a combined authority) may discharge any of their functions jointly and may arrange for the discharge of those functions by an officer of one of the authorities.

16 This report is a Key Decision but has not been included on the List of Forthcoming Key Decisions for a period of 28 clear calendar days prior to taking the decision as, due to the late notice of the request for consent to the Order from Government, it is impracticable to defer the decision until it has been included in the List of forthcoming Decisions. As such, the recommended decision is being administered under the General Exception provisions of the Executive and Decision-Making Procedure Rules, (rule 5.2), and a copy of the agenda for the meeting has been forwarded to the Chair of the relevant Scrutiny Board and published on the Council's website, and 5 days have elapsed since those requirements were complied with. Notwithstanding this, the particulars of the decision were added to the List on 30 January 2025.

17 As a consequence of the urgency of the decision, and that any delay may seriously prejudice the enactment of the Order, and the benefits for the adult learners of Leeds, it is recommended that this decision is declared as being exempt from call-in.

18 As noted in paragraph 7 above, unanimous approval of all five West Yorkshire councils is required for this matter to proceed, and Government has indicated its intention to share a draft Order in early February, so that the Order can be enacted in time for the 2025/26 academic year. Therefore this decision cannot be deferred to the March scheduled Executive Board meeting, and any delay caused by the call-in process would risk prejudice to the council's interests (and those of the combined authority and constituent councils).

Options, timescales and measuring success

What other options were considered?

19 The Council is able to refuse to provide its consent to these powers being transferred to the West Yorkshire Combined Authority. However, in order for the powers to be transferred unanimous consent from all five West Yorkshire councils and the combined authority is

required. Without consent adult learners from Leeds would not have access to the same technical qualifications as those in other devolved, and non-devolved, areas.

How will success be measured?

20 It is anticipated that all five West Yorkshire councils will add their consent to that already provided by the Combined Authority, thereby authorising the Department of Education's creation of a statutory instrument conferring additional funding powers for adult education functions to Combined Authorities.

What is the timetable and who will be responsible for implementation?

21 The Department of Education has indicated that a draft order will be provided in early February 2025, once it has gone through the various internal checks and procedures. The consent of the Combined Authority and each of its constituent councils is required before the Order can be made. The Department of Education is seeking consent as quickly as possible in order that the Order can be enacted in time for the 2025/26 academic year.

Appendices

- Equality, Diversity, Cohesion and Integration (EDCI) screening.

Background papers

- None.