

Report title: Combined Authorities (Adult Education Functions) (Amendment) Order 2025

Meeting	Cabinet
Date	6 May 2025
Cabinet Member (if applicable)	Cllr Amanda Pinnock
Key Decision Eligible for Call In	Yes No

Purpose of Report

The purpose of the report is for Cabinet to consider the Combined Authorities (Adult Education Functions) Amendment Order 2025 which has been published in draft form by the Department for Education.

The order proposes the transfer of funding powers from Government to Combined Authorities and Combined County Authorities to enable them to utilise their Adult Skills Fund budgets to fund new technical qualifications developed in 2024 by the Institute for Apprenticeships and Technical Education.

The consent of each of the constituent local authorities forming the West Yorkshire Combined Authority is required and this report requests Cabinet’s consent to the making of the order.

Recommendations

It is recommended that Cabinet

- provides consent in principle to the Department of Education’s creation of a statutory instrument – the Combined Authorities (Adult Education Functions) (Amendment) Order 2025 conferring additional funding powers for adult education functions to the West Yorkshire Combined Authority
- Notes that the Chief Executive of the Combined Authority, in consultation with the Mayor of the Combined Authority, will finalise and consent to the final draft of the Order and any related changes to existing statutory instruments

Reasons for Recommendations

To ensure that adult learners in Kirklees are able to access the full range of new technical qualifications developed by the Institute for Apprenticeships and Technical Education from the start of the 2025/26 academic year, and to enable West Yorkshire Combined Authority to draw down funding from the Adult Skills Fund to support these qualifications.

Resource Implication: There are no staffing implications arising from the report. The Council is a direct provider of adult and community learning courses but the vast majority of this provision is non-accredited learning, whereas the Government’s proposed Order is related to accredited learning provision. As a result, the direct financial implications for the Council arising from approval will be very modest.

Date signed off by <u>Executive Director</u> & name	David Shepherd 24 April 2025
Is it also signed off by the Service Director for Finance?	Kevin Mulvaney 24 April 2025
Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)?	Samantha Lawton 24 April 2025

Electoral wards affected: All

Ward councillors consulted: N/a

Public or private: Public

Has GDPR been considered? Yes

1. Executive Summary

In 2024 new types of technical qualifications were approved by the Institute for Apprenticeships and Technical Education, for delivery from the 2025/26 academic year. 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 Combined Authorities (Adult Education Functions) Order 2025.

West Yorkshire Combined Authority provides its consent to the making of the Order on 30 January 2025. However, the consent of constituent local authorities that are members of Combined Authorities is required before the Order can be made. The Department of Education is seeking this consent as quickly as possible in order that the Order can be enacted in time for the 2025/26 academic year.

2. Information required to take a decision

Combined Authorities (Adult Education Functions) (Amendment) Order 2025

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.

The new qualifications include a number of new T-Levels (for 16–19-year-olds) and a range of new Level 3 qualifications for adults in areas including construction and the built environment; education and early years; engineering and manufacturing; digital and health and science.

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 proposes to transfer this funding power to them via a statutory instrument – see [Transfer of funding powers for new technical qualifications - GOV.UK](#).

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. The Department of Education has published the draft order for consultation. The proposed order relates specifically to the Level 3 qualifications for adult learners.

The 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 the other qualifications that are already supported through the Adult Skills Fund. In the case of West Yorkshire, the new Order will amend parts of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112).

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.

The Combined Authority provided its consent to the making of this Order at its ordinary meeting on the 30 January 2025. The consent of each of the constituent local authorities forming the West Yorkshire Combined Authority is required and this report requests Cabinet’s consent to the making of the order.

The approval of new qualifications and withdrawal of obsolete qualifications occurs relatively frequently. The list of qualifications from which Combined Authorities can select for funding purposes is not static – it is constantly changing. Commissioners and training 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.

A public consultation and an assessment of burdens has been undertaken by the Department for Education. The latter concluded that transferring section 100 (1B) will not place any additional burdens on combined authorities or their constituent local authorities. 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 through the Adult Skills Fund, alongside other qualifications that are already available to it.

Should the Cabinet agree to provide its consent to the Combined Authorities (Adult Education Functions) (Amendment) Order 2025, this will ensure that adult learners have access to the full range of high-quality technical qualifications available elsewhere in England. A number of the new qualifications will support upskilling in key economic sectors of significance to the district including construction, early years education, health and life sciences and manufacturing/engineering.

3. Implications for the Council

3.1 Council Plan

Widening the range of technical qualifications that are funded and available to adult learners in Kirklees will support the achievement of a number of Council Plan outcomes – most notably ‘Aspire and Achieve’ through widening the range of opportunities available to learners and also ‘Sustainable Economy’ as the new qualifications will open up new Apprenticeship opportunities for employers and learners.

3.2 Financial Implications

There are no direct financial implications for the Council arising from the decision to provide local authority consent to the Order. The Council is an adult learning provider in its own right but the vast majority of the courses it delivers are non-accredited to avoid duplicating provision by Kirklees College.

The Council currently receives approximately £31,000 per annum from the Adult Skills Fund to deliver accredited adult learning courses. In the event that the Council determines to provide consent for the Order, this could generate a modest increase in learner demand for the new qualifications covered by the Order and result in a modest increase in ASF income. In the event that consent is not provided the level of Adult Skills Fund income is likely to remain the same. Any related changes will be negligible.

3.3 Legal Implications

The proposed Order will amend parts of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112) to enable the transfer of funding powers to fund the new qualifications set out in the report.

The provision of consent does not commit Kirklees Council to fund technical qualifications under section 100(1B) of the Apprenticeships, Skills and Children Act 2009.

S101(5) of the Local Government Act 1972 provides that two or more local authorities discharge any of their functions jointly and may arrange for the discharge of those functions by an officer of one of the authorities, so this decision would be legally compliant.

Whilst this would be classed as a Key Decision, the need to proceed with urgency would make it impractical to publish a key decision notice. Under Rule 17 of the Council’s Access to Information Procedure Rules, this decision can be made by Cabinet if this rule has been complied with.

3.4 Climate Change and Air Quality

There are no climate change or air quality implications.

3.5 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

Responsibility for the Implementation of the Integrated Impact Assessment will be assumed by West Yorkshire Combined Authority as they exercise their new powers and transition to the delivery phase. There is no expected equality impacts associated with the decision to consent to these powers.

4 Consultation

The Department for Education has undertaken a public consultation on the proposals which is cited [Government consultation response](#).

Engagement

As a result of the short timescales to secure local authority consent for the Order no formal consultation has taken place.

6 Options

6.1 Options Considered

The Council could choose not to provide its consent to the making of the Combined Authorities (Adult Education Functions) (Amendment) Order 2025. However, this would have the effect of limiting funding for and access to the new technical qualifications in West Yorkshire. This would have negative impacts on learners and employers and generate reputation risks for the Council.

6.2 Reasons for recommended Option

Providing consent for the proposed Order will maximise the range of qualifications open to learners and employers.

7 Next steps and timelines

Formal consent is required from each of the West Yorkshire local authorities as soon as practicable in order that WYCA's approval can be ratified and the Order can be finalised and enacted before the Parliamentary recess. This is to ensure that delivery of the new qualifications can commence at the start of the 2025/26 academic year.

8 Contact officer

Chris Duffill, Head of Business and Skills chris.duffill@kirklees.gov.uk

9 Background Papers and History of Decisions

N/a

10 Appendices

N/a

11 Service Director responsible

Edward Highfield, Service Director Skills & Regeneration