

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal and Governance Services
Relevant Executive Member:	Mayor
Submitted to:	Mayor Single Member decision
Date:	16 May 2025
Title:	Consent to Adult Education Functions Order 2025
Report for:	Decision
Status:	Public
Council Plan priority:	A successful and ambitious town
Key decision:	No
Why:	Decision does not reach the threshold to be a key decision
Subject to call in?	No
Why:	Immediate implementation of the decision is required: the decision of Middlesbrough Council (as a constituent council of the Tees Valley Combined Authority) decision is required by the Department for Education by 16 May 2025 in order to meet Parliamentary deadlines for the submission of the necessary Statutory Instrument to enable the devolution.

Proposed decision(s)
<p>That the Mayor:</p> <ul style="list-style-type: none"> • APPROVES consent being given to the amendment to the Adult Education Functions Order 2025 and the transferring of funding powers from the Department for Education to the Tees Valley Combined Authority for the technical qualifications.

Executive summary
This report seeks consent from the Mayor to a government planned devolution of additional powers to the Tees Valley Combined Authority (TVCA) in relation to Adult Education.

Devolution of these powers will enable TVCA to broaden the scope of training it is able to support.

1. Purpose of this report and its contribution to the achievement of the Council Plan ambitions

- 1.1 Consent of constituent authorities of combined authorities is required for the devolution of powers from public bodies to combined authorities. The purpose of this report is to seek that consent to enable government to lay an amendment to the Adult Education Functions Order 2025, before Parliament.
- 1.2 The Order will be made, subject to Parliament's approval, under provisions within the Cities and Local Government Devolution Act 2016, including section 105A, and will confer an additional funding power for adult education functions on all existing combined authorities with adult education functions. It will enable combined authorities to administer their Adult Skills Fund (ASF) to fund new technical qualifications from academic year 2025/26.
- 1.3 Due to errors in assumptions around the approval route for this by the combined authority, this decision has been requested with less than 5 days working notice and will also not be subject to call-in. The Chair of Overview and Scrutiny Board has agreed to this non-key decision being taken in these circumstances.

Our ambitions	Summary of how this report will support delivery of these ambitions and the underpinning aims
A successful and ambitious town	The decision requested and then the consequent legislation will enable the Combined authority to administer its Adult Skills Fund (ASF) to fund new technical qualifications from academic year 2025/26, supporting the Council's ambitions around improving the skills and qualifications of its residents.
A healthy Place	While not directly applicable, supporting people to have higher skill levels, improves employment opportunities and higher levels of employment are linked to better health outcomes
Safe and resilient communities	Again, while it is not directly linked, improved access to training and skills will improve outcomes for our residents.
Delivering best value	This proposed decision has no direct financial implications for the Council.

2. Recommendations

2.1 That the Mayor:

- **APPROVES** consent being given to the amendment to the Adult Education Functions Order 2025 and the transferring of funding powers from the Department for Education to the Tees Valley Combined Authority for the technical qualifications.

3. Rationale for the recommended decision(s)

- 3.1 The recommended decision would appear to have no negative implications and does not bind TVCA to fund any particular qualifications, it simply broadens the scope of qualifications it may support. By not granting consent, the offer to students may be restricted with the TVCA area.

4. Background and relevant information

- 4.1 The Department for Education (DfE) currently transfers statutory adult education functions to combined authorities via statutory instrument (once devolution deals are agreed) so they can decide, at a local level, which qualifications they wish to fund to support skills development in their areas.
- 4.2 This Order will amend the existing education-related statutory instrument for each Combined Authority to add the further funding power, specifically it will concurrently transfer Section 100(1B) of the Apprenticeships, Skills and Children Act 2009 (ASCLA), to enable combined authorities to fund new, high-quality technical qualifications alongside others already available to them. 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.
- 4.3 This funding power will not be applicable for adults aged under 25 who are in receipt of an Education, Health and Care (EHC) Plan, as they will continue to be funded from the 16 to 19 budget, nor will it apply to adults in detention, as they are funded by the Ministry of Justice.
- 4.4 As part of the transfer process, DfE are required to undertake an assessment of new burdens. The purpose of the assessment is to keep the pressure on council tax bills to a minimum by ensuring that any new powers transferred to local authorities do not increase the administrative burden.
- 4.5 DfE believe that transferring section 100 (1B) will not place any additional burdens on combined authorities. This is because DfE are not imposing a duty on combined authorities to fund new qualifications, they are simply giving them the power to do so if they wish.
- 4.6 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 will already have processes in place to manage changes to the qualifications landscape and decide which ones are most appropriate for adults in their areas.
- 4.7 DfE are not asking combined authorities to do anything different, or change the way they operate, they are just giving them the power to fund the new technical qualifications, alongside other qualifications that are already available to them, if they want to.

5. Ward Member Engagement if relevant and appropriate

5.1 Not applicable.

6. Other potential alternative(s) and why these have not been recommended

6.1 The Council could choose not to give the approval sought, which would result in powers not being devolved to the TVCA. DfE believe that if they do not transfer this funding power this may lead to a greater administrative burden.

7. Impact(s) of the recommended decision(s)

Topic	Impact
Financial (including procurement and Social Value)	There are no financial implications to the Council from this decision.
Legal	Member consent is required by legislation governing further devolution of powers from public bodies to combined authorities. This proposed decision aligns with that requirement.
Risk	The report is not directly relevant to Strategic Risks.
Human Rights, Public Sector Equality Duty and Community Cohesion	Not applicable
Reducing Poverty	Enabling training provision will support all eligible residents to access training opportunities that can support them to achieve qualifications and improve job prospects, indirectly supporting the Council's efforts to reduce poverty in the town.
Climate Change / Environmental	Not applicable
Children and Young People Cared for by the Authority and Care Leavers	No direct impact
Data Protection	Not applicable

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Confirm receipt of consent to the Tees Valley Combined Authority	Monitoring Officer	16 May 2025
Engage with the TVCA to agree future working arrangements to ensure this situation is not repeated through improved joint working to develop decisions	Monitoring Officer	30 May 2025

Appendices

Not applicable.

Background papers

Not applicable.

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