



## **CHILDREN, YOUNG PEOPLE AND EDUCATION COMMITTEE**

**WEDNESDAY 5<sup>th</sup> MARCH 2025**

|                      |   |
|----------------------|---|
| <b>REPORT TITLE:</b> | <b>ADDITIONAL FUNDING FLEXIBILITIES (TECHNICAL QUALIFICATIONS) FOR ADULT EDUCATION FUNCTIONS IN THE LIVERPOOL CITY REGION</b> |
| <b>REPORT OF:</b>    | <b>DIRECTOR OF CHILDREN, FAMILIES AND EDUCATION SERVICES</b>  |

### **REPORT SUMMARY**

The DfE are currently seeking the Combined Authority agreement to 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 Act, 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 flexibility for Liverpool City Region (LCR) Combined Authority to use Adult Skills Funding (ASF) to fund new technical qualifications from academic year 2025/26 if required.

This matter affects all Wards within the Borough.

This is not a key decision.

### **RECOMMENDATIONS**

The Children, Young People and Education Committee is recommended to:

- 1) support the Liverpool City Region Combined Authority decision to amend the Combined Authorities (Adult Education Functions) (Amendment) Order 2025, subject to Parliament's approval, under provisions within the Local Democracy Act, including section 105A therefore permitting the local use of devolved Adult Skills Funding to fund technical qualifications.; and
- 2) agree to delegate authority to the Chief Executive to provide consent to the amendment of the Order on behalf of the council.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The 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.
- 1.2 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[1] quality technical qualifications alongside others already available to them. This will ensure that adult learners in the Liverpool City Region will have access to the same high-quality technical qualifications as those in other devolved, and non-devolved, areas.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 The option not to support the proposed Order to amend the existing education-related statutory instrument would limit delivery of new fundable technical qualifications. This option could potentially disadvantaging Wirral residents and businesses.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The Liverpool City Region Combined Authority agreed its first Devolution Deal in November 2015. That Agreement includes the transfer of adult skills funding (the Adult Education Budget) to the Combined Authority. The subsequent Order establishing the Combined Authority contained details of a number of Adult Education powers, but did not deal with the agreed devolution of this funding.
- 3.2 The principal purpose of the Adult Skills Fund is to engage adults in learning which supports wider economic and social priorities. This includes the community learning provided by constituent local authorities and “second chance provision” within colleges. The Combined Authority will also need to continue to secure provision of free study for learners who meet certain conditions for study for specified qualifications provided as a result of Statutory Entitlements.
- 3.3 The Order sets out the details of the functions transferred to the Combined Authority alongside the agreement to devolve the then Adult Education Budget (now Adult Skills Fund). The Government was clear that the Order does not cover anything related to apprenticeships, adult offender learning, or training or education for young people aged 16-18.
- 3.4 The following functions contained in the Apprenticeships, Skills, Children and Learning Act 2009 will form the basis of the Order:-
  - s86 – duty to provide appropriate 19+ further education (not to include apprenticeships, prisoner education or traineeships);

- s87 – duty to provide appropriate further education to 19+ learners who do not have certain specified qualifications; and,
- s88 – duty to ensure that provision is free for relevant learners who do not have certain specified qualifications.

3.5 As stated in paragraph 1.2 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 [1]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.

3.6 The consent of the LCR Combined Authority and each of its constituent councils is required before the Order can be made replicating the approach back in 2018 ahead of the original devolution of Adult Education Functions Order.

3.7 A draft version of the Combined Authorities (Adult Education Functions) (Amendment) Order 2025 is attached as Appendix 1. An assessment of the additional burdens has been undertaken and the Combined Authority is in agreement with DfE that transferring section 100 (1B) will not place any additional burdens on combined authorities, rather give a wider range of fundable qualifications available for adults in the LCR.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no financial implications to be noted relating to this report. The Liverpool City Region Combined Authority will have the flexibility to fund specific technical qualification in future academic years as and if required.

#### **5.0 LEGAL IMPLICATIONS**

5.1 The Combined Authorities (Adult Education Functions) (Amendment) Order 2025 will be made, subject to Parliament's approval, under provisions within S105A of the Local Democracy Act 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.

5.2 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.

5.3 The consent of the Combined Authority and each of its constituent councils is required before the Order can be made replicating the approach back in 2018 ahead of the original devolution of Adult Education Functions Order. Each of the constituent councils have, or are in the process of, providing individual agreement to the Combined Authorities (Adult Education Functions) (Amendment) Order 2025.

5.4 The timetable for approvals is challenging given the constraints of the Parliamentary process. All constituent local authorities and the Combined Authority will need to provide formal consent in a timely manner to ensure that the Order is laid before Parliament before 24 March 2025

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 There are no resource implications arising from this report.

## **7.0 RELEVANT RISKS**

7.1 There are no significant risks identified with the key decisions set out in this report.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 Consultation and engagement with service users and providers is focused on funded adult learning content, access, and the quality of delivery and integral to service planning and review; this is undertaken throughout the academic year.

## **9.0 EQUALITY IMPLICATIONS**

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision, or activity.

## **10.0 ENVIRONMENT, BIODIVERSITY AND CLIMATE CHANGE IMPLICATIONS**

10.1 LCR Combined Authority adult skills funded courses are delivered in areas of the borough experiencing significant social and economic disadvantage and the curriculum focus will also specifically promote and support positive responses to many of the impacts within climate adaptation, particularly energy, waste, water, food, and homes.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 Sufficient and appropriate entry level community-based learning courses for all Wirral resident adults is fundamental. Inactive and unemployed adults must be supported and encouraged to develop the skills, knowledge and behaviours required to enable them to access local jobs, support their families, have good health and wellbeing as well as supporting local economic growth.

### **REPORT AUTHOR: Paul Smith**

Head of Service, Integrated Learning, Skills, and Employment  
telephone: 0151 666 5254  
email: paulsmith@wirral.gov.uk

## **APPENDICES**

Appendix One: Draft version of the Combined Authorities (Adult Education Functions) (Amendment) Order 2025.

## **BACKGROUND PAPERS**

Apprenticeships, Skills and Children Act 2009 (ASCLA)

S105A of the Local Democracy Act

## **TERMS OF REFERENCE**

This report is being considered by the Children, Young People and Education Committee in accordance with Section B of its Terms of Reference, the functions and powers conferred on or exercisable by the Council as Local Authority in relation to the provision of education.

## **SUBJECT HISTORY (last 3 years)**

| <b>Council Meeting</b> | <b>Date</b> |
|------------------------|-------------|
| None                   |             |