

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

Report of: Michelle Stone, Principal Skills Manager

Portfolio: Education, Inclusion and Skills

Report Summary

The purpose of this report is to agree that the North East CA should consent to the making of the Combined Authorities (Adult Education Functions)(Amendment) Order 2025 (referred to in this report as “the Order”) by central government.

The Order will provide the North East CA (and the other mayoral combined authorities named in the Order) with the power under section 100(1B) of the Apprenticeships, Skills, Children and Learning Act 2009 to fund certain technical qualifications if it wishes to do so.

Recommendations

The Chief Executive is recommended to (a) agree that the North East CA should provide its consent to the Order and (b) issue the formal consent when requested by central government.

A. Context

1. The legal order which created the North East CA in May 2024 conferred a range of powers on the authority as part of the devolution of the Adult Education Budget from central government to mayoral combined authorities. This means that, like other mayoral combined authorities, the North East CA can decide at a local level which qualifications it wishes to fund to support skills development in its area.
2. The DfE are now proposing to also confer on the North East CA the power under section 100(1B) of the Apprenticeships, Skills and Children Act 2009. This will enable the North East CA to fund new, high-quality technical qualifications as well as the other qualifications which the North East CA can fund under its existing powers. The qualifications in question are new technical qualifications at levels 2 and 3 which were approved by the Institute for Apprenticeships and Technical Education (IfATE) in 2024.
3. The DfE are therefore proposing to make a statutory order (i.e. the Order) to confer this power on the North East CA and a number of other mayoral combined authorities. The Order can only be made if each mayoral combined authority and its constituent authorities consent to the making of the Order. All seven of the North East CA’s constituent authorities have been consulted on this matter and indicated in principle that they will consent to the making of the Order.
4. It should be stressed that the making of the Order does not mean that the North East CA and the other mayoral combined authorities must fund these qualifications. It simply provides the North East CA and the other mayoral combined authorities with the power to fund these qualifications if they consider this is appropriate. The North East CA will hold this power concurrently with central government, i.e. central government will also continue to have the power to fund the qualifications in question.
5. The DfE have indicated that, as their aim is to lay the Order in Parliament in March 2025, they will seek the authorities’ consent to the making of the Order before the end of February 2025. Under para HPS5 of the Scheme of Delegations in North East CA’s Constitution, the Chief Executive has delegated authority to take steps to protect the rights and interests of the Authority, following

consultation with the Mayor, in relation to any Bill or Statutory Instrument or Order in Parliament, and it is recommended that the Chief Executive exercise that delegated authority in the present case.

B. Impact on North East Combined Authority Objectives

The making of the Order will provide the North East CA with the power to fund these qualifications if it so wishes in the future. The extent to which the North East CA wishes to exercise this power will be considered as part of the overall Adult Skills Fund Programme.

C. Key risks

It is considered that consenting to the Order entails no risks. The making of the Order will provide the North East CA with the power to provide funding for these qualifications but the power is discretionary and the North East CA is not obliged to fund these qualifications.

D. Financial and other resources implications

The Director of Finance and Investment has been consulted and has no comments to add at this stage, noting that the financial implications of any future decision to exercise the power conferred would be considered at the appropriate time.

E. Legal implications

The comments of the Monitoring Officer have been included in this report.

F. Equalities implications

The North East CA complies with the Public Sector Equality duty and this report has due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010.

G. Consultation and engagement

The Mayor and Portfolio Holder have been consulted on this report. The constituent authorities have also been consulted and, as set out in this report, each of the constituent authorities must also provides its consent before the Order may be made.

H. Background papers

None

I. Contact officers

Michelle Stone, Principal Skills Manager

J. Glossary

N/A

K. Sign-off

Mayor: Yes	Cabinet Member: Yes	Head of Service: Yes	Director of Finance and Investment: Yes	Monitoring Officer: Yes
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