

Greater Manchester Combined Authority

Date: 31 January 2025

Subject: Proposed Combined Authorities (Adult Education Functions) (Amendment)
Order 2025

Report of: Gillian Duckworth, GMCA Group Solicitor and Monitoring Officer

Purpose of Report

To seek consent to the making of a proposed Order by the Secretary of State to grant a further funding power in relation to Adult Education to the GMCA.

Recommendations:

The GMCA is requested to consent to the making of the proposed Order Combined Authorities (Adult Education Functions) (Amendment) Order 2025.

Due to the timescales set by the Department for Education it has been necessary to exempt this decision from call-in.

Contact Officers

Gillian Duckworth, GMCA Group Solicitor and Monitoring Officer

Equalities Impact, Carbon and Sustainability Assessment:

N/A

Risk Management

N/A

Legal Considerations

Under the provisions of the Local Democracy, Economic Development and Construction Act 2009 the Secretary of State may only make the Order with the consent of the relevant Combined Authority and each of their constituent authorities.

If passed the Order will give the GMCA a further funding power but no additional obligations. There will be no change to the powers and duties of the Constituent Authorities.

Financial Consequences – Revenue

The amendment is not expected to cause any additional costs or administrative burdens for the GMCA or for the constituent authorities. It will confer a new power to fund new qualifications, it will not impose a duty/statutory obligation to do so. There will be no additional funding related to this change. The GMCA will decide which qualifications it is able to fund from the resources it has available, as it does currently. The additional funding power will simply ensure that it is not restricted in terms of the qualifications it is able to fund.

Financial Consequences – Capital

N/A

Number of attachments to the report: 0

Comments/recommendations from Overview & Scrutiny Committee

N/A

Background Papers

N/A

Tracking/ Process

Does this report relate to a major strategic decision, as set out in the GMCA Constitution

No

Exemption from call in

Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency?

Yes – We have only just been notified that this consent is required and that a response is required urgently in order to enable the DfE to comply with parliamentary timescales and look to have the new funding power in place for the start of the new academic year. They have asked that consent be given by the end of January.

Bee Network Committee

N/A

Overview and Scrutiny Committee

N/A

1. Introduction/Background

The DfE transfers statutory adult education functions to combined authorities via statutory instrument so they can decide, at a local level, which qualifications they wish to fund to support skills development in their areas. The DfE now are proposing to make a new Order to amend existing delegated functions to add a further education funding power.

2. The Proposed Amendment

- 2.1. The proposed amendment – to be introduced via the Combined Authorities (Adult Education Functions) (Amendment) Order 2025 – would give additional funding powers under Section 100(1B) of the Apprenticeships, Skills, Children and Learning Act 2009 to the GMCA.
- 2.2. GMCA can already fund a wide range of qualifications. However, qualifications are approved/defunded from time to time and without this additional funding power there is a possible argument that new qualifications cannot be funded. The additional funding power would mean that there was no doubt about the GMCA's ability to fund new technical education qualifications at Levels 2 and 3 that have been developed and approved for delivery from the 2025/26 academic year and would ensure it is within GMCA's gift to set funding policies and rules about the courses and qualifications it will, or will not, fund for Greater Manchester residents.
- 2.3. This funding power will not be applicable for adults aged under 25 who are in receipt of an 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.
- 2.4. DfE conducted a public consultation in November/December on the proposed amendment and are now keen to progress to laying Orders in Parliament at the earliest opportunity so that (subject to Parliamentary approval and timetabling) the additional power can be in place by 1 August in time for the 2025/26 academic year.

3. Risks/Impact of withholding consent

In the absence of this amendment, GMCA may need to inform colleges/training providers that the new qualifications are ineligible for funding, which would:

- risk disadvantaging Greater Manchester residents compared to learners in other areas who could access them
- create a burden for colleges and other training providers who want to deliver the new qualifications even if GMCA were to say they were ineligible for CA funding, especially where they were able to deliver them to non-GM residents.

4. Recommendations

Recommendations are as set out on the front page of this Report.