



HARTLEPOOL
BOROUGH COUNCIL

OFFICER DECISION RECORD

Department:

Division:

Date of Decision / Issue of Licence: 15/05/2025

Officer Making Decision: MRS DG MCGUCKIN

Subject / Description & Reason for Decision:
(for publication)

The Council has been asked to give consent to the Department for Education to lay an amendment to the Adult Education Functions Order 2025, and the transferring of the funding powers for technical qualifications.

Background

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 combined authorities to administer their Adult Skills Fund (ASF) to fund new technical qualifications from academic year 2025/26. The consent of the combined authority and each of its constituent councils is required before the Order can be made.

Transfer of funding powers

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. 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.

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.

Assessment of Burdens

As part of the transfer process, DfE are required to undertake an assessment of new burdens. The purpose of the assessment is to ensure that any new powers transferred to local authorities do not increase the administrative burden.

It is not thought that transferring section 100 (1B) will place any additional burdens on combined authorities.

This is because DfE are not imposing a duty on combined authorities to fund new qualifications, it simply gives them the power to do so if they wish.

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.

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. DfE believe that if they do not transfer this funding power this may lead to a greater administrative burden. This is because commissioning officers will need to ensure providers do not deliver the reformed qualifications, as this would result in the combined authority acting outside of their funding powers.

This decision is one which would normally be taken by Finance and Corporate Affairs Committee however, we have been informed of the need for consent at very short notice and this must be provided by 16 May 2025, or the legislation will not include the Tees Valley Combined Authority (TVCA) and it will not then be able to fund the additional qualifications. It is not practicable in these circumstances to defer the decision to a meeting of Finance and Corporate Affairs Committee, nor to convene a special meeting simply to consider this matter. That being the case MD8 provides for urgent decisions to be taken by the Managing Director.

Consenting to the Order 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.

Decision - To give the authority's consent to the amendment to the Adult Education Functions Order 2025, and the transferring of the funding powers for the technical qualifications.

Type of Decision:

Non Key

Nature of Delegation Being Exercised:	<p>Officer Delegated Authority MD8</p> <p>In consultation with the Leader (or in their absence the Deputy Leader), Chair of the relevant Committee (or in their absence Vice Chair) Monitoring Officer and Section 151 Officer, the Managing Director (or in their absence the authorised Executive Director) may take a decision normally reserved to Full Council or a Committee where:</p> <p>(a) Failure to take the decision quickly would, or would be likely to, harm the interests of the Council and the public. (b) The decision is so urgent that it cannot wait until the next meeting of the Committee at which the decision would normally be taken.</p> <p>The decision together with the reason as to why it was determined urgent must be recorded on an Officer Decision Record. The record of urgent decisions will be held by the Democratic Services team and will be made available for inspection. Following the decision, it be reported to the next meeting of the relevant committee explaining:</p> <ul style="list-style-type: none"> • the decision; • the reasons for it; and • the reasons why the decision was treated as a matter of urgency.
Alternative Options Considered & Rejected:	HBC could refuse to provide consent. Not granting consent would mean the offer to students may be restricted within the TVCA area.
Any Declared Register of Interest:	No

OFFICER WITH THE DELEGATION

NAME: MRS DG MCGUCKIN
POSITION: Managing Director

IN CONSULTATION WITH...

NAME: JAMES MAGOG
POSITION: Director of Finance, IT & Digital

NAME: HAYLEY MARTIN
POSITION: Director of Legal, Governance & HR

NAME: Brenda Harrison
POSITION: Councillor

NAME: Pam Hargreaves
POSITION: Councillor

NAME: JILL HARRISON
POSITION: Exec Director of Adult & Community Servs