

CABINET

Report Title	West Midlands Combined Authority Adult Education Functions Amendment
Date of Meeting	Wednesday, 7 May 2025
Report Author	Monitoring Officer, Assistant Director - Legal and Assurance
Lead Officer	Director of Children and Education Services
Lead Cabinet Member(s)	Cabinet Member for Children and Families Cabinet Member for Regeneration and Infrastructure
Why is this a key decision?	Significant impact on 2 or more wards yes
Wards Affected	(All Wards);
Identify exempt information and exemption category	Open
Is the report urgent?	Yes
Appendices (if any)	1. The West Midlands Combined Authority (Adult Education Functions) Order 2018

1. Executive Summary

- 1.1 This report sets out the Department for Education (DfE) planned amendment of Adult Education Functions to enable the West Midlands Combined Authority (WMCA) to fund a new suite of technical qualifications through its adult skills funding. The consent of the WMCA and each of its constituent Councils is required before the Order can be made.

2. Recommendations

The Cabinet is recommended to:-

- 2.1 Approve and consent to the making of a draft Order between West Midlands Combined Authority (WMCA) and Department for Education (DfE) through a Statutory Instrument of Parliament to allow devolution of additional responsibilities and funding for new technical qualifications for both 16–19-year-olds and adults aged 19 plus;
- 2.1 Delegate authority to the Director of Children and Education Services in consultation with the Monitoring Officer to agree to any minor consequential amendments should they arise.

3. Proposals – Reasons for the recommendations

Background

- 3.1 Adult education functions are currently funded by the Secretary of State for Education under the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act"). The Secretary of State has the authority under s.105A of the Local Democracy, Economic Development and Construction Act 2009 to transfer functions to Combined Authorities, and under s.19 of the Levelling-Up and Regeneration Act 2023 (the 2023 Act) to transfer functions to Combined County Authorities.
- 3.2 As part of its ongoing qualifications reform programme, the Department for Education, in collaboration with the Institute for Apprenticeships and Technical Education (IFATE) and Ofqual, has developed a new suite of technical qualifications at levels 2 and 3. These qualifications will be available from 1st August 2025 for both 16–19-year-olds and adults.
- 3.3 Since this is a new type of qualification, it will be funded nationally under s.100 (1B) of the 2009 Act. This new sub-clause has not yet transferred this power to combined authorities.
- 3.4 In November and December 2024, the Secretary of State conducted a public consultation to gather opinions on the proposal to transfer additional funding powers to combined authorities, enabling them to finance new reformed technical qualifications starting in August 2025. The 2023 Act mandates that the Secretary of State must hold a public consultation before assigning public functions to any existing combined authority.
- 3.5 The Department for Education requires formal consent from each combined authority, including their constituent authorities, before it can proceed with the Parliamentary process to transfer the additional funding power.

Policy outcomes, objectives, proposals and delivery

- 3.6 The WMCA, through its devolved powers, already funds a wide range of qualifications at multiple levels across various sectors, delivered by colleges, local authorities, independent training providers, and voluntary community sector organisations. With its existing powers, the WMCA can decide which

provisions and qualifications to fund to best support the skills development of residents. The development of new technical qualifications at levels 2 and 3 is welcome, providing our residents with access to relevant training underpinned by qualifications that enable them to acquire essential skills for successful careers.

- 3.7 This new power will further support the region's ambitions to deliver a strong foundation level 2 skills offer and to upskill and reskill at level 3 and above, as outlined in the WMCA Employment and Skills Strategy approved by the WMCA Board in 2024. This funding power will not apply to adults under 25 who have an Education, Health, and Care (EHC) Plan, as they will continue to be funded from the 16 to 19 budgets, nor will it apply to adults in detention, as they are funded by the Ministry of Justice.
- 3.8 Withholding consent would likely reduce opportunities for residents to access new technical qualifications, negatively affecting their employability, career progression, and the region's economic growth. It could also disadvantage the WMCA compared to other combined authorities that approve the amendment, particularly those neighbouring the WMCA, where residents could access the new technical qualifications.

4 Alternative Options Considered

- 4.1 Not approving the request from WMCA would reduce the variety and number of qualifications available to city residents and businesses.

6. Financial Implications

- 6.1 There are no financial implications for the Council.

7. Legal and Governance Implications

- 7.1 S.111 of the Local Government Act 1972 provides the Council with powers to do anything which is calculated to facilitate or is conducive or incidental to, the discharge of any of their functions pursuant to s.1 of the Localism Act 2011 a local authority has a general power of competence to do anything that individuals generally may do – in this case the grant of consent to the making of the Order and transfer of powers. There are no direct legal implications for the Council by approving this change to an Order of devolved adult education functions to WMCA.

8. Risks

- 8.1 There are no direct risks to the Council resulting from this report.

9. Equality and Diversity Implications (including the public sector equality duty)

- 9.1 There are no equality considerations arising from this report

10. Other Relevant Implications

Social Value

- 10.1 If WMCA receives the Order to deliver and fund the new technical qualifications, it will benefit Sandwell residents looking to upskill and reskill.
- 10.2 These new qualifications will also benefit local employers by providing them with a more skilled workforce.

11. Strategic Themes

- 11.1 This report will support the delivery of the following Strategic Themes:-

- Living in Sandwell
- Thriving Economy in Sandwell

- 11.2 **Living in Sandwell** - these proposals support the delivery of this strategic theme by enhancing the educational opportunities available to residents. By enabling the West Midlands Combined Authority (WMCA) to fund new level 2 and level 3 technical qualifications, the report ensures that residents have access to relevant training that can help them acquire essential skills for successful careers. This initiative will improve the overall quality of life for Sandwell residents by providing them with the tools needed to achieve personal and professional growth.

- 11.3 **Thriving Economy in Sandwell** - the proposals will contribute to the region's economic development by creating a more skilled workforce. Local employers will benefit from having access to employees who possess up-to-date technical skills, which can enhance productivity and competitiveness, fostering economic growth and stability in Sandwell.

Relevance Check

Budget Reduction/Service Area:

Service Lead

Date:

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No