

# North Tyneside Council

## Report to the Interim Chief Executive

### Date: 29 January 2025

#### Title: Devolution: Adult Education Functions – North East Combined Authority

---

<b>Portfolio(s):</b> Elected Mayor  Education, Inclusion, Employment and Skills	<b>Cabinet Member(s):</b>  Dame Norma Redfearn DBE  Councillor Steven Phillips
--	--

---

#### Report from Service

<b>Area:</b>	Resources – Legal Services	
<b>Responsible Officer:</b>	Stephen Ballantyne, Head of Law and Monitoring Officer	Tel: 0191 643 5329
<b>Wards affected:</b>	None	

---

## **PART 1**

### **1.1 Executive Summary:**

The North East Combined Authority (NECA) was fully established in May 2024 by virtue of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024. The Order provided for the transfer of certain Adult Education functions from the Secretary of State for Education to NECA so that those functions became exercisable by NECA instead of the Secretary of State. Other Adult Education functions became exercisable by NECA concurrently with the Secretary of State.

The Secretary of State, subject to parliamentary approval to the making of the necessary secondary legislation, and with the consent of NECA and its constituent councils, which includes this Authority, is minded to amend the North East Mayoral Combined Authority (Establishment and Functions) Order 2024 so that NECA has shared responsibility with the Secretary of State for a further Adult Education Function as described below.

## **1.2 Recommendation(s):**

It is recommended that the Interim Chief Executive:

- (1) Following consultation with the Elected Mayor and Head of Law consent in principle to the making of an Amendment Order that will enable the North East Mayoral Combined Authority to fund new Technical Qualifications concurrently with the Secretary of State for Education; and
- (2) Note that on receipt of the final draft Amendment Order from the Department for Education, the Interim Chief Executive will receive a further report at that time so that she can consider and determine, following consultation with the Elected Mayor and Head of Law, if formal consent should be given on behalf of the Authority to the making of the Amendment Order.

## **1.3 Forward Plan:**

It has not been practicable to give twenty-eight days notice of this report. The report was included in the Forward Plan at the earliest possible date, namely 23 January 2025. This report it is required to be considered without the twenty eight days notice being given because without doing so it will not be possible to comply with the parliamentary timetable for the making of the Amendment Order.

## **1.4 Council Plan and Policy Framework**

This report relates to the following priority(ies) in the 2020/24 Our North Tyneside Plan:

## **1.5 Information:**

### **1.5.1 Background**

- 1.5.2 On 7 May 2024 NECA had specific Adult Education functions transferred to it by virtue of the Order establishing it, namely, the North East Mayoral Combined Authority (Establishment and Functions) Order 2024. Those functions did not include the functions contained in section 100(1B) of the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”).

- 1.5.3 Section 100(1B) of the 2009 Act enables the Secretary of State for Education to secure the provision of financial resources in connection with approved technical education qualifications or “approved steps towards occupational competence”. NECA in common with the other Mayoral Combined Authorities cannot secure such provision. However, it is now proposed that this function will become exercisable by the Secretary of State concurrently with NECA should the Amendment Order be made so that it takes effect in time for the qualifications becoming available in August 2025.
- 1.5.4 In 2024 new technical qualifications were approved by the Institute for Apprenticeships and Technical Education (IfATE). These qualifications are aligned to occupational standards that will help to ensure they deliver the skills that employers need. As stated, to give NECA the ability to fund the new Technical Qualifications from August 2025, the Government is seeking to give NECA the funding power under Section 100(1B) of the 2009 Act which it would share with the Secretary of State.
- 1.5.5 The Amendment Order will amend not only NECA’s Establishment Order but also the Orders in other Mayoral Combined Authority areas that conferred Adult Education functions on them. The section 100(1B) function will therefore be a function that all Mayoral Combined Authorities will be given to exercise concurrently with the Secretary of State, provided that the necessary consents to the making of the Amendment Order are forthcoming and the Order is then made.
- 1.5.6 The legislation under which the Amendment Order would be made requires the consent of NECA and each of its constituent councils. That of course, includes, the Authority.
- 1.5.7 Before making the Order the Secretary of State is obliged to carry out public consultation on the proposed transfer of the section 100(1B) Adult Education function to NECA and the other areas. Such consultation took place between 8 November 2024 and 6 December 2024. The consultation document is appended to this report.
- 1.5.8 Following recent discussions with the Department for Education, it has become clear that to meet the parliamentary timetable for the laying and making of the Amendment Order, the Department requires consent in principle to the making of the Order from NECA and the constituent councils by 31 January 2025. It is this consent in principle that the Interim Chief Executive is now being asked to give on behalf of the Authority following consultation with the Elected

Mayor and Head of Law on the proposal to transfer the additional Adult Education function referred to above to NECA.

- 1.5.9 Once the final draft of the Amendment Order is received by the Authority, a decision can be taken on giving formal consent to the making of the Order by the Interim Chief Executive, again, following consultation with the Mayor and Head of Law.

## **1.6 Decision options:**

The following decision options are available for consideration by the Interim Chief Executive.

### Option 1

To accept the recommendations in paragraph 1.2 of this report; or

### Option 2

Not to approve the recommendations in paragraph 1.2 of this report.

## **1.7 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

NECA does not currently have the power to fund the newly reformed Technical Qualifications, which means that it will be unable to use its Adult Skills Fund in connection with these new qualifications for the 2025/26 academic year. To ensure that adult learners across the North East, including North Tyneside, can access these qualifications, it is necessary for the Amendment Order to be made. Without giving consent in principle to the making of the Order, the Department for Education will be unable to progress the process for the making of the Order.

- 1.8 **Appendix:** Transfer of funding powers for new technical qualifications – Government consultation 8 November – 6 December 2024.

## **1.9 Contact officers:**

Stephen Ballantyne, Head of Law and Monitoring Officer (0191) 643 5329  
John Barton, Manager, Regulatory Team, Legal Services (0191) 643 5354

## **1.10 Background information:**

- (1) The North East Mayoral Combined Authority (Establishment and Functions) Order 2024.

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

There are no direct financial implications to the Authority in relation to this report.

### **2.2 Legal**

There are no direct legal implications in relation to this report. The Interim Chief Executive is being asked to consent in principle to the making of the Amendment Order. Formal consent will be requested in February when the Authority will receive a final draft of the Amendment Order that will be laid before Parliament.

The Interim Chief Executive has, along with the Assistant Chief Executive and Directors a General Delegation (GD6) that enables her to take decisions on behalf of the Authority on all matters where they have managerial or professional responsibilities. This decision therefore falls within the remit of both the Interim Chief Executive and the Assistant Chief Executive.

Although this decision is not a key decision, and therefore under the Openness in Public Bodies Regulation 2014 this decision does not need to be published, in the spirit of openness and transparency this decision will be published.

### **2.3 Consultation/community engagement**

#### **2.3.1 Internal Consultation**

The Mayor and senior managers have been consulted on this matter.

#### **2.3.2 External Consultation/Engagement**

As stated in the report, the Department for Education took on responsibility for the public consultation that is a requirement before the Amendment Order can be made. The Government consultation document is appended to this report.

### **2.4 Human rights**

There are no direct human rights implications in relation to this report.

### **2.5 Equalities and diversity**

There are no equalities and diversity implications in relation to this report.

## **2.6 Risk management**

There is no risk to the Authority in agreeing in principle to the making of the Amendment Order.

## **2.7 Crime and disorder**

There are no crime and disorder implications arising from this report.

## **2.8 Environment and sustainability**

There are no environment and sustainability issues arising from this report.

### **PART 3 – SIGN OFF**

- Interim Chief Executive  X
- Director(s) of Service  X
- Mayor/Cabinet Member(s)  X
- Chief Finance Officer  X
- Monitoring Officer  X
- Interim Director of Corporate Strategy and Customer Service  X