

Written record of an officer decision: Non-Mayoral Function or Mayoral General Function

Please forward this form to **Angie Shearon, Governance Services Manager**, when completed, as soon as possible, but at the latest:

- for **Key Decisions** which may be called-in, **to be received by midday on the second working day after the decision is made**, and
- for any **other decision, within 5 working days**.

Publish promptly - **you cannot implement any Key Decision open for call-in until midday on the 6TH day after it has been published as a written record of officer decision.**

Decision-maker <i>(post title of the officer with authority to take the decision)</i>	Combined Authority Managing Director	
Title <i>(For a Key Decision, this should be the same as the subject or title provided on the Key Decision Notice)</i>	Adult Education Budget – Flexibilities	
Is this a decision about a Mayoral General Function or Non-Mayoral function?	<input type="checkbox"/> Mayoral General Function <input checked="" type="checkbox"/> Non-Mayoral Function	
Date Decision Taken	[20/07/2022]	
Reasons for the decision	The Managing Director's approval is sought to approve four new flexibilities to the West Yorkshire AEB Funding Rules. These were recommended for approval by the Employment and Skills Committee on 7 July 2022.	
Details of the decision <i>(Including any consultation carried out)</i>	<p>The following funding flexibilities require the Managing Director's approval:</p> <ol style="list-style-type: none"> 1. Expanding the age of entitlement for a 'first full level 2' 2. Expanding the 'Digital Entitlement' as outlined at 1.20 3. Test Pilot: Bridging programmes that support progression to Level 3 4. Test Pilot: Increasing the number of courses 19-23s are entitled to <p>Full details of rationale and anticipated impact for residents are detailed in the Committee paper which has been appended.</p>	
Any alternative option(s) considered and rejected	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, provide details:

<p>Is this a Key Decision?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>If yes, date notice of the Key Decision was published / whether an exception was relied on:</p>	<p>20/06/2022</p>
<p>Is the decision eligible for call-in by Scrutiny?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>If yes, start of call-in period (date of publication)</p>	<p>[to complete by Governance Services]</p>
		<p>If yes, end of call-in period:</p>	<p>[to complete by Governance Services]</p>
<p>If the decision is not eligible for call-in by Scrutiny but is a Key Decision, state why the decision is urgent</p>			
<p>Appendices attached to this written record <i>(List and identify any which contain confidential or exempt information.)</i></p>	<p>Appendix 1 - Paper submitted to the Employment and Skills Committee Appendix 2 – AEB Delegations table</p>		
<p>Background documents to be published with the written record</p>			
<p>Name of any Member who declared a conflict of interest in relation to the decision</p>	<p>Note: the Employment and Skills Committee made recommendations only to avoid any conflict of interest in decision making for AEB providers.</p>		
<p>Contact Officer <i>(For members of the public)</i></p>	<p>Name: Freedom.info@westyorks-ca.gov.uk Post-title: Telephone number: E-mail: Freedom.info@westyorks-ca.gov.uk</p>		
<p>Authority for Decision</p>			
<p>The decision-maker was authorised to make this decision by:</p> <ul style="list-style-type: none"> the Combined Authority or a committee resolution, OR the Officer Delegation Scheme, OR an Officer Sub- 	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, specify) The AEB Delegation table approved by the Combined Authority - as provided in Appendix 2</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, specify)</p>		

<p>Delegation Scheme, OR</p> <ul style="list-style-type: none">delegation from the Mayor, (not within the Officer Delegation Scheme)	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, specify)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, specify)</p>
--	--

Appendices

Appendix 1: Paper submitted to the Employment and Skills Committee (7 July 2022)

1. Purpose of this Report

- 1.1 To update the Committee on progress with devolved Adult Education Budget (AEB) and on plans to further improve the responsiveness of AEB delivery in Year 2;
- 1.2 For the Committee to recommend four of the planned flexibilities for approval, which are in line with the published West Yorkshire AEB Strategy

2 Information

- 2.1 The Adult Education Budget is targeted towards individuals who have low level skills and/or are unemployed or on a low wage. Through £65million per annum, it is targeted to support 55,000 learners annually through a range of programmes and access points – community centres, colleges, via Jobcentre Plus referral and linked to employer recruitment programmes.
- 2.2 Through the devolution of funds, the Combined Authority aims to continuously improve the impact of the investment of funding, and what it achieves for West Yorkshire residents and Businesses. This is not necessarily an increase in number of individuals supported, but includes focussing the funds on disadvantaged areas, and individuals most in need of support, i.e., with low or no qualifications, unemployed, on low wages. It is progressive work that will built up on each year.
- 2.3 Exempt Appendix A (the Combined Authority is not permitted to release data publicly ahead of DfE) demonstrates the current reach of the Adult Education budget in terms of learner engagement, sector of study and the demographics of residents supported.
- 2.4 A full report on Year 1's performance will be provided to the Employment and Skills Committee to consider the impact that has been made through funding devolution, once the first year's data collection has been completed in November. From current data trends we can see that:
 - 2.4.1 A higher percentage of learners supported are unemployed
 - 2.4.2 Learner numbers are lower than previous years, although this reflects the pandemic context of delivery and engagement
 - 2.4.3 The proportion of learners starting Basic Skills (Maths, English and Digital) is up from 28% to 40%
- 2.5 While it is an underpinning fund in upskilling adults, it is a component part of the wider skills infrastructure, and one that has seen disinvestment over the past decade. Total spending on adult education and apprenticeships fell by 38% between 2010–11 and 2020–21, with a 50% fall in spending on classroom-based adult education. The introduction of the Free Courses for jobs fund has partially reversed these cuts, with an additional £900 million in extra spending in 2024–25. However, total spending on adult education and apprenticeships will still be 25% lower in 2024–25 compared with 2010–11.

- 2.6 The wider adult skills infrastructure includes (but is not limited to): apprenticeship funding and levy, Higher Education loans, careers funding, adult learner loans employer investment, individual investment, ESIF/UKSPF interventions, National Skills Fund interventions (e.g Free Courses for Jobs), and, for devolved areas, Gainshare funded interventions.

West Yorkshire Delivery

- 2.7 The implementation and delivery of devolved AEB in West Yorkshire is now in its final quarter. There has been an upturn in delivery, supported by growth applications and supportive provider management, to which the delivery partnership has responded to well.
- 2.8 Over 40,000 West Yorkshire residents have already been supported in upskilling across a range of sectors and in preparation for life and work. Delivery is targeted to those with low skills, out of work, on a low wage and in living in disadvantaged areas. Case studies are being developed to show the impact of the fund on individuals and their prospects, and will be shared through digital media. Exempt Appendix A provides a summary of current delivery and the demographics of participants.
- 2.9 Since devolution of the fund and powers on 1st August 2021, the Combined Authority has made considerable progress toward the WY AEB strategy:
- The provider base has been reduced from 200+ to 38, allowing for closer management of a 'partnership' to understand delivery
 - Demographic uptake data indicates our core messaging is shifting delivery to focus on those who are most disadvantaged
 - Partnership meetings have been established in each local authority to support a place-based approach
 - Subcontracting has been reduced from £9m to £1.5m, stripping out 20% management fees that take money away from learners
 - Responsiveness funds have been targeted to support the recruitment of WY Bus Drivers
 - The increased threshold of low wage has opened up access so that more residents on low incomes can undertake training for free
 - We are able to map learner engagement to understand which neighbourhoods and communities the funds are being targeted towards
 - A new 'growth' mechanism is in place to support successful providers to increase provision, mobilising the funds in year to support more residents
 - We have joined together funding from the 'Free Courses for Jobs' (Level 3 delegated to fund) with AEB in a procurement round to create a better package for individuals

Plans for Academic Year 2022/23

- 2.10 The new academic year, and therefore funding year, begins 1 August 2022. West Yorkshire Combined Authority has received growth in both the AEB devolved fund and the Free Courses for Jobs (Level 3) delegated fund, outlined in the table below.
- 2.11

	2021/22	2022/23	Variance
AEB	£65,100,832	£66,421,247	£1,344,800
Free courses for Jobs	£4,622,770	£5,517,499	£894,729

2.12 The following has been approved for Year 2:

2.12.1 All providers' allocations have been baselined at their 21/22 allocation

2.12.2 WY Grant providers will receive a 3% increase to their allocation. This recognises their strategic place-shaping role, is in line with ESFA metrics for growth and acknowledges the increase that the Combined Authority has received from DfE.

2.12.3 Contract for Services providers who have applied and been awarded growth in 2021/22 (based on successful performance and sound business cases) will have this recognised and included in their 22/23 allocation.

2.13 WY Grant holders will plan their delivery first and this will be reviewed by MCA and LA colleagues prior to agreeing delivery plans for contract for services to help shape what we 'buy' from the contracted provider base on a local level, and better match provision to need.

2.14 The summer Partnership Group meetings will be joined into one 'in-person' AEB conference to bring together the whole delivery partnership. Break-out sessions will provide focussed mapping of provision in LA areas, along with sessions to share best practice and develop pathways between provision.

2.15 The Community Learning review will shortly commence, with an external consultant undertaking research (including interviews and data analysis) with all providers who hold a Community Learning allocation. The report will be shared with the Employment and Skills Committee for discussion and recommendations once complete. It is proposed that a similar review of subcontracting should take place in year 2, when a full year of data and behaviour can be seen.

2.16 MCA and LA colleagues have formed a 'Multiply working group' in order to help shape West Yorkshire's Multiply Investment Plan. Multiply is an adult numeracy programme, led by the Department for Education (DfE) as part of the £2.6bn UK Shared Prosperity Fund (UKSPF). The funding is to engage more adults with numeracy levels below level 2 (GCSE C/4 pass) in informal learning to boost their maths skills for life and work. There is considerable overlap of the Multiply target market to AEB, and the team is working to ensure activity does not duplicate provision already commissioned, but wraps around and adds value.

2.17 Open conversations continue to be held with providers and stakeholders on ways to improve the impact and responsiveness of AEB in West Yorkshire. Alongside the proposed flexibilities the following areas are being explored, in terms of whether new provision needs to be commissioned, or how we take strategic approach through our existing providers;

- Targetting 'cold spots' where participation is low in deprived areas
- Respond to the needs of the Green Jobs Task Force
- Respond to the needs of the digital skills plan
- Skilled sector ('good jobs') with vacancies
- Supporting ex-offenders
- Supporting care leavers
- Emerging economic needs

Proposed Flexibilities

2.18 It is planned to include the following flexibilities within the WY AEB Funding Rules for 2022/23. All proposals aim to channel the funding available through AEB to WY residents who need it most.

2.19 The first four proposals are in line with the WY AEB Strategy. The Committee is asked to consider the proposals and recommend them for approval by the Managing Director, as per AEB Delegations.

2.19.1 Expanding the age of entitlement for a 'first full level 2' from 19-23 to 19+

More than a quarter of the adult population is qualified below level 2 in West Yorkshire, almost 400,000 people. Currently people aged 24+ have to contribute towards their first 'full' level 2, while 19-23 yr olds have free access.

This is not the case with 'Free Courses for Jobs' where the entitlement for a first full Level 3 (A Level equivalent) is now available at all ages.

2.19.2 With this change, any WY adult who does not have a 'full' level 2 qualification (equivalent to 5 GCSEs A* to C or 9 to 4), can undertake these qualifications for free.

2.19.3 It is suggested that the entitlement to a GCSE equivalent should be available for any adult, irrespective of age, and that the current national position of not funding all-age entitlement at level 2 cuts off the lowest skilled from progressing.

2.19.4 This recommendation contributes to our ambition to prioritise funding to those who are more in need, and to simplify eligibility to funds at point of access for the individuals.

2.20 Expanding the 'Digital Entitlement' to ensure digital skills for all

2.20.1 Just under a quarter of adult residents of Yorkshire and Humber don't have Essential Digital Skills for Life. 7% of these are digitally excluded, meaning they cannot complete a single 'foundation' digital task such as turning on a device, using a mouse/keyboard, interacting with the home screen on a device, connecting to Wi-Fi, or browsing the internet.

2.20.2 To date, take up of the digital entitlement is low. Explorations with the sector would indicate that limited range and scope of the approved qualifications for this entitlement are a key factor in this. Working with the sector, we have identified and will approve funding in WY for more digital qualifications that give people the skills they need.

2.20.3 This work contributes to the Social Digital Inclusion objective within West Yorkshire's Digital Skills Plan, supporting WY adults to have digital skills needed for life and work.

2.21 Test Pilot: Bridging programmes that support progression to Level 3

2.21.1 The 'Free Courses for Jobs' (FCFJ, previously Level 3 National Skills Fund) programmes is undersubscribed nationally. In West Yorkshire we estimate that only around 25% of the funding available to our residents will be utilised in 2021/22. As a delegated fund, we have little ability to shape and design the offer itself, but we can use AEB flexibly to support adults in progressing and taking up this opportunity. This proposal aims to bridge the 'jump' between level 2 and level 3, particularly when an adult has been out of education for some time

2.21.2 We are working with providers who have a FCFJ allocation to determine short 'bridging programmes' that provide a stepping-stone to the longer level 3 programmes. This may involve modules at level 2 or level 3 that serve as a taster, or a refresher, or potentially as a package which focusses on e.g. self study, research skills, etc

2.21.3 This proposal is to use test pilots to assess uptake, impact (specifically progression to Level 3) and affordability of this approach.

2.22 Test Pilot: Increasing the number of courses 19-23s are entitled to

2.22.1 Due to some of the technicalities surround eligibility for a 'first full level 2', adults aged 19-23 have a more limited offer of courses available to them to study than 24+. This is a result of the ambition to provide adults with a substantial, GCSE equivalent qualification - but can disadvantage those who would benefit from shorter interventions.

2.22.2 This proposal is to use test pilots to understand where wider flexibility can support 19-23 yr olds in accessing learning and working towards their first level 2. We are working with providers to expand the range of qualifications available through AEB, and will assess uptake, impact and affordability of this approach.

2.23 Two planned flexibilities sit outside the scope of the published WY AEB Strategy, and were approved at the West Combined Authority 23 June 2022. These flexibilities seek to address recent changes to national policy that are prohibitive to engaging some of our more disadvantaged groups. Through these proposals we continue to simplify eligibility for individuals at the point of access, and promote an open and inclusive West Yorkshire.

2.23.1 Waiving the '3 Year UK Residency' status for full funding

2.23.2 Family members of EEA and UK nationals were previously eligible to access Adult Education Budget provision without the need to hold three years' ordinary residency. This was removed by the ESFA in early 2021/22, requiring family members of EEA and UK nationals to have been ordinarily resident in the UK or EEA for at least the previous three years on the first day of learning to be eligible for AEB funded provision.

2.23.3 This now means dependants, including the partner, parent or adult child of an EEA or UK national would be unable to access AEB funded training that could support them in life or work. AEB providers have had to turn away hundreds of potential learners as they are now unable to enrol them onto courses for which they were previously eligible. These learners included many progressing ESOL learners who are now locked out of provision that supports English language development and social integration outcomes.

2.23.4 This waiver addresses ESFA's 2021/22 rule change, and allows family members of eligible UK and EEA nationals to have 'day 1' access AEB funded provision.

2.23.5 Providing full funding for eligible asylum seekers

2.23.6 Asylum seekers are eligible for AEB funding after 6 months of residency in the UK. However, eligible asylum seekers still face significant barriers to accessing courses. Due to the fact that they are unable to work and are not in receipt of benefits, they do not fit the AEB 'unemployed' definition as set out in the Funding Rules and are, therefore, only eligible for co-funding. Many providers have waived the fees where they are able to, but many do not, which represents a considerable financial barrier for learners.

2.23.7 This financial barrier significantly limits the accessibility of adult skills provision for asylum seekers, many of whom require English for Speakers of Other Languages (ESOL) support to help their integration into society.

2.23.8 This flexibility will provide full funding for eligible asylum seekers from 1st August 2022 onwards in West Yorkshire.

3. Tackling the Climate Emergency Implications

3.1. There are no climate emergency implications directly arising from this report. However, in the proposal to support "green skills" through AEB, there is an opportunity to grow the skills base required in order to tackle the climate emergency.

4. Inclusive Growth Implications

4.1. The overall aim of AEB funded provision is to support those citizens who have a skills deficit and need to access learning opportunities to progress them towards further learning, employment or a better way of life.

5. Equality and Diversity Implications

5.1. There are no equality and diversity implications directly arising from this report, although as per item 4 – this fund seeks to address inequality in skills acquisition. Initial enrolment statistics are reported below, and this will be expanded to include achievements when as delivery progresses.

6. Financial Implications

6.1. The increase in flexibility will alter funding values for delivered outputs, however, all proposals seek to incentivise and reduce barriers to supporting the most disadvantaged. There are no overall financial implications, as flexibilities will be afforded from the existing AEB allocation.

7. Legal Implications

7.1. The Combined Authority's legal team have considered recommendations at **1.23** and reviewed the terms of our Memorandum of Understanding, as they address the eligibility for the programme, as opposed to the flexibility in how funds are used.

8. Staffing Implications

8.1. There are no staffing implications directly arising from this report.

9. External Consultees

9.1. No external consultations have been undertaken.

10. Recommendations

10.1. The Committee is asked to recommend the proposed flexibilities for approval:

10.1.1 Expanding the age of entitlement for a 'first full level 2' as outlined at 1.19

10.1.2 Expanding the 'Digital Entitlement' as outlined at 1.20

10.1.3 Test Pilot: Bridging programmes that support progression to Level 3 as outlined at 1.21

10.1.4 Test Pilot: Increasing the number of courses 19-23s are entitled to as outlined at 1.22

11. Background Documents

There are no background documents referenced in this report.

12. Appendices

12.1 Exempt Appendix A – AEB Performance Data June 2022

Appendix 2: AEB Delegations Table

	Decision	Decision maker	Rationale
1	To approve or vary the AEB Strategy as required, including: <ul style="list-style-type: none"> Interim review 2021 (aligning to Mayoral priorities) Refresh 2024 	Combined Authority	<p>The Strategy governs funding principles and will be revised in line with governance and assurance processes.</p> <p>Conflicts of interest are managed under the Members' Conflicts of Interest policy.</p>
2	To agree the governance arrangements for AEB functions	Combined Authority	The Combined Authority is responsible for agreeing how its functions, including AEB functions, are discharged.
3	To approve the Funding Rules and Performance Management Framework	Managing Director	<p>The Rules and Framework are part of the suite of contractual documents, and are therefore operational in function.</p> <p>The documents set out clear parameters for contractual decisions, which can appropriately and effectively be carried out by officers in line with the strategic direction from the Combined Authority.</p> <p>The Managing Director may refer this approval to the Employment and Skills Committee for recommendations, where wider sector expertise and consultation is desired.</p> <p>Members will need to ensure that conflicts of interest are declared, however a dispensation may be granted to allow a balanced and informed discussion</p>
4	To reallocate budget in response to underperformance / over performance outside	Managing Director	Decision on funding usage, in line with strategic direction.

	performance management framework.		<p>The Managing Director may refer this approval to the Employment and Skills Committee for recommendations, where wider sector expertise and consultation is desired.</p> <p>Members will need to ensure that conflicts of interest are declared, however a dispensation may be granted to allow a balanced and informed discussion.</p>
5	To make interim changes to the policy and / or AEB Strategy in response to emerging economic needs, crisis responsiveness or similar.	Employment and Skills Committee	<p>Decision on interim measures that affect operation, responding to economic needs in line with sector intelligence.</p> <p>Members will need to ensure that conflicts of interest are declared, however a dispensation may be granted to allow a balanced and informed discussion.</p> <p>The Employment and Skills Committee may refer this approval to the Combined Authority with a recommendation, if there is a significant deviation from the WY AEB Strategy.</p>
6	To determine Grant Agreement Allocations & Procurement values – annually agreed in March (once West Yorkshire AEB allocation confirmed)	Managing Director	<p>Grant allocation amounts will be determined in accordance the methodology outlined in the AEB Strategy as approved by the Combined Authority.</p> <p>Approval of top line procurement values by the Managing Director while ensuring clear methodology has been followed which aligns to the Strategy.</p>
7	To agree contracts for Services awarded through procurement and in March annually based on	<p>> £1m – Managing Director</p> <p>< £1m – Director of Economic Services</p>	In accordance with the AEB Strategy, Combined Authority Procurement Strategy, Funding Rules, Performance

	performance management framework.		Management Framework, and Contracts Standing Orders
8	<p>New procurement rounds:</p> <ul style="list-style-type: none"> Planned responsiveness pot Refresh after 4 years <p>Bringing on new providers in light of provider base failure</p>	<p>> £1m – Managing Director</p> <p>< £1m – Director of Economic Services</p> <p>Advised by AEB Performance Group and ESP</p>	<p>In accordance with the AEB Strategy, as approved by the Combined Authority.</p> <p>ESP may make recommendations to the Combined Authority on any such decision.</p> <p>Conflicts of interest are managed under the Members' Conflicts of Interest policy.</p>
9	To approve or vary the AEB Procurement Strategy	Sub delegated from the Managing Director to the Director of Employment & Skills / Head of Employment and Skills	In accordance with the AEB Strategy and with the Combined Authority's Procurement Strategy
10	To approve overperformance and contract Growth requests	Sub delegated from the Managing Director to the Director of Employment & Skills / Head of Employment and Skills	<p>In accordance with the mechanism set out in the Performance Management Framework, as approved by the Combined Authority.</p> <p>Technical expertise and performance data available at AEB Performance Group level.</p>
11	Underperformance and contract reduction / termination	Sub delegated from the Managing Director to the Director of Employment & Skills / Head of Employment and Skills	<p>Clear mechanism will be outlined in Funding Agreements, Performance Management Framework, which will be approved by the Combined Authority ahead of implementation.</p> <p>Technical expertise and performance data available through the AEB Performance Group.</p>

12	To approve Funding clawback	Sub delegated from the Managing Director to the Director of Employment & Skills / Head of Employment and Skills	<p>Clear mechanism will be outlined in Funding Agreements, Performance Management Framework which will be approved by the Combined Authority, along with Audit plans.</p> <p>Technical expertise and performance data available at AEB Performance Group level.</p>
13	To agree Delivery plans agreed annually with providers variation approval based on performance and/or responsiveness	Sub delegated from the Managing Director to the Director of Employment & Skills / Head of Employment and Skills	<p>Expertise regarding technical delivery and alignment to strategy available from the AEB Performance Group.</p> <p>Will deliver strategic aims as set by the Combined Authority.</p> <p>Employment and Skills Panel will be informed of any decisions, in line with Conflicts of Interest policy.</p>
14	To add subcontractors to delivery plans within year upon request annually	Sub delegated from the Managing Director to the Director of Employment & Skills / Head of Employment and Skills	<p>Expertise regarding due diligence and strategic appropriateness is available from the AEB Performance Group.</p> <p>In accordance with the Funding Rules which outline strict requirements regarding subcontracting practice.</p> <p>Responsiveness required in year to ensure delivery timescales are met</p>
15	To approve subcontracting where not already approved under current ESFA regulations. ESFA guidance available here .	Sub delegated from the Managing Director to the Director of Employment & Skills / Head of Employment and Skills	<p>Expertise regarding due diligence and strategic appropriateness available from the AEB Performance Group. Funding rules outline requirements regarding subcontracting practice.</p> <p>Responsiveness required in year to ensure delivery timescales are met.</p>

16	To make minor technical or process driven amendments to the Funding Rules in line with strategic direction set by the Combined Authority.	Sub delegated from the Managing Director to the Director of Employment & Skills / Head of Employment and Skills	Any amendments must remain in accordance with the AEB Strategy, as approved by the Combined Authority. Swift decisions needed to minimise any impact of responsiveness on delivery – decisions are predominantly technical, and process driven.
----	---	---	--