



Department
for Education

The exercise of devolved adult education functions

**Statutory guidance for Strategic
Authorities**

September 2025

Contents

Summary	3
Legislation this publication refers to	3
Who this publication is for	4
Main points	4
What Strategic Authorities should know and do	5
The functions	5
What approach should a combined authority take to commissioning adult education provision?	6
When making and communicating its adult funding decisions, what should a Strategic Authority take into account?	7

Summary

This guidance relates to the transfer of certain adult education functions in the Apprenticeships, Skills, Children and Learning Act 2009 to Strategic Authorities (SAs) by the Secretary of State. The relevant functions of the Secretary of State have been transferred to specified SAs by way of statutory instruments made under the Local Democracy, Economic Development and Construction Act 2009, the Levelling-Up and Regeneration Act 2023 and the Cities and Local Government Devolution Act 2016, each instrument applying to a specified SA in relation to the area of that SA (“a relevant instrument”). Each relevant instrument requires the SA to have regard to guidance issued by the Secretary of State when exercising the specified functions.

The transfer of the specified adult education functions (also known as the ‘devolution’ of adult education functions) will enable the SA to determine adult education provision in relation to their area, and to manage the associated Adult Skills Fund (ASF).

This guidance provides support to the SAs when exercising the specified adult education functions. This should be considered alongside the Memorandum of Understanding that is agreed between each SA and the Department for Education (DfE) and sets out the detail of the operational relationship that will underpin the successful devolution of the adult education functions.

This guidance is also intended to ensure that funding and provider management arrangements are agreed by SAs with providers in a way that minimise costs and maximises consistency and transparency.

The SA and DfE through the Memorandum of Understanding, English Devolution Accountability Framework or as part of the Integrated Settlement arrangements will agree any further areas as required. An integrated settlement approach to funding consolidates funding lines and reduces ring-fences on funding. Prior to making any amendments to the section of this guidance entitled ‘What Strategic Authorities should know and do’ the Secretary of State will consult with each SA.

Legislation this publication refers to

This guidance refers to:

- The Greater Manchester Combined Authority (Adult Education Functions) Order 2018
- The Liverpool City Region Combined Authority (Adult Education Functions) Order 2018
- The West of England Combined Authority (Adult Education Functions) Order 2018
- The West Midlands Combined Authority (Adult Education Functions) Order 2018
- The Tees Valley Combined Authority (Adult Education Functions) Order 2018

- The Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018
- Barnsley, Doncaster, Rotherham and Sheffield¹ Combined Authority (Functions and Amendment) Order 2020
- The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021
- The North East Combined Authority (Establishment and Functions) Order 2023
- The Cornwall Council (Adult Education Functions) Regulations 2025
- The York and North Yorkshire Combined Authority (Adult Education Functions) Order 2025
- The East Midlands Combined County Authority (Adult Education Functions) Regulations 2025
- The Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”)
- The Local Democracy, Economic Development and Construction Act 2009
- The Levelling-Up and Regeneration Act 2023
- The Cities and Local Government Devolution Act 2016

Who this publication is for

This guidance is for:

- Strategic Authorities exercising adult education functions under a relevant instrument.

Main points

This guidance has been updated to reflect further devolution in England and the legislative changes that have allowed this.

¹ Barnsley, Doncaster, Rotherham and Sheffield CA became known as the South Yorkshire Mayoral Combined Authority from September 2021.

What Strategic Authorities should know and do

The functions

A relevant instrument transfers to the specified SA adult education functions under section 86 to 88 of the Apprenticeships, Skills, Children and Learning Act 2009 ('the 2009 Act') with the exception of such functions relating to apprenticeships training, adult detention or any power to make regulations or orders. The functions under section 86 to 88 are as follows and are exercisable by the SA in relation to the area of the SA.

- a) section 86 (education and training for persons aged 19 or over and others subject to adult detention);
- b) section 87 (learning aims for persons aged 19 or over: provision of facilities);
- c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees)

The instrument also provides for the transfer of the Secretary of State's functions under

- d) section 90 which relate to the encouragement of education and training for persons aged 19 or over;
- e) section 100(1) which relates to the provision of financial resources;
- f) section 100(1B) which relates to the provision of financial resources in connection with approved technical education qualifications or approved steps towards occupational competence

to be exercisable by the SA in relation to its area, with the exception of functions relating to persons subject to adult detention. To note, functions d) and e) do not include functions relating to the delivery of apprenticeships and function f) does not include delivery to learners under the age of 19-years-old or those between the ages of 19-25-years-old with and EHCP².

These functions are exercisable by the SA concurrently with the Secretary of State.

The instrument contains conditions on the exercise of the transferred functions, namely that in addition to the requirement to have regard to guidance, that the SA must adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the 2009 Act in accordance with any direction given by the Secretary of State.

² Education and Health Care Plan.

What approach should a combined authority take to commissioning adult education provision?

Providers are key to the delivery of the adult education system. Many education providers are complex organisations that rely on a variety of public funding to operate their business. SAs, as public bodies funding education and training provision, must have regard to best value for the public purse and securing the best outcomes for students. It is also important to make sure that arrangements by public bodies for securing and funding provision are fair and reasonable and that demands made of providers are clear, transparent and timely.

A provider may secure funding from numerous sources and funding from SAs may form a relatively small proportion of this overall funding. An SA will make its own decisions about the type of provision it wants or requires to meet local skills needs. Most education providers will have become accustomed to how they have been funded for adult provision previously and have their systems and arrangements aligned with that regime. Given this, when exercising their functions in relation to the commissioning of adult education provision, an SA should consider the following:

- a) the fairness, reasonableness and proportionality of their requests of the providers through consideration of the entirety of that provider's overall business.
- b) ensuring that all providers are given an equal opportunity to compete for funds in any competitive process.
- c) how the SA's commissioning approach aligns to the existing adult education funding key milestones that a provider operates under when commissioning.
- d) when an SA determines that it is appropriate to deviate from the DfE commissioning process they should give a reasonable notice period³ to allow providers to adapt.

SAs should consider these areas and work jointly with providers at the design and planning stage on their proposed funding arrangements with a view to:

- building positive relationships.
- enabling providers to understand and meet SA needs.
- enabling SAs to understand what providers need to plan and respond properly to deliver adult education for the SA.

³ A reasonable notice period should be considerate of the nature of the change and the potential impact on provider's usual business cycle.

When making and communicating its adult funding decisions, what should a Strategic Authority take into account?

An SA should:

- a) consult with representative providers on its approaches to funding and performance management rules, funding rates and funding formula.
- b) publish a conflict of interests' policy for the allocation of relevant funds that includes:
 - i. requirements on all those involved in decision-making and all those receiving funding from this budget to declare and record actual and perceived conflicts of interest; and
 - ii. appropriate external checks, including an internal monitoring process and external input to decisions.
- c) publish in advance of the start of the funding year (traditionally 1 August) conditions of funding against which providers should deliver. This should be published on a website in a manner which recognises accepted web accessibility standards, and which allows for the content to be:
 - i. downloadable; and
 - ii. published in such a way that search engines can index it.
- d) consider the DfE's adult funding key milestones⁴ when communicating funding plans and allocations including methodologies. This will help those providers that may be in receipt of adult funds from both the DfE and an SA to plan their overall adult provision staffing and delivery and to manage their business model and income appropriately and efficiently to ensure value for money.
- e) ensure that providers have a point of contact if they need to discuss their delivery, payments or funding arrangements. This should be established early in the relationship.
- f) identify for providers how and to whom they can complain if they believe they have grounds to do so.
- g) conduct appropriate due diligence in establishing which providers will deliver ASF-funded provision, complying with the Procurement Act 2023 and the Procurement Regulations 2024, as appropriate.
- h) have a clear commercial strategy to undertake legally compliant exercises and put in place contract/performance management regimes.
- i) have clear market entry arrangements that are available to potential providers.
- j) have a clear funding reduction and/or exit requirements strategy.

⁴ For example, publication of funding rules, publication of funding rates/formula, notification of funding allocations to providers and contracts/agreements issued for the upcoming academic year.



Department
for Education

© Crown copyright 2025

This publication is licensed under the terms of the Open Government Licence v3.0, except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3.

Where we have identified any third-party copyright information, you will need to obtain permission from the copyright holders concerned.

About this publication:

enquiries <https://www.gov.uk/contact-dfe>
download www.gov.uk/government/publications

Follow us on X: [@educationgovuk](https://twitter.com/educationgovuk)

Connect with us on Facebook: facebook.com/educationgovuk