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STATUTORY INSTRUMENTS

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**2014 No. 3215**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Health Education England Regulations 2014**

*Made* - - - - *3rd December 2014*  
*Laid before Parliament* *10th December 2014*  
*Coming into force* - - *1st April 2015*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 104(3)(b), (4) and (13)(a), 105(1) and 125(8) of, and paragraph 2(1) and (2) of Schedule 5 and paragraph 2(8) of Schedule 6 to, the Care Act 2014(1).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Health Education England Regulations 2014 and come into force on 1st April 2015.

(2) In these Regulations “regulated profession” means a profession to which section 60(2) of the Health Act 1999(2) applies.

**Health Education England: clinical expertise of members**

2.—(1) HEE must include at least three members with clinical expertise of whom at least one must be an executive member and one a non-executive member.

(2) Those three members must comprise—

- (a) one person with clinical expertise in a profession regulated by the Medical Act 1983(3);
- (b) one person with clinical expertise in a profession regulated by the Nursing and Midwifery Order 2001(4); and
- (c) one person with clinical expertise in another regulated profession.

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(1) 2014 c.23. The powers to make regulations are exercisable by the Secretary of State, *see* section 125(1). Sections 104(3)(b), (4) and (13)(a) and 105(1) and paragraph 2(1) and (2) of Schedule 5 and paragraph 2(8) of Schedule 6 were commenced on 1st October 2014 by S.I. 2014/2473 for the purpose of making regulations.

(2) 1999 c.8. Section 60(2) was amended by paragraph 1(1) and (3) of Schedule 8 and Part 2 of Schedule 15 to the Health and Social Care Act 2008 (c.14), sections 213(7)(i) and 209(4) of the Health and Social Care Act 2012 (c.7) and S.I. 2002/253 and 2010/231.

(3) 1983 c.54.

(4) S.I. 2002/253.

**Local Education and Training Boards: clinical expertise of members**

- 3.—(1) An LETB must include at least three members with clinical expertise.
- (2) Those three members must comprise—
- (a) one person with clinical expertise in a profession regulated by the Medical Act 1983;
  - (b) one person with clinical expertise in a profession regulated by the Nursing and Midwifery Order 2001; and
  - (c) one person with clinical expertise in another regulated profession.

**Health Education England and Local Education and Training Boards: clinical expertise of members – supplementary**

4.—(1) A person does not have the clinical expertise described in regulation 2(2) or regulation 3(2) unless that person—

- (a) is or was registered as a member of the relevant profession; and
  - (b) is not a person to whom paragraph (2) applies.
- (2) This paragraph applies to a person who—
- (a) has at any time been subject to any investigation or proceedings concerning the person’s fitness to practise by any licensing body, the final outcome of which was—
    - (i) the person’s suspension from a register held by the licensing body, and that suspension has not been terminated;
    - (ii) the erasure of the person’s name from a register held by the licensing body, and the person has not subsequently been restored to the register;
    - (iii) a decision that had the effect of preventing the person from practising the profession licensed or regulated by the licensing body and the person is still prevented from practising; or
    - (iv) a decision that had the effect of only allowing the person to practise that profession subject to conditions, and those conditions have not been lifted; or
  - (b) has at any time been subject to any investigation or proceedings relating to an allegation that the person’s entry in a register held by a licensing body was fraudulently procured, the final outcome of which was the erasure of the person’s name from that register,

and in this paragraph “licensing body” means any body anywhere in the world that licenses or regulates any profession which, if carried out in England, would be a regulated profession.

**Local Education and Training Board: co-operation**

5.—(1) Regulation 16 (matters to be included in commissioning contracts) of the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012<sup>(5)</sup> is amended as follows.

- (2) After paragraph (1) insert—
- “(1A) A commissioning contract entered into by a relevant body must contain terms and conditions that ensure that the health service provider—
- (a) co-operates with—
    - (i) the LETB for each area in which it provides such services; and

(5) [S.I. 2012/2996](#). There are amendments not relevant to this instrument.

- (ii) any LETB which represents that provider by virtue of arrangements made by HEE under paragraph 2(4)(c) of Schedule 6 to the Care Act 2014, in such manner and to such extent as the LETB in question may request, in planning the provision of, and in providing, education and training for health care workers; and
  - (b) provides the LETB in question with such information as it may request.”.
- (3) In paragraph (2) after the definition of “appropriate apology” insert—  
““LETB” means a local education and training board appointed by Health Education England under section 103 of the Care Act 2014;”.

Signed by authority of the Secretary of State for Health.

3rd December 2014

*Daniel Poulter*  
Parliamentary Under-Secretary of State  
Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision concerning Health Education England (“HEE”), a body established by section 96(1) of the Care Act 2014 (“the Act”).

Regulations 2 to 4 make provision for the clinical expertise required of members of HEE and Local Education and Training Boards (“LETBs”).

HEE and LETBs must comprise at least 3 members with clinical expertise and in the case of HEE at least one member with clinical expertise must be an executive member and one must be a non-executive member. Those three members must be made up of one person with expertise as a doctor, one with expertise as a nurse or midwife and one with expertise in another health care profession (regulations 2 and 3).

Regulation 4 makes supplementary provision about clinical expertise. A person does not have the clinical expertise described in regulations 2 and 3 unless that person is, or has been, registered as a member of a profession to which section 60(2) of the Health Act 1999 applies and is not person to whom paragraph (2) of regulation 2 applies. Paragraph (2) applies to persons who have been suspended or removed from the register held by the licensing body, or who are allowed to practise only subject to conditions.

Regulation 5 amends the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 to require that the National Health Service Commissioning Board and clinical commissioning groups include in their arrangements with health service providers terms and conditions that ensure that the provider co-operates with LETBs and provides them with such information as may be requested.

A full impact assessment has not been produced for this instrument as the Order itself has no impact on the private sector or civil society organisations. A full Impact Assessment has been produced in relation to the provisions of the Act including provisions relating to the abolition of the Special Health Authority and establishment of HEE. A copy of this impact assessment is available from the libraries of both Houses of Parliament, and may also be obtained from the Department of Health, Richmond House, 79 Whitehall, London, SW1A 2NS or on the Department of Health’s web site at <https://www.gov.uk/government/publications/the-government-published-a-series-of-impact-assessments-alongside-the-care-bill>.