



# Care Act 2014

## 2014 CHAPTER 23

### PART 3 U.K.

#### HEALTH

### CHAPTER 1 U.K.

#### HEALTH EDUCATION ENGLAND

##### *Establishment*

#### 96 Health Education England U.K.

- (1) There is to be a body corporate called Health Education England (referred to in this Act as “HEE”).
- (2) Schedule 5 (which includes provision about HEE's constitution, the exercise of its functions and its financial and reporting duties) has effect.
- (3) The Special Health Authority called Health Education England is abolished; and, in consequence of that, the following are revoked—
  - (a) the Health Education England (Establishment and Constitution) Order 2012 (S.I. 2012/1273), and
  - (b) the Health Education England Regulations (S.I. 2012/1290).
- (4) The Secretary of State may by order provide for the transfer of property, rights and liabilities from that Special Health Authority to HEE; for further provision about an order under this section, see section 118.

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#### Commencement Information

- II** S. 96(2)(4) in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), [art. 4\(1\)\(a\)\(f\)](#)

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### *National functions*

## 97 **Planning education and training for health care workers etc.** E+W

- (1) HEE must perform on behalf of the Secretary of State the duty under section 1F(1) of the National Health Service Act 2006 (planning and delivery of education and training), so far as that duty applies to the functions of the Secretary of State under—
  - (a) section 63(1) and (5) of the Health Services and Public Health Act 1968 (instruction for officers of hospital authorities etc.),
  - (b) section 258(1) of the National Health Service Act 2006 (university clinical teaching and research), and
  - (c) such other of the enactments listed in section 1F(3) of that Act as regulations may specify.
- (2) Regulations may—
  - (a) provide for the duty under section 1F(1) of the National Health Service Act 2006 to apply to such other functions of the Secretary of State as are specified; and
  - (b) impose on HEE a duty to perform the duty as it applies as a result of provision made under paragraph (a).
- (3) Regulations may provide that the duty under subsection (1) or a duty imposed under subsection (2) may only be performed, or may not be performed, in relation to persons of a specified description.
- (4) In each of the following provisions of the National Health Service Act 2006, after “the Secretary of State” insert “ and Health Education England ”
  - (a) section 1F(2) (duty on providers of health services to support system of education and training for health care workers);
  - (b) section 13M (duty on National Health Service Commissioning Board to support that system);
  - (c) section 14Z (duty on clinical commissioning groups to support that system).
- (5) Regulations may give HEE further functions relating to education and training for health care workers.
- (6) HEE may, with the consent of the Secretary of State, carry out other activities relating to—
  - (a) education and training for health care workers;
  - (b) the provision of information and advice on careers in the health service.
- (7) After section 63(6) of the Health Services and Public Health Act 1968 insert—
  - “(6A) The Secretary of State may make such other payments as the Secretary of State considers appropriate to persons availing themselves of such instruction in England.
  - (6B) The Secretary of State may make a payment under subsection (6)(b) or (6A) subject to such terms and conditions as the Secretary of State decides; and the Secretary of State's power to make such a payment includes power to suspend or terminate the payment, or to require repayment, in such circumstances as the Secretary of State decides.”

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- (8) The power of the Secretary of State under section 63(6) or (6A) of the Health Services and Public Health Act 1968 is exercisable concurrently with HEE; but, in exercising the power, HEE must have regard to any guidance or other information issued by the Secretary of State about its exercise.
- (9) “Health care workers” means persons in relation to whom HEE’s duty under section 1F(1) of the National Health Service Act 2006 is to be performed.

#### Commencement Information

I2 S. 97(7) in force at 1.10.2014 by S.I. 2014/2473, art. 4(2)(a)

VALID FROM 01/04/2015

#### 98 Ensuring sufficient skilled health care workers for the health service **E+W**

- (1) HEE must exercise its functions with a view to ensuring that a sufficient number of persons with the skills and training to work as health care workers for the purposes of the health service is available to do so throughout England.
- (2) Regulations may provide that the duty under subsection (1) may only be performed, or may not be performed, in relation to persons of a specified description.

VALID FROM 01/04/2015

#### 99 Quality improvement in education and training, etc. **E+W**

- (1) HEE must exercise its functions with a view to securing continuous improvement—
  - (a) in the quality of education and training provided for health care workers;
  - (b) in the quality of health services.
- (2) HEE must, in exercising its functions, promote—
  - (a) research into matters relating to such of the activities listed in section 63(2) of the Health Services and Public Health Act 1968 (social care services, primary care services and other health services) as are relevant to HEE’s functions, and
  - (b) the use in those activities of evidence obtained from the research.
- (3) In section 2(2) of the Health Act 2009 (bodies required to have regard to NHS Constitution when exercising health service functions), after paragraph (g) insert—

“(h) Health Education England.”
- (4) HEE must exercise its functions with a view to securing that education and training for health care workers is provided in a way which promotes the NHS Constitution.
- (5) “Health services” means health services provided as part of the health service.
- (6) “NHS Constitution” has the meaning given by section 1(1) of the Health Act 2009.

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VALID FROM 01/04/2015

## 100 Objectives, priorities and outcomes E+W

- (1) The Secretary of State must publish before the start of each financial year a document which specifies the objectives and priorities that the Secretary of State has set for HEE for that year in relation to the education and training to be provided for health care workers.
- (2) The Secretary of State must also publish at intervals of not more than three years a document (called the “Education Outcomes Framework”) which specifies the outcomes that the Secretary of State has set for HEE to achieve having regard to those objectives and priorities.
- (3) The Secretary of State—
  - (a) may revise a document published under subsection (1) or (2), and
  - (b) if the Secretary of State does so, must publish it as revised.
- (4) HEE must publish a document which—
  - (a) specifies the objectives and priorities that it has set, for the period specified in the document, for the planning and delivery of education and training to health care workers,
  - (b) specifies the outcomes that HEE expects to achieve in that respect during that period having regard to those objectives and priorities, and
  - (c) includes, or refers to a document which includes, guidance for LETBs (see section 103) on the exercise of the function under section 107(1).
- (5) In performing the duty under subsection (4), HEE must have regard, in particular, to its objectives in the longer term in relation to the planning and delivery of education and training to health care workers.
- (6) HEE must ensure that the objectives, priorities and outcomes specified for the purposes of subsection (4)(a) and (b) are consistent with those specified for the purposes of subsections (1) and (2).
- (7) A document under subsection (4) may specify different periods in relation to different categories of health care worker.
- (8) HEE must, before the end of 12 months beginning with the date on which a document under subsection (4) is published—
  - (a) review the document, and,
  - (b) if HEE revises it, publish it as revised.
- (9) HEE may perform the duty under subsection (4) by publishing two or more documents which, taken together, comply with that subsection.
- (10) HEE must seek to achieve the objectives and outcomes and to reflect the priorities specified in any document—
  - (a) published by the Secretary of State under subsection (1), (2) or (3);
  - (b) published by HEE under subsection (4) or (8).

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VALID FROM 01/04/2015

## 101 Sections 98 and 100: matters to which HEE must have regard **E+W**

- (1) In performing the duty under section 98(1) (ensuring sufficient skilled workers for the health service) or the duty under section 100(4) (setting objectives, priorities and outcomes for education and training), HEE must have regard to the following matters in particular—
- (a) the likely future demand for health services and for persons with the skills and training to work as health care workers for the purposes of the health service,
  - (b) the sustainability of the supply of persons with the skills and training to work as such,
  - (c) the priorities that providers of health services have for the education and training of persons wishing to work as such,
  - (d) the mandate published under section 13A of the National Health Service Act 2006,
  - (e) the objectives of the Secretary of State in exercising public health functions (as defined by section 1H of that Act),
  - (f) the priorities that the National Health Service Commissioning Board has for the provision of health services,
  - (g) documents published by the Secretary of State under section 100(1), (2) or (3),
  - (h) the desirability of promoting the integration of health provision with health-related provision and care and support provision,
  - (i) the desirability of enabling health care workers to switch between different posts relating to health provision, health-related provision or care and support provision, and
  - (j) such other matters as regulations may specify.
- (2) In subsection (1), “health provision”, “health-related provision” and “care and support provision” each have the same meaning as in section 3.

VALID FROM 01/04/2015

## 102 Advice **E+W**

- (1) HEE must make arrangements for obtaining advice on the exercise of its functions from persons who are involved in, or who HEE thinks otherwise have an interest in, the provision of education and training for health care workers.
- (2) HEE must seek to ensure that it receives representations from the following, in particular, under the arrangements it makes under subsection (1)—
- (a) persons who provide health services;
  - (b) persons to whom health services are provided;
  - (c) carers for persons to whom health services are provided;
  - (d) health care workers;
  - (e) bodies which regulate health care workers;

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- (f) persons who provide, or contribute to the provision of, education and training for health care workers.
- (3) HEE may perform a duty under subsection (2) by seeking to ensure that it receives representations from organisations which represent the persons referred to in the paragraph in question.
- (4) HEE must advise the Secretary of State on such matters relating to its functions as the Secretary of State may request; and a request under this subsection may specify how and when the advice is to be provided.
- (5) “Carer” means an adult who provides or intends to provide care for another person.

### Local functions

VALID FROM 01/04/2015

#### 103 Local Education and Training Boards **E+W**

- (1) HEE must, in exercise of the power under paragraph 9 of Schedule 5, appoint committees for areas in England, each of which is to be called a Local Education and Training Board (referred to in this Chapter as an “LETB”).
- (2) The main function of an LETB is to exercise on HEE's behalf its functions under sections 97(1) and 98(1) (planning and delivering education for health care workers and ensuring sufficient skilled health care workers in the health service), so far as they are exercisable in or in relation to the LETB's area.
- (3) In carrying out its main function, an LETB must represent the interests of all the persons who provide health services in the area for which the LETB is appointed.
- (4) Subsections (1), (2) and (4) of section 99 (quality improvement in education and training etc.) apply to an LETB in the exercise of its functions as they apply to HEE in the exercise of its functions.
- (5) An LETB may co-operate with another LETB in the exercise of functions; and two or more LETBs may exercise functions jointly.
- (6) HEE may attend any meeting held by an LETB about a matter of concern to HEE.

#### 104 LETBs: appointment etc. **E+W**

- (1) Where, on an application under this section, HEE is satisfied that the applicants meet the criteria that HEE has set for the purpose (the “appointment criteria”), HEE must appoint the applicants as members of an LETB for such area as HEE considers appropriate.
- (2) Where, on an application under this section, HEE is satisfied that the applicants meet some (but not all) of the appointment criteria, it may nonetheless appoint the applicants as the members of an LETB for such area and subject to such conditions as HEE considers appropriate.
- (3) The members of an LETB must include—

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- (a) persons who provide health services in the area for which the LETB is appointed,
  - (b) persons who have clinical expertise of a description specified in regulations, and
  - (c) a person who will represent the interests of patients.
- (4) Regulations under paragraph (b) of subsection (3) may require a specified number of members to have the expertise mentioned in that paragraph.
- (5) The following persons are also eligible to be appointed as members of an LETB—
  - (a) persons who, in the area for which the LETB is appointed, provide education or training for health care workers or for persons wishing to work as health care workers, and
  - (b) persons of such other description as HEE may decide.
- (6) A member of HEE is not eligible for membership of an LETB.
- (7) The appointment criteria must include criteria designed to ensure that a majority of the members of an LETB are persons who provide health services in the area for which the LETB in question is appointed.
- (8) If HEE is unable (for reasons beyond its control) to comply with any requirement imposed by this section or regulations under this section to appoint persons of a particular description as members of an LETB, HEE may instead appoint employees of HEE (other than members of HEE).
- (9) On appointing an LETB, HEE must appoint the chair of the LETB; but it may not appoint as chair a person who—
  - (a) provides health services in the area for which the LETB is appointed, or
  - (b) in the area for which the LETB is appointed, provides education or training for health care workers or for persons wishing to work as health care workers.
- (10) HEE must notify applicants under subsection (1) or (2) of the decision on the application and—
  - (a) in the case of an approval of such an application, the area for which the LETB is appointed and the appointment under subsection (9);
  - (b) in the case of a rejection, the reasons for the rejection.
- (11) HEE, having complied with subsection (10), must publish—
  - (a) the decision, and
  - (b) in the case of a rejection, the reasons for the rejection.
- (12) The conditions on which a person is appointed as a member of an LETB must include a condition not to use information obtained in the capacity as such otherwise than for the purposes of the LETB.
- (13) Regulations may make further provision about—
  - (a) the membership of an LETB;
  - (b) the removal by HEE of members of an LETB;
  - (c) the suspension by HEE of members of an LETB.
- (14) Schedule 6 (which includes provision about the area of an LETB, the appointment criteria and the exercise of an LETB's functions) has effect.



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#### Commencement Information

- I3** S. 104(3)(b)(4)(13)(a) in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), [art. 4\(1\)\(b\)](#)  
**I4** S. 104(14) in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), [art. 4\(1\)\(g\)](#)

### 105 LETBs: co-operation by providers of health services E+W

- (1) Regulations must require specified commissioners of health services to include in the arrangements under the National Health Service Act 2006 for the provision of such services terms to ensure that a provider of such services—
  - (a) co-operates with the LETB for each area in which it provides such services, 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;
  - (b) provides the LETB in question with such information as it may request;
  - (c) complies with such other obligations relating to education and training for health care workers as may be specified.
- (2) Duties imposed by regulations under subsection (1) on commissioners of health services are in addition to the duty imposed on such persons by section 1F(2) of the National Health Service Act 2006 (duty to secure that persons providing health services co-operate with the Secretary of State in the discharge of the duty as to education and training).
- (3) Regulations may specify factors to which an LETB must, when proposing to make a request of the type mentioned in subsection (1)(a) or (b), have regard in considering the reasonableness of making the request.
- (4) A reference to a commissioner of health services is a reference to—
  - (a) the National Health Service Commissioning Board,
  - (b) a clinical commissioning group, or
  - (c) such other person as arranges for the provision of such services.

#### Commencement Information

- I5** S. 105(1)(4) in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), [art. 4\(1\)\(c\)](#)

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### 106 Education and training plans E+W

- (1) An LETB must publish for each financial year a document (called an “education and training plan”) specifying how it proposes to exercise its main function (see section 103(2)).
- (2) The education and training plan of an LETB must specify how the LETB proposes to—
  - (a) achieve the objectives and reflect the priorities set by the Secretary of State for the purposes of section 100(1),



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- (b) achieve the objectives and reflect the priorities set by HEE for the purposes of section 100(4)(a),
  - (c) achieve the outcomes set by the Secretary of State for the purposes of section 100(2), and
  - (d) achieve the outcomes set by HEE for the purposes of section 100(4)(b).
- (3) In preparing its education and training plan, an LETB must have regard to—
- (a) the priorities that the providers of health services whom the LETB represents have in relation to the provision in the LETB's area of health services and of education and training for health care workers or persons wishing to become health care workers,
  - (b) the priorities that commissioners of health services in the LETB's area have in relation to those matters,
  - (c) any assessment of relevant needs relating to the LETB's area prepared under section 116 of the Local Government and Public Involvement in Health Act 2007,
  - (d) any joint health and wellbeing strategy relating to the LETB's area prepared under section 116A of that Act, and
  - (e) the LETB's objectives in the longer term in relation to the exercise of the LETB's main function.
- (4) In preparing its education and training plan, an LETB must involve—
- (a) the providers of health services whom the LETB represents,
  - (b) the commissioners of health services in the LETB's area,
  - (c) the Health and Wellbeing Board for that area,
  - (d) such persons as HEE may direct the LETB to involve, and
  - (e) such other persons as the LETB considers appropriate.
- (5) Before publishing its education and training plan (or an amended education and training plan), an LETB must obtain approval of the plan (or the amended plan) from HEE.
- (6) Before giving an approval under subsection (5), HEE may direct the LETB concerned to amend the education and training plan (or the amended education and training plan) as HEE specifies.
- (7) But, in the case of an LETB which meets all the appointment criteria, the only amendments which HEE may direct to be made under subsection (6) are those HEE considers necessary in order to ensure that the LETB achieves the outcomes set by HEE for the purposes of section 100(4)(b).
- (8) Where HEE exercises the power under subsection (6), it must publish—
- (a) the amendments in question, and
  - (b) its reasons for directing them to be made.
- (9) HEE may give LETBs directions about—
- (a) what to include in their education and training plans;
  - (b) how to present them.
- (10) An LETB may perform the duty under subsection (1) by preparing two or more documents which, taken together, specify how it proposes to exercise its main function.

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### 107 Commissioning education and training **E+W**

- (1) Each LETB must for each financial year arrange for the provision of education and training in accordance with its education and training plan for that year.
- (2) Where HEE considers that it would be better for the arrangements for the provision of certain education and training to be made on a national basis, it—
  - (a) may arrange for the provision of that education and training accordingly, or
  - (b) may direct one or more LETBs to do so on its behalf.
- (3) Before exercising a power under subsection (2), HEE must involve LETBs in making its decision.
- (4) HEE must for each financial year allocate to each LETB the amount that HEE considers appropriate to enable the LETB to comply with this section.
- (5) In doing so, HEE must take into account any duty to which the LETB is subject under section 108(9) (requirement to make payments by reference to an approved tariff price or a price varied under a specified procedure).
- (6) An LETB may arrange for another person to help it to exercise the function under subsection (1) or (where it is directed to do so under subsection (2)(b)) the function under subsection (2)(a) (and such functions as are exercisable for the purposes of or in connection with the exercise of the function concerned).
- (7) Each LETB—
  - (a) must keep under review the quality of the education and training the provision of which it arranges, and
  - (b) must report its findings to such persons as it considers may be interested by them.
- (8) An LETB must produce such reports on the exercise of the function under subsection (1) (including on the quality of the education and training the provision of which it arranges) as HEE may require.

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### *Tariffs*

### 108 Tariffs **E+W**

- (1) The Secretary of State may specify a tariff setting approved prices in respect of education and training.
- (2) The approved prices may be different for different descriptions of education and training (and may in particular be different for different areas).
- (3) A tariff specified under subsection (1) must be published.

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- (4) If a tariff is specified under subsection (1), the Secretary of State may also specify a procedure for varying the approved prices in particular cases or descriptions of cases.
- (5) If the Secretary of State does so, the procedure—
  - (a) must be published, and
  - (b) must require a price as varied under the procedure to be published.
- (6) A published tariff or variation procedure may be revised or revoked by the Secretary of State.
- (7) If a tariff or variation procedure is revised, the Secretary of State must publish it as revised.
- (8) If it is revoked, the Secretary of State must publish a statement to that effect.
- (9) Where a tariff sets an approved price for a particular description of education or training, payments made by an LETB or HEE in respect of the provision of that description of education or training must be made—
  - (a) by reference to the approved price, or
  - (b) where the approved price has been varied in accordance with a variation procedure that has effect in relation to it, by reference to the price as varied.

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