

CARE ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - Health

Chapter 1 - Health Education England

Local functions

Section 104 – LETBs: appointment etc.

623. This section deals with the process by which HEE appoints LETBs. LETBs will be supported by operational staff who will be employed by HEE. These will include staff from the former Strategic Health Authorities and postgraduate medical and dental deaneries.
624. HEE will appoint LETBs, where a group of persons, which must include local healthcare providers for the area, persons who have clinical experience of a type specified in regulations and a person who will represent the interests of patients, come together and fulfil the requirements of the appointment criteria. HEE will set appointment criteria will be contained in a document that will primarily assess potential LETB's potential to carry out HEE's functions at a local level. They will assess the LETBs capacity and capability to carry out those functions, their ability to secure financial control and the proposed local governance arrangements. Schedule 6 makes further detailed provision about the area of LETBs, the appointment criteria and the exercise of HEE's functions.
625. HEE will assess potential LETB applicants and there will be three possible outcomes from the application process. Firstly, as set out in *subsection (1)* the applicants may meet all the criteria set by HEE and HEE is therefore satisfied that the LETB is capable of taking on all functions delegated to it. In this case the LETB will be appointed without any further conditions. Secondly, as set out in *subsection (2)* the applicants may meet some of the criteria set by HEE and HEE is satisfied that they are capable of taking on some, but not all of the functions delegated to them. In this case, the LETB will be appointed with conditions attached to their appointment. The third outcome is that the applicants meet some of the criteria but not all, and HEE is not satisfied that they can take on functions delegated to them, or that they do not meet any of the criteria. In this case, the LETB will not be appointed. In such circumstances HEE may, under *subsection (8)*, appoint its own employees as members of the LETB to take on responsibility for the education and training functions in that area until an application meets sufficient criteria.
626. *Subsections (3) to (8)* provide more detail on eligibility for LETB membership and the required composition of its membership. *Subsection (3)* sets out types of person who must be represented on a LETB. *Subsection (4)* specifies that regulations may set out the required numbers of persons with clinical expertise. *Subsection (5)* confirms that persons involved in the provision of education and training may also be members of a LETB and *subsection (5)(b)* allows HEE to specify other persons who are eligible

to be appointed. *Subsection (6)* confirms that non-executive and executive members of HEE are not eligible for membership. *Subsection (7)* confirms that the majority of the members of the LETB must be drawn from providers of NHS and public health services in the LETB geographical area. This is important. Whilst LETBs will rightly include other partners as members, for example, from the education sector or commissioning organisations, their primary purpose is to plan and commission on behalf of local healthcare providers.

627. *Subsection (9)* requires HEE to appoint the chair of the LETB. The chair may not be a provider of NHS or public health services in the LETB's geographical area or a representative from a further or higher education institution in the LETB's geographical area.
628. *Subsection (10)* requires HEE to notify applicants in writing of the outcome of its decision, and any reasons for rejection. HEE will then publish the decision as set out in *subsection (11)*.
629. *Subsection (12)* provides that the members of the LETB must not use information obtained in that capacity for any other purposes.
630. *Subsection (13)* gives the Secretary of State a regulation making power to make further provision on the appointment of members of the LETB, the removal by HEE of members of a LETB and the suspension by HEE of members of a LETB.