



Care Act 2014

2014 CHAPTER 23

PART 3

HEALTH

CHAPTER 1

HEALTH EDUCATION ENGLAND

Local functions

103 Local Education and Training Boards

- (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.

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104 LETBs: appointment etc.

- (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—
 - (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.

105 LETBs: co-operation by providers of health services

- (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.

106 Education and training plans

- (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),
 - (b) achieve the objectives and reflect the priorities set by HEE for the purposes of section 100(4)(a),

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- (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.

107 Commissioning education and training

- (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.