



# Care Act 2014

## 2014 CHAPTER 23

### PART 3

#### HEALTH

### CHAPTER 1

#### HEALTH EDUCATION ENGLAND

##### *National functions*

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

- (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).

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- (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.”
- (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.

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

- (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.

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

- (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.

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- (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.

## **100 Objectives, priorities and outcomes**

- (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.

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- (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).

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

- (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.

### **102 Advice**

- (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;

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- (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;
  - (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.