

SCHEDULES

SCHEDULE 6

Section 104

LOCAL EDUCATION AND TRAINING BOARDS

The area for which an LETB is appointed

- 1 (1) HEE must ensure that the areas of LETBs—
 - (a) do not coincide or overlap, and
 - (b) together cover the whole of England.
- (2) HEE may vary the area of an LETB.
- (3) HEE must—
 - (a) keep an up-to-date record of the area of each LETB, and
 - (b) publish the record.

Assessment of whether the appointment criteria are being met in relation to LETBs

- 2 (1) HEE must, whenever it considers appropriate, assess—
 - (a) whether the appointment criteria are being met in relation to an LETB, and
 - (b) if they are not, whether enough of the appointment criteria are being met for the LETB in question to be able to exercise its functions.
- (2) Having carried out an assessment under sub-paragraph (1), HEE must notify the LETB of, and then publish—
 - (a) the result of the assessment, and
 - (b) if HEE is not satisfied that the criteria are being met in relation to the LETB, HEE's reasons for not being so satisfied.
- (3) Where, on an assessment under sub-paragraph (1), HEE is not satisfied that all the appointment criteria are being met in relation to an LETB but is satisfied that enough of them are being met for the LETB to be able to exercise its functions, HEE may impose conditions on the LETB relating to its operation.
- (4) Where, on an assessment under sub-paragraph (1), HEE is not satisfied that enough of the appointment criteria are being met in relation to the LETB for the LETB to be able to exercise its functions, HEE may do one or more of the following—
 - (a) appoint new members of the LETB (whether as well as or instead of existing members);
 - (b) exercise functions on behalf of the LETB;
 - (c) make arrangements for the persons who provide health services in the area for which the LETB was appointed to be represented by another LETB instead.
- (5) Before imposing conditions under sub-paragraph (3) or taking action under sub-paragraph (4), HEE must notify the LETB concerned of—

Status: This is the original version (as it was originally enacted).

- (a) the conditions it proposes to impose or action it proposes to take, and
 - (b) its reasons for proposing to impose those conditions or take that action.
- (6) Having imposed conditions under sub-paragraph (3) or taken action under sub-paragraph (4), HEE must publish—
- (a) details of the conditions it imposed or action it took, and
 - (b) its reasons for imposing those conditions or taking that action.
- (7) Before making arrangements under sub-paragraph (4)(c), HEE must obtain the approval of the other LETB.
- (8) 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 any LETB which represents that provider by virtue of arrangements made by HEE under sub-paragraph (4)(c), in such manner and to such extent as that LETB may request, in planning the provision of, and in providing, education and training for health care workers;
 - (b) provides that LETB with such information as it may request.
- (9) Regulations may specify other circumstances in which HEE may intervene in the operation of an LETB (whether by imposing conditions or in such other way as is specified).
- (10) A reference to exercising a function includes a reference to exercising it properly.

Publication and review of the appointment criteria

- 3 (1) HEE must publish the appointment criteria; but before doing so it must obtain the approval of the Secretary of State.
- (2) HEE must keep the appointment criteria under review and may revise them; and the duty to obtain approval under sub-paragraph (1) applies to revised criteria only in so far as HEE considers the revisions significant.

Exercise of functions

- 4 (1) Regulations may—
- (a) give LETBs additional functions relating to the provision of education and training for health care workers or to the planning of its provision;
 - (b) impose requirements on LETBs relating to how they exercise functions.
- (2) An LETB may do anything which appears to it to be necessary or desirable for the purposes of or in connection with the exercise of its functions.
- (3) If HEE considers that an LETB is failing or has failed to exercise a function, or that there is a significant risk that it will fail to do so, HEE must direct the LETB to exercise such function within such period, and in such manner, as the direction specifies.
- (4) If an LETB fails to comply with a direction under sub-paragraph (3), HEE may take action under one or more of paragraphs (a) to (c) of paragraph 2(4) (with paragraph 2(5) to (7) applying accordingly).

- (5) The reference in sub-paragraph (3) to exercising a function includes a reference to exercising it properly.