



# Care Act 2014

## 2014 CHAPTER 23

### PART 3

#### HEALTH

### CHAPTER 1

#### HEALTH EDUCATION ENGLAND

#### *Local functions*

#### **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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.