

NATIONAL HEALTH SERVICE, ENGLAND

The Health Education England Directions 2012

The Secretary of State for Health gives the following Directions in exercise of the powers conferred by sections 7(1), 8 and 272(7) and (8) of the National Health Service Act 2006^(a).

Citation, commencement and interpretation

1.—(1) These Directions may be cited as the Health Education England Directions 2012.

(2) These Directions come into force on 28th June 2012.

(3) These Directions are given to Health Education England.

(4) In these Directions—

“the Act” means the National Health Service Act 2006;

“the education and training function” means the function of securing that there is an effective system for the planning and delivery of education and training for persons in relation to whom the Secretary of State exercises functions under—

- (a) section 63(1) and (5) of the Health Services and Public Health Act 1968^(b) (instructions for officers of hospital authorities etc.), and
- (b) section 258(1) of the Act (university clinical teaching and research);

“healthcare worker” means a person who is employed, or is considering becoming employed, in an activity which involves or is connected with the provision of services as part of the health service in England;

“governing body of an LETB” has the meaning referred to in paragraph 6(2)(b);

“HEE” means Health Education England established by article 2 of the Order;

“health services” means health services provided as part of the health service in England continued under section 1(1) of the Act;

“Local Education and Training Board” or “LETB” has the meaning referred to in paragraph 6(2)(a);

“the Order” means the Health Education England (Establishment and Constitution) Order 2012^(c).

General preparatory functions

2. —(1) The Secretary of State directs HEE to take such steps as are necessary for the purpose of ensuring that HEE is in a position, with effect from 1st April 2013, to exercise on behalf of the Secretary of State the education and training function.

(a) 2006 c.41. By virtue of section 271(1) of the Act the powers conferred on the Secretary of State by those sections are exercisable only in relation to England.

(b) 1968 c. 46.

(c) S.I. 2012/1273.

(2) The Secretary of State directs that, in taking the steps set out in sub-paragraph (1), HEE must do so for the purpose of ensuring that with effect from 1st April 2013 HEE is in a position to exercise its functions with a view to—

- (a) ensuring that a sufficient number of persons with the skills and training to work as healthcare workers will be available to do so throughout England; and
- (b) securing continuous improvement in—
 - (i) the quality of education and training provided for healthcare workers, and
 - (ii) the quality of health services.

(3) The Secretary of State directs that in taking the steps set out in sub-paragraph (1) HEE must have regard to the need to promote research into matters relating to health services and promote the use of evidence obtained from research in health services.

(4) The Secretary of State directs that in giving effect to the following directions HEE must do so with a view to furthering the purpose mentioned in sub-paragraph (1).

Specific functions

3. Without prejudice to paragraph 2, the Secretary of State directs HEE—

- (a) to appoint such officers as it thinks appropriate to enable it to carry out the steps referred to in paragraph 2(1) and to be ready, with effect from 1st April 2013, to exercise the education and training function effectively, efficiently and economically;
- (b) to develop and publish its policy for the transfer of officers who may be transferred to the employment of HEE pursuant to Article 5 of the Order;
- (c) to develop and publish a document in accordance with paragraph 4 to be known as the Strategic Education Operating Framework;
- (d) to make arrangements to obtain external advice on the exercise of its functions;
- (e) to develop and publish criteria for establishing the governing bodies of LETBs as committees of HEE, which criteria must be approved by the Secretary of State;
- (f) to work with commissioners of health services with a view to ensuring that every person who provides health services becomes a member of a LETB;
- (g) to develop, agree with the Secretary of State, and put in place appropriate governance, operational and financial systems to ensure that from 1st April 2013 HEE will be capable of exercising the education and training function;
- (h) to review and approve education and training plans for 2013/14 produced by Strategic Health Authorities, to be adopted by the governing bodies of LETBs with effect from 1st April 2013;
- (i) to consider how education and training for healthcare workers can be provided in a way which promotes the NHS Constitution^(a); and
- (j) to develop plans, to be exercised with effect from 1st April 2013, for national commissioning of education and training where HEE considers this is more appropriate than commissioning of such by the governing bodies of LETBs for local areas.

Strategic Education Operating Framework: Priorities and outcomes

4.—(1) The Secretary of State gives HEE the following directions.

^(a) The NHS Constitution is the document referred to in section 1 of the Health Act 2009 (c. 21).

(2) The Strategic Education Operating Framework which HEE must prepare under paragraph 3(c) is a document which—

- (a) specifies the priorities that it has set, for the period specified in the document, for the planning and delivery of education and training to healthcare workers;
- (b) specifies the outcomes that HEE expects to achieve in that respect during that period having regard to those priorities; and
- (c) includes, or refers to a document which includes, guidance for the governing bodies of LETBs on the exercise of the functions to be delegated to the governing bodies of LETBs by HEE.

(3) HEE must ensure that the priorities and outcomes specified for the purposes of sub-paragraph (2)(a) and (b) are consistent with those specified for the purpose in guidance issued by the Secretary of State.

(4) A document under sub-paragraph (2) may specify different periods in relation to different categories of healthcare worker.

(5) In preparing its Strategic Education Operating Framework, HEE must have regard to—

- (a) the likely future demand for health services and for persons with the skills and training to work as healthcare 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 priorities that persons who commission or are likely to commission the provision of health services have for the provision of health services;
- (e) from the date that sections 2A and 2B of, and paragraphs 7C, 8 and 12 of Schedule 1 to the Act are in force, the objectives of the Secretary of State in exercising public health functions (as defined by section 1H of that Act);
- (f) any document published by the Secretary of State specifying priorities and outcomes in relation to education and training to be provided for healthcare workers; and
- (g) such other matters as the Secretary of State may direct.

Advice

5.—(1) The Secretary of State gives HEE the following directions.

(2) For the purposes of paragraph 3(d), the persons with whom HEE is to make arrangements to obtain advice include persons who are involved in, or who HEE thinks otherwise have an interest in, the provision of education and training for healthcare workers.

(3) HEE must use its best endeavours to ensure that it receives representations from, in particular, the following in respect of the arrangements it makes under sub-paragraph (2)—

- (a) persons who provide health services;
- (b) persons to whom health services are provided;
- (c) carers for persons to whom health services are provided;
- (d) healthcare workers;
- (e) bodies which regulate healthcare workers;
- (f) persons who provide, or contribute to the provision of, education and training for healthcare workers.

(4) HEE may comply with sub-paragraph (3) by receiving representations from organisations which represent the persons referred to in the sub-paragraph in question.

Local Education and Training Boards

6.—(1) The Secretary of State directs HEE to work with commissioners of health services to ensure that every person who provides health services will become a member of a group—

- (a) the other members of which are other persons who provide health services in the same area in England in which that person does; and
- (b) the purpose of which is to help with the exercise of functions conferred on HEE by or under the Order,

but this sub-paragraph does not prevent a provider of health services being a member of more than one such group.

(2) The Secretary of State directs—

- (a) that a group of the kind referred to in sub-paragraph (1) is to be called a Local Education and Training Board (referred to in these Directions as an “LETB”), and
- (b) the governing body of an LETB is to be a committee of HEE appointed under regulation 10 of the Health Education England Regulations 2012^(a).

Governing body of an LETB

7.—(1) The Secretary of State gives HEE the following directions.

(2) HEE must set criteria (“the establishment criteria”) for the establishment of the governing bodies of LETBs, the main function of which is to exercise on HEE’s behalf the education and training function so far as it is exercisable in or in relation to the governing body’s area and in so doing represent the interests of all members of that LETB.

(3) HEE must consider whether it is satisfied that a group of persons which applies to become the governing body of an LETB meets the establishment criteria, and—

- (a) if the group does meet the establishment criteria, HEE must establish the group as the governing body of the LETB for such area as HEE considers appropriate;
- (b) if the group does not meet the establishment criteria, HEE may nonetheless establish the group as the governing body of the LETB for such area and subject to such conditions as HEE considers appropriate,

and the governing body of the LETB so established by HEE is to have such functions prior to 1st April 2013 as are delegated to it by HEE under regulation 11 of the Health Education England Regulations 2012.

(4) HEE must ensure that the members of the governing body of an LETB include members of the LETB and the following may also be members of the governing body of an LETB—

- (a) persons who provide education or training for healthcare workers or for persons wishing to work as healthcare workers, and who are in the area in which the members who provide health services do so; and
- (b) persons of such other description as HEE may decide,

and a member of the board of HEE (whether an officer or non-officer member) may not be a member of the governing body of an LETB.

^(a) S.I. 2012/1290.

(5) The establishment criteria must include criteria designed to ensure that a majority of the members of the governing body of an LETB are members of the LETB.

(6) If it appears to HEE that there is an area of England which will not on or after 1st April 2013 include or form part of the area of the governing body of an LETB, HEE must be in a position to establish a governing body for the area in question to act on or after that date; and the persons entitled to serve as members of the governing body include employees of HEE.

(7) HEE must keep in mind that when establishing the governing body of an LETB, HEE must appoint the chair of the governing body; but it may not appoint a person who—

- (a) provides health services in the area for which the LETB is established; or
- (b) provides education or training for healthcare workers or persons wishing to work as healthcare workers in the area for which the LETB is established.

(8) The conditions on which a person is appointed as a member of the governing body of an LETB must include a condition not to use information obtained in that capacity otherwise than for the purposes of the governing body.

(9) HEE must ensure that the area of the governing bodies of LETBs will not—

- (a) coincide or overlap; and
- (b) together will cover the whole of England.

(10) HEE may appoint persons to act as chair designates of governing bodies of LETBs prior to the establishment of governing bodies of LETBs and—

- (a) at the point that the governing body of the LETB is established by HEE for such area as HEE considers appropriate, HEE may appoint one of those chair designates to be the chair of the governing body; and
- (b) a chair designate may only be appointed as a chair of a governing body if that chair designate is a person who does not fall within sub-paragraph (7)(a) and (b).

Signed by authority of the Secretary of State for Health

Member of the Senior Civil Service
Department of Health

Date: 27th June 2012

