



Care Act 2014

2014 CHAPTER 23

PART 3

HEALTH

CHAPTER 1

[^{F1}THE EDUCATION AND TRAINING FUNCTIONS OF NHS ENGLAND]

National functions

97 Planning education and training for health care workers etc.

- (1) [^{F1}NHS England] 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 [^{F2}NHS England] 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.

^{F3}(4)

(5) Regulations may give [^{F4}NHS England] further functions relating to education and training for health care workers.

(6) [^{F5}NHS England] 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 [^{F6}NHS England]; but, in exercising the power, [^{F6}NHS England] 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 [^{F7}NHS England's] duty under section 1F(1) of the National Health Service Act 2006 is to be performed.

Textual Amendments

- F1** Words in s. 97(1) substituted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(5)(a)** (with reg. 7)
- F2** Words in s. 97(2) substituted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(5)(a)** (with reg. 7)
- F3** S. 97(4) omitted (1.4.2023) by virtue of [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(5)(b)** (with reg. 7)
- F4** Words in s. 97(5) substituted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(5)(a)** (with reg. 7)
- F5** Words in s. 97(6) substituted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(5)(a)** (with reg. 7)
- F6** Words in s. 97(8) substituted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(5)(a)** (with reg. 7)

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F7 Words in s. 97(9) substituted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(5)(c)** (with reg. 7)

Commencement Information

I1 S. 97 (1)-(6)(8)(9) in force at 1.4.2015 by [S.I. 2014/3186](#), **art. 2(a)**

I2 S. 97(7) in force at 1.10.2014 by [S.I. 2014/2473](#), **art. 4(2)(a)**

98 Ensuring sufficient skilled health care workers for the health service

(1) [^{F8}NHS England] must exercise its functions [^{F9}under this Chapter] 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.

Textual Amendments

F8 Words in s. 98(1) substituted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(6)(a)** (with reg. 7)

F9 Words in s. 98(1) inserted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(6)(b)** (with reg. 7)

Commencement Information

I3 S. 98 in force at 1.4.2015 by [S.I. 2014/3186](#), **art. 2(b)**

99 Quality improvement in education and training, etc.

(1) [^{F10}NHS England] must exercise its functions [^{F11}under this Chapter] with a view to securing continuous improvement—

(a) in the quality of education and training provided for health care workers;

^{F12}(b)

^{F13}(2)

^{F14}(3)

(4) [^{F15}NHS England] must exercise its functions [^{F16}under this Chapter] with a view to securing that education and training for health care workers is provided in a way which promotes the NHS Constitution.

^{F17}(5)

(6) “NHS Constitution” has the meaning given by section 1(1) of the Health Act 2009.

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Textual Amendments

- F10** Words in s. 99(1) substituted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(7)(a)(i)** (with reg. 7)
- F11** Words in s. 99(1) inserted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(7)(a)(ii)** (with reg. 7)
- F12** S. 99(1)(b) omitted (1.4.2023) by virtue of The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(7)(a)(iii)** (with reg. 7)
- F13** S. 99(2) omitted (1.4.2023) by virtue of The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(7)(b)** (with reg. 7)
- F14** S. 99(3) omitted (1.4.2023) by virtue of The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(7)(b)** (with reg. 7)
- F15** Words in s. 99(4) substituted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(7)(c)(i)** (with reg. 7)
- F16** Words in s. 99(4) inserted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(7)(c)(ii)** (with reg. 7)
- F17** S. 99(5) omitted (1.4.2023) by virtue of The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(7)(b)** (with reg. 7)

Commencement Information

- I4** S. 99 in force at 1.4.2015 by S.I. 2014/3186, **art. 2(b)**

100 Objectives, priorities and outcomes

^{F18}(1)

[^{F19}(2) The Secretary of State must publish a document (called the “Education Outcomes Framework”) setting outcomes for NHS England to achieve in relation to the education and training to be provided for health care workers.

(2A) In setting those outcomes, the Secretary of State must have regard to any objectives that are specified in the mandate published under section 13A of the National Health Service Act 2006 and that relate to the education and training of health care workers.]

(3) The Secretary of State—

- (a) may revise a document published under subsection ^{F20}... (2), and
- (b) if the Secretary of State does so, must publish it as revised.

[^{F21}(4) NHS England must publish a document which—

- (a) specifies—
 - (i) the objectives and priorities that NHS England has set, for the period specified in the document, for the planning and delivery of education and training for health care workers, and
 - (ii) how it proposes to achieve those objectives,

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- (b) specifies—
 - (i) the outcomes that NHS England expects to achieve in relation to the education and training of health care workers during that period having regard to those objectives and priorities, and
 - (ii) how it proposes to achieve those outcomes, and
 - (c) specifies how NHS England proposes to achieve the outcomes set by the Secretary of State in accordance with subsection (2).]
- (5) In performing the duty under subsection (4), [F22NHS England] 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) [F23NHS England] 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 [F24subsection (2) and any objectives specified for it in the mandate published under section 13A of the National Health Service Act 2006 that relate to the education and training of health care workers] .
- (7) A document under subsection (4) may specify different periods in relation to different categories of health care worker.
- (8) [F25NHS England] 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 [F25NHS England] revises it, publish it as revised.
- (9) [F26NHS England] may perform the duty under subsection (4) by publishing two or more documents which, taken together, comply with that subsection.
- (10) [F27NHS England] 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 F28... (2) or (3);
 - (b) published by [F27NHS England] under subsection (4) or (8).

Textual Amendments

- F18** S. 100(1) omitted (1.4.2023) by virtue of The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(8)(a)** (with reg. 7)
- F19** S. 100(2)(2A) substituted for s. 100(2) (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(8)(b)** (with reg. 7)
- F20** Words in s. 100(3) omitted (1.4.2023) by virtue of The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(8)(c)** (with reg. 7)
- F21** S. 100(4) substituted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(8)(d)** (with reg. 7)
- F22** Words in s. 100(5) substituted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(8)(e)** (with reg. 7)

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- F23** Words in s. 100(6) substituted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(8)(f)(i)** (with reg. 7)
- F24** Words in s. 100(6) substituted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(8)(f)(ii)** (with reg. 7)
- F25** Words in s. 100(8) substituted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(8)(g)** (with reg. 7)
- F26** Words in s. 100(9) substituted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(8)(h)** (with reg. 7)
- F27** Words in s. 100(10) substituted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(8)(i)** (with reg. 7)
- F28** Word in s. 100(10)(a) omitted (1.4.2023) by virtue of The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(8)(i)(ii)** (with reg. 7)

Commencement Information

- I5** S. 100 in force at 1.4.2015 by S.I. 2014/3186, **art. 2(b)**

101 Sections 98 and 100: matters to which ^{F29}NHS England] 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), ^{F30}NHS England] 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,
 - ^{F31}(d)
 - (e) the objectives of the Secretary of State in exercising public health functions (as defined by section 1H of that Act),
 - ^{F32}(f)
 - (g) documents published by the Secretary of State under ^{F33}section 100(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.

^{F34}(2) In subsection (1)—

“health provision”, “health-related provision” and “care and support provision” each have the same meaning as in section 3;

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“health services” means health services provided as part of the health service.]

Textual Amendments

- F29** Words in s. 101 heading substituted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(9)(a)** (with reg. 7)
- F30** Words in s. 101(1) substituted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(9)(b)(i)** (with reg. 7)
- F31** S. 101(1)(d) omitted (1.4.2023) by virtue of [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(9)(b)(ii)** (with reg. 7)
- F32** S. 101(1)(f) omitted (1.4.2023) by virtue of [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(9)(b)(ii)** (with reg. 7)
- F33** Words in s. 101(1)(g) substituted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(9)(b)(iii)** (with reg. 7)
- F34** S. 101(2) substituted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 13(9)(c)** (with reg. 7)

Commencement Information

- I6** S. 101 in force at 1.4.2015 by [S.I. 2014/3186](#), **art. 2(b)**

102 Advice

- (1) [^{F35}NHS England] must make arrangements for obtaining advice on the exercise of its functions [^{F36}under this Chapter] from persons who are involved in, or who [^{F35}NHS England] thinks otherwise have an interest in, the provision of education and training for health care workers.
- (2) [^{F37}NHS England] 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;
 - (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) [^{F38}NHS England] 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) [^{F39}NHS England] must advise the Secretary of State on such matters relating to its functions [^{F40}under this Chapter] as the Secretary of State may request; and a request under this subsection may specify how and when the advice is to be provided.

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(5) “Carer” means an adult who provides or intends to provide care for another person.

Textual Amendments

- F35** Words in s. 102(1) substituted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(10)(a)(i)** (with reg. 7)
- F36** Words in s. 102(1) inserted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(10)(a)(ii)** (with reg. 7)
- F37** Words in s. 102(2) substituted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(10)(b)** (with reg. 7)
- F38** Words in s. 102(3) substituted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(10)(b)** (with reg. 7)
- F39** Words in s. 102(4) substituted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(10)(c)(i)** (with reg. 7)
- F40** Words in s. 102(4) inserted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 13(10)(c)(ii)** (with reg. 7)

Commencement Information

- I7** S. 102 in force at 1.4.2015 by S.I. 2014/3186, **art. 2(b)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(2)-(3B) substituted for s. 15(2)(3) by [2022 c. 31 s. 166\(2\)](#)
- s. 26(1)-(2A) substituted for s. 26(1)(2) by [2022 c. 31 s. 166\(4\)](#)