

*Status: Point in time view as at 01/07/2022.*

*Changes to legislation: Care Act 2014, PART 2 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5 **U.K.**

#### HEALTH EDUCATION ENGLAND

### PART 2 **U.K.**

#### FUNCTIONS

##### *Exercise of functions*

- 13 (1) HEE must exercise its functions effectively, efficiently and economically.
- (2) HEE may arrange for any of its committees, sub-committees or members or any other person to exercise any of its functions on its behalf <sup>F1</sup>....
- (3) HEE may arrange for any person to help it to exercise its functions (whether in a particular case or in cases of a particular description).
- (4) Arrangements under sub-paragraph (2) or (3) may provide for the payment of remuneration and allowances to the persons with whom HEE makes the arrangements.
- <sup>F2</sup>(5) .....
- (6) HEE may in any way it thinks appropriate involve health care workers, persons to whom health services are provided or carers for such persons, in decisions it makes about the exercise of its functions; and “carer” means an adult who provides or intends to provide care for another person.
- (7) HEE 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.
- (8) In section 247C of the National Health Service Act 2006 (Secretary of State's duty to keep health service functions of certain bodies under review), in subsection (2), after paragraph (e) insert—
- “(ea) Health Education England;”.

#### Textual Amendments

- F1** Words in Sch. 5 para. 13(2) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), ss. 90(7)(b)(i), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F2** Sch. 5 para. 13(5) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), ss. 90(7)(b)(ii), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

#### Commencement Information

- I1** Sch. 5 para. 13 in force at 1.4.2015 by S.I. 2014/3186, art. 2(f)

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*Help or advice for other public authorities*

- 14 (1) HEE may provide help or advice to another public authority for the purpose of the exercise by that authority of its functions.
- (2) Help or advice under this paragraph may be provided on such terms as HEE decides (including terms relating to payment of remuneration or allowances).
- (3) “Public authority”—
- (a) includes any person certain of whose functions are functions of a public nature, but
  - (b) does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.
- (4) A reference to a public authority—
- (a) includes a public authority in the Channel Islands or the Isle of Man, but
  - (b) subject to that, does not include a reference to a public authority outside the United Kingdom.

**Commencement Information**

**I2** Sch. 5 para. 14 in force at 1.4.2015 by S.I. 2014/3186, art. 2(f)

*Co-operation*

- 15 (1) HEE must, in the exercise of its functions, co-operate with the Secretary of State in the exercise of the Secretary of State's public health functions (as defined by section 1H of the National Health Service Act 2006).
- (2) In section 72 of that Act (co-operation between NHS bodies), after subsection (3) insert—
- “(4) For the purposes of this section, Health Education England is an NHS body.”
- (3) In section 290(3) of the Health and Social Care Act 2012 (bodies which must co-operate with Monitor and the Care Quality Commission in the exercise of their functions), after paragraph (c) (but before the following “and”) insert—
- “(ca) Health Education England.”.
- (4) Regulations may require HEE and a specified person to co-operate with each other in the exercise of their respective functions or such of their functions as are specified.

**Commencement Information**

**I3** Sch. 5 para. 15 in force at 1.4.2015 by S.I. 2014/3186, art. 2(f)

*NHS contracts*

- 16 In section 9(4) of the National Health Service Act 2006 (NHS contracts: health service bodies), after paragraph (kb) insert—
- “(kc) Health Education England.”.

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**Commencement Information**

**14** Sch. 5 para. 16 in force at 1.4.2015 by S.I. 2014/3186, art. 2(f)

*Arrangements with devolved authorities*

- 17 (1) HEE may arrange with a devolved authority for HEE—
- (a) to exercise on behalf of the devolved authority any function which corresponds to a function of HEE;
  - (b) to provide services or facilities in so far as the devolved authority requires them in connection with the exercise of such a function.
- (2) The terms and conditions on which arrangements under this paragraph may be made include provision for payment to HEE in respect of its costs in giving effect to the arrangements.

**Commencement Information**

**15** Sch. 5 para. 17 in force at 1.4.2015 by S.I. 2014/3186, art. 2(f)

*Failure to exercise functions*

- 18 (1) If the Secretary of State considers that HEE is failing or has failed to exercise any of its functions, and that the failure is significant, the Secretary of State may direct HEE to exercise such of its functions, in such manner and within such period, as the direction specifies.
- (2) If HEE fails to comply with a direction under this section, the Secretary of State may—
- (a) exercise the functions specified in the direction, or
  - (b) make arrangements for some other person to exercise them on the Secretary of State's behalf.
- (3) Where the Secretary of State exercises a power under sub-paragraph (1) or (2), the Secretary of State must publish the reasons for doing so.
- (4) The reference in sub-paragraph (1) to exercising a function includes a reference to exercising it properly.

**Commencement Information**

**16** Sch. 5 para. 18 in force at 1.4.2015 by S.I. 2014/3186, art. 2(f)

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