



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 1

#### THE HEALTH SERVICE IN ENGLAND

##### *Further provision about local authorities' role in the health service*

### **32 Complaints about exercise of public health functions by local authorities**

In Part 3 of the National Health Service Act 2006 (local authorities and the NHS) after section 73B insert—

#### **“73C Complaints about exercise of public health functions by local authorities**

- (1) Regulations may make provision about the handling and consideration of complaints made under the regulations about —
  - (a) the exercise by a local authority of any of its public health functions;
  - (b) the exercise by a local authority of its functions by virtue of section 6C(1) or (3);
  - (c) anything done by a local authority in pursuance of arrangements made under section 7A;
  - (d) the exercise by a local authority of any of its other functions—
    - (i) which relate to public health, and
    - (ii) for which its director of public health has responsibility;
  - (e) the provision of services by another person in pursuance of arrangements made by a local authority in the exercise of any function mentioned in paragraphs (a) to (d).
- (2) The regulations may provide for a complaint to be considered by one or more of the following—
  - (a) the local authority in respect of whose functions the complaint is made;

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*Status: This is the original version (as it was originally enacted).*

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- (b) an independent panel established under the regulations;
  - (c) any other person or body.
- (3) The regulations may provide for a complaint or any matter raised by a complaint—
- (a) to be referred to a Local Commissioner under Part 3 of the Local Government Act 1974 for the Commissioner to consider whether to investigate the complaint or matter under that Part;
  - (b) to be referred to any other person or body for that person or body to consider whether to take any action otherwise than under the regulations.
- (4) Where the regulations make provision under subsection (3)(a) they may also provide for the complaint to be treated as satisfying sections 26A and 26B of the Act of 1974.
- (5) Section 115 of the Health and Social Care (Community Health and Standards) Act 2003 (health care and social services complaints regulations: supplementary) applies in relation to regulations under this section as it applies in relation to regulations under subsection (1) of section 113 of that Act.
- (6) In this section, “local authority” has the same meaning as in section 2B.”