

SCHEDULE 3

OTHER CONTRACTUAL TERMS

PART 6

COMPLAINTS

Complaints procedure

^{F1}47.

Textual Amendments

F1 Sch. 3 para. 47 omitted (1.4.2013) by virtue of [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013 \(S.I. 2013/364\)](#), regs. 1(1), [39\(27\)](#) (with Sch. 2)

Making of complaints

^{F2}48.

Textual Amendments

F2 Sch. 3 para. 48 omitted (1.4.2013) by virtue of [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013 \(S.I. 2013/364\)](#), regs. 1(1), [39\(27\)](#) (with Sch. 2)

Period for making complaints

^{F3}49.

Textual Amendments

F3 Sch. 3 para. 49 omitted (1.4.2013) by virtue of [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013 \(S.I. 2013/364\)](#), regs. 1(1), [39\(27\)](#) (with Sch. 2)

Further requirements for complaints procedures

^{F4}50.

Textual Amendments

F4 Sch. 3 para. 50 omitted (1.4.2013) by virtue of [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013 \(S.I. 2013/364\)](#), regs. 1(1), [39\(27\)](#) (with Sch. 2)

Status: Point in time view as at 06/04/2016.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Personal Dental Services Agreements) Regulations 2005, PART 6. (See end of Document for details)

Co-operation with investigations

- 51.—(1) The contractor ^{F5}... shall co-operate with—
- (a) any investigation of a complaint in relation to any matter reasonably connected with the provision of services under the agreement undertaken by—
 - (i) [^{F6}the Board]; and
 - (ii) [^{F7}the Health Service Commissioner]; and
 - (b) any investigation of a complaint by an NHS body or local authority which relates to a patient or former patient of the contractor.
- (2) In sub-paragraph (1)—
- “NHS body” means [^{F8}the Board], an NHS trust, an NHS foundation trust, ^{F9}... a Local Health Board, a Health Board, a Health and Social Services Board, a Health and Social Services Trust or, a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978 ^{M1};
- “local authority” means—
- (a) any of the bodies listed in section 1 of the Local Authority Social Services Act 1970 ^{M2} (local authorities);
 - (b) the Council of the Isles of Scilly; ^{F10}...
 - (c) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ^{M3} (constitution of councils); [^{F11}or]
 - (d) [^{F12}a council of a county or county borough in Wales;]
- [^{F13}“Health Service Commissioner” means the person appointed Health Service Commissioner for England in accordance with section 1 of, and Schedule 1 to, the Health Service Commissioners Act 1993.]
- (3) The co-operation required by sub-paragraph (1) includes—
- (a) answering questions reasonably put to the contractor by [^{F14}the Board];
 - (b) providing any information relating to the complaint reasonably required by [^{F15}the Board]; and
 - (c) attending any meeting to consider the complaint (if held at a reasonably accessible place and at a reasonable hour, and due notice has been given) if the contractor's presence at the meeting is reasonably required by [^{F16}the Board].

Textual Amendments

- F5** Words in Sch. 3 para. 51(1) omitted (1.4.2013) by virtue of [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013 \(S.I. 2013/364\)](#), regs. 1(1), **39(28)(a)(i)** (with Sch. 2)
- F6** Words in Sch. 3 para. 51(1)(a)(i) substituted (1.4.2013) by [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013 \(S.I. 2013/364\)](#), regs. 1(1), **39(28)(a)(ii)** (with Sch. 2)
- F7** Words in Sch. 3 para. 51(1)(a)(ii) substituted (1.4.2009) by [The Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009 \(S.I. 2009/309\)](#), reg. 1(2), **Sch. para. 6(3)(b)(i)** (with Sch. para. 8)
- F8** Words in Sch. 3 para. 51(2) substituted (1.4.2013) by [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013 \(S.I. 2013/364\)](#), regs. 1(1), **39(28)(b)(i)** (with Sch. 2)

- F9** Words in Sch. 3 para. 51(2) omitted (1.4.2013) by virtue of [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013 \(S.I. 2013/364\)](#), regs. 1(1), **39(28)(b)(ii)** (with Sch. 2)
- F10** Word in Sch. 3 para. 51(2) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Regulations 2016 \(S.I. 2016/211\)](#), reg. 1(2), **Sch. 3 para. 67(a)**
- F11** Word in Sch. 3 para. 51(2) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Regulations 2016 \(S.I. 2016/211\)](#), reg. 1(2), **Sch. 3 para. 67(b)**
- F12** Words in Sch. 3 para. 51(2) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Regulations 2016 \(S.I. 2016/211\)](#), reg. 1(2), **Sch. 3 para. 67(c)**
- F13** Words in Sch. 3 para. 51(2) added (1.4.2009) by [The Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009 \(S.I. 2009/309\)](#), reg. 1(2), **Sch. para. 6(3)(b)(ii)** (with Sch. para. 8)
- F14** Words in Sch. 3 para. 51(3)(a) substituted (1.4.2013) by [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013 \(S.I. 2013/364\)](#), regs. 1(1), **39(28)(c)** (with Sch. 2)
- F15** Words in Sch. 3 para. 51(3)(b) substituted (1.4.2013) by [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013 \(S.I. 2013/364\)](#), regs. 1(1), **39(28)(c)** (with Sch. 2)
- F16** Words in Sch. 3 para. 51(3)(c) substituted (1.4.2013) by [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013 \(S.I. 2013/364\)](#), regs. 1(1), **39(28)(c)** (with Sch. 2)

Marginal Citations

- M1** 1978 c. 29.
- M2** 1970 c. 42; section 1 was amended by the [Local Government Act 1972 \(c. 70\)](#), section 195; and by the [Local Government \(Wales\) Act 1994 \(c. 19\)](#), Schedule 10, paragraph 7.
- M3** 1994 c. 39.

Provision of information

52. The contractor ^{F17}... shall inform [^{F18}the Board], at such intervals as [^{F18}the Board] requires, of the number of complaints it has received under the procedure established in accordance with this Part.

Textual Amendments

- F17** Words in Sch. 3 para. 52 omitted (1.4.2013) by virtue of [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013 \(S.I. 2013/364\)](#), regs. 1(1), **39(29)(a)** (with Sch. 2)
- F18** Words in Sch. 3 para. 52 substituted (1.4.2013) by [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013 \(S.I. 2013/364\)](#), regs. 1(1), **39(29)(b)** (with Sch. 2)

Status:

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Changes to legislation:

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