

## WELSH STATUTORY INSTRUMENTS

# 2011 No. 704

## The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011

### PART 2

#### DUTY TO MAKE ARRANGEMENTS FOR THE HANDLING AND INVESTIGATION OF CONCERNS

##### Duty to make arrangements

4. A responsible body must make arrangements in accordance with these Regulations for the handling and investigation of concerns (“arrangements for dealing with concerns”).

##### Commencement Information

I1 Reg. 4 in force at 1.4.2011, see [reg. 1\(2\)](#)

##### Arrangements to be published

5. The arrangements for dealing with concerns must be published in a variety of media, formats and languages and a copy of the arrangements must be given free of charge to any person who requests it, in the format that has been requested.

##### Commencement Information

I2 Reg. 5 in force at 1.4.2011, see [reg. 1\(2\)](#)

##### Strategic oversight of the arrangements

6.—(1) Each responsible body must designate a person to be responsible for maintaining a strategic overview of its operation of the arrangements under these Regulations, in particular to—

- (a) ensure that the responsible body complies with its arrangements for dealing with concerns; and
- (b) undertake the functions set out in Part 8.

(2) Where the responsible body is a Welsh NHS body, this person must be one of its non-officer members or non-executive directors, as appropriate.

##### Commencement Information

I3 Reg. 6 in force at 1.4.2011, see [reg. 1\(2\)](#)

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*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## Responsible officer

7.—(1) Each responsible body must designate a person in these Regulations referred to as the responsible officer, to take overall responsibility for the effective day to day operation of the arrangements for dealing with concerns in an integrated manner.

(2) For the purposes of this regulation “integrated manner” means that the process for dealing with concerns, and, if there is a duty under the Regulations to consider qualifying liabilities, claims management reporting are dealt with under a single governance arrangement.

(3) The responsible officer is to be—

- (a) in the case of a Welsh NHS body, a person who is an officer member or executive director of that body, as appropriate;
- (b) in the case of any other responsible body, the person who acts as the chief executive officer of that body or, if there is none—
  - (i) the person who is the sole proprietor of the responsible body;
  - (ii) where the responsible body is a partnership, a partner; or
  - (iii) in any other case, a director of the responsible body, or a person who is responsible for managing the responsible body.

(4) The functions of the responsible officer may be performed by that person or by any person authorised by the responsible body to act on his or her behalf provided that the person so authorised is under the direct control and supervision of the responsible officer.

### Commencement Information

**I4** Reg. 7 in force at 1.4.2011, see [reg. 1\(2\)](#)

## Senior investigations manager

8.—(1) Each responsible body must designate at least one person, in these Regulations referred to as a senior investigations manager, to undertake responsibility for the handling and consideration of concerns notified in accordance with the arrangements for handling concerns and in particular to—

- (a) perform the functions of a senior investigations manager under the arrangements for dealing with concerns;
- (b) perform such other functions relating to the handling and consideration of concerns as the responsible body may require; and
- (c) co-operate with such other persons or bodies as may be necessary to facilitate the handling and consideration of concerns.

(2) The responsible body must ensure that the senior investigations manager appointed by that body has a sufficient number of staff of the required level of seniority to assist in the carrying out of his or her functions and that such members of staff receive adequate training to enable them to fulfil their responsibilities under the arrangements for dealing with concerns.

(3) The functions of a senior investigations manager under paragraph (1) may be performed personally or by a person or persons authorised by the responsible body to act on behalf of the senior investigations manager.

(4) The functions of a senior investigations manager may be carried out by the senior investigations manager designated by another responsible body under paragraph (1).

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**Commencement Information**

**I5** Reg. 8 in force at 1.4.2011, see [reg. 1\(2\)](#)

**Information and training for staff**

**9.** Each responsible body must ensure that its staff are informed about and receive appropriate training in respect of the operation of the arrangements for the reporting, handling and investigation of concerns.

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**Commencement Information**

**I6** Reg. 9 in force at 1.4.2011, see [reg. 1\(2\)](#)

**Changes to legislation:**

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

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

- reg. 3(1) reg. 3 renumbered as reg. 3(1) by [S.I. 2023/281 reg. 2\(3\)\(a\)](#)
- reg. 3(2)(3) inserted by [S.I. 2023/281 reg. 2\(3\)\(b\)](#)
- reg. 14(1)(k) and word inserted by [S.I. 2023/281 reg. 2\(5\)\(e\)](#)
- reg. 22(7) inserted by [S.I. 2023/274 reg. 14\(5\)\(c\)](#)
- reg. 34(1)(ca)-(cc) inserted by [S.I. 2013/235 Sch. 2 para. 162\(1\)\(b\)](#)
- reg. 34(1)(ca)-(cc) inserted by [S.I. 2013/235 Sch. 2 para. 162\(2\)\(b\)](#)
- reg. 34(1)(ca) substituted by [S.I. 2022/634 reg. 52\(2\)](#)
- reg. 34(1)(ca) substituted by [S.I. 2022/634 reg. 53\(2\)](#) (Amendment to Welsh text)
- reg. 34(1)(cb) words substituted by [S.I. 2023/1071 reg. 48\(2\)](#) (Amendment to English text only)
- reg. 34(1)(cb) words substituted by [S.I. 2023/1071 reg. 49\(2\)](#) (Amendment to Welsh text only)