



Local Government Act 1974

1974 CHAPTER 7

[^{F1}PART 3A

INVESTIGATION OF COMPLAINTS ABOUT PRIVATELY ARRANGED OR FUNDED ADULT SOCIAL CARE

Arrangements with other Commissioners etc.

[^{F1}34M Consultation with other Commissioners

- (1) Subsection (2) applies if, at any stage in the course of an investigation under this Part, a Local Commissioner forms the opinion that the matters which are the subject of the investigation include a matter which could be the subject of an investigation by—
 - (a) the Parliamentary Commissioner, in accordance with the PCA 1967;
 - (b) the Health Service Commissioner, in accordance with the HSCA 1993;
 - (c) the Scottish Public Services Ombudsman in accordance with the SPSOA 2002; or
 - (d) the Public Services Ombudsman for Wales, in accordance with the PSOWA 2005 [^{F2}or the PSOWA 2019].
- (2) The Local Commissioner—
 - (a) must consult with the appropriate Commissioner or Ombudsman about the matter, and
 - (b) where a complaint was made about the matter must, if the Local Commissioner considers it necessary, inform the person initiating the complaint under this Part of the steps necessary to initiate a complaint under the PCA 1967, the HSCA 1993, the SPSOA 2002 or the PSOWA 2005, as the case may be.
- (3) Consultation under subsection (2)(a) in relation to a matter under investigation under this Part may be about anything relating to the matter, including—
 - (a) the conduct of any investigation into the matter, and

Status: Point in time view as at 23/07/2019.

Changes to legislation: Local Government Act 1974, Section 34M is up to date with all changes known to be in force on or before 12 June 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)

- (b) the form, content and publication of any report or statement of the results of or conclusions on such an investigation.
- (4) Subsection (5) applies if, at any stage in the course of conducting an investigation under the PCA 1967, the Parliamentary Commissioner forms the opinion that the complaint relates partly to a matter which could be the subject of an investigation under this Part.
- (5) The Parliamentary Commissioner—
 - (a) must consult with the appropriate Local Commissioner about the complaint, and
 - (b) if the Parliamentary Commissioner considers it necessary, must inform the person initiating the complaint of the steps necessary to initiate a complaint under this Part.
- (6) Where a Local Commissioner is consulted about a complaint under the PCA 1967 by virtue of subsection (5), subsection (3) applies (with the necessary modifications) as it applies in relation to consultations held by virtue of subsection (2).
- (7) Nothing in the following provisions applies in relation to the disclosure of information in the course of consultations held in accordance with this section—
 - (a) section 11(2) of the PCA 1967;
 - (b) section 15 of the HSCA 1993;
 - (c) section 19 of the SPSOA 2002;
 - (d) section [F334X] of the PSOWA 2005;
 - (e) section 34K(1) of this Act.]

Textual Amendments

- F1** Pt. 3A inserted (1.10.2010) by [Health Act 2009 \(c. 21\)](#), s. 40(1), [Sch. 5 para. 2](#); S.I. 2010/1863, art. 2
- F2** Words in s. 34M(1)(d) inserted (23.7.2019) by [Public Services Ombudsman \(Wales\) Act 2019 \(anaw 3\)](#), s. 77(1), [Sch. 5 para. 8](#); S.I. 2019/1096, reg. 2
- F3** Word in s. 34M(7)(d) substituted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), [Sch. 3 para. 9](#); S.I. 2014/2718, art. 2(b)

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