



# Health and Social Care (Community Health and Standards) Act 2003

## 2003 CHAPTER 43

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

#### STANDARDS

### CHAPTER 9 **E+W**

#### COMPLAINTS

#### 113 **Complaints about health care** **E+W**

- (1) The Secretary of State may by regulations make provision about the handling and consideration of complaints made under the regulations about—
  - (a) the exercise of any of the functions of an English NHS body or a cross-border SHA;
  - (b) the provision of health care by or for such a body;
  - (c) the provision of services by such a body or any other person in pursuance of arrangements made by the body under section 31 of the Health Act 1999 (c. 8) in relation to the exercise of the health-related functions of a local authority.
- (2) The Assembly may by regulations make provision about the handling and consideration of complaints made under the regulations about—
  - (a) the exercise of any of the functions of a Welsh NHS body;
  - (b) the provision of health care by or for a Welsh NHS body;
  - (c) the provision of services by a Welsh NHS body or any other person in pursuance of arrangements made by the body under section 31 of the Health Act 1999 in relation to the exercise of the health-related functions of a local authority.

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*Status: Point in time view as at 01/09/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Section 113. (See end of Document for details)*

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- (3) Regulations under this section may provide for a complaint to be considered by one or more of the following—
- (a) an NHS body;
  - (b) the CHAI;
  - (c) an independent lay person;
  - (d) an independent panel established under the regulations;
  - (e) any other person or body.
- (4) Regulations under this section may make provision for a complaint or any matter raised by a complaint—
- (a) [<sup>F1</sup>in the case of regulations under subsection (1),] to be referred to a Health Service Commissioner for him to consider whether to investigate the complaint or matter under the Health Service Commissioners Act 1993 (c. 46) (and to be treated by him as a complaint duly referred to him under section 10 of that Act);
  - [<sup>F2</sup>(aa) in the case of regulations under subsection (2), to be referred to the Public Services Ombudsman for Wales for him to consider whether to investigate the complaint or matter under the Public Services Ombudsman (Wales) Act 2005 (and to be treated by him as a complaint duly referred to him under section 2(3) of that Act);]
  - (b) to be referred to any other person or body for him or it to consider whether to take any action otherwise than under the regulations.

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#### Textual Amendments

- F1** Words in s. 113(4)(a) inserted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, [Sch. 6 para. 75\(a\)](#); S.I. 2005/2800, art. 5(1)(3)
- F2** S. 113(4)(aa) inserted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, [Sch. 6 para. 75\(b\)](#); S.I. 2005/2800, art. 5(1)(3)
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#### Commencement Information

- I1** S. 113 partly in force; s. 113 in force at Royal Assent for certain purposes, see s. 199(1)(4)
- I2** S. 113(1)(3)(4) in force at 1.9.2006 for E. in so far as not already in force by [S.I. 2006/1680](#), [art. 3\(a\)](#)

**Status:**

Point in time view as at 01/09/2006. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Section 113.