



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

2003 CHAPTER 43

PART 2

STANDARDS

CHAPTER 9

COMPLAINTS

114 Complaints about social services

- (1) The Secretary of State may by regulations make provision about the handling and consideration of complaints made under the regulations about—
 - (a) the discharge by a local authority in England of any of its social services functions;
 - (b) the provision of services by another person pursuant to arrangements made by such an authority in the discharge of those functions;
 - (c) the provision of services by such an authority or any other person in pursuance of arrangements made by the authority under [F1section 75 of the National Health Service Act 2006 or section 33 of the National Health Service (Wales) Act 2006] in relation to the functions of an NHS body (within the meaning of that section).
- (2) Regulations under subsection (1) 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;
 - ^{F2}(b)
 - (c) an independent panel established under the regulations;
 - (d) any other person or body.

Status: Point in time view as at 01/04/2009. This version of this provision has been superseded.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 114. (See end of Document for details)

- (3) The Assembly may by regulations make provision about the handling and consideration of complaints made under the regulations about—
- (a) the discharge by a local authority in Wales of any of its social services functions;
 - (b) the provision of services by another person pursuant to arrangements made by such an authority in the discharge of those functions;
 - (c) the provision of services by such an authority or any other person in pursuance of arrangements made by the authority under section 31 of the Health Act 1999 (c. 8) in relation to the functions of an NHS body (within the meaning of that section).
- (4) Regulations under subsection (3) 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;
 - (b) an independent panel established under the regulations;
 - (c) any other person or body.
- (5) Regulations under this section may provide for a complaint or any matter raised by a complaint—
- (a) in the case of regulations under subsection (1), to be referred to a Local Commissioner under Part 3 of the Local Government Act 1974 (c. 7)^{F3}... for him to consider whether to investigate the complaint or matter under that Part [^{F4}(and for the complaint to be treated as satisfying sections 26A and 26B of that Act)];
 - [^{F5}(b) in the case of regulations under subsection (3), 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).]
 - (c) 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.
- (6) Regulations under this section may not make provision about complaints capable of being considered as representations under section 24D or section 26 of the Children Act 1989 (c. 41).

Textual Amendments

- F1** Words in s. 114(1)(c) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 243** (with Sch. 3 Pt. 1)
- F2** S. 114(2)(b) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 46, **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(r), 36
- F3** Words in s. 114(5)(a) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, Sch. 6 para. 76(a), **Sch. 7**; S.I. 2005/2800, art. 5(1)(3)
- F4** Words in s. 114(5)(a) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 12 para. 18**; S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F5** S. 114(5)(b) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, **Sch. 6 para. 76(b)**; S.I. 2005/2800, art. 5(1)(3)

Commencement Information

- I1** S. 114 partly in force; s. 114 in force at Royal Assent for certain purposes, see s. 199(1)(4)

Status: Point in time view as at 01/04/2009. 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 114. (See end of Document for details)

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| I2 | S. 114(1)(2)(5)(6) in force at 1.9.2006 for E. in so far as not already in force by S.I. 2006/1680 , art. 3(b) |
| I3 | S. 114(3)(4) in force at 1.4.2006 for W. so far as not already in force by S.I. 2005/3285 , art. 2(2)(a) |
| I4 | S. 114(5) in force at 1.4.2006 for W. so far as not already in force by S.I. 2005/3285 , art. 2(2)(c) |

Status:

Point in time view as at 01/04/2009. 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 114.