

**EXPLANATORY MEMORANDUM TO**  
**THE LOCAL AUTHORITY SOCIAL SERVICES COMPLAINTS**  
**(ENGLAND) REGULATIONS 2006**

**2006 No. 1681**

**1** This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

**2 Description**

2.1 The purpose of this statutory instrument is to introduce new arrangements for local authorities' handling of social services complaints for adults.

**3 Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4 Legislative Background**

4.1 Chapter 9 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 provides for regulations to be made about the handling and consideration of complaints made about the discharge by a local authority of its social services functions. The new procedure replaces the Complaints Procedure Directions 1990 made under section 7B(3) of the Local Authority Social Services Act 1970.

**5 Extent**

5.1 This instrument applies to England only.

**6 European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**7 Policy background**

7.1 The policy objectives are to improve significantly the existing complaints procedure and reduce variations of application of procedure across local authorities. The new arrangements are drawn from the good practice already established by the local authorities' social services complaints profession itself, and the views of respondents to the public consultation in 2004. Further information of the findings of the consultation can be found at: <http://www.dh.gov.uk/Consultations/closedconsultations>

7.2 The new arrangements are also a foundation for local authorities to build on a culture of listening to, and learning from, complaints in order to drive up improvements in service provision, and importantly put service

users at the heart of the process. It also addresses for the first time the requirement to appoint a complaints manager, set revised, realistic timescales for local authorities to handle the different stages, and to create greater independence on the operation of the review panel. In addition, the new arrangements introduce a duty for local authorities to cooperate with the NHS in the coordination of complaints spanning both health and social care. Importantly, this should lead to a better service for the complainant who currently has to navigate two disparate complaints procedures.

## **8 Impact**

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. The reformed procedure builds on existing good practice across the majority of local authorities social services departments, and with the lengthy lead-in time to the reforms they have had opportunity to plan for the intended changes.

## **9 Contact**

Jonathan Stanley at the Department of Health, Tel 0113 254 5815 or e-mail [jonathan.stanley@dh.gsi.gov.uk](mailto:jonathan.stanley@dh.gsi.gov.uk), can answer any queries regarding the instrument.