
Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. 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

STATUTORY INSTRUMENTS

2009 No. 309

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

PROSPECTIVE

Procedure before investigation

13.—(1) A complaint may be made orally, in writing or electronically.

(2) Where a complaint is made orally, the responsible body to which the complaint is made must—

- (a) make a written record of the complaint; and
- (b) provide a copy of the written record to the complainant.

(3) Except where regulation 6(5) or 7(1) applies in relation to a complaint, the responsible body must acknowledge the complaint not later than 3 working days after the day on which it receives the complaint.

(4) Where paragraph (5) of regulation 6 applies, and a responsible body (“the recipient body”) receives a complaint sent to it by another responsible body in accordance with that paragraph, the complaint must be acknowledged by the recipient body not later than 3 working days after the day on which it receives the complaint.

(5) Where regulation 7(1) applies to a complaint—

- (a) the Primary Care Trust which receives the complaint must acknowledge the complaint not later than 3 working days after the day on which it receives it; and
- (b) where a responsible body receives notification given to it under regulation 7(5)(a), it must acknowledge the complaint not later than 3 working days after the day on which it receives the notification.

(6) The acknowledgement may be made orally or in writing.

(7) At the time it acknowledges the complaint, the responsible body must offer to discuss with the complainant, at a time to be agreed with the complainant—

- (a) the manner in which the complaint is to be handled; and
- (b) the period (“the response period”) within which—
 - (i) the investigation of the complaint is likely to be completed; and
 - (ii) the response required by regulation 14(2) is likely to be sent to the complainant.

(8) If the complainant does not accept the offer of a discussion under paragraph (7), the responsible body must—

- (a) determine the response period specified in paragraph (7)(b); and
- (b) notify the complainant in writing of that period.

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Commencement Information

II Reg. 13 in force at 1.4.2009, see [reg. 1\(2\)](#)

Status:

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Changes to legislation:

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Changes and effects yet to be applied to :

- Regulations modified by [S.I. 2022/734 reg. 31\(3\)](#)
- Regulations words substituted by [S.I. 2022/634 Sch. para. 1\(1\)\(3\)](#)
- reg. 13 coming into force by [S.I. 2009/309 reg. 1\(2\)](#)
- reg. 13(5)(a) words substituted by [S.I. 2013/235 Sch. 2 para. 123\(5\)](#)

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. 6(1)(ba) inserted by [S.I. 2013/235 Sch. 2 para. 123\(3\)](#)
- reg. 6(1)(ba) words substituted by [S.I. 2022/634 reg. 187\(2\)](#)
- reg. 6(1A)(b) substituted by [S.I. 2019/248 reg. 10\(3\)](#)
- reg. 6(1ZA)(1ZB) inserted by [S.I. 2019/248 reg. 10\(2\)](#)
- reg. 7(1A)(1B) inserted by [S.I. 2019/248 reg. 11\(2\)](#)
- reg. 7(1A)(b)(i) words substituted by [S.I. 2022/634 reg. 37\(2\)\(b\)\(i\)](#)
- reg. 7(1A)(b)(iii) words substituted by [S.I. 2022/634 reg. 37\(2\)\(b\)\(iii\)](#)
- reg. 7(1A)(b)(ii) words substituted by [S.I. 2022/634 reg. 37\(2\)\(b\)\(ii\)](#)
- reg. 7(6) inserted by [S.I. 2019/248 reg. 11\(5\)](#)