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STATUTORY INSTRUMENTS

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**2009 No. 309**

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

PROSPECTIVE

**Duty to handle complaints**

**6.—(1)** This regulation applies to a complaint made on or after 1st April 2009 in accordance with these Regulations to—

- (a) a local authority about the exercise by the local authority of the following functions—
  - (i) its social services functions; or
  - (ii) any function discharged or to be discharged by it under arrangements made between it and an NHS body under section 75 of the 2006 Act in relation to the functions of an NHS body;
- (b) an NHS body about—
  - (i) the exercise of its functions; or
  - (ii) the exercise of any function discharged or to be discharged by it under arrangements made between it and a local authority under section 75 of the 2006 Act in relation to the exercise of the health-related functions of a local authority;
- (c) a primary care provider about the provision of services by it under arrangements with an NHS body; or
- (d) an independent provider about the provision of services by it under arrangements with an NHS body.

(2) This regulation does not apply to a complaint specified in regulation 8(1).

(3) In paragraph (1)(a)(ii), “NHS body” has the meaning given in section 28 of the 2006 Act, but does not include a Special Health Authority.

(4) Where this regulation applies to a complaint, the responsible body to which the complaint is made must handle the complaint in accordance with these Regulations.

(5) This paragraph applies where—

- (a) a responsible body (“the first body”) receives a complaint on or after 1st April 2009;
- (b) it appears to the first body that the complaint, if it had been made to another responsible body (“the second body”), would be a complaint which would fall to be handled in accordance with these Regulations by the second body; and
- (c) the first body sends the complaint to the second body.

(6) Where paragraph (5) applies, the complainant is deemed to have made the complaint to the second body under these Regulations.

**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](#)

### Commencement Information

**II** Reg. 6 in force at 1.4.2009, see [reg. 1\(2\)](#)

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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 6 am by [S.I. 2009/1768 reg 3](#)
- reg. 6 coming into force by [S.I. 2009/309 reg. 1\(2\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- blanket amendment words substituted by [S.I. 2023/1071 Sch. para. 1](#)

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) words substituted by [S.I. 2023/1071 reg. 34\(2\)\(b\)](#)
- 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\(5\)](#)