
STATUTORY INSTRUMENTS

2019 No. 248

The Amendments Relating to the Provision
of Integrated Care Regulations 2019

PART 3

AMENDMENT OF THE LOCAL AUTHORITY SOCIAL
SERVICES AND NATIONAL HEALTH SERVICE
COMPLAINTS (ENGLAND) REGULATIONS 2009

Scope of Part

8. The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009(1) are amended in accordance with this Part.

Amendment of regulation 2

9.—(1) Regulation 2(1) (interpretation) is amended as follows.

(2) At the appropriate places insert—

““adult social care services” has the meaning given in paragraph 3(7) of Schedule 3A to the General Medical Services Contracts Regulations;”;

““the General Medical Services Contracts Regulations” means the National Health Service (General Medical Services Contracts) Regulations 2015;”;

““independent sub-contractor” means a person or body, not being an NHS body, who has entered into arrangements with an independent provider for the provision of health care in England on behalf of that provider pursuant to arrangements between that provider and an NHS body;”;

““integrated care provider” means a person or body, other than a person specified in paragraph 3(3) of Schedule 3A to the General Medical Services Contracts Regulations, who is party to an integrated care provider contract with one or more clinical commissioning groups or the National Health Service Commissioning Board;”;

““integrated care provider contract” has the meaning given in Schedule 3A to the General Medical Services Contracts Regulations;”;

““integrated care sub-contractor” means a person or body, not being an NHS body, who has entered into arrangements with an integrated care provider for the provision of health care in England on behalf of that provider in performance of an integrated care provider contract with one or more clinical commissioning groups or the National Health Service Commissioning Board;”.

(3) In the definition of “independent provider”, in paragraph (b), for “or primary care provider” substitute “, a primary care provider or an integrated care provider”.

(4) In the definition of “responsible body”, for “or independent provider” substitute “, independent provider, independent sub-contractor, integrated care provider or integrated care sub-contractor”.

Amendment of regulation 6

10.—(1) Regulation 6 (duty to handle complaints) is amended as follows.

(2) After paragraph (1) insert—

“(1ZA) This regulation also applies, subject to paragraph (1ZB), to a complaint made on or after 1st April 2019 in accordance with these Regulations to—

- (a) an independent sub-contractor about the provision of services by it on behalf of an independent provider pursuant to arrangements between the provider and an NHS body;
- (b) an integrated care provider about the provision of services by it under an integrated care provider contract with one or more clinical commissioning groups or the National Health Service Commissioning Board; or
- (c) an integrated care sub-contractor about the provision of services by it on behalf of an integrated care provider in so far as those services are provided in performance of an integrated care provider contract with one or more clinical commissioning groups or the National Health Service Commissioning Board.

(1ZB) Sub-paragraphs (b) and (c) of paragraph (1ZA) do not apply to a complaint about the provision of adult social care services.”

(3) In paragraph (1A), for sub-paragraph (b) substitute—

“(b) the complaint relates to the provision of services pursuant to those arrangements.”

Amendment of regulation 7

11.—(1) Regulation 7 (complaints about the provision of health services) is amended as follows.

(2) After paragraph (1) insert—

“(1A) This regulation also applies to a complaint which is—

- (a) made to a clinical commissioning group or the National Health Service Commissioning Board in accordance with these Regulations on or after 1st April 2019;
- (b) subject to paragraph (1B), about the services provided by—
 - (i) an independent sub-contractor on behalf of an independent provider pursuant to arrangements between that provider and the group or Board;
 - (ii) an integrated care provider under an integrated care provider contract with the group or Board; or
 - (iii) an integrated care sub-contractor on behalf of an integrated care provider in so far as those services are provided in performance of an integrated care provider contract with the group or Board; and
- (c) not specified in regulation 8(1).

(1B) paragraphs (ii) and (iii) of sub-paragraph (b) of paragraph (1A) do not apply to a complaint about adult social care services.”

(3) In paragraph (2), after “regulation” insert “, except in paragraph (1A)”.

(4) In paragraphs (3) to (5), after “provider”, wherever that word occurs, insert “or other responsible body to which the complaint relates”.

(5) After paragraph (5) insert—

“(6) For the purposes of paragraphs (3) to (5), a complaint relates to a responsible body if it relates to the provision of services by that body as referred to in paragraph (1A)(b).”.

Amendment of regulation 18

12.—(1) Regulation 18 (annual reports) is amended as follows.

(2) In paragraph (4)—

- (a) in sub-paragraph (b), for “or an independent provider” substitute “, an independent provider, an independent sub-contractor, an integrated care provider or an integrated care sub-contractor”;
- (b) after “services” insert “, other than adult social care services,”;
- (c) for “or the National Health Service Commissioning Board” substitute “, the National Health Service Commissioning Board, an independent provider or an integrated care provider”.

(3) In paragraph (5), for the words from “the clinical commissioning group” to the end substitute—

“—

- (a) the clinical commissioning group;
- (b) the National Health Service Commissioning Board;
- (c) in the case of services provided by an independent sub-contractor, the independent provider; or
- (d) in the case of services provided by an integrated care sub-contractor, the integrated care provider,

which arranged for the provision of the services by the responsible body.”.