
WELSH STATUTORY INSTRUMENTS

2005 No. 3366

**The Social Services Complaints
Procedure (Wales) Regulations 2005**

PART I

GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Social Services Complaints Procedure (Wales) Regulations 2005 and they come into force on 1 April 2006.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Health and Social Care (Community Health and Standards) Act 2003(1);

“appropriate office” (“*swyddfa briodol*”) means in relation to an establishment or agency—

(a) if an office has been specified under regulation 14(3) for the area in which the establishment or agency is situated, that office;

(b) in any other case, any other office of the National Assembly.

“child” (“*plentyn*”) means a person under the age of 18;

“complaints officer” (“*swyddog cwynion*”) means the person appointed under regulation 6;

“complaints procedure” (“*gweithdrefn gwynion*”) means the arrangements made under regulation 4;

“disciplinary proceedings” (“*achos disgyblu*”) means any procedure for disciplining employees adopted by a local authority;

“former complaints procedure” (“*gweithdrefn gwynion flaenorol*”) means the complaints procedure under section 7B of the Local Authority Social Services Act 1970(2);

“local authority” (“*awdurdod lleol*”) means a county council or county borough council;

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“partnership agreement” (“*cytundeb partneriaeth*”) means an agreement between a local authority and an NHS body made under the provisions of section 31 of the Health Act 1999(3)

(1) 2003 c. 43.

(2) 1970 c. 42. Section 7B was inserted by section 50 of the National Health Services and Community Care Act 1990 and amended by section 67(1) and Schedule 5 Part 2 paragraphs 15(1) and (2) of the Health and Social Care Act 2001.

(3) 1999 c. 52.

and the National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000(4);

“service user” (“*defynddiwr y gwasanaeth*”) means any person who may make a complaint under regulation 9(1);

“social services functions” (“*swddogaethau gwasanaethau cymdeithasol*”) means the list of functions set out in Schedule 1 to the Local Authority Social Services Act 1970;

“staff” (“*staff*”) means any person who is employed by or engaged to provide services to a local authority; and

“working day” (“*diwrnod gwaith*”) means a day except Saturday, Sunday, Christmas Day, Boxing Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(5).

General principles in handling complaints

3.—(1) Any complaints procedure set up under these regulations must be operated in accordance with the principle that the welfare of the service user should be safeguarded and promoted.

(2) Account should be taken of the ascertainable wishes and feelings of the service user.

(4) S.I.2000/2993 (W.193) as amended by S.I. 2004/1390.

(5) 1971 c. 80