
WELSH STATUTORY INSTRUMENTS

2011 No. 704

**The National Health Service (Concerns, Complaints
and Redress Arrangements) (Wales) Regulations 2011**

PART 10

TRANSITIONAL AND CONSEQUENTIAL PROVISIONS AND REVOCATIONS

Transitional provisions

52.—(1) In this regulation “the former complaints provisions” means any of the directions in relation to complaints which are revoked by regulation 53.

(2) Where before 1 April 2011—

- (a) a complaint has been made in accordance with any of the former complaints provisions; and
- (b) it is not excluded from consideration by any provision within the former complaints provisions,

it may be investigated, or continue to be investigated, as appropriate, in accordance with those provisions.

(3) Where in accordance with any of the former complaints provisions—

- (a) an investigation of a complaint has been conducted and completed by a complaints manager or an independent complaints facilitator; and
- (b) the person who made the complaint has made a request for a review by an independent review panel,

the request must be dealt with in accordance with the former complaints provisions.

(4) Save in respect of a complaint which would be subject to the arrangements in Part 7 of these Regulations, where a complaint, the subject matter of which occurred before 1 April 2011—

- (a) has not been made in accordance with any of the former complaints provisions; and
- (b) it is not excluded from consideration by any provision within these Regulations,

it may be notified, considered and investigated in accordance with these Regulations.

(5) Complaints about services provided by English NHS bodies, Scottish NHS bodies or Northern Irish NHS bodies, as defined in regulation 34, made before 1 October 2011 will not be considered under Part 7 of these Regulations.

Revocations

53. Subject to regulation 52, the following directions made under the provisions listed in regulation 52(1)(a) are revoked:

- (a) the Directions to NHS Trust and Local Health Boards on Hospital Complaints Procedures, made on 27 March 2003;

- (b) the Directions to Local Health Boards on Dealing with Complaints about Family Health Services Practitioners, Providers of Personal Medical Services and Providers of Personal Dental Services, other than Personal Dental Services Provided by NHS Trusts, made on 27 March 2003; and
- (c) Miscellaneous Directions to Local Health Boards for Dealing with Complaints, made on 27 March 2003.

Consequential and transitional provisions

- 54.** Schedule 2 (Consequential and Transitional Provisions) has effect.