
WELSH STATUTORY INSTRUMENTS

2011 No. 704

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

PART 4

CONCERNS WHICH INVOLVE OTHER RESPONSIBLE BODIES

Concerns involving more than one responsible body

- 17.**—(1) This regulation applies in any case where—
- (a) the person who notifies a concern has raised issues which involve the exercise of functions by more than one responsible body; or
 - (b) it appears to a responsible body (“the first body”) that a concern which has been notified to it is or may be a concern which relates to the exercise of functions of another responsible body (“the second body”).
- (2) Where paragraph (1)(b) applies the first body must, if the concern has been notified by a patient or, in accordance with regulation 12, his or her representative—
- (a) within two working days of receipt of the notification of the concern, seek the consent of the person who notified the concern to the notification of the second body or bodies involved; and
 - (b) notify the second body or bodies involved within two working days of receipt of the consent mentioned in sub-paragraph (a).
- (3) The first body and the second body or bodies must co-operate for the purposes of—
- (a) co-ordinating the handling and consideration of the concern; and
 - (b) ensuring that the person who notified the concern receives a co-ordinated response to the concern or concerns that he or she has notified.
- (4) The duty to co-operate under paragraph (3) includes, in particular, a duty for each body—
- (a) to seek to agree which of the bodies involved should take the lead in—
 - (i) co-ordinating the handling and consideration of the concern; and
 - (ii) communicating with the person who notified the concern;
 - (b) subject to obtaining the appropriate consents, to provide to the other body or bodies information relevant to the handling and consideration of the concern which is reasonably requested by another body; and
 - (c) to ensure that it is represented at any meeting reasonably required in connection with the handling and consideration of the concern.

Concerns involving primary care providers

- 18.** This regulation and regulations 19, 20 and 21 apply to a concern—

- (a) notified to a Local Health Board on or after 1 April 2011 in accordance with arrangements for dealing with concerns made under these Regulations;
- (b) about the services provided by a primary care provider under a contract or arrangements with a Local Health Board; and
- (c) which is not excluded from consideration in accordance with regulation 14.

Action to be taken where a Local Health Board receives notification of a concern about services provided by a primary care provider

19.—(1) When a Local Health Board receives a concern notified by or on behalf of a person who is receiving or has received services from a primary care provider it must determine whether, in its opinion, the concern is appropriate for it to consider or whether it is more appropriate for the primary care provider that is the subject of the concern to consider.

(2) Before making a decision the Local Health Board must determine from the person who notified the concern, whether—

- (a) the concern has been considered by the primary care provider, and if so, whether a response has been issued by the provider in accordance with regulation 24; and
- (b) the person who notified the concern consents to details of the concern being sent to the primary care provider who is the subject of the concern.

(3) If a response has been issued by the primary care provider in accordance with regulation 24, the Local Health Board must not consider the concern.

(4) If the person notifying the concern does not consent to the Local Health Board sending details of the concern to the primary care provider, the Local Health Board must not investigate the concern unless notifying the primary care provider of the concern would, in the reasonable opinion of the Local Health Board, prejudice its consideration of the concern.

Action to be taken where a Local Health Board receives notification of a concern from a primary care provider

20.—(1) When a Local Health Board is notified of a concern by a primary care provider it must determine whether, in its opinion, the concern is appropriate for it to consider or whether it is more appropriate for the primary care provider who is the subject of the concern to consider.

(2) Before making the decision the Local Health Board must—

- (a) determine whether or not the concern has been considered by the primary care provider and, if so, whether a response has been issued by the provider in accordance with regulation 24; and
- (b) determine whether or not the person who notified the concern consents to the Local Health Board considering the concern if it decides in accordance with paragraph (2) that it is appropriate for it to do so.

(3) If a response has been issued by the provider in accordance with regulation 24, the Local Health Board must not consider the concern.

(4) If the person who notified the concern is unwilling to consent to the Local Health Board dealing with the concern, the Local Health Board must not consider the concern.

Communication of decisions made by a Local Health Board in accordance with regulations 19 and 20

21.—(1) If the Local Health Board decides, in accordance with regulation 19(1) or 20(1) that it is appropriate for it to deal with a concern it must—

- (a) advise the person who notified the concern and the primary care provider of its decision; and
 - (b) continue to deal with the concern in accordance with these Regulations.
- (2) If the Local Health Board decides, in accordance with regulation 19(1) or 20(1) that it is more appropriate for the concern to be dealt with by the primary care provider the Local Health Board must advise the person who notified the concern and the primary care provider of its decision.
- (3) When the primary care provider receives the notification of the decision issued by the Local Health Board under paragraph (2)—
- (a) the primary care provider must deal with the concern in accordance with these Regulations; and
 - (b) the person who notified the concern is deemed to have notified the concern to the primary care provider in accordance with these Regulations.
- (4) The time limit for notifying a decision made under regulation 19(1) or 20(1) is five working days from the date that the Local Health Board determines the matters outlined in regulation 19(2) or 20(2).
- (5) A Local Health Board must give reasons for its decision under regulation 19(1) or 20(1).
- (6) When a Local Health Board receives a concern notified by or on behalf of a person who is receiving or has received services from a primary care provider and the Local Health Board's decision is that it is more appropriate for the concern to be dealt with by the primary care provider who is the subject of the concern, the Local Health Board must advise the person who notified the concern of their right to notify a concern about the decision of the Local Health Board to the Public Services Ombudsman for Wales.
- (7) The Local Health Board must not advise the primary care provider that it is investigating a concern in accordance with these Regulations where regulation 19(4) applies.