
WELSH STATUTORY INSTRUMENTS

2011 No. 704

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

PART 3

NATURE AND SCOPE OF THE ARRANGEMENTS FOR HANDLING CONCERNS

Matters and concerns excluded from consideration under the arrangements

14.—(1) The following are matters and concerns which are excluded from the scope of the arrangements required under these Regulations—

- (a) a concern notified by a primary care provider which relates to the contract or arrangements under which it provides primary care services;
- (b) a concern notified by a member of staff of a responsible body about any matter relating to that person's contract of employment;
- (c) a concern which is being or has been investigated by the Public Services Ombudsman for Wales⁽¹⁾;
- (d) a concern arising out of an alleged failure by a responsible body to comply with a request for information under the Freedom of Information Act 2000⁽²⁾;
- (e) disciplinary proceedings which a responsible body is taking, or is proposing to take, as a result of, or arising from the investigation of, a concern notified in accordance with arrangements for dealing with concerns made under these Regulations;
- (f) a concern which is notified verbally, either in person, or on the telephone and is resolved to the satisfaction of the person who notified the concern not later than the next working day after the day on which the concern was notified;
- (g) a concern, the subject matter of which is the same as that of a concern that has previously been notified and resolved in accordance with sub-paragraph (f) unless the responsible body considers that it is reasonable to re-open the consideration of the concern and to undertake an investigation in accordance with Part 5;
- (h) a concern, the subject matter of which has previously been considered in accordance with arrangements made under—
 - (i) these Regulations; or
 - (ii) any relevant complaints procedure in relation to a complaint which was made before 1 April 2011;
- (i) a concern, the subject matter of which is, or becomes, the subject of civil proceedings; or

(1) A concern which is being or has been investigated in accordance with the relevant provisions of the Public Services Ombudsman (Wales) Act 2005. [2005 c. 10.](#)

(2) [2000 c. 36.](#)

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011. 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*

(j) a concern the subject matter of which is, or becomes, a concern related to an individual patient treatment request.

(2) Subject to paragraph (3), where a concern or matter is a concern or matter specified in paragraph (1), and a responsible body makes a decision to that effect, the responsible body must as soon as reasonably practicable notify in writing the person who notified the concern or matter of its decision and the reason for its decision.

(3) Paragraph (2) does not apply to a matter specified in sub-paragraph (f) of paragraph (1).

(4) Where a matter specified in paragraph (1) is part of, or is connected with, another matter which is not so specified, nothing in this regulation prevents that other matter being considered as a concern notified in accordance with arrangements made under these Regulations.

Commencement Information

II Reg. 14 in force at 1.4.2011, see [reg. 1\(2\)](#)

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Changes and effects yet to be applied to :

- reg. 14(1) word omitted by [S.I. 2023/281 reg. 2\(5\)\(d\)](#)
- reg. 14(1)(c) words inserted by [S.I. 2023/281 reg. 2\(5\)\(a\)](#)
- reg. 14(1)(f) words omitted by [S.I. 2023/281 reg. 2\(5\)\(b\)](#)
- reg. 14(1)(i) words inserted by [S.I. 2023/281 reg. 2\(5\)\(c\)](#)

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

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 3(1) reg. 3 renumbered as reg. 3(1) by [S.I. 2023/281 reg. 2\(3\)\(a\)](#)
- reg. 3(2)(3) inserted by [S.I. 2023/281 reg. 2\(3\)\(b\)](#)
- reg. 14(1)(k) and word inserted by [S.I. 2023/281 reg. 2\(5\)\(e\)](#)
- reg. 22(7) inserted by [S.I. 2023/274 reg. 14\(5\)\(c\)](#)
- reg. 34(1)(ca)-(cc) inserted by [S.I. 2013/235 Sch. 2 para. 162\(1\)\(b\)](#)
- reg. 34(1)(ca)-(cc) inserted by [S.I. 2013/235 Sch. 2 para. 162\(2\)\(b\)](#)
- reg. 34(1)(ca) substituted by [S.I. 2022/634 reg. 52\(2\)](#)
- reg. 34(1)(ca) substituted by [S.I. 2022/634 reg. 53\(2\)](#) (Amendment to Welsh text)
- reg. 34(1)(cb) words substituted by [S.I. 2023/1071 reg. 48\(2\)](#) (Amendment to English text only)
- reg. 34(1)(cb) words substituted by [S.I. 2023/1071 reg. 49\(2\)](#) (Amendment to Welsh text only)