
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

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.

Commencement Information

II Reg. 21 in force at 1.4.2011, see [reg. 1\(2\)](#)

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.

[View outstanding changes](#)

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)