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WELSH STATUTORY INSTRUMENTS

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**2014 No. 1794**

**The Social Services Complaints  
Procedure (Wales) Regulations 2014**

**PART 3**

**NATURE AND SCOPE OF THE COMPLAINTS PROCEDURE**

**Matters subject to concurrent consideration**

**12.—(1)** A local authority must not consider, or further consider, a complaint under these Regulations to the extent that—

- (a) it concerns any matter in relation to which—
  - (i) the complainant has stated, in writing, an intention to take proceedings in any court or tribunal; or
  - (ii) the local authority is taking or proposing to take disciplinary proceedings against any person; or
  - (iii) the local authority is aware that criminal proceedings are pending; or
  - (iv) civil proceedings (including section 31 Children Act 1989<sup>(1)</sup> proceedings or Court of Protection proceedings) are contemplated, and
- (b) the local authority decides that consideration, or further consideration, of the complaint under these Regulations would prejudice the conduct of the proceedings or investigation falling under this paragraph.

(2) In this regulation, “disciplinary proceedings” means any procedure for disciplining employees adopted by a local authority.

(3) Any proceedings or investigation falling under paragraph (1) is to be referred to as a “concurrent consideration” for the purposes of this regulation.

(4) Where a local authority decides that it will not consider, or further consider a complaint in accordance with paragraph (1), the local authority must give notice in writing to the person making the complaint which explains—

- (a) the reasons for its decision; and
- (b) the relevant concurrent consideration; and
- (c) the ability to resubmit the complaint in accordance with paragraph (5).

(5) Where the concurrent consideration has been discontinued or completed the complainant can resubmit the complaint to the local authority no later than 6 months after the concurrent consideration is discontinued or completed so that regulation 13(1) will not apply.

(6) Any complaint that is resubmitted in accordance with paragraph (4) of this regulation must be considered by the local authority in accordance with regulations 16 to 19.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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