
WELSH STATUTORY INSTRUMENTS

2023 No. 281

The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) (Amendment) Regulations 2023

Amendments to the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011

2.—(1) The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011(1) are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of “Welsh NHS body”—

(i) omit the “or” after sub-paragraph (a);

(ii) after sub-paragraph (b) insert—

“or

(c) a Special Health Authority;”;

(b) at the appropriate places insert—

““representative” (“*cynrychiolydd*”) has the meaning given in regulation 12(2);

“Special Health Authority” (“*Awdurdod Iechyd Arbennig*”) means a body established by an order made under section 22 of the 2006 Act; but does not include any cross-border Special Health Authority (within the meaning of section 8A(5) of the 2006 Act);”.

(3) In regulation 3—

(a) the existing provision becomes paragraph (1);

(b) after that paragraph insert—

“(2) In complying with its obligations under these Regulations, a responsible body must not disclose personal data to a person who is not the data subject, unless that person is a representative of the data subject.

(3) In paragraph (2), “data subject” and “personal data” have the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

(4) In regulation 12—

(a) in paragraph (1)(a) for “a person who is receiving or has received services from a responsible body” substitute “a patient”;

(b) in paragraph (9), after “redress” insert “, or a patient,”.

(5) In regulation 14(1)—

(a) in sub-paragraph (c), after “Wales” insert “, unless the Public Services Ombudsman for Wales has recommended that the Welsh NHS body offers a form of redress under Part 6 of these Regulations, in which case the Welsh NHS body may undertake a further investigation of the concern under these Regulations only for the purpose of determining

whether a qualifying liability exists or may exist and to offer a form of redress in accordance with the recommendations of the Public Services Ombudsman for Wales;”;

- (b) in sub-paragraph (f) omit the words from the first reference to “is” to “and”;
 - (c) in sub-paragraph (i), after “proceedings” insert “(including the pre-action stage of those proceedings)”;
 - (d) omit the “or” after sub-paragraph (i);
 - (e) after sub-paragraph (j) insert—
 - “; or
 - (k) where the responsible body is Health Education and Improvement Wales, a concern which does not relate to the provision of health care by that body.”
- (6) In regulation 25(2), at the beginning insert “Subject to regulation 29(2),”.