

These notes refer to the Health Service Commissioner for England (Complaint Handling) Act 2015 (c.29) which received Royal Assent on 26 March 2015

HEALTH SERVICE COMMISSIONER FOR ENGLAND (COMPLAINT HANDLING) ACT 2015

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Health Service Commissioner for England (Complaint Handling) Act 2015, which received Royal Assent on 26 March 2015. They have been prepared by the Department of Health in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

SUMMARY

3. The Health Service Commissioner for England (Complaint Handling) Act 2015 seeks to increase the effectiveness of the Commissioner (known as the Health Service Ombudsman), who is the final tier of the NHS complaints system. It does so primarily by requiring the Health Service Ombudsman to take action with a view to concluding investigations of complaints within 12 months, and by requiring her to inform the complainant, in any case where this timescale is not met, of the reason why not.

BACKGROUND

4. The policy rationale is that the recent inadequate standards of care at Mid Staffordshire NHS Trust demonstrated the need to make it easier for patients to have their complaints resolved.

TERRITORIAL EXTENT AND APPLICATION

5. The Act extends to England and Wales only. The changes introduced by the Act will, however, apply only to the Health Service Commissioner for England and complaints within her remit.

COMMENTARY ON SECTIONS

Section 1: Statements and Reports: investigations not concluded within 12 months

6. The effect of this section is to place a duty on the Health Service Ombudsman, if a complaint has not been resolved within 12 months of receiving the complaint, to send the complainant a statement to explain the reason for the delay. The section also places a duty on the Ombudsman to include in the annual report she lays before Parliament details of how long investigations of NHS complaints have taken to be concluded, how many of those investigations have not been resolved within a 12 month period following receipt of the complaint by the Ombudsman, and the action being taken with a view to concluding all investigations within a 12 month period.

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COMMENCEMENT

7. [Section 2](#) provides that the provisions of the Act will come into force two months after the date of Royal Assent.

HANSARD REFERENCES

8. The table below contains a list of the Hansard references for the Health Service Commissioner for England (Complaint Handling) Bill's passage through Parliament. Copies of the various prints of the Health Service Commissioner for England (Complaint Handling) Bill that were produced during its passage can be found at <http://services.parliament.uk/bills/2014-15/healthservicecommissionerforenglandcomplainthandling/documents.html>

<i>Stage</i>	<i>Date</i>	<i>Hansard reference</i>
House of Commons		
Introduction	2 July 2014	Vol. 583 Col. 900
Second Reading	17 October 2014	Vol. 586 Col. 647
Committee	15 January 2015	Hansard Public Bill Committee
Report and Third Reading	27 February 2015	Vol. 593 Cols. 584-616
House of Lords		
Introduction	2 March 2015	Vol. 760 Col. 12
Second Reading	13 March 2015	Vol. 760 Cols. 896-902
Committee	19 March 2015	Vol. 760 Cols. 1219-1220
Third Reading	25 March 2015	Vol. 760 Cols. 1425-1426
Royal Assent	26 March 2015	Lords: Vol. 760 Col. 1590 Commons: Vol. 594 Col. 1682