
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 35 of, and Schedule 5 to, the Health Act 2009 which insert provisions into the Local Government Act 1974⁽¹⁾ to give the Commission for Local Administration in England, commonly known as the Local Government Ombudsman, powers to investigate complaints about privately arranged or funded adult social care.

The Local Government Ombudsman can only investigate matters which relate to action taken by an ‘adult social care provider’. An ‘adult social care provider’ means a person who carries on an activity which involves, or is connected with, the provision of adult social care and which is a regulated activity within the meaning of Part 1 of the Health and Social Care Act 2008⁽²⁾. An activity may only be ‘regulated’ if it involves, or is connected with, the provision of social care in, or in relation to, England.

(1) 1974 c. 7.
(2) 2008 c. 14.