
WELSH STATUTORY INSTRUMENTS

2011 No. 704

**The National Health Service (Concerns, Complaints
and Redress Arrangements) (Wales) Regulations 2011**

PART 5

HANDLING AND INVESTIGATION OF CONCERNS

Investigation of concerns

23.—(1) The responsible body must investigate the matters raised in the notification of a concern in the manner which appears to that body to be most appropriate to reach a conclusion in respect of those matters thoroughly, speedily and efficiently, having particular regard to—

- (a) the carrying out of an initial assessment of the concern to assist in its determination of the depth and the parameters of the investigation required and keeping this determination under review;
- (b) the method and timing of communication with the person who notified or who is affected by the concern;
- (c) the most appropriate method of involving the person who notified the concern with the investigation, including discussion about how the investigation is conducted;
- (d) the level and type of support required by any member or members of the staff of the responsible body who are involved in the matters raised by the concern;
- (e) whether the person investigating the matters raised by the concern requires independent medical or other advice;
- (f) whether the concern may be capable of resolution by making use of alternative dispute resolution;
- (g) the making of decisions about the root cause of the matters giving rise to the notification of the concern;
- (h) any guidance issued by the Welsh Ministers with respect to the exercise of the responsible body's functions; and
- (i) where the responsible body is a Welsh NHS body and the concern notified includes an allegation that harm has or may have been caused—
 - (i) the likelihood of any qualifying liability arising;
 - (ii) the duty to consider redress in accordance with regulation 25; and
 - (iii) where appropriate, consideration of the additional requirements set out in Part 6.

(2) Where a concern has been notified to a Local Health Board by or about a primary care provider in accordance with regulation 13(1)(d) and regulation 18, the Local Health Board must not consider the matters in paragraph (1)(i).