



# NHS Redress Act 2006

## 2006 CHAPTER 44

*England*

PROSPECTIVE

### 14 Complaints

- (1) The Secretary of State may by regulations make provision about the handling and consideration of complaints made under the regulations about maladministration by any body or other person—
  - (a) in the exercise of functions under a scheme,
  - (b) in the exercise of other functions relating to proceedings under a scheme, or
  - (c) in connection with a settlement agreement entered into under a scheme.
- (2) Regulations under subsection (1) must provide for complaints to be considered by—
  - (a) the scheme authority, or
  - (b) a member of the scheme.
- (3) Without prejudice to the generality of subsection (1), regulations under that subsection may make the following provision.
- (4) The regulations may make provision about—
  - (a) the persons who may make a complaint;
  - (b) the complaints which may, or may not, be made under the regulations;
  - (c) the persons to whom complaints may be made;
  - (d) complaints which need not be considered;
  - (e) the period within which complaints must be made;
  - (f) the procedures to be followed in making, handling and considering a complaint;
  - (g) matters which are excluded from consideration;
  - (h) the making of a report or recommendations about a complaint;
  - (i) the action to be taken as a result of a complaint.

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the NHS Redress Act 2006, Section 14. (See end of Document for details)*

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- (5) The regulations may impose on the scheme authority, or a member of the scheme, obligations with respect to producing, or making available to the public, information about the procedures to be followed under the regulations.
- (6) The regulations may also—
  - (a) provide for different parts or aspects of a complaint to be treated differently;
  - (b) require the production of information or documents in order to enable a complaint to be properly considered;
  - (c) authorise the disclosure of information or documents relevant to a complaint to a person who is considering a complaint under the regulations, notwithstanding any rule of common law that would otherwise prohibit or restrict the disclosure.
- (7) The regulations may make provision about complaints which raise both matters falling to be considered under the regulations and matters falling to be considered under other statutory complaints procedures, including in particular provision for enabling such a complaint to be made under the regulations.
- (8) The regulations may, in relation to complaints in connection with a scheme which are made or purport to be made under the regulations, make provision for securing—
  - (a) that any matters raised in such complaints which fall to be considered under other statutory complaints procedures are referred to the body or other person operating the appropriate procedures;
  - (b) that any such matters are treated as if they had been raised in a complaint made under the appropriate procedures.
- (9) In subsections (7) and (8), “statutory complaints procedures” means complaints procedures established by or under any enactment.
- (10) In section 31(6) of the Data Protection Act 1998 (c. 29) (exemption from subject information provisions for personal data processed for purposes of certain complaints procedures), after “complaint under” insert “section 14 of the NHS Redress Act 2006,”.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the NHS Redress Act 2006, Section 14.