



# Health and Social Care (Community Health and Standards) Act 2003

## 2003 CHAPTER 43

### PART 2

#### STANDARDS

#### CHAPTER 9

#### COMPLAINTS

### 115 Complaints regulations: supplementary

- (1) Regulations under subsection (1) or (2) of section 113 or under subsection (1) <sup>F1</sup>... of section 114 (“the regulations”) may, without prejudice to the generality of the subsection under which they are made, make the following provision.
- (2) 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 procedure 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 the complaint.
- (3) The regulations may require—
  - (a) the making of a payment, in relation to the consideration of a complaint under the regulations, by any person or body in respect of whom the complaint is made;

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Section 115. (See end of Document for details)*

- (b) any such payment to be—
    - (i) made to such person or body as may be specified in the regulations; and
    - (ii) of such amount as may be specified in, or calculated or determined under, the regulations;
  - (c) an independent panel to review the amount chargeable under paragraph (a) in any particular case and, if the panel thinks fit, to substitute a lesser amount.
- (4) The regulations may require any person or body who handles or considers complaints under the regulations to make information available to the public about the procedures to be followed under the regulations.
- (5) 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 or body—
    - (i) who is considering a complaint under the regulations; or
    - (ii) to whom a complaint has been referred;
 and any such disclosure may be authorised notwithstanding any rule of common law that would otherwise prohibit or restrict the disclosure.
- (6) 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—
- (a) enabling such a complaint to be made under the regulations; and
  - (b) securing that matters falling to be considered under other statutory complaints procedures are treated as if they had been raised in a complaint made under the appropriate procedures;
- and in this subsection “statutory complaints procedures” means procedures established by or under any enactment.

#### Textual Amendments

- F1** Words in [s. 115\(1\)](#) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **206**

#### Modifications etc. (not altering text)

- C1** [S. 115](#) applied by [2006 c. 41](#), s. 73C(5) (as inserted (27.3.2012 for specified purposes and 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 32**, [306\(1\)\(d\)\(4\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9))

#### Commencement Information

- I1** [S. 115](#) partly in force; [s. 115](#) in force at Royal Assent for certain purposes, see [s. 199\(1\)\(4\)](#)
- I2** [S. 115](#) in force at 1.9.2006 for E. in so far as not already in force by [S.I. 2006/1680](#), **art. 3(c)**
- I3** [S. 115\(1\)\(2\)\(4\)-\(6\)](#) in force at 1.4.2006 for W. so far as not already in force by [S.I. 2005/3285](#), **art. 2(2)(c)**
- I4** [S. 115\(3\)](#) in force at 7.2.2011 for W. in so far as not already in force by [S.I. 2011/212](#), **art. 2(b)**

**Status:**

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**Changes to legislation:**

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