
STATUTORY INSTRUMENTS

2004 No. 1768

The National Health Service (Complaints) Regulations 2004

PART V

TRANSITIONAL PROVISION AND REVOCATIONS

Transitional provision

23.—(1) In this regulation “former complaints provisions” means any of the directions in relation to complaints given under section 17 of the 1977 Act which are revoked by regulation 24.

(2) Subject to paragraphs (3) and (4), where before 30th July 2004, a complaint has been made in accordance with any former complaints provisions, it must be investigated, or in an appropriate case continue to be investigated, in accordance with those provisions.

(3) Except where paragraph (4) applies, where an investigation of a complaint has been conducted and completed by the complaints manager of an NHS body in accordance with any former complaints provisions, Part III of these Regulations (handling and consideration of complaints by the Healthcare Commission) shall apply.

(4) Where, in accordance with former complaints provisions—

- (a) an investigation of a complaint has been conducted and completed as mentioned in paragraph (3); and
- (b) the person who made the complaint has made a request to an NHS body for a review by an independent review panel,

the independent review panel must be established in accordance with the former complaints provisions, conduct its investigation and make a report in accordance with those provisions.

Revocations

24. The following directions made under section 17(1) of the 1977 Act⁽¹⁾ are revoked—

- (a) The Directions to NHS, Health Authorities and Special Health Authorities for Special Hospitals on Hospital Complaints Procedures 1996;
- (b) The Miscellaneous Directions to Health Authorities for dealing with complaints 1996;
- (c) The Directions to Health Authorities on dealing with complaints about family health services practitioners and providers of personal medical services 1998;
- (d) The Directions to Primary Care Trusts on dealing with complaints about providers of personal dental services other than NHS trusts 1998;
- (e) The Directions to Primary Care Trusts on dealing with complaints 2002, made on 1 October 2002;

(1) Copies of these Directions are available from the Department of Health, Room 5C 05, Quarry House, Quarry Hill, Leeds LS2 7UE.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (f) The Directions to Health Authorities on dealing with complaints about Family Health Services Practitioners and personal medical services (Amendment) Directions 2002;
- (g) The Directions to Health Authorities on dealing with complaints about providers of personal dental services other than NHS trusts (Amendment) Directions 2002; and
- (h) The Directions to Primary Care Trusts on complaints procedures for primary medical services 2004, made on 31 March 2004