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STATUTORY INSTRUMENTS

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**2009 No. 309**

**The Local Authority Social Services and National  
Health Service Complaints (England) Regulations 2009**

**Procedure before investigation**

- 13.—(1) A complaint may be made orally, in writing or electronically.
- (2) Where a complaint is made orally, the responsible body to which the complaint is made must—
- (a) make a written record of the complaint; and
  - (b) provide a copy of the written record to the complainant.
- (3) Except where regulation 6(5) or 7(1) applies in relation to a complaint, the responsible body must acknowledge the complaint not later than 3 working days after the day on which it receives the complaint.
- (4) Where paragraph (5) of regulation 6 applies, and a responsible body (“the recipient body”) receives a complaint sent to it by another responsible body in accordance with that paragraph, the complaint must be acknowledged by the recipient body not later than 3 working days after the day on which it receives the complaint.
- (5) Where regulation 7(1) applies to a complaint—
- (a) the Primary Care Trust which receives the complaint must acknowledge the complaint not later than 3 working days after the day on which it receives it; and
  - (b) where a responsible body receives notification given to it under regulation 7(5)(a), it must acknowledge the complaint not later than 3 working days after the day on which it receives the notification.
- (6) The acknowledgement may be made orally or in writing.
- (7) At the time it acknowledges the complaint, the responsible body must offer to discuss with the complainant, at a time to be agreed with the complainant—
- (a) the manner in which the complaint is to be handled; and
  - (b) the period (“the response period”) within which—
    - (i) the investigation of the complaint is likely to be completed; and
    - (ii) the response required by regulation 14(2) is likely to be sent to the complainant.
- (8) If the complainant does not accept the offer of a discussion under paragraph (7), the responsible body must—
- (a) determine the response period specified in paragraph (7)(b); and
  - (b) notify the complainant in writing of that period.