SCHEDULE 2

Transitional provisions relating to PDS agreements

Complaints

10.—(1) This paragraph applies where an investigation of a complaint under the procedure referred to in paragraph 46A inserted by regulation 23 of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009(**1**) into Schedule 3 to the PDS Agreements Regulations is not completed before the appointed day.

(2) A complaint of a kind referred to in sub-paragraph (1) must continue to be dealt with in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009—

(a) as if any reference to a Relevant Body or a Primary Care Trust in a document or form relating to the complaint were a reference to the Board; and

(b) in respect of a complaint received prior to 1st April 2009, the Contractor—

(i) must deal with the complaint as far as it is able, in accordance with those Regulations; and

(ii) may if it is unable to comply with those Regulations as a consequence of the length of time it has taken to deal with the complaint vary the procedure only to the extent that it is necessary in order to dispose of the matter in a just manner.

(**1**) S.I.2009/309 as amended by S.I. 2009/309 and 1768, 2012/1909 and 2013/235. Another paragraph 46A was inserted by S.I.2008/1514, but this has since been renumbered 46B by a correction slip.