



# Local Government Act 1974

## 1974 CHAPTER 7

### [<sup>F1</sup>PART 3A

#### INVESTIGATION OF COMPLAINTS ABOUT PRIVATELY ARRANGED OR FUNDED ADULT SOCIAL CARE

#### *[<sup>F1</sup>General*

#### Textual Amendments

**F1** Pt. 3A inserted (1.10.2010) by [Health Act 2009 \(c. 21\), s. 40\(1\), Sch. 5 para. 2](#); S.I. 2010/1863, art. 2

#### **34Q Arrangements etc. to be made by Commission**

- (1) The Commission must—
  - (a) divide the matters which may be investigated under this Part into such categories as it considers appropriate, and
  - (b) allocate, or make arrangements for allocating, responsibility for each category of matter to one or more of the Local Commissioners.
- (2) The Commission—
  - (a) must make arrangements for Local Commissioners to deal with matters for which they do not have responsibility pursuant to subsection (1), and
  - (b) must publish information about the procedures for making complaints under this Part.

#### **34R Review, recommendations, advice and guidance**

- (1) In each financial year in which the Commission conducts a review under section 23(12), it must also review the operation (since the last review was made under this subsection) of the provisions of this Part about the investigation of matters.

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*Changes to legislation: Local Government Act 1974, Cross Heading: General is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (2) The Commission may convey to government departments and the Care Quality Commission any recommendations or conclusions reached in the course of a review under subsection (1).
- (3) The Commission may—
  - (a) provide to adult social care providers or any adult social care provider such advice and guidance about good practice as appears to the Commission to be appropriate, and
  - (b) arrange for the advice and guidance to be published for the information of the public.
- (4) Before providing advice or guidance under subsection (3) the Commission must consult such persons as appear to it to be appropriate.

### **34S Annual reports**

- (1) Every Local Commissioner must for each financial year—
  - (a) prepare a general report on the discharge of the Local Commissioner's functions under this Part, and
  - (b) submit it to the Commission not later than 2 months after the end of the year to which it relates.
- (2) The Commission must for each financial year prepare a general report on the discharge of its functions under this Part (the “Part 3A annual report”).
- (3) The Part 3A annual report must be prepared as soon as may be after the Commission has received the reports for the year from Local Commissioners under subsection (1).
- (4) The Commission must arrange for the publication of—
  - (a) the Part 3A annual report, and
  - (b) the reports which are submitted under subsection (1).
- (5) The Commission must lay a copy of the Part 3A annual report before Parliament.

### **34T Interpretation of Part 3A**

- (1) In this Part—
  - “adult social care” and “adult social care provider” have the meanings given by section 34A;
  - “Health Service Commissioner” means the Health Service Commissioner for England;
  - “the HSCA 1993” means the Health Service Commissioners Act 1993;
  - “the PCA 1967” means the Parliamentary Commissioner Act 1967;
  - “person affected”—
    - (a) in relation to a matter which is the subject of a complaint made or to be made under this Part, means a member of the public who claims or is alleged to have sustained injustice in consequence of the matter, and
    - (b) in relation to a matter coming to the attention of a Local Commissioner to which section 34E applies, means the member of the public who the Local Commissioner considers has, or may have, sustained injustice in consequence of the matter;

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“the PSOWA 2005” means the Public Services Ombudsman (Wales) Act 2005;  
[<sup>F2</sup>“the PSOWA 2019” means the Public Services Ombudsman (Wales) Act 2019,]  
“the SPSOA 2002” means the Scottish Public Services Ombudsman Act 2002.

- (2) The following terms have the same meaning in this Part as they have in Part 3—
- (a) action (and other expressions connoting action) (see section 34);
  - (b) the Commission (see section 34);
  - (c) local authority (see section 34);
  - (d) Local Commissioner (see section 23(3));
  - (e) Parliamentary Commissioner (see section 34).
- (3) Section 34(1A) applies for the purposes of this Part as it applies for the purposes of Part 3.]

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#### Textual Amendments

- F2** Words in s. 34T(1) inserted (23.7.2019) by [Public Services Ombudsman \(Wales\) Act 2019 \(anaw 3\)](#), s. 77(1), [Sch. 5 para. 9](#); S.I. 2019/1096, reg. 2

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(1)(bzb) inserted by [2022 c. 30 Sch. 10 para. 2\(2\)\(a\)](#)
- s. 33(3B) inserted by [2022 c. 30 Sch. 10 para. 2\(4\)](#)
- s. 33ZA(1)(d) and word inserted by [2022 c. 30 Sch. 10 para. 3\(2\)\(b\)](#)
- s. 33ZA(3)(d) and word inserted by [2022 c. 30 Sch. 10 para. 3\(4\)\(b\)](#)
- s. 33ZB(4)(e)(f) inserted by [2022 c. 30 Sch. 10 para. 4\(b\)](#)