
STATUTORY INSTRUMENTS

2009 No. 309

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

PROSPECTIVE

Complaints about the provision of health services

- 7.—(1) This regulation applies to a complaint which is—
- (a) made to a Primary Care Trust in accordance with these Regulations on or after 1st April 2009;
 - (b) about the services provided by a provider under arrangements with the Primary Care Trust; and
 - (c) not specified in regulation 8(1).
- (2) In this regulation, “provider” means an NHS body, primary care provider or independent provider.
- (3) Where a Primary Care Trust receives a complaint to which this regulation applies—
- (a) the Primary Care Trust must ask the complainant whether the complainant consents to details of the complaint being sent to the provider; and
 - (b) if the complainant so consents, the Primary Care Trust must as soon as reasonably practicable send details of the complaint to the provider.
- (4) If the Primary Care Trust considers that it is appropriate for the Primary Care Trust to deal with the complaint—
- (a) it must so notify the complainant and the provider; and
 - (b) it must continue to handle the complaint in accordance with these Regulations.
- (5) If the Primary Care Trust considers that it is more appropriate for the complaint to be dealt with by the provider, and the complainant consents—
- (a) the Primary Care Trust must so notify the complainant and the provider;
 - (b) when the provider receives the notification given to it under sub-paragraph (a)—
 - (i) the provider must handle the complaint in accordance with these Regulations; and
 - (ii) the complainant is deemed to have made the complaint to the provider under these Regulations.

Commencement Information

- II** Reg. 7 in force at 1.4.2009, see [reg. 1\(2\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- Regulations modified by S.I. 2022/734 reg. 31(3)
- Regulations words substituted by S.I. 2022/634 Sch. para. 1(1)(3)
- reg. 7 coming into force by S.I. 2009/309 reg. 1(2)
- reg. 7(1)(a) words substituted by S.I. 2013/235 Sch. 2 para. 123(4)(a)(i)
- reg. 7(1)(a) words substituted by S.I. 2013/235 Sch. 2 para. 123(4)(a)(ii)
- reg. 7(1)(b) words substituted by S.I. 2013/235 Sch. 2 para. 123(4)(b)
- reg. 7(1)(b) words substituted by S.I. 2022/634 reg. 37(2)(a)
- reg. 7(2) words inserted by S.I. 2019/248 reg. 11(3)
- reg. 7(3)-(5) words inserted by S.I. 2019/248 reg. 11(4)
- reg. 7(3) words substituted by S.I. 2013/235 Sch. 2 para. 123(4)(c)(i)
- reg. 7(3)(a) words substituted by S.I. 2013/235 Sch. 2 para. 123(4)(c)(ii)
- reg. 7(3)(a) words substituted by S.I. 2022/634 reg. 37(2)(c)(i)
- reg. 7(3)(b) words substituted by S.I. 2013/235 Sch. 2 para. 123(4)(c)(iii)
- reg. 7(3)(b) words substituted by S.I. 2022/634 reg. 37(2)(c)(ii)
- reg. 7(4) words substituted by S.I. 2013/235 Sch. 2 para. 123(4)(d)(i)
- reg. 7(4) words substituted by S.I. 2013/235 Sch. 2 para. 123(4)(d)(ii)
- reg. 7(4) words substituted by S.I. 2022/634 reg. 37(2)(d)
- reg. 7(5) words substituted by S.I. 2013/235 Sch. 2 para. 123(4)(e)(i)
- reg. 7(5)(a) words substituted by S.I. 2013/235 Sch. 2 para. 123(4)(e)(ii)
- reg. 7(5)(a) words substituted by S.I. 2022/634 reg. 37(2)(e)

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

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

- reg. 6(1)(ba) inserted by S.I. 2013/235 Sch. 2 para. 123(3)
- reg. 6(1)(ba) words substituted by S.I. 2022/634 reg. 187(2)
- reg. 6(1A)(b) substituted by S.I. 2019/248 reg. 10(3)
- reg. 6(1ZA)(1ZB) inserted by S.I. 2019/248 reg. 10(2)
- reg. 7(1A)(1B) inserted by S.I. 2019/248 reg. 11(2)
- reg. 7(1A)(b)(i) words substituted by S.I. 2022/634 reg. 37(2)(b)(i)
- reg. 7(1A)(b)(iii) words substituted by S.I. 2022/634 reg. 37(2)(b)(iii)
- reg. 7(1A)(b)(ii) words substituted by S.I. 2022/634 reg. 37(2)(b)(ii)
- reg. 7(6) inserted by S.I. 2019/248 reg. 11(5)