

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

## **Principles of the new complaints legislation**

Complaints are

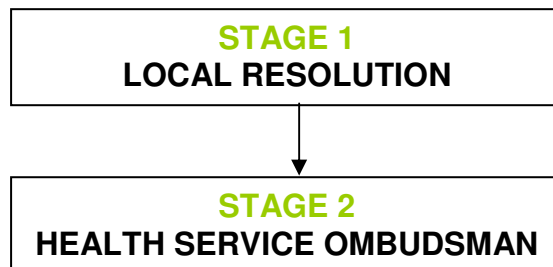
- dealt with efficiently
- properly investigated

Complainants

- are treated with respect and courtesy
- receive advice and assistance in making a complaint
- receive a timely and appropriate response
- understand the outcome of their complaint
- are reassured that remedial action is taken if necessary

## **Key points of the new Complaints Legislation**

- The Complaints Procedure now consists of 2 stages rather than 3. The role of the Healthcare Commission has been removed. More emphasis is therefore placed on effective local resolution.



- A duty to co-operate: Complaints can often involve more than one organisation. Previously, complainants were directed to each separate organisation, which would then individually respond to the complainant. Now, a single organisation will take responsibility to coordinate the handling of the complaint and produce a single response to the complainant.
- Time limits: A complaint must be made not later than 12 months after the date on which the reason for the complaint occurred (or the date on which the reason for the complaint came to the attention of the complainant). However, this limit does not apply if the complainant had good reason for not making the complaint and if it is still possible to investigate effectively and fairly.
- Staff are still encouraged to informally resolve problems where they can (and where the service user wishes).

- Regulations give complainants the right to approach the PCT with their complaint about an independent practitioner. In practice this will mean that the PCT will continue to forward complaints to independent practices with a request that they be copied in to the response. However, the law now also allows the PCT to handle complaints if there is a cause for concern about an individual practice.
- Investigation and response: Previously, the handling of complaints was a fixed, predetermined process: A written acknowledgement, followed by an investigation, followed by a letter. The acknowledgement had to be sent within 2 days. It is now 3. This final response had to take place within 10 working days. There is now flexibility around this.

The new legislation introduces a new way of working (based on how the complainant wishes their complaint to be handled), as well as a drive to ensure that complaints are resolved locally:

