

2017 No. 0000

NATIONAL HEALTH SERVICE, ENGLAND

SOCIAL CARE, ENGLAND

**The Local Authority Social Services and National Health
Service Complaints (England) (Amendment) Regulations 2017**

<i>Made</i>	- - - -	2017
<i>Laid before Parliament</i>		2017
<i>Coming into force</i>	- -	19th February 2018

The Secretary of State, in exercise of the powers conferred by sections 113(1), (3) and (4), 114(1), (2) and (5), 115(1), (2), (4) and (5) and 195(1) and (2) of the Health and Social Care (Community Health and Standards) Act 2003 [insert footnote 2003 c. 43.], makes the following Regulations.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authority Social Services and National Health Service Complaints (England) (Amendment) Regulations 2017.

(2) These Regulations come into force on 19th February 2018.

(3) These Regulations apply in relation to England.

Amendment to the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

2.—(1) The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 are amended as follows.

(2) In regulation 2(1) (interpretation) -

(a) after the definition of “the 2006 Regulations” insert -

““ACO” means a body known as an accountable care organisation, having been so designated by the National Health Service Commissioning Board because it is providing or arranging the provision of services under the 2006 Act under contractual arrangements which -

(a) have the objective of integrating care and having a single, systematic approach to using the resources for a local population to improve quality and health outcomes; and

(b) allow a single provider organisation to make most decisions about how to allocate resources and design care for its local population;

“ACO provider” means an ACO which provides services under the 2006 Act (whether or not it also arranges the provision of services under the 2006 Act);”;

(b) for the definition of “independent provider” substitute -

““independent provider” means a person or body who-

- (a) provides health services in England under arrangements made with an NHS body or an ACO; and
- (b) is not-
 - (i) an NHS body or primary care provider; or
 - (ii) an ACO, except if it is an ACO provider in respect of the provision of service by it as a provider of health services in England;”;
- (c) in the definition of “responsible body” for the words “or independent provider” substitute “, independent provider or ACO”.

3. In regulation 6 (duty to handle complaints) -

- (a) in paragraph (1) -
 - (i) in sub-paragraph (c) for the words from “under arrangements” to the end substitute “under or pursuant to arrangements with an NHS body;”;
 - (ii) for sub-paragraph (d) substitute -
 - “(d) an independent provider about the provision of services by it under arrangements with an NHS body or an ACO; or
 - (e) an ACO about arrangements made by it for the provision of services under the 2006 Act.”;
- (b) in paragraph (1A)(b) for the words “under those arrangements” substitute “under or pursuant to those arrangements”.

4. In regulation 18 (annual reports) in paragraph (4) -

- (a) for the words “under arrangements” substitute “under or pursuant to arrangements”;
- (b) for the words “or the National Health Service Commissioning Board” (in the second place where they appear) substitute “, the National Health Service Commissioning Board, an NHS body or an ACO.”.

Signed by the authority of the Secretary of State for Health

Name
Parliamentary Under Secretary of State
Department of Health

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (“the Complaints Regulations”), which make provision for complaints in relation to local authority adult social services and the National Health Service.

Regulations 2 to 4 provide for a number of amendments to the Complaints Regulations in order to require complaints to be dealt with by a greater range of persons in order to reflect new models of health service provision.