

NATIONAL HEALTH SERVICE ACT

DIRECTIONS TO PRIMARY CARE TRUSTS ON COMPLAINTS PROCEDURES FOR PRIMARY MEDICAL SERVICES 2004

The Secretary of State, in exercise of the powers conferred on him by sections 17 and 126(3) of the National Health Service Act 1977 and all other powers enabling him in that behalf, hereby makes the following directions:-

1. The Directions to Primary Care Trusts on dealing with complaints about family health services practitioners and providers of personal medical services made on 28 July 1998 shall, from 15 April 2004, be applied as follows –

(a) all references either to general medical services or to personal medical services are to be construed as references to primary medical services provided under Part I of the National Health Service 1977 Act, but excluding those primary medical services provided by Primary Care Trusts under section 16CC(2) of that Act;

(b) all the references to pilot schemes, pilot scheme agreements, pilot scheme providers and pilot scheme performers are omitted;

(c) the reference in the definition of relevant terms of service to the National Health Service (General Medical Services) Regulations 1992 is omitted; and

(d) the references to practice based complaints procedures are to be construed, in relation to providers of primary medical services, as the complaints procedures established either -

(i) in accordance with the requirements of regulations or directions made under Part I of the National Health Service 1977 Act, or

(ii) in the case of a transitional agreement (as defined in article 4(1) of the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004, S.I. 2004/865), in accordance with the requirements of that agreement.

2. The Directions to Primary Care Trusts on dealing with complaints made on 1 October 2002 shall, from 1 April 2004, be applied as follows –

(a) all the references to pilot schemes, pilot scheme agreements, pilot scheme providers and pilot scheme performers are to be construed as references to pilot schemes for the provision of personal dental services only;

(b) In article 4 of those directions (requirement on PCTs to make arrangements for dealing with complaints) for paragraph (2) there shall be substituted –

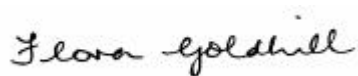
“(2) The matters referred to in paragraph (1) are –

(a) any matter connected with the provision of services by the PCT including its provision of primary medical services under section 16CC(2)(a) of the National Health Service Act 1977 or personal dental services under a pilot scheme agreement;

(b) any matter connected with the provision by an independent provider of a service under arrangements made with the PCT under either section 16CC(2)(b) or section 23 of the National Health Service Act 1977; and

(c) any other action of the PCT.”.

Signed by authority of the Secretary of State

A handwritten signature in cursive script, reading "Flora Goldhill", followed by a vertical line.

14 April 2004

Member of the Senior Civil Service
Department of Health