



National Health Service Reform and Health Care Professions Act 2002

2002 CHAPTER 17

PART 2

[^{F1}HEALTH AND SOCIAL CARE PROFESSIONS ETC.]

[^{F1}The Professional Standards Authority for Health and Social Care]

28 Complaints about regulatory bodies

- (1) [^{F1}The Privy Council] may make provision in regulations about the investigation by the [^{F2}Authority] of complaints made to it about the way in which a regulatory body [^{F3}other than Social Work England] has exercised any of its functions.
- (2) The regulations may, in particular, make provision as to—
 - (a) who (or what description of person) is entitled to complain,
 - (b) the nature of complaints which the [^{F4}Authority] must (or need not) investigate,
 - (c) matters which are excluded from investigation,
 - (d) requirements to be complied with by a person who makes a complaint,
 - (e) the procedure to be followed by the [^{F5}Authority] in investigating complaints,
 - (f) the making of recommendations or reports by the [^{F5}Authority] following investigations,
 - (g) the confidentiality, or disclosure, of any information supplied to the [^{F5}Authority] or acquired by it in connection with an investigation,
 - (h) the use which the [^{F5}Authority] may make of any such information,
 - (i) the making of payments to any persons in connection with investigations,
 - (j) privilege in relation to any matter published by the [^{F6}Authority] in the exercise of its functions under the regulations.
- (3) The regulations may also make provision—

Changes to legislation: National Health Service Reform and Health Care Professions Act 2002, Section 28 is up to date with all changes known to be in force on or before 09 May 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

- (a) empowering the [^{F7}Authority] to require persons to attend before it,
 - (b) empowering the [^{F7}Authority] to require persons to give evidence or produce documents to it,
 - (c) about the admissibility of evidence,
 - (d) enabling the [^{F8}Authority] to administer oaths.
- (4) No person shall be required by or by virtue of regulations under this section to give any evidence or produce any document or other material to the [^{F9}Authority] which he could not be compelled to give or produce in civil proceedings before the High Court or, in Scotland, the Court of Session.

Textual Amendments

- F1** Words in s. 28(1) substituted (16.3.2015) by [Health and Social Care Act 2012 \(c. 7\), ss. 225\(2\), 306\(4\); S.I. 2015/409](#), art. 2
- F2** Word in s. 28(1) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(f\); S.I. 2012/2657](#), art. 2(3)
- F3** Words in s. 28(1) inserted (2.12.2019) by [Children and Social Work Act 2017 \(c. 16\), s. 70\(2\), Sch. 4 para. 14; S.I. 2019/1436](#), reg. 2(r)
- F4** Word in s. 28(2)(b) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(f\); S.I. 2012/2657](#), art. 2(3)
- F5** Words in s. 28(2)(e)(f)(g)(h) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(f\); S.I. 2012/2657](#), art. 2(3)
- F6** Word in s. 28(2)(j) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(f\); S.I. 2012/2657](#), art. 2(3)
- F7** Words in s. 28(3)(a)(b) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(f\); S.I. 2012/2657](#), art. 2(3)
- F8** Word in s. 28(3)(d) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(f\); S.I. 2012/2657](#), art. 2(3)
- F9** Word in s. 28(4) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(f\); S.I. 2012/2657](#), art. 2(3)

Commencement Information

- I1** S. 28 partly in force; s. 28 in force for certain purposes at Royal Assent, see s. 42(3)

Changes to legislation:

National Health Service Reform and Health Care Professions Act 2002, Section 28 is up to date with all changes known to be in force on or before 09 May 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.

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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. 17(1)(fb) substituted for s. 17(1)(fa) by [2006 c. 28 Sch. 8 para. 50\(a\)](#) (Effect not applied. The amending provision was repealed 1.3.2007 by [2006 \(c. 43\), s. 8\(2\), Sch. 4](#))
- s. 26(4)(d) and word inserted by [S.I. 2024/374 Sch. 5 para. 4\(2\)\(b\)](#)
- s. 29(1)(ha)-(hc) inserted by [S.I. 2024/374 Sch. 5 para. 4\(3\)\(a\)](#)
- s. 29(7B) inserted by [S.I. 2024/374 Sch. 5 para. 4\(3\)\(c\)](#)