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### SCHEDULE 3

#### INVESTIGATION OF COMPLAINTS ABOUT PRIVATELY ARRANGED OR FUNDED SOCIAL CARE AND PALLIATIVE CARE

##### PART 2

##### MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO THE OMBUDSMAN

###### *Local Government Act 1974*

5 The Local Government Act 1974 is amended as follows.

###### **Commencement Information**

**I1** Sch. 3 para. 5 in force at 1.11.2014 by [S.I. 2014/2718](#), **art. 2(b)**

6 In section 29 (investigations: further provisions), in subsection (5), for “26” substitute “34X”.

###### **Commencement Information**

**I2** Sch. 3 para. 6 in force at 1.11.2014 by [S.I. 2014/2718](#), **art. 2(b)**

7 In section 33 (consultation between Local Commissioner, the Parliamentary Commissioner and the Health Service Commissioners and other Commissioners and Ombudsmen), in subsection (5), for “26” substitute “34X”.

###### **Commencement Information**

**I3** Sch. 3 para. 7 in force at 1.11.2014 by [S.I. 2014/2718](#), **art. 2(b)**

8 In section 34G (investigations: further provisions), in subsection (2), for “26” substitute “34X”.

###### **Commencement Information**

**I4** Sch. 3 para. 8 in force at 1.11.2014 by [S.I. 2014/2718](#), **art. 2(b)**

9 In section 34M (consultation with other Commissioners), in subsection (7), in paragraph (d), for “26” substitute “34X”.

###### **Commencement Information**

**I5** Sch. 3 para. 9 in force at 1.11.2014 by [S.I. 2014/2718](#), **art. 2(b)**

###### *Local Government Act 2000*

10 The Local Government Act 2000 is amended as follows.

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**Commencement Information**

**I6** Sch. 3 para. 10 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

11 Section 67 (consultation with ombudsmen) has effect, until the repeal of that section by Part 5 of Schedule 25 to the Localism Act 2011 is brought fully into force, with the following amendments—

- (a) in subsection (2A), after “Part 2” insert “ or 2A ”, and
- (b) in subsection (4), for “26” substitute “ 34X ”.

**Commencement Information**

**I7** Sch. 3 para. 11 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

12 In section 70 (investigations: further provisions), in subsection (2), in paragraph (b), for “, 25 to 27 and 32” substitute “ and Part 2B ”.

**Commencement Information**

**I8** Sch. 3 para. 12 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

*Public Services Ombudsman (Wales) Act 2005*

13 The Public Services Ombudsman (Wales) Act 2005 is amended as follows.

**Commencement Information**

**I9** Sch. 3 para. 13 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

14 In the heading to Part 2 (investigation of complaints), after “COMPLAINTS” insert “ RELATING TO LISTED AUTHORITIES ”.

**Commencement Information**

**I10** Sch. 3 para. 14 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

15 In section 2 (power of investigation)—

- (a) in subsection (1), after “complaint” (in the first place it occurs) insert “ under this Part ”, and
- (b) in subsection (4), after “complaint” (in the first place it occurs) insert “ under this Part ”.

**Commencement Information**

**I11** Sch. 3 para. 15 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

16 In section 4 (who can complain), in subsection (1)—

- (a) in the words before paragraph (a), after “Ombudsman” insert “ under this Part ”, and

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(b) in paragraph (a), for “Act” substitute “ Part ”.

**Commencement Information**

**I12** Sch. 3 para. 16 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

17 In section 7 (matters which may be investigated), in subsection (1), after “investigate” insert “ under this Part ”.

**Commencement Information**

**I13** Sch. 3 para. 17 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

18 In section 9 (exclusion: other remedies)—  
(a) in subsection (1), after “matter” (in the first place it occurs) insert “ under this Part ”, and  
(b) in subsection (3), after “matter” (in the first place it occurs) insert “ under this Part ”.

**Commencement Information**

**I14** Sch. 3 para. 18 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

19 In section 10 (other excluded matters), in subsection (1), after “investigate” insert “ under this Part ”.

**Commencement Information**

**I15** Sch. 3 para. 19 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

20 In section 14 (information, documents, evidence and facilities), before subsection (1) insert—  
“(A1) This section applies in relation to investigations conducted under this Part.”

**Commencement Information**

**I16** Sch. 3 para. 20 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

21 In section 23 (special reports: supplementary)—  
(a) in subsection (1), in paragraph (a), after “report” insert “ made under section 22 ”, and  
(b) in subsection (7), after “report” (in the first place it occurs) insert “ under section 22 ”.

**Commencement Information**

**I17** Sch. 3 para. 21 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

22 Omit the italic cross-heading before section 25 (consultation and co-operation).

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**Commencement Information**

**I18** Sch. 3 para. 22 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

23 Omit sections 25 to 25B (consultation and co-operation).

**Commencement Information**

**I19** Sch. 3 para. 23 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

24 Omit the italic cross-heading before section 26 (disclosure).

**Commencement Information**

**I20** Sch. 3 para. 24 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

25 Omit sections 26 and 27 (disclosure of information).

**Commencement Information**

**I21** Sch. 3 para. 25 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

26 Omit section 32 (protection from defamation claims).

**Commencement Information**

**I22** Sch. 3 para. 26 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

27 In section 41 (interpretation), in subsection (1)—

- (a) in the definition of “investigation”, after “section 2” insert “ or 34B ”,
- (b) in the definition of “the person aggrieved”—
  - (i) after “aggrieved” insert “ in Part 2 ”, and
  - (ii) after “section 4(1)(a)” insert “ and in Part 2A has the meaning given in section 34D(1)(a) ”,
- (c) in the definition of “special report”—
  - (i) after “report” insert “ in Part 2 ”, and
  - (ii) after “section 22” insert “ and in Part 2A has the meaning given in section 34P ”, and
- (d) insert, in the appropriate places—
 

““care home” has the meaning given by section 34R(2);”;

““care home provider” has the meaning given by section 34R(3);”;

““domiciliary care” has the meaning given by section 34S(2);”;

““domiciliary care provider” has the meaning given by section 34S(3);”;

““independent palliative care provider” has the meaning given by section 34T(3);”;

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““palliative care service” has the meaning given by section 34T(2);”.

**Commencement Information**

**I23** Sch. 3 para. 27 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

- 28 In the heading to section 42 (former health care providers and social landlords: modifications), for “and social landlords” substitute “social landlords, social care providers and palliative care providers”.

**Commencement Information**

**I24** Sch. 3 para. 28 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

- 29 (1) Section 42 (former health care providers and social landlords: modifications) is amended as follows.

- (2) In subsection (1), after paragraph (c) insert—

- “(d) former care home providers in Wales;
- (e) former domiciliary care providers in Wales;
- (f) former independent palliative care providers in Wales.”

- (3) After subsection (4) insert—

“(4A) “Former care home provider in Wales” means a person who—

- (a) at the relevant time, provided accommodation, nursing or personal care of a particular description at a care home (within the meaning given by the Care Standards Act 2000) in Wales, and
- (b) subsequently ceased to do so (whether or not the person has later started to do so again).

(4B) “Former domiciliary care provider in Wales” means a person who—

- (a) at the relevant time, provided domiciliary care services of a particular description in Wales, and
- (b) subsequently ceased to do so (whether or not the person has later started to provide those services again).

(4C) “Former independent palliative care provider in Wales” means a person who—

- (a) at the relevant time, provided a palliative care service of a particular description in Wales, and
- (b) subsequently ceased to do so (whether or not the person has later started to do so again).”

**Commencement Information**

**I25** Sch. 3 para. 29 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

- 30 (1) Schedule 1 (Public Services Ombudsman for Wales: appointment etc) is amended as follows.

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(2) In paragraph 5—

(a) in sub-paragraph (1), after paragraph (e) insert—

“(f) he is a care home provider, domiciliary care provider or independent palliative care provider;

(g) he is an officer or member of staff of a provider of that kind.”;

(b) after sub-paragraph (1) insert—

“(1A) For the purposes of sub-paragraph (1)(g) a person is an officer of a provider if he or she has control or management of a provider which is not an individual or the affairs of such a provider.”

(3) In paragraph 14, in sub-paragraph (7)(a), after “authority” insert “ , care home provider, domiciliary care provider or independent palliative care provider ”.

**Commencement Information**

**I26** Sch. 3 para. 30 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

31 In the title to Schedule 2, after “MATTERS” insert “ : PART 2 ”.

**Commencement Information**

**I27** Sch. 3 para. 31 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

*Commissioner for Older People (Wales) Act 2006*

32 The Commissioner for Older People (Wales) Act 2006 is amended as follows.

**Commencement Information**

**I28** Sch. 3 para. 32 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

33 In section 18 (power to disclose information), in subsection (1), in paragraph (b), for “25A” substitute “ 34V ”.

**Commencement Information**

**I29** Sch. 3 para. 33 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

34 In Schedule 4 (minor and consequential amendments), in paragraph 2, omit sub-paragraphs (2) and (3).

**Commencement Information**

**I30** Sch. 3 para. 34 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

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*Government of Wales Act 2006*

- 35 In Schedule 10 to the Government of Wales Act 2006 (minor and consequential amendments), omit paragraph 77.

**Commencement Information**

**I31** Sch. 3 para. 35 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

*Welsh Language (Wales) Measure 2011*

- 36 (1) Schedule 3 to the Welsh Language (Wales) Measure 2011 (amendments about joint and collaborative working) is amended as follows.
- (2) Omit the italic cross-heading before paragraph 4 (Public Services Ombudsman (Wales) Act 2005).
- (3) Omit paragraphs 4 to 6.

**Commencement Information**

**I32** Sch. 3 para. 36 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

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