



# Public Services Ombudsman (Wales) Act 2019

2019 anaw 3

## PART 5

### INVESTIGATION OF COMPLAINTS RELATING TO OTHER PERSONS: SOCIAL CARE AND PALLIATIVE CARE

#### *Decisions not to investigate etc*

#### **51 Decisions not to investigate complaints or to discontinue investigations**

- (1) If the Ombudsman—
  - (a) decides not to begin an investigation, or to discontinue an investigation, into a matter under section 43(8), or
  - (b) where the Ombudsman has consulted a person under section 44(3)(c), decides not to begin an investigation, or to discontinue an investigation, into a matter under section 44(4)(a),the Ombudsman must prepare a statement of the reasons for that decision.
- (2) The Ombudsman must send a copy of the statement to—
  - (a) any person who made a complaint to the Ombudsman in respect of the matter, and
  - (b) the provider to whom the matter relates.
- (3) The Ombudsman may also send a copy of the statement to any other persons the Ombudsman thinks appropriate.
- (4) The Ombudsman may publish a statement under this section if, after taking account of the interests of the person aggrieved (if any) and any other persons the Ombudsman thinks appropriate, the Ombudsman considers that it would be in the public interest to do so.

- (5) The Ombudsman may supply a copy of the published statement, or part of that statement, to any person who requests it.
- (6) The Ombudsman may charge a reasonable fee for supplying a copy of a statement, or part of a statement, under subsection (5).
- (7) The following information must not be included in a version of a statement sent to a person under subsection (2)(b) or (3) or published under subsection (4)—
  - (a) the name of a person other than the provider to whom the matter relates;
  - (b) information which, in the opinion of the Ombudsman, is likely to identify such a person and which, in the Ombudsman's opinion, can be omitted without impairing the effectiveness of the statement.
- (8) Subsection (7) does not apply if, after taking account of the interests of the person aggrieved (if any) and any other persons the Ombudsman thinks appropriate, the Ombudsman considers that it would be in the public interest to include that information in that version of the statement.