

## **EXPLANATORY NOTES**

### **PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2005**

#### **INTRODUCTION**

#### **SUMMARY**

#### **TERRITORIAL EXTENT AND DEVOLUTION**

#### **COMMENTARY ON SECTIONS**

##### **PART 1: THE PUBLIC SERVICES OMBUDSMAN FOR WALES**

Section 1: The Public Services Ombudsman for Wales

Schedule 1: Public Services Ombudsman for Wales: Appointment Etc.

##### **PART 2: INVESTIGATION OF COMPLAINTS**

###### **Power of investigation**

Section 2: Power of investigation

Section 3: Alternative resolution of complaints

###### **Complaints**

Section 4: Who can complain

Section 5: Requirements: complaints made to the Ombudsman

Section 6: Requirements: complaints referred to the Ombudsman

###### **Matters which may be investigated**

Section 7: Matters which may be investigated

Section 8: Exclusion: matters not relating to Wales

Section 9: Exclusion: other remedies

Section 10: Other excluded matters

Schedule 2: Excluded Matters

Section 11: Decisions taken without maladministration

**Decisions not to investigate etc.**

Section 12: Decisions not to investigate or to discontinue investigation

**Investigation procedure and evidence**

Section 13: Investigation procedure

Section 14: Information, documents and evidence

Section 15: Obstruction and contempt

**Reports of investigations**

Section 16: Reports of Investigations

Section 17: Publicising reports

Section 18: Publicising reports: health care providers

Section 19: Action following receipt of a report

Section 20: Non-action following receipt of a report

Section 21: Reports: alternative procedure

**Special reports**

Section 22: Special reports

Section 23: Special reports: supplementary

Section 24: Special reports relating to the Assembly

**Consultation and co-operation**

Section 25: Consultation and co-operation with other ombudsmen

**Disclosure**

Section 26: Disclosure of information

Section 27: Disclosure prejudicial to the safety of the State or contrary to the public interest

Section 28: Listed Authorities

**Schedule 3 Listed Authorities**

Section 29: Restrictions on power to amend Schedule 3

Section 30: Provisions in orders adding persons to Schedule 3

**Miscellaneous**

Section 31: Power to issue guidance

Section 32: Protection from defamation claims

*These notes refer to the Public Services Ombudsman (Wales) Act 2005 (c.10)*

Section 33: Publicity for complaints procedures

Section 34: Compensation for the person aggrieved

### **PART 3: MISCELLANEOUS AND GENERAL**

#### **Conduct of local government members and employees**

Section 35: Conduct of local government members and employees

Schedule 4: Conduct of Local Government Members and Employees

#### **Abolition of existing bodies and offices**

Section 36: Abolition of existing bodies and offices

Section 37: Transfer of property, staff etc.

Schedule 5: Transfer of Staff, Property Etc.

Section 38: Undetermined complaints

#### **General**

Section 39: Amendments and repeals

Section 40: Commencement

Section 41: Interpretation

Section 42: Former health care providers and social landlords: modifications

Section 43: Consequential, transitional provisions etc.

Section 44: Orders, regulations and directions

Section 45: Extent

### **COMMENCEMENT**

### **GLOSSARY OF TERMS**

### **HANSARD REFERENCES**