



# Public Services Ombudsman (Wales) Act 2005

## 2005 CHAPTER 10

### PART 2

#### INVESTIGATION OF COMPLAINTS

#### *Special reports*

#### 22 Special reports

- (1) The Ombudsman may prepare a report under this section (a “special report”) if subsection (2), (4) or (6) applies.
- (2) This subsection applies if, in a report under section 16, the Ombudsman has concluded that the person aggrieved has sustained injustice or hardship in consequence of the matter investigated and—
  - (a) the Ombudsman has not received the notification required under section 19 before the end of the period permitted under that section,
  - (b) he has received that notification but he is not satisfied with—
    - (i) the action which the listed authority has taken or proposes to take, or
    - (ii) the period before the end of which it proposes to have taken that action, or
  - (c) he has received that notification but he is not satisfied that the listed authority has, before the end of the permitted period, taken the action it proposed to take.
- (3) The permitted period for the purposes of subsection (2)(c) is—
  - (a) the period referred to in section 19(2)(b), or
  - (b) any longer period specified by the Ombudsman in writing.
- (4) This subsection applies if the Ombudsman—
  - (a) has prepared a report under section 21 by virtue of subsection (2) of that section, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) is not satisfied that the listed authority has implemented his recommendations before the end of the permitted period.
- (5) The permitted period for the purposes of subsection (4)(b) is—
  - (a) the period referred to in section 21(2)(b), or
  - (b) any longer period specified by the Ombudsman in writing.
- (6) This subsection applies if—
  - (a) a complaint in respect of a listed authority has been resolved under section 3,
  - (b) in resolving the complaint, the Ombudsman has concluded that the person aggrieved has sustained injustice or hardship in consequence of the matter which is the subject of the complaint,
  - (c) the listed authority has agreed to take particular action before the end of a particular period, and
  - (d) the Ombudsman is not satisfied that the listed authority has taken that action before the end of the permitted period.
- (7) The permitted period for the purposes of subsection (6)(d) is—
  - (a) the period referred to in subsection (6)(c), or
  - (b) any longer period specified by the Ombudsman in writing.
- (8) A special report must—
  - (a) set out the facts on the basis of which subsection (2), (4) or (6) applies, and
  - (b) make such recommendations as the Ombudsman thinks fit with respect to the action which, in his opinion, should be taken—
    - (i) to remedy the injustice or hardship to the person aggrieved, and
    - (ii) to prevent similar injustice or hardship being caused in the future.
- (9) The Ombudsman must send a copy of a special report—
  - (a) if the special report is prepared because subsection (2) applies, to each person to whom a copy of the report under section 16 was sent under section 16(1)(b);
  - (b) if the special report is prepared because subsection (4) or (6) applies, to the person who made the complaint and the listed authority.
- (10) The Ombudsman may send a copy of a special report to any other persons he thinks appropriate.