
EXPLANATORY NOTE

(This note is not part of the Order)

This is the first commencement order made by the Welsh Ministers under the Social Services and Well-being (Wales) Act 2014 (“the Act”).

Article 2 of this Order brings sections 170, 179 and 180 of the Act into force on the 1 November 2014.

Section 170 gives the Welsh Ministers power to direct local authorities to enter into joint arrangements in relation to their adoption services.

Section 179 amends the Public Services Ombudsman (Wales) Act 2005 by inserting new Part 2A, Part 2B and Schedule 3A.

Part 2A provides new powers for the Public Services Ombudsman for Wales (“PSOW”) to investigate complaints about certain types of social care and palliative care. Under Part 2A the PSOW may take any action that he or she considers appropriate with a view to resolving a complaint. Part 2A also provides how the PSOW must conduct an investigation and how a complaint may be made. Part 2A provides that the PSOW must, after conducting an investigation, prepare a report and send a copy of the report to appropriate persons. Part 2A allows the PSOW to publish the report if he or she considered that it would be in the public interest to do so.

Schedule 3A lists matters which are excluded from the provisions in Part 2A.

Part 2B sets out the circumstances when the PSOW must consult with other ombudsmen. Part 2B also makes provision to allow the PSOW to work jointly and collaboratively with the Commissioner for Older People in Wales and the Welsh Language Commissioner. Part 2B makes provision about when information may be disclosed and which publications are absolutely privileged for the purpose of defamation claims.

Section 180 amends section 187 of the National Health Service (Wales) Act 2006 (“the 2006 Act”). Section 187 of the 2006 Act places a duty on the Welsh Ministers to arrange for the provision of independent advocacy services. The amendment extends the definition of independent advocacy services to services providing assistance to individuals making or intending to make a complaint under a procedure operated by an independent palliative care provider. The amendment also extends the definition to services providing assistance to individuals making or intending to make a complaint to the PSOW which relates to an independent palliative care provider.