

PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2019

EXPLANATORY NOTES

INTRODUCTION

Part 5

Section 47 - Who can complain

179. **Section 47** makes similar provision to section 7 of this Act. It lists the persons who may make a complaint to the Ombudsman under Part 5 of this Act.
180. **Section 47** prescribes the persons from whom the Ombudsman may accept a complaint. Those persons are;
- a) a member of the public who claims, or has claimed to have sustained injustice or hardship in consequence of the matters the Ombudsman is entitled to investigate under Part 5. This person is described as the person aggrieved,
 - b) a person authorised, in writing, by the person aggrieved to make the complaint on their behalf, or
 - c) where the person aggrieved cannot give such authorisation, a person the Ombudsman considers appropriate.
181. It is not only individuals who can complain to the Ombudsman: companies and organisations can also complain to the Ombudsman about injustice or hardship suffered by members of the public, provided that the conditions in subsection (1) are satisfied. Section 47(2) excludes person acting in certain capacities from the definition of “member of the public” for the purposes of this section, for example a person acting in their capacity as a care home provider. However, this does not prevent such a person from making a complaint, provided the person is making the complaint in their personal capacity.
182. The Ombudsman has the power to decide whether the requirements of section 47 have been met in a particular case.