



Public Services Ombudsman (Wales) Act 2005

2005 CHAPTER 10

PART 2

INVESTIGATION OF COMPLAINTS [F1RELATING TO LISTED AUTHORITIES]

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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- (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.

23 Special reports: supplementary

- (1) The Ombudsman may—
 - (a) publish a special report [^{F1}made under section 22] ;
 - (b) supply a copy of the published report or any part of it to any person who requests it.
- (2) The Ombudsman may charge a reasonable fee for supplying a copy of a report (or part of a report) under subsection (1)(b).
- (3) The listed authority in respect of which a special report is made must reimburse the Ombudsman for the cost of publishing a special report if requested to do so by the Ombudsman.
- (4) If a special report—

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- (a) mentions the name of any person other than the listed authority in respect of which the complaint was made, or
 - (b) includes any particulars which, in the opinion of the Ombudsman, are likely to identify any such person and which, in his opinion, can be omitted without impairing the effectiveness of the report,
- that information must not be included in a version of the report sent to a person under section 22(9) or (10) or published under subsection (1) of this section, subject to subsection (5).
- (5) Subsection (4) does not apply in relation to a version of the special report if, after taking account of the interests of the person aggrieved and any other persons he thinks appropriate, the Ombudsman considers it to be in the public interest to include that information in that version of the special report.
- (6) ^{F2}
- (7) Sections 17 and 18 (publicising reports under section 16) apply in relation to a special report [^{F3} under section 22] as they apply in relation to a report under section 16.

Textual Amendments

- F1** Words in s. 23(1)(a) inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), [Sch. 3 para. 21\(a\)](#); S.I. 2014/2718, art. 2(b)
- F2** S. 23(6) repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), 163, [Sch. 10 para. 75](#), [Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.
- F3** Words in s. 23(7) inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), [Sch. 3 para. 21\(b\)](#); S.I. 2014/2718, art. 2(b)

24 Special reports relating to the [^{F4}Welsh Assembly Government etc.]

- (1) This section applies if a special report is made in a case where the complaint was made in respect of the [^{F5}Welsh Assembly Government or the National Assembly for Wales Commission].
- (2) The [^{F6}relevant person] must—
- (a) lay a copy of the report before the Assembly, ^{F7} . . .
 - (b) ^{F7}
- [^{F8}(2A) In subsection (2) “the relevant person” means—
- (a) if the complaint was made in respect of the Welsh Assembly Government, the First Minister for Wales, and
 - (b) if the complaint was made in respect of the National Assembly for Wales Commission, a member of that Commission.]
- (3) ^{F9}

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Textual Amendments

- F4** Words in s. 24 sidenote substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 76\(6\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.
- F5** Words in s. 24(1) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 76\(2\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.
- F6** Words in s. 24(2) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 76\(3\)\(a\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.
- F7** S. 24(2)(b) repealed by virtue of [Government of Wales Act 2006 \(c. 32\), ss. 160\(1\), 163, Sch. 10 para. 76\(3\)\(b\), Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.
- F8** S. 24(2A) inserted by [Government of Wales Act 2006 \(c. 32\), s. 160\(1\), Sch. 10 para. 76\(4\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.
- F9** S. 24(3) repealed by [Government of Wales Act 2006 \(c. 32\), ss. 160\(1\), 163, Sch. 10 para. 76\(5\), Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

Changes to legislation:

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