



Welsh Language (Wales) Measure 2011

2011 nawm 1

PART 2

THE WELSH LANGUAGE COMMISSIONER

Working with other ombudsmen, commissioners etc

20 Working jointly with the Public Services Ombudsman for Wales

- (1) This section applies if it appears to the Commissioner that the subject matter of a particular standards enforcement investigation (the “Commissioner’s investigation”) could also be the subject of an investigation by the Public Services Ombudsman for Wales.
- (2) If the Commissioner thinks it appropriate, he or she must—
 - (a) inform the Ombudsman about the Commissioner’s investigation (including the Commissioner’s proposals for undertaking the investigation), and
 - (b) consult the Ombudsman in relation to the Commissioner’s investigation.
- (3) If the Commissioner consults the Ombudsman in relation to the Commissioner’s investigation, the Commissioner and the Ombudsman may do any or all of the following—
 - (a) co-operate with each other in relation to the investigation;
 - (b) conduct a joint investigation;
 - (c) prepare and publish a joint report in relation to the investigation.
- (4) The Welsh Ministers may by order—
 - (a) provide for this section to apply in relation to any other person as it applies in relation to the Public Services Ombudsman for Wales, and
 - (b) make such other provision as the Welsh Ministers think appropriate in connection with, for the purposes of, or in consequence of provision made under paragraph (a).
- (5) The provision that may be made under subsection (4) includes, but is not limited to—

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- (a) provision enabling or requiring the other person to work jointly with the Commissioner; and
 - (b) amendments of any enactment.
- (6) Before making an order under subsection (4), the Welsh Ministers must consult the Commissioner and any other persons they think it appropriate to consult.
- (7) In this section—
- “investigation” (*“ymchwiliad”*), in relation to the Public Services Ombudsman for Wales, includes examination and inquiry, and cognate expressions are to be construed accordingly;
 - “standards enforcement investigation” (*“ymchwiliad i orfodi safonau”*) means an investigation which the Commissioner is entitled to undertake, or is undertaking, under section 71.

21 Working collaboratively with ombudsmen, commissioners etc

- (1) This section applies if it appears to the Commissioner that the subject matter of a particular standards enforcement investigation (the “Commissioner’s investigation”) relates to, or raises, a matter which could be the subject of an investigation by a particular ombudsman (the “connected matter”).
- (2) If the Commissioner thinks it appropriate, he or she must inform the ombudsman about the connected matter.
- (3) If the Commissioner undertakes the Commissioner’s investigation, the Commissioner must, if he or she thinks it appropriate—
 - (a) inform the ombudsman about the investigation (including the Commissioner’s proposals for undertaking the investigation), and
 - (b) consult the ombudsman in relation to the investigation.
- (4) If the Commissioner undertakes the Commissioner’s investigation and the ombudsman investigates the connected matter, they may do any or all of the following—
 - (a) co-operate with each other in relation to their separate investigations;
 - (b) conduct a joint investigation;
 - (c) prepare and publish a joint report in relation to their separate investigations or their joint investigation.
- (5) If the Commissioner does not undertake the Commissioner’s investigation, the Commissioner must, if he or she thinks it appropriate—
 - (a) give the person seeking to bring the case information about how to refer the connected matter to the ombudsman, and
 - (b) give that information to any other person interested in the case.
- (6) In this section—
 - “investigation” (*“ymchwiliad”*), in relation to an ombudsman, includes examination and inquiry, and cognate expressions are to be construed accordingly;
 - “ombudsman” (*“ombwdsmon”*) means—
 - (a) the Public Services Ombudsman for Wales,
 - (b) the Children’s Commissioner for Wales,

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- (c) the Commissioner for Older People in Wales, and
 - (d) the Commission for Equality and Human Rights;
“standards enforcement investigation” (*ymchwiliad i orfodi safonau*) means an investigation which the Commissioner is entitled to undertake, or is undertaking, under section 71.
- (7) The Welsh Ministers may by order amend the definition of “ombudsman” in subsection (6) by—
- (a) adding a person;
 - (b) omitting a person;
 - (c) changing a description of a person.
- (8) The Welsh Ministers may, by order, make such other provision as the Welsh Ministers think appropriate in connection with, for the purposes of, or in consequence of provision made under subsection (7), including, but not limited to—
- (a) provision enabling or requiring the other person to work with the Commissioner, and
 - (b) amendments of any enactment.
- (9) Before making an order under subsection (7), the Welsh Ministers must consult the person concerned and any other persons they think it appropriate to consult.
- (10) Schedule 3 contains amendments about other Commissioners and Ombudsmen working jointly and collaboratively with the Welsh Language Commissioner.