

# **PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2005**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Schedule 2: Excluded Matters***

#### **Reports of investigations**

#### ***Section 16: Reports of Investigations***

58. **Section 16(1)** provides that after conducting an investigation the Ombudsman must, unless he/she decides to report under the alternative procedure set out under section 21, prepare a report on his/her findings and send a copy of that report to the persons specified in section 16(2).
59. In relation to a person who is a family health service provider in Wales or independent provider in Wales the Ombudsman is required to send his/her report to the provider (as the listed authority) and to those persons with whom the provider has contracted, undertaken or arranged to provide the services that are the subject of the complaint. The Ombudsman is not required to send a copy of the report to every person with whom that provider has (or had) contracted, undertaken or arranged to provide any services (section 16(2)(d) and (e)).
60. The Ombudsman may publish his/her report if the requirements of section 16(4) are met. The Ombudsman may only publish such a report if he/she considers that it is in the public interest to do so. In reaching his/her view, the Ombudsman must have regard to the interests of the person aggrieved and any other persons he/she thinks appropriate.
61. **Section 16(7) and (8)** provides that when the Ombudsman prepares a report that:
- a) names any person (other than the listed authority concerned); or
  - b) includes anything which, in the opinion of the Ombudsman, is likely to identify any person and which, in the opinion of the Ombudsman, can be omitted from the report without impairing its effectiveness,
- the Ombudsman may only include such information in the version of the report that he/she is required or empowered to send, or which he/she publishes, if it is in the public interest to include such a name or identifying particulars. In reaching his view, the Ombudsman must have regard to the interests of the person aggrieved and any other persons he/she thinks appropriate.
62. In the case of the version of the report that he/she is required to send, under section 16(1) (b), to the person who made the complaint and the listed authority etc., it is not anticipated that it would be difficult for the Ombudsman to show that it is in the public interest to include such information. This is because, in such cases, there is likely to be a strong public interest in those parties knowing the names and identities of persons that the Ombudsman considers it necessary to refer to in his report. Indeed, in many cases

*These notes refer to the Public Services Ombudsman (Wales)  
Act 2005 (c.10) which received Royal Assent on 7 April 2005*

such a report is likely to name or identify only the person aggrieved, the listed authority that took the action which is the subject of the complaint and those of its employees that are relevant (e.g. because it is the employee who took the action that is the subject of the complaint).