



# Public Services Ombudsman (Wales) Act 2005

## 2005 CHAPTER 10

### PART 2

#### INVESTIGATION OF COMPLAINTS [F<sup>1</sup>RELATING TO LISTED AUTHORITIES]

##### *Power of investigation*

## 2 Power of investigation

- (1) The Ombudsman may investigate a complaint [F<sup>1</sup>under this Part] in respect of a matter if—
  - (a) the complaint has been duly made or referred to him, and
  - (b) the matter is one which he is entitled to investigate under sections 7 to 11.
- (2) A complaint is “duly made” to the Ombudsman if (but only if)—
  - (a) it is made by a person who is entitled under section 4 to make the complaint to the Ombudsman, and
  - (b) the requirements of section 5 are met in respect of it.
- (3) A complaint is “duly referred” to the Ombudsman if (but only if)—
  - (a) it is referred to him by a listed authority, and
  - (b) the requirements of section 6 are met in respect of it.
- (4) The Ombudsman may investigate a complaint [F<sup>2</sup>under this Part] in respect of a matter even if the requirements of section 5(1) or (as the case may be) section 6(1)(b) or (d) are not met in respect of the complaint, if—
  - (a) the matter is one which he is entitled to investigate under sections 7 to 11, and
  - (b) he thinks it reasonable to do so.
- (5) It is for the Ombudsman to decide whether to begin, continue or discontinue an investigation.

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**Changes to legislation:** There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Power of investigation. (See end of Document for details)

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- (6) The Ombudsman may take any action which he thinks may assist in making a decision under subsection (5).
- (7) The Ombudsman may begin or continue an investigation into a complaint even if the complaint, or the referral of the complaint, has been withdrawn.

#### Textual Amendments

- F1** Words in s. 2(1) inserted (1.11.2014) by Social Services and Well-being (Wales) Act 2014 (anaw 4), s. 199(2), **Sch. 3 para. 15(a)**; S.I. 2014/2718, art. 2(b)
- F2** Words in s. 2(4) inserted (1.11.2014) by Social Services and Well-being (Wales) Act 2014 (anaw 4), s. 199(2), **Sch. 3 para. 15(b)**; S.I. 2014/2718, art. 2(b)

### 3 Alternative resolution of complaints

- (1) The Ombudsman may take any action he thinks appropriate with a view to resolving a complaint which he has power to investigate under section 2.
- (2) The Ombudsman may take action under this section in addition to or instead of conducting an investigation into the complaint.
- (3) Any action under this section must be taken in private.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Power of investigation.