



# Public Services Ombudsman (Wales) Act 2005

## 2005 CHAPTER 10

### [<sup>F1</sup>PART 2A

#### INVESTIGATION OF COMPLAINTS RELATING TO OTHER PERSONS: SOCIAL CARE AND PALLIATIVE CARE

*[<sup>F1</sup>Decisions not to investigate etc*

#### Textual Amendments

- F1** Pts. 2A, 2B inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), [Sch. 3 para. 2](#) (with [Sch. 3 para. 3](#)); S.I. 2014/2718, art. 2(b)

### **34G Decisions not to investigate complaints or to discontinue investigations**

- (1) If the Ombudsman decides under section 34B(8) not to begin an investigation into a complaint or to discontinue an investigation, the Ombudsman must prepare a statement of the reasons for that decision.
- (2) The Ombudsman must send a copy of the statement to—
  - (a) the person who made the complaint, and
  - (b) the provider to whom the complaint relates.
- (3) The Ombudsman may also send a copy of the statement to any other persons he or she thinks appropriate.
- (4) The Ombudsman may publish a statement under this section if, after taking account of the interests of the person aggrieved and any other persons the Ombudsman thinks appropriate, he or she considers that it would be in the public interest to do so.

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**Changes to legislation:** *There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Decisions not to investigate etc. (See end of Document for details)*

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- (5) The Ombudsman may supply a copy of the published statement, or part of that statement, to any person who requests it.
- (6) The Ombudsman may charge a reasonable fee for supplying a copy of a statement, or part of a statement, under subsection (5).
- (7) The following information must not be included in a version of a statement sent to a person under subsection (2)(b) or (3) or published under subsection (4)—
  - (a) the name of a person other than the provider to whom the complaint relates;
  - (b) information which, in the opinion of the Ombudsman, is likely to identify such a person and which, in the Ombudsman's opinion, can be omitted without impairing the effectiveness of the statement.
- (8) Subsection (7) does not apply if, after taking account of the interests of the person aggrieved and any other persons the Ombudsman thinks appropriate, the Ombudsman considers that it would be in the public interest to include that information in that version of the statement.]

**Changes to legislation:**

There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Decisions not to investigate etc.