



# Public Services Ombudsman (Wales) Act 2005

## 2005 CHAPTER 10

### PART 2

#### INVESTIGATION OF COMPLAINTS [<sup>F1</sup>RELATING TO LISTED AUTHORITIES]

##### *Matters which may be investigated*

#### **7 Matters which may be investigated**

- (1) The matters which the Ombudsman is entitled to investigate [<sup>F1</sup>under this Part] are—
- (a) alleged maladministration by a listed authority in connection with relevant action;
  - (b) an alleged failure in a relevant service provided by a listed authority;
  - (c) an alleged failure by a listed authority to provide a relevant service.
- (2) Subsection (1) is subject to sections 8 to 11.
- (3) Relevant action is—
- (a) in the case of a listed authority which is a family health service provider in Wales or an independent provider in Wales, action taken by the authority in connection with the provision of a relevant service;
  - (b) in the case of a listed authority which is a social landlord in Wales or a Welsh health service body other than the [<sup>F2</sup>Welsh Ministers], action taken by the authority in the discharge of any of its functions;
  - (c) in the case of a listed authority which is a person with functions conferred by regulations made under section 113(2) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), action taken by the authority in the discharge of any of those functions;
  - (d) in the case of a listed authority which is a listed authority by virtue of an order under section 28(2) adding it to Schedule 3, action taken by the authority in the discharge of any of its specified functions;

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*Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Section 7. (See end of Document for details)*

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- (e) in any other case, action taken by the authority in the discharge of any of its administrative functions.
- (4) A relevant service is—
- (a) in the case of a listed authority which is a family health service provider in Wales, any of the family health services which the authority had, at the time of the action which is the subject of the complaint, entered into a contract, undertaken, or made arrangements, to provide;
  - (b) in the case of a listed authority which is an independent provider in Wales, any service which the authority had, at that time, made arrangements with a Welsh health service body or a family health service provider in Wales to provide;
  - (c) in the case of a listed authority falling within subsection (3)(c), any service which it was, at that time, the authority's function to provide in the discharge of any of the functions mentioned in that paragraph;
  - (d) in the case of a listed authority falling within subsection (3)(d), any service which it was, at that time, the authority's function to provide in the discharge of any of its specified functions;
  - (e) in any other case, any service which it was, at that time, the authority's function to provide.
- (5) For the purposes of subsections (3)(d) and (4)(d), a listed authority's specified functions are the functions specified in relation to the authority in an order under section 28(2) as falling within the Ombudsman's remit.
- (6) An administrative function which may be discharged by a person who is a member of the administrative staff of a relevant tribunal is to be treated as an administrative function of a listed authority for the purposes of subsection (3) if—
- (a) the person was appointed by the authority, or
  - (b) the person was appointed with the consent of the authority (whether as to remuneration and other terms and conditions of service or otherwise).

#### **Textual Amendments**

- F1** Words in s. 7(1) inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), [Sch. 3 para. 17](#); S.I. 2014/2718, art. 2(b)
- F2** Words in s. 7(3)(b) substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 68](#) (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:**

There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Section 7.