
WELSH STATUTORY INSTRUMENTS

2005 No. 1816

The Social Housing Ombudsman (Wales) Regulations 2005

Grounds on which a matter is excluded from investigation

4.—(1) SHOW may not investigate:

- (a) matters arising in connection with the discharge by a social landlord of any of its functions otherwise than in relation to Wales;
- (b) action taken by the social landlord when that social landlord was not registered;
- (c) matters in respect of a contract of employment between the social landlord and any other person, (but not procedures for recruitment and appointment);
- (d) matters in relation to the determination of the amount of rent; and
- (e) a matter which is the subject of a complaint made against a social landlord to the National Assembly for Wales before these Regulations come into force unless the National Assembly for Wales agree that SHOW may investigate the matter.

(2) SHOW may not investigate a matter where a complainant has or had a remedy by way of proceedings in a court of law, unless SHOW is satisfied that, in the particular circumstances, it is not reasonable to expect the complainant to resort, or to have resorted, to seeking the remedy via a court.

- (a) (3) (a) subject to sub-paragraph (b) SHOW may not investigate a matter unless SHOW is satisfied that:
 - (i) the matter has been brought to the attention of the social landlord to which it relates by or on behalf of the complainant; and
 - (ii) the social landlord has been given a reasonable opportunity to investigate and respond to the complaint in accordance with the social landlord's complaints procedure.
- (b) sub-paragraph (a) does not apply if SHOW is satisfied that it is nevertheless reasonable to investigate the matter in the particular circumstances.

(4) Paragraphs (1) to (3) do not prevent SHOW from investigating action of a social landlord in operating a procedure established to examine complaints or review decisions.