EXPLANATORY NOTES

PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2019

INTRODUCTION

PART 1

Section 1 - Overview

PART 2

Section 2 - The Public Services Ombudsman for Wales

Schedule 1

PART 3

Section 3 - Power to investigate complaints

Section 4 - Power to investigate on own initiative

Section 5 - Criteria for own initiative investigations

Section 6 - Alternative resolution of matters

Section 7 - Who can complain

Section 8 - Requirements: complaints made to the Ombudsman

Section 9 - Requirements: complaints referred to the Ombudsman

Section 10 - Records of complaints

Section 11 - Matters which may be investigated

Section 12 - Exclusion: matters not relating to Wales

Section 13 - Exclusion: other remedies

Section 14 - Other excluded matters

Schedule 2

Section 15: Decisions taken without maladministration

Section 16 - Power to investigate other health-related services

Section 17 - Power to investigate other health-related services

- Section 18 Investigation procedure
- Section 19 Information, documents, evidence and facilities
- Section 20 Obstruction and contempt
- Section 21 Obstruction and contempt: costs recovery
- Section 22 Serving a costs recovery notice
- Section 23 Reports of investigations
- Section 24 Publicising reports
- Section 25 Publicising reports: health care providers
- Section 26 Action following receipt of a report
- Section 27 Reports: alternative procedure
- Section 28 Special reports
- Section 29 Special reports: supplementary
- Section 30 Special reports relating to the Welsh Government and the National Assembly for Wales Commission
- Section 31 Listed authorities
- Schedule 3
- Section 32 Restrictions on power to amend Schedule 3
- Section 33: Provisions in regulations adding persons to Schedule 3
- Section 34 Power to issue guidance
- Section 35 Compensation for the person aggrieved

PART 4

- Section 36 Complaints-handling: statement of principles
- Section 37 Model complaints-handling procedures
- Section 38 Model complaints-handling procedures: specification of listed authorities
- Section 39 Declarations of non-compliance
- Section 40 Submission of complaints-handling procedures: general
- Section 41 Complaints-handling procedures: promotion of best practice etc.

PART 5

Section 42 - Matters to which this Part applies

- Schedule 4
- Section 43 Power to investigate complaints
- Section 44 Power to investigate on own initiative
- Section 45 Criteria for own initiative investigations
- Section 46 Alternative resolution of matters
- Section 47 Who can complain
- Section 48 Requirements: complaints made to the Ombudsman
- Section 49 Requirements: complaints referred to the Ombudsman
- Section 50 Records of complaints
- Section 51 Decisions not to investigate complaints or to discontinue investigations
- Section 52 Investigation procedure
- Section 53 Information, documents, evidence and facilities
- Section 54 Obstruction and contempt
- Section 55 Investigation reports
- Section 56 Further publicity for investigation reports
- Section 57 Action following receipt of investigation reports
- Section 58 Reports: alternative procedure
- Section 59 Circumstances in which special reports may be prepared
- Section 60 Special reports
- Section 61 Further publicity for special reports
- Section 62 Meaning of "care home" and "care home provider"
- Section 63 Meaning of "domiciliary care" and "domiciliary care provider"
- Section 64 Meaning of "palliative care service" and "independent palliative care provider

PART 6

- Section 65 Consultation and co-operation with other ombudsmen
- Section 66 Working jointly with specified persons
- Section 67 Working collaboratively with Commissioners
- Section 68 Working with the Auditor General for Wales

- Section 69 Disclosure of information
- Section 70 Disclosure prejudicial to safety of State or contrary to public interest
- Section 71 Protection from defamation claims

PART 7

- Section 72 Welsh language standards
- Section 73 Review of Act
- Section 74 Investigations commenced before section 3, 4, 43 and 44 come into force
- Section 75 Repeals, savings and consequential amendments
- Section 76 Functions of the Assembly
- Section 77 Commencement
- Section 78 Interpretation
- Section 79 Former health care providers, social landlords, social care providers and palliative care providers: modifications
- Section 80 Consequential, transitional provisions etc.
- Section 81 Regulations and directions
- Section 82 Short title

RECORD OF PROCEEDINGS IN NATIONAL ASSEMBLY FOR WALES