

PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2019

EXPLANATORY NOTES

INTRODUCTION

Part 3

Section 3 - Power to investigate complaints

21. By virtue of section 3(1) the Ombudsman may investigate a complaint relating to a matter if:
 - a) the complaint has been duly made or referred to the Ombudsman, and
 - b) the Ombudsman is entitled to investigate that matter.
22. [Sections 11 to 16](#) set out the matters that the Ombudsman is entitled to investigate.
23. [Section 3\(2\)](#) sets out the requirements which must be met in order for a complaint to be duly made to the Ombudsman. [Section 3\(3\)](#) sets out the requirements which must be met in order for a complaint to be duly referred to the Ombudsman.
24. [Section 3\(4\)](#) enables the Ombudsman to investigate a complaint, even if those requirements have not been met, as long as it is a matter the Ombudsman is entitled to investigate under sections 11 to 16 and the Ombudsman considers it reasonable to do so.
25. [Section 3\(5\)](#) and [\(6\)](#) provide the Ombudsman with a wide discretion as to whether to begin, continue or discontinue an investigation.
26. [Section 3\(7\)](#) makes it clear that the Ombudsman may begin or continue an investigation even if the complaint has been withdrawn. This covers the situation, for example, where a complaint has been made in relation to a listed authority's action which affects more than one person but where the complaint that has been withdrawn was put forward as the 'lead' complaint. In such cases, where the 'lead' complaint has been withdrawn, it will be open to the Ombudsman to begin or to continue an investigation as the Ombudsman sees fit (subject to the restriction in [section 8\(5\)\(a\)](#)).