

# **PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2019**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

#### **Part 3**

#### ***Section 13 - Exclusion: other remedies***

60. In general, the Ombudsman cannot investigate a complaint about a matter if the person aggrieved has (or had) a right of appeal, reference or review (as specified) or a remedy by way of proceedings in a court of law (section 13(1)). However, if the Ombudsman is satisfied that, in the particular circumstances, it is not reasonable to expect the person aggrieved to take up (or to have taken up) that right of appeal, reference, review or remedy, then the exclusion in 13(1) does not apply and the Ombudsman is entitled to investigate the complaint (section 13(2)).
61. **Section 13(3)** provides that, in general, the Ombudsman may not investigate a matter, unless the Ombudsman is satisfied that
- a) the person aggrieved (or someone acting on that person's behalf) has brought the matter to the attention of the listed authority concerned, and
  - b) the listed authority has been given a reasonable opportunity to investigate and respond to the complaint.
62. However, section 13(4) gives the Ombudsman a discretion to investigate a matter, despite the fact that the requirements in subsection (3) have not been met, if the Ombudsman is satisfied that it is reasonable to do so in the particular circumstances.