

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

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

#### **Part 3**

#### ***Section 28 - Special reports***

121. Under section 28, the Ombudsman may issue a special report if the listed authority has failed to take the action required or agreed, in response to: (a) a report made under section 23, (b) a report made under section 27, or (c) the Ombudsman's resolution of a matter.
122. For example, a listed authority may fail to notify the Ombudsman, within one month of receiving a section 23 report, of the action that it has taken or proposes to take in response to the report. In such cases, the Ombudsman may issue a special report (section 28(2)(a)).
123. The Ombudsman may also issue a special report if a listed authority has given the notification under section 26 within the time-scale set out there but the Ombudsman is not satisfied:
  - a) with the action taken or proposed to be taken by the listed authority; or
  - b) with the period within which the listed authority has stated that it will take that action; or
  - c) that the listed authority has taken the action that it stated it would take within the specified period.
124. Where section 28 applies the Ombudsman has a discretion as to whether to issue a special report. If the Ombudsman does so, the special report must set out the facts that entitle the Ombudsman to issue a report of this kind and must make such recommendations as the Ombudsman thinks appropriate with respect to the action the Ombudsman thinks should be taken to remedy or prevent the injustice or hardship and to prevent similar injustice or hardship being caused again (section 28(8)(b)).
125. **Section 28(9)** sets out the persons to whom the Ombudsman is required to send a copy of a special report. The requirement varies according to whether the special report was preceded by a full report under section 23, or by a report made under section 27 or an agreement made following the resolution of a matter.