

PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2019

EXPLANATORY NOTES

INTRODUCTION

Part 5

Section 48 - Requirements: complaints made to the Ombudsman

183. If a person wishes to make a complaint to the Ombudsman, the complaint must satisfy the requirements of section 48(1) (though the Ombudsman has discretion under section 43(7) to investigate matters where these requirements are not met).
184. **Section 48(1)** provides that in order for a complaint to meet the requirements of section 43(4)(c), it must be in a form specified by the Ombudsman and must contain the information specified by the Ombudsman. The complaint must also be made within 1 year of date when the person aggrieved first had notice of the matter which is the subject of the complaint. The form and content will be specified in guidance published by the Ombudsman.
185. **Section 48(4)** provides for circumstances where a complaint is made other than in writing (for example, a complaint made orally or in British Sign Language), Subsections (4) to (7) set out additional requirements for complaints made other than in writing. This includes explaining to the person what it means for a complaint to be duly made (i.e. that when a complaint is duly made, it could lead to the Ombudsman beginning an investigation), and checking with the person whether they wish the complaint to continue to be one that is duly made.
186. If the person does not wish the complaint to be treated as one that is duly made, then the Ombudsman cannot begin a section 43 investigation into the matter (but if the Ombudsman has already begun an investigation into the matter and the person subsequently withdraws the oral complaint, the Ombudsman has discretion as to whether to continue the investigation).
187. Where a person has confirmed that they do not wish a complaint to continue to be treated as duly made the Ombudsman can nonetheless investigate the matter under the own initiative power in section 44 if the requirements of that section are met.