

Public Services Ombudsman (Wales) Act 2019

2019 anaw 3

PART 3

INVESTIGATIONS

Special reports

28 Special reports

- (1) The Ombudsman may prepare a report under this section (a “special report”) if subsection (2), (4) or (6) applies.
- (2) This subsection applies if, in a report under section 23, the Ombudsman has concluded that any person has sustained, or is likely to sustain, injustice or hardship in consequence of the matter investigated, and—
 - (a) the Ombudsman has not received the notification required under section 26 before the end of the period permitted under that section,
 - (b) the Ombudsman has received that notification but is not satisfied with—
 - (i) the action which the listed authority has taken or proposes to take, or
 - (ii) the period before the end of which it proposes to have taken that action, or
 - (c) the Ombudsman has received that notification but is not satisfied that the listed authority has, before the end of the permitted period, taken the action it proposed to take.
- (3) The permitted period for the purposes of subsection (2)(c) is—
 - (a) the period referred to in section 26(2)(b), or
 - (b) any longer period specified by the Ombudsman in writing.
- (4) This subsection applies if the Ombudsman—
 - (a) has prepared a report under section 27(2), and

Changes to legislation: Public Services Ombudsman (Wales) Act 2019, Cross Heading: Special reports is up to date with all changes known to be in force on or before 12 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) is not satisfied that the listed authority has implemented the Ombudsman's recommendations before the end of the permitted period.
- (5) The permitted period for the purposes of subsection (4)(b) is—
- (a) the period referred to in section 27(2)(b), or
 - (b) any longer period specified by the Ombudsman in writing.
- (6) This subsection applies if—
- (a) a matter which the Ombudsman is entitled to investigate has been resolved,
 - (b) in resolving the matter, the Ombudsman has concluded that any person has sustained, or is likely to sustain, injustice or hardship in consequence of the matter,
 - (c) the listed authority has agreed to take particular action before the end of a particular period, and
 - (d) the Ombudsman is not satisfied that the listed authority has taken that action before the end of the permitted period.
- (7) The permitted period for the purposes of subsection (6)(d) is—
- (a) the period referred to in subsection (6)(c), or
 - (b) any longer period specified by the Ombudsman in writing.
- (8) A special report must—
- (a) set out the facts on the basis of which subsection (2), (4) or (6) applies, and
 - (b) make such recommendations as the Ombudsman thinks fit with respect to the action which, in the Ombudsman's opinion, should be taken—
 - (i) to remedy or prevent the injustice or hardship to the person, and
 - (ii) to prevent similar injustice or hardship being caused to any person in the future.
- (9) The Ombudsman must send a copy of a special report—
- (a) if the special report is prepared because subsection (2) applies, to each person to whom a copy of the report under section 23 was sent under section 23(1)(b);
 - (b) if the special report is prepared because subsection (4) or (6) applies—
 - (i) to the person who made the complaint, if the investigation relates to a complaint;
 - (ii) to the listed authority in respect of which the report was made.
- (10) The Ombudsman may send a copy of a special report to any other persons the Ombudsman thinks appropriate.

Commencement Information

II S. 28 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

29 Special reports: supplementary

- (1) The Ombudsman may—
- (a) publish a special report made under section 28;
 - (b) supply a copy of the published report or any part of it to any person who requests it.

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- (2) The Ombudsman may charge a reasonable fee for supplying a copy of a report (or part of a report) under subsection (1)(b).
- (3) The listed authority in respect of which a special report is made must reimburse the Ombudsman for the cost of publishing a special report if requested to do so by the Ombudsman.
- (4) If a special report—
- (a) mentions the name of any person other than the listed authority in respect of which the report was made, or
 - (b) includes any particulars which, in the opinion of the Ombudsman, are likely to identify any such person and which, in the Ombudsman's opinion, can be omitted without impairing the effectiveness of the report,
- that information must not be included in a version of the report sent to a person under section 28(9) or (10) or published under subsection (1) of this section, subject to subsection (5).
- (5) Subsection (4) does not apply in relation to a version of the special report if, after taking account of the interests of any person aggrieved and any other persons the Ombudsman thinks appropriate, the Ombudsman considers it to be in the public interest to include that information in that version of the special report.
- (6) Sections 24 and 25 (publicising reports under section 23) apply in relation to a special report under section 28 as they apply in relation to a report under section 23.

Commencement Information

I2 S. 29 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

30 Special reports relating to the Welsh Government and the National Assembly for Wales Commission

- (1) This section applies if a special report is made in a case where the investigation was made in respect of the Welsh Government or the National Assembly for Wales Commission.
- (2) The relevant person must lay a copy of the report before the Assembly.
- (3) In subsection (2) “the relevant person” means—
- (a) if the investigation was made in respect of the Welsh Government, the First Minister for Wales, and
 - (b) if the investigation was made in respect of the National Assembly for Wales Commission, a member of that Commission.

Commencement Information

I3 S. 30 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16(4)(a) omitted by [2020 asc 1 Sch. 3 para. 17\(2\)\(a\)](#)
- s. 16(4)(e) omitted by [2020 asc 1 Sch. 3 para. 17\(2\)\(b\)](#)
- s. 16(4)(ia) inserted by [2020 asc 1 Sch. 3 para. 17\(2\)\(c\)](#)