



Public Services Ombudsman (Wales) Act 2019

2019 anaw 3

PART 6

INVESTIGATIONS: SUPPLEMENTARY

Consultation and co-operation

65 Consultation and co-operation with other ombudsmen

- (1) This section applies if, in making a decision under section 3(5), 4(3)(a), 43(8), 44(4) (a) or in conducting an investigation under Part 3 or 5, the Ombudsman forms the opinion that a matter which is the subject of the complaint or investigation could be the subject of an investigation by an ombudsman mentioned in subsection (7).
- (2) The Ombudsman must consult that ombudsman about the matter.
- (3) The Ombudsman may co-operate with that ombudsman in relation to the matter.
- (4) Consultation under subsection (2), and co-operation under subsection (3), may extend to anything relating to a matter which is the subject of the complaint or investigation, including (among other things)—
 - (a) the conduct of an investigation into the complaint, and
 - (b) the form, content and publication of a report of the investigation.
- (5) If the Ombudsman consults an ombudsman about a matter under subsection (2), the Ombudsman and that ombudsman may—
 - (a) conduct a joint investigation into the matter,
 - (b) prepare a joint report in relation to the investigation, and
 - (c) publish the joint report.
- (6) Subsection (5) does not apply if the ombudsman consulted under subsection (2) is the Scottish Public Services Ombudsman.

Changes to legislation: Public Services Ombudsman (Wales) Act 2019, Cross Heading: Consultation and co-operation is up to date with all changes known to be in force on or before 11 April 2024. 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

- (7) The ombudsmen referred to in subsection (1) are—
- (a) the Parliamentary Commissioner for Administration;
 - (b) the Health Service Commissioner for England;
 - (c) a Local Commissioner;
 - (d) the Scottish Public Services Ombudsman;
 - (e) a housing ombudsman appointed in accordance with a scheme approved under section 51 of the Housing Act 1996 (c.52).
- (8) The Welsh Ministers may by regulations amend subsection (7) by—
- (a) adding a person,
 - (b) omitting a person, or
 - (c) changing the description of a person.
- (9) Regulations under subsection (8) may add a person to subsection (7) only if the person appears to the Welsh Ministers to have functions relating to the investigation of complaints.
- (10) No regulations are to be made under subsection (8) unless a draft of the statutory instrument containing them has been laid before and approved by a resolution of the Assembly.

Commencement Information

II S. 65 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

66 Working jointly with specified persons

- (1) This section applies if it appears to the Ombudsman that—
- (a) there is a matter which the Ombudsman is entitled to investigate, and
 - (b) the matter is one which could also be the subject of an investigation by a person specified in subsection (2) (“specified person”).
- (2) The following are specified persons—
- (a) the Children's Commissioner for Wales;
 - (b) the Commissioner for Older People in Wales;
 - (c) the Future Generations Commissioner for Wales;
 - (d) the Welsh Language Commissioner;
 - (e) where the matter relates to health or social care, the Welsh Ministers.
- (3) Subject to subsection (4), where the Ombudsman considers it appropriate, the Ombudsman must—
- (a) inform the relevant specified person about the matter, and
 - (b) consult the specified person in relation to it.
- (4) Where the Ombudsman investigates the matter under section 4 or 44, the Ombudsman must—
- (a) inform the relevant specified person about the matter, and
 - (b) where the Ombudsman considers it appropriate, consult the specified person in relation to it.

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- (5) Where the Ombudsman consults a specified person under this section, the Ombudsman and the specified person may—
 - (a) co-operate with each other in relation to the matter,
 - (b) conduct a joint investigation into the matter, and
 - (c) prepare and publish a joint report in relation to the investigation.
- (6) The Welsh Ministers may by regulations amend subsection (2) by—
 - (a) adding or removing a specified person to or from the list, or
 - (b) varying a reference to a type or description of specified person for the time being contained in that subsection.
- (7) No regulations are to be made under subsection (6) unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, the Assembly.

Commencement Information

I2 S. 66 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

67 Working collaboratively with Commissioners

- (1) This section applies if it appears to the Ombudsman that—
 - (a) a complaint, or
 - (b) a matter the Ombudsman is considering investigating under section 4 or 44, relates to or raises a matter which could be the subject of an investigation by the Children's Commissioner for Wales, the Commissioner for Older People in Wales or the Welsh Language Commissioner (the “connected matter”).
- (2) If the Ombudsman considers it appropriate, the Ombudsman must inform the relevant Commissioner about the connected matter.
- (3) If the Ombudsman considers that the matter is a matter into which the Ombudsman is entitled to conduct an investigation (the “Ombudsman matter”), the Ombudsman must also, if the Ombudsman considers it appropriate—
 - (a) inform the relevant Commissioner about the Ombudsman's proposals for conducting an investigation, and
 - (b) consult the relevant Commissioner about those proposals.
- (4) If the Ombudsman and the relevant Commissioner consider that they are entitled to investigate, respectively, the Ombudsman matter and the connected matter, they may—
 - (a) co-operate with each other in the separate investigation of each of those matters,
 - (b) act together in the investigation of those matters, and
 - (c) prepare and publish a joint report containing their respective conclusions in relation to the matters they have each investigated.
- (5) If the Ombudsman considers—
 - (a) that the matter is not a matter into which the Ombudsman is entitled to conduct an investigation, and
 - (b) that it is appropriate to do so,

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the Ombudsman must inform the person who initiated the complaint (if any) about how to secure the referral of the connected matter to the relevant Commissioner.

Commencement Information

I3 S. 67 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

68 Working with the Auditor General for Wales

- (1) If the Ombudsman considers it appropriate, the Ombudsman must—
- (a) inform the Auditor General for Wales about the Ombudsman's proposals for conducting an investigation, and
 - (b) consult the Auditor General for Wales with regard to the most effective way of conducting an investigation.
- (2) If the Ombudsman consults the Auditor General for Wales under this section, the Ombudsman and the Auditor General for Wales may—
- (a) co-operate with each other in relation to the matter to which the investigation relates,
 - (b) conduct a joint investigation into the matter, and
 - (c) prepare and publish a joint report in relation to the investigation.

Commencement Information

I4 S. 68 in force at 23.7.2019 by S.I. 2019/1096, reg. 2

Changes to legislation:

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[View outstanding changes](#)

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

- Act modified by [2023 asc 3 Sch. 2 para. 6](#)
- Act modified by [2023 asc 3 Sch. 12 para. 7\(2\)](#)

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

- s. 65(7)(f) inserted by [2022 c. 30 Sch. 10 para. 6\(2\)\(a\)](#) (Welsh language text)
- s. 65(7)(f) inserted by [2022 c. 30 Sch. 10 para. 6\(2\)\(b\)](#) (English language text)