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, Section 28 is up to date with all changes known to be in force on or before 07 September 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*

(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

I1 S. 28 in force at 23.7.2019 by S.I. 2019/1096, **reg. 2**

Changes to legislation:
Public Services Ombudsman (Wales) Act 2019, Section 28 is up to date with all changes known to be in force on or before 07 September 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.
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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)