



Public Services Ombudsman (Wales) Act 2019

2019 anaw 3

PART 4

LISTED AUTHORITIES: COMPLAINTS-HANDLING PROCEDURES

39 Declarations of non-compliance

- (1) Where a model CHP is relevant to a listed authority by virtue of a specification under section 38(1), the Ombudsman may declare that the complaints-handling procedure of the authority does not comply with the model CHP.
- (2) Where there is no specification under section 38(1) in relation to a listed authority the Ombudsman may declare that the complaints-handling procedure of the authority does not comply with the statement of principles.
- (3) The Ombudsman must publish a declaration under subsection (1) or (2) on the Ombudsman's website.
- (4) Before publishing a declaration under subsection (3), the Ombudsman must notify the listed authority to which the declaration relates—
 - (a) that the Ombudsman will make a declaration, including the Ombudsman's reasons for making the declaration;
 - (b) of any modifications to the complaints-handling procedure that would result in the declaration being withdrawn.
- (5) Where a declaration is made under subsection (1) or (2), the listed authority must revise its complaints-handling procedure and submit it to the Ombudsman, having taken account of the reasons given under subsection (4)(a) and any modifications specified in subsection (4)(b), within two months beginning with the day the declaration is published under subsection (3).
- (6) The Ombudsman may withdraw a declaration of non-compliance made under subsection (1) or (2) at any time if the Ombudsman thinks fit.

Status: This is the original version (as it was originally enacted).

- (7) Where the Ombudsman withdraws a declaration under subsection (6)—
- (a) the Ombudsman must immediately—
 - (i) notify the listed authority to which the declaration relates that the declaration has been withdrawn, including the reasons why the declaration has been withdrawn, and
 - (ii) update the declaration published under subsection (3) to reflect that the declaration has been withdrawn, including the reasons why the declaration has been withdrawn;
 - (b) the duty in subsection (5) ceases to apply to the listed authority, in so far as the duty arises in relation to the withdrawn declaration, as soon as the Ombudsman withdraws the declaration.