

PUBLIC SERVICES OMBUDSMAN (WALES) ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 2: Excluded Matters

Special reports

Section 22: Special reports

71. Under section 22, the Ombudsman may issue a special report if the listed authority has failed to take the steps required in response to a report made under section 16 (full reports), a report made under section 21 (alternative procedure reports) or following a resolution of the complaint under section 3. For example, a listed authority may fail to notify the Ombudsman, within one month of receiving a section 16 report, of the action that it has taken or proposes to take in response to the report. In such cases, the Ombudsman may issue a special report (section 22(2)(a)). The Ombudsman may also, for example, issue a special report if a listed authority has given the notification under section 19 within the time-scale set out there but the Ombudsman is not satisfied:
- a) with the action taken or proposed by the listed authority; or
 - b) with the period within which the listed authority has stated that it will take that action; or
 - c) that the listed authority has taken the action that it stated that it would take within the specified period.
72. The Ombudsman may make whatever recommendations he thinks appropriate in a special report with respect to the action he/she thinks should be taken to remedy the injustice or hardship suffered by the person aggrieved and to prevent similar injustice or hardship being caused again (section 22(8)(b)).
73. **Section 22(9)** sets out to whom the Ombudsman is required to send a copy of a special report. The requirement depends on whether the original report was a full report under section 16, a report made under section 21 (alternative procedure reports) or a statement made following a resolution of the complaint under section 3.

Section 23: Special reports: supplementary

74. **Section 23** makes further provision with regard to special reports. In particular, a special report is subject to the same restrictions with respect of naming or identifying individuals as a report under section 16 (section 23(4) and (5)) and section 23(7) applies sections 17 and 18 (requirements as to publicising reports) to special reports.

Section 24: Special reports relating to the Assembly

75. A special report relating to a complaint against the Assembly must be laid before the Assembly by the First Minister and, unless action to the satisfaction of the Ombudsman has been taken or proposed, then the First Minister must give the Assembly notice of his intention to table a motion asking the Assembly to approve the Ombudsman's recommendations as contained in the special report. The First Minister is able to delegate this function to, for example, another Assembly Minister, under section 62(5) GOWA.
76. [Section 24\(3\)](#) requires that the Assembly's standing orders must include provision for any such motion to be moved as soon as reasonably practicable except in cases where action to the satisfaction of the Ombudsman is taken or proposed.