



# Public Services Ombudsman (Wales) Act 2005

## 2005 CHAPTER 10

### [<sup>F1</sup>PART 2A

#### INVESTIGATION OF COMPLAINTS RELATING TO OTHER PERSONS: SOCIAL CARE AND PALLIATIVE CARE

#### *[<sup>F1</sup>Reports about investigations*

##### Textual Amendments

**F1** Pts. 2A, 2B inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), [Sch. 3 para. 2](#) (with [Sch. 3 para. 3](#)); S.I. 2014/2718, art. 2(b)

### **34K** Investigation reports

- (1) This section applies to investigations under this Part unless section 34N applies.
- (2) The Ombudsman must, after conducting an investigation into a complaint about a matter to which this Part applies—
  - (a) prepare a report on the findings of the investigation (“an investigation report”), and
  - (b) send a copy of the report to the appropriate persons.
- (3) The appropriate persons are—
  - (a) the person who made the complaint,
  - (b) the provider to whom it relates,
  - (c) any other person who is alleged in the complaint to have taken or authorised the action complained of, and
  - (d) the Welsh Ministers.

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*Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Reports about investigations. (See end of Document for details)*

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- (4) The Ombudsman may also send a copy of the report to any other persons he or she thinks appropriate.
- (5) The Ombudsman may publish the report if, after taking account of the interests of the person aggrieved and any other persons the Ombudsman thinks appropriate, he or she considers that it would be in the public interest to do so.
- (6) The Ombudsman may supply a copy of the published report, or part of that report, to any person who requests it.
- (7) The Ombudsman may charge a reasonable fee for supplying a copy of a report, or part of a report, under subsection (6).
- (8) The following information must not be included in a version of a report sent to a person under subsection (3)(b) or (c) or (4) or published under subsection (5)—
  - (a) the name of a person other than the provider to whom the complaint relates;
  - (b) information which, in the opinion of the Ombudsman, is likely to identify such a person and which, in the Ombudsman's opinion, can be omitted without impairing the effectiveness of the report.
- (9) Subsection (8) does not apply if, after taking account of the interests of the person aggrieved and any other persons the Ombudsman thinks appropriate, the Ombudsman considers that it would be in the public interest to include that information in that version of the report.

#### **34L Further publicity for investigation reports**

- (1) The Ombudsman may arrange for a notice about an investigation report to be published—
  - (a) in one or more newspapers, or
  - (b) by means of broadcast or other electronic media.
- (2) The notice may, for example—
  - (a) provide a summary of the Ombudsman's findings,
  - (b) specify an address or addresses at which a copy of the published report can be inspected during ordinary office hours and from which a copy of that report (or part of that report) may be obtained, and
  - (c) specify a website address at which a copy of the published report can be viewed.
- (3) The provider to whom the report relates must, if required to do so by the Ombudsman, reimburse the Ombudsman for the reasonable costs of arranging the publication of the notice.
- (4) In deciding whether it is appropriate to make arrangements under subsection (1), the Ombudsman must take into account—
  - (a) the public interest,
  - (b) the interests of the person aggrieved, and
  - (c) the interests of any other persons the Ombudsman thinks appropriate.

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### **34M Action following receipt of investigation reports**

- (1) This section applies where the Ombudsman has concluded in an investigation report that the person aggrieved has sustained injustice or hardship as a result of the matter investigated.
- (2) The provider to whom the matter relates must consider the report and notify the Ombudsman before the end of the permitted period of—
  - (a) the action the provider has taken or proposes to take in response to the report, and
  - (b) the period before the end of which the provider proposes to take that action (if that action has not already been taken).
- (3) In subsection (2) “the permitted period” means—
  - (a) the period of one month beginning on the date on which the authority receives the report, or
  - (b) a longer period specified by the Ombudsman in writing (if any).

### **34N Reports: alternative procedure**

- (1) This section applies if, after the Ombudsman has conducted an investigation under this Part—
  - (a) the Ombudsman concludes that the person aggrieved has not sustained injustice or hardship as a result of the matter complained of, and
  - (b) the Ombudsman is satisfied that the public interest does not require sections 34K to 34M to apply.
- (2) This section also applies if, after the Ombudsman has conducted an investigation under this Part—
  - (a) the Ombudsman concludes that the person aggrieved has sustained injustice or hardship as a result of the matter complained of,
  - (b) the provider to whom the complaint relates agrees to implement, before the end of the permitted period, any recommendations that the Ombudsman makes, and
  - (c) the Ombudsman is satisfied that the public interest does not require sections 34K to 34M to apply.
- (3) In subsection (2)(b) “the permitted period” means—
  - (a) a period agreed between the Ombudsman, the provider and the person who made the complaint, or
  - (b) if the Ombudsman thinks that no such agreement can be reached, a period specified by him or her in writing.
- (4) The Ombudsman may decide to prepare a report on his or her findings under this section, rather than under section 34K; and if the Ombudsman decides to do so, sections 34K to 34M do not apply.
- (5) If a report is prepared under this section, the Ombudsman—
  - (a) must send a copy of the report to the person who made the complaint and the provider to whom the complaint relates, and
  - (b) may send a copy of the report to any other persons he or she thinks appropriate.

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**Changes to legislation:** *There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Reports about investigations. (See end of Document for details)*

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- (6) The Ombudsman may publish the report if, after taking account of the interests of the persons aggrieved and any other persons the Ombudsman thinks appropriate, he or she considers it to be in the public interest to do so.
- (7) The Ombudsman may supply a copy of a report published under subsection (6), or a part of that report, to any person who requests it.
- (8) The Ombudsman may charge a reasonable fee for supplying a copy of a report, or part of a report, under subsection (7).
- (9) The following information must not be included in a version of the report sent to a person under subsection (5) or published under subsection (6)—
  - (a) the name of a person other than the provider to whom the complaint relates;
  - (b) information which, in the opinion of the Ombudsman, is likely to identify such a person and which, in the Ombudsman's opinion, can be omitted without impairing the effectiveness of the report.
- (10) Subsection (9) does not apply if, after taking account of the interests of the person aggrieved and any other persons the Ombudsman thinks appropriate, the Ombudsman considers that it would be in the public interest to include that information in that version of the report.]

**Changes to legislation:**

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