

CSO(2)-07-06 (p7) Annex 1

Public Services Ombudsman (Wales) Act 2005

The Public Services Ombudsman (Wales) Act 2005 makes provision for the Ombudsman to investigate those matters that were formerly investigated by the Welsh Administration Ombudsman, the Local Commissioner for Wales, the Health Service Commissioner for Wales and the Social Housing Ombudsman for Wales. The Ombudsman's duties include responsibility for investigating maladministration and service failure by listed authorities (including the Assembly).

Once an investigation has been completed, the Ombudsman must prepare a report on his / her findings either under sections 16-19 of the Act (full reports) or under section 21 of the Act (alternative reports).

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 full report, an alternative report 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:

with the action taken or proposed by the listed authority; or

with the period within which the listed authority has stated that it will take that action; or

that the listed authority has taken the action that it stated that it would take within the specified period.

The Ombudsman may make whatever recommendations he/she 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)).

Under Section 24, 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.

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 has been taken or proposed.