

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

<b>Standing Order 23 - Complaints Procedures</b>	Title probably needs to change.
<b>Internal Procedures for Considering Complaints</b>	
<p>23.1 The Permanent Secretary shall ensure that procedures are in place so that:</p> <p>(i) complaints about the Assembly's actions or omissions are acknowledged and properly investigated; and</p> <p>(ii) complainants are kept informed about the progress of investigations and replied to, with remedies provided as appropriate.</p>	<p>23.1 and 23.2 meet an obligation under section 70 of the Government of Wales Act 1998. The Government of Wales Bill does not replicate these provisions.</p> <p>Procedures for complaints will be matters for the Assembly Government and the National Assembly for Wales Commission, and in the case of the latter, it will be for the Commission to determine appropriate procedures, and we do not consider it necessary to include such provision in Standing Orders.</p> <p>Q. Do Members agree, and that 23.1 and 23.2 can be deleted?</p>
<p>23.2 The Permanent Secretary shall arrange for the publication of these procedures.</p>	See above.
<b>Procedures for Consideration of Reports under the Act and Health Service Commissioner Act 1993 ("the 1993 Act")</b>	23.3 – 23.11 are transitional provisions to cover events that occurred before 1 April 2006.
<p>23.3 Standing Orders 23.4 to 23.11 shall apply in respect of investigations by the Public Services Ombudsman under the Act and the 1993 Act.</p>	Will need amending to reflect any Standing Orders that need to be deleted.

<p>23.4 When the Ombudsman proposes to investigate a complaint about action taken by the Assembly, and has given the Assembly the opportunity to comment on any allegations contained in the complaint, the Permanent Secretary shall be responsible for communicating the Assembly's comments to the Ombudsman.</p>	<p>For the reasons identified in 23.1 above, 23.4 can be deleted.</p> <p>Q: Do Members agree?</p>
<p>23.5 The Permanent Secretary shall ensure that information or documents which the Ombudsman requires for his or her investigations are produced.</p>	<p>Delete for the same reasons as specified in 23.1.</p> <p>Q: Do Members agree?</p>
<p>23.6 Within 5 working days of receiving a report of the results of an investigation by the Ombudsman the First Minister shall send a copy to the appropriate Minister.</p>	<p>Delete for the same reasons as specified in 23.1.</p> <p>Q: Do Members agree?</p>
<p>23.7 Where the report states that the complainant has suffered injustice or hardship as a result of maladministration, the Minister shall, normally within 20 working days of receiving the report, submit it to the relevant Subject Committee together with a proposed response to the report setting out the action taken or proposed to be taken.</p>	<p>Will need to be amended to reflect views of Members on how the Ombudsman should engage with the Assembly and decisions taken on committee structure.</p> <p>Q: Do Members agree?</p>
<p>23.8 Following the Subject Committee's consideration of the proposed response, but not later than 20 working days after the Committee received it, the Minister shall submit it, with or without amendments, to the First Minister who shall notify the Ombudsman of the action taken or proposed.</p>	<p>Retention is linked to 23.7.</p>
<p>23.9 If the Ombudsman prepares a further report about the matter, the First Minister shall as soon as possible lay a copy of the report before the Assembly and also lay before it a response which either:</p> <p>(i) records the action which has been taken or proposed to the satisfaction of the Ombudsman following the receipt of the further report; or</p> <p>(ii) records his or her intent to propose that the Assembly approve the recommendations</p>	<p>Retention is linked to 23.7.</p>

<p>specified in the further report.</p>	
<p>23.10 Any motion under Standing Order 23.9(ii) of which notice has been given shall be put before the Assembly as soon as reasonably practicable. The First Minister shall notify the Ombudsman of the Assembly's decision on that motion.</p>	<p>Retention is linked to 23.7.</p>
<p>23.11 Where a report or further report relates to a matter within the responsibility of the House Committee, the provisions in this Standing Order which relate to the involvement of Ministers (other than the First Minister) and of Subject Committees shall, so far as appropriate, not apply, but the chair of the House Committee shall make appropriate arrangements with the First Minister for the report to be considered by that Committee and for its response to be sent to the First Minister.</p>	<p>Retention is linked to 23.7 etc. Given that these are transitional provisions, appropriate amendments may be required to reflect any role for the former House Committee, decisions on committee structure and to refer to the role of the new Assembly Commission.</p>
<p><b>Procedures for Consideration of Reports under the Public Services Ombudsman (Wales) Act 2005 ("the 2005 Act")</b></p>	<p>23.12 – 23.17 introduced to reflect, in particular, statutory obligations under section 24 of the 2005 Act.</p>
<p>23.12 Standing Orders 23.13 to 23.17 shall apply in respect of investigations by the Public Services Ombudsman under the 2005 Act.</p>	<p>Will need amending to reflect any Standing Orders that need to be deleted.</p>
<p>23.13 When the Ombudsman proposes to investigate a complaint about action taken by the Assembly, and has given the Assembly the opportunity to comment on any allegations contained in the complaint, the Permanent Secretary shall be responsible for communicating the Assembly's comments to the Ombudsman.</p>	<p>Delete – same arguments as for 23.1 apply.  Q: Do Members agree?</p>
<p>23.14 The Permanent Secretary shall ensure that information or documents which the Ombudsman requires for his or her investigations are produced.</p>	<p>Delete – same arguments as for 23.1 apply.  Q: Do Members agree?</p>

<p>23.15 If the Ombudsman prepares a special report under section 24 of the 2005 Act, the First Minister shall:</p> <p>(i) lay a copy of the special report before the Assembly, and</p> <p>(ii) unless action to the satisfaction to the Ombudsman has been taken or proposed, give the Assembly notice of his or her intention to move that the Assembly resolve to approve the recommendations contained in the special report.</p>	<p>Retain, requirement of 2005 Act.</p>
<p>23.16 Any motion under Standing Order 23.15 of which notice has been given shall be moved by the Assembly as soon as reasonably practicable.</p>	<p>Retain, requirement of 2005 Act.</p>
<p>23.17 Where a special report relates to a matter within the responsibility of the House Committee, the chair of the House Committee shall make appropriate arrangements with the First Minister for the report to be considered by that Committee and for its response to be sent to the First Minister.</p>	<p>Replace House Committee with Assembly Commission.</p>