

Nick Bennett
Public Services Ombudsman for Wales

26 July 2017

Dear Nick,

DRAFT PUBLIC SERVICES OMBUDSMAN (WALES) BILL

Thank you for responding to the Committee's queries on the provisions of the draft Bill and for the additional information and clarification officials provided in relation to the Explanatory Memorandum.

Following further discussion, the Committee has agreed the following changes to the draft Bill:

- specifying the criteria for own initiative investigations under sections 5 and 45 on the face of the Bill (using the criteria set out in your letter of 7 June 2017) with a regulation making power for Welsh Ministers to amend the criteria (subject to the affirmative procedure);
- limiting the discretion in section 16(2) so that an investigation proposal does not have to be prepared in limited circumstances (i.e. no investigation proposal is needed when a new own initiative investigation has a substantial connection to any previous investigation);
- placing the duty to review the operation of the Act in section 72 on the Assembly, rather than on Welsh Ministers, and allowing a review to take place at any time;
- re-drafting the consequential amendments in Schedule 5 to simplify and clarify the provisions around joint and collaborative working, including a new consequential amendment to the Well-being of Future Generations (Wales) Act 2015 to clarify that the Ombudsman and the Future Generations Commissioner can work jointly;
- amending section 65 to require the Ombudsman to consult and inform any commissioner/statutory adviser created by the Assembly in future; and
- clarifying that your appointment and remuneration would continue seamlessly upon the Bill becoming an Act.



We have also taken the opportunity to tidy up the drafting of the Bill in places, including moving one section. None of these changes has any effect on the policy intent or the substance of the Bill. A revised version of the Bill is attached at Annex A. I also enclose an updated version of the accompanying Explanatory Memorandum (Annex B).

I am pleased to advise you that we are currently working towards an introduction date of Monday 2 October 2017. However, this is subject to change.

On introduction, the Assembly's Business Committee will remit the Bill to another Assembly committee to scrutinise its general principles and it is likely that you will be required to provide evidence to that Committee.

Yours sincerely



Simon Thomas AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

