

Adrian Crompton
Auditor General for Wales

16 January 2019

Dear Adrian,

PUBLIC SERVICES OMBUDSMAN (WALES) BILL – STAGE 2 AMENDMENTS

I am writing to update you on amendments to the Bill that I will be tabling at Stage 2 that will be of particular interest to you.

Paragraph 17 (audit) of Schedule 1 to the Bill as introduced copied paragraph 17 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2005. I propose to table amendments to paragraph 17 that will have the following effect:

The four-month deadline in paragraph 17 will remain the default deadline, but you will have flexibility to submit a copy of the certified accounts and report after that deadline where it is not reasonably practicable to meet that deadline. Where it is not reasonably practicable to meet that deadline, you will be required to:

- lay before the Assembly a statement explaining why it was not reasonably practicable to meet the four-month deadline (this explanation must be laid before that deadline), and
- lay a copy of the certified accounts and report as soon as reasonably practicable after the deadline.

In examining the Ombudsman's accounts, in addition to being satisfied that the expenditure has been lawful, you will be required to be satisfied that the Ombudsman has made appropriate arrangements for the economic, efficient and effective use of resources.



The Wales Audit Office will be removed as a listed authority in Schedule 3.

A new section 67B will be inserted into the Public Audit (Wales) Act 2004, providing you and the Wales Audit Office with express protection from defamation claims in respect of communications between you or the Wales Audit Office and the Ombudsman, where the communication relates to a joint investigation conducted by you and the Ombudsman under the Bill.

Section 68(2) of the Bill will be amended to allow relevant information to be disclosed for the purpose of any of your functions.

For each of the above, I attach a copy of the amendments I propose to table.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Llyr', is centered on a light cream-colored rectangular background.

Llyr Gruffydd AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Annex

Schedule 1, page 62, leave out lines 32 to 38 and insert—

‘(b) subject to sub-paragraph (3), no later than four months after the accounts are so submitted, lay before the Assembly a copy of them as certified by the Auditor General for Wales together with the Auditor General for Wales’s report on them (“a copy of the certified accounts and report”).

(3) The Auditor General for Wales may lay a copy of the certified accounts and report before the Assembly after the four-month deadline mentioned in sub-paragraph (2)(b) where it is not reasonably practicable for the Auditor General for Wales to meet that deadline.

(4) Where sub-paragraph (3) applies, the Auditor General for Wales must—

(a) before the four-month deadline mentioned in sub-paragraph (2)(b), lay before the Assembly a statement explaining why it is not reasonably practicable for the Auditor General for Wales to lay a copy of the certified accounts and report before the Assembly before that deadline, and

(b) lay a copy of the certified accounts and report before the Assembly as soon as reasonably practicable after that deadline.

(5) In examining accounts submitted to the Auditor General for Wales under this paragraph the Auditor General for Wales must, in particular, be satisfied that—

(a) the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it, and

(b) the Ombudsman has made appropriate arrangements for the economic, efficient and effective use of the Ombudsman’s resources.’.

Schedule 3, page 69, leave out line 7.



Schedule 5, page 71, after line 32, insert—

‘Public Audit (Wales) Act 2004 (c.23)

[] Insert new section 67B—

“67B Protection from defamation claims

For the purposes of the law of defamation, the publication in a communication between the Auditor General for Wales or the Wales Audit Office and the Public Services Ombudsman for Wales of a matter in connection with a joint investigation conducted under section 67(2) of the Public Services Ombudsman (Wales) Act 2019, is absolutely privileged.”.

Section 68, page 45, after line 24, insert—

‘() for the purpose of any function of the Auditor General for Wales;’.

