

Llyr Gruffydd
Chair of the Finance Committee
[by e-mail]

24 January 2019

Dear Llyr

Further to your letter to the Llywydd of 16 January regarding your proposed Stage 2 amendment to the Public Services Ombudsman (Wales) Bill (the Bill), I wanted to give you notice of some additional proposed amendments which I would like to discuss with you when we meet next week.

The Public Services Ombudsman (Wales) Act 2005 governs the office of the Ombudsman. Under that Act, the Assembly is required to nominate an Ombudsman for appointment by HM The Queen. However, the legislation is not explicit in specifying that the Assembly is responsible for setting the Ombudsman's salary or other terms of appointment, nor does it expressly confirm that the Assembly is required to make arrangements for the recruitment of an Ombudsman.

It is, of course, arguable that the Assembly's obligations to arrange to recruit an Ombudsman, and to set the salary and terms, can be inferred from the requirements in the Act. However, Commission lawyers have advised me that the inclusion of express provision to this effect in the Bill would clarify the extent of the Assembly's responsibilities in the appointment process. The advice is that the proposed amendment should also give the Assembly an express power to delegate the function. Delegation is useful for reasons of efficiency. Assuming the Bill is passed by the Assembly, the inclusion of these amendments would also harmonise the arrangements for the appointment of the Ombudsman with those of the Auditor General for Wales.



I understand that it will be too late to bring forward these amendments for Stage 2 consideration, and I am advised that the further amendments I am proposing may have implications for some amendments which you have already tabled, specifically numbers 128 and 171. These deal with the Assembly's functions relating to a review of the provisions of the Bill, once passed, and its oversight of the restrictions imposed on former Ombudsmen relating to certain public offices. Therefore, it would be most helpful to explore these issues with you at our meeting on Tuesday 29 January so that you are fully appraised before Stage 2 proceedings conclude and with a view to amending the Bill at Stage 3.

Yours sincerely

Manon Antoniazzi

Prif Weithredwr a Chlerc/Chief Executive and Clerk

Cynulliad Cenedlaethol Cymru/National Assembly for Wales

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.

