



Accountability of the Ombudsman Factsheet

Introduction

The terms of the Ombudsman's appointment and statutory functions are set out in the Public Services Ombudsman (Wales) Act 2005 ("the PSOW Act").

Appointment

The Ombudsman is appointed by the Queen on the recommendation of the National Assembly for Wales. The appointment is for a period of seven years and a person who is appointed is not eligible for re-appointment to the office of Ombudsman. The Ombudsman may be relieved of office if the National Assembly for Wales recommends this to the Queen.

Accountability

The Ombudsman is impartial and independent. This means that the Ombudsman (or members of his staff to whom he has delegated his function) will independently consider complaints. The Ombudsman is independent of government and has statutory responsibilities and powers to report directly to the National Assembly for Wales. The Ombudsman reports annually to the National Assembly on the discharge of his functions, on the service provided and the use of public money. The PSOW Act provides that the Ombudsman is a "Corporation Sole" which means that he is a legal entity in his own right.

Funding

In recognition of the independence of the office of the Ombudsman, funding is received through the National Assembly for Wales (that is through the Welsh Consolidated Fund) and not the Welsh Government. He is not governed by a Board or answerable to a government minister. The Ombudsman has however, established an Advisory Panel of independent members to advise him on matters of policy and good governance and to provide an external perspective on the Ombudsman's service. Responsibility

and accountability for the activities carried out by the office must however remain with the Ombudsman, and the Advisory Panel has no role in the handling of individual complaints.

Function

The Ombudsman deals with complaints from members of the public against bodies which are listed in the Public Services Ombudsman (Wales) Act 2005. These include local authorities in Wales, health boards, housing associations and the Welsh Government.

The PSOW Act provides that it is a matter for the Ombudsman to decide whether to begin, discontinue or complete an investigation and issue his report. When the Ombudsman has delegated his function to a member of his staff, a complainant may ask the Ombudsman to review any decision taken on a complaint where new evidence is provided or where it is clear that some evidence has not been properly taken into account. This internal review will be undertaken by the Ombudsman's Review Manager, or another senior member of staff, who was not involved in the original decision.

If a complainant then wishes to challenge any decision of the Ombudsman they may seek legal advice on whether there are grounds to challenge the Ombudsman's decision by way of judicial review in the courts.

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