

**Changes to legislation:** Social Services and Well-being (Wales) Act 2014, PART 2 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULE 3

### INVESTIGATION OF COMPLAINTS ABOUT PRIVATELY ARRANGED OR FUNDED SOCIAL CARE AND PALLIATIVE CARE

#### PART 2

#### MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO THE OMBUDSMAN

##### *Local Government Act 1974*

5 The Local Government Act 1974 is amended as follows.

##### Commencement Information

**I1** Sch. 3 para. 5 in force at 1.11.2014 by [S.I. 2014/2718](#), **art. 2(b)**

6 In section 29 (investigations: further provisions), in subsection (5), for “26” substitute “34X”.

##### Commencement Information

**I2** Sch. 3 para. 6 in force at 1.11.2014 by [S.I. 2014/2718](#), **art. 2(b)**

7 In section 33 (consultation between Local Commissioner, the Parliamentary Commissioner and the Health Service Commissioners and other Commissioners and Ombudsmen), in subsection (5), for “26” substitute “34X”.

##### Commencement Information

**I3** Sch. 3 para. 7 in force at 1.11.2014 by [S.I. 2014/2718](#), **art. 2(b)**

8 In section 34G (investigations: further provisions), in subsection (2), for “26” substitute “34X”.

##### Commencement Information

**I4** Sch. 3 para. 8 in force at 1.11.2014 by [S.I. 2014/2718](#), **art. 2(b)**

9 In section 34M (consultation with other Commissioners), in subsection (7), in paragraph (d), for “26” substitute “34X”.

##### Commencement Information

**I5** Sch. 3 para. 9 in force at 1.11.2014 by [S.I. 2014/2718](#), **art. 2(b)**

##### *Local Government Act 2000*

10 The Local Government Act 2000 is amended as follows.

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**Commencement Information**

**I6** Sch. 3 para. 10 in force at 1.11.2014 by S.I. 2014/2718, art. 2(b)

- 11 Section 67 (consultation with ombudsmen) has effect, until the repeal of that section by Part 5 of Schedule 25 to the Localism Act 2011 is brought fully into force, with the following amendments—
  - (a) in subsection (2A), after “Part 2” insert “ or 2A ”, and
  - (b) in subsection (4), for “26” substitute “ 34X ”.

**Commencement Information**

**I7** Sch. 3 para. 11 in force at 1.11.2014 by S.I. 2014/2718, art. 2(b)

<sup>F1</sup>12 .....

**Textual Amendments**

**F1** Sch. 3 para. 12 omitted (5.5.2022) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), Sch. 8 para. 9; S.I. 2022/98, art. 2(b) (with art. 3)

*Public Services Ombudsman (Wales) Act 2005*

- 13 The Public Services Ombudsman (Wales) Act 2005 is amended as follows.

**Commencement Information**

**I8** Sch. 3 para. 13 in force at 1.11.2014 by S.I. 2014/2718, art. 2(b)

- 14 In the heading to Part 2 (investigation of complaints), after “COMPLAINTS” insert “ RELATING TO LISTED AUTHORITIES ”.

**Commencement Information**

**I9** Sch. 3 para. 14 in force at 1.11.2014 by S.I. 2014/2718, art. 2(b)

- 15 In section 2 (power of investigation)—
  - (a) in subsection (1), after “complaint” (in the first place it occurs) insert “ under this Part ”, and
  - (b) in subsection (4), after “complaint” (in the first place it occurs) insert “ under this Part ”.

**Commencement Information**

**I10** Sch. 3 para. 15 in force at 1.11.2014 by S.I. 2014/2718, art. 2(b)

- 16 In section 4 (who can complain), in subsection (1)—
  - (a) in the words before paragraph (a), after “Ombudsman” insert “ under this Part ”, and

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(b) in paragraph (a), for “Act” substitute “ Part ”.

**Commencement Information**

**I11** Sch. 3 para. 16 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

17 In section 7 (matters which may be investigated), in subsection (1), after “investigate” insert “ under this Part ”.

**Commencement Information**

**I12** Sch. 3 para. 17 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

18 In section 9 (exclusion: other remedies)—  
(a) in subsection (1), after “matter” (in the first place it occurs) insert “ under this Part ”, and  
(b) in subsection (3), after “matter” (in the first place it occurs) insert “ under this Part ”.

**Commencement Information**

**I13** Sch. 3 para. 18 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

19 In section 10 (other excluded matters), in subsection (1), after “investigate” insert “ under this Part ”.

**Commencement Information**

**I14** Sch. 3 para. 19 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

20 In section 14 (information, documents, evidence and facilities), before subsection (1) insert—  
“(A1) This section applies in relation to investigations conducted under this Part.”

**Commencement Information**

**I15** Sch. 3 para. 20 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

21 In section 23 (special reports: supplementary)—  
(a) in subsection (1), in paragraph (a), after “report” insert “ made under section 22 ”, and  
(b) in subsection (7), after “report” (in the first place it occurs) insert “ under section 22 ”.

**Commencement Information**

**I16** Sch. 3 para. 21 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

22 Omit the italic cross-heading before section 25 (consultation and co-operation).

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**Commencement Information**

**I17** Sch. 3 para. 22 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

23 Omit sections 25 to 25B (consultation and co-operation).

**Commencement Information**

**I18** Sch. 3 para. 23 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

24 Omit the italic cross-heading before section 26 (disclosure).

**Commencement Information**

**I19** Sch. 3 para. 24 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

25 Omit sections 26 and 27 (disclosure of information).

**Commencement Information**

**I20** Sch. 3 para. 25 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

26 Omit section 32 (protection from defamation claims).

**Commencement Information**

**I21** Sch. 3 para. 26 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

27 In section 41 (interpretation), in subsection (1)—

- (a) in the definition of “investigation”, after “section 2” insert “ or 34B ”,
- (b) in the definition of “the person aggrieved”—
  - (i) after “aggrieved” insert “ in Part 2 ”, and
  - (ii) after “section 4(1)(a)” insert “ and in Part 2A has the meaning given in section 34D(1)(a) ”,
- (c) in the definition of “special report”—
  - (i) after “report” insert “ in Part 2 ”, and
  - (ii) after “section 22” insert “ and in Part 2A has the meaning given in section 34P ”, and
- (d) insert, in the appropriate places—
  - ““care home” has the meaning given by section 34R(2);”;
  - ““care home provider” has the meaning given by section 34R(3);”;
  - ““domiciliary care” has the meaning given by section 34S(2);”;
  - ““domiciliary care provider” has the meaning given by section 34S(3);”;
  - ““independent palliative care provider” has the meaning given by section 34T(3);”;

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““palliative care service” has the meaning given by section 34T(2);”.

**Commencement Information**

**I22** Sch. 3 para. 27 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

- 28 In the heading to section 42 (former health care providers and social landlords: modifications), for “and social landlords” substitute “social landlords, social care providers and palliative care providers”.

**Commencement Information**

**I23** Sch. 3 para. 28 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

- 29 (1) Section 42 (former health care providers and social landlords: modifications) is amended as follows.

(2) In subsection (1), after paragraph (c) insert—

- “(d) former care home providers in Wales;
- (e) former domiciliary care providers in Wales;
- (f) former independent palliative care providers in Wales.”

(3) After subsection (4) insert—

“(4A) “Former care home provider in Wales” means a person who—

- (a) at the relevant time, provided accommodation, nursing or personal care of a particular description at a care home (within the meaning given by the Care Standards Act 2000) in Wales, and
- (b) subsequently ceased to do so (whether or not the person has later started to do so again).

(4B) “Former domiciliary care provider in Wales” means a person who—

- (a) at the relevant time, provided domiciliary care services of a particular description in Wales, and
- (b) subsequently ceased to do so (whether or not the person has later started to provide those services again).

(4C) “Former independent palliative care provider in Wales” means a person who—

- (a) at the relevant time, provided a palliative care service of a particular description in Wales, and
- (b) subsequently ceased to do so (whether or not the person has later started to do so again).”

**Commencement Information**

**I24** Sch. 3 para. 29 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

- 30 (1) Schedule 1 (Public Services Ombudsman for Wales: appointment etc) is amended as follows.

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(2) In paragraph 5—

(a) in sub-paragraph (1), after paragraph (e) insert—

“(f) he is a care home provider, domiciliary care provider or independent palliative care provider;

(g) he is an officer or member of staff of a provider of that kind.”;

(b) after sub-paragraph (1) insert—

“(1A) For the purposes of sub-paragraph (1)(g) a person is an officer of a provider if he or she has control or management of a provider which is not an individual or the affairs of such a provider.”

(3) In paragraph 14, in sub-paragraph (7)(a), after “authority” insert “ , care home provider, domiciliary care provider or independent palliative care provider ”.

**Commencement Information**

**I25** Sch. 3 para. 30 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

31 In the title to Schedule 2, after “MATTERS” insert “ : PART 2 ”.

**Commencement Information**

**I26** Sch. 3 para. 31 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

*Commissioner for Older People (Wales) Act 2006*

32 The Commissioner for Older People (Wales) Act 2006 is amended as follows.

**Commencement Information**

**I27** Sch. 3 para. 32 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

33 In section 18 (power to disclose information), in subsection (1), in paragraph (b), for “25A” substitute “ 34V ”.

**Commencement Information**

**I28** Sch. 3 para. 33 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

34 In Schedule 4 (minor and consequential amendments), in paragraph 2, omit sub-paragraphs (2) and (3).

**Commencement Information**

**I29** Sch. 3 para. 34 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

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*Government of Wales Act 2006*

- 35 In Schedule 10 to the Government of Wales Act 2006 (minor and consequential amendments), omit paragraph 77.

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**Commencement Information**

**I30** Sch. 3 para. 35 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

*Welsh Language (Wales) Measure 2011*

- 36 (1) Schedule 3 to the Welsh Language (Wales) Measure 2011 (amendments about joint and collaborative working) is amended as follows.
- (2) Omit the italic cross-heading before paragraph 4 (Public Services Ombudsman (Wales) Act 2005).
- (3) Omit paragraphs 4 to 6.

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**Commencement Information**

**I31** Sch. 3 para. 36 in force at 1.11.2014 by [S.I. 2014/2718](#), [art. 2\(b\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))