

## 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.
- 6 In section 29 (investigations: further provisions), in subsection (5), for “26” substitute “34X”.
- 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”.
- 8 In section 34G (investigations: further provisions), in subsection (2), for “26” substitute “34X”.
- 9 In section 34M (consultation with other Commissioners), in subsection (7), in paragraph (d), for “26” substitute “34X”.

##### *Local Government Act 2000*

- 10 The Local Government Act 2000 is amended as follows.
- 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”.
- 12 In section 70 (investigations: further provisions), in subsection (2), in paragraph (b), for “, 25 to 27 and 32” substitute “and Part 2B”.

##### *Public Services Ombudsman (Wales) Act 2005*

- 13 The Public Services Ombudsman (Wales) Act 2005 is amended as follows.
- 14 In the heading to Part 2 (investigation of complaints), after “COMPLAINTS” insert “RELATING TO LISTED AUTHORITIES”.
- 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”.
- 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”.
- 17 In section 7 (matters which may be investigated), in subsection (1), after “investigate” insert “under this Part”.
- 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”.
- 19 In section 10 (other excluded matters), in subsection (1), after “investigate” insert “under this Part”.
- 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.”
- 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”.
- 22 Omit the italic cross-heading before section 25 (consultation and co-operation).
- 23 Omit sections 25 to 25B (consultation and co-operation).
- 24 Omit the italic cross-heading before section 26 (disclosure).
- 25 Omit sections 26 and 27 (disclosure of information).
- 26 Omit section 32 (protection from defamation claims).
- 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);”;

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

- 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”.
- 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).”
- 30 (1) Schedule 1 (Public Services Ombudsman for Wales: appointment etc) is amended as follows.
- (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”.
- 31 In the title to Schedule 2, after “MATTERS” insert “: PART 2”.

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*Commissioner for Older People (Wales) Act 2006*

- 32 The Commissioner for Older People (Wales) Act 2006 is amended as follows.
- 33 In section 18 (power to disclose information), in subsection (1), in paragraph (b), for “25A” substitute “34V”.
- 34 In Schedule 4 (minor and consequential amendments), in paragraph 2, omit subparagraphs (2) and (3).

*Government of Wales Act 2006*

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

*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.