



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

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# Governance Framework

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# Background

The principal aim of the Welsh Language Commissioner, an independent body established by the Welsh Language (Wales) Measure 2011, is to promote and facilitate use of the Welsh language. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organisations. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles will underpin the work:

- In Wales, the Welsh language should be treated no less favourably than the English language
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so

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# 1 Governance Framework

- 1.1 This Framework explains the basis on which the Welsh Language Commissioner has been established; the method used to govern and control it; and how they are accountable for what they do.
- 1.2 An annual Governance Statement is prepared and published as part of the Annual Report which provides a summary of the way in which this Framework has been implemented during the year.

## 2 Role and objectives

### Welsh Language (Wales) Measure 2011

- 2.1 The role of the Welsh Language Commissioner ('the Commissioner') is established in [Welsh Language \(Wales\) Measure 2011](#) ('the Measure').
- 2.2 The Measure also states that the Commissioner's main aim is to promote and facilitate the use of the Welsh language. In doing so, it must work towards increasing:
  - the provision of Welsh language services, and
  - other opportunities for people to use the Welsh language.
- 2.3 The Measure states that the Commissioner, in exercising functions, must have regard to:
  - the official status which the Welsh language has in Wales
  - the duties to use the Welsh language which are imposed by law, and the rights which arise from the enforceability of those duties
  - the principle that the Welsh language should be treated no less favourably than the English language in Wales
  - the principle that persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

### Specific functions

- 2.4 All of the Commissioner's powers and responsibilities derive from [Part 2 of the Measure](#). This includes acting as a regulator with enforcement powers.
- 2.5 The Measure sets out the way the Commissioner must act in many different areas including:
  - drawing up a 5-year report on the situation of the Welsh language within that period;

- establishing a procedure for investigating complaints regarding acts or omissions relating to the exercise of the Commissioner's functions;
- producing an annual report;
- producing an enforcement policy document;
- creating and maintaining a register of enforcement action;
- publishing a register of interests for all relevant office holders (the Commissioner and the Deputy Commissioner);
- drawing up an estimate of the income and expenditure of the Commissioner's office and submit the estimate to the Welsh Ministers at least 5 months before the start of the financial year to which it relates;
- keeping appropriate accounting records in accordance with instructions given, with the consent of the Treasury, by the Welsh Ministers;
- submitting the accounts prepared for a financial year to the Auditor General for Wales no later than 31 August in the following financial year.

2.6 The Commissioner may also do anything they think is appropriate to promote and facilitate the use of the Welsh language and work towards ensuring that the Welsh language is treated no less favourably than the English language. That includes doing any one or more of the following:

- promoting opportunities to use the Welsh language;
- encouraging best practice in relation to the use of Welsh;
- conducting an inquiry into any matter relating to any one or more of the Commissioner's functions;
- initiating legal proceedings in England and Wales, or intervening in such proceedings if it appears to the Commissioner that the proceedings are relevant to a matter in connection with which the Commissioner has a function relating to it;
- providing assistance to an individual if that person is a party to legal proceedings relating to a matter in relation to which the Commissioner has a function relating to it;
- keeping the law relating to the Welsh language under supervision;
- producing and publishing reports;
- carrying out, or commissioning others to carry out, research;
- carrying out, or commissioning others to carry out, educational activities;
- making representations to any person;
- making recommendations to the Welsh Ministers;
- giving advice to any person.

### **Conflict in functions**

2.7 The Commissioner can be in a situation where there is a conflict between two functions that they exercise. In such a situation one function will not limit nor influence the other.

2.8 When situations of potential conflict arise, officers and the Commissioner should exercise any function and/or power for the purpose for which it was intended, e.g. the

purpose of investigating a failure is not to try to influence a particular policy or change a policy decision and it would not be appropriate to use that function to try to do so.

- 2.9 In a situation of potential conflict, officers and the Commissioner should have clear, documented reasons explaining why they are exercising a particular function or power. The Commissioner themselves should be able to give a reason for any action taken by themselves, e.g. reasons for opening an investigation will be documented in a Reasoning Form and based on facts relevant to suspected failure to implement a standard.

## 3 Strategic Plan and operational progress review

- 3.1 The Commissioner's vision is **a Wales where people can live their lives in Welsh**.
- 3.2 In order to contribute towards achieving that vision, the Commissioner has set a series of strategic objectives within a [Strategic Plan](#). Progress against each strategic objective is measured through a series of indicators and forms the basis of the activities and projects set out in the annual operational plan.
- 3.3 The operational plan is reviewed on a quarterly basis by the Leadership Team and a relevant summary is shared with the Advisory Panel and the Audit and Risk Committee.

### Values

- 3.4 The Commissioner is committed to acting in accordance with the following core values:
- **Respecting** everyone is at the heart of everything we do;
  - **Trusting** and **being open** with one other is fundamental to our workplace culture;
  - We deal with all aspects of our work **fairly, honestly** and **consistently**;
  - **Working with others** in an appropriate and innovative way is important to us.

## 4 The Commissioner's Role

### Corporation sole

- 4.1 The Commissioner is a corporation sole in terms of legal entity. This means that the body consists of one incorporated post which is carried out by one person.

- 4.2 The Commissioner is therefore responsible and accountable for maintaining and administering all the work done by the body and all decisions are made in their name and on their behalf.

### Appointment

- 4.3 The Commissioner is appointed by the First Minister of Wales for a fixed one-off period of 7 years. The office and all associated powers are passed from one office holder to the next.
- 4.4 The Commissioner's annual salary is determined by the First Minister of Wales who will take into account the recommendations of the Senior Officers' Salary Review Body (SSRB), which is the relevant body that advises on public sector pay levels.

### Relationship with the Welsh Government

- 4.5 The post is independent of government.
- 4.6 The Commissioner will report on all of its activities via the statutory Annual Report outlined in Section 18 of the Measure. Also, Annual Accounts will be produced under arrangements agreed with the Treasury; these are subject to audit by Audit Wales. The Annual Report and Accounts are published together.
- 4.7 The Commissioner's functions are relevant to the Welsh Parliament and the Culture Committee scrutinises our work and invites us to provide expert evidence as necessary. We are funded by the Welsh Ministers and our strategic relationship is defined in a memorandum of understanding with the Welsh Government.

### Accounting and accountability officer

- 4.8 [Paragraph 16, Schedule 1 of the Measure](#) states that the Commissioner is the Accounting Officer of the organisation and has the responsibilities specified from time to time by the Treasury, in relation to the organisation's accounts and finances.
- 4.9 The Commissioner has agreed to commit to the framework and principles as set out in [Managing Welsh Public Money](#) and [Managing public money](#). Chapter 3 within both documents details the main responsibilities of an Accounting Officer.
- 4.10 [Paragraph 16, Schedule 1 of the Measure](#) sets out the responsibilities of the Commissioner, as the Accounting Officer, owed to the Welsh Ministers, the Welsh Parliament, the Public Accounts Committee of the Senedd, the House of Commons, and/or the Public Accounts Committee of the House of Commons.
- 4.11 An Accounting Officer has personal responsibility for:
- The propriety and regularity of public finances they are responsible for;
  - Keeping appropriate accounts;
  - Wise and prudent administration;
  - Avoiding waste and excess;

- Using all resources efficiently and effectively.

4.12 In particular, an Accounting Officer is expected to:

- sign accounts accepting personal responsibility for ensuring that they are presented appropriately;
- ensure that appropriate financial procedures are followed;
- manage public finances appropriately and well, and ensure that finances in the hands of any official are checked through an independent and effective arrangement;
- manage and protect assets under their care well;
- give material financial consideration to any policy proposals relating to expenditure or income for which they are responsible (including affordability, sustainability, value for money etc);
- manage opportunities and risks;
- plan research and evaluation work to assess efficiency and the value for money of strategic objectives and expenditure programmes;
- put appropriate arrangements in place to resist fraud;
- ensure that managers have a clear vision of their objectives and the means to assess;
- ensure that clear responsibilities are assigned to managers including critical scrutiny of output and value for money, and that there is training, information and continuous access to expert advice that is needed for them to carry out their responsibilities effectively;
- ensure that delegation arrangements promote good management and that the necessary staff with an appropriate balance of skills are available to support;
- ensure regularity and propriety of expenditure;
- appear before the Public Accounts Committee of the Senedd or the Public Accounts Committee of the House of Commons.

### Officers and delegation arrangements

4.13 The Commissioner is supported by officers who are employed by, and work for, the Commissioner.

4.14 In accordance with [section 12 of the Measure](#), the Commissioner must obtain the approval of the Welsh Ministers for:

- the number of staff that may be appointed;
- the staff's terms and conditions of service; and
- payments made under section 12 (3) to (5) of the Measure which include remuneration, any allowances, and pensions.

4.15 Although the Commissioner, as a corporation sole, has all of the formal powers and duties, [section 13 of the Measure](#) states that the Commissioner may delegate any one or more or all of the Commissioner's functions to a member of staff. The



Commissioner has therefore delegated responsibilities to staff to exercise some of their statutory duties including the following statutory roles:

<b>Statutory responsibility</b>	<b>Executed by</b>
<ul style="list-style-type: none"><li>• Senior Information Risk Owner (SIRO)</li><li>• Senior Risk Owner</li><li>• Data Protection Officer</li></ul>	Director of Governance and Corporate Services
<ul style="list-style-type: none"><li>• Health and Safety Officer</li></ul>	Senior Human Resources Officer

4.16 In addition, the Commissioner has delegated their responsibility of offering advice on the standard forms of place names in Wales to the [Place-names standardisation panel](#) and will not interfere in practice with this work as a matter of procedure.

4.17 The Panel's recommendations are shared publicly through [the List of Standardised Welsh Place names](#) on our website. In addition, the National Standardisation Guidelines have been published [here](#).

### **Deputy Commissioner**

4.18 It is required under [section 12 of the Measure](#) for the Commissioner to appoint a Deputy Commissioner.

4.19 The First Minister of Wales will appoint a Deputy Commissioner if the post of Commissioner is vacant, or if it appears to the First Minister of Wales that the Commissioner will be unable to appoint a Deputy Commissioner.

### **Working in parallel with other organisations**

4.20 When carrying out its work, the Commissioner will collaborate with a number of other organisations for the benefit of the Welsh language. That may mean drawing up a memorandum of understanding to confirm how that will happen.

4.21 In the same way, the Measure enables the Commissioner to work together with Ombudsmen and other Commissioners on standards investigations, or other investigations.

4.22 In accordance with the Well-being of Future Generations (Wales) Act 2015, the Welsh Language Commissioner is a member of the Advisory Panel of the Future Generations Commissioner for Wales.

# 5 Governance Arrangements

5.1 The main systems and processes that are in place within the organisation to ensure appropriate and sound governance arrangements are detailed here.

## Leadership Team

5.2 The Commissioner has established a [Leadership Team](#) which includes the Commissioner themselves and all of the Directors in the staffing structure. It is the responsibility of the Leadership Team to assist the Commissioner in setting direction and maintaining a strategic overview over the Strategic Plan and the Operational Plan.

5.3 Ultimately, the Leadership Team is the main forum for making strategic decisions about operational, resourcing, communication and other administrative matters in order to implement the strategic plan and all other business planning processes, and for monitoring performance and expenditure.

5.4 The Leadership Team is responsible for:

- defining and approving the strategic direction of the Commissioner's work and set challenging objectives;
- offering effective strategic guidance so that the Commissioner's Office can meet its responsibilities and duties under the Welsh Language Measure (2011);
- making informed and transparent decisions;
- business planning and work programming with a focus on value for money;
- ensuring that the Commissioner's activities are carried out in an efficient and effective manner;
- promoting high standards in terms of public finance, maintaining the principles of regularity, propriety and value for money;
- supervising and monitoring top level performance, to ensure that the Commissioner fully achieves their objectives;
- displaying high standards in terms of corporate governance and integrity and ensuring that effective arrangements are in place to provide assurance in terms of risk management and internal control;
- demonstrating the Commissioner's values in everything that is done.

5.5 The role of the Leadership Team in terms of decisions recognises that, at times, there will be some matters which the Commissioner themselves decides on. In the same way, the Commissioner has the right, as a corporation sole to make decisions that are contrary to the opinion of the majority of the Leadership Team. It is expected that these situations will be an exception and will be clearly stated within the minutes of any meeting where relevant.

5.6 Decisions about the Commissioner's regulatory work are made outside of the Leadership Team at the Adjudication Meeting (see below).

## Adjudication Meeting

- 5.7 There are statutory processes to be followed as the Commissioner sets out to exercise some of their functions, for example enforcement decisions have not been delegated to officers. The Commissioner themselves therefore makes all decisions set out in some of their properties in Parts 4–6 of the Welsh Language (Wales) Measure 2011. The Commissioner's Enforcement Policy details some of the aspects involved in those processes.
- 5.8 The Adjudication Meeting is the discussion forum in relation to the decisions of Part 4–6 of the Welsh Language (Wales) Measure 2011.
- 5.9 These meetings will take place regularly (usually every two weeks) and the staff who need the Commissioner's decision on any matter will present a paper for the meeting and then present the item. The Commissioner will have the opportunity to consider the reasoning in each case and to request more details, and/or make a judgment.
- 5.10 Only decisions that have not been delegated to officers will be addressed at the meeting. As some cases reach the Welsh Language Tribunal, the meeting will also agree the point of view and case statements for the Welsh Language Tribunal and any decisions made as a result of those cases.
- 5.11 Officers act in accordance with sound procedures which are based on legal guidance, the Enforcement Policy where relevant, and the requirements of the Welsh Language Measure.

## Advisory Panel to the Welsh Language Commissioner

- 5.12 [Section 23 of the Measure](#) provides for the establishment of a panel of advisers to the Commissioner which will be called the Advisory Panel to the Welsh Language Commissioner (the 'Panel'). The Panel is appointed by Welsh Ministers. The Panel must consist of between 3 and 5 members at any time.
- 5.13 The members of the Panel are not employees of the Welsh Government. [Schedule 4 of the Measure](#) outlines aspects of appointment, remuneration, allowances and pensions, terms of appointment, duration of appointment, and appointment regulations.
- 5.14 The Commissioner is not accountable to the Panel but the Commissioner may consult the Advisory Panel regarding any matter. That can be any one or more or all of the members of the Panel.
- 5.15 The Panel's role is to advise the Commissioner in relation to the Commissioner's functions in accordance with the Measure. The Commissioner asks the Panel for advice on their performance against their operational plan and strategic objectives.
- 5.16 [The Commissioner's Advisory Panel remit](#) records the duties of the Panel together with other matters such as the meetings, the secretariat of the Panel, payment arrangements, donations and hospitality and interests.

- 5.17 Panel members will hold office subject to the terms of their appointment. A person will be a member of the Panel for a period of 3 years. Subject to review, membership of the Panel may be extended for a further 3 years. Panel members will work a minimum of 8 days a year.
- 5.18 When the term of the Panel members comes to an end, the Welsh Ministers will discuss with the Commissioner in order to identify needs for the expertise of the Panel before proceeding to start the process of public appointments.
- 5.19 Membership of the [Advisory Panel](#) can be found on the Commissioner's website.

### **Audit and Risk Committee**

- 5.20 As Accounting Officer, the Commissioner is responsible for ensuring that the organisation is run in a prudent, effective and efficient way in order to ensure value for public money. Although there is no statutory requirement to do so, the Commissioner has established an Audit and Risk Committee (the 'Committee') as a standing committee to provide support and assurance to the Accounting Officer and the Leadership Team on the adequacy and effectiveness of internal control, risk and governance. The Committee also oversees internal and external audit arrangements covering all areas of the Commissioner's work.
- 5.21 The Commissioner will decide the membership and terms of reference of this Committee. The Commissioner will appoint at least 3 individuals to be part of the Committee through an external advertisement. Members of the Advisory Panel to the Welsh Language Commissioner will not be allowed to be members of the Committee. The term of appointment of each member will be a period of 3 years. Subject to a satisfactory review, the appointment may be renewable for a second term of 3 years only. The Committee will have an annual procedure for Managing the Performance of members.
- 5.22 The Committee may appoint additional members for a period of up to 12 months to provide skills, knowledge, or expertise. The Committee may draw on external expert advice at the organisation's expense, subject to budgets agreed by the Commissioner.
- 5.23 The membership of the [Audit and Risk Committee](#) can be found on the Commissioner's website.
- 5.24 More information about the Committee and their duties can be found within the [Committee's Remit](#). The Remit sets out, amongst other things, the Committee's General Rules, notice of meetings, order of business, quorum, members' conduct, and members' interests.

### **Internal and External Auditors**

- 5.25 The internal audit function provides an objective evaluation, and opinion on the overall adequacy and effectiveness of the governance, risk management and control framework.

- 5.26 The annual internal audit plan is prepared by the auditors and is approved by the Commissioner and the Audit and Risk Committee.
- 5.27 In accordance with [Schedule 1, Part 5 of the Measure](#) the Auditor General for Wales is responsible for auditing the accounts of the Commissioner. The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which resources have been used in executing the Commissioner's functions.

### The Welsh Language Tribunal

- 5.28 The Welsh Language Tribunal (the "Tribunal") is an independent statutory body. The Tribunal was established in April 2015 under [section 120 of the Measure](#).
- 5.29 The Tribunal deals with appeals against the Commissioner's decisions in relation to Welsh language standards. Organisations and complainants have the right to submit an application or appeal to the Tribunal if they are dissatisfied with a decision in relation to:
- standards set by the Commissioner;
  - the outcome of an investigation by the Commissioner;
  - a decision by the Commissioner not to investigate a complaint.

### Independent accreditations

- 5.30 The Commissioner will apply for annual independent accreditations in specific areas such as cyber security in order to receive an expert independent opinion on the suitability and adequacy of its governance arrangements.

## 6 Other operational measures

### Risk Management

- 6.1 The Commissioner's risk management arrangements are guided by the Risk Management Framework. The Leadership Team reviews operational risks as part of the quarterly progress reviews on the operational plan. In addition, relevant risks are identified in each paper submitted to the Leadership Team. These risks are incorporated into the Strategic Risk Register where relevant.
- 6.2 Risks at a strategic level are formally reviewed every quarter by the Leadership Team with a subsequent reporting process to the Audit and Risk Committee. The Director of Corporate Governance and Services acts as Risk Manager and Senior Owner of Information Risk for the organisation and is therefore responsible for leading on keeping an overview of all of the organisation's risks.
- 6.3 The risk Framework recognises that it is not possible to eliminate all risks, but through the Strategic Risk Register, risks are identified and managed and then reduced to an acceptable level.

## Reporting structures

- 6.4 The Commissioner's formal governance structure is supported by reporting structures established in order to manage and provide assurance on specific areas of importance to the Commissioner.

## Effectiveness

- 6.5 The Leadership Team, Advisory Panel and Audit and Risk Committee will carry out a self-assessment exercise once a year. This exercise will assess feedback from members of the relevant forums, any lessons learned, and potential improvements.

## Consultation

- 6.6 The Commissioner will consult with the Union Committee on internal policies and procedures that will affect officers.

## Register of Interests

- 6.7 [Part 8, Chapter 1 of the Measure](#) relates to the integrity of the Commissioner's, and the Deputy Commissioner's character. Here, it states that the Commissioner and the Deputy Commissioner need to create and maintain a register of interests. This register must include all of their registrable interests. A copy of the register of interests for the Commissioner and the Deputy Commissioner is available for inspection at the Commissioner's office and on our website.
- 6.8 [Sections 135 to 137 of the Measure](#) make related provision regarding the publication of interest registers, conflicts of interest, and the validity of relevant office holder actions. These regulations are consistent with the desire for the Commissioner and Deputy Commissioner to operate in a transparent, accountable and impartial way, adhering to the highest standards of propriety in managing their business.
- 6.9 The Commissioner cannot exercise functions if an interest has been registered. In such a case, that function is delegated to the Deputy Commissioner or to another member of the Commissioner's staff.
- 6.10 Where there is a complaint about failure to disclose a relevant interest, the complaint will be directed to the Welsh Language Commissioner. A complaint about the failure of the Welsh Language Commissioner themselves to disclose an interest will be directed to the First Minister of Wales.
- 6.11 This Register is continuously updated. It will be updated within 4 weeks of any interest being raised or the holder being aware of the interest. The Director of Governance and Corporate Services will be responsible for ensuring that the register is updated every 6 months.
- 6.12 In order to be open and transparent, the interests of the members of the Advisory Panel, the Audit and Risk Committee and also the full Leadership Team will be

published on our website, although there is no requirement for the organisation to do so.

- 6.13 In addition to the above, and in order to ensure sound governance, all of the Commissioner's staff are required to complete interest statements every 6 months. This is set out within the Staff Code of Conduct. Officers' statements of interest will be kept confidential. Line Managers will have access to their team members' forms. The right is reserved to discuss their content with the relevant officers if any potential for conflict is foreseen when carrying out their normal duties.

### **Declaring interests in meetings**

- 6.14 Any interests should be declared before starting to discuss any relevant items on the agenda of a Leadership Team, Audit and Risk Committee, Advisory Panel, or Adjudication Meeting.
- 6.15 The statement should be noted regardless of whether the interest has already been recorded in the Register. Once the interest has been declared in a meeting, the Team or Committee can decide whether to:
- allow the individual's full participation in discussing the item;
  - allow the individual to participate in discussions, but without the right to vote;
  - ask the individual to leave the meeting for the item on the agenda.

### **Accepting donations, rewards, and hospitality**

- 6.16 It is vital that the Commissioner remains, and is considered, independent. As part of this, the Commissioner's staff must appear unbiased and impartial.
- 6.17 In order to avoid the possibility of any allegation of bribery or compromise, the Commissioner keeps a register of any goods, donations, and hospitality that are accepted and refused by the Commissioner and members of staff during their duties. The Staff Code of Conduct explains more about the process that staff members are expected to follow in situations where they would be offered any donation.
- 6.18 Members of the Advisory Panel and the Audit and Risk Committee are also expected to notify the secretariat of any offers of donations or hospitality that have been made and any offers that have been rejected. Any donations or hospitality received or refused should be recorded on the Donations Register. Members will be expected to recognise that matters of donations and hospitality will be open to full public scrutiny.

### **Code of Conduct**

- 6.19 The Commissioner has adopted a Code of Conduct which outlines the standards of conduct that all officers are expected to uphold. The code is based on the seven principles in public life, namely: altruism, accuracy, objectivity, accountability, sincerity, honesty, and leadership.

## Fraud

- 6.20 The Commissioner has procedures and policies in place to ensure that the organisation does not tolerate fraud. The Fraud Risk Register is reviewed annually and approved by the Leadership Team and shared with the Audit and Risk Committee.
- 6.21 In addition, the Commissioner and the Audit and Risk Committee will respond to Audit Wales' questionnaire on internal control levels relating to fraud as part of the annual audit.

## Whistleblowing Arrangements

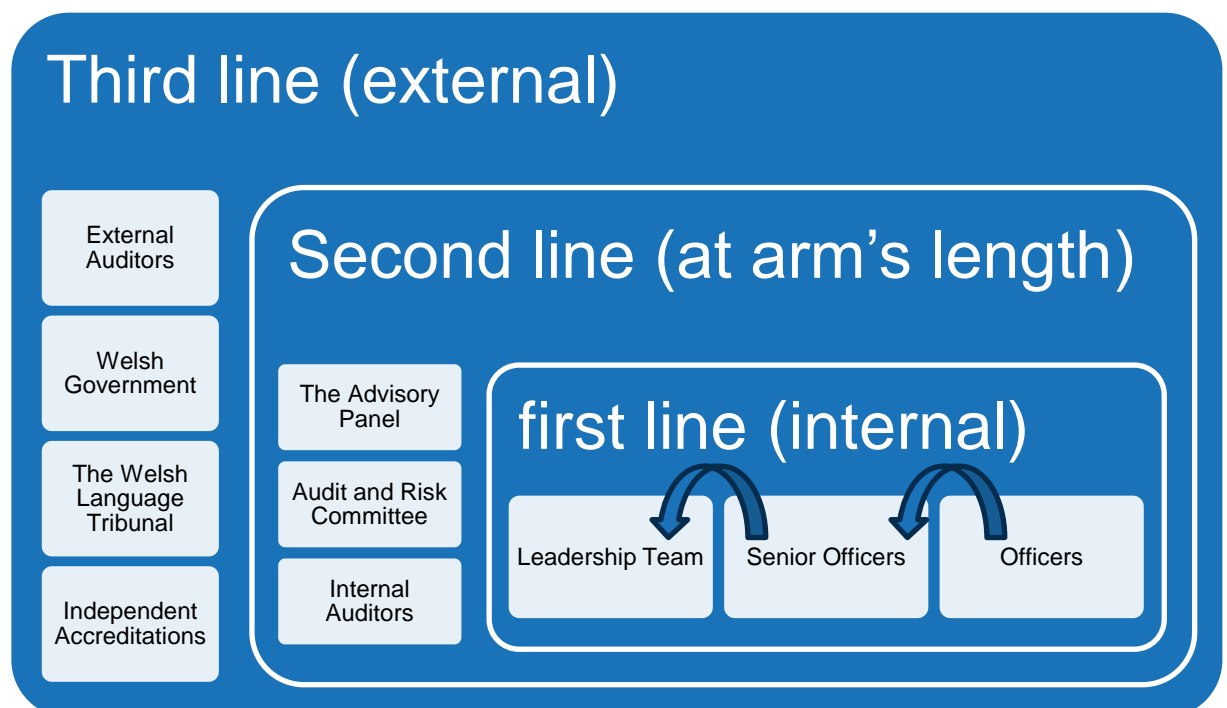
- 6.22 The Commissioner has a Whistleblowing Policy in place. The contact details of the Chair of the Audit and Risk Committee and a manager within the Commissioner's Internal Auditors team are included in the policy as individuals with whom officers can raise concerns.

## Complaints against the organisation

- 6.23 The Commissioner has a specific complaints procedure should individuals wish to complain about any acts or omissions relating to the Commissioner's functions.

# 7 A visual overview of the Framework

- 7.1 Together, the governance arrangements in place give the Commissioner three lines of assurance as follows:





- 7.2 The first line relates to the way work and risks are managed on a day-to-day basis. Officers, Senior Officers and Directors are responsible for ensuring the suitability of the procedures, policies and processes in the relevant areas. Assurance comes directly from those responsible for delivering work, processes or strategic objectives.
- 7.3 The second line relates to how the organisation oversees the management of the framework. The Advisory Panel, Audit and Risk Committee and the Internal Auditors are independent bodies but operate at arm's length from the Commissioner by giving advice to the Commissioner on the suitability and effectiveness of its governance arrangements and advising on the steps that are to be taken where improvement is needed.
- 7.4 Finally, the third line is about receiving assurance from outside the organisation on the governance arrangements that are in place. In turn, the work of the external auditors, the Welsh Government and the Welsh Language Tribunal together with receiving independent accreditations is a further way of receiving independent assurance on the way the Commissioner implements its functions and manages its resources.

## 8 Review period

- 8.1 The Governance Framework will be reviewed every two years.