



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

# Remit: Advisory Panel Welsh Language Commissioner

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## Background

The principal aim of the Welsh Language Commissioner, an independent body established under the Welsh Language Measure (Wales) 2011, is to promote and facilitate the use of Welsh. 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.

Four principles will underpin the work:

- Official status of Welsh in Wales
- The duties to use Welsh that are imposed (or may be imposed) by law, and the rights derived from being able to enforce those duties
- Welsh should not be treated less favourably than English in Wales
- People in Wales should be able to live their lives through the medium of Welsh if they wish to do so

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# 1 Background to the Advisory Panel

- 1.1 The Welsh Language Measure (Wales) 2011 (the “Measure”) provides for the establishment of a Welsh Language Commissioner.
- 1.2 Part 3, Clause 23 (1) to (4) of the Measure also provides for the establishment of an advisory panel to the Commissioner known as the Welsh Language Commissioner's Advisory Panel.
- 1.3 The Panel is appointed by Welsh Ministers. Members of the Advisory Panel are not employed by the Welsh Government.
- 1.4 Members of the Advisory Panel will have entered into a Terms and Conditions agreement with Welsh Ministers in terms of their appointment on the Panel, and members will be expected to behave pursuant to such agreement (the "Agreement").
- 1.5 The Welsh Language Commissioner is not accountable to the Panel but may seek its advice. The Commissioner acts on the basis of discussions with the Panel.

## 2 Appointment of the Advisory Panel

- 2.1 Schedule 4, Part 1, of the Measure states that Welsh Ministers need to comply with appointment regulations (Regulations of the Commissioner Advisory Panel of the Welsh (Appointment) 2012 (the Regulations)) in appointing a member to the Advisory Panel.
- 2.2 Schedule 4 of the Measure also outlines the aspects of appointment, remuneration pay, allowances and pensions, terms of appointment, period of appointment and regulations of appointment.
- 2.3 Remuneration and expenses are paid to members of the Advisory Panel through payroll by the Welsh Language Commissioner. Members of the Advisory Panel shall be paid in accordance with Appendix 1- Panel Fees and Costs.
- 2.4 The Regulations set out the principles to be followed by Ministers in appointing member of the Advisory Panel.
- 2.5 Members of the Advisory Panel will hold office subject to the terms of their appointment. A person will remain a member of the Advisory Panel for a period of three years.
- 2.6 Ministers may consider renewing the membership of a member of the Panel for a further 3 years, but this will be at their discretion and in accordance with the requirements of the Regulations.
- 2.7 Members will work a minimum of 6 to 8 days per year.
- 2.8 Schedule 4, Part 2, Clauses 6 to 9 of the Measure states that a member of the Panel needs to provide a written notice to the Welsh Ministers if they intend to resign and to give at least 2 months’ notice. The Welsh Ministers may dismiss a member of the Advisory Panel if they are satisfied that the person is unfit to continue or is unable or

unwilling to act as a member of the Advisory Panel. The Welsh Ministers must consult with the Commissioner before dismissing a member of the Advisory Panel. In addition with the above the Agreement will set out other circumstances in which it is possible for Ministers to terminate the appointment of members.

- 2.9 Schedule 4, Part 3, Clause 10 of the Measure states that a person is disqualified from membership of the Advisory Panel on employment grounds if the person is a member of Parliament, a member of the National Assembly for Wales, a member of the Welsh Language Tribunal or a member of the Welsh Language Commissioner's staff.
- 2.10 A person is disqualified from being a Commissioner while being a member of the Advisory Panel.

### 3 The Advisory Panel's role

- 3.1 The Commissioner may consult the Advisory Panel on any matter<sup>1</sup>. The Advisory Panel is responsible for advising the Commissioner on the Commissioner's functions in accordance with the Measure.
- 3.2 If, in connection with the exercise of functions, the Commissioner consults with the Advisory Panel, the Commissioner **must** pay attention to the consultation in the exercise of the functions<sup>2</sup>.
- 3.3 The Advisory Panel is not involved with the Commissioner's day to day work and does not have a public profile.
- 3.4 The duties are as follows:
- The Commissioner **may** consult the Advisory Panel in preparing each annual report<sup>3</sup>.
  - The Commissioner **must** consult the Advisory Panel in preparing each 5-year report<sup>4</sup>.
  - The Commissioner **must** consult the Advisory Panel in carrying out a standards investigation. After carrying out a standards investigation, the Commissioner must produce a standards report<sup>5</sup>. After preparing a standards report following a standards investigation the Commissioner must send a copy to the Advisory Panel<sup>6</sup>.
  - The Commissioner **may** issue codes of practice for the purpose of providing practical guidance with respect to the requirements of any standards<sup>7</sup>. The Commissioner must not issue, revise or withdraw a standards code of practice without the consent of the Welsh Ministers. Before seeking that consent, the Commissioner **must** consult the Advisory Panel.
  - The Commissioner **may** consult with the Advisory Panel in planning the work on its Strategic and Operational plans and in preparing the Assurance Report.
  - The Commissioner **may** ask the Panel for advice on its performance against its operational plan and strategic objectives.

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<sup>1</sup> Part 3, Clause 24(1) of the Measure

<sup>2</sup> Part 2, Section 17 of the Measure

<sup>3</sup> Part 2, Section 19 (1) (a) of the Measure

<sup>4</sup> Part 2, Section 17 of the Measure

<sup>5</sup> Part 2, Section 19 (1) (a) of the Measure

<sup>6</sup> Part 2, Section 64 (4) of the Measure

<sup>7</sup> Part 4, Section 68 (1 - 4) of the Measure

- Ensuring that the Nolan Principles are observed.
- Any other duty as set out within the Agreement.

## 4 Chair of the Advisory Panel

- 4.1 The role of the Chair of the Advisory Panel will be to lead the Panel but the Chair has no power to act on their behalf without instructions, except in case of emergency. In practice, the Chair should:
- ensure that the meetings are held effectively
  - consider and agree the agenda for each meeting with the Welsh Language Commissioner
  - communicate with members between meetings and act as a spokesperson for the Advisory Panel as needed.
- 4.2 The Chair is elected by fellow Panel members. An appointment will be for a term of three years with an option to continue for a second term. The agreement of the second period will be subject to the Welsh Government's arrangements for extending the period of membership of the Panel.

## 5 Training

- 5.1 All members of the Advisory Panel will have training and development needs and the Commissioner will have identified these at annual performance management sessions between Members and Chair or during regular conversations between Members and Chair.
- 5.2 New members will receive induction and training to help them understand their role and understand the organisation.

## 6 Conflict of Interest

- 6.1 Each member of the Advisory Panel (together with the Commissioner's staff) will complete a statement of interests every six months. The statements of members of the Advisory Panel, members of the Audit and Risk Committee, the Commissioner, the Deputy Commissioner and the Commissioner's Management team will be published on the Commissioner's website. This will promote transparency and a robust governance.
- 6.2 Members (along with the Commissioner's staff) will be expected to inform the Commissioner's Director of Governance and Corporate Services in the event of any change in their interests as soon as possible.
- 6.3 If a Member or officer, or any relative of his or her, has a financial interest or other material or substantial interest, directly or indirectly, in any matter relating to the Advisory Panel, the member or officer will be required to disclose that fact before discussing that item and will not participate in the discussion of the matter, nor vote on any question in connection with it.
- 6.4 The Chair of the Advisory Panel will decide whether disclosure of interest equates to conflict of interest and will decide in such cases if the member or officer needs to leave

the meeting. In cases where the Chair has disclosed an interest, it should be the Commissioner to judge whether that equates to a conflict of interest, and whether the Chair needs to leave the meeting.

## 7 Gifts and Hospitality

- 7.1 Panel members should not accept any gifts or hospitality that may appear to be compromising their judgment or personal integrity or subjecting them to improper obligation. If a Member chooses to accept a donation or hospitality, this must be recorded on the Panel's public register.
- 7.2 Panel members are expected to observe the fact that acceptance of gifts and hospitality may be subject to public scrutiny. The Advisory Panel's secretariat should be advised of any such offers and any which are refused.
- 7.3 A record of any donations or hospitality received or refused must be recorded on the Advisory Panel's public Gifts Register.

## 8 General

- 8.1 Part 3, Clause 23 of the Measure states that there shall be at least 3, but no more than 5 members on the Advisory Panel at any time. The Commissioner may consult with the Advisory Panel on any matter, consulting with anyone or more or all members of the Panel.
- 8.2 The Panel will need to undertake a self-assessment exercise once a year. It will also require annual assessment of member performance (see above). The Commissioner has delegated the function of conducting members' performance management sessions to the Panel Chair. The Commissioner will assess the performance of the Chair.
- 8.3 The Chair of the Advisory Panel and the Chair of the Commissioner's Audit and Risk Committee should meet as necessary to discuss any issue they think needs to be discussed.

## 9 Notice of Meetings

- 9.1 Notice to attend meetings of the Advisory Panel will be circulated 14 days prior to the meeting either by email or by ordinary post stating the date, time and place of the meeting and the business to be discussed. Papers will be circulated to Panel members 7 days prior to the meeting.

## 10 Meetings

- 10.1 Meetings will be held virtually or in person.
- 10.2 When meetings are held in person, they would mostly be held in Cardiff. Meetings may be held at venues across Wales from time to time.

- 10.3 The Welsh Language Commissioner will provide the secretariat to the Advisory Panel and will produce minutes. The minutes will be available in Welsh.
- 10.4 The language of the meetings will be held in Welsh and an interpreter will be present to translate if necessary.
- 10.5 The Advisory Panel will meet up to 3 times a year. Panel members will be expected to attend the meetings regularly.
- 10.6 Panel members will be expected to make time to prepare for the meetings. This pattern could vary over the 3 years according to the Commissioner's workload.
- 10.7 The Chair of the Advisory Panel, when present, will preside at meetings of the Advisory Panel.
- 10.8 If the Advisory Panel Chair is absent, panel members will select a member to preside at that meeting.
- 10.9 The Chair of the Advisory Panel may, following a request from the Commissioner, call additional meetings as required.
- 10.10 Panel meetings will not be open to the public.
- 10.11 For each meeting of the Panel, members will receive:
  - Strategic overview of the Commissioner's work
  - Quarterly Progress Reports on the Operational Plan, for information.

## 11 Behaviour

- 11.1 If any Member consistently ignores the management of the Chair of the Advisory Panel by behaving irregularly, improperly or offensively, or wilfully obstructing the business of the Welsh Language Commissioner, the Chair or any other member may propose that "the named member shall no longer be heard" or "that the named member leaves the meeting" and the motion may, if it is seconded, presented and decided without discussion.