



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.

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. Background to the Advisory Panel

1.1 The Welsh Language Measure (Wales) 2011 provides for the establishment of a Welsh Language Commissioner. 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. The Panel is appointed by Welsh Ministers. Members of the Advisory Panel are not employed by the Welsh Government. 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, Clause 1 (1 - 4) states 'In appointing a member of the Advisory Panel, the Welsh Ministers must comply with appointment regulations and Welsh Ministers may not appoint a person to be a member of the Advisory Panel if the person is disqualified from being a member of the Advisory Panel on grounds of employment.' Schedule 4 outlines aspects of appointment, remuneration, allowances and pensions, terms of appointment, duration of appointment and appointment regulations. Remuneration and expenses shall be paid by the Welsh Language Commissioner to members of the Advisory Panel via the payroll.

2.2 Members of the 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. Subject to review, membership of the Panel may be extended for a further 3 years. Members will work a minimum of 8 days a year.

2.3 Schedule 4, Part 1, Clause 5 states that Welsh Ministers, by regulations, must make provision about the appointment of members of the Advisory Panel. Appointment regulations may make provision about principles to be followed in appointing members of the Advisory Panel.

2.4 Schedule 4, Part 2, Clauses 6 to 9 states that a member of the Advisory Panel may resign from office if he or she gives the Welsh Ministers not less than 2 months' notice in writing of his or her intention to do so. 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 the Commissioner before dismissing a member of the Advisory Panel.

2.5 Schedule 4, Part 3, Clause 10 states that a person is disqualified from being a member of the Advisory Panel on grounds of employment 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 Commissioner's staff.

2.6 A person is disqualified from undertaking the Commissioner's role by virtue of his or her membership of the Advisory Panel.

3. The Advisory Panel's role

3.1 The Commissioner may consult the Advisory Panel on any matter - Part 3, Clause 24 (1). The Advisory Panel is responsible for advising the Commissioner on the Commissioner's functions in accordance with the Measure.

3.2 The Advisory Panel does not undertake administrative work on behalf of the Commissioner and the Panel will not hold a public profile.

3.3 The duties are as follows:

- The Commissioner may consult the Advisory Panel in preparing each annual report¹.
- The Commissioner must consult the Advisory Panel in preparing each 5-year report².
- states that if, in connection with the exercise of a function, the Commissioner consults the Advisory Panel the Commissioner must have regard to the consultation in exercising the function³.
- 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 report⁴. After preparing a standards report following a standards investigation the Commissioner must send a copy to the Advisory Panel⁵.
- In accordance with the Commissioner may issue codes of practice for the purpose of providing practical guidance with respect to the requirements of any standards⁶. 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.
- Ensuring that the Nolan Principles are observed.

3.4 As the Commissioner plans the work on his Strategic Plan, Annual Report and Assurance Report, he is able to consult with the Advisory Panel.

3.5 The Advisory Panel acts as a critical friend of the Commissioner

4. Number of members on the Advisory Panel

4.1 Part 3, Clause 25 states that there will be at least 3, but not more than 5, members of the Advisory Panel at any time. The Commissioner may consult the Advisory Panel on any matter, consulting with any one or more members or all members of the Panel.

5. Advisory Panel meetings

5.1 The Advisory Panel will meet up to 4 times a year. Members of the Panel shall be expected to attend meetings on a regular basis.

5.2 Members of the Panel will be expected to allocate sufficient time to prepare for the meetings. This pattern may vary during the course of the 3 years depending on the Commissioner's workload.

5.3 Members are expected to be available to work a minimum of 6 - 8 days a year.

5.4 Meetings will be conducted through the medium of Welsh and a simultaneous translation service will be provided if necessary.

¹ Part 2, Clause 19 (1) (a)

² Part 2, Clause 6 (1) (a)

³ Part 2, Clause 17

⁴ Part 4, Clause 63 (3)

⁵ Part 2, Clause 64 (4)

⁶ Part 4, Clause 68 (1 - 4)

5.5 The Advisory Panel will have an annual work programme which will be drafted in December and reviewed in June each year. For this purpose the Commissioner will share an approved copy of his annual operational plan with the Advisory Panel.

5.6 For each Panel meeting, members will receive:

- Strategic overview of the Commissioner's work
- Quarterly Progress Reports on the Operational Plan, for information

6. Prior notice of meetings

6.1 Prior notice to attend a meeting of the Advisory Panel will be issued 14 days beforehand either by email or post stating the date, time and location of the meeting and the agenda. Papers will be circulated to members of the Panel 7 days prior to the meeting.

7. Location of meetings

7.1 Meetings of the Panel will routinely take place in Cardiff, although meetings may be held across Wales from time to time, or via a video-conference link.

8. Secretariat

8.1 The Advisory Panel's secretariat will be provided by the Welsh Language Commissioner.

9. Contact between the Commissioner and the Advisory Panel

- 9.1 Members of the Panel will have direct contact with the Commissioner or, in the event of absence, Deputy Commissioner or personal assistant.

10. Remuneration arrangements

- 10.1 Guidance on payments will be circulated to members of the Panel by the Corporate Services Director along with payment details and how to claim any expenses.

11. Gifts and Hospitality

- 11.1 Members of the Panel are expected to observe the fact that acceptance of gifts and hospitality by members may be subject to public scrutiny. The Advisory Panel's secretariat should be advised of any such offers and any which are refused. In turn, they must be recorded on the Advisory Panel's Register of Gifts, or refused gifts.

12. Conflict of Interest

- 12.1 Members of the Panel must declare any personal or business interests which may influence, or be perceived to, influence members' decisions in undertaking their duties. These interests will be included in a register of interests kept by the Welsh Language Commissioner and the information will be made public on the website. The register must be updated regularly. Should a specific matter lead to a conflict of interest, the member must inform the Advisory Panel beforehand and withdraw from any discussions or considerations relating to the matter.