



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Remit of the Welsh Language Commissioner's Leadership Team



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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

Contact Details:

- Phone: 0345 6033 221
- Email: post@welshlanguagecommissioner.wales
- Website: welshlanguagecommissioner.wales

Welsh Language Commissioner
Unit 2, Block C
Victoria Dock
Caernarfon LL55 1TH

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1 Aim of the Welsh Language Commissioner's Leadership Team

1.1 The Leadership Team is responsible for:

- defining and approving the strategic direction of the Welsh Language Commissioner's (the "Commissioner") work and set challenging objectives;
- offering effective strategic guidance so that the Welsh Language Commissioner can meet its responsibilities and duties under the Welsh Language Measure (2011), focusing on outcomes;
- assisting in the appropriate and effective implementation of the Commissioner's powers, functions and duties;
- making informed and transparent decisions;
- business planning and work programming with a focus on value for money;
- 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 its 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;
- ensuring accountability is real.

1.2 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.

2 Authority

2.1 The authority for the Leadership Team derives from the Commissioner.

2.2 As a Corporation Sole, the Commissioner has all the formal powers and duties. In accordance with the scale and complexity of the Commissioner's role, the Commissioner has delegated responsibilities to staff to exercise some of the duties. This Remit sets out what has been delegated to the Leadership Team.

2.3 Despite the above, 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 situations where the Commissioner acts contrary to the opinion of the majority of the Leadership Team will be an exception and not a rule. When the Commissioner exercises this right, this will be noted within the minutes of any Leadership Team meetings.

- 2.4 The role of the Leadership Team in terms of decisions recognises that, at times, there will be some matters which the Commissioner herself decides on. Decisions about regulatory matters are made outside the Leadership Team. There is further explanation regarding that in section 5 below.

3 Transparency in terms of possible wrongdoings by the Commissioner: Role of the Leadership Team

- 3.1 The members of the Leadership Team have a specific responsibility to act if they believe that the Commissioner is acting illegally or in a manner that is contrary to her duties. Members of the Leadership Team are expected to act in accordance with the Whistleblowing Policy when they believe:
- that the Commissioner (or any other officer) has failed, is failing or is likely to fail to comply with any legal obligation they have; and/or
 - that the Commissioner (or any other officer) is acting in a manner that is contrary to their duties;
 - that a miscarriage of justice has occurred, is occurring or is likely to occur; and/or
 - that the health or safety of any individual has been, is being or is likely to be endangered; and/or
 - that the environment has been damaged, is being damaged or is likely to be damaged; and/or
 - that information tending to show any of the matters above have been, are being or are likely to be deliberately concealed.
- 3.2 The intention of this responsibility is to provide clear and transparent assurances to Welsh Ministers and the public that the high standards of this Role will be safeguarded.

4 Responsibilities of the Leadership Team

- 4.1 See [Schedule 1](#) for a (non-exhaustive) list of the expected behaviour of the Leadership Team as an entity.
- 4.2 The issues below are considered by the Leadership Team as an entity (but are not limited to the following):

Governance and Management

- To advise the Commissioner as she executes all her general duties, exercises her powers and functions and carries out her activities
- To approve the Terms of Reference of the Audit and Risk Committee, Advisory Panel etc
- To approve the agenda and minutes of the Audit and Risk Committee and the Advisory Panel

- To approve a financial delegation plan
- To approve the strategy and principles for risk management and then monitoring risk at organisational level
- To approve the 5 year Report
- To make decisions following recommendations from internal auditors
- To scrutinise issues that arise (Human Resources/Equality/Health and Safety/Exemption/Operational Plan/Cyber/Finance)

Appointments

- Appointments of Audit and Risk Committee members
- Corporate framework agreements
- Internal Auditors Agreement

Strategy, Business Plan and Budget

- To monitor the organisation's performance
- To approve (including to vary) Corporate Strategies, Strategic Plans, and the Operational Plan, and then monitor progress against them
- To approve performance metrics
- To approve long term work programme plans/major projects
- To consider value for money
- To keep an overview of the organisation's financial situation by receiving and discussing monthly financial reports
- To agree on an estimate
- To approve and submit an annual report and accounts to the Auditor General for Wales, the Minister and the Senedd
- To approve the annual budget, subject to approval by the Welsh Government
- To approve any important external messages
- To approve the communication strategy

Operational decisions

- To approve major developments and changes to the organisation
- To approve the content of strategic and corporate policies/procedures/codes of conduct
- To approve the salary cycle
- To authorise partnership agreements

5 Decisions relating to Parts 4 – 6 of the Welsh Language (Wales) Measure 2011

- 5.1 There are statutory processes to be followed as the Commissioner sets out to exercise some of her functions in relation to Parts 4 - 6 of the Welsh Language (Wales) Measure 2011. The Commissioner's Enforcement Policy details some of the aspects involved in those processes.

- 5.2 The Adjudication Meeting is the discussion forum in relation to the decisions of Part 4- 6 of the Welsh Language (Wales) Measure 2011. Separate Terms of Reference exist for this forum.

6 Leadership Team Membership

- 6.1 The membership of the Leadership Team is as follows:

- Welsh Language Commissioner (Chair)
- Directors of the Welsh Language Commissioner

- 6.2 Members will be expected to consider any training and development needs they require as a virtue of being a member of the Leadership Team and discuss this with the Commissioner. The Human Resources Officer will act on organising relevant training.

7 Effectiveness

- 7.1 The Leadership Team will ensure that arrangements are in place to enable them to carry out their responsibilities effectively, including a formal annual self-review of the Team's performance (as a forum; an evaluation of individual members of the Leadership Team will be carried out by the Commissioner). The self-review, led by the Chair, will consider feedback from members of the Leadership Team, any lessons learned, and possible improvement.

8 Declaration of Interests

- 8.1 Each member of the Leadership Team (and the rest of the Commissioner's staff) will complete a declaration of interests every six months. The declarations of interests of members of the Leadership Team, members of the Audit and Risk Committee, and members of the Advisory Panel will be published on the Commissioner's website. This will promote transparency and sound governance.
- 8.2 Members of the Leadership Team (along with the rest of the Commissioner's staff) will be expected to inform the Governance Officer if there is any change in their interests as soon as possible.
- 8.3 Should a member, or any of his or her relatives, have a financial interest or any other relevant or significant interest, directly or indirectly, in any matter involving the Leadership Team Meeting, the member or officer will be required to declare that fact before discussing that item and will not participate in the matter, nor vote on any question relating to that matter.

9 Gifts and Hospitality

- 9.1 Giving or receiving a gift or hospitality creates a relationship that could influence the Commissioner's work and independence. Members of the Leadership Team should avoid gifts/hospitality which are related to their work, or which may be considered to be related to their work except in very limited circumstances
- 9.2 Members of the Leadership Team are expected to recognise that the fact that members receive gifts and hospitality may be open to scrutiny. The Governance Officer should be notified of any proposals made and any proposals rejected. It should be ensured that a record of any gifts or hospitality received, or refused, is made on the Donations Register.

10 Meetings

- 10.1 Leadership Team meetings are usually held virtually but can be held face-to-face. It is aimed to hold at least one face-to-face meeting to discuss strategic issues only every term.
- 10.2 A meeting of the Leadership Team will normally be held every two weeks. An additional meeting will be organised if an important issue arises where attention or a decision is urgently needed by the Leadership Team.
- 10.3 Except in special circumstances, the issues below will be discussed at every meeting of the Leadership Team;
- recording the names of those members present at the meeting on an attendance sheet and receiving apologies for absence;
 - declaring any interest from any member;
 - choosing a member to preside over the meeting in the Chair's absence;
 - accepting and approving the minutes of the previous meeting as a true record, and considering any matters arising;
 - any matter that is on the agenda.
- 10.4 The minutes of the Leadership Team meeting, as well as reports before the Leadership Team are kept in a location that is open to all staff of the Commissioner's office. When an item of a sensitive nature needs to be discussed, a closed meeting of the Leadership Team will be called. Neither the minutes nor those reports are kept in a location that is open to staff.
- 10.5 There will be a quorum at a meeting for a specific item on the agenda if 2 members of the Leadership Team are present for the entire item/items.
- 10.6 Matters that require the decision of the Leadership Team will usually be discussed during a meeting of the Leadership Team. However, the Leadership Team can make a decision by email where necessary.

- 10.7 If a decision is not reached by majority, the Commissioner will have a second vote regardless of whether she has voted on the matter previously.
- 10.8 The Corporate Support Officer will normally provide a secretariat for the Leadership Team meeting and draw up minutes. Other support officers in the organisation can do that in his/her absence.
- 10.9 Officers will not attend the meeting as a matter of course. However, the Leadership Team may ask specific Officers to attend in order to present a specific issue. In those circumstances, the person recording the minutes during the meeting will inform the officer that the Leadership Team is ready to hear from them and will let them into the meeting. They will not usually need to be present throughout the Meeting. Attendees who are not members of the Board will not have the right to vote.

Schedule 1: Conduct of the Leadership Team

Nolan's seven principles of public life apply to those who are publicly appointed (including the Commissioner) and to everyone who works for, or is part of, a public service. The Commissioner promotes the principles set out below and endeavours to adhere to them, and expects the officers and staff to do the same.

Selflessness

Public office holders should act only in the public interest.

Integrity

Public office holders must avoid placing themselves under obligation to persons or organisations who may seek to improperly influence them in their work. They should not act or make decisions in order to secure financial or material benefits for themselves, their family or their friends. They should declare and resolve any interests and relationships.

Objectivity

Public office holders must act and make decisions impartially, fairly, and on merit, using the best evidence without discrimination or showing bias.

Accountability

Public office holders are accountable to the public for their decisions and actions and must submit to all inspections necessary to ensure that.

Being Open

Public office holders should act and make decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and legitimate reasons for doing so.

Honesty

Public office holders should be honest.

Leadership

Public office holders should demonstrate these principles in their own behaviour. They should actively promote the principles and firmly support them and be prepared to challenge examples of bad behaviour.