



Comisiynydd  
Cenedlaethau'r  
Dyfodol  
Cymru

Future  
Generations  
Commissioner  
for Wales



Llywodraeth Cymru  
Welsh Government

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## Memorandum of Understanding

Operational working arrangements between the Welsh Government and Future Generations Commissioner for Wales

Derek Walker  
Future Generations Commissioner for Wales

Jane Hutt MS  
Minister for Social Justice and Chief Whip

26 May 2023

26 May 2023

## **Well-being of Future Generations**

In Wales, we are doing things differently.

We have a law in Wales that helps us all work together to improve our environment, our economy, our society, and our culture all together. For people, for our planet. For now, and for our future.

This is called the Well-being of Future Generations (Wales) Act 2015.

Through the Well-being of Future Generations Act 2015, Wales has set out seven ambitious well-being goals which establish a long-term vision for a sustainable Wales and describes sustainable development as the way in which these goals will be achieved.

This is about meeting the needs of current generations without compromising the ability of future generations to meet their own needs.

The Welsh Government is committed to leading Wales in achieving these well-being goals and changing the way that Wales works so that sustainable development is the core principle guiding our actions to improve the well-being of people now and in the future.

To assist, support, and inspire this transformation, an independent Future Generations Commissioner for Wales ('the Commissioner') was established to provide advice and support on sustainable development and be an advocate for future generations.

## Terms (roles)

<p>Future Generations Commissioner for Wales</p>	<p>This is the individual appointed by Welsh Ministers to be the Future Generations Commissioner for Wales. The Commissioner is a corporate sole and holds office for a period of 7 years.</p> <p>Derek Walker was appointed as Future Generations Commissioner and took up post on 1 March 2023.</p>
<p>Deputy Future Generations Commissioner</p>	<p>The Future Generations Commissioner must appoint a member of staff to be the Deputy Commissioner. Marie Brousseau-Navarro was appointed as Deputy Commissioner on 15 April 2021.</p>
<p>Lead Minister</p>	<p>The Minister for Social Justice and Chief Whip, Jane Hutt MS is the lead Minister with the following responsibilities</p> <ul style="list-style-type: none"> <li>• Relationship with the Future Generations Commissioner for Wales</li> <li>• National implementation of the Well-being of Future Generations framework, including Well-being of Future Generations National Stakeholder Fora and oversight of relationship with Public Bodies under the Well-being of Future Generations Act.</li> </ul>
<p>Sponsorship Branch (operational matters)</p>	<p>This is the Public Bodies Unit within the Chief Operating Officers Group within Welsh Government who oversee the funding and accounting relationship with the Future Generations Commissioner for Wales</p> <p>Richard Shearer is the Head of Public Body Governance within the Public Bodies Unit, Chief Operating Officer Group. Richard is the main contact for operational matters.</p>
<p>Sustainable Futures Division (policy matters)</p>	<p>This is the division with policy responsibility for sustainable development, the well-being of future generations agenda and Well-being of Future Generation (Wales) Act 2015. The division sits within the Chief Operating Officers Group within Welsh Government.</p> <p>Simon Brindle is Director for Continuous Improvement</p> <p>Andrew Charles is the Deputy Director for Sustainable Futures</p> <p>Robert Morgan is the Head of Sustainable Development Team.</p>

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## 1 Introduction

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- 1.1 This document sets out the operational working arrangements between the Welsh Government and the Future Generations Commissioner for Wales (the Commissioner).
- 1.2 Its purpose is to ensure the Welsh Government and Commissioner work proactively to promote sustainable development in the context of the Well-being of Future Generations (Wales) Act 2015. It is designed to ensure effective and appropriate working relations, including arrangements to operate in accordance with the sustainable development principle. A summary of the legislative background and the duties and powers of the Future Generations Commissioner for Wales can be found in Annex A.
- 1.3 These arrangements have been agreed between the Lead Minister on behalf of the Welsh Government and the Future Generations Commissioner for Wales. It has been coordinated by the Sustainable Futures Division and the Sponsorship Branch within the Chief Operating Officers Group (COOG) and with officials from the office of the Future Generations Commissioner for Wales.
- 1.4 It does not cover interactions between the Commissioner and the Senedd or other public, private or third sector bodies. It does, however, impact on the Commissioner's engagement with executive 'bodies of the Welsh Government.
- 1.5 Guidance on how Welsh Government works with Commissioners is set out in [Managing Welsh Public Money](#). This sets out expectations for Welsh Government to put in place a protocol or framework agreement which is prepared with, and agreed by, the Commissioner. This agreement should be reviewed at least every three years and within three months of the appointment of a new Commissioner.
- 1.6 This document was agreed in May 2023 and will be reviewed in 2026.

## 2 Principles

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- 2.1 The Welsh Government recognises the statutory basis upon which the Commissioner's independence is established. It respects the need for the Commissioner to operate independently of Welsh Ministers in order to exercise their statutory functions effectively.
- 2.2 The Welsh Government will not seek to influence any of the Commissioner's decisions, including the exercise of the Commissioner's statutory functions, content of reports due for publication or budgetary decisions, other than to provide necessary factual information or insight on the implementation of the Well-being of Future Generations (Wales) Act 2015.
- 2.3 This is not a legally binding document. However, the Commissioner and the Welsh Government agree to adhere to its principles and to show proper regard for each other's activities.

### ***The independence and role of the Welsh Government***

2.4 The Future Generations Commissioner for Wales recognises **the Welsh Government has multiple roles** on the sustainable development and well-being of future generations agenda. These are:

- The Welsh Government’s **national policy role** for sustainable development and the well-being of future generations agenda. This includes their international role and commitments to the Sustainable Development Goals, and relationships with other governments, states, regions, and sub-national governments.
- The Welsh Government’s role in delivering **key foundations** for the implementation of the Well-being of Future Generations Act – the setting of national well-being indicators and milestones, the preparation of the annual well-being of Wales report, and publication of the statutory future trends report. This also includes their duty to provide statutory guidance to public bodies on discharging their duties under the Well-being of Future Generations Act.
- The Welsh Government’s sustainable development and well-being duties – which includes being a **named public body** in Part 2 of the Well-being of Future Generations Act, and the duty to promote sustainable development in Government of Wales Act 2006.
- The Welsh Government’s role in the work of **Public Services Boards** as invited participants, and associated policy responsibility for Public Services Boards and Town and Community Councils. Welsh Government are also statutory consultees on well-being assessments and plans of Public Services Boards.
- The Welsh Government’s policy role for **public bodies**, including their relationship with executive bodies.
- The Welsh Government’s role as a key **stakeholder** in the work of the Future Generations Commissioner for Wales, a public body subject to the duties in the Act and a **recipient** of the support and advice of the Commissioner.

### ***The independence of the Future Generations Commissioner for Wales***

2.5 Whilst appointed by the First Minister and funded by the Welsh Government, the Commissioner has corporation sole status. As such the Commissioner is independent and responsible for how they discharge their duties and powers set out in the Well-being of Future Generations Act.

2.6 Commissioners are often champions for the people or policy areas whose interests they represent. As such, they are independent of Government and must have the freedom and discretion to undertake research, provide advice, conduct reviews, arrange visits and write reports without fear of their work having an impact on their funding. The Future Generations Commissioner for Wales has a specific duty to “act as a guardian of the ability of future generations to meet their needs”. The way in which this duty is

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<sup>1</sup> These are listed in the [Register of devolved public bodies | GOV.WALES](#)

discharged is for the Commissioner to decide. The Act makes sustainable development the core principle that shapes what a body does, and how they operate. It is therefore not a single policy issue but a way of tackling the challenges Wales faces to develop and deliver more sustainable solutions for now and for the future. The Commissioner's primary duty of the Commissioner is to promote the sustainable development principle which describes a way of working.

2.7 The general duty of the Commissioner and the majority of its powers are designed to support and enable public bodies in carrying out the sustainable development principle.

*Welsh Government's interaction with the Commissioner as set out in the Act*

2.8 As Welsh Government are a public body as defined for the purposes of the Well-being of Future Generations (Wales) Act 2015 their interaction with the Commissioner's duties may include the following:

- Are **encouraged** by the Commissioner to take greater account of the long-term impact of their activities (s18 (a)(ii))
- Will be **monitored** by the Commissioner in the meeting of the well-being objectives they set (s.18(b))
- May received **advice** or **assistance** by the Commissioner (s.19(1))
- May be **encouraged** by the Commissioner to work with other bodies in meeting their well-being objectives (s.19(1))
- May be asked to share good practice and case studies or other relevant information relating to the implementation of the Act.
- Will be consulted on the preparation of the **Future Generations Report**.
- May be subject to a **review** (s.20) and therefore have a duty to follow the recommendations of the Commissioner.

2.9 Similarly, the Welsh Government's interaction with the Future Generations Commissioner includes requirements to consult the Commissioner: -

- Before publishing national indicators and milestones (including indicators and milestones revised) (s.10(9))
- Consult the Commissioner before appointing a member under section 26(2)(h) to the advisory panel.
- Before making regulations to amend the criteria for community councils s.40(4)
- Before making regulations to amend the list of public bodies in section 6(1) (s.52,3)

2.10 Like with any other public body, the exercise of the general duty (s.18) and powers (s.19) requires good working relationships between the Welsh Government and the Commissioner, in particular where the Welsh Government seeks the advice or assistance of the Commissioner on the sustainable development principle.

2.11 The Welsh Government may also be subject to the review power of the Commissioner (s.20). The scope of this power is limited to the extent to which a public body is safeguarding the ability of future generations to meet their needs. It is in the discharge of the review power where the relationship between the Welsh Government and the Commissioner is different.

Clarification

The Well-being of Future Generations Act does not dictate a decision a public body should reach in any given situation and does not confer rights onto individuals. The Future Generations Commissioner for Wales is not a regulator of individual decisions by public bodies subject to the Well-being of Future Generations Act. The Commissioner does not investigate complaints or provide financial support to individual seeking remedy for their specific cases. It is not an extra layer of appeal on specific issues.

*Acting in accordance with the sustainable development principle*

- 2.12 The Welsh Government and the Future Generations Commissioner for Wales have a shared ambition in making Wales a more sustainable nation, and that the Well-being of Future Generations (Wales) Act provides a comprehensive legal framework to support this ambition.
- 2.13 The Welsh Government and Future Generations Commissioner also have common duties to promote sustainable development. The Welsh Government is required to make arrangements to promote sustainable development (s.79 of the Government of Wales Act 2006, as amended by the Well-being of Future Generations Act 2015). The Future Generations Commissioner for Wales’s general duty is to promote the sustainable development principle. This means that there will be areas where the exchange of information and insight on sustainable development in Wales will assist both bodies in exercising their sustainable development and well-being of future generations duties.
- 2.14 The relationship between the Welsh Government and the Future Generations Commissioner for Wales is also governed by the sustainable development principle set out in the Well-being of Future Generations Act. Whilst the Commissioner is not under a duty to act in accordance with the sustainable development principle, unlike the Welsh Government, it forms the basis of the working relationship.
- 2.15 In the context of this Memorandum of Understanding, the Welsh Government and Future Generations Commissioner for Wales working arrangements’ will be informed by the [sustainable development principle](#). This can include:-
- Sharing ideas for action early on and using the arrangements for meetings to **involve** both parties so that input can be considered early on and so that relevant early action can be selected for collaboration if appropriate.

- Depending on the degree of **collaboration** on projects or activities we will establish clear terms of reference and roles and responsibilities.
- To think about the **long-term** by weaving consideration of future trends into the start of our collaborative action
- Encouraging each other to take a **preventative** approach.
- Taking a systems approach to our collaborative work to maximize **integration** with existing activities of others to avoid duplication and contradictions (and avoid re-inventing wheels or developing dependence), encouraging each other to take an integrated / collaborative approach.

### **3 Human Resources**

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- 3.1 Whilst not a Welsh Government Sponsored Body in the usual sense - due to the Commissioner's corporation sole status - the office will mirror several elements of the terms and conditions of employment of the Welsh Government / Civil Service.
- 3.2 The relationship management team in the Sponsorship Branch, will work to inform the Commissioner's Chief Operating Officer of any contractual changes throughout the year. It is for the Commissioner to decide whether to action these changes.
- 3.3 The Commissioner will enter into a Memorandum of Understanding with their office to signify their commitment to adhere to their Office's main governance and Human Resources policies.

### **4 Funding of the Commissioner's office - Budget**

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- 4.1 The Sponsorship Branch will advise the Commissioner at the earliest opportunity of the funding to be made available in the following financial year following Ministerial approval.
- 4.2 The Commissioner will claim from the Welsh Government and be able to draw down the funds in a timely manner. The payment requested will be actioned in accordance with the Welsh Government's financial governance arrangements and the published timescales.
- 4.3 The Commissioner recognises that the Permanent Secretary, as the Welsh Government's Principal Accounting Officer, has a duty to ascertain that the Commissioner has put in place adequate arrangements to ensure that the annual allocation is used with regard to the need for regularity, propriety and value for money. As such the Commissioner will provide the Welsh Government with any relevant information that it might require in advance of at the relevant meeting. This is for information only and the Welsh Government will not seek to influence any of the Commissioner's budgetary decisions.

- 4.4 The Commissioner and his Audit and Risk Assurance Committee will be made aware at the earliest opportunity of any Welsh Government internal audit or other financial review that might impact on the Commissioner's Office, and the Commissioner will be provided with a copy of any Terms of Reference and eventual report. The Commissioner and his staff are committed to providing the Sponsorship Branch with any appropriate assistance in preparation for or during such review.

#### ***Statutory estimate***

- 4.5 The Welsh Minister's responsibilities include agreeing the annual Budget for the Future Generations Commissioner for Wales.
- 4.6 Under Schedule 2, Paragraph 19 of the Well-being of Future Generations Act, the Commissioner must prepare an estimate of the income and expenses of the Commissioner and the Commissioner's staff. This must be submitted to the Welsh Ministers at least five months before the beginning of the financial year in which it relates. The Commissioner and Welsh Government have agreed that earlier submission of the estimate can assist budget planning and discussions.
- 4.7 The Welsh Ministers must examine an estimate submitted to them and then lay the estimate before the Senedd with any modifications they think appropriate. (Schedule 2, para. 19 (3)). The Minister will lay the statutory estimate without (or with any modifications) in the Senedd, as part of the annual Welsh Government budget process.
- 4.8 A discussion on the estimates of expenditure should take place between the Commissioner's team, the Sponsorship Branch and Sustainable Futures branch, prior to the submission deadline. The Commissioner's office will then finalise the Budget Estimate for the next financial year and provide indicative information for the following two financial years, and send to Sustainable Futures Division and Sponsorship Branch by the formal deadline of 31 October. However, to assist budget planning the Future Generations Commissioner has agreed to work towards an earlier submission date of 31 August each year.

#### ***Budget planning***

- 4.9 The Welsh Government's budget planning arrangements are governed by the requirements of the Government of Wales Act 2006 and the Standing Orders of the Senedd.
- 4.10 The Welsh Government will publish its outline budget proposals which will set out the high-level strategic spending and financial plans of the Welsh Government.
- 4.11 This will include an indicative budget allocated to the Future Generations Commissioner for Wales. It will only be when the Annual Budget Motion is agreed in the Senedd when the final budget is confirmed.
- 4.12 The Minister will confirm both the net revenue and capital resource budgets and amount of grant-in-aid (cash) funding to be provided to the body for the next financial year. As part of the net resource budget allocation, the Minister will also confirm the level of income which may be retained by the body to fund activity in the financial year. This will

normally be no later than one month after the final budget has been agreed by the Senedd. Any funding for the year in question must be authorised by the Senedd in the Annual Budget Motion.

- 4.13 Where possible, the Minister will also provide indicative resource revenue and capital budgets for subsequent years to inform budget planning. However, details of budgets for indicative years can decrease or increase according to Government priorities, changes to Ministerial portfolios, budget fluctuations and/or concerns about the efficiency and/or effectiveness of the body. The body may be required to model different options for activity dependent on the funding available.
- 4.14 When setting resource revenue and capital budgets and grant-in-aid (cash) requirements, consideration will be given to the levels of reserves (if any) held by the body and income expected from other sources.
- 4.15 The Welsh Government will then issue a letter to the Commissioner confirming the budget.
- 4.16 The draft budget provides a sufficiently early indication of the budget to assist the Commissioner in their financial planning and will reflect the Government's assessment of their statutory estimate.

#### **Grant-in-aid and Cash Management**

- 4.17 The grant-in-aid will normally be paid in quarterly instalments during the financial year or at intervals agreed between the FGCW and Sponsorship Branch. Dates for submission of the claims should be set in advance to facilitate any necessary checks and facilitate prompt payment by Welsh Government.
- 4.18 Cash balances accumulated during the course of the year shall be kept to a minimum level and grant-in-aid not drawn down by the end of the financial year shall lapse. Where grant-in-aid is delayed to avoid excess cash balances at the year-end, the Welsh Government will make available in the next financial year any such grant-in-aid that is required to meet any liabilities at the year-end, such as creditors.

#### ***Cash Balances - In Year***

- 4.19 31. Cash balances accumulated during the course of the financial year must be kept at the minimum level consistent with the efficient operation of the organisation.
- 4.20 The Commissioner should seek to avoid holding a working balance in excess of the equivalent of 5 per cent of its annual grant-in-aid budget when it receives each instalment of grant-in-aid. Any funds exceeding that amount held as a working balance at the end of each funding period are to be taken into account in determining the amount of cash to be paid in the following period.

#### ***End of Year Cash Balance***

- 4.21 The Body is permitted to carry-over as cash from one financial year to the next any drawn but unspent cash balances of up to 5 per cent of its annual grant-in-aid budget. Any proposal to carry-over sums in excess of this amount must be agreed in writing in

advance with the relationship team in Welsh Government, and on a case by case basis. Any sum carried-over in excess of the agreed amount may be taken into account in the subsequent year's grant-in-aid.

#### ***Interest Earned on Cash and Bank Balances***

- 4.22 All interest, net of any bank charges, earned by the Commissioner on any cash and bank balances is to be declared and surrendered to HM Treasury via the Welsh Consolidated Fund.

#### ***Income***

- 4.23 The Commissioner has the power to charge for the recovery of costs associated the exercise of their powers e.g provision of advice or other services.

#### ***Financial assistance***

- 4.24 The Commissioner must seek the approval of the Welsh Ministers when providing financial assistance to any person or acquire or dispose of any interest in land.

### **5 Responsibilities of the Accounting Officer**

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- 5.1 Schedule 2 of the 2015 Act states that the Commissioner is the accounting officer for the office of the Commissioner.
- 5.2 The Commissioner is required to keep proper accounting records for each financial year, conforming to the Welsh Minister's Accounts direction and submit them to the Auditor General for Wales in the following financial year.
- 5.3 As Principal Accounting Officer, they are also responsible for the overall organisation, management and staffing of the office of the Commissioner, and for its procedures in financial and other matters.
- 5.4 As Accounting Officer, the Commissioner is responsible for maintaining a sound system of internal control that supports the achievement of their office's policies, aims and objectives. This is done whilst safeguarding the public funds and assets for which they are personally responsible, in accordance with the responsibilities assigned to him in Managing Welsh Public Money (Welsh Government). The use of resources must be regular, have regard to the need for propriety and seek to achieve value for money.
- 5.5 The Permanent Secretary, as the Welsh Government's Principle Accounting Officer has a duty to ascertain that the Future Generations Commissioner has put in place adequate arrangements to ensure that the annual allocation is used with regard to the need for regularity, propriety and value for money.
- 5.6 The Future Generations Commissioner will provide to the sponsorship branch relevant information, for information only and Welsh Government will not seek to influence any of the Commissioner's budgetary decisions. Despite the policy and operational independence of Commissioners, all are funded by public funds which are provided by the Welsh Government. All Commissioners are Accounting Officers, receive Accounting

Officer letters [from HM Treasury] and must attend appropriate training. They are, therefore, personally responsible for the management of the funds allocated to them. The accounts and governance arrangements of all Commissioners must be subject to internal audit and to external audit by the Auditor General for Wales.

## **6 Deputy Commissioner**

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- 6.1 Schedule 2 of the Well-being of Future Generations Act requires the Commissioner to appoint a member of staff to be the Deputy Commissioner. The functions of the Commissioner are exercisable by the Deputy Commissioner if, the office of Commissioner is vacant, or the Welsh Ministers are satisfied for any reason the Commissioner is unable to exercise the functions of the Commissioner.
- 6.2 The Commissioner or their Deputy should advise Welsh Government if such circumstances arise.

## **7 Governance**

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- 7.1 Commissioners are Corporation Soles and are not, therefore, accountable to a Board of Directors. However, it is advisable for each Commissioner to have access to independent policy advice and to establish Audit Committees consisting of independent members, although the arrangements may vary from Commissioner to Commissioner due to variations in legislation.

### **The Audit and Risk Assurance Committee of the Commissioner's office**

- 7.2 As corporation sole and like other public bodies, it is appropriate that the Commissioner establishes accountability mechanisms. An Audit and Risk Assurance Committee should be established to provide advice and assurance in respect of corporate governance, risk management and control, and financial management within the Commissioner's office, and the adequacy of the internal and external audit arrangements.
- 7.3 The Audit and Risk Assurance Committee should meet at least three times a year (normally quarterly) and comprise solely of non-executive members (i.e. not the Commissioner or his staff). Attendees should include the Commissioner and senior finance officer and others as and when required.
- 7.4 The Audit and Risk Assurance Committee provides the Commissioner with independent scrutiny and strategic advice.

## **8 External Audit**

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- 8.1 The Auditor General for Wales is the Commissioner's statutory external auditor appointed by agreement under the Government of Wales Act 2006.

- 8.2 The Commissioner must submit the accounts prepared for a financial year to the Auditor General for Wales no later than 31 August in the following financial year.
- 8.3 The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which resources have been used in discharging the Commissioner's functions. But the Auditor General is not entitled to question the merits of the policy objectives of the Commissioner.

## **9 Advisory Panel**

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- 9.1 Section 26 of the Well-being of Future Generations Act establishes an advisory panel for the Future Generations Commissioner for Wales. This is a panel of advisors who provide the Commissioner with advice on the exercise of their functions.
- 9.2 The statutory members of the panel are listed at section 26(2). The Welsh Ministers may appoint additional members to the advisory panel, these will be known as 'appointed members'. Prior to appointing an appointed member, the Welsh Ministers must consult with the Commissioner and consider any representations made by the Commissioner.
- 9.3 The Welsh Ministers determine the length of time an appointed member is to be appointed to the panel subject to a minimum period of 3 years and a maximum period of 5 years. An appointed member may only be re-appointed once. The appointed member may resign from the panel but must provide a minimum of 3 months' notice in writing to the Welsh Ministers.
- 9.4 The Welsh Ministers may dismiss an appointed member, after consulting with the Commissioner, if they consider that member to be unfit to continue, or unable or unwilling to continue, with the role. Section 28 provides Welsh Ministers with the ability to pay allowances and gratuities to the members of the advisory panel.

## **10 Annual Report**

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- 10.1 The 2015 Act requires the Commissioner to produce and publish an annual report ('described by the Commissioner as the performance report') by 31 August in the following year and send a copy to Welsh Ministers. Schedule 2 to the 2015 Act specifies the information to be contained in the annual report and advises that Welsh Ministers must lay a copy of the report before the Senedd. An electronic version should be sent in a timely manner (prior to publication) under embargo to the Sponsorship Branch and Sustainable Futures Division.
- 10.2 This must include
- A summary of the action taken in that financial year in the exercise of the Commissioner functions
  - An analysis of the effectiveness of that action
  - Summary of the Commissioner's work programme

- Commissioner’s proposals for a work programme for the following financial year
  - Summary of complaints made.
- 10.3 The report may also include the Commissioners' assessments of the improvements that public bodies should make.
- 10.4 The Commissioners current practice is to combine in their annual report the performance report, accountability report and financial statement.
- 10.5 The Commissioner must publish the annual report no later than 31 August in the following financial year. The Commissioner must send a copy of each annual report to the Welsh Ministers. Welsh Ministers must lay a copy of each annual report sent to them before the Senedd.

## **11 Future Generations Report**

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### ***Future Generations Report***

- 11.1 Section 22 of Well-being of Future Generations Act requires the Future Generations Commissioner to prepare and publish, by the end of the reporting period, a report containing the Commissioner’s assessment of the improvements public bodies should make in order to set and meet well-being objectives in accordance with the sustainable development principle. This must also include other matters. The reporting period begins the day after a Future Trends Report is published by the Welsh Government and ends 1 year before the next Senedd election.
- 11.2 The Commissioner must consult the Welsh Ministers during this period on the preparation of the Future Generations Report.
- 11.3 The Commissioner must send the Welsh Minister a copy of the Future Generations Report. The Welsh Ministers must lay a copy of the report before the Senedd.
- 11.4 The Welsh Ministers may by regulations amend the reporting period (s.23(8)). The Welsh Government will consult with the Commissioner if they are considering amending the reporting period.

## **12 Statutory Reports of Reviews**

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- 12.1 Section 20 of the 2015 Act provides the Commissioner with the statutory powers to conduct a review into the extent to which a public body is safeguarding the ability of future generations to meet their needs. The Commissioner must publish a report of the review and send a copy to the Welsh Ministers.

## **13 Work Programme**

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- 13.1 The Commissioner has the power to decide how to present and publish their work programme for the coming year, and how they will inform Welsh Ministers and the public as to his progress at the end of each year in their annual report.
- 13.2 The Commissioner's work plan is set by the Commissioner and no area of the work plan requires approval of Ministers. Sponsorship meetings between the Commissioner and the sponsorship branch are an opportunity to raise issues, discuss areas of work and developments.

### ***Collaborative projects and additional funding***

- 13.3 The Welsh Government and the Future Generations Commissioner for Wales may collaborate on specific additional projects and activities that complement the shared aim of advancing sustainable development (linked to delivering Welsh Government policy objectives). These projects and activities will be funded separately to the budget allocation.
- 13.4 For such activities, the Commissioner will prepare a funding request via a business case or proposal which will involve engagement of the Welsh Government.
- 13.5 The Commissioner will ensure that additional funding for activities does not adversely affect the delivery of its general duty and powers.
- 13.6 The Welsh Government will aim to confirm in advance the allocation of funding, at least 3 months before the start of a new financial year, to enable the Commissioner to make adequate arrangements and retain qualified staff.

## **14 Meetings between the Commissioner and Welsh Government**

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### ***Meetings with Welsh Ministers***

#### *Lead Minister*

- 14.1 Meetings between the Minister for Social Justice and the Commissioner will take place twice a year, and at other times throughout the year if required.
- 14.2 These meetings offer an opportunity for the Commissioner to discuss their programme of work and any pressing issues with the Minister. Similarly, the meeting provide an opportunity for the Minister to share and discuss their vision and plans for the well-being of future generations agenda.
- 14.3 Dates should be set for the year and will be arranged by the Commissioner's office and Sustainable Futures Division who will liaise with Private Office. The Commissioner's office will send a suggested agenda for the meetings to the Sustainable Futures Division who will consult the Minister.

#### *First Minister and Other Ministers*

- 14.4 The Commissioner may wish to meet with other Welsh Ministers during the year. Similarly, the First Minister and/or Welsh Ministers may wish to meet with the Commissioner.

- 14.5 The Lead Minister should be informed; however the Commissioner's office should liaise directly with the relevant private office and/or officials. The Sustainable Futures Division should be informed of any requests to meet other Minister and the First Minister.

*Notes and summaries of meetings*

- 14.6 A note of the individual meetings between the Commissioner and Welsh Ministers will be agreed between the Commissioner and the respective Minister.
- 14.7 The Welsh Government and the Commissioner will record and provide an annual summary of the meetings between the Future Generations Commissioner and Welsh Ministers.

**Commissioner and officials**

- 14.8 The primary contact for strategic discussions and other matters raised between the Commissioner and Welsh Government will be with the Director for Continuous Improvement and/or Deputy Director for Sustainable Futures.
- 14.9 Meetings will take place on a regular basis and will be an opportunity for both sides to raise issues, discuss areas of work and developments. Dates should be set in advance for the financial year and will be arranged by the Commissioner's office in co-operation with the Sustainable Futures Division.
- 14.10 The Commissioner and Director for Continuous Improvement will be invited to attend the quarterly meetings (see below)

**Meetings between Commissioner's staff and Welsh Government officials**

- 14.11 Officials will formally meet on a quarterly basis and at any other time where appropriate.
- 14.12 Dates should be set for the year and will be arranged by the Commissioner's office and Sustainable Futures Division. This will cover standing matters such as the Commissioner's work programme and the Welsh Government's actions to promote sustainable development.
- 14.13 A note of the meeting and actions agreed should be produced following the quarterly official meetings. The taking of notes will be shared between the Commissioner's Office and the Welsh Government. The note takers will be responsible for distributing the noted and any agreed actions within 10 working days.

**Format of meetings**

- 14.14 Meetings can be online, hybrid or alternate between the Commissioner's office and the Welsh Government offices with environmental and social impact in mind. The agenda will be agreed in advance as far as possible.

**Communications / Public Affairs work**

*Publicity surrounding reports*

14.15 Given the Commissioner's independence from the Welsh Government, they are not required to share any statements / press releases relating to a new report by the Commissioner. However, should the Commissioner choose to do this, these will be sent to the Head of Sponsorship Branch and Sustainable Futures Division and to the Welsh Government's Press Office. Copies of any resulting press statements by Welsh Government may also be shared with the Commissioner's office.

***Other communications / public affairs work:***

14.16 Briefings for Members of the Senedd or Senedd committees do not need to be shared with the Welsh Government or the Commissioner.

14.17 However, should the Commissioner or Welsh Government choose to do this, the Commissioner's Lead Change Maker - Public Affairs or the Deputy Director for Sustainable Futures, will forward the briefings to the Minister for Social Justice, other relevant Welsh Ministers and the Deputy Director for Sustainable Futures.

## **15 Approvals of Welsh Minister**

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***Financial assistance and acquire or dispose of land***

15.1 Under Schedule 2, para 8(2) the Commissioner must not provide financial assistance to any person or acquire or dispose of any interest in land without the approval of the Welsh Ministers. The Commissioner will give the Welsh Government advance notice of such matters as appropriate.

***Staff***

15.2 Under Schedule 2, para 9 (5) the Commissioner must obtain the approval of the Welsh Ministers for

- The number of staff that may be appointed
- The terms and conditions of service of the staff
- Payments for remuneration to the members of the Commissioner's staff
- Allowances (including travelling and subsistence allowances) and gratuities to the members of the Commissioner's staff
- Payments for pensions of persons who have been members of the Commissioners staff (para 4).

15.3 These provisions operated primarily in the establishment of the Commissioner's office in 2017. The decisions relating to the discharge of the above duties are discussed in the Commissioner's Audit and Risk Committee.

15.4 To facilitate the discharge of these duties, the Welsh Government and the Commissioner agree that,

- The Commissioner will, as part of the statutory estimate process, provide the Welsh Government with a yearly update on current staff numbers and planned recruitment of new staff.
- The Commissioner and the Welsh Government will, every 2 years review the standard terms and conditions of service of staff deployed by the Commissioner.

15.5 This approach will need to avoid unaffordable longer-term commitments. This information should be submitted to the Public Bodies Unit who will seek approval of Welsh Ministers.

## **16 Relationship management**

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16.1 The Permanent Secretary delegates responsibility for management of relations between the Welsh Government and the Commissioner to the Director for Continuous Improvement. They may in turn require this function to be managed on a day-to-day basis by the Deputy Director for Sustainable Futures and the Public Bodies Unit.

16.2 The primary point of contact for the Commissioner and her/his office in dealing with the Welsh Government on policy matters is the Head of Sustainable Development, Sustainable Futures Division.

16.3 The primary point of contact for the Commissioner and his office in dealing with the Welsh Government on operational matters is Head of Public Body Governance, Public Bodies Unit. The Public Bodies Unit also liaises with finance colleagues on all matters relating to funding. Changes which could require additional in year funding requests should be discussed in the first instance with Head of Public Body Governance (Sponsorship Branch). They will seek advice from officials in other Welsh Government departments as is necessary and appropriate.

16.4 The Sustainable Futures Division and Public Bodies Unit will work together to support the Commissioner's Office in answering queries, resolving issues, providing impartial technical advice to the Commissioner. The approach to meetings is set out in section 14.

## **17 IT Security**

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17.1 The Commissioner is responsible for maintaining the IT systems of the Commissioner's Office, possessing a security policy, and ensuring a secure IT environment for the operation of his office and handling of data, including personal data. Should the Commissioner's office identify a major security incident, for example attack by malware or breach of data, the Commissioner's Office will need to report the incident to the following:

- the National Cyber Security Centre to complete an online report of the incident (or the NCSC incident helpline - 0300 200 973 if no access to ICT);
- the Police (Action Fraud);
- the Information Commissioner's Office;
- the Future Generations Commissioner for Wales's insurers;
- refer to the National Cyber Security Centre's guide.

17.2 The Commissioner's Office should also make contact as soon as possible with Welsh Government upon discovering an issue, using a secure mechanism e.g. non-work device or phone call with the relationship management team. They will notify Welsh Government IT Security, who will provide tailored advice depending on the nature of the event.