



Code of Practice Governing the Relationship between the Auditor General for Wales and the Wales Audit Office

April 2014

Approved by the National Assembly for Wales on XX XXXX 2014.

This Code of Practice has been jointly prepared by the Auditor General for Wales and the Wales Audit Office under paragraph 1 of Schedule 2 the Public Audit (Wales) Act 2013. It is laid by the Auditor General and the Chair of the Wales Audit Office before the National Assembly for Wales under the same provision.

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¹ The Auditor General for Wales is a member of the Wales Audit Office under paragraph 1(2)(b) of Schedule 1 to the Public Audit (Wales) Act 2013 by virtue of his office. The Auditor General for Wales is also, however, a separate legal entity.

Contents

Code of Practice dealing with the relationship between the Auditor General for Wales and the Wales Audit Office	4
Purpose	4
Principles to govern the relationship between the Auditor General and the other members of the Wales Audit Office	6
Requirement to comply with the Wales Audit Office Code of Conduct for Board Members	6
Processes for undertaking particular functions, maintaining corporate governance standards and conflict resolution	7
Annex - Overview of the responsibilities of the Auditor General and the Wales Audit Office	12

Code of Practice dealing with the relationship between the Auditor General for Wales and the Wales Audit Office

The Public Audit (Wales) Act 2013 requires a Code of Practice to deal with the relationship between the Wales Audit Office and the Auditor General, preserving the independence of that office while providing for robust standards of governance.

The 2013 Act also requires the Wales Audit Office and the Auditor General to regularly review the Code and to revise it accordingly. The Wales Audit Office and the Auditor General will therefore review the Code in April 2015.

Purpose

- 1 As required by paragraph 1 of Schedule 2 to the Public Audit (Wales) Act 2013 ('the 2013 Act'), this Code of Practice ('Code') deals with the relationship between the Wales Audit Office and the Auditor General for Wales. The Code is subject to approval by the National Assembly for Wales. Once approved, the Wales Audit Office and the Auditor General must comply with its provisions.
- 2 Under the 2013 Act, the office of Auditor General is a corporation sole. The office holder is personally responsible for audit and inspection functions in respect of a wide range of public bodies. The Auditor General has complete discretion as to how those functions are exercised, subject to adhering to best professional practice, having regard to advice given by the Wales Audit Office and operating efficiently and cost-effectively.
- 3 The Act requires the Wales Audit Office to monitor the exercise of the Auditor General's functions. It also requires the Wales Audit Office to provide resources for the exercise of the Auditor General's functions as required by the Auditor General. This includes employing staff, securing the provision of services, holding property, holding documents and keeping records.
- 4 Under the Act, the Auditor General is a member of the Wales Audit Office as well as its Chief Executive and Accounting Officer. The Auditor General thus has a dual role of (i) a corporation sole responsible for his or her own statutory audit and inspection functions and (ii) a key role in the body established to provide him or her with resources and advice and monitor his or her activities. **Table 1** below summarises the main common and particular roles of the Auditor General and the other Board members. The Annex provides further detail on the responsibilities of the Auditor General and the Wales Audit Office.
- 5 The Act creates a complex relationship situation between the Auditor General and the remainder of the Wales Audit Office. Consequently, not all aspects of standard commercial board practice and behaviour will be appropriate in the Wales Audit Office.

Table 1 - The main common and particular roles of the Auditor General and the other Board members

Board member	Main responsibilities
All Members	Exercise collectively the functions of the Wales Audit Office, eg, chiefly: <ul style="list-style-type: none"> • providing resources for the Auditor General's functions, including employing staff and securing services; and • setting Fee Scheme and charging fees
All Members except the Auditor General	Monitoring and advising the Auditor General's exercise of his or her functions. Jointly preparing with the Auditor General the Wales Audit Office Estimate, Annual Plan and Relationship Code.
All Non-Executive Members	Appointing and setting terms for the 'Appointed' and Elected Employee Members
Chair	Exercising implied functions of Chair (eg, chairing meetings). Laying jointly with the Auditor General the Annual Plan. Jointly preparing, and laying, with the Auditor General reports on the exercise of functions of the Auditor General and the Wales Audit Office.
Auditor General	Exercising audit etc functions. Exercising implied (and delegated) Chief Executive functions. Exercising Accounting Officer functions (eg, producing Wales Audit Office accounts). Recommending a person to be the Appointed Member.
Appointed Employee Member	As All Members rows above (in practice this Member will tend to support the Auditor General at the Board).
Elected Employee Member	As All Members rows above.

- 6 This Code is designed to deal with this complex situation. Its core purpose is to ensure that the Wales Audit Office observes, protects and defends the Auditor General's statutory audit independence while providing the organisation with the high standards of governance that the Welsh public sector and the people of Wales are entitled to expect. It sets out:
- a overall principles to govern the relationship between the Auditor General and the rest of the Wales Audit Office;
 - b a requirement to comply with the Code of Conduct for Wales Audit Office Members; and
 - c processes for undertaking particular statutory functions and for maintaining standards of corporate governance and conflict resolution.

Principles to govern the relationship between the Auditor General and the other members of the Wales Audit Office

- 7 The Auditor General and the other members of the Wales Audit Office will adhere to the following principles in their dealings with one another:
- a to work together in the common aim of running an effective public audit organisation that reports so as to enable public bodies to be held to account for the stewardship of public resources;
 - b to protect the audit independence of the Auditor General;
 - c to ensure adherence to ethical and professional auditing standards;
 - d to operate and demonstrate high standards of corporate governance;

- e to recognise and respect the particular roles of the members, including not seeking to operate beyond their respective functions set out in statute (or properly incidental to those functions);
- f to work in an open and constructive manner, providing mutual respect; and
- g to keep one another informed of significant developments in the operation of the organisation and the environment that it works in.

Requirement to comply with the Wales Audit Office Code of Conduct for Board Members

- 8 In order to protect the Auditor General's audit independence, it is important that all Wales Audit Office members adhere to the Wales Audit Office Code of Conduct for Board Members. That Code of Conduct requires adherence the Seven Principles of Public Life (which are set out in that Code), high standards of personal conduct, including in relation to avoiding financial, political and other conflicts of interest. Adherence to the Code of Conduct is as much a requirement of this Relationship Code as the requirements in relation to specific functions set out below.

Processes for undertaking particular functions, maintaining corporate governance standards and conflict resolution

9 The main functions of the Wales Audit Office are to monitor and advise on the exercise of the Auditor General's functions (section 17(1) and (2) of the Act) and to provide resources for the Auditor General's functions (section 21 of the Act), eg, by employing staff. In addition, the Wales Audit Office has particular functions that it has to exercise jointly or in conjunction with the Auditor General, such as preparing the annual estimate of income and expenses. This section provides coverage of how key functions, in which both the Wales Audit Office and the Auditor General have particular statutory roles, should be undertaken.

The Annual Plan (Section 25 of the Act)

10 Section 25 of the Act requires the Auditor General and the Wales Audit Office to jointly prepare an annual plan for each financial year. Such plans must provide details of the Auditor General's and the Wales Audit Office's work programmes (ie, the priorities in the year for exercising statutory functions), the likely available resources and how they will be used in support of those programmes.

11 In order to facilitate planning for the longer term, the Auditor General and the Wales Audit Office will in close co-operation identify their respective strategic aims and develop a co-ordinated strategic plan for the ongoing exercise and development of their respective functions. The strategic plan will be cast in terms of the development and operation of the organisation as a whole. The Auditor General and the Wales Audit Office will also translate the strategic plan into annual business plans to drive operations. The business plans will contain all the information that statute requires to be provided in the Annual Plan.

12 Before commencing developing the strategic plan and annual business plans, the Auditor General will discuss his/her initial considerations with the Wales Audit Office and will have regard to advice provided by the Wales Audit Office in those discussions.

13 The Annual Plan will be drafted by the Auditor General supported by the Wales Audit Office's staff as required by the Auditor General. It will be produced using relevant material from the organisation's strategy and business plans. The Wales Audit Office will consider the Auditor General's draft and approve the plan, after making any modifications it considers appropriate to the Wales Audit Office's work programme insofar as these are compatible with the Auditor General's work programme. In accordance with section 8 of the 2013 Act (Auditor General's discretion), the Wales Audit Office may not modify the Auditor General's work programme and associated resource requirement. Changes to the Auditor General's work programme may only be made by the Auditor General.

14 The Auditor General's work programme may include work undertaken with the agreement of or at the request of the Welsh Government and/or the body concerned (for example, audits under paragraph 18 of Schedule 8 to the Government of Wales Act 2006), or, with the Wales Audit Office's agreement, under section 19 of the Act. Before agreeing to such work, the Auditor General will consult the Wales Audit Office as to the desirability of undertaking the work and how it will be resourced, and have regard to its views. In the case of work under section 19 of the Act, the Auditor General will agree work on behalf of the Wales Audit Office, subject to the Wales Audit Office's delegation of that function. The Auditor General has the discretion to decline any agreement work if he/she considers that the likely available resource is insufficient.

15 The Chair (on behalf of the Wales Audit Office) and the Auditor General will jointly lay the plan before the National Assembly and give evidence at any hearing that its relevant committee may hold on it.

16 Under section 27 of the Act, the Auditor General and the Wales Audit Office are not bound by the annual plan but must have regard to it in the exercise of their functions.

17 During the financial year, the Auditor General may amend his/her work programme to take account of changing circumstances. He/she will notify the Wales Audit Office of any changes and likely resource implications. The Auditor General will consult the Wales Audit Office and have regard to its views before making any changes in respect of work undertaken by agreement.

Annual estimate of income and expenses (Section 20 of the Act)

18 The annual estimate of income and expenses will provide for the resources required to cover the capital and revenue expenditure (including non-cash costs) incurred by the Wales Audit Office. It will include funding for the Auditor General's work programme.

19 For each financial year, the Auditor General will determine the resource budget required for his/her work programme. The funds required will be a first charge on the resources allocated to the Wales Audit Office. The Wales Audit Office will not be able to amend that part of the budget without the Auditor General's agreement (however, see paragraph 13 above in respect of work undertaken with the agreement of or at the request of the Welsh Government and/or the body concerned).

20 The Wales Audit Office and the Auditor General will jointly lay the estimate before the National Assembly and give evidence at any hearing that its relevant committee may hold on it.

21 The relevant committee will consider the estimate and make any modifications that it considers appropriate after consulting the Auditor General and the Wales Audit Office. Under the Assembly's Standing Orders, the estimate will be incorporated within the Annual Budget Motion which gives the statutory authority for the use of resources.

Updating the Wales Audit Office fee scheme (Sections 23 and 24 of the Act)

22 Under section 23, the Wales Audit Office may charge fees for certain audit work carried out on behalf of or by the Auditor General and for services that it provides under Section 19. The Wales Audit Office must charge fees for certain other services and studies provided by the Auditor General. All fees may only be charged in accordance with a scheme prepared under Section 24. The Wales Audit Office must review the scheme at least once a year.

23 At least once a year, the Auditor General will prepare a paper for the Wales Audit Office indicating any changes that he or she considers are needed to the fee scheme. This may, for example, be necessary where legislation abolishes certain bodies leaving a need for the reapportionment of overheads among remaining bodies. The Board may accept or modify the Auditor General's proposals but must have regard to the resource requirement determined by the Auditor General for his or her work programme.

² The relevant committee's approval is not required if the only revision is to incorporate a scale of fees prescribed by the Welsh Ministers (Section 24(5) and (6) of the Act refers).

- 24 The Wales Audit Office must lay any revisions to the fee scheme before the Assembly. The Auditor General and the Chair of the Wales Audit Office will give evidence at any hearing that the relevant committee holds on the revised fee scheme before deciding whether to give its approval².

Provision of services (Section 19 of the Act)

- 25 Under Section 19, the Wales Audit Office may make arrangements with another authority in respect of the exercise of functions or the provision of services. For example, the Wales Audit Office could arrange for Wales Audit Office staff to assist the auditor of an English local authority in the making of public interest reports. Before making any such arrangements, the Board will consult the Auditor General and consider any potential effect on the exercise of the Auditor General's statutory functions. In order to give due weight to Section 8 of the Act, the Wales Audit Office will not proceed if the arrangement has the potential to undermine the Auditor General's actual or perceived independence and objectivity. For example, it would not be appropriate to proceed with an arrangement whereby the Wales Audit Office arranged for Wales Audit Office staff to provide services, such as assistance in the operation of payroll, to bodies audited by the Auditor General, as this could lead to a self-review conflict.

Monitoring and advising on the exercise of the Auditor General's functions (Section 17(1) and (2) of the Act) in respect of the work programme

- 26 Under section 8 of the 2013 Act, the Auditor General has complete discretion in carrying out the functions of that office subject to carrying out those functions efficiently and cost-effectively and having regard to professional standards and advice given by the Wales Audit Office. During the course of each financial year, the Wales Audit Office may advise the Auditor General and must monitor the exercise of the Auditor General's functions in respect of his or her work programme. The processes will be as follows.
- a During the financial year, the Auditor General will provide the Wales Audit Office with regular reports to allow the Wales Audit Office to monitor:
 - i progress in delivering the approved work programme;
 - ii outturn against the approved budgets; and
 - iii the efficiency and effectiveness of the exercise of the Auditor General's functions and of the management of the organisation overall.
 - b The Auditor General as Chief Executive and Accounting Officer will provide timely updates to the Board on any matters that significantly affect the proper exercise of the Auditor General's and Wales Audit Office's statutory functions. Such matters may include matters of the quality of professional work, organisational reputation and relationships with stakeholders.

- c The Wales Audit Office will consider the Auditor General's progress reports and may offer advice on the exercise of the Auditor General's functions, to which he/she must have regard. As well as the priorities identified in the Auditor General's work programme, such advice may also relate to arrangements for conducting audit work, such as the Code of Audit Practice (Section 10 of the Act), delegation of the Auditor General's functions (Section 18) and maintenance of working relationships with audited bodies and the National Assembly.
- d In the event that the Auditor General requires more resources to deliver his/her work programme than was estimated at the start of the financial year, the Auditor General will put forward proposals for how the work should be funded.
- e Options to fund additional resources for items within the Auditor General's work programme are:
 - i finding compensating savings from within the programme by removing other items (if possible) or delaying work to a subsequent financial year;
 - ii amending the Wales Audit Office's work programme;
 - iii increasing any fees chargeable (subject to Section 23(5) of the Act); or
 - iv seeking approval for additional resources from the National Assembly through a supplementary National Assembly budget motion.

- f The Wales Audit Office will consider the Auditor General's proposals and provide advice, which the Auditor General will have regard to. The Wales Audit Office and the Auditor General will jointly pursue the duly considered way forward.

Wales Audit Office accounts and audit (Paragraphs 33 to 35 of Schedule 1 to the Act)

- 27 The Auditor General is the Accounting Officer for the Wales Audit Office by virtue of paragraph 33(1) of Schedule 1 to the 2013 Act and, as such, is responsible for the preparation of the annual accounts, the keeping of proper financial records and such other responsibilities as specified by the relevant committee of the National Assembly.
- 28 The Board will consider the annual accounts prepared by the Auditor General, taking account of the view of the Audit and Risk Management Committee. The Board will then recommend to the Auditor General whether he or she should sign the accounts.
- 29 The Auditor General will give evidence at any hearing that the relevant committee may wish to hold in relation to the Wales Audit Office's accounts or any report laid before the National Assembly by the Wales Audit Office's external auditor.

Annual and interim reports (Paragraph 3 of Schedule 2 to the Act)

- 30 The annual and interim reports will cover the exercise of the Auditor General's and Wales Audit Office's functions in relation to the priorities and programmes set out in the Annual Plan.

- 31 The reports will be drafted by the Auditor General in consultation with the Chair of the Wales Audit Office. The Auditor General and the Chair will approve the reports after seeking the Board's views and making any modifications they consider appropriate.
- 32 The Chair of the Wales Audit Office and the Auditor General will jointly lay the reports before the National Assembly, and give evidence at any hearing that the relevant committee may hold on them.

Maintaining standards of corporate governance

- 33 The Auditor General as the Accounting Officer of the Wales Audit Office will maintain systems of governance and internal controls consistent with best practice (including the Corporate Governance Code published by the Treasury). For example, taking account of advice provided by the Wales Audit Office (informed by its Audit and Risk Management Committee), the Auditor General will make arrangements for proportionate internal audit to be undertaken.
- 34 The Wales Audit Office will monitor that the systems are operating effectively, and the Chair of the Wales Audit Office and the Auditor General will report on the arrangements in their annual reports. The Wales Audit Office, with the Auditor General taking the lead in his or her role as Accounting Officer, will identify and manage risks effectively, and conduct its business in an economic, efficient and effective way. The Wales Audit Office is able to set up committees to support its operation and has, in particular, established an Audit and Risk Management Committee and a Remuneration Committee.

Publicity and other making of public comment

- 35 Publicity and comment on the published reports of the Auditor General are integral incidental aspects of the public reporting functions of the Auditor General. Similarly, publicity and comment on corporate publications of the Wales Audit Office, such the Wales Audit Office fee scheme, are integral incidental aspects of such publication functions. As the Auditor General and the Wales Audit Office have publication functions that are quite distinct, and their roles should not be confused, it is important to have clarity regarding which parties may provide publicity and public comment in relation to particular functions.
- 36 The Chair and other non-executives of the Wales Audit Office may not comment about questions of audit opinion and judgement, including the selection and design of value for money examinations and studies, which are matters for the Auditor General. The Chair and other non-executives of the Wales Audit Office (with the Chair's approval) may comment publicly on other (ie, non-audit) aspects of the work of the Wales Audit Office in general terms and on the governance of the organisation. The Auditor General will wherever practicable consult the Chair on any public comment that he/she plans to make on behalf of the Wales Audit Office where such comment concerns matters other than his/her audit functions.

Conflict resolution

- 37 In the event of disagreement between the Auditor General and Chair of the Board, the matter in dispute shall be referred to the members in a Board meeting for resolution save for matters relating to the Auditor General's statutory functions (where the Auditor General will make a final decision).

Annex - Overview of the responsibilities of the Auditor General and the Wales Audit Office

Auditor General

- 1 The office of Auditor General for Wales is established as a corporation sole. The office holder is personally responsible for exercising a range of audit and inspection functions under the Government of Wales Acts 1998 and 2006, the Public Audit (Wales) Acts 2004 and 2013, the Local Government (Wales) Measure 2009 and various other enactments.
- 2 Under Section 8 of the 2013 Act, the Auditor General has complete discretion as to the manner in which the functions of that office are exercised but must:
 - a aim to carry out those functions efficiently and cost-effectively;
 - b have regard to the standards and principles that an expert professional provider of accounting or auditing services would be expected to follow; and
 - c have regard to advice given by the Wales Audit Office.
- 3 The Auditor General must issue a Code of Audit Practice prescribing the way in which certain of his/her functions are to be carried out.
- 4 The Auditor General may delegate his/her statutory functions to Wales Audit Office employees and other persons providing services to the Wales Audit Office. A function may only be delegated if the employee or other person is so authorised under a scheme prepared by the Auditor General. In preparing or revising a scheme, the Auditor General must consult the Wales Audit Office.

- 5 The Auditor General is also the Chief Executive and Accounting Officer of the Wales Audit Office with responsibility for keeping financial records and preparing annual accounts in accordance with Treasury directions. Further Accounting Officer responsibilities are specified by the National Assembly.

Specific non-executive member responsibilities

- 6 The non-executive members are responsible for:
 - a appointing (if thought fit) the employee member recommended by the Auditor General;
 - b appointing the two employee members elected in accordance with the result of a staff ballot;
 - c determining the terms of appointment for the employee members; and
 - d considering whether to terminate the appointment of an employee member if one of the conditions specified in paragraph 21 of Schedule 1 to the 2013 Act occurs.

Specific responsibilities of the Chair

- 7 The Chair is responsible for:
 - a preparing initial rules to govern the procedure of the Wales Audit Office until the Board has approved its substantive rules;
 - b submitting to the auditor of the Wales Audit Office the accounts (for 2014-15 onwards) prepared by the Auditor General;
 - c jointly preparing and laying interim and annual reports with the Auditor General on the exercise of the functions of the Auditor General and the Wales Audit Office;

- d jointly laying with the Auditor General the Code of Relationship Practice and Annual Plan;
 - e controlling the proceedings of the Board, including ensuring all members are given the opportunity to contribute to balanced and appropriate discussion of issues;
 - f carrying out performance appraisals of all members of the Board and the Board Secretary, both individually and collectively, including through the use of appropriate external independent resources;
 - g making recommendations to the relevant appointing authority in respect of other non-executive members and the appointed employee member regarding their continuation or termination based on performance and compliance with the Board code of conduct.
- ii Translate the strategic plan into annual business plans to drive operations (the business plans will contain all the information that statute requires to be provided in the Annual Plan). The Board may advise on the entirety of the strategic and business plans but may not determine Auditor General function aspects.
 - b Advise on the allocation of financial and human resources to achieve those aims and objectives.
 - c Oversee the management of the Wales Audit Office's resources and monitor the achievement and delivery of performance objectives.
 - d Set the Wales Audit Office's standards and values (but without affecting professional audit standards),
 - e Ensure that the Auditor General as the Wales Audit Office's Accounting Officer maintains strong and transparent systems of governance and internal controls consistent with best practice, and monitor and report on their effective operation in the Wales Audit Office's Annual Report (jointly prepared by the Auditor General and the Wales Audit Office Chair).

General responsibilities of the Board (including the Auditor General)

- 8 The Board's duty is to provide collective leadership for the Wales Audit Office in a manner that is compatible with the Auditor General's duties as Accounting Officer and his/her statutory functions. In particular, it must:
- a In close co-operation and discussion with the Auditor General and senior executives:
 - i Identify relevant strategic aims for the Wales Audit Office and develop with the Auditor General a co-ordinated strategic plan for the ongoing exercise and development of Wales Audit Office functions.
 - f With the Auditor General leading as Accounting Officer, identify and manage risk effectively.
 - g Advise on and oversee change processes, encouraging innovation, to enhance the Wales Audit Office's capacity to deliver.
 - h Conduct its business efficiently and cost-effectively.

- i Have due regard to succession planning and satisfy itself that plans are in place to maintain an appropriate balance of skills and experience on the Board, its Committees and within the organisation.
 - j Authorise (or ratify, if appropriate) the use of the Corporate Seal.
- 9 The Board should satisfy itself that it is supplied in a timely manner with information in a form and quality appropriate to enable it to discharge its duties in respect of all the Wales Audit Office's activities. Such information should include:
- a monthly management information relating to the actual use of financial and human resources as well as periodic in-year forecasts of the expected outturn against financial budgets of resource and capital expenditure, of income and of salient balance sheet information;
 - b progress in relation to outputs and outcome (performance targets); and
 - c the identification and management of risk.
- d preparing, for the National Assembly's approval, a scheme relating to the charging of fees by the Wales Audit Office; and for reviewing (and if necessary revising) that scheme at least once a year;
 - e designating (with the agreement of the National Assembly) a person to exercise the functions of the Auditor General on a temporary basis if the office is vacant or the incumbent Auditor General is unwilling or unable to discharge his/her functions;
 - f making arrangements with relevant authorities under Section 19 of the 2013 Act subject to consultation with the Auditor General when required;
 - g making provision for any additional payments to be made to the Auditor General to cover expenses properly and necessarily incurred by him/her in the capacity as a Board Member and Chief Executive;
 - h providing resources for the exercise of the Auditor General's functions as the Auditor General requires;

Specific sole responsibilities of the Board

- 10 The Board is responsible for:
- a making rules for the purpose of regulating its own procedures;
 - b delegation of Wales Audit Office functions where permitted;
 - c making a recommendation to the National Assembly regarding the appointment of an external auditor to the Wales Audit Office;
 - i employing staff to assist in the exercise of the Auditor General's functions;
 - j procuring services for the purposes of the Auditor General's functions;
 - k holding documents or information acquired in the course of, or otherwise, for the purposes of the Auditor General's functions; and
 - l keeping records in relation to the Auditor General's functions.

Specific joint responsibilities of the Wales Audit Office and the Auditor General

- 11 Jointly with the Auditor General, the Board is also responsible for:
- a Preparing and laying the annual estimate of the Wales Audit Office's income and expenses, which must cover the resources required by the Auditor General for the exercise of his/her functions.
 - b Preparing an Annual Plan.
 - c Preparing a Code of Practice dealing with the relationship between the Wales Audit Office and the Auditor General. Once approved by the National Assembly, the Auditor General and the Wales Audit Office must comply with the Code and review it regularly. Any revision to the Code must also be approved by the National Assembly for it to take effect.
 - d Preparing and laying, at least once during each financial year, an interim report on the exercise of the functions of the Auditor General and the Wales Audit Office in relation to progress against the Annual Plan. The National Assembly may require further interim reports during the year and determine the dates on which they are to be laid.

Specific joint responsibilities of the Chair and the Auditor General

- 12 Jointly with the Auditor General, the Chair is also responsible for:
- a Laying before the National Assembly the Annual Plan.
 - b Laying the Code of Practice dealing with the relationship between the Wales Audit Office and the Auditor General.
 - c Preparing and laying, as soon as practicable after the end of each financial year, an Annual Report on the exercise of the functions of the Auditor General and the Wales Audit Office during the year in relation to the Annual Plan.