



Well-being of Future Generations (Wales) Act 2015

2015 anaw 2

PART 3

THE FUTURE GENERATIONS COMMISSIONER FOR WALES

The Commissioner

17 Future Generations Commissioner for Wales

- (1) There is to be a Future Generations Commissioner for Wales (referred to in this Act as the “Commissioner”).
- (2) The Commissioner is to be an individual appointed by the Welsh Ministers.
- (3) Before making the appointment under subsection (2), the Welsh Ministers must consult with the National Assembly through its responsible committee.
- (4) Schedule 2 makes further provision about the Commissioner.

18 Commissioner’s general duty

The general duty of the Commissioner is—

- (a) to promote the sustainable development principle, in particular to—
 - (i) act as a guardian of the ability of future generations to meet their needs, and
 - (ii) encourage public bodies to take greater account of the long-term impact of the things that they do, and
- (b) for that purpose to monitor and assess the extent to which well-being objectives set by public bodies are being met.

The Commissioner's functions

19 Commissioner's functions

- (1) The Commissioner may, in carrying out the Commissioner's general duty—
 - (a) provide advice or assistance to a public body (which includes providing advice on climate change);
 - (b) provide advice to the Auditor General for Wales on the sustainable development principle;
 - (c) provide advice or assistance to a public services board in relation to the preparation of its local well-being plan (see section 42);
 - (d) provide advice or assistance to any other person who the Commissioner considers is taking (or wishes to take) steps that may contribute to the achievement of the well-being goals;
 - (e) encourage best practice amongst public bodies in taking steps to meet their well-being objectives in accordance with the sustainable development principle;
 - (f) promote awareness amongst public bodies of the need to take steps to meet their well-being objectives in accordance with the sustainable development principle;
 - (g) encourage public bodies to work with each other and with other persons if this could assist them to meet their well-being objectives;
 - (h) seek the advice of an advisory panel (see section 26) in relation to the exercise of any of the Commissioner's functions.
- (2) The Commissioner may undertake research or other study into—
 - (a) the extent to which the well-being goals and national indicators are consistent with the sustainable development principle,
 - (b) the extent to which the sustainable development principle is taken into account in the national indicators,
 - (c) the sustainable development principle itself (including how it is applied to setting and meeting objectives), and
 - (d) anything related to any of those things that impacts upon the economic, social, environmental and cultural well-being of Wales (or any part of Wales).
- (3) References in this section to providing assistance to a public body do not include providing financial assistance.

20 Reviews by the Commissioner

- (1) The Commissioner may conduct a review into the extent to which a public body is safeguarding the ability of future generations to meet their needs by taking account of the long term impact of things the body does under section 3.
- (2) In conducting a review, the Commissioner may review—
 - (a) the steps the body has taken or proposes to take to meet its well-being objectives;
 - (b) the extent to which the body is meeting its well-being objectives;
 - (c) whether a body has set well-being objectives and taken steps to meet them in accordance with the sustainable development principle.

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- (3) In conducting a review, the Commissioner must have regard to any examination of the body carried out by the Auditor General for Wales under section 15.
- (4) In conducting a review, the Commissioner may make recommendations to the public body about—
 - (a) the steps the body has taken or proposes to take to meet its well-being objectives;
 - (b) how to set well-being objectives and take steps to meet them in accordance with the sustainable development principle.
- (5) The Commissioner may conduct a single review of two or more public bodies.
- (6) The Commissioner must publish a report of a review (including any recommendations made) and send a copy of it to the Welsh Ministers.
- (7) In conducting a review, the Commissioner may require a public body to provide such information as the Commissioner considers relevant to the review.
- (8) But a public body is not required to provide information to the Commissioner if the body is prohibited from providing it by virtue of an enactment or any other rule of law.

21 Recommendations made by the Commissioner

- (1) In providing advice or assistance to the Welsh Ministers, the Commissioner may also make recommendations to the Ministers about the well-being goals or the national indicators.
- (2) If the Commissioner makes recommendations under this section, the Commissioner must publish those recommendations.

22 Duty to follow recommendations

- (1) A public body must take all reasonable steps to follow the course of action set out in a recommendation made to it by the Commissioner under section 20(4) unless—
 - (a) the public body is satisfied that there is good reason for it not to follow the recommendation in particular categories of case or at all, or
 - (b) it decides on an alternative course of action in respect of the subject matter of the recommendation.
- (2) The Welsh Ministers may issue guidance to other public bodies about how to respond to a recommendation made by the Commissioner.
- (3) In deciding how to respond to such a recommendation, a public body must take such guidance into account.
- (4) A public body must publish its response to a recommendation made by the Commissioner and if the body does not follow a recommendation, the response must include the body's reasons for that and explain what alternative course of action, if any, it proposes to take.

23 Future Generations report

- (1) The Commissioner must prepare and publish, before the end of each reporting period, a report containing the Commissioner's assessment of the improvements public bodies

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should make in order to set and meet well-being objectives in accordance with the sustainable development principle.

- (2) The Commissioner’s report must include, in particular, an assessment of how public bodies should—
 - (a) better safeguard the ability of future generations to meet their needs, and
 - (b) take greater account of the long-term impact of the things that they do.
- (3) In this section and section 24, the “reporting period” is the period—
 - (a) beginning with the day after that on which a future trends report under section 11 is published, and
 - (b) ending on the day before the date falling one year before the date on which the poll is to be held at the next general election under section 3 of the [Government of Wales Act 2006 \(c.32\)](#).
- (4) In addition to the assessment mentioned in subsection (1), a report under this section must also include—
 - (a) a summary of the evidence gathered and activities undertaken by the Commissioner during the reporting period (see section 24);
 - (b) a summary of the reviews conducted by the Commissioner during the reporting period (see section 20);
 - (c) a summary of any other action taken by the Commissioner during the reporting period in the exercise of the Commissioner’s functions.
- (5) A report under this section may include—
 - (a) an account of any research or other study undertaken under section 19(2);
 - (b) any other information the Commissioner considers appropriate.
- (6) The Commissioner must send the Welsh Ministers a copy of a report published under this section.
- (7) The Welsh Ministers must lay a copy of a report sent to them under subsection (6) before the National Assembly.
- (8) The Welsh Ministers may by regulations amend the reporting period.

24 Future Generations report: activity during the reporting period

- (1) During a reporting period (but before the report under section 23 is published) the Commissioner must consult—
 - (a) the advisory panel (see section 26);
 - (b) each public body;
 - (c) representatives of voluntary organisations in Wales;
 - (d) any other person who the Commissioner considers is taking steps (or wishes to take steps) that may contribute to the achievement of the well-being goals;
 - (e) representatives of persons resident in each local authority area in Wales;
 - (f) representatives of persons carrying on business in Wales;
 - (g) trade unions representing workers in Wales;
 - (h) any other person the Commissioner considers appropriate to ensure that economic, social, environmental and cultural interests are fully represented.

- (2) In preparing a report under section 23 the Commissioner must (in addition to taking into account representations made by the persons consulted under subsection (1)) take into account—
- (a) each annual well-being report under section 10(10) published during the reporting period;
 - (b) the future trends report published under section 11 on the day before the beginning of the reporting period;
 - (c) relevant reports of the Auditor General for Wales.

Joint working

25 Joint working

- (1) This section applies if the Commissioner intends to conduct a review of a body under section 20 and it appears to the Commissioner that such a review relates to a matter that is the same as, or substantially similar to, the subject matter of—
- (a) a review under section 72B of the [Care Standards Act 2000 \(c.14\)](#) by the Children’s Commissioner for Wales;
 - (b) a review under section 3 of the [Commissioner for Older People \(Wales\) Act 2006 \(c.30\)](#) by the Commissioner for Older People in Wales;
 - (c) an inquiry under section 7 of the [Welsh Language \(Wales\) Measure 2011 \(nawm 1\)](#) by the Welsh Language Commissioner.
- (2) The Commissioner may—
- (a) inform the other Commissioner about the intention to conduct the review, and
 - (b) consult the other Commissioner about the review.
- (3) The Commissioners may—
- (a) co-operate with each other;
 - (b) jointly prepare and publish a document that is to be treated as both—
 - (i) the report of the review required by section 20(6), and
 - (ii) a report of the review or inquiry referred to in subsection (1) of this section.

Advisory panel to the Commissioner

26 Advisory panel

- (1) There is to be a panel of advisers (the “advisory panel”) for the purpose of providing advice to the Commissioner on the exercise of the Commissioner’s functions.
- (2) The members of the advisory panel are—
- (a) the Children’s Commissioner for Wales;
 - (b) the Welsh Language Commissioner;
 - (c) the Commissioner for Older People in Wales;
 - (d) the member of staff of the Welsh Government designated by the Welsh Ministers as the Chief Medical Officer for Wales;
 - (e) the chairperson of the Natural Resources Body for Wales or another non-executive member of that body selected by the chairperson;

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- (f) an officer of the body representing trade unions in Wales known as Wales TUC Cymru nominated by that body;
- (g) the chairperson, director or similar officer as the Welsh Ministers may appoint of a body representing persons carrying on business in Wales;
- (h) such other person as the Welsh Ministers may appoint.

27 Appointed members

- (1) Before appointing a member under section 26(2)(h), the Welsh Ministers must consult the Commissioner.
- (2) An appointed member holds office for a period of no less than 3 years and no more than 5 years as the Welsh Ministers may determine.
- (3) An appointed member may be reappointed once for a further period of no less than 3 years and no more than 5 years (whether or not this period runs consecutively from the member's first appointment).
- (4) The Welsh Ministers may pay remuneration to appointed members.
- (5) An appointed member may resign from the panel by giving the Welsh Ministers not less than 3 months' notice in writing of the member's intention to do so.
- (6) The Welsh Ministers may following consultation with the Commissioner dismiss an appointed member if satisfied that the member—
 - (a) is unfit to continue as a panel member, or
 - (b) is unable or unwilling to act as a member.

28 Payment of panel members' expenses

The Welsh Ministers may pay allowances (including travelling and subsistence allowances) and gratuities to the members of the advisory panel.