

Explanatory Memorandum to The Fire and Rescue Services (National Framework and Variation of Combination Schemes) (Wales) Order 2026

This Explanatory Memorandum has been prepared by the Education, Culture and Welsh Language Department and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Fire and Rescue Services (National Framework and Variation of Combination Schemes) (Wales) Order 2026. I am satisfied that the benefits justify the likely costs.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government
6 March 2026

PART 1

1. Description

1.1. This Order:

- Brings into effect a revision of the Fire and Rescue National Framework for Wales 2016. The revised Framework sets out priorities and objectives for Fire and Rescue Authorities (FRAs) in connection with the discharge of their functions and provides guidance for FRAs in Wales in connection with the discharge of their functions. FRAs must have regard to the Framework in carrying out their functions.
- Varies the membership requirements of the 3 FRAs in Wales. It sets out the number of FRA members that must be nominated by each FRA's constituent authorities, and the number of members to be appointed by the Welsh Ministers.
- Places requirements on FRAs to consult with their constituent authorities, with a view to reaching agreement, on the FRA's net expenses estimate and amount of contribution to be paid by each constituent authority.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

2.1. None.

3. Legislative background

3.1. The three FRAs in Wales were established in 1995 as combined authorities under the Fire Services Act 1947 (the 1947 Act) by the Mid and West Wales Fire Services (Combination Scheme) Order 1995, the North Wales Fire Services (Combination Scheme) Order 1995 and the South Wales Fire Services (Combination Scheme) Order 1995.

3.2. Section 4(4) of the Fire and Rescue Act 2004 (the 2004 Act) gives the Welsh Ministers powers to vary or revoke a scheme under the 1947 Act and sections 3(3)(a) and (3)(c) provide for schemes to make provisions about the composition of a combined authority including for the appointment of members and the financing of the combined authority.

3.3. Section 21(1) of the 2004 Act requires the Welsh Ministers to prepare a Fire and Rescue National Framework which must set out priorities and objectives for FRAs in connection with their functions, may contain guidance to FRAs in connection with the discharge of any of their functions and may contain any other matter relating to FRAs or their functions that the Welsh Ministers consider appropriate. Section 21(3) also requires the Welsh Ministers to keep the terms of the Framework under review and states they may make revisions to it from time to time.

3.4. The functions under sections 3, 4 and 21 of the 2004 Act are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously vested in the National Assembly for Wales by section 62 of the 2004 Act. By virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006, they were transferred to the Welsh Ministers.

3.5. This Order is being made under the annulment procedure.

4. Purpose and intended effect of the legislation

4.1. The legislation has two purposes:

- **to bring into effect a revised Fire and Rescue National Framework for Wales which reflects up to date risks, challenges and priorities for FRAs.**

4.2. The Framework as first prepared, and any revisions which appear to the Welsh Ministers to be significant, only have effect when introduced by Order. The Fire and Rescue National Framework for Wales 2026 (2026 Framework), appears to the Welsh Ministers to be a significant revision of the Fire and Rescue National Framework for Wales 2016 (2016 Framework) and is therefore brought into effect by article 2 of the Order.

4.3. The 2026 Framework sets revised priorities for FRAs which recognise changes in the risks to our communities that have occurred over the last 10 years and which respond to the performance challenges that have been identified in FRAs. These include the Grenfell Tower fire, heightened risks arising from climate change and global security, and the revelations of misconduct and dysfunctional cultures within the Service.

- **to vary FRA membership and finance provisions to improve leadership and decision making, and to introduce greater transparency into FRA financial arrangements.**

4.4. The Order varies the membership provisions in the 3 FRAs' combination schemes:

- To reduce the number of FRA members appointed by constituent authorities to one per constituent authority, to be appointed from their executive members – that will provide constituent authority membership of ten in South Wales FRA, and six in both Mid and West Wales FRA and North Wales FRA.
- To provide for the Welsh Ministers to appoint FRA members to make up a third of overall membership in each FRA - That will mean five members appointed by the Welsh Ministers in South Wales FRA and three in both Mid and West Wales and North Wales FRAs, giving an overall membership of fifteen, nine and nine respectively.

4.5. Membership changes are being implemented following the identification of performance issues within FRAs in Wales relating to leadership, culture and behaviours and in respect of operational response, and recognition that current governance and accountability arrangements have contributed to these performance issues. The changes aim to provide for more efficient and effective leadership and decision-making, strengthen scrutiny of delivery by Fire and Rescue Service (FRS) officers, and build a stronger relationship between FRAs and constituent authorities.

4.6. The Order also varies the budget-setting processes for FRAs. It requires them to consult their constituent authorities with a view to reaching agreement with them on their estimate of net expenses and the amount of contribution payable by each constituent authority for the following financial year. It also requires FRAs to, following consultation, provide their constituent authorities with a statement explaining the amount of contribution to be paid by them.

5. Consultation

5.1. Section 4(5) of the 2004 Act requires Welsh Ministers to consult with those authorities they consider likely to be affected and any other persons they consider appropriate before making an order to vary an FRA combination scheme.

5.2. The Welsh Government undertook a full public consultation on options for governance and finance reform from 29 August 2025 to 24 October 2025. 42 responses were received, from FRAs, FRSs, constituent authorities, other public bodies, unions representing firefighters and individuals. Overall, there was broad agreement on the case for change in principle, although views differed about the detail, and in particular about reform of FRA membership. The consultation documents are available at: [Reform of fire and rescue authorities in Wales 2025 | GOV.WALES](#)

5.3. Section 21(5) of the 2004 Act requires the Welsh Ministers to consult FRAs or persons considered to represent them, persons considered to represent employees of FRAs and such other persons they consider appropriate in preparing or significantly revising the Fire and Rescue National Framework for Wales.

5.4. The Welsh Government undertook a full public consultation on a revised 2026 Framework from 22 October 2025 to 17 December 2025. 20 responses were received, from FRAs, FRSs, local authorities, other public and third sector bodies, unions representing firefighters and individuals. Overall, there was strong agreement to the content of the 2026 Framework as drafted, and in particular to its overarching theme of adapting to changes in strategic risk. Some respondents advocated coverage of further issues to complement that theme, and the text of the 2026 Framework has been revised accordingly. The consultation document are available at: [Draft National Framework for Fire and Rescue Services | GOV.WALES](#)

PART 2

Regulatory Impact Assessment (RIA)

6. Options

6.1. The options available to the Welsh Ministers are as follows:

Option 1 – status quo

6.2. Not making the Order would mean that the governance of FRAs would remain as it is now, and the 2016 Framework would remain in effect.

6.3. Current governance arrangements in the sector have been widely criticised and implicated in serious failings in organisational culture, leadership and accountability. Not reforming them would mean that such defects would remain, with continuing risks to operational delivery, efficiency and staff morale and wellbeing.

6.4. The 2016 Framework is ten years old. While much of its content remains broadly valid, it does not address several fundamental changes to strategic risk in the sector, including the implications of the Grenfell Tower fire, the climate emergency and the unstable global security situation. Not introducing a revised 2026 Framework would risk these and other developments not being fully reflected in the planning and delivery of fire and rescue services.

Option 2 – make the Order

6.5. Making the Order as drafted would reform governance and funding arrangements as set out above, and introduce a revised Framework. It would thus avoid the drawbacks associated with doing nothing.

Option 3 – make an Order involving less significant changes

6.6. It would be possible to embark on a less significant programme of governance reform. In particular, membership levels could be reduced by less, to give some sense of proportional representation for constituent authorities based on their populations. This was supported by some (but by no means all) respondents to the consultation.

6.7. Doing so would, however, mean that the consequences of poor governance might not be fully dealt with. FRAs would still be relatively large public bodies, quite possibly with weak decision-making mechanisms, poor

accountability and limited expertise to lead the Service and hold senior officers to account.

7. Costs and benefits

7.1. There are few quantifiable costs and benefits associated with any of the options. While improvements to governance and a more relevant Framework might tend to lead to better decision-making, more rigour in budget-setting and a higher standard of service delivery, there are too many other factors in play for this to be modelled accurately or in quantitative terms.

7.2. Salaries for FRA Members are determined by the Democracy and Boundary Commission Cymru (DBCC). At current rates and membership levels, the costs to each FRA are around £90,000 – although in South Wales, Commissioners (who are paid at a different rate) have temporarily replaced FRA Members. If option 1 were pursued, these costs would still need to be paid in full.

7.3. If membership levels were reduced as per options 2 or 3, it is likely that the costs of Members' salaries would fall. That will depend on determinations made by DBCC in respect of members appointed by constituent authorities and by the Welsh Ministers.

7.4. There may be unquantifiable opportunity costs associated with introduction of the 2026 National Framework. These include the time and resource associated with familiarisation with the priorities it identifies and in regard to their implementation. Much of what the Framework covers does however already form part of the FRAs' current thinking and future plans. For instance all three FRAs have emergency cover reviews under way or planned.

7.5. In light of this analysis, option 2 (make the Order) is being pursued.

8. Competition Assessment

8.1. The Order does not affect the private or voluntary sectors in any way, and no competition assessment is possible or necessary.

9. Post implementation review

9.1. The effectiveness of the new governance arrangements will be subject to continual review by the Welsh Government. Others such as Audit Wales and the Chief Fire and Rescue Advisor and Inspector may also choose to examine this in the normal course of their work.

9.2. It is possible that the incoming Welsh Government following the 2026 elections to Senedd Cymru may decide on more radical changes to the fire and rescue sector that would require primary legislation, such as giving FRAs the power to set a council tax precept, giving chief fire officers the status of independent office-holders or creating a single FRS for Wales. Any such changes would subsume the effects of the reforms set out here.