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Ysgrifennydd y Cabinet dros Lywodraeth Leol, Tai a Chynllunio
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Llywodraeth Cymru
Welsh Government

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Dear Jenny

During my evidence session on 22 April, I agreed to provide the Committee with further information on several points. The Clerk has also indicated some other issues on which the Committee would like clarification; and you have since written to me and the Chief Fire and Rescue Advisor (CFRA) on 15 May raising further points. The responses to all of these are set out in this letter.

Chief Fire and Rescue Advisor's reviews, and issues relating to CFO Millington

In the meeting on 22 April, I agreed to write to the Committee to clarify comments made by Dan Stephens at paragraphs 85 and 86 regarding his review of discipline. In particular, I agreed to provide more detail on the different types of review reports conducted by the CFRA; the different thresholds for different types of disciplinary procedure; and confirmation of the relevant procedures pertaining to Chief Fire Officer (CFO) Stuart Millington. I also agreed to share the thematic reviews with the Committee.

The current CFRA was appointed by the Queen in October 2019 under section 28 of the Fire and Rescue Services Act 2004. That provision gives him a wide-ranging brief, namely a power to inspect and report on "the manner in which fire and rescue authorities are exercising their functions, [and] technical matters relating to those functions."

In practice, the current CFRA's work has consisted largely of thematic reviews which consider a particular aspect of management or operations across all three FRSs in Wales. These are substantial formal reports, produced after months of fieldwork, interviews and research. To date, the current CFRA has published three such reports, on the lessons of the Grenfell Tower fire (available [here](#)); FRS capability and capacity to sustain a broader role (available [here](#)); and firefighter training (available [here](#)).

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The CFRA is a permanent Welsh Government civil servant, and also provides Ministers with ad hoc briefing on relevant matters. Following the report from His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) about culture and values within the FRS in England last year, this includes information on significant cases of alleged misconduct within the Service. Immediately following the HMICFRS report, the CFRA required the FRSs to report all cases arising over the previous five years. The CFRA also receives brief and anonymised summaries of all allegations of misconduct within the FRS, in the form of six-monthly collated reports. Separately, allegations of gross misconduct and any cases involving senior officers and/or discrimination on the basis of a protected characteristic are reported to the CFRA when they arise. The CFRA has routinely briefed Ministers on all of these matters; these briefings are not formal reviews and they are not published. Ministerial advice is of course not normally published, and it would not be right that such personal information was in the public domain.

Neither the CFRA nor Ministers are involved in the handling or determination of individual cases of misconduct. Those are matters for the relevant employer. That includes the investigation of the complaint against Mr Millington last year. The Welsh Government has been made aware of the circumstances and outcome of that investigation, and shared that with the Committee on 22 April.

However, it is clear that the Committee and others have a close and continuing interest in this issue. The CFRA's attempts to explain it on 22 April were well-intentioned – but, as I said to the Committee at the time, they were based on third-hand information, which was not necessarily helpful to the Committee. To clarify matters, my officials have since made further inquiries of Chief Fire Officer (CFO) Dawn Docx of North Wales FRS. She has confirmed that NWFRS commissioned an independent investigation into allegations against Mr Millington last year, in line with its established procedures for complaints or grievances involving senior staff. That report was presented to CFO Docx on completion, who in turn referred it to the Monitoring Officer to take a final decision independently of North Wales FRS. The Monitoring Officer concluded that the findings of the report did not justify disciplinary proceedings against Mr Millington. As CFO Docx said in her oral evidence to the Committee on 11 March, she then considered the matter closed and did not see it as any bar to Mr Millington's appointment as interim CFO in South Wales.

Your letter of 15 May, addressed to both me and to the CFRA, raised further issues about the investigation into Mr Millington. You ask about the briefing I received prior to my giving evidence to the Committee, and in particular whether this covered the "Brophy report" – the independent investigation of allegations against Mr Millington commissioned by NWFRS.

I received several briefings on all matters within the Committee's remit. However, my fire team officials have not seen, and would not expect to see, the "Brophy report", which covered internal staff management and conduct issues within NWFRS. Accordingly, neither I nor the former Deputy Minister have received any briefing on its contents.

Refusal of meetings

In the meeting on 26 April, my officials agreed to provide confirmation of whether letters, emails, or requests for meetings had been ignored or refused.

In recent years, there have been isolated instances of Ministers being unable to attend events planned by the FRAs, due to diary clashes. Equally, it has occasionally not been possible to meet face to face rather than online or by phone. However, I am not aware of any instances of Ministers or officials refusing to meet FRA Members or senior management, or of ignoring requests for such meetings.

HMICFRS recommendations

At the meeting on 22 April, I agreed to outline the Welsh Government's progress in implementing the recommendations that were applicable to the Welsh Government arising from the HMICFRS report about the culture of FRSs in England published in March 2023.

There were four recommendations which could be implemented wholly or partly by the Welsh Government, as follows:

- Reporting cases of gross misconduct to HMICFRS. As noted above, this has been applied in Wales, with the three FRSs in Wales now reporting all such cases routinely to the CFRA.
- Enhanced Disclosure and Barring Service (DBS) checks for firefighters and applicants. This allows spent convictions and police cautions to be disclosed to employers, bringing the FRS into line with other emergency services and allowing closer scrutiny of current and potential employees. This was fully implemented across Wales and England in June 2023 by agreement between the Welsh Government, the Home Office and the Ministry of Justice.
- A "barred list" of firefighters dismissed for gross misconduct and a prohibition on them being re-employed in that capacity elsewhere. This would mirror arrangements that already exist for police officers and teachers, and could only work effectively on a UK-wide basis. The Home Office has assessed that primary legislation would be needed to create authority to collect and hold this information, and to prohibit re-employment and I understand that is not likely before the general election.
- Collection of data about FRS workforce diversity. The Welsh Government stopped collecting and publishing data about this in 2014, as it duplicated the duty on FRAs to do so under the Equality Act 2010. However, there has been some variation in the types and frequency of data published by the FRAs. Accordingly, the Welsh Government will resume collecting and publishing such data shortly.

Most of HMICFRS's recommendations concerned management practices and were addressed to CFOs in England, although we have urged CFOs here also to adopt them. They have agreed to do so, and reported good progress in this regard to the Social Partnership Forum for Fire and Rescue Services last October. I have already shared the minutes of that meeting with the Committee.

Meeting with Commissioners

At the meeting on 22 April, I agreed to write to the Committee after my meeting with the Commissioners setting out a view on potential timelines for the intervention in SWFRS and a general summary of how discussions went. I also agreed to share the minute of that meeting with the Committee; my officials will forward that once agreed by the Commissioners.

The meeting was positive, and it is clear that the Commissioners are making good progress. However, wider issues in SWFRS management and processes have been uncovered. Accordingly, the Commissioners believe that it is too soon to give an accurate estimate of how long it might take them to complete their work. Nonetheless, they and I are committed to bringing the intervention to a successful and sustainable conclusion as soon as possible, and before the end of this Senedd term. I expect a clear strategy for this to be developed as a priority.

Job descriptions for FRA Members

The Committee has also asked for confirmation of whether FRA Members have job descriptions.

Job or role descriptions for FRA Members are included in the constitution or standing orders of each FRA, on terms which the FRA itself determines. See section 2.2 of Mid and West Wales FRA's constitution ([available here](#)) and article 2 of North Wales FRA's constitution ([available here](#)). The functions of SWFRA Members have been temporarily transferred to the Commissioners, although SWFRA's previous constitution ([available here](#)) made similar provision in section 20.

Membership review of local health boards

The Committee has also asked for confirmation of whether there is collaboration between my department and the Cabinet Secretary for Health's review of Health Board membership with a view to exchanging knowledge and lessons learned.

So far there has been no engagement with the review of Local Health Board membership, but I will be interested to apply all relevant learning to any review of FRA membership. In that context I will be considering a range of options in discussion with members of the Social Partnership Forum and with local authorities.

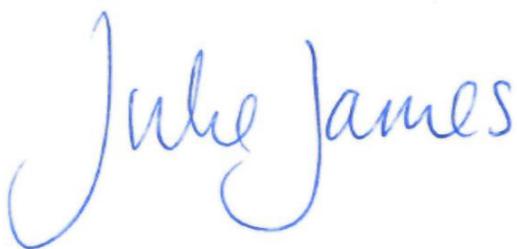
Interim Chief Fire Officer from Wales

The Committee has also asked for confirmation of who made the decision that one of the essential criteria in the search for candidates for an Interim CFO for South Wales was that the candidate was from within Wales.

The Commissioners made all decisions about the appointment of the interim CFO. I understand that they needed to make an appointment immediately, to maintain sufficient capability within SWFRS to assume strategic command at a major incident.

I trust this further information is helpful, and would be happy to assist the Committee further as appropriate.

Yours sincerely



Julie James AS/MS

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