

**Proposed governance arrangements to be adopted for**  
**Expert Advisory Panel supporting Essex County Fire & Rescue Service**  
**Culture Change Programme**

**INTRODUCTION**

As a consequence of a number of factors, coming together in mid-2015, a decision was taken to invite an Independent Review of the culture of the Fire and Rescue Service in Essex. Irene Lucas CBE, a former senior civil servant and local authority CEO with extensive experience, was asked to undertake the Review and she reported her findings early in September 2015.

Her report was never going to be positive, and although she did acknowledge that everything wasn't bad and some good things were happening, the tone and content of the Report surprised many in terms of the amount and depth of concern and criticism she expressed.

It is inevitable, and a natural reaction when reading a commentary of this nature, that different stakeholders may interpret the content to be more critical of others than themselves. But any objective evaluation reveals all parties are at fault - in particular, those in leadership positions. Whether that is the professional leadership, the political leadership or, indeed, the leadership of staff (staff representatives) – everyone must accept some responsibility for the situation that Irene reported.

Subsequently, Irene made thirty five recommendations– all of which were accepted by the Fire Authority (October 2015).

However, her level of concern at the apparent absence of a concerted and congruent guiding mind, able to steer a proper course, was of such an order of magnitude that, within her recommendations, she also included the idea of appointing an ***Expert Advisory Panel (EAP)*** for steering the future direction and future change.

It is fair to say that there is not too much detail in the Report in relation to what was foreseen when making this recommendation. Rather, it appears as much an anxiety and underlying shortfall of confidence in the collective leadership of the Service/ Authority to go forward, based upon the findings of the Review, as it is a clearly expressed role going forward.

There are benefits to this absence of detail, as it means that there is considerable latitude to design a new model and a proposition that will not only assist Essex, but may be helpful and transferrable to other FRS', maybe other sectors. Because, for all this work has singled out Essex (not least as Essex invited and commissioned the work) there is good evidence that other Services face similar challenges around culture change (see Adrian Thomas Review, 2015).

There are also risks, though, and these are considered later in this paper.

I was approached by Irene to Chair the Panel in September 2015 and I have been undertaking that role since early October, when her recommendation and my appointment was ratified by the Fire Authority. I have been supported in this first phase by Natasha Edmunds, an OD and HR Expert, and I recently secured agreement from Elected Members to two, other Panel Members, Linda Dickens and Jim Barbour (discussed below), as well as some assistance to support the work of the Panel.

### **INITIAL ACTIVITY**

Initially, and for the last few weeks, I have been seeking to get a good understanding of the Report's findings. I have undertaken extensive desktop research and I have also sought to triangulate that with personal experience by meeting people on the ground in order to establish a baseline.

So, I have already made a number of visits to Essex and met people across the organisation and the Authority (including its statutory officers).

I have been accompanied in this by Natasha Edmunds.

I have spoken to many, key stakeholders and I have communicated via correspondence with many others, including corresponding with all staff and local MPs (who obviously have a keen interest, given the media impact of the Report when it was published). This approach to correspondence is not seen as a perfect form of communications by any means, but I felt it important to establish at least some form of early communication and establish some clarity for the personnel of the organisation who were - and to a degree still are - very unsettled.

The first few weeks of the life of the Panel have entailed significant effort in trying to "stabilise" a difficult situation, and manage the high expectations for action quickly. It has been turbulent, with both confusion and frustration for all parties (including for myself and Panel colleagues, trying to make sense of what has happened but, as well as this reflection, trying to figure out how to construct the best architecture for the future).

Many people have asked to see "quick wins" which will almost be impossible to deliver, as it has taken many years to get in to this situation and, similarly, it will take time to get out of it. But the sense of anxiety is understandable, as the publication of the Report did entail considerable "drama" - it was rightly and understandably "big news" - and there remains considerable political focus and media attention and high expectation.

Additionally, the Report itself really exposes or curates people's personal and individual experiences over many years of turbulence and industrial unrest. So, there are people who feel wounded and damaged, even bitter and angry, and this will unavoidably take time to work through. Indeed, it's likely some people will never see a change big enough or dramatic enough to satisfy their personal sense of frustration, and their personal memories of the difficulties they have faced in their careers and illustrated in the Lucas work.

And, on top of this, the situation isn't helped by the ongoing context within which consideration of the Report is taking place.

For example, the impending Comprehensive Spending Review will entail major funding cuts and massive organisational change. There is also uncertainty around governance changes (the possible shift of responsibility for Fire to Police and Crime Commissioners) and there is the backdrop of a long standing and difficult industrial relations environment in Essex that, hitherto, has struggled to manage change without resort to industrial action.

It is worth a word, here, about industrial relations in Essex, as the comments above could appear pointed.

To be clear, there is no intention to blame one side or another for the legacy of industrial unrest - but neither should we shirk from stating the obvious that Essex has been different to the vast majority of other fire and rescue services (not to mention the wider public sector). There is little that is obvious and that would easily explain this difference. So, the reality is that this now needs to be addressed, because more and bigger change is coming, and both the Essex community and the staff of the Service deserve much better than confrontational industrial relations. And there is no doubt that these key relationships both shape and are shaped by the organisational culture; so are very much embraced by the Review.

The final thing to say, by way of introduction, is that whilst the role of the Panel was seen as needing to transcend an extended period - 24 months are mentioned in the Report – it was always seen to be “part time”. It could never replace or circumvent the political or professional management and administration of the organisation, nor should it.

**For the avoidance of doubt, the solution, here, must be developed by and from within the Organisation - it cannot be “done to it”.**

However, if it were that easy, it would have been done before or already – hence Irene's recommendation for ongoing help and support; but also to put something of an “edge” or inject a sense of pace and momentum to taking things forward.

And so, in these first few weeks (in amongst trying to establish good knowledge and relationships) I have genuinely taken care to state this reality in different ways and in a number of settings. This is not just to build positive momentum, manage expectations and inject a sense of realism; but it is also to allay the understandable fears and concerns of Officers and Members about where the mandate for the Panel comes from, and where to draw the boundaries.

In accepting the Report's recommendations in full the Authority has made a major financial and political investment and given huge latitude and privilege to the Expert Advisory Panel. Great care must be taken not to abuse that latitude. I have tried to mitigate the negative possibility already by spelling out a number of roles for the Panel and also by laying out in Fire Authority papers what the Panel cannot and should not do. As much as anything, though, this has been a “first pass”.

Because, now, the “honeymoon” period is over. And, as people start to grapple and come to terms with action planning to deliver the Independent Review recommendations, as well as grapple with the wider organisation change agenda required of all FRS’, they want greater certainty about the role of the Panel.

They also want to know how, in practical terms, they will be expected to manage the workload and requirements of the Panel and what accountabilities there will be going forward - where does management start and finish and where does political leadership start and finish?

Before explaining more about how a sustainable model and structure that enables this clarity may be achieved, it’s felt that there is value in mapping out a number of the risks associated with the unfolding situation.

If it achieves nothing else - hopefully it will achieve much more - the proposed model (described below) should at least minimise and manage these risks - and secure value for money for the Essex tax payer who, after all, is committing hundreds of thousands of pounds to supporting this work.

## **RISKS**

As discussed in the introduction, there are a number of benefits arising from the opportunity to shape the role of the Expert Advisory Panel and the blank sheet of paper, but there are also a number of risks and these should be considered and dealt with appropriately and proportionately.

The points below are not intended to represent a complete risk register, or to indicate that a scientific, quantitative matrix has been established to develop these risks. Rather, they are qualitative, headline risks that - if they are appropriate - should immediately be recognisable as relevant and valid and “feel right” to any informed observer:

- ***There is a risk of ambiguity around the legal mandate to act and who holds the legal authority to take decisions (against the requirements of the FRS Act, the National Framework and the Civil Contingencies Act, as well as a plethora of other, relevant legislation)?***
- ***There is a risk of ambiguity in terms of whose role it is to set the strategy of the Service and develop the policies of the Fire Authority. In other words, from where does the Authority - legally - take its professional advice (given there are already a number of statutory officers).***
- ***There is a risk of the actions arising from the Culture Review being seen as pre-eminent and treated in isolation - at the expense of the programme of work already in train in support of Programme 2020.***
- ***Consequently, there is a risk of delay in delivering key actions necessary to provide for setting a legal, balanced budget.***
- ***Conversely, there is also a risk of just seeing the Culture Review recommendations in isolation, and subsequently failing to weave culture change as a thread through the wider change programme that must now move forward.***

- ***There is a risk of seeing all the recommendations in the Report as being permanent or embedded, without some form of Independent and Assured process to modify any recommendations in light of a changing world. It needs to be recognised that rarely is every recommendation from a report of this nature implemented without any modification or adaptation. It is vital, though, that any changes made are governed and overseen independently, so the thrust and body of the original report and recommendations is not lost.***
- ***There is a risk of both external and internal stakeholders enlisting the support of the Panel - potentially “hijacking” the approach - in order to pursue single issues or special or vested interests – either unintentionally or, on occasions, intentionally.***
- ***There is a risk of past culture re-establishing itself, and “this” culture change programme running out of energy and pace - and so there is a need for continued, external independent challenge and scrutiny.***
- ***There is a risk of the Expert Advisory Panel overstepping the latitude they have been given by the adoption of the Culture Review recommendations in totality and straying in to executive decision making.***
- ***Following on from this, and conversely, there is a risk of the Panel being utilised too heavily creating both an unmanageable workload, but also shifting perspective and introducing the risk of too much micromanagement by the Panel.***

## **PROPOSED MODEL**

In light of the foregoing consideration of the creation of:

- *The Expert Advisory Panel...*
- *The experience of the needs of the organisation arising from Panel engagement over the last few weeks...and a*
- *Consideration of some of the risks that need to be managed...*

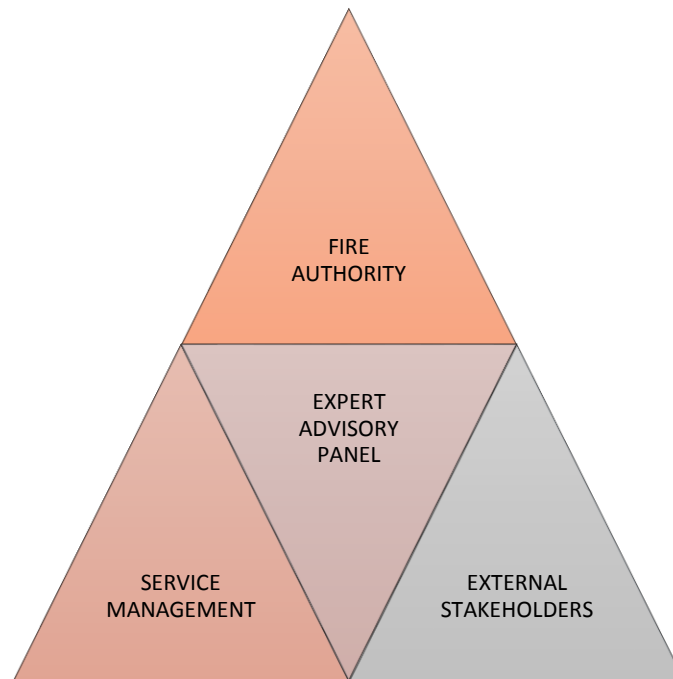
I have set out below a model that I believe offers a sustainable way forward.

I also consider that the suggested approach mitigates or manages many of the risks identified in the previous comments.

## **THE APPROACH**

In setting out a proposal in this way, I have tried constructing the idea of a transferable solution - a sustainable structure – but I have also sought to retain the flexibility a “clean sheet of paper” provides.

The recommended approach has three dimensions - placing the Panel in a central role as illustrated in the diagram below:



The three dimensions that underpin this are that:

- ***The Expert Advisory Panel's role should be to provide governance and reassurance around the necessary challenge and scrutiny that is required to delivery of the Independent Review Action Plan. (This will be complimentary to, but not instead of, the role of the Authority and the PO HR Culture Sub Committee which has delegated authority (though on occasions this aspect of the Panel's role may also require challenge to Elected Members).***
- ***The Expert Advisory Panel's role should be to provide expertise and guidance where appropriate (hence the selection of specialist advisers with specific knowledge required to support Essex' transformation journey).***
- ***The Expert Advisory Panel's role should be to coach and mentor - and support the professional development of key Officers (and also where appropriate Elected Members) to ensure they not only have the necessary skills to deliver the change, but also the necessary resilience and emotional intelligence.***

Challenge &  
Scrutiny  
role

Expert  
Adviser  
role

Coaching &  
Mentoring  
role

Each of these roles is discussed and examined more fully below.

## **EXPERT ADVISORY PANEL IN CHALLENGE & SCRUTINY MODE**

In thinking about the original concept of the Panel and, at its essence, the “challenge” role that was envisaged I have struggled to move beyond the idea or concept of a Non-Executive Director (NED) model, now firmly embedded in other sectors.

NEDs play a crucial role in bringing an independent perspective to any boardroom, in addition to any specific knowledge and skills they may have. They provide general counsel and a different perspective on matters of concern. For ease of comparison, though, I think the best comparators may be found within the Health Sector, where NEDs apply similar standards of care, skill and diligence in their role as they would in similar roles elsewhere, but typically at “Trust Board” level (whether that is a Foundation Trust or NHS Trust)<sup>1</sup>.

In these settings, Non-Executive Directors have a particular duty to challenge the Executive (seen as crucial in the aftermath of the Mid-Staffs crisis), and they hold the Executives to account for the performance of the trust. Though, significantly, they are not employees of the Trust, they are appointees, there to provide an unbiased challenge.

Non-Executives, in fact, form the voting majority on the board in most Trusts, so they cannot be over ruled, and this is probably the area where a pure application of the concept is not appropriate.

In Essex, the Fire Authority remains the governing authority and senior managers remain responsible for the management of the Service, a point that has been emphasised already and will be returned to later.

Nevertheless, I think the model remains helpful as a construct to think about how the role of the Expert Advisory Panel can be appropriately defined.

NEDs are expected to focus on board matters and not stray into executive direction, and provide an autonomous view that is removed from day-to-day running.

So, the attributes NEDs should bring encompass the following:

- ***Independence;***
- ***Impartiality;***
- ***Wide Experience;***
- ***Special Knowledge;***
- ***Personal Qualities***

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<sup>1</sup> I should point out and declare at this juncture that one of my roles external to the Expert Panel role in Essex is that of Chairman of a Hospital Foundation Trust and so have some experience of this model.

And the key responsibilities of NEDs would typically include the following:

- ***Constructively challenge the proposed decisions of the Board of Directors (Executive Board) and ensure that appropriate challenge is made in all circumstances to help shape the strategic direction as an ‘outsider/insider’. The typical NED role in strategy formation provides a creative and informed contribution and acts as a constructive critic in looking at the objectives and plans devised by the Chief Executive and their executive team.***
- ***Provide a clearer or wider view of external factors affecting the organisation and its environment than is possible for the Executive Directors - often consumed with operational management.***
- ***Scrutinise the performance of the Executive Management in meeting agreed goals and objectives and delivering against key programmes and priorities (in this case the Independent Review Action Plan);***
- ***Satisfy themselves as to the integrity of financial, operational and other information (the emphasis here being on the integrity of the information - not the information per se);***
- ***Satisfy themselves that financial controls and systems of risk management and governance are sound and that they are being used across the organisation;***
- ***Help to develop proposals on values and standards;***
- ***Exemplify the aspired culture.***

As has been mentioned already, there are a number of aspects of the situation in Essex that impair a straight comparison, or a straight lift of a NED model used in other parts of the public sector. And straight lift is not being suggested.

The Fire Authority retains all its duties and functions, as does the management of the Service, and there are clear boundaries and rules of engagement prescribed and proscribed.

Further, the risk of confusion and ambiguity has also already been identified and nothing done by the Panel should exacerbate that risk.

So, for example in this respect, the need for the Panel to satisfy itself around financial controls and risk management in Essex is superfluous. The Authority already governs this aspect well through external and internal auditors and its Audit, Governance and Review Committee. So this feature is not seen as suitable for consideration here in Essex.

Nevertheless, it remains obvious from the above that the roles fulfilled in general by NEDs are exactly the roles required here and seen as necessary in the Lucas Report.

Furthermore, approaching the Panel’s role in a “NED-like” way makes it easy for others to comprehend and evaluate the value added (and for some public reassurance to be provided through the role of Sir Ken Knight).



It also makes the practical management and administration of workloads sustainable. In particular, it enables a regularisation of a meeting structure between the Panel and the Senior Management Team as well as key, Elected Members (and a transparent process to support that), as well as being capable of being synchronised with meetings of the PO HR Committee Culture Sub Group and full Fire Authority. (Monthly meetings are suggested to offer the right frequency and timing - with other work fitted around this. See comments on 2020 Programme Board shortly).

More work needs to be done to agree the process and precise format of the meetings themselves - assuming there is broad agreement to laying out the Panel role in this way - but it is foreseen that the meetings would be focused on:

- ***Progress chasing the Lucas action plan work. (Excellent work is taking place to construct a comprehensive Action Plan against the Lucas recommendations. Once complete, this plan will form the basis for progress but will be reported against in a number of settings, so it would be of great value to set regular, quality time aside for this to be really tested, scrutinised and challenged from an expert and impartial perspective. To extend the health sector comparison, CQC and Monitor would oversee action planning of turnaround programmes in this way. (If Fire still had a Sector Regulator this is really what they would expect to see happen).***
- ***Testing and challenging how other key programmes and strategies (that don't directly sit within the Lucas report) support culture change - both that they exist and that they are fit for purpose. (Again, see also the comments below on 2020 Programme Board).***
- ***Challenging wider strategy and activity (including performance metrics) to ensure the Service is embedding broader culture change (as well as delivering operational requirements in a tough financial climate).***
- ***Providing feedback (and subsequent action) from any groups/ activities under the custodianship of a Panel Member - for example staff engagement groups - and also encompass any "whistle-blowing" issues or staff feedback/ confidential communications channels issues.***
- ***Ensuring openness, transparency and inclusivity/ engagement in the management approach of the organisation. (In future regular meetings can be opened up to staff to attend and also "web enabled" to provide time and opportunity for people to ask questions as part of the wider staff engagement work).***

## **2020 PROGRAMME BOARD**

It has been identified already that one of the risks of the work of this Panel could be to divert important resources, thinking and energy away from the core agenda of change necessary to address the many and significant challenges being faced beyond the Cultural Review.

This work is already taking place through the Authority's 2020 Programme and has already established a good outline and a good framework for the development of a new organisational strategy, including an inclusive Programme Board to which all the key stakeholders are invited.

In addition, the Service and Authority are assembling a comprehensive employee engagement strategy – "**Make Some Noise**" - to support the progress of this 2020 work.

It would therefore make no sense at all, and indeed would be counterproductive - to have a separate and parallel programme management approach for the action plan of the Cultural Review.

In addition just to the practicalities and managerial arrangements involved, it should also be identified that changing culture is not something that can be drawn out as something separate and distinct from the day to day activity of an organisation. On the contrary, it is changing the whole organisation in a myriad of ways that will lead to culture change - not the other way round.

So "the way" change is thought about and implemented going forward, is as central to culture change as any specific recommendations in the Independent Review Report.

It is therefore proposed that the work and approach of the Expert Advisory Panel is conflated with the work of the 2020 Programme (and Programme Board).

In making this proposal I should inject a note of caution and highlight the risk of being criticised for side-lining the significance of the Culture Review and the risk of the "bigger agenda" overwhelming the Lucas Recommendations.

On the other hand, I believe this approach to consolidating the work here has a number of benefits - and that these outweigh the risks. I also believe, though, that the maturity of the relationships already established with the Authority and Senior Managers and the flexibility shown suggest to me we can adapt the existing arrangements to ensure the EAP can fulfil its Challenge and Scrutiny role in a way that adds real value to the whole organisation.

It would also assist greater definition behind the role of Jim Owen, in supporting the work of Panel members "between meetings", as well as the role of the Member Services Officer being brought in/ seconded to support the PO HR Committee Culture Sub Group. In effect, Jim and this Officer form a small Secretariat/Programme Office on behalf of the Panel and the Authority/Sub Committee – but working with and complimentary to, the 2020 Programme Management arrangements, enabling a congruent approach to planning, delivery and performance management that would be robust and sustainable.

I think the final thing to say about the benefits of the proposed approach is to recognise that whilst the Culture Review was comprehensive and searching – and the recommendations equally comprehensive - it will take time to implement. During this extended period it should also be recognised that the Service will need to go through further change, the like of which has not really been seen before. This

includes the potential for major political governance change (there is a published consultation paper, mentioned already about shifting responsibility for fire and rescue to Police and Crime Commissioners).

It is possible - even likely - therefore that some of the report recommendations may need to be modified.

However, it's important that, in the event this happens, the modifications are made with the goal of retaining the spirit and intent of the original work and not watering down or diluting that intent; so any change must be governed and managed in an open and transparent way.

It is considered that the proposal here achieves that.

### **EXPERT ADVISORY PANEL IN ADVISER MODE**

In asking me to Chair the Panel, Irene Lucas was clear that, as well as an overseeing and Challenge and Scrutiny role, there were also a number of areas where straightforward advice was required - and the Members of the Panel should be able to provide that advice in a "consultancy" role.

I bring a track record of thirty nine years as a Firefighter and Fire Officer - sixteen of those as a Chief Fire Officer/Chief Executive - Natasha Edmunds brings extensive experience around HR/OD and change and two additional Panel members have been proposed to bring extensive experience around Employee/Industrial Relations and staff engagement.

Hopefully this experience of what works and what doesn't can assist the Service in accelerating its change and transformation journey avoiding the pitfalls of others.

In the event that further expertise is required, or suggested, this will be managed through the PO HR Committee Culture Sub Group and/or Essex Fire Authority as appropriate.

In this mode there will be also be pieces of work (though quite small in number) that the Panel will undertake either individually or collectively, and in line with the recommendations of the Lucas Report (for example the Management Review, oversee staff engagement, review industrial relations frameworks, etc). These will have clear timescales, outcomes and outputs in the form of reports or papers taken through the respective governance arrangements. In the main, this work will go through the meeting structure proposed - but on occasions it may go straight to the Fire Authority.

### **EXPERT ADVISORY PANEL AS COACHES AND MENTORS**

As has already been mentioned, the Culture Review report exposes a culture and a narrative that has shocked and surprised almost everyone who has read the report - and will require major and sustained effort to improve. In many respects - whilst everyone is swept up in the criticism, the way forward is contingent upon clear and effective leadership. This can only come from the Authority and the Service in Essex

– not the Panel. But the difficulty and challenge should not be underestimated - and its impact on the senior leaders and elected members should equally not be underestimated.

Success will require not just the hard mechanics of change - programmes, strategies and action plans - but will also require “softer” (though nonetheless important) dimensions of personal resilience, courage in the face of adversity and emotional intelligence/intuition). These are areas for which there is some “training” but the support here is largely an approach around coaching and mentoring, leaning heavily on the experience and learning of people “who have done it”.

## **CONCLUSION AND RECOMMENDATION**

This paper has sought to consider some of the thinking that lay behind the creation of the Expert Advisory Panel brought about to support the Culture Change agenda of Essex Fire and Rescue Service - initiated by the Independent Culture Review of Irene Lucas.

It has sought to identify some of the risks associated with the current - somewhat “loose” - set of parameters and proposed a three dimensional model to address not just the anxieties and concerns for clarity and governance, but also to provide for a sustainable and transferable proposition.

Furthermore, it has sought to propose a transparent and accountable approach that will help evaluate the value added by the work of the Panel but, importantly, justify costs in future. And, finally, it has proposed a way to ensure that “core Service change” and “culture change” are acknowledged as mutually reinforcing and dependent on each other; but need planning, “hard actions” and performance management (with challenge) to deliver the real change on the ground.

It is recommended, therefore, that the paper is considered and the three dimensional model developed with clear working principles and with explicit and agreed terms of reference (approved by the Authority) in support.

**STEVE MCGUIRK CBE, DL**

**CHAIR – EXPERT ADVISORY PANEL**