

# Establishment of an Advisory Panel following Culture Review and appointment of an Independent Chair

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**Report to:** Commissioner's Board

**Date:** 23 August 2023

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**Report by:** Jerry Kirkby, Programme Director

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**Report classification:** For decision

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**For publication**

I agree the recommended decision below.



**Andy Roe**

**London Fire Commissioner**

**This decision was remotely  
Date signed on 6 September 2023**

# PART ONE

## Non-confidential facts and advice to the decision-maker

### Executive Summary

In March 2021, the London Fire Commissioner initiated an independent review of LFB's culture. The review was led by Nazir Afzal and reported in November 2022. The review gave a diagnosis of institutional racism and misogyny, and poor treatment of neurodiverse and LGBTQ+ colleagues, supported by evidence of poor and unfair treatment of marginalised groups across the brigade. The review made 23 recommendations which have been accepted by LFB.

LFB have developed a programme to address the findings from the Culture Review and make sustainable improvements. The programme also incorporates the planned actions from the Community Risk Management Plan under Programme 5, and the recommendations from the independent review of LFB's People Services conducted in January 2023 and HMICFRS Values and Culture report which was published in March 2023. This programme is led by Deputy Commissioner Jon Smith as the senior responsible owner (SRO).

The Commissioner and senior leadership of LFB are committed to making the changes necessary to create a safe, modern workplace where everyone is treated with dignity and respect, and is free from discrimination, bullying and harassment. This is a complex leadership challenge, and the Commissioner and SRO are seeking help to find solutions.

In order to assist the LFB make the improvements required, it is proposed to establish an Advisory Panel made up of stakeholders including representative bodies and members of the community. It is proposed that the panel is chaired by an independent person. The panel will provide support, challenge, and assurance on LFB's response to the Culture Review.

### Recommended decisions

That the London Fire Commissioner:

1. Approves the establishment of an Advisory Panel following the Culture Review.
2. Delegates authority to the Director of Transformation to appoint an Independent Chair and members of the Advisory Panel .
3. Delegates authority to the Director of Transformation to enter into the contracts for services in respect of the Independent Chair of the Advisory Panel.
4. Authorises £45,000 from the Community Risk Management Plan reserve to be used to pay the cost of recruitment and costs of the appointment of the Independent Chair.

# 1 Introduction and background

- 1.1 In March 2021, the London Fire Commissioner initiated an independent review of LFB's culture, following the death by suicide of Jaden Francois-Esprit, a trainee firefighter. Nazir Afzal was appointed to lead the review. He consulted with over 2000 staff and reported in November 2022. The review gave a diagnosis of institutional racism and misogyny, and poor treatment of neurodiverse and LGBTQ+ colleagues, supported by evidence of poor and unfair treatment of marginalised groups across the brigade.
- 1.2 The review included 23 recommendations which have been accepted by LFB. A number of changes were implemented immediately, including a no-tolerance approach to discrimination, harassment and bullying and an independent complaints service. LFB were subsequently moved to 'Engage' status by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services.
- 1.3 LFB have developed a programme to address the findings from the Culture Review and makes sustainable improvements. This is led by Deputy Commissioner Jon Smith as the senior responsible owner.
- 1.4 The programme also incorporates the planned actions from the Community Risk Management Plan under Programme 5, and the recommendations from the independent review of LFB People Services conducted in January 2023 and HMICFRS Values and Culture report which was published in March 2023.
- 1.5 The Commissioner and senior leadership of LFB are committed to making the changes necessary to create a safe, modern workplace where everyone is treated with dignity and respect, and is free from discrimination, bullying and harassment.
- 1.6 Previous attempts to address the problem have failed. This is a complex leadership challenge, and the Commissioner is seeking to help find solutions.

## 2 Objectives and expected outcomes

### Advisory Panel

- 2.1 Following the publication of the Culture Review report it was proposed to establish an Advisory Panel to provide support, challenge, and assurance on LFB's response to the Culture Review.
- 2.2 The panel will have the following responsibilities:
  1. Support the Commissioner's mission to ensure the LFB is trusted to serve and protect London.
  2. Support the Commissioner and senior responsible owner in making the required changes to the culture of the LFB as identified in the independent Culture Review.
  3. Help quality assure and improve LFB's thinking and plans.
  4. Advise on proposed action to address programme risks.
  5. Provide feedback on measures being used to monitor progress.
  6. Advise on the development of new strategies for LFB.
  7. Provide assistance where expertise and resources permit.
- 2.3 The Commissioner and senior responsible owner will seek to use the panel in a 'critical friend' capacity, providing challenge and feedback on proposals and thinking. The panel is not a decision-making body.
- 2.4 Membership of the Panel will consist of representatives from the following organisations:
  - Home Office
  - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services

- National Fire Chiefs Council
- Local Government Association
- Greater London Authority
- London Borough Councils

2.5 The above organisations have agreed to join the Panel.

2.6 The panel will include LFB's Independent Operational Assurance Advisor.

2.7 The panel will also have three community representatives, including the chair of the Community Forum, and three members from representative bodies.

2.8 The terms of reference for the Advisory Panel are set out in **Appendix 1**.

### **Independent chair**

2.9 It was considered important that the chair of the panel should be independent from the Brigade and the Fire Service.

2.10 In order to attract the best candidate, and for expediency, a specialist executive recruitment agency was appointed to assist in the process.

2.11 The advertisement stated the successful candidate should be a trusted and focused professional, demonstrably able to operate with confidence, credibility and openness with officers and stakeholders. They should have an ability to think strategically and creatively to deliver innovative solutions across the Brigade. They must have a style that will engage and inspire, and possess the ability to take independent, unbiased and objective views and to examine evidence and complex documentation.

2.12 The selection process involved long listing, short listing and an interview process. The Final Interview Panel comprised the Commissioner, Deputy Mayor, Fire and Resilience, Marta Phillips, Independent chair of LFB Audit Committee, and Ali Hay, Independent Operational Assurance Advisor.

2.13 The application process included all candidates submitting a two-minute video explaining why they were interested in the role and highlighting what success would look like after their tenure as chair.

2.14 Members from representative bodies and Equality Support Groups formed a stakeholder panel and reviewed the video submissions and the candidates' CVs. Feedback from this panel was considered by those interviewing the final candidates.

2.15 There were 25 applicants for the role. The Interview Panel shortlisted 5 candidates.

2.16 Diversity was assessed at each stage:

Longlist candidates (25)

- 44% Female
- 28% BAME
- 12% LGBTQ+
- 12% Disability

Shortlist candidates (5)

- 60% Female
- 40% BAME
- 20% LGBTQ+
- 0% Disability

### **Recommended appointment**

- 2.17** The successful candidate from the selection process was Martin Forde KC. It is recommended the Commissioner agrees to appoint Martin Forde as the independent chair of the Advisory Panel for a 2-year period.
- 2.18** Mr. Forde has a career in law at a senior and high-profile level. In 2012, he was appointed as a Judicial Appointments Commissioner with responsibility for appointing full and part time judges and tribunal legal Chairs. In 2021, he was made an Honorary Fellow of Brasenose College, Oxford.
- 2.19** From 2018 to 2022, he was an independent advisor to the Windrush Compensation Scheme appointed by the then Home Secretary.
- 2.20** In 2020 Mr. Forde was appointed chair of the investigatory panel inquiring into the leaking of an internal report into antisemitism by the National Executive Council of the Labour Party. This resulted in the Forde Report which was produced in 2022.
- 2.21** In 2022, he was appointed to jointly conduct a review into the General Medical Council's handling of a dishonesty allegation, with the Arora Review published later that year.
- 2.22** In 2022, Mr. Forde was appointed Assistant Justice of the Supreme Court of Bermuda, the equivalent of a High Court judge in the United Kingdom. In the same year he was named Professional Discipline Silk of the year by Chambers and Partners which produces international rankings for the legal industry.

### **3. Equality comments**

- 3.1** The Public Sector Equality Duty applies to the London Fire Brigade when it makes decisions. The duty requires the LFC to have due regard to the need to: a. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Equality Act 2010. b. Advance equality of opportunity between people who share a protected characteristic and those who do not. c. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 3.2** The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 3.3** An Equality Impact Assessment (EIA) has not been undertaken. Organisations have been invited to join the Advisory Panel and to nominate a member. They have been requested to consider the purpose of the Panel and importance of ensuring the composition reflects diverse experiences.
- 3.4** In relation to the appointment of the chair, an EIA was not required because equal opportunities monitoring has been undertaken at all stages of the recruitment process. As outlined in paragraph 8 of this report, proper consideration was given to and steps taken to advertise these roles to all protected characteristic groups.

## **4 Other considerations**

### **Workforce comments**

- 4.1** Engagement has taken place with representative bodies and Equality Support Groups in relation to the establishment of an Advisory Panel and the decision to appoint an independent chair. These groups have been supportive of the proposal to set up a panel and representatives from these groups have been involved in the process to select the chair.
- 4.2** There will be an increase in demands on staff to support the administration and operation of the Panel and supporting the role of chair. This additional support will be jointly provided by the Governance Team in the General Counsel Department and the Culture Change Programme Team in the Transformation Directorate.

## **Sustainability comments**

### **4.3 None**

## **Terms of appointment**

- 4.4** To maintain the independence of the Chair they will not be an employee rather serve in their role under a contract for services for two years, following which the LFC will review the arrangements and consider the appropriate arrangements for the future.
- 4.5** As with other organisations who appoint independent persons to similar roles and consistent with LFB's approach to independent positions, a level of remuneration is to be expected. The level of remuneration is determined by the time commitment required and the expertise and experience sought. This is a new arrangement for the LFC which will benefit from the proactive input and assistance from the appointed independent chair. The commitment required from the independent chair is anticipated to be between 15 to 20 days a year.
- 4.6** Following advice from the recruitment agency on similar roles in comparable organisations, the role was advertised at £15,000 per annum.
- 4.7** The independent chair may be required to attend the Fire Rescue and Emergency Planning Committee of the London Assembly and the Fire Resilience Board to provide feedback on the work of the Advisory Panel. They will be required to meet with the London Fire Commissioner and Deputy Mayor.

## **Communications**

- 4.8** If the proposal to establish an Advisory Panel and appoint Martin Forde KC as the independent chair is approved, LFB's Communication team will use established channels to inform the staff and relevant external stakeholders.

## **5. Financial comments**

- 5.1** This report outlines proposals to establish an Advisory Panel and appoint an independent Chair. The Chair will receive £15,000 per annum. The recruitment costs were £15,000. It is proposed these costs will be met from the transformation reserve.

## **6. Legal comments**

- 6.1** Under section 9 of the Policing and Crime Act 2017, the London Fire Commissioner (the "LFC") is established as a corporation sole with the Mayor appointing the occupant of that office.
- 6.2** Section 1 of the Fire and Rescue Services Act 2004 states that the LFC is the fire and rescue authority for Greater London.
- 6.3** The LFC is also a 'best value' authority under the Local Government Act 1999 and must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 6.4** The proposed Advisory Panel has no decision making powers but will instead support, challenge and assurance on LFB's response to the Culture Review.
- 6.5** The recommendations in this report fall within the LFC's powers.

## List of appendices

Appendix	Title	Open or confidential*
1	Advisory Panel – terms of reference	Open

## **Part two confidentiality**

Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part Two form, together with the legal rationale for non-publication.

**Is there a Part Two form:** NO



# Appendix 1.

## London Fire Brigade's Advisory Panel for improvement action following the Culture Review

### Background

In March 2021, the London Fire Commissioner initiated an independent review of LFB's culture, following the death by suicide of Jaden Francois-Esprit, a trainee firefighter. Nazir Afzal was appointed to lead the review. He consulted with over 2000 staff and reported in November 2022. The review gave a diagnosis of institutional racism and misogyny and poor treatment of neurodiverse and LGBTQ+ colleagues, supported by evidence of poor and unfair treatment of marginalised groups across the brigade.

The review included 23 recommendations which have been translated into an initial action plan under the following headings:

- Creating a workplace where everyone is afforded dignity
- Better engagement with London communities
- Building a leadership model of trust
- Improved wellbeing
- Transforming HR services

A number of changes were implemented immediately, including a no-tolerance approach to discrimination, harassment and bullying and an independent complaints service. LFB were subsequently moved to 'Engage' status by the His Majesty's Inspectorate of Constabulary and Fire & Rescue Services.

### Purpose

The LFB are developing a programme to address the findings from the Culture Review and make sustainable improvements through co-production with communities and co-creation with staff. The programme will incorporate the recommendations from HMICFRS Values and Culture report which was published in March 2023.

The Commissioner and senior leadership of LFB are committed to making the changes necessary to create a safe, modern workplace where everyone is treated with dignity and respect, and is free from discrimination, bullying and harassment.

Previous attempts to address the problem have failed. This is a complex leadership challenge, and the Commissioner is seeking help to find solutions. We wish to establish a panel of advisors to help us make sustainable improvements.

The panel will have the following responsibilities:

1. Support the Commissioner's mission to ensure the LFB is trusted to serve and protect London.
2. Support the Commissioner and senior responsible owner in making the changes required to the culture of the LFB as identified in the independent Culture Review.
3. Help quality assure and improve LFB's thinking and plans.
4. Advise on proposed action to address programme risks.
5. Provide feedback on measures being used to monitor progress.
6. Advise on the development of new strategies for LFB.
7. Provide assistance where expertise and resources permit.

The senior responsible owner will seek to use the panel in a 'critical friend' capacity, providing challenge and feedback on proposals and thinking. The panel is not a decision-making body.

The Chair of the panel shall attend the GLA Fire Emergency and Planning Committee as required.

### Chair

An independent chair will be appointed. This person will be supported by LFB staff.

### **Frequency of meetings**

The panel will meet quarterly although this will be subject to review. Meetings will be held at LFB headquarters in Union Street, London with remote access via MS Teams.

### **Duration**

The panel will operate until November 2024. This is 2 years from the publication of the independent Culture Review report. This will be reviewed during the summer of 2024.

### **Attendance**

No quorate will be set although the chair, in consultation with the senior responsible owner, will decide whether a meeting should go ahead or be rescheduled.

### **Membership**

The Panel will consist of representatives from the following:

Home Office  
His Majesty's Inspectorate of Constabulary and Fire & Rescue Services  
National Fire Chiefs Council  
Local Government Association  
Greater London Authority  
London Borough Councils

LFB's Independent Operational Assurance Advisor

There will be 3 community representatives and 3 members of representative bodies.

### **Attendees from LFB**

Andy Roe	Commissioner
Jonathan Smith	Senior Responsible Owner and Deputy Commissioner LFB
Jerry Kirkby	LFB Programme Director