

Ki a/To:	People and Culture Committee
Nā wai/From:	Jenn Collins, Programme Director, Eke Taumata Programme Carolyn Ayre, Business Change Lead, Complaints Management Workstream
Te Rā/Date:	22 May 2023
Kaupapa/Subject:	Eke Taumata Complaints Management Workstream Update

Kaupapa/Purpose

The purpose of this paper is to provide the People & Culture Committee on decisions undertaken by the Te Eke Taumata Governance Committee on 10th May 2023. The paper provides an update on the status of the Complaints Management workstream and outlines the direction and endorsement on the scope and approach.

Ngā Tūtohunga/Recommendations

The Eke Taumata Project Team recommends that you:

1. **note** the Minister has received advice from Te Tari Taiwhenu - The Department of Internal Affairs (DIA) recommending next steps for both DIA and Fire and Emergency (FENZ) to address.
2. **note** the Behaviour Conduct Office, (BCO) FENZ personnel and unions have been advised of the intent to engage in a review of our complaints management system which includes a formal change process.
3. **Note** the proposed principles and workstream objectives to ensure the workstream is appropriately scoped for the transitional phase.
4. **Note** that ELT have requested the workstream team to undertake an appropriate procurement process to identify providers who could support FENZ and specialise in complaints and resolution management.
5. **Note and discuss** the timeframes to deliver this workstream are 'by 30 November 2023' as provided to the Minister; however, the Eke Taumata Governance Board (10th May) requested we undertake planning on the basis that we can implement changes sooner; planning is underway and discussions to stress test condensed timelines will be had at P&C Committee Meeting.
6. **Note** that ELT acknowledge the associated risks with condensing timelines, and these are noted below.

He Whakarāpopototanga/Executive Summary

Eke Taumata was established in response to Te Kawa Mataaho - Public Service Commission's independent review (the review) undertaken into our workplace culture and complaint handling practices and subsequent recommendations.

On March 31, the FENZ Board were advised that we were awaiting DIA's advice to the Minister on recommendations 14 (and 15, 16). This advice has now been shared with us, and in overall support of the Clarke report, proposes an interim complaints management process and the establishment of a longer-term independent body, established under legislation. This paper focusses on the work to be undertaken to implement a transitional BCO.

Within the Eke Taumata project, a workstream (Complaints Management) and supporting work packages have been initiated to address recommendations 14 (and 15-16). This includes commencing a detailed review of our complaints management processes, primarily the Behaviour Conduct Office (BCO) function.

On 19 April, the Board, DIA, all FENZ personnel and unions were advised that, FENZ would be entering into a formal change process to review the complaints management framework in response to the findings of the Te Kawa Mataaho Public Service Commissions (PSC) review.

FENZ personnel and the BCO have been advised that there are no changes to the BCO functions at this time, and services currently being provided by the BCO will continue. Information has been published on the portal encouraging people to email the project team with any questions, or to continue to go to the BCO as necessary.

This paper outlines the approach for the workstream which will enable us to firm up the scope. We will work with DIA initially to ensure there is clarity on the transitional, and operational aspects of the changes, as opposed to the more strategic, long-term work DIA are undertaking. This will ensure there is transparency on the progress we expect to make over the coming months and how that is reflected in updates DIA provide to the Minister.

The PSC review made a number of recommendations in its report; however, we need to ensure that these recommendations and solutions are current for today's environment.

Addressing other recommendations in the review is intended to reduce complaints through strong and accountable leadership, setting clear expectations and consequences through a clear code of conduct, educating, and training a diverse leadership group and improving our overall people management.

The findings in the PSC review indicated that people were 'waiting to see progress of the recommendations' that existed in both the Shaw and Clarke reports, and that progress is too slow. The Clarke report was released in December 2022.

During planning and discovery, we will look at the options to undertake an appropriate procurement process to ascertain if there are suitable providers who can provide a service for complaints management, such as the registry, case management and investigative functions.

Other agencies and councils, such as the Ministry of Foreign Affairs and the Auckland City Council have adopted a similar model.

This is supported by 'an external body, possibly hosted and supported by DIA, take over the registry, case management and investigative functions from the current BCO as outlined in recommendation 14.

Undertaking tangible activities, such as assessing the market to see if there are possible service providers, in parallel with analysis and scoping the project is a pragmatic and practical approach.

Addressing the tactical recommendations alongside the complaints management project will inform the strategic solution.

Timelines have been informed as a result of the review (to ensure progress is made) and DIA's advice to the Minister. A revised process for managing complaints must be in place by 30 November 2023.

Workstream Objectives

Based on the recommendations in the review, the objectives outlined below, will deliver to the workstream's benefits. The Complaints Management workstream will:

1. streamline and provide clarity for FENZ Personnel on the overall complaints management process, including the implementation of a case management system.
2. provide transparency and trust and confidence in the complaints management process.
3. provide independence and impartiality in the complaints process (for both complainant and respondent).
4. implement an independent case management system, and associated complaints and resolution expertise.
5. provide security on information and data relating to a complaint.
6. provide visibility on all complaints data and information to ensure insights, behaviours and patterns can be interpreted and addressed accordingly (over time).
7. provide timely action, including responses and resolution for all complaints.

Workstream Design Principles

There is already significant documentation related to the issues of the current complaint management process, and to ensure the workstream progresses in a timely manner, we will adopt the following principles:

1. We will not 'start from scratch' and re-litigate review recommendations, rather utilising the problem statements as the basis for the workstream scope (ensuring that any additional recommendations and solutions are fit for purpose at the time)
2. We will baseline recommendations (14,15,16) of the review to understand how they relate to the current problems we are trying to solve
3. We will engage with DIA as needed to ensure advice to the Minister reflects tactical work that is being undertaken; noting operational design remains with FENZ
4. We will ensure there is sufficient evidence to support proposed solutions
5. We will engage key stakeholders for this phase (*key stakeholders and the approach to engagement is yet to be determined*)

Workstream Stages

The workstream will be managed in stages and is currently in planning and discovery. Dates are **indicative** and timeframes will be firmed up during this initial stage.

ELT have provided guidance (while noting the risks) to undertake planning on the basis that the project can deliver before 30 November 2023. Planning is underway.



The list of activities undertaken in each stage is not exhaustive, however this reflects the type of work that will be done in each stage. There will be cross over from stage to stage, as the workstream will be agile in its approach.

Stage 1: Planning & Discovery (6-8 weeks):

1. Confirm workstream objectives and scope, test problem statements and design principles with ELT
2. Determine possible solution options to address the problems, factoring in the recommendations of the PSC review. If there is insufficient evidence to support them the workstream will undertake further analysis to obtain information
3. Undertake analysis to document and understand the current state of the complaints management people, processes, procedures, and technology (noting, this will largely already exist in the BCO)
4. Determine the procurement approach and prepare a suite of procurement documentation to undertake an appropriate procurement process (e.g., requirements documents, procurement, and evaluation plan etc)
5. Undertake stakeholder engagement with all relevant parties
6. Prepare options for Te Eke Taumata Committee to consider (business case), including costs, risks/issues, etc.

Stage 2: Analysis & Options (6-8 weeks)

Depending on Stage 1, this is likely to include:

- Finalising options (including current state to future state) for people, process, and technology
- Preparing communications material and undertake stakeholder engagement
- Preparing consultation documentation to propose to impacted staff.

Stage 3: Consultation (6-8 weeks)

Depending on Stage 2, this will include:

- Running the consultation process, presenting proposals to employees, and seeking feedback
- Analysing feedback and refining the proposal as necessary
- Confirming a revised structure (Depending on feedback)

Stage 4: Implement & Transition (6-8 weeks)

Depending on the previous stages, this is likely to include:

- Finalising the design of the future state for people, process, and technology
- Executing the procurement process (to procure external complaints management specialist) if that is deemed the appropriate solution
- Management of the rollout of people, process, and technology changes
- Communicating changes to FENZ Personnel

Governance

Steering level direction will be provided by the existing Independent Moderation Panel forum. The Eke Taumata Board, established as part of the ELT will provide direction and governance, and make critical decisions ahead of information going to the FENZ Board.

Nga turaru / Associated risks

The following risks have been identified during the initial planning and discovery phase. Mitigations are yet to be developed:

1. IF the project does not undertake sufficient planning to determine required source data and understand the current state, THEN there is a risk that the wrong outcome will be implemented, benefits not realised, and further loss of trust and confidence.
2. IF the project does not undertake due process and timeframes for consultation with personnel and procurement processes, THEN we will be in breach of employment relations obligations and All of Government procurement rules.
3. IF the project does not determine accurate BCO volumes, THEN there is a risk that we may overstate or understate the requirements we need to engage a service provider.
4. IF the project does not have time to prepare and engage in quality communications to support FENZ personnel in understanding the changes that will be implemented, THEN people will not be aware of the revised complaints process and the benefits and changes from the current BCO.
5. IF the project does not deliver the project objectives, THEN there may be an increased risk of grievance to FENZ personnel.
6. IF FENZ does not address the intent of recommendations (14 and 15,16) in the Clark report, THEN there is likely to be reputational risk for FENZ, Executive and the FENZ Board.
7. IF DIA propose an appropriation in Vote Internal Affairs (to be in place by 1 July 2023) to enable Fire and Emergency levies to fund the establishment of the ICCA and its ongoing costs without consultation, THEN there is a risk that FENZ will be impacted as a result of stakeholder and public pushback. (DIA are working with the Minister to propose this to Cabinet in May/June 2023.)

Carolyn Ayre

Ingoa/Name

Tūranga mahi/ Business Change Lead

Te rā/12 May 2023

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Committee Minutes

PEOPLE AND CULTURE COMMITTEE MEETING

Date: Monday 13 February 2023

Time: 10:00am – 11.45am

Venue: Virtual (Teams)

Present:

Rebecca Keoghan
Mary-Anne Macleod

Acting Chair
Member

In Attendance:

Belinda Clark
Kerry Gregory
Janine Hearn
Carmel Ali
Nicky Chilton
April Christie
Emma Martin
Becks Kearns

Board Member
Chief Executive
Deputy Chief Executive People
Deputy Chief Executive Office of the Chief Executive
National Manager Workplace Culture & Change
Chief Advisor Safety Health and Wellbeing
Business Case Writer
Secretariat

Apologies:

Welcome

Following Committee and Chief Executive only time, the Acting Chair opened the meeting at 10.40am.

The Acting Chair welcomed attendees to the meeting and noted that Belinda Clark was in attendance as a Board member, in accordance with the Terms of Reference of the People and Culture Committee (the Committee). The Acting Chair also advised that a paper is scheduled to go to the Board on 24 February 2023 seeking approval to appoint Mary-Anne Macleod as the Chair of the Committee and Belinda Clark as a permanent member.

The Acting Chair acknowledged and welcomed the new DCE People, Janine Hearn, to her first Committee meeting and made appropriate introductions.

Minutes of the previous meeting

The minutes of the meeting held on 7 November 2022 were confirmed as a true and accurate record of the meeting.

Moved: Mary-Anne Macleod, Seconded: This movement was seconded by default as there were no further members of the Committee in attendance at the meeting on 7 November 2022.

Action Log items

The Committee noted the Action Log.

IN CONFIDENCE

Kia Toipoto

Acting National Manager Workplace Culture and Change (Nicky Chilton) joined the meeting at 10.44am.

The Chief Executive advised the Committee that as a Crown Entity, Fire and Emergency has until 28 April 2023 to publish its first Kia Toipoto action plan (the action plan).

The DCE People advised that since the publication of the Kia Toipoto infographic in December 2023, the focus has been on progressing the Kia Toipoto action plan. The DCE People sought input from the Committee on the proposed plan, sequencing, priorities, and any gaps that the Committee have identified, prior to Board consideration in March 2023.

National Manager Workplace Culture and Change advised the Committee that Te Kawa Mataaho have provided positive feedback and input throughout the development of the Kia Toipoto infographic and draft action plan. The Committee were also provided with an overview of the Advisory rōpū, who have been instrumental in developing the action plan to date.

The Committee discussed the heavy focus on analysis and education and while noting the importance of this sought assurance that consideration was being given to actions that will develop tangible change as early as practicable. The DCE People assured the Committee that the education actions planned were foundational activities intended to deliver change through changing the framework in which our leaders make decisions.

The Committee also discussed the need to ensure that volunteerism is included in terms of progression and diversity in senior roles. The National Manager Workplace Culture and Change advised of the contributions of the United Fire Brigades Association and assured the Committee that volunteerism is included in the actions. Management undertook to make this more explicit in the action plan.

The Committee also suggested that while recruitment is important, emphasis should also be given to progression through the organisation. Management advised that the focus on recruitment also includes progression and will make this more explicit in the action plan.

The Committee suggested that management explore opportunities for utilising initiatives being used by similar organisations across the public sector to address diversity challenges.

The Committee also discussed:

- linkages between Kia Toipoto and other organisational initiatives such as Kaupapa Māori, Paearu Mahi and Eke Taumata
- how well we understand the drivers around hesitancy for people to apply for roles and promotions with Fire and Emergency
- the need to seek input and feedback from others outside of the Advisory rōpū and encouraged management to consider ways in which engagement can occur with personnel who have valuable contributions to make but do not tend to nominate themselves for inclusion in Advisory rōpū
- the significance of the culture change required and challenges to this
- the need to maximise opportunities and make visible the good mahi that is being undertaken on the frontline to improve diversity in order to illustrate the advantages of diversity to others in the organisation

- the gender diversity differences between career and volunteer personnel and whether there are opportunities to adopt elements that are working well for diversity with volunteer recruitment and progression in to the career recruitment process.

The Committee agreed that the action plan can be presented to the Board without any further engagement from Committee members.

The Committee acknowledged the quality of the plan and thanked those involved for the mahi undertaken to date.

Acting National Manager Workplace Culture and Change (Nicky Chilton) departed the meeting at 11.09am

Health Standards Updated Detailed Business Case

Chief Advisor Safety, Health and Wellbeing (April Christie) and Business Case Writer (Emma Martin) joined the meeting at 11.10am.

The DCE People provided an overview of the focus of the business case, the critical nature of the work, and the purpose of the discussion. Feedback was sought from the Committee on the information provided to address questions the Board raised at its meeting on 11 November 2022.

Chief Advisor Safety, Health and Wellbeing took the Committee through the presentation provided in the Committee meeting pack and provided an overview of responses to each of the Board's questions/comments.

The Committee discussed inclusion of health promotion in the detailed business case and determined that this is a core element of the minimum viable product to meet the requirements of the Health and Safety at Work Act (HSWA) and therefore should be incorporated in to the detailed business case.

In regards to options for resourcing and outsourcing the Committee discussed:

- ensuring there is sufficient flexibility for the Occupational Manager role to be either 0.8 or 1 FTE to enable the right person with the right capability for the role to be appointed
- ensuring there is sufficient resource within the model to monitor the contract resource and issues that may arise with the provider
- ensuring that realistic timeframes and contingencies are incorporated in to the business case to allow for recruitment, training and embedding of resource.

The Committee also discussed ensuring there is sufficient engagement with Unions and Associations, requiring further clarity on the involvement of volunteers, the importance of a comms plan to demonstrate why health standards is important, and understanding the current legal risks and how these will be reduced over time.

The Committee discussed concerns over privacy and the implications on trust and confidence if the ICT element is not correctly administered. The Committee encouraged management to identify what other organisations who undertake health checks are doing in regard to ICT and the costs associated. The preference of both the Committee and management is to ensure that ICT and privacy provisions are captured within the contract for the external provider, the viability of this will need to be confirmed through a RFI process.

The Committee advised that their preference is that the team working on the Health Standards Detailed Business Case take the required time to get the business case right and of sufficient quality rather than working to arbitrary deadlines.

The Committee acknowledged the mahi of those involved and were pleased with the progression and trajectory of the work overall.

Action:

- The Health Standards Detailed Business Case is to be updated for Board consideration to include the following:
 - minimal resourcing requirements with options and costings for increasing resources over time as required
 - how health checks are linked to the organisation's critical risks (as required under the HSAW Act)
 - timelines and contingencies to allow for recruitment of resource, training, and embedding in to the organisation
 - current legal risks and how they will decrease as health standards are implemented over time
 - clarity on cover and implications for volunteers
 - breakdown of the financial costs
 - inclusion of worst case situation scenarios
 - the communications plan
 - outline of the risks and costs should they eventuate.

Chief Advisor Safety, Health and Wellbeing (April Christie) and Business Case Writer (Emma Martin) departed the meeting at 11.43am.

CEs Performance Objectives: process, format, and proposed content for 2023/2024

The Chief Executive provided an overview of the discussions had at the previous Committee meeting in regards to the Chief Executive's performance objectives.

The Committee endorsed the proposed timeline and process, as outlined in the respective paper.

The Committee suggested the following strategic areas of focus for the Chief Executive, which would form the basis of measurable performance objectives for 2023/2024:

- Culture change
- Relationships including with the Minister's office, Department of Internal Affairs, Unions and Associations, and other key organisations/agencies across the public and private sectors
- Strategic direction (including strategic risks)
- Long-term viability – what the organisation wants/needs to be and what it needs in order to achieve this e.g. funding, workforce planning, etc., and
- Personal development.

The Committee suggested that the board assessment questions needed to be reframed to acknowledge that Kerry Gregory is a new Chief Executive and to reflect the significant change required in his first year to reset the organisation and his Executive Leadership Team. Board assessment questions should be less transactional and aligned with key focus areas.

The Committee determined it would be worthwhile to canvas the views of former Board members for the 2022/2023 performance assessment.

The Committee invited the Chief Executive to provide his views on focus areas. The Chief Executive confirmed his thinking was aligned to that of the Committee and provided an overview of work already underway and his plans in respect of these.

The Committee also suggested that it is timely that the organisation's strategy undergo a refresh.

Action:

- DCE People is to reconsider board assessment questions for the CE's performance assessment for 2022/2023.
- DCE People is to develop measurable performance objectives within each of the following focus areas:
 - Culture change
 - Relationships
 - Strategic direction
 - Long-term viability
 - Personal development.

General Business

The Committee offered to meet out-of-cycle to assist management as required and encouraged management to continue to provide free and frank information on how mahi is tracking and the risks, issues, and opportunities that exist.

The Committee acknowledged the quality of the papers and the discussions had during the meeting.

The Acting Chair thanked members and attendees for their flexibility as the meeting was originally scheduled to be in person but was amended to be via Teams due to significant weather interruptions.

There being no further business, the meeting closed at 12.00pm.

Rebecca Keogh

Acting Chair – People and Culture Committee

xx May 2023



People and Culture Committee Action Log

					Future	In progress
					Complete	Overdue
No.	Date Requested	What	Assigned/ Responsible	Due Date	Notes/Status	Board/ Committee
P003 (2023)	13 February 2023	DCE People is to develop measurable performance objectives within each of the following focus areas: Culture change, relationships, strategic direction, long-term viability, personal development	Janine Hearn	May-23	On agenda	People and Culture
P001 (2023)	13 February 2023	The Health Standards Detailed Business Case is to be updated for Board consideration in accordance with the minutes from 13 February 2023	Janine Hearn	Jun-23	Currently scheduled for Board in June 2023 (may be deferred further)	People and Culture
517	8 August 2022	Provide the Board with legal advice on 9(2)(h) [REDACTED]	Janine Hearn	Feb-23	Complete - provided to P&C in February	People and Culture
518	8 August 2022	Undertake a review of the People and Culture Committee Terms of Reference and the Committee's work plan and discuss with the Chair of the People and Culture Committee outside of the formal meeting structure.	Carmel Ali	Mar-23	Complete - Board on 31 March 2023	People and Culture
P002 (2023)	13 February 2023	DCE People is to reconsider board assessment questions for the CE's performance assessment for 2022/2023.	Janine Hearn		Complete	People and Culture

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Fire and Emergency New Zealand

Māori Strategic Direction and Kaupapa Māori and Cultural Communities Branch Design Current State Insights



Wednesday 27 April 2023

Purpose

To present the current state analysis and bring the committee on the journey of the Māori Strategic Direction and Kaupapa Māori and Cultural Communities Branch Design.

Outcomes

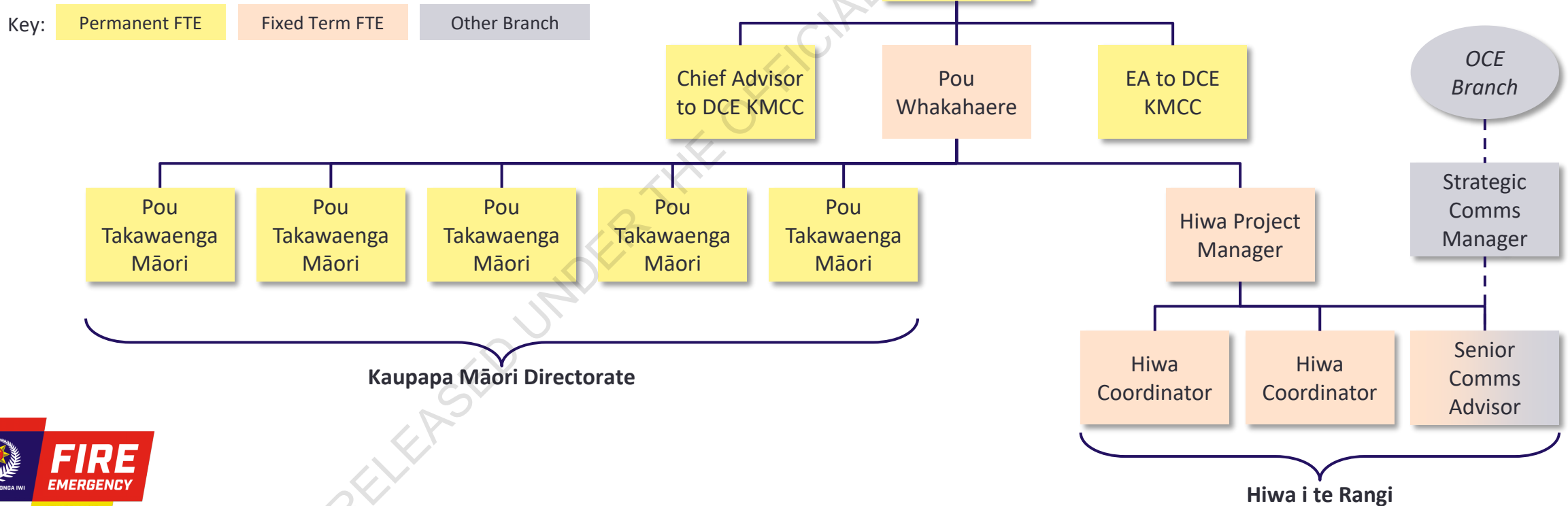
1. To receive feedback from the Committee on the insights collected by EY from the current state analysis which has included
 - a) Desktop review of documents
 - b) Internal interviews
 - c) External interview
2. The Committee to advise how they want / or they want the Board to be kept up to date on this mahi.

Current State

No single Māori Strategy document



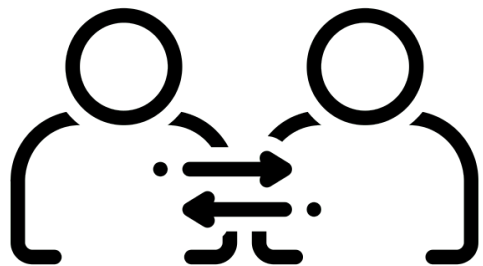
Current KMCC Resourcing – two main focus areas



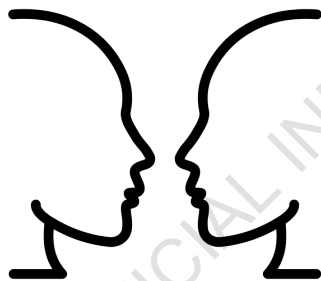
■ **Current State**

■ **The life of KMCC Kaimahi...**

Relationships



He Kanohi kitea (to be seen)



Cultural Capability Uplift



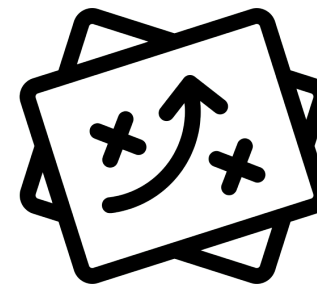
**Responding to events that impact
whānau Māori**



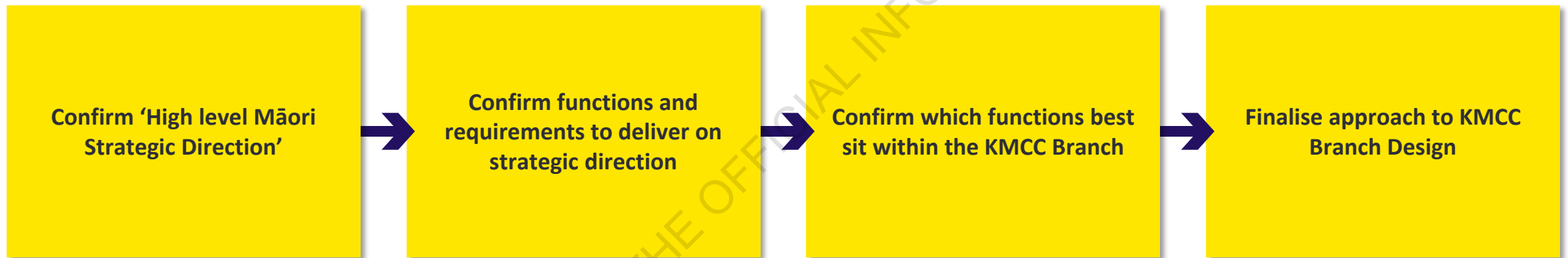
Reducing risk



Advice to different levels of FENZ



Next Steps



July 2023

Fire and Emergency New Zealand

Ngā mihi nui ki a koutou



Interests Register

This document sets out interests that Board members have disclosed in accordance with Section 62-72 of the Crown Entities Act 2004, the Auditor-General's 2020 guidance on [Managing conflicts of interest: Guidance for public entities](#), the [Public Service Commission guidance](#), the Fire and Emergency Governance Manual (section 4.3) and the Board Conflict of Interest Policy. This register is used for the purposes of identifying potential or perceived conflicts of interests for Board members. The register is to be updated as part of each Board, or Board Sub-Committee meeting. The interests register will be published annually on the Fire and Emergency website and registers disclosed may be included in Fire and Emergency's annual report.

Related Entity ¹ / Organisation <small>Name the entity/organisation for which you, your close relative, or close friend is a related party</small>	Role / Interest <small>(e.g. Director; chair; shareholder, employee, etc.)</small>	Who <small>e.g. "I am the related party", close relative, close friend</small>
Mary-Anne Macleod (Chair)		
National Institute of Water and Atmospheric Research	Director	I am the related party
Environmental Protection Authority	Director	I am the related party
AgResearch	Board member	I am the related party
Dairy NZ Ltd	Director	I am the related party
MacMacleod Limited	Director	I am the related party
Ministry for the Environment	Consultancy services	I am the related party
University of Waikato	University Council	I am the related party
Waka Kotahi / NZTA	Consultancy services	I am the related party
Belinda Clark		
Ngapuhi Treaty claim	Chief Crown Negotiator	I am the related party
Public Service Commission	Chair of Risk and Assurance Committee	I am the related party
Ministry of Defence	Chair of Risk and Assurance Committee	I am the related party
Board of ANZSOG	Director	I am the related party
Defence Capability Governance Board	Member	I am the related party
Public Service Commission PIF and Investigations Panel	Lead Reviewer	I am the related party
Public Service Fale Pacific Government's Leaders Programme	Mentor	I am the related party
Te Puni Kōkiri	Member of Risk and Assurance Committee	I am the related party

¹ related entities are those you or a close family member or close friend can exercise significant influence over or own. Significant influence relates to making financial and operating decisions. Roles where significant influence can be exercised include but are not restricted to director, board member, trustee, major shareholder. For example, if you are a trustee of a family trust, the family trust will be considered a related entity.

Rebecca Keoghan		
Keoghan Farm Ltd	Director	I am the related party
Gravity Dance Studio	Director	I am the related party
Timaru District Holdings Ltd	Director	I am the related party
Glen Elgin Trust	Trustee	I am the related party
Alpine Energy	Director	I am the related party
Glenfiddich Trust	Trustee	I am the related party