



The Association of Environmental Clerks of Work

Invitation to Tender: Funding Strategy August 2024

Introduction

AEnvCoW is the qualifying body for Environmental Clerks of Works (EnvCoW)¹. It was started in 2009 by environmental practitioners, when they identified a gap in the development industry, including a need to provide support to, and representation for, EnvCoWs.

AEnvCoW is run by a small volunteer committee, which has a governance model, operational model and a three-year strategy, which currently runs from 2022 – 25, so it is nearing the end of its strategic plan. It has office bearing roles of a Chair and a Treasurer, as well as ten Committee members.

In 2022, the Directors and the Committee held a facilitated meeting to discuss the Chair's Vision² for AEnvCoW; what was working well, what was not working well; threats to success and priority actions to deliver the Strategy³. This highlighted key opportunities as well as barriers to achieving the Vision. The largest barrier identified was the administrative burden and in 2023 a part time paid Secretary was appointed to alleviate that burden. AEnvCoW recognizes that even with this dedicated support, our resources are stretched and limiting our ability to grow, especially as the Vision is also contingent on the need for investment in marketing, web services and membership management, which are currently delivered by the part-time Secretary.

In 2024, the Directors and Committee held another meeting and a proposal for evolution of the Committee into two cohorts was set out by the Chair; this included growth of the Committee into a) a Delivery Team and b) an Advisory Panel. The Chair aims to transition to this new structure by the beginning of the next Strategy cycle in January 2025 and to support this growth, and evolution, of AEnvCoW, secure funding is essential for core operational roles.

Scope of Works

We are looking for consultancy support to draft a funding strategy for our next strategy cycle (2025 – 2028) to facilitate, and support, AEnvCoW's growth, and in turn, improve delivery of our next strategy.

AEnvCoW aims to:

- Establish more sustainable, dedicated resources and capacity to better support its core operational roles
- Become a more mature and sustainable Association
- Prepare, and attract, further growth across its membership, Delivery Team, Advisory Panel, Directors, as well as investment
- Deliver further benefits for members

¹ www.associationofenvcow.org

² Appendix A - Chair's Vision, Rebecca Passmore

³ Appendix B - AEnvCoW Facilitation Notes, October 2022, Simon Shillington

- Develop, and inform, its governance.

Objectives

The key objective is to provide a funding strategy to secure resources to help achieve the above aims. Due to the position AEnvCoW inhabits in the industry, and the nature of our work, it is considered that key funding is likely to be from industry. There are multi-billion / million organisations which deliver development projects (which EnvCoWs are required to work on by planning condition) and government agencies, which our aims and objectives support. The main stakeholders comprise a range of organisations which span the development industry, including commercial consultancies (all scales), civil contractors (all scales) commercial and statutory developers (all scales), and regulators. We have existing, positive relationships with many stakeholders and we have a stakeholder database.

Our position regarding the role of an EnvCoW brings certainty and consistency to compliance monitoring and reduces environmental risk of projects; the current situation of EnvCoWs within industry is highly inconsistent and open to abuse, which increases pressure on projects and people, and frequently leads to disputes and poor environmental compliance, as well as adverse impacts on the environment, which frequently go beyond their predictions in the planning applications, as the industry is currently, largely required to 'mark its own homework' on delivery of environmental commitments.

We have position statements on our website, which include technical aims/objectives for AEnvCoW within the industry, and these are located here: <https://www.associationofenvcows.org/the-role-of-an-environmental-clerks-of-works/category/6-position-statements>

Tenders and Programme

We are looking for the successful consultant to outline the approach they will apply to achieve the aims/objectives, this may include a methodology, or general principles, sources of information. At this stage, our key questions to be addressed are:

- What roles are likely to attract funding?
- What are the key, paid roles that we need to recruit and in what order?
- What are the key sources of funding?
- How much, and how long, can the funding be for?
- What is the recommended approach/strategy for AEnvCoW to contact potential funding sources?
 - This is about identifying funding application cycles. What tools are available to identify funding?

We are aiming to select a consultant during our Committee meeting on 26th September 2024. We anticipate the funding strategy to be completed within 6 weeks of appointing the successful consultant. We would like the consultant to present their findings to the Committee on 28th November – this should not take longer than 1 hour and enable the Committee to discuss the Funding Strategy with the consultant.

We expect the successful consultant to have significant, demonstrable experience in providing successful funding strategies for other non-profit organisations. The anticipated budget is in / around £1,750 (excl VAT).

The anticipated tender programme is:

- ITT issue: 26th August 2024
- ITT clarifications deadline: 5th September 2024
- Clarifications circulated: 9/10th September
- Tender submission deadline: CoP 17th September
- Tender selection: 26th September 2024
- Consultant appointment: by CoP 30th September 2024.

For clarifications and tender submissions, contact: info@aenvcow.org

Appendix A - Chair's Vision (Rebecca Passmore)

Speech

Hello. Welcome to our Fairhurst, welcome to Glasgow for some of you, and welcome to our first AECoW Get together.

I arranged this meeting because we are approaching a **critical time for AECoW** for various reasons which I'll come onto in more detail shortly, so now is a great opportunity to discuss the vision of AECoW's future, so we all have an opportunity to influence, and shape, it. To do that, I think it's really important to take stock, have a look at where we are, what we're trying to achieve, and what we need to do in order to get there, and that's what Simon's going to help us explore shortly. But first. The vision. In no particular order:

- I see AECoW becoming a well -established, mature Committee with a robust structure, to better support itself
- I see us as developing an excellent reputation as expert environmental practitioners,
- I see the number, and range, of our supporting organisations, and partners growing, including international partners
- I see us partnering with universities and them carrying out research on the issues we are raising
- I see us facilitating the production of industry guiding principles
- I see us in the press and media
- I see us playing a pivotal role in driving industry regulatory reform
- I see us having hundreds, and then thousands, of members.
- I see us achieving Royal Chartered status

In terms of Key achievements for ECoWs

- I see us achieving standardised roles and responsibilities in our jobs as EnvCoWs
- I see EnvCoW's being appointed by consenting bodies
- I see fewer mental health issues, and greater job satisfaction, amongst ourselves

Why

Before I outline my thoughts on this vision, I want to recap on our current position and main messages we've been discussing with stakeholders, because I'm conscious that attendance at our Committee meetings is variable, and not everyone is aware of key progress updates, which has provided a spring board for the vision.

We all know that the industry does not serve, or support, the EnvCoW role well, and that the planning & regulatory system does not well support delivery of environmental commitments / obligations.

Dave identified that even the EA has 18 different scopes of works for CoW on its framework, including a blend of responsibilities, ranging from advising, monitoring to designing mitigation and implementation. This lack of distinction with the roles & responsibilities, has two major broad negative impacts:

1. On the environment. Impacts are frequently far worse in reality than predicted in EIAs and planning applications. How can we fix this problem, if it is not monitored appropriately?
2. On us, as individuals, as EnvCoWs.
 - Through our contracts, we are set goals that we cannot deliver, the key obvious common trap regarding 'ensuring compliance'. This wording is prolific and creates a falsehood that everything's going to be ok on a project because there is an EnvCoW, and yet what authority does the EnvCoW have and what reporting mechanisms do they have, to whom?. Who's responsible for delivering env compliance.

In a commercial setting, we have to report compliance of our employers to our employers based on no industry guidance, so developers are driving environmental compliance, and how EnvCoW, will work, rather than environmental agencies and env professionals driving env compliance. Tail wagging the dog.

- We know this can be very demoralising, stressful, and depressing, as we all see **environmental impacts that should not be happening**, that are then swept under the carpet, literally in front of our eyes.
- This must be a contributing factor to the Biodiversity Crisis and I want to join the dots to provide the framework for the vision.

So we are now formally in a Biodiversity Crisis, I want to seize this opportunity that it provides us, to shout even louder about the importance, and benefits, of EnvCoWs; what an EnvCoW can bring to a project, and the environment, especially if they are appointed appropriately, and this is one of the main points Simon Knott and I have been discussing with stakeholders. This is why I've been highlighting the '*Quality and Outcomes*' in the ICWCI / CIEEM Site Hand Book, as it states an EnvCoW can be appointed by the consenting body. This type of appointment can support regulators enormously, whereby the CoW reports to the regulator and effectively does the leg work for them.

To be clear, I do not see this as replacing the role of an env regulator, it is supplementing it, and supporting it to inform them of how projects are performing in line with their env commitments. Similar to Planning Monitoring Officers. It is still the role of the regulator to regulate and enforce but if we have a standardised EnvCoW monitoring role, which is not influenced by the contractor or developer, then we have established a fair and transparent 3rd party EnvCoW monitoring, and we crack open what really happens on sites, so monitoring results are not treated as commercial information that stays within the bounds of a project.

Historically, we've tried to stay focused on the EnvCoW role, but because it interfaces with, and is embedded within, so many parts of the industry, to explain our position about the EnvCoW role, and avoid a barrage of challenges, and questions, coming back, we need to explain it with the wider development context and unpack items around it, and this is why we're engaging with the planning, reg, construction, engineering, procurement, env organisations, so we can get a broad range of stakeholder buy-in. We need stakeholders on our side and we need to bring them with us, and influence them as much as possible to help us deliver our aims and objectives. We do this by highlighting how we can support their aims and objectives.

So we know the issues are multi-disciplinary and complex, and to fix them is far beyond what we can do in our spare time, but through these stakeholder meetings, we've been shining a light on these issues, and encouraging them to take up the mantle, and I see our role in guiding and influencing that process.

Our first major up and coming objectives under Defining & Promoting the Action Plan:

1. Use the current **consultation of the new env Government Agencies** to set out in our position statements to make a **representation**. Firstly, informally to ESS, then contact all public bodies, then make formal representations to all government agencies
2. Update our **LPA guidance document** our updated position, and endorsements, and publish it & shout about it
3. Facilitate the drafting of **Guiding Principles for the Industry**. This on the back of advice from Professor Broderick (LVIA guidance for Offshore) & Dr Julia Baker (Biodiversity Net Gain).

I see these 3 objectives as laying the foundation for regulatory reform in terms of CDM Regs for the environment. And it was Simon S who helped crystallise that for me.

In order to achieve the objectives, we have to have a broad cross section of the industry involved, and every stakeholder I've spoken to, wants to be involved with this.

With these objectives, we are kick starting the same revolution the H&S industry has gone through, for the environment. Which in short, is setting out clear roles and responsibilities for different organisations involved in the development chain, so organisations cannot delegate their responsibilities, and kick them down the metaphorical road, for them then to fail during construction and post construction, and then not be monitored, not reported.

Or putting it another way, organisations should be able to outsource function, but they should not be able to outsource responsibility, which has a high risk of not being controlled, or delivered further down the line. Non-compliances must be converted into penalties through construction contracts and the industry shouldn't rely on env regulators to identify non-compliance on sites. And I, personally, would like to see Company Directors held accountable for environmental incidents on their watch, as per H&S. I see developers / contractors providing greater environmental resources to manage, and deliver, their env commitments and being more responsible.

So in terms of stakeholders, I'm going to take the opportunity to highlight the key stakeholder we've met, who we are hoping will be involved in the Guiding Principles exercise:

All New UK **Government Environment Agencies** –

- ESS, The OEP, IEPA for Wales

- Has 2 parts to the remit
 1. *'to monitor the effectiveness of **existing environmental law**, and public authorities' compliance with it.'*
 2. *'They were 'set up to ensure [assess] the effectiveness of environmental law, and **prevent enforcement gaps** arising from the UK leaving the European Union'*
 - We have highlighted where env law is failing by public bodies, so EIA, Wildlife & Countryside Act, Water Framework Directive
 - Public bodies have a responsibility to 'ensure compliance' so they cannot delegate it, and say it's up to the contractor to comply with the law.
 3. *'set up to ensure the effectiveness of environmental law, **and prevent enforcement gaps** arising from the UK leaving the European Union'*
 - The gap, is also an opportunity, to introduce CDM for the environment – to set out roles and responsibilities.
 - Another gap / potential opportunity is for EIA to evolve / include Natural Capitals assessments, or socio-economic env impact assessments – pre & post construction, rather than env disciplines being assessed in silos, only pre construction. So we can see how did those EIA predictions work out reality.
- PINS
- Northern Ireland EA
- Forest & Land Scotland
- Other Key Agencies in Scotland who are members of the Planning & Reg Group

Professional Membership Organisations:

- CIEEM – Sally Haynes & Mike Oxford
- CIWEM – Terry Fuller, CEO
- IEMA – Rufus Howrd, Head of EA
- ICWCI – MD – Rachel Morrison

NGOs – so far, RSPB, Esme Clelland, Senior Conservation Planner, but there are others on the list

And also Contractors & Developers: Balfour Beatty, Graham, SSE. And unsurprisingly, this is where we've had the least appetite, as I get the impression that EnvCoW can sometimes, not always, be perceived as being an additional expense, bringing additional barriers to the status quo. ***Therefore, in my mind, we need to focus on those stakeholders which genuinely have the same priorities as us (Env organisations / regulators) and revert to contractor & developers later. When they see the industry is changing and they need to change. Hence our focus predoninatly on Gov Agencies***

Parliamentary Groups – X Parliamentary Group on Construction in Scotland. ***I want to get a foot in the door with all UK parliaments and there are huge opportunities joining the dots between the above stakeholders and parliament to cintunie to lay the ground work for CDM.***

What does this vision mean for AECow

We will become a well-established, mature, properly functioning Committee with hundreds, thousands of members, with real clout at the highest table, so we are a key stakeholder driving environmental compliance

What does this vision mean for EnvCoWs

- We will have clear roles and responsibilities set out in legislation & gudaince
- Robust feedback loops will be created for us to report on a) for projects b) into industry to feedback into development of guidance
- We will have created greater env resource at sites, so we will have happier, less stressed, more valued, EnvCoWs who are less influenced directly by commercial decisions
- We will retain EnvCoWs in, and attract more EnvCoW into, the industry

What does this vision mean for On the environment

- Env compliance will be driven up, EIAs will better assessed, achieve / deliver their env commitments

- Impacts on the environment / Biodiversity Crisis will be driven down.

What does this vision mean for
Ultimately, Wider industry reform

- Same principles will be applied to the wider development industry, as EIAs will be carried out by consultants that are appointed by consenting bodies, as they happen in the Netherlands – that's a nice place to live, right??!

So that is the vision that we are going to discuss, with Simon's help.

[Discussion Session]

Governance

To deliver this vision, I've been reviewing our governance and drafting amendments to it: we need office bearing roles in place.

Operations

- Officer roles: Secretary, membership secretary
- Compliance with Terms of Engagement
- Performance Assessment
- Upgrade the new website, particularly so we can automate the membership applications in so far as possible.
- New policies. Membership review process, recruitment policy, diversity policy,

We need more policies, including a recruitment policy and plan, to help us expand and as we do, I hope we are able to meet at a lower frequency of meetings in long run to bi-monthly and then quarterly.

Appendix B –AEnvCoW Facilitation Notes, Oct 2022 (Simon Shillington)

The workshop was conducted to help the Association of Environmental Clerks of Works' Committee reach consensus on opportunities, actions and potential barriers to achieving their Vision. I facilitated the discussions. While I am an Honorary Member of the Association, I am not an active member of the Committee. My intent was to facilitate impartially and my action was to provide a summary of outcomes which are set out below.

The workshop was divided into 4 discrete sessions as follows:

Session 1 - Introductory discussion - Recognition of the Vision, and how the Committee members view the objectives

Session 2 - What is going well, taking into account opportunities

Session 3 - What is going less well - what are the threats to success

Session 4 - What are the priority activities or objectives

I summarise below the key discussion points from each session, and at the end of this email provide observations on agreed actions that might be considered to achieve the Association's potential.

Session 1 - *Recognition of the Vision, and how the Committee members view the Objectives*

- It was recognised that the Vision for the Association was exciting and dynamic, but at the same time overwhelming. Delivery currently relies on a relatively small number of volunteers/Committee members.
- Success was acknowledged in reaching out to regulators and stakeholders, and the ability to 'piggy back' on the role that these parties play in the sector to achieve objectives.
- There was a desire to conclude agreement on the Vision, and allow there to be a focus on the first steps towards achieving the key objectives.
- The Vision successfully recognises that state of the sector, the main actors, those who might be partners in delivering the Association's objectives.
- There was discussion on how the Vision embedded opportunities for securing funding and revenue for the Association.
- There was acknowledgement that the Vision implied a move away from supporting members to lobbying / influencing stakeholders at a strategic level.
- The Vision is contingent on the need for investment in marketing, web services, administration and membership management.
- A key issue with the Vision was noted as being the reliance placed on the Association, and the Committee itself, to drive forward actions. There is a need for greater participation, and greater accountability for those that become involved at Committee level. The Vision for the Association is ambitious, but perhaps requires some focus on quantifiable aims and objectives, timescales and indicators of success. These are vital to map out activities, and allow reporting back to the Membership on success and progress.
- The objective to standardise planning conditions was recognised as a significant opportunity for supporting the Association's members.
- It was felt by the group that there needed to be some focus on what it meant to be a member of the Association. i.e. the defining of a quality framework, training opportunities, value etc.

Session 2 - *What is going well, taking into account opportunities*

- The Association is in the right place at the right time to influence key decisions and policies that impact its membership.
- It was agreed by the group that the Association now has quite significant traction with stakeholders, and there are indicators of positive influence.
- The Association is now being actively invited to participate in groups where key issues of policy are being discussed.
- A good relationship has been established with other professional bodies and regulators – CIWEM, SEPA, Nature Scot etc, but there is perhaps need for greater recognition of the Association in industry.
- It was acknowledged as positive that action plans have been created that indicate the approach to achieving objectives. While some felt these were being used effectively, this is not uniform across all the action plan areas.
- Albeit limited in number, those that are taking a key role in external facing activities are passionate and committed.

Session 3 - *What is going less well - what are the threats to success*

- Threats to success included the implementation of action plans across all the areas of activity at one time, particularly noting resource / participation.
- It was noted that there was significant emotional investment in the success of the Association by a relative small number of the Committee membership.
- There was perhaps an approach to action planning that indicated a relative small pool of contributors to defining objectives which may make others / the wider membership feel excluded.
- It was felt that revisiting the action plan objectives may be required on a regular basis to ensure they remained relevant with appropriate benchmarking.
- It was felt that there should be a review of task holders allocated to actions plan to ensure these remained appropriate considering success, commitment, skills etc.
- A significant issue was raised around the administration of membership activities, renewals etc, and that there did not seem to be a coherent plan for addressing this key area of the Committee's activities.
- There is not an equal distribution of work within the Committee at the moment, and there is perhaps a lack of accountability to deliver on tasks allocated across the membership.
- With other activities undertaken by active Committee members, there is not enough capacity to organise training events and conferences for the Association.
- There is no strategy for developing the Committee into a sustainable structure with reward for participation (possibly honorary membership after time served) and succession.
- There is limited capacity for checking and responding to correspondence.
- Ability to find time to source external funding, R&D tax benefits etc.

Session 4 - *What are the priority activities or objectives*

- Membership administration was agreed as a fundamental matter to be addressed as core to function of Association Committee.
- Automation of membership processes online.
- Functionality of website
- Marketing and communications.
- Defining suitable Committee structure with roles and succession strategy embedded.
- Review process around action plans, efficiency of process, success indicators and updated needs/objectives.
- Revisit of stakeholder tracker with engagement plans linked to core purpose of the Association.

- Define stages/steps to deliver Vision and objectives with reasonable timescales defined by resource availability.

Opportunity

My observation from the discussion is that the Association has massive potential, and in a short period of time has had significant success in becoming credible within the sector, and for participating with and influencing key stakeholder. The Association is the right group, formed at the right time to support the role of ECOW in delivering regulatory requirements.

There is a real challenge for the Committee in combining the defined objective of influencing change at industry, regulator and governmental level, and meeting the expectations/needs of its membership. This is particularly the case when Committee resource is limited. The indicators of this are fact that there was limited discussion on membership expectations and administration needs within the Vision and Sessions 1 to 3, but when Session 4 was initiated it was clear that these activities were the biggest barrier to success, and perhaps the most significant risk to the Association.

If the Membership cannot recognise the benefit of the Association in terms of training, development, support, networking etc for the fee incurred, this is a threat to the more strategic elements of the Vision which require funding support and participation.

Based on the discussions, I strongly felt that there was consensus on the need for the Committee to:

1. Re-define the purpose of the Association from a Member's perspective and understand what Members seeks from the Committee.
2. Focus strongly on resolving Membership / Association administration issues to remove the significant burden currently in place on a small number of Committee members. These are fundamental to the efficient running of the Association, and at the moment are a significant resource draw that makes participation in Committee activities un-attractive to new members.
3. Develop a strategy for establishing a sustainable committee, increasing participation and embedding succession. This relies on the principal of joining the Committee being an attractive proposition – i.e. carries recognition, influencing activities, personal development, achievement, networking, ability to meet key sector stakeholders, drive change etc.
4. Define a mechanism for reviewing Committee members' participation in agreed activities with accountability and consequence.
5. Connect with the Membership so they are vested in the purpose of the Association, and engaged with the activities of the Committee.
6. Consider training opportunities / conference that not only provide vital services to the Membership, but are also an opportunity to connect in person with Members which is vital in sustaining interest in the Committee.
7. Consider the publication of annual position statements / 'State of Nation'. These are an opportunity to check in on Action Plans, the sector etc. and ensure the activities of the Association remain relevant. They are also an opportunity to demonstrate to the Membership that the Committee is current, adaptable and responding in an agile manner to change, practice etc.
8. Be realistic in what is achievable. The Vision is highly ambitious. Action plans should break objectives down into achievable segments in reasonable timescales which can be measured against performance criteria.

I hope this is of assistance, and I'd be pleased to discuss my observations with the Committee if that would assist.