

# MINUTES OF THE ENGLAND STAFF COUNCIL HELD ON 29 MARCH 2006 AT THE TGWU LONDON.

## Present: Official Side

Paul Hill Tout, Chairman  
Simon Hodgson  
Richard Britton  
Ken Milsom  
Pauline Marchington, Secretary

## Trade Union side:

Tim Gill, Vice Chairman, TGWU  
Julie Saunders, PCS  
John Winterbourne, PCS  
John Broatch, TGWU  
Martin Johnston, PCS  
Steve Smith, Prospect  
Tom Grimwood, TGWU  
Tim Medlock, TGWU

## 1. INTRODUCTION AND APOLOGIES

Apologies have been received from Ed Shephard, Robert Beaney, Steve Holdsworth, Ron Melville, Crispin Thorn and Mick Hoban. Paul Hill-Tout introduced himself and the management side. The TUS introduced themselves.

## 2. MINUTES

Remove the name of Martin Johnston from the list of apologies. Once this amendment has taken place the minutes are agreed as a true record of the meeting.

## 3. MATTERS ARISING

Matters arising from this meeting are dealt with at this meeting.

## 4. ITEM 4 PAPER 01/06 – DIRECTOR ENGLAND’S REPORT

Paul Hill-Tout said papers were sent out 2 weeks before this meeting, as agreed, but matters have moved on in that time. The England National Committee met on 28 March. Item 7, Natural Environment and Communities Bill, has gone through the Parliament and has been passed for Royal Assent. The FC could have been mentioned in this Bill, concerning a major reorganisation of delivery bodies but we continue as we are and we retain confidence from the Minister. The new Regulatory Reform Order has been published and will enable the FC to enter into legally binding partnerships; this will open up a wider range of ways in which we can work. The first example of this new approach we hope will be a Forest Holidays Joint venture with which we are a 49% shareholder and the Camping and Caravanning Club & Camping Club and within 3 years we will see profits. Another future partnership may be is with the Land Restoration Trust. Tim Gill said staff

should be aware of these changes and it was agreed that details of the order, which only affects England and Wales, would be made available to staff via E Connect or in the Slasher.

#### Action Mark Pritchard with Silvan House

Paul Hill-Tout said that the ENC at its meeting on 28<sup>th</sup> March had agreed 3 overarching themes for the coming year:

1. ~~EFS—Revision of the England Forestry Strategy~~ Consultation Document ~~now agreed with Defra as a consultation document, and cleared with the Minister, Jim Knight~~ will be published ~~the end of April~~ on the Defra website. It ~~has a will have a~~ 3 months consultation period. Events around the country ~~in early May~~ have been planned with stakeholders. ~~The FC will not be commenting formally but we have communicated our thoughts through Whitehall.~~ Publication is expected in the Autumn following which the FC would need to produce a delivery plan.
2. ~~Developing ERDP~~ Revision of the England Rural Development Programme which will promote the policy and financial framework for grants 2007-13.
3. Positioning FC – we need to establish our relationship with the new integrated agency, Natural England. We also need to continue to have regard to the Regional agenda. Stephen Smith asked if this could mean amending Forest District boundaries and Paul Hill-Tout responded that nothing would be excluded at this stage. Richard Britton ~~said that the RDAs were thriving and the issue of Regional Assemblies may come again.~~

~~After the launch of the Control of Grey Squirrel document the subject was debated in the House of Lords on 23 March.~~

Paul Hill-Tout said ~~that he identified~~ The ENC had also agreed on -4 main policy themes in 2006/7:

1. Ancient and native Woodlands
2. Health and Well-being
3. Working with EFIP to strengthen capacity in the industry
4. Wood fuel – as a one year contributor to renewable energy ~~the big issue here is the undermanagement of woods in SE England and there are opportunities for a range of possible uses.~~

Simon Hodgson wished to record thanks to all field staff for an excellent performance in delivering the H&M programme. The news of the closure of the St Regis paper mill could lead to a loss of income of £500k but he was optimistic that alternative markets can be found in due course, wood energy being an obvious option. EFIP will be engaged on this issue. Tim Gill said mills are presently operating a 4-day week because of fuel costs and the poor market for sawn products, again because of the cheap imports from Eastern Europe.

Stephen Smith commented on the format of this Directors report being different from the one at the meeting on 30 November when the report had headings of HR, Finance etc. Paul Hill-Tout said he would reflect on the format of future reports.

## **5. ITEM 5 FINANCIAL OUTLOOK FOR 2006/7**

Paul Hill-Tout apologised for the rescheduling of this meeting which was mainly to ensure that the meeting could have a full discussion about the 2006/7 financial position. The 2006/7 financial position has 2 main challenges.

- The Minister has approved a £5M programme for the sale of low performing assets to re-invest in new assets for increased public benefits such as new community woodland and recreation facilities.
- We will need to generate £2M in net savings to balance our books against the Spending Settlement.

Within the asset sales programme would be a mix of woodlands, development sales and houses. The woodland sales programme would be the largest since 1997 but would remain with the post 1997 policy framework enabling through re-investment an increase in public benefits on the estate. There would be no implications for jobs.

Simon Hodgson tabled a chart showing the schedule of proposed asset sales in 02/07. The main areas affected are SW England, NE England and houses in the New Forest. The RACs for SW England & NE England have met and both had the same comments, that is, programmes of asset sales should see the reinvestment back into the same regional area. That is the intention. Tim Gill said at the last big disposal exercise the public reacted to and were discontent with the situation and asked if this would open up a debate on Access. Simon Hodgson said there would be a handling strategy for each sale. He was sensitive to the fact that staff come into contact with the public and a full and open internal communication will be issued to all staff before any woodland sales are started. Dedication under CRoW gives public access in perpetuity and this obligation transfers to any new landowner. Thus local users will have their access protected. This would be an important message to get across.

Action Simon Hodgson Q&A for staff

John Winterbourne said that a lot of foresters had seen dedication as a waste of time but this exercise has proved it is not.

Stephen Smith asked how dedication impacts on development value. Simon Hodgson said there is no impact because developments need planning consent and once granted all access rights under CROW are suspended.

Tim Gill asked what would happen if £5M needed were not achieved. Paul Hill-Tout replied that in order for sales/reinvestment plans to balance in 06/07 it would be necessary to get the assets on the market in the first quarter of the FY and to see how the market responds. Timing of completion receipts can be difficult. If plans go wrong we will need to brief the Minister and consider options. Paul Hill-Tout responded to Stephen Smith's question regarding asset sales for FY 07/08, saying it is planned to make a further £4M of asset sales on the same basis as 06/07. Actions beyond 07/08 would be dependent on the outcome from the 207 Comprehensive Spending Review.

Martin Johnston thought that there would be disappointment that disposals are back on the agenda. Paul Hill-Tout stressed that we are in a different climate to the position in the 1990s. We are selling some assets to reinvest in new acquisitions and recreation projects, repositioning the forest and woodland estate to improve the public benefits. Disposal receipts would not be surrendered to the Treasury as before. He could give no guarantees about future programmes.

Tim Gill said that payments to contractors in March were being delayed causing pressure on local staff and concern about the livelihood of key small businesses. Paul Hill-Tout

said there was a very tight cash flow position in March He expressed his appreciation for the efforts staff are making locally to deal with these experiences and would ensure that none of our contractors would suffer materially as a consequence of a short term FC cash flow position.

## **6. ITEM 6 TUS CONSULTATION**

Stephen Smith presented this paper saying that there seemed to be no protocol between Management and the TUS about when, how and on what to consult. These draft proposals were to open up the subject for further discussion. Ken Milsom thanked Stephen for this constructive paper. He accepted that there was confusion at present. It was agreed that a small sub-committee should take it forward and bring agreed proposals to the next meeting.

**Action Ken Milsom and Stephen Smith**

## **7. ITEM 7 NATIONAL TEAM CHANGES IN HEAD COUNT SINCE FDR**

Ken Milsom presented a paper, which attempted to track the movement of staff in the FC, and FE Head Office teams from devolution to the present time. He said the position has been very volatile since devolution but the information is as laid out in the paper. Not all positions were filled at the time of devolution and we have now identified 14 extra posts that have been created and a few posts that have been lost. The information is from REBUS as at 28 February but it is a constantly changing scene, for example since 28/2/06 2 permanent members of staff and 1 FTA have left the FE team. The paper was for information and would not be a regular feature.

A second paper was circulated showing current staff numbers by grade in each cost centre in England. He stressed that seasonal issues will effect numbers, e.g. extra staff in November/December for Christmas tree sales, and at any point in time there will be vacancies from the fully staffed position set out in business plans The new Programme Group staff are shown in the chart but at their various present locations. The Programme Group does not officially become a cost centre entity until 1 April 06.

Tim Gill expressed his thanks for this and suggested an updated version every 12 months. It was agreed to present the chart at the end of every March. Ken Milsom invited the TUS to give him any suggestions on formatting in writing outside of the meeting.

**Action Ken Milsom**

## **8. ITEM 8 CONSTITUTION OF THE STAFF COUNCIL**

Ken Milsom presented this paper and said it is ready to be endorsed. A slight correction is needed to item 9, ESC not RSC. John Winterbourne referred to item 1 saying there seemed to be a slight contradiction in the explanation of the relationship between the ESC and the GBSC. Paul Hill-Tout explained the GB Staff Council delegates country issues to the 3 Country Staff Councils who do not discuss GB matters. Tim Gill said he appreciated certain agenda items are only for the GB Staff Council, pay for example, but he would like the opportunity for matters to be aired at this Forum before going up to the GBSC and to be able to track issues. Paul Hill-Tout said GB matters are not in the scope of this forum, for example, the principle of TRAs is a GB matter but the management of TRAs is a matter for this forum. We should discuss matters that are helpful to England business within the GB framework. Stephen Smith said the agenda has been unduly controlled by the management side, items the TUS suggested for AOB were not accepted by

Management. Paul Hill-Tout said we are here to discuss items in our mandate and not to talk about issues not in our mandate but he is happy to discuss items that have a paper to support them. Tim Gill said that this is acceptable. Stephen Smith said he would like the last 5 words removed from the sentence in 12 iv. Paul Hill-Tout said he was happy with this. Tim Gill said he would like a timetable set out for the publication of the agreed minutes. It was confirmed the agreed minutes will be produced in 20 working days and a copy of the new Constitution will be issued with the next minutes.

**Action Pauline Marchington**

## **9. ITEM 9 TRA SCHEDULE ENGLAND**

Ken Milsom said this table was produced from information available on 20 February and details have changed. Tim Gill asked if there is a defining line for the rules on the length of TRA. Ken Milsom replied that there are some guidelines. Generally speaking if a posting is likely to last 3 years or more Management could reasonably consider making a permanent appointment from the outset by analogy with the public interest transfer rules. Nevertheless a degree of pragmatism is needed for dealing with this and he gave examples which demonstrated the human and career development issues involved in specific cases. Stephen Smith referred to the Staff Handbook that states the TUS should be consulted in TRA cases, this does not happen and we are in breach of this. Ken Milsom said he would write to the TUS about TRA cases and suggested the TUS write to him asking for information on any scenario that concerns them. The current position is as per the list provided. The list will be reviewed at future meetings.

**Action Ken Milsom**

Tim Gill expressed his concern on the financial implications for staff while on TRA. Ken Milsom said individuals going on TRA know and understand the rules, that they are paid for extra responsibility and when the TRA ends the persons pay reverts back to what it was. Ken Milsom also said that he was aware of some situations that had arisen when TRA period straddle the effective date of annual pay rises and these cases had been referred to HR in Silvan House. Essentially however the rules of TRA are not a matter for this Staff Council

## **10. GRANT SCHEME DEVELOPMENTS IN 2006 AND CHANGES RELATING TO ERDP 2007-2013**

Richard Britton said that recent testing on GLADE new functionality had gone well and the first payment run would be on Friday 31 March. Desk instructions to staff would be sent out very soon. The start of the new FY will see the first round of payments made by all Conservancies. The EU is requiring that there should be one Paying Agency per country. In England this would be the Rural Paying Agency and work is needed to create an FC-RPA interface involving GLADE. He also said that work is needed on the FC website to make it a simpler experience for customers, but recognised the considerable progress made in provision of online information. John Winterbourne said this is a positive paper and it confirmed information already available to Conservancies, which was encouraging. Paul Hill-Tout paid tribute to the work of all FA teams in ensuring an effective introduction of the new scheme and associated use of a new IT system. Paul Hill-Tout acknowledged

the FC has a very good reputation amongst Paying Agencies and stated that we are working closely with Defra and RPA in making future changes.

Richard Britton emphasised the significance of the Environmental Land Management Fund (ELMF) project in shaping the future delivery framework for Environmental Stewardship and EWGS. This project has arisen from Defra's Rural Funding Review and would involve several years' work. ELMF is planned to be finally in place during the next ERDP period, around 2009. He stressed that FC were fully engaged in this work, including the role of Jane Hull (South East England) on the project team. ELMF would be a key part of the alignment in practice of FC and Natural England in future.

## **11. FUTURE MEETING DATES**

These have been agreed as Wednesday 5 July and Thursday 12 October.

## **CONSTITUTION OF THE ENGLAND STAFF COUNCIL**

Following the discussion at the first meeting of the England Staff Council on 30<sup>th</sup> November, I have made the small changes to the constitution to reflect what we discussed and I now attach a final version for ratification at our meeting on 14<sup>th</sup> February.

**Ken Milsom**  
**England Head of HR**  
**February 2006**

## 6 CONSTITUTION FOR ENGLAND STAFF COUNCIL (ESC)

### Purpose

1. The purpose of the Council is to assist the GB Staff Council in fostering good employee relations at all levels and particularly within its area of remit, and to ensure that an open, positive and inclusive climate is encouraged to the mutual benefit of the Commission and its staff.
2. The ESC shall be the sole negotiating body for all matters within its scope and its decisions will apply to all staff within its area of remit.

### Membership

3. The Council shall consist of not more than 5 members appointed by the head of the Management Side, and those members of the Forestry Unions that form the ESC Trade Union Side.
4. Where the agenda of any meeting includes an item that affects a Branch or Office within the area of remit, and not directly represented on the ESC, the Chairperson and Vice-Chairperson may add to the Council for the purpose of that item a representative of such Branch or Office.
5. Each Side shall be responsible for the appointment of its own representatives.
6. Where a representative cannot attend a meeting of the Council either side may appoint a deputy for that occasion.

### The Chairperson and Vice-Chairperson

7. The Chairperson of the Council shall be the head of the area of remit; the Vice-Chairperson shall be the elected Chairperson of the TUS.

### Secretary

8. **The Management Side will appoint a secretary who will be included in the membership of the ESC under paragraph 3 above.**

### Quorum

9. The quorum shall be a majority of the members on each side of the RSC.

### Meetings

10. Ordinary meetings of the ESC shall be held as often as necessary and not less than three times a year; the first meeting in any calendar year shall be the Annual Meeting. An agenda and papers shall be circulated to all members not less than 14 days before meetings.
11. Business not on the agenda shall be taken only by permission of the Chairperson and Vice-Chairperson. A special meeting of the ESC may be called by either the

Chairperson or Vice-Chairperson. The business to be discussed at such special meetings shall be limited to matters stated in the notice summoning the meeting. This will be issued not less than 7 days before the meeting.

### Scope

12. The scope of the ESC covers all matters concerning the staff within its area of remit other than those appropriate to the GB Staff Council. Key examples are:
  - i. to promote a positive partnership between the Management Side and the Forestry Unions;
  - ii. to ensure that agreed best practices and procedures are applied within its area of remit;
  - iii. to promote the highest standards in Health & Safety and Welfare practices;
  - iv. to consider proposals for major organisational change in England;
  - v. to consider reports on HR, Finance, Policy and Delivery;
  - vi. to consider the impact of changes in pay and conditions;
  - vii. to ensure that agreed post-filling, promotion and grievance procedures are instituted;
  - viii. to ensure that nationally agreed disciplinary rules and appeals procedures are instituted;
  - ix. to consider statistical reports pertaining to England on staff matters;
  - x. to monitor the implementation of the agreed facilities agreement within its area of remit.

### Committees

13. The ESC may create sub-committees as required, and may delegate powers to any sub-committee. Each Side may each appoint their own representatives to any such sub-committees. Such persons need not be members of the ESC.

### Decisions

14. The decisions of the ESC shall be without prejudice to:
  - i. the responsibility of the Forestry Unions to its constituent bodies;
  - ii. the responsibility of the Director to Forestry Ministers;
  - iii. decisions of the Forestry Commission GB Staff Council.
15. Decisions shall be arrived at by agreement between the two Sides, and shall be operative.
16. It shall be the duty of the Chairperson to ensure that decisions reach the proper executive authority without delay.

17. Any item brought to a meeting of the ESC which may have an impact beyond its area of remit may, where appropriate, be remitted to the Forestry Commission GB Staff Council.

#### Minutes

18. Minutes of meetings will be agreed between the Secretary and the Vice-Chair and shall be published for distribution to all staff within the area of remit.

#### Amendment of the Constitution

19. The Constitution of the Council may be amended only at a meeting of the Main Staff Council. Notice of the amendment of the Constitution must be given and circulated to the members of the Council at least 28 days before the meeting.