

THE SEVENTIETH MEETING OF THE EXECUTIVE BOARD  
HELD IN THE SILVAN HOUSE BOARDROOMS  
ON WEDNESDAY 4 MARCH 2015

MINUTES

**Members:** Ian Gambles (Chair), Wilma Harper, Jean Lindsay, Jo O'Hara and James Pendlebury

**Secretary:** Stephen Bennett

1. Minutes of the previous meeting and matters arising

The minutes of the meeting held on 3 December were agreed.

Five matters arising were discussed:

- **Defra Re-organisation**

The forestry policy team within Defra was being restructured and reorganised. Tony Williamson was moving on and John Coleman would take over responsibilities from Huw Thomas. Sarah Hendry was also moving on and Peter Unwin was retiring.

- **Defra Funding**

The funding settlement had been received. This had taken cognisance of the current position of FC England with regard to land sales and had increased the 2015-16 baseline.

- **Tree Alert/Observatree**

There had been some IT issues with this project which included potential problems with data storage on FC servers. Progress on developing solutions would be checked with IS and Director Central Services kept informed.

**Action: Wilma Harper**

- **EB Action Points**

The process to circulate and note progress against previous meeting action points would be re-started prior to the next meeting of the EB.

**Action: Stephen Bennett**

- **Appointments**

The appointments of Jo O'Hara and George McRobbie, and the re-appointment of Amanda Bryan, as Forestry Commissioners were proceeding and were at the No10 and Royal approval stages of the process.

## 2. Role and Composition of the Executive Board

EB members agreed that their responsibility for co-ordination of change programmes had expanded. As such, the EB Chair would consider the current terms of reference and make suggestions for change. EB members would be given the opportunity to comment on the draft.

**Action: Ian Gambles**

Membership of the EB was discussed and it was agreed that the Chief Executives of Forest Enterprise England and Forest Enterprise Scotland would be invited to join the EB.

**Action: Ian Gambles**

It was also agreed that more meetings would be required, perhaps every six weeks. Therefore, additional meetings would be scheduled, the first for mid-April.

**Action: Stephen Bennett**

## 3. FC Scotland Change Programme

Head of Forestry Commission Scotland briefed the EB on the following developments in FC Scotland:

- As there was a new Chair and members, and Director Scotland had retired, National Committee Scotland was considering governance arrangements. Scottish Government officials were involved, with Director Environment and Forestry joining the National Committee Scotland.
- Papers on HR decentralisation and IS Strategy were scheduled to be discussed at the FC Scotland Management Board.
- A Pay Band 3 Change Manager would be engaged to carry out project management and co-ordinate the change process.
- Forest Enterprise Scotland was reviewing its business structure in order to define a clearer business model. Consultants would be engaged to carry out this work on a 6-12 month timeframe.
- The Accountable Officer situation and line management of senior staff was in the process of being discussed with Scottish Government officials.

- FC Scotland was fully engaged in the Scottish Government programme to align Scottish Government digital programmes.

#### 4. FC England Change Programme

Director England briefed the EB on the following developments in FC England:

- A consultant had been appointed until early May to support completion of business cases for the devolution of shared services. Each business case would consider Defra corporate services as an option for future provision. The consultant's brief would be shared with EB members.

**Action: Ian Gambles**

- A separate consultant with a different skill set and expertise would be engaged to develop the IT business case.
- While not pre-empting the business case process, it was likely that Forest Services would require to take shared services from Defra. This would have IT implications which would be accounted for in the IT business case.
- Subject to the outcomes of the business case it was possible that the HR and Finance teams currently based in the National Office would move to Forest Enterprise England.
- FCTU were working on a campaign against the break-up of the FC.

#### 5. FC Cross Border Project

Director Central Services briefed the EB on developments with regard to cross border functions.

The project to refresh Forest Research Agency was underway. The potential vision, purpose and objectives had been discussed and draft proposals would be circulated to the Project Group for comment.

**Action: Jean Lindsay**

The project team was now looking at potential functions of the refreshed Agency with a view to establishing the refreshed Agency from 1 April 2016. Consideration would also be given to those cross border functions that will not transfer to the refreshed Agency. It was likely that these would be incorporated into the roadmap process.

There was also a workstream looking at potential future models for the Agency.

The issue of devolving the cross-border funding was also under consideration. The first stage would be a discussion between Defra and Scottish Government officials. To facilitate this discussion, Head of Forestry Commission Scotland would initially discuss the issue with Director ENFOR and then Director FC England to discuss how best to engage officials and take this matter forward. A representative from the Welsh Government would also be engaged.

**Action: Jo O'Hara**

### 6. FC Future – Legal and Corporate Project

The EB was briefed about the proposed project to consider the impact on the legal and corporate aspects of FC business of the projects that had been established to progress the devolution of FC functions.

EB members agreed to the project going forward and the three strand approach as outlined in the paper. It was also agreed that the project would report to the EB.

It was decided that an initial task of the project was to draft the scope for agreement, including costs and how to meet them and the legal costs of changing legislation. EB members requested that someone with legal experience should be consulted by the project team.

**Actions: Wilma Harper**

### 7. Shared Service Update

Director Central Services updated EB members about several projects and issues within the Shared Services.

The project to implement a new payroll system was on track. The system was currently being operated in parallel with the existing Rebus payroll system. Spending for the project was currently within budget.

The project to implement the Civil Service Pension Reform was also on track. The implementation deadlines set by the Cabinet Office had been met and approximately 1,500 FC staff would be migrated to the new Alpha pension scheme in April.

The Employment Appeal Tribunal (EAT) decision on holiday pay and overtime was announced in November. The case challenged the application of the Working Time Regulations 1998 in UK legislation and determined that non-contractual overtime could be included in the calculation of holiday pay. Treasury Solicitors (TSoL) provided information on the line being taken and advised that the EAT's judgement deals with non-guaranteed overtime being included in statutory holiday pay. Non-guaranteed overtime is overtime which an employer was not obliged to provide but which the

employee, if requested, was obliged to work. TSoL advised that voluntary overtime which an employee was free to reject was not dealt with by the judgement.

A new CS Leadership statement was signed off by the Prime Minister and launched on Thursday 12th February. The statement was aimed at all leaders within the Civil Service and departments were asked to consider how they intended to communicate and embed the behaviours identified within their organisation. Further work was required before options were provided to the Executive Board on how the statement could be utilised to best effect in the Forestry Commission.

Following a FC wide review in Autumn 2014, the HR Service Board agreed a proposal where the Technical Training function would be devolved to the countries. The Business Case was currently being developed.

The Forestry Commission ran its Climate Safety Tool survey on 12 January until 20 February. Approx. 70% of staff had completed it. Once analysed, the results would help establish what staff think about the FC's current health and safety culture. The results would provide a local and national picture. From this it would be decided where we needed to focus our efforts to make a difference.

The finance team was in the process of procuring tax advice services. Director Central Services was scheduled to meet the HMRC with eight main issues to discuss and resolve.

The new England and Wales Public Procurement Regulations became law on 26 February 2015 and this brought additional statutory obligations on FC England, the Central Services teams and Forest Research. New guidance was being written and a review of the communication and training requirement was underway. Similar changes in Scotland would not come into effect until late 2015.

## 8. Whistleblowing

EB members noted and agreed the proposed changes to the FC's Whistleblowing Policy following recommendations from the Public Accounts Committee.

Director Central Services would report to the EB on the effectiveness of FC whistleblowing practices, issues identified and actions taken to address the issues on a six-monthly basis from now on.

## 9. Diversity – Forestry Commission’s Workforce

EB members noted the current diversity of the FC’ workforce and discussed the actions being taken to improve this and the review of business objectives that would be carried out throughout 2015-16.

## 10. Development of FR Promotion Processes

EB members were updated on developments and changes to FR promotion processes. It was acknowledged that this had been a complex exercise. The EB were happy with the proposed changes and commended Mike Cowan on the quality of the work he carried out to improve the promotion processes.

## 11. Information Security Management Forum: Annual Report 2014-15

EB members were briefed on the work of the Information Security Management Forum during the year. The EB noted the progress made to manage the risks associated with information security across the FC and that an update on protective markings will be issued to all staff during March.

## 12. Any Other Business

Two items of other business were raised:

- **Forest Holidays**

EB members discussed the appointment of a FC representative on the Board of Forest Holidays. This role had been filled by Dr Bob McIntosh and now that he had retired from the FC it was appropriate to review the situation. The process to appoint FC representatives to Boards would be reviewed and recommendations made and discussed with the Forestry Commissioners at their forthcoming meeting. Commissioners would also be asked to approve a letter appointing Dr McIntosh to an interim position.

**Action: Wilma Harper**

- **Mobility Clause**

The review of the FC’s Mobility Clause would be discussed at a future meeting of the EB.

**Action: Jean Lindsay**

## 13. Date of next meeting

The next meeting of the EB was scheduled for 2pm, Tuesday 14 April 2015, in the West Boardroom of Silvan House.