

Forestry Commission Equality Impact Assessment

1.1 Stage 1 – Screening

A. What is the name of your policy, function or service?	
The future of the Public Forest Estate in England	
B. What are the names and contact details of the policy, function or service's owner and assessor? (When working in partnership, identify the lead partner.)	
Responsible Officer: Simon Hodgson, Chief Executive, Forestry Commission England Contact: pk.khaira@forestry.gsi.gov.uk or 01173721062	
Assessor: John Tewson Planning and Environment Manager. Contact john.tewson@forestry.gsi.gov.uk or 07798 742200	
C. Does your new, revised, or existing policy, function or service affect people?	
If Yes	Continue with Steps 1, 2, and 3.
If No	Complete Steps 1, 9 and 10.
Your comments	YES

1.2 Stage 2 – Partial Impact Assessment

1.2.1 Step 1 – Identify the purpose and aims of your policy, function or service

Partial Impact Assessment – Step 1- Identify the purpose and aims of the policy function or service

1. Provide a brief outline of the purpose of the policy, function or service.

Proposed approaches and a programme for transfer out of public ownership of up to 100% of the Public Forest Estate (PFE) managed by the Forestry Commission (FC) in England.

2. Provide details of the main aims and objectives.

The Government is committed to shifting the balance of power from 'Big Government' to 'big society'. For forestry, there are compelling reasons for changing the status quo by reducing the level of Government ownership or management of woodland. This consultation considers ways to shift this balance. Throughout this process, the Government is determined to secure the future provision of public benefits from the public forest estate.

The Government wants to ensure that it is intervening in forestry in England only where appropriate and necessary. The policy objective is to transfer out of public ownership some or all of the FC estate in England in order to maximise efficiency in the forestry sector and protect public benefits. . The proposal is to sell and/or transfer the PFE over the next five to ten years.

Three models are proposed for doing this (these are not mutually exclusive):

- Option 1 – Leasing Trusts
- Option 2 – Community/Civil Society Right to Buy
- Option 3 – Transfer to Charitable Trusts or Creation of Charitable Trust

And proposals for managing the 'residual' estate

3. List who will benefit and how from this policy, function or service.

Taking account of disposals already agreed under SR10, there will be about 220,000 hectares of PFE land (approximately 15% of England's woodland area), owned by the Secretary of State, which could be subject to these proposals.

It is Governments clear intention increase the engagement of society and citizens with the forest estate, and the proposals in the Public Consultation Document set out how it believes this might be achieved.

The transparent aim is to allow the 'big society' whether communities, NGOs or private business the opportunity to take on and manage woodlands and forests in the Public Forest Estate. This should result in an increase in the engagement of all communities in the ownership and management of the FC estate.

The transfer out of state ownership is projected to raise between £190-300m depending on the approach to disposal that is adopted. Opportunities will exist for communities, NGOs and business to take over ownership.

4. What impact will this policy, function or service have?

As part of normal business practice, the FC has historically bought and sold woodlands in order to achieve Government priorities although on a much smaller scale than now proposed. But following the principle that Government should do only those things which only Government can do, the commitment to the 'big society' and increased localism, the proposal is to consult on going much further, to engage in dialogue with all interested parties to explore other potential ownership arrangements for up to the whole of the FC estate.

5. How will this policy, function or service be put into practice?

The policy proposes to examine through consultation with industry, non government organisations, interested community groups and individuals how the Government can sell, lease or transfer to them as much of the 220,000 hectares of the FC estate as possible whilst ensuring value for the Exchequer and maintaining the range of public benefits delivered by the estate.

Stage 2 – Gathering existing information and data: the evidence

1. What existing information and, or data (evidence) has been obtained to equality impact assess this policy, function or service?

From work done for the 'Study of the Public Forest Estate' in 2009 the population that is served by the FC estate was analysed spatially using demographic data (from the 2001 census) and the location of the estate in 2008. This analysis was compared against the results of an analysis using the location of the estate in 1999. The change in location between

these times being largely as a result of the disposal of primarily rural woods and the acquisition of land closer to urban areas – these changes are relatively small, disposals of about 7,000 hectares and acquisitions of about 3,000 hectares.

This analysis considered the change in the population “served” by looking at the population within a 500m, 4km and 10km catchment of any part of the estate. Over the period of study, assuming a stable population, the population served within all three catchments increased (by 34%, 30% and 22%, respectively) and the ethnic minority population served has also increased (by 134%, 54% and 50%, respectively, albeit from a lower percentage baseline). The shift towards greater provision of service to urban populations may have increased the provision to other strands of diversity such as religion or the lesbian, gay, bisexual and transgender (LGBT) population.

This change could also have a positive impact on the populations of elderly and disabled people living near to the estate by reducing the physical barriers to their use of the estate. It should be noted however that provision of service by increasing proximity to where people live does not necessarily equate with use of that service due to other potential barriers remaining; physical and structural; social and emotional; and perceptual.

The tentative conclusion drawn was that the change in the location of the estate over this nine year period resulted in **an improved service** to the population as a whole but also to particular diversity groups including ethnic minorities.

The associated high level Impact Assessment (IA) considers that non monetised benefits may include greater public good provision on land owned by NGOs and greater influence over local woodland from local communities. However, it also makes the point that at present there is not enough evidence to assess whether assuring the delivery of these benefits may cost more or less than at present

Impact of the New Proposals

Disposal of Commercial Forest by Lease

The proposal to dispose of parts of the Forest Estate through long leases is a key proposal in the Consultation Document . The expectation is that public benefits (yet to be precisely defined) will be protected through lease clauses that require certain public benefits (which would almost certainly include access) would be protected under the new arrangements. Lease clauses would be designed to protect public benefits over and above those that established in law such as public access or statutory designation for example SSS1.

Access on foot to freehold woodlands (220,000 hectares) would be protected by existing applicable legislation e.g. by dedication under the

Countryside and Rights of Way (CRoW) Act 2000 or under existing provisions of the New Forest which has its own provisions for public access . It might therefore be concluded that for those **freehold areas** of the estate leased to commercial or private buyers the impacts of the policy would **not decrease** access to the estate by all sectors.

Disposal of the Forest Estate to Community or Civil Society through Right to Buy/ Lease or Transfer

The Consultation Document proposes a range of methods that encourage 'big society' groupings to take on the management of those woodland and open spaces nearest to their communities . It is not considered unreasonable at this stage in the proposals to assume that these community interest groups or charities will be expected to demonstrate their commitment to the full range of diversity interests currently catered for on these parts of the estate. It might therefore be concluded that those areas of the estate that are targeted for sale or transfer to charitable bodies or communities groups could **increase** their contribution to diversity.

For those locations where the FC has had **active programmes to encourage diverse communities** to enjoy the estate, the loss of the FC approach to management in favour of other managers **could decrease** the involvement of diverse communities.

Residual Estate

For those area that fall into the residual estate (ie those areas that have not been sold or transferred for various reasons) the impact of the changes might be for neutral or slightly diminish access benefits to diverse communities. On freehold properties with CROW, access is protected, on leasehold land the sites will still be FC managed and therefore benefitting from ongoing permissive rights that encourage access where legal. The diminishment might come from less FC staff and funding available to encourage diverse groups and communities to enjoy the estate.

Forestry Commission Staff Impacts

The impact on the 856 staff (full time equivalents) involved in the management of the estate cannot be determined until the scale and terms of the sale and transfer have been determined. Sale of the entire estate would be likely to result in the transfer, under the Transfer of Undertakings Pensions (Protection of Employment) provisions (TUPE) or redundancy of most if not all existing FC estate management staff. In addition a smaller number of FC central staff based in Edinburgh that

provide services to the English estate as part of a shared service agreement with the Welsh and Scottish estates of the FC would be affected in a similar way. (Staff associated with this work for England estimated to be between 50 and 100 individuals).

The sale would also have impacts on customer and partner staff (timber merchants, franchisees, sub-contractors, etc), the number of these affected would depend on the details of the proposals and cannot be assessed at this stage.

2. What does this evidence tell you about the actual or likely impact on different groups?

The IA shows we are not yet in a position to assess the full financial or economic impacts for the strategy due to the level of uncertainty on the impacts of the strategy for example on the efficiency of commercial timber production and public good provision and the impacts from volunteering and charitable and community involvement.

The impacts on diversity are likewise still uncertain and will depend on the detailed proposals. However, the impacts are likely to be significant as transfer out of the public sector would be likely to remove some of the diversity protection currently enjoyed by public sector employees that is non legally required. (Private sector organisations are not required to undertake an EqIA on their activities).

In the meantime, the IA makes an assumption that the costs of maintaining public benefits under the new model, e.g. through grants to civil society organisations and additional advice and regulatory costs – would be no more nor less than under direct Forestry Commission ownership. It is therefore not considered unreasonable to assume that similar standards of public benefit provision will be required in order to obtain value for money from any changes. The IA makes clear further work is needed to examine the following:

- Transition costs and staffing costs, including legal and negotiation costs that are particular to different approaches;
- Impacts on efficiency in forest management and on profitability and revenue generation from woodlands;
- Impacts on public benefits (e.g. recreation, biodiversity, landscape, climate change mitigation/adaptation);
- Impacts of increases in local community involvement in woodlands, and from increases in volunteering, donations etc.;
- Impacts on the rural economy; and
- Impacts on carbon sequestration (it is not anticipated that the options examined in this IA would have a significant impact on the capacity of the PFE for carbon sequestration and storage, although further examination of management practices under the different

models would be needed in order to verify this).

Similar further work will be required to take account of any impacts on diversity.

1.2.2 Step 3 – What else do you need to understand the diverse needs or experiences of your audience?

Stage 2 – Step 3 – What gaps are there in the available information?

It is too early in the proposals to identify specific gaps, other than to highlight the need for potential diversity impacts to be considered as part of the engagement with all stakeholders and NGO/Community groups who could be involved in future management.

As outlined above at Stage 2, point 1, detailed work will need to be done to assess the impact on employees and there will need to be consultation with all staff (not just trade union members) under European law. Further employment law advice will be sought as this project progresses.

As part of the work proposed to engage and consult with interested parties to identify the best models for disposal of the FC estate it will be necessary to seek to understand better the diversity impact of possible changes to the ownership and management of the public forest estate.

It will be important that potential impacts on the full range of diversity issues are considered prior to the first stage of the disposal programme, which is expected to commence before the wider consultation on the future of the rest of the estate is completed.

1.2.3 Step 4 – What does your information tell you about how this policy might impact positively or negatively on the different groups within the target audience?

Stage 2 – Step 4 – Table A – Consider the actual or likely affect for each group			
Please identify the likely impacts on:	Beneficial impacts Positive, negative or no impact	Adverse impacts Please state whether or not these could be unlawful discrimination	Comments Include comments necessary to justify inability to remove or reduce any adverse impact on any particular group
Race/Gender Age/Disability Sexual Orientation/ Religion or Belief	The proposal to consult with a wide range of stakeholders is considered likely to benefit all diversity groups as these groups will be specifically asked for their views as part of the FC policy on diversity	Unknown at present but the consultation with existing and potential new users will ensure these issues are raised and can be taken into account when government makes final decisions on the future of the estate.	It is too early in the process to say whether any particular group will be adversely impacted upon, but the transfer out of the public sector is likely to have a generally detrimental effect on diversity due to the lower requirements for diversity issues to be assessed and taken account of outside the public sector.

Stage 2 – Step 4 – Table B – Based on the work you have done rate the level of relevance of your policy?						
Mark an 'X' in one box for each strand.	Race	Gender	Disability	Sexual Orientation	Religion or Belief	Age
High.						
Medium	X	X	X	X	X	X
Low						
Unknown						
Positive or No Impact.						
Negative or Unknown.	Unknown at present.					

1.2.4 Step 9 – Monitoring and evaluation process

Stage 3 – Step 9 – Monitoring and Evaluation	
1. What arrangements are in place for monitoring the implementation and impact of the policy, function or service?	
The proposals are ongoing and will include further consultation with a wide range of interest groups.	
2. What is the review date for the policy, function or service?	
Ongoing as part of the policy cycle.	

Step 10 – Senior Manager sign-off and publishing the EqIA Summary

Stage 3 – Step 10 – Senior Manager Sign-off	
Senior Manager's Signature (Head of Unit or Cost Centre)	Simon Hodgson Chief Executive Forestry Commission England
Date	6th January 2011