

DEFRA - FORESTRY COMMISSION CONCORDAT

Background and Purpose

1. This Concordat sets out a framework for the Forestry Commission in England and the Department of Environment, Food and Rural Affairs (Defra) to work together to develop and deliver forestry policy. It builds on a previous Pathfinder Concordat which was promulgated following the 2002 Forestry Devolution Review and has been evolved in the light of the Modernising Rural Delivery Review.
2. The Concordat is not a legally binding contract between the Forestry Commission and Defra and it does not override the statutory duties or powers of either department. Rather, it is a statement of the principles, which will guide relations between the Commission and Defra to ensure sufficient communication and co-ordination to enable each to discharge their respective responsibilities effectively and efficiently. The Concordat respects the continuing distinction between the statutory functions of the Forestry Commissioners and those conferred on the Secretary of State for Environment, Food and Rural Affairs in respect of forestry matters.

The Status and Functions of the Forestry Commission

3. The Commission is the non-ministerial government department responsible for advising on and implementing forestry policy in Great Britain. It is a cross-border public authority responsible separately to Ministers in England, Scotland and Wales and collectively on GB functions. Forestry is a devolved matter and in England the Commission reports to the Secretary of State for Environment, Food and Rural Affairs. The Commissioners' principal duties and powers are defined in the Forestry Acts 1967 and 1979.
4. In England, the Commission is principally responsible to the Secretary of State for leading the delivery of policy for forests, woodlands and associated businesses, including:
 - the delivery of forestry programmes, including through working in partnership with the Natural England Confederation of Partners, to ensure a comprehensive and coherent approach to land management. Delivery will be to public service standards that set out the quality of service that customers should expect.
 - provision of expert advice and high quality research to Defra ministers and officials.
5. The Commission's GB functions cover international forestry policy, cross-cutting issues such as sustainable development, climate change, sustainable forest management, plant health, forest reproductive materials, research, statistics and trade, together with corporate matters in respect of the Commission's role as a Government Department.

The Status and Functions of Defra

6. Defra works for the essentials of life - food, air, land, water, people, animals and plants. Its remit is the pursuit of sustainable development - weaving together economic, social and environmental concerns. Defra:
 - brings all aspects of the environment, rural matters, farming and food production together;
 - is a focal point for all rural policy, relating to people, the economy and the environment;
 - has roles in both European Union and global policy making, so that its work has a strong international dimension.
7. Defra has lead responsibility for the development of strategic policy for forests, woodlands and associated businesses through relevant strategies, policy documents and legislation;

General Principles

8. The Director General of the Forestry Commission and the Director General Natural Resources and Rural Affairs, Defra are committed to developing effective working relationships so as to ensure that the best possible service is delivered by both departments.
9. Good communication in both directions will be essential to effective working between both departments. Officials will continue to maintain regular contact (both formal and informal) in order to discuss business of mutual interest. In particular, Defra and the Commission agree to:
 - keep each other promptly and regularly informed about all work in which the other department has an interest;
 - give appropriate consideration to the other department's views;
 - request advice in good time, together with an account of its expected use;
 - inform the other department without delay of any relevant information which would require their action;
 - provide each other with a full and open access as possible to scientific, technical, financial and policy information.
10. If a dispute arises, where the Commission believes that Defra proposals would be inconsistent with the Government's forestry policy for England, which cannot be resolved through normal channels, it will be referred initially to DG Forestry Commission and DG Natural Resources and Rural Affairs and finally to Ministers.

Governance

11. A Ministerial Committee brings together the Forestry Ministers in England, Scotland, Wales and Northern Ireland. It oversees arrangements agreed following the Forestry Devolution Review, the handling of reserved matters (such as international issues) and agrees the cross-cutting forestry issues where collaboration between the countries would be advantageous, for example, forestry research.
12. The Forestry Commissioners are accountable to the Secretary of State for Environment, Food and Rural Affairs with respect to their responsibilities in England. The operation of these governance arrangements will be undertaken in a manner that is also responsive to Defra's wider aims and objectives. This aim will be achieved by:
 - a. the Secretary of State, or their nominated minister, participating in the Ministerial Committee;
 - b. the Secretary of State agreeing the Forestry Commission Corporate Plan for Great Britain and England;
 - c. two England non-executive Commissioners being nominated by the Secretary of State;
 - d. the Chairman of the Board of Commissioners being nominated by the Secretary of State in consultation with Scottish Ministers and the Welsh Assembly Government;
 - e. the appointment of an executive Forestry Commissioner (Director England) who will implement forestry policy in England in partnership with the Natural England Confederation of Partners, in a manner which meets both Defra's and the Commission's wider aims and objectives as well as the UK's international obligations;
 - f. the Board of Commissioners delegating, by Order, responsibility for England matters to its National Committee for England;
 - g. a senior official from Defra will be a member of the National Committee for England;
 - h. Defra officials are members of the International Forestry Group which includes representation from the Forestry Commission, DfID, FCO, the Scottish Executive, the Welsh Assembly Government, the Northern Ireland Office and feeds into the work of the Ministerial Committee.

Working with the Natural England Confederation of Partners

13. The Commission is working within Defra's Modernising Rural Delivery Programme to identify areas of closer collaborative working with the Natural England Confederation of Partners with the objective of more efficient and effective delivery. The developing relationship will be captured within a Memorandum of Understanding.

Working with Other Government Departments

14. Some areas of forestry policy (such as improving the quality of life of urban communities) are responding to Government agendas that are led by departments other than Defra. Defra will champion these issues, where appropriate, with other departments and agencies across Government. The Commission will support the delivery of these through appropriate prioritisation in its Corporate Plan for Great Britain and England.

Finance

15. The Secretary of State's expenditure responsibilities derive from a single funding settlement which includes both the Defra and the Forestry Commission Votes. The Commission's Vote includes all its activities in England and its Great Britain responsibilities as a cross-border public body (international policy, plant health, forestry reproductive materials, research, Commissioners and their immediate support staff). These latter responsibilities remain subject to agreement by the Forestry Ministers Committee.
16. The two Votes will need a degree of common management through respective Finance Directors. This will be achieved by:
 - a. the Commission providing financial and resource information. Defra will keep the Commission fully informed of financial priorities and required procedures to meet the planning and monitoring requirements of Ministers;
 - b. in Spending Reviews, Defra will involve the Commission in the same fashion as its own Directorates, and the Commission's proposals will be included in the Defra bid put to Ministers (and Treasury). The Commission will be accountable to Defra Ministers for targets set following Spending Reviews and will normally report progress through the Defra Departmental Report;
 - c. the Commission will endeavour to meet the spending plans agreed in the Spending Review settlement. The Commission is however net funded and relies on income other than that provided by Parliament. Should its income not support planned expenditure, the Commission will attempt to resolve the problem from within its own resources. If that is not possible it will look to Defra for support before it seeks support from Treasury. Where the Commission receives income in excess of its needs, it will alert Defra so that resources can be used in the way Ministers decide would be best;
 - d. the Commission will form part of the Defra Departmental Report.
17. The Commission will present its annual reports and accounts to the Secretary of State for Great Britain and England activities in accordance with Section 45 of the Forestry Act 1967 (as amended). The Forestry Policy Unit will co-ordinate Defra's input to the Commission's Corporate Plan for Great Britain and England.
18. The Principal Accounting Officer for the Forestry Commission is the Director General. The Director England has Accounting Officer responsibilities for the England Request for Resources within the Commission's Westminster vote.

Promoting the Concordat

19. The Concordat will be published on both departments' internet websites.

Duration, Monitoring and Review

20. This Concordat comes in to force on 25 April 2005. Progress with its implementation will be monitored at twice-yearly meetings of Commission and Defra officials. Changes to the Concordat may be made at any time with the consent of both parties.

Approval



Tim Rollinson
Director General, Forestry Commission
Forestry Commission



Ursula Brennan
Director General, Natural Resources
and Rural Affairs, Defra

RESPECTIVE LEAD ROLES FOR THE FORESTRY COMMISSION AND DEFRA

	Defra	Forestry Commission
Forestry Policy	Development of strategic forestry policy and advice on other policies where forestry is relevant.	Provision of expert advice, including forestry research, and delivery.
	a. For GB/UK matters , the link will be between Defra’s Environmental Protection Directorate General and the Commission’s Corporate and Forestry Support Group based at Silvan House, Edinburgh. Note: GB/UK matters cover international forestry policy, cross-cutting issues such as sustainable development, climate change, sustainable forest management, plant health, forest reproductive materials, research, statistics and trade, together with corporate matters in respect of Commission’s role as a Government Department.	
	b. for England matters , the link will be between Defra’s Sponsorship, Landscape and Recreation Division and the Commission’s National Office in Cambridge. Note: England matters cover all aspects of delivery in England, oversight of the Forestry Commission estate, forestry aspects of the England Rural Development Programme, secretariat and communications.	
	c. for Regional matters , the link will be between Defra-sponsored activities in Government Offices and the Commission’s regional business conducted by its Conservancies. Note: Regional matters cover all aspects of forestry advice to GO teams, which co-ordinate across the range of government department activities.	

	Defra	Forestry Commission
Delivery Outcomes - EU Funding	Responsibility for determining the desired policy outcomes and the range of potential delivery instruments available for use.	Responsibility for deploying delivery instruments (including the public forest estate) to achieve the required policy outcomes.
	<p>Overall responsibility for the England Rural Development Programme and EAGGF funded elements of Objective 1 Structural Funds.</p> <p>Both parties will liaise closely to ensure that relevant EU-funded schemes are administered consistently and in such a way as to both minimise the risk of disallowance and maximise the benefit obtained from EU income.</p>	<p>EU Paying Agency responsible for:</p> <ul style="list-style-type: none"> • promoting EWGS as part of the ERDP; • administering and funding all forestry grants throughout GB (except Energy Crops and FWPS/FWS); • disbursing EU EAGGF Guarantee funding for forestry projects; • reporting to Defra on scheme uptake and implementation
Research	Defra will establish strategic forestry policy priorities which will inform the need for further research and evidence on forestry and related issues by both organisations.	<p>The Commission will take account of the agreed strategic forestry policy priorities in developing its Science and Innovation Strategy for approval by the Forestry Ministers' Committee.</p> <p>Maintenance of forestry evidence base.</p>
	Both parties will consult each other over the development of research strategies.	

Ministerial and Parliamentary Business	Policy issues EFS and EFF	Expert advice on forestry issues Delivery issues FC Departmental issues Forest Enterprise
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