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Sam Telford
FCTU Secretary

Dear Jean

FCTU Response to the Proposal to Decentralise FC's Safety, Health & Environment and Learning & Development Services

FCTU are responding to the consultation on these proposals and business cases which capture the preferred options for both L&D and SH&E services within FC England, FC Scotland and Central Services, including Forest Research.

We recognise the challenges faced by those asked to conduct the business cases and move them through the process. Those responsible for the drafting of these Business Cases have completed a difficult job in a limited period of time.

For many years the SH&E and L&D teams have been run by a management team and structure that is to some extent integrated into the countries but did not belong solely to one country. This autonomy and delivery model means that their customers may not be fully aware of the full input into the service that has been provided across the range of their work activities. This presents a challenge in recognising the complexity and detail of the service they have received and to understand the resource required. This inevitably leads to an element of estimation in the cases and we believe a degree of "wishful thinking".

FCTU recognise that there are financial restrictions in moving forward; however, we were not led to believe that cost saving was the driver for change and a great deal of what is proposed appears to be about saving costs. We therefore look to the FC to be up front and honest about the extent to which these business cases aim to provide countries with robust and capable SH&E and L&D units.

Safety, Health & Environment Business Cases Overall

We believe the Business Cases for SH&E set out by FC England and FC Scotland fail when set against the four reasons for safety, health and environment:

Moral

It is imperative that we all remember the devastating effect that serious accidents and ill health have on the individuals, their families and their colleagues. FCTU believe that the business cases have underestimated the SH&E service that is needed to protect and support people: *"to ensure that everyone working with the Forestry Commission remains safe and well and our woodlands are safe and enjoyable places to visit."*

Legal:

The business cases have underestimated how complex it is to achieve and maintain legal compliance over a complex business working in two high risk industries—forestry and countryside recreation. Without this compliance we face significant risk of enforcement action, prosecution and civil claims.

Financial:

There are real business risks though increased costs due to health and safety failures. This is clearly supported by the comparison to the Alton Towers case set out in the response. For example, if we failed in our duty of care to a mountain biker who suffered a life changing injury this could cost £5-10 million and threaten our ability to continue delivering in this area.

Reputational:

Failure to properly manage health and safety carries a significant reputational risk. Following incidents, whether they involve staff or members of the public—particularly in the case of any accidents where HSE becomes directly involved—the organisation's ability to respond and manage the situation can come under scrutiny from the public, Ministers and the media. Some difficult questions can be asked of the FC and far-reaching further work can follow. Its reputation as a health and safety-conscious organisation could come into question if the right level of resource is not in place.

For FCTU, the England and Scotland business cases for Safety, Health & Environment as they stand represent a step back in time for the FC where the SH&E agenda does not demonstrate sufficient management concern and the aims and targets in the Health and Safety Strategy are not fully implemented. FCTU now look to both FC England and FC Scotland to reconsider the SH&E proposals based on the views contained in this consultation response.

Learning & Development Business Cases Overall

In our view, the business cases for L&D within FES and FEE carry a considerable risk to the business to lose essential expertise, knowledge, skills and experience which currently enable them to fulfil their core functions. In particular:

Health & Safety

The current input to Health, Safety and Environment from L&D is underestimated. Outsourcing of training is unlikely to maintain the current high standards set by the in-house training team. Complications would arise from the unfamiliarity of external training providers with internal policies and procedures. Additionally, the reduction in resource would make the current close working relationship of L&D with SH&E much more difficult. Without the proper training in place then lives may be at risk and there would be a failure to deliver against the organisation's H&S Strategy, which must be a high priority.

Value

We are concerned that the business cases are based solely upon reducing overhead costs as opposed to meeting training needs and the added value delivered by an internal team is not recognised. L&D is not just about individual or team requirements, it's about meeting the organisation's objectives. This can be no more important than at a time when the FC is being re-structured and staff would have to learn new skills, new ways of working and cope with change and all that it brings. Good and effective L&D is vital to the success of the new country setups, business objectives and changing business priorities and plans. It is critical that a strong L&D team that understands the business is in place through this time.

Quality & Commitment

Although the business cases stress the importance of retaining crucial forestry skills and expertise in-house, they fail to provide sufficient resources and suitable mechanisms to achieve this. As a consequence, the current levels of expertise and knowledge are likely to be lost. Given the uncertainty, it may be that people will choose to leave which would result in expertise exiting the FC.

We are concerned that the L&D teams would not be big enough to meet broad organisational requirements. While individuals are flexible, reduced numbers limit what they can deliver. This would be made worse by the proposal to reduce some of the current staff from Operational to Non-operational hours. Apart from reducing flexibility, this would lead to more of the team seeking alternative roles, within or outwith FC.

Additionally, we have no confidence that external providers would show the same levels of quality, flexibility and commitment, or be committed to the standards currently provided by the internal L&D team. External suppliers do not have the FC business knowledge or the in-depth understanding of the OGBs held by our FC training team which guide our staff on many of the operations covered by the current L&D Technical training team. There is a risk here that our staff could be misguided during training events and ultimately be trained to operate outside FC policy.

FCTU now look to both FC England and FC Scotland to reconsider the L&D proposals based on the views contained in this consultation response.

FC England Business Case for Change - Safety, Health & Environment

In developing our response our primary driver has been the vision set out in the FC Health and Safety Strategy:

"Everyone working with the FC remains safe and well and our woodlands are safe and enjoyable places to visit".

In order to achieve this vision the future teams need to be committed, resourced and knowledgeable to deliver across the organisation(s).

We recognise that FCE is involved in one of the highest risk industries in Britain and are also one of the main providers of countryside recreation, as well as the 5th biggest concert promoter in Britain. This constitutes a large and complex undertaking with considerable risk to the health and safety of people.

FCE state that the preferred option is *"...to maintain and enhance service provision within the single entity and country context, a Leveraged Expertise model of an in-house training and health and safety service, supplemented by significantly increased outsourcing of technical training and use of local Subject Matter Experts from within FEE ..."*

On page 6, paragraph 27 sets out what FC England expect from their SH&E team. We think it is worth addressing each of these in turn.

27) SH&E is, and will remain for some time, a very high profile issue for the forestry sector. The SH&E obligations on FC are essentially matters of law, and so carry commensurately high financial and reputational risks

- We agree that SH&E is, and will remain for some time, a very high profile issue for the forestry sector. It is also a very high profile in the countryside recreation "sector". The primary driver for this is that we want everyone working with FC England to remain

safe and well and ensure that the woodlands are safe and enjoyable places to visit. SH&E is therefore first and foremost about **people**. There are also legal obligations as well as financial and reputational risks.

a) Be available at all times to provide response to incidents, site investigation and much of the other reactive elements of the support. There is no scope for a break in or a reduction in this aspect of the service;

➤ FCE had 1,737 reported accidents and incidents (work and visitors) last year. Many of these involve a considerable input from the SH&E team often over an extended time period. We do not believe that a team of 2.5 SH&E staff can provide this level of service across the geography and scale of FCE undertaking. The following are examples from recent case work:

- A mountain bike accident where a man suffered a broken collar bone. SH&E assisted staff with the AIRS report followed by advice on claims involving lawyers, staff and witnesses. Finally, there was the time spent in court. (10 days)
- A member of the public died while on a wild built trail. SH&E team visited the site to investigate the accident and support FCE staff. (6 days)
- Potential asbestos exposure: SH&E staff investigated and assisted staff with the AIRS report, supported staff meetings and responded to HSE; then worked with staff to produce lessons learned. (10 days)

b) Have easy and quick access to a Health and Safety knowledge base, and have contextual experience of forestry, land and estate management, and recreation issues too, to give full coverage for the FC undertaking;

➤ We believe a team of 2.5 SH&E staff would be unable to provide the base and experience required. This is evidenced by the number and variety of enquiries the current team get from staff in FCE, ranging from mechanised harvesting, chainsaws, contract management, Christmas tree sales, wild trail management, lone working, firearms, quarry management, vibration, chemicals, tree climbing and motorsport.

The current team of six have subject experts e.g. on chemicals and recreation. Other members of the team call upon their colleagues to answer questions and deal with issues. This option would now not be available and expertise would have to be built or sourced from elsewhere.

c) Be resourced with competent / qualified people who can provide the full reactive service and geographic cover whilst accommodating leave and absences as well as temporary reallocation of staff for legal case work.

➤ Again the proposed staffing could not provide the level of service required. Experience is that a serious or fatal accident can tie up a member of staff over a long period—immediately when the accident happens, during the investigation, at the Inquest, assisting with the implementation of recommendations and during any civil claims. For example, a fatal accident in Scotland resulted in a full-time staff commitment from SH&E of around 15 weeks over 4 years. Using current data we expect 4-6 cases (work and visitors) of this nature each year.

d) Be resourced at the right seniority and competency to develop the FEE strategy, provide leadership, cover policy matters, manage the function, represent SH&E externally, and communicate with the most senior levels in the organisation.

- The 0.5 PB2 would operate at this level, but there would be tensions as they get are required to support the PB4s as illustrated above. For example, if they are the person who responds to a fatal accident then they would be “locked in” to the entire process.

e) Maintain links with industry bodies (e.g. FISA & VSCG) and other stakeholders (e.g. HSE, FCS, NRW, NIFS)

- Again, the 0.5 PB2 would operate at this level, with tensions as illustrated above. Furthermore, this could not all be achieved by one person and some work would need to be delegated.

Paragraphs 73 and 77 state:

"73. It is expected that SH&E services will remain largely unchanged in terms of offering direct staff support... "

"77. The recipients of the SH&E service in Districts currently receive a good service and Option 3 provides for a similar level of provision."

- FCE is proposing 0.5 PB2 and 2 PB4, less than half of the current provision and, given the loss of benefits from scale, considerably less. The FC as an employer has to manage contractors. Development and implementation of this policy requires input from a health and safety professional. When this policy is reviewed by FCE (and FCS) it will still require input from a health and safety professional in England and in Scotland. Management has previously noted that central provision is more efficient, the reverse is also true.

The expectation FCE have for the team seems to be light on the requirement to contribute to the development, maintenance or to support implementation of policy/guidance. This is critical for ensuring legal compliance. It also seems to be light on the resource required for audit/review. The current electricity audit, for example, required months of staff time in preparation, delivery and follow up. This is critical for maintaining legal compliance.

As stated above, FCE is a large and complex undertaking. Support will be needed not only for Forest Districts but also Forest Nurseries, Mechanical Engineering and National Office functions. We do not believe 2.5 competent SH&E professionals across FC England would be legally compliant given the Management of Health & Safety at Work Regulations Section 7.3:

"Health and safety assistance: The employer shall ensure that the number of persons appointed... the time available for them to fulfil their functions and the means at their disposal are adequate having regard to the size of his undertaking, the risks to which his employees are exposed and the distribution of those risks throughout the undertaking."

In addition, it would not be stretching too far to envisage that an accident of a similar magnitude of the Alton Towers accident in 2015 could happen in FCE. This accident led to:

- serious injury to 16 people;
- a dip in profits of £40m;
- a guilty plea in court that is likely to lead to a fine in the region of £5m;
- Civil claims likely to cost their insurers at least one million.

Even if we did not believe something of this scale could happen in FCE and scaled it down by 75% and disregarded the dip in profits, there would still be 4 people seriously injured and a £1.5m+ cost compared to an annual SH&E team budget of £169k.

In summary, the FCE Business Case is disappointing as it focuses on saving costs instead of the people and how to provide an effective SH&E service in FCE. We do not believe that it meets full legal compliance or manages business and reputational risk.

FC England Business Case for Change – Learning & Development

FCTU believes there is further clarity required in these proposals.

Option 3 of the business case is a transition to provide an in-house service to the organisation, potentially splitting Management and Technical training. The proposal is complex and relies on a number of developments coming about and seems to rely on aspiration rather than research.

Combining SH&E with L&D for administrative purposes is acknowledged to have potential for rationalisation savings.

The business case suggests there is potential to supply services to other parts of the organisation and/or to the wider forestry industry. We cannot understand how this can be delivered when the in-house capability is to be reduced significantly and develop as a 'professional buyer' service. The value added by the current cross-border delivery is underestimated and expertise available to a shared service will have to be developed within the England team. We do not see how it can be more efficient and effective to buy in external services to deliver courses, which are then sold to the industry. This can only lead to additional cost and bureaucracy.

FCTU wish to respond to the following in the business case:

*"2. A range of organisational options for the future provision of these services within FCE are assessed. This leads to a preferred option to bring together, within Forest Enterprise England (FEE), technical training with the SH&E service in order to gain from natural synergies between these functions. To maintain and enhance service provision within the single entity and country context, a **Leveraged Expertise model** of an in-house training and health and safety service, supplemented by significantly increased outsourcing of technical training and use of local Subject Matter Experts from within FEE is proposed. A similar approach is proposed for the leadership development activities within a new Organisational Development function within the HR Directorate of FEE."*

- FCTU believe there can be a cost saving and tailored delivery service of benefit to the country; however, we are of the opinion that the structure chosen to implement Option 3 is inadequate to fulfil the aims and objectives set out on p6 of the business case due to under-resourcing and poor distribution of those resources between management and delivery.

We wish to see a robust structure and implementation with reduced single points of failure; an L&D team that has the right in-house expertise and that will be adaptive to country needs; ensures value for money and retains the expert L&D TT qualifications and expertise necessary within the Leveraged Expertise model to make it a success.

"4. Especially for the Technical Training function, there is potential for FEE to provide training to other parts of the FC, NRW and external forestry companies and organisations."

- For L&D to provide the commercial aspects in Option 3 to different areas of the organisation and the external sector, L&D must provide unique goods and services that meet the highest industry standards.

It has been identified that L&D has unique specialisms in this niche market that are not readily available from external providers. These include operational management; wildlife and conservation management; forest mensuration and timber measurement; forest machine supervision; recreation access and safety; forestry operations; FC-specific IT systems; eLearning; pesticide management; wildfire control, and Silviculture.

In order to meet the aim of providing training beyond FEE then key specialist knowledge needs to be retained by the new L&D team to meet the business demand. The proposed Option 3 does not allow this to be delivered.

"7. The success of proposed changes to L&D and SH&E shared services can be measured against the following factors. The changes should:

d) Improve and extend the service delivery and where possible, make cost savings against the current shared services provision."

- FCTU believe that in the short, medium and (to a lesser extent) longer term, the proposed Option 3 structure would not improve or extend service delivery as the current external training market does not have the quality training nor the expertise required by the business. The rationale behind this statement is explored under the section 'Setup and Transitional Costs' in relation to paragraph 104.

e) Minimise the business risks during transition by maintaining appropriate levels of staff competence and continuing to manage risks to safety, health and the environment.

- The proposed Option 3 has very high health and safety and business risks during the transition stage. L&D TTs train staff to reduce the business risk. Option 3 reduces the numbers of TT staff which would increase the business risk. Rather, we would wish to see a sufficient number of TTs to ensure a high level of health and safety awareness within the organisation during this period of disruption and beyond as the business develops.

We recognise the intention is to buy training in; however, there would be a delay while the external suppliers are procured and made aware of FCE guidance and are quality assured. We have concerns about the quality and standards of training available in the external markets. The FC currently delivers at a level well above industry standards.

*"45. Additionally there is scope to increase use of **Subject Matter Experts** within the future training arrangements. In this model, existing staff outside the L&D function formally pass on knowledge and provide simple training on specific subjects. This already happens to a limited extent e.g. mentoring, manual handling and certain wildlife training."*

- Recent experience of L&D in regard to SMEs within local districts is that this model has not been fully effective. To be so would require a large investment in training SMEs in design, delivery and quality assurance, which does not appear to have been taken into account in the proposed structure. This would be a massive initial and ongoing time commitment. We would like to know who these SMEs are and if anyone from the business has engaged with them.

*"49. Furthermore, there is an opportunity to improve the efficiency of how course content is delivered by **integrating E-Learning with face-to-face training**. Pre-course*

learning requirements and post course evaluation and change can be done routinely via the online platform rather than in the classroom. This ensures that all candidates have actually prepared and have a minimum level of understanding before attending a course. Classroom time for both staff and trainers should be significantly reduced as a result."

- Reduced classroom time should not be confused with the trainer time required to ensure effective course delivery.

Market considerations for a leveraged L&D delivery model as indicated by the business cases against Option 2 also apply to Option 3.

Paragraphs 53 and 54 state:

*"53. For Technical Training, swiftly sourcing suitable external delivery for all needs would present considerable difficulties. Generic skills training for tools and techniques used across industry sectors are available but this is not the case for forestry specific tools, skills and environments. Like any employer, FEE needs to train staff over time, to a **level of working competence**. Commercial providers of forestry specific training are not common, and many are based in academia rather than the industry. These providers tend to focus on the short courses that offer basic technical and safety training in the knowledge that full competence has to be developed later at work by the employer, who has the **continuing legal responsibilities**".*

*"54. Most commercially available technical courses therefore **do not provide all of what FEE will need** for its own staff to enable them to perform their work efficiently and safely in all site conditions so additional development would be required in any case. This is also the case for private sector forestry operators and one consequence is FEE has a much heavier reliance on its own contract managers to oversee others' work on the PFE to maintain standards acceptable to UKWAS. Also, commercial providers generally do not offer continuing support after training or offer professional training advice to the organisation, which is essential for effective strategy development and decision making within the business".*

- This well thought out reasoning for rejecting Option 2 also applies directly to Option 3.

Paragraphs 55 & 56 state:

"55. However, this is not without opportunities. The nature of the forestry industry in England and the comparatively high requirements for L&D just to operate competently, create a market that is poorly served in many respects but which is critical for FEE. Harvesting, forest management, timber using and power distribution companies have also expressed a desire to buy training from FEE for some time. Our own contractor base and FISA members struggle to source good industry-based training provision that is current, and of an assured quality."

"56. A new leveraged model for L&D in FEE is eminently scalable and could realistically be developed to offer a viable and cost-effective commercial service in future, using a combination of in-house expertise and private sector training providers. This would also deliver UKWAS obligations to safeguard the specific skills and knowledge that sustainable forest land management relies on."

- We agree and acknowledge that some of the technical training is not available at the same quality on the open market and agree that this offers a business opportunity for FEE to sell training to external customers. However, the business case does not explain where this high quality technical training would be resourced from under the proposed future L&D structure. The increase in demand to the private sector may also impact upon current market prices.

If Operational Services is to deliver specific technical training then there must be a core set of TTs that have the training skills, competencies, professional certifications e.g. NPTC assessor, to develop, maintain and deliver courses to the evolving industry standards. These specialised TT skills are unlikely to be found in any one individual and are often mutually exclusive. For example, firearms training, chainsaw training and eLearning expertise. The proposal fails to provide this strong core of internal expertise.

We propose a small dedicated team of TTs who have the specialised forestry specific skills that would be more cost beneficial in the short, medium and long term. For example, a TT with advanced chainsaw expertise can:

- develop and deliver training;
- work with internal and external SME's within their expert knowledge areas; and
- write, maintain quality assured external training in their expert knowledge areas.

A properly resourced expert TT team would be in a position to meet its potential to sell its goods and services.

Paragraph 71 states:

"71. New business approaches and corresponding changes to the current method of provision in several major respects would be introduced as follows:

- *OS would develop an approach to deliver TT using a new balance of internal expertise and resources leveraged from, or developed within, the external market. The 'market' will include FCS, FISA, NRW and FR as well as other private and organisational learning resources. FEE would need to maintain a strong core of internal expertise to deliver FEE specific TT, and to act as an intelligent buyer to secure further delivery resources. **Transitional resources to develop the internal requirements and external capacity for this will be required.***
- *Technical training in particular will become more integrated with on-line learning to increase the efficiency of knowledge transfer, fit the learning experience to personal and working priorities, reduce classroom time overall and capture consolidation and feedback more coherently."*
- It is our view that eLearning is an effective medium as part of a blended learning approach; however, eLearning alone would not be sufficient to comply with HSE requirements for reducing accidents within the forestry industry. Additionally, for most core forestry skills, consolidation occurs in the forest, not at a desk. The potential for eLearning has been overestimated in our view.

Paragraph 74 states:

"74. It is expected that trainees will be asked to undertake pre-course, on-line learning and then attend shorter classroom courses after this has been completed. Specified course attendance will become a key part of the requirements for performing a given role."

- Quality training must always recognise inclusion and diversity in the learning environment for all. The above intention has the potential to disadvantage many staff whose learning style is not conducive to online learning, or who have learning challenges. We have to recognise that each individual has their own preferred learning style. In-house delivery is tailored to accommodate and engage all learning styles and

individual needs. We believe eLearning has its place in a blended approach of learning but it also has limitations.

Paragraph 75 states:

"75. Option 3 has potential to enable training to be sold into the market by FEE where this is compatible with core business need. For example, FR, NRW, FES and private forestry companies have similar TT requirements to FEE, and no one organisation (FFE included) is likely to have capacity to service all needs in house. It is eminently possible for FEE to deliver a significant level of training to others alongside FEE staff to create income to reduce the cost base and improve FEE training resources overall."

- This option of selling the goods and services of FEE can only happen if staff have the correct L&D forestry specific expertise. The current L&D team has an excellent track record of providing training to external organisations in its current structure. Any drop in L&D staff numbers would have a detrimental effect on its ability to deliver.

The industry has expressed an interest in buying training from FC because of their reputation of delivering to the highest standards. It is unlikely that this level of service could be maintained with the proposed resource. Within 3 years, only one TT would be retained. The ability to deliver training to the wider industry would be completely lost. We do not believe that one L&D TT is enough to deliver on the required standard for FEE.

Paragraphs 96-100 state:

"96. The above analysis does not try to quantify and accommodate any opportunities for income at this stage as the principal aim is to test whether Option 3 would allow FEE to operate as an independent unit. Beyond that, it is clear from informal discussion that selling these services (particularly Technical Training) is something that NRW, FS, and FR would buy into and have expressed interest in doing so, though the degree of investment required and the exact level of service are not yet known. Initially, spaces available on courses arranged for FEE staff could be made available to others on a pay-per-place basis based on a proportion of full course costs."

"97. Should FC and or FS decide to buy L&D and SH&E services from FEE for one further year (FY17/18) at the current SLA funding rate, FEE would allocate short-term resource to meet their needs based on a zero net position. The total additional funding that may therefore be available for this back-service from FEE would be £14k in Year 1 from FC and £64k in Year 1 from FS, spread across OD, TT and SH&E services."

"98. Several large companies in the forestry sector and developing energy sectors have also expressed interest in buying training from FE, especially for skills that are not commercially available on a predictable basis elsewhere. For example, a two-day specialist course run for an external company could easily realise £2,000 to £3,000."

"99. Opportunities to derive income from the services would reduce the net cost to the business provided any additional resources required and a suitable margin were charged. However, by far the greatest opportunity lies in marketing additional places to external candidates for courses that are being run for FE staff. In these situations very few additional resources would be needed. As an illustration, the sale of 1 place per day on an FEE training course (200 places per year) at a commercial rate of £150 to £250 per day is £30,000 to £50,000 income for minimal additional resource. The new E-sales system currently being procured is fully capable of providing an online vehicle for this."

"100. In most circumstances the sale of additional places on courses being run for FE staff is a good basis to accommodate FS, FR and NRW immediately without the overheads of formal agreements. Whilst this may not suit all their needs at first, it may be a useful mechanism for taking advantage of mutually beneficial opportunities. Further

development in this area would have to be the subject of separate internal business cases once the services were operating independently within FEE."

- These would all require a robust management system, and to be properly resourced. The assumptions made in these paragraphs appear to be fairly realistic but it is not clear from the business case how the services sold to external customers would be resourced, which is a concern.

Setup and Transitional Costs

Paragraph 104 states:

"104. Two fixed term posts will be required to support transition and establishment of the new Technical Training function. One 2 year FTA PB4 to develop external resources, and one 2 year FTA PB5 (ops) to support training delivery until external training providers come into play."

- Two fixed term posts do not appear adequate to deliver on an assumption that training requirements for FEE remain the same from 1st October 2016.

England Apprenticeship Scheme

FCTU has serious concerns regarding the continued success of the apprenticeship scheme in England under the proposed new structure for L&D within FEE.

The business case fails to set out a strategy for delivering the apprenticeship scheme under the new structure. Insufficient consideration has been given to the resources required to operate the scheme under this new structure.

While we do not argue that a dedicated Apprentice Support trainer must be retained, the proposed structure does not provide sufficient staff resources across the team to deliver even a reduced apprenticeship scheme, to the high standard required by the business.

The proposed option, staffing structure and associated job descriptions do not address delivery of the apprenticeship scheme.

The L&D and SH&E Business Case FAQ states in the section 'England Business Case', Point 4:

"4. England currently has an apprenticeship unit where there is one PB5 ops trainer. Will the apprentice scheme continue to exist in the new structure i.e. is it part of the England Business Case, or is it being treated completely separately?"

a. FEE remains committed to hosting forestry apprentices although overall the numbers are due to reduce. We are intending to include support of the apprenticeship scheme within the other posts in the proposed structure so yes, support for the apprenticeship programme remains."

- This would suggest there has been an assumption that a reduction in the number of apprentices will have a corresponding reduction in the resources required to manage their learning.

While it is true that a reduction in the number of modern apprentices will result in a reduced workload, there are resources which still need to be in place regardless of the number of modern apprentices in the scheme. These include:

- Minimum of 1 qualified Assessor

- Minimum of 1 qualified Internal Verifier

Apprentices work towards a Level 2 Diploma in Work-Based Trees and Timber which is assessed and verified by L&D staff. This represents a large proportion of the workload for the current Apprentice Support unit. It involves assessing and guiding learning via the Learning Assistant e-portfolio platform, but also regular travel to mentor and assess apprentices in the field face-to-face. This is essential work as the Level 2 Diploma is a vocational qualification and must be assessed as such.

The concern here is that the workloads of the TTs in the proposed structure, especially during the transition phase, would not allow them to dedicate sufficient attention to managing even a reduced number of modern apprentices.

Furthermore, from year 3 onwards, even if the 3-year FTA TT is retained, this effectively leaves only 2 TTs to manage the scheme on top of their considerably heavy primary workloads.

If one of these posts is to act as Internal Verifier, they would not be able to assess any of the modern apprentices work, leaving this entire workload to the one other TT.

The current apprenticeship scheme in England was implemented in order to fill a skills gap within the FC and the wider industry. It was identified that the external market could not provide the necessary level of quality training and support to produce modern apprentices with the skills and knowledge necessary to fill the permanent roles intended within the organisation.

The L&D scheme has been highly successful and the majority of modern apprentices have gone on to work within the FC at Craftsperson level and above, as well as in the wider industry. The current modern apprentices, now in their final year, are now beginning to fill permanent posts within the organisation.

Modern apprentices currently benefit from industry leading internal training, dedicated learning support, personal mentoring, practical experience and career opportunities unavailable from any other provider.

If FCE intends to continue to support modern apprentices then it must provide adequate resources going forward to maintain and improve upon the quality and delivery of the scheme. The structure proposed in the England business case presents a risk of losing the skills and knowledge currently within L&D necessary to deliver this, and dramatically reduces the support modern apprentices currently receive from L&D staff.

The primary concern is that the workloads of the proposed TTs and resources required to manage modern apprentices have been underestimated. It is unrealistic to expect the proposed number of trainers to manage and deliver quality Apprentice Support on top of their primary roles.

FC Scotland Business Case for Change – Safety, Health & Environment

In developing our response our primary driver has been the vision set out in the FC Health and Safety Strategy:

"Everyone working with the FC remains safe and well and our woodlands are safe and enjoyable places to visit".

In order to achieve this vision the future teams need to be committed, resourced and knowledgeable to deliver across the organisation(s).

While formal consultation rests with FCTU, during the business case process and in forming options FC Scotland did not seek the professional opinion of our members in SH&E on the levels of service required and whether it meets legal compliance and mitigates business risk, which is disappointing.

FCS is involved in one of the highest risk industries in Britain and is also one of the main providers of countryside recreation. This constitutes a large and complex undertaking with considerable risk to the health and safety of people.

In responding to the proposal detailed in Option 2, we have structured the response focusing on three issues:

- Removal of worksite environmental issues from SH&E team.
- Ensuring FC/FE Scotland Boards understand and are able to comply with their responsibilities.
- Health & Safety Team Resource.

Removal of worksite environmental issues from SH&E team

Paragraphs 40 & 41 state:

"40...It focuses on the health and safety element of SH&E workload."

*"41. The majority of environmental site condition work in FES is already undertaken within the land management and environment team. Currently environmental incidents are supported by a number of roles within the land management function. **This option proposes that full responsibility for the environmental work load of the SH&E will move to the FES environment team.** FCS also has a number of policy advisors who deal with site based environmental factors and direct liaison with the SG departments responsible (e.g. SEPA)."*

➤ This does not reflect current practice and we believe this is not the best option for the future. The SH&E team has experience and qualifications in environmental management. They have supported the business in worksite environmental issues e.g. fuel spillages, diffuse and chemical pollution. These are serious business risks that are enforced by criminal law. This has worked as SH&E team have utilised the synergies between H&S and environmental legislation, such as:

- the use of the 'risk hierarchy' – looking for substance elimination;
- design or procurement to eliminate or reduce risk at source;
- emergency plans; and
- dealing with a Regulator and understanding criminal law.

The business case acknowledges that the majority of environmental site condition work in FES is undertaken by the land management and environment team. In our opinion, some of the most significant environmental risks are associated with operations delivered by the environment teams e.g. applying a large volume of pesticides during rhododendron clearance in remote and sensitive areas. If they take on sole responsibility for the worksite environmental management this means that they will be self-policing. This is likely to raise significant issues when dealing with a regulator or in a situation where FCS is being prosecuted.

The SH&E team are "independent" (free from fear or favour) and have demonstrated this in previous dealings with regulators and court appearances. They also understand environmental legislation, the principles behind it, and how enforcers deal with it. We do not know if the environment team in FES have similar expertise with similar competencies.

Ensuring FC/FE Scotland Boards understand and are able to comply with their responsibilities.

Paragraphs 45 and 46 state that:

"45...The H&S team would be part of the Business Services team and report to Head of Business Services who is an FES Board member. The Head of Business Services will have specific responsibility for H&S service support and development ensuring the Forestry Commission in Scotland develops the H&S service in line with business needs and demands..."

"46... Board level responsibility for health and safety, as defined by the legislation, remains and is defined in the current health and safety policy statements. All FES Board level functional leads and the CEO will continue to have their H&S duties and responsibilities, sector representation within the Forest Industry Safety Accord Council (FISA) and lead the culture change program, supported and informed by the H&S service manager. All FCS Board H&S roles and responsibilities will also remain. Competent advice will come from the H&S Manager and any H&S service developments or H&S needs support from the Head of Business Services."

➤ HSE Guidance HSG65 'Managing Health & Safety' describes good practice and is designed to help those who need to put in place or oversee their organisation's health & safety arrangements. It is clear about what is expected of Leaders and asks a series of questions as follows:

- *Is there leadership from the top of your organisation? Is it visible?*
- *What example do you set? Do you talk about health and safety? When did you last do this?*
- *What are your significant risks and how do you know they are being controlled?*
- *Are the health and safety implications of your business decisions recognised and addressed?*
- *Is there evidence that the board or leader of your organisation is responsive to the health and safety information that is reported?*

The Board have specific health and safety duties. In order to meet these duties they need a suitably resource health and safety team that is able to support at board level or have a member of the board who is suitably qualified, competent and has sufficient time.

In terms of the Head of Business Services having specific responsibility for H&S service and representing health and safety at Board level, it would be useful to reflect on these questions. We do not believe that the Head of Business Services would have the time and capacity to do this properly. They may not have the necessary skills and experience when compared to that held within the SHE team. This was built up over a long time and based on knowledge of the FC, our wide business undertaking and of course health and safety professional knowledge. It is not a part-time role that can be covered by 10% of someone's job. This is a significant failing of the business case and is discussed further below.

Health and Safety Team Resource

Even with the proposed removal of worksite environmental issues from the S&HE team, which we have disputed above, FCTU are very disappointed to see the proposal for the H&S function to be headed up by a PB3, rather than a PB2. We have to presume that FE Scotland has H&S on the risk register and bearing in mind that FE Scotland operates a high risk business—where in Forestry you are 3 times more likely to be killed than in

construction—we remain unconvinced by the justification for this post being graded at PB3. We fundamentally disagree with the suggestion that there would be a reduced remit attached to this post in any case, particularly if the PB3 would be reporting to a PB1 non-specialist in this area. When we look at other PB2 posts in the FC (e.g. Head of Economics, Head of L&D, VAT liaison officer, and other posts) we find it unacceptable a PB3 would lead this function. H&S should be one of the top priorities for FE and with the establishment of FISA, putting in a PB3 rather than a PB2 is sending out all the wrong messages in our view and it unnecessarily increases their risk in what is already a high risk area.

Furthermore, paragraph 40 states:

"40. This option considers the establishment of an enhanced Health & Safety team as a service located within FES Business Services; providing a shared service to FCS and FES..."

- We do not believe that a team of 1 PB3, 2 PB4s and a 2 year FTA PB4 posts could provide an "enhanced" level of service across the geography, breadth and scale of FC Scotland undertaking.

FC/FE Scotland have a vast and complicated undertaking. They work in a high risk industry. They are leaders in the provision of countryside recreation, including extreme sports such as mountain biking. They also facilitate motorsport. Although the geography and number of activities has decreased in the new structure, the complexity or gravity of the undertaking has not. In addition, these proposals look for greater involvement with colleagues in the Scottish Government which would also require increasing levels of SHE resource.

FCTU are unconvinced that 1 PB3 and 2 PB4s can drive Health and Safety forward strategically over the medium to long term and build on and maintain our health and safety culture. We are also unclear on how these posts would take Health and Safety forward at a local level. There would be very limited time to visit, audit and ensure consistency across the organisation as well as carrying out day-to-day functions such as answering queries from staff.

FC Scotland had 987 reported accidents and incidents (work and visitors) last year. Many of these involve a considerable resource by SH&E team often over an extended time period. We do not believe that a team of 3 SH&E staff can provide this level of service across the geography and scale of FC/FE Scotland undertaking.

The Management of Health and Safety at Work Regulations 1999 require employers to put in place arrangements to control health and safety risks. Whilst ultimate responsibility for the management of health and safety and setting the health and safety culture does rest with the Board, they must be supported by competent health and safety professionals who can work at all levels.

We do not believe that 3 people is sufficient cover following a serious accident. Our experience following the fatal accident on Skye in 2011 is that the FES investigation, the HSE investigation, implementation of lessons, the Fatal Accident Inquiry and the civil claim for damages all took up months of time from the SH&E team over a period of 4 years and 4 months. This is time that can then not be used to deliver:

- an improved health and safety culture against the range of the FC and FE Scotland undertaking;
- development and introduction of new policies;
- closer working with ENFOR partners;
- developing relationships with colleagues in FC England and NRW;

- working with the forest industry and FISA.

Furthermore, in the last three months in Scotland we have had 3 very serious cases (1 work and 2 visitors). Using current data we would expect 3-4 cases (work and visitors) of this nature each year.

Paragraph 47 refers to an "additional" PB4 post but we are not clear what this would be an addition to. It is not additional to the current provision and it would only be an FTA post for 2 years.

The expectation FCS has for the team seems to be light on the ongoing requirement to contribute to the development, maintenance or to support implementation of policy/guidance. This is critical for ensuring legal compliance. It also seems to be light on the resource required for audit/review. The recent electricity audit for example took months of staff time in preparation, delivery and follow up. This is critical for maintaining legal compliance.

In summary, FC/FE Scotland is a high risk undertaking which requires the support of suitable, sufficient and competent SH&E professionals. We do not see this reflected in this proposal. From our perspective, the FCS Business Case is disappointing as it focuses on how to save costs and does not focus on people or how to provide an effective SH&E service in the FCS. We also do not believe that it meets full legal compliance or manages business and reputational risk.

FC Scotland Business Case for Change – Learning & Development

We feel that the business case has been put together from a cost saving perspective and not necessarily from a business-need perspective, as the detail within the business case indicates an emphasis upon saving on overheads, which ignores the value-added associated with an internal training delivery team.

Again FCTU were not under the impression that this was a cost saving exercise, but that it was to provide FCS with a strong L&D unit capable of supporting the business meet its objectives moving forward in an ever-changing environment. With that in mind, we believe there is no correlation between the proposed level of training delivery and staff with what is required in the future.

Current delivery days equate to 7.5 Technical trainers and 2.75 Development advisors (based upon an expected 80 delivery days per person, per annum). The proposed reduction of staff, to 3 permanent, would therefore lead to a need to outsource at least 60% of the current training assuming that demand remains consistent.

FCTU do not accept the proposal for the trainers being graded at PB5 non-operational and request that this is reconsidered. The current staff should retain their operational status. In moving this status to non-ops, there would be a significant issue for those staff (who have been in post for a number of years) and managers involved. We believe this would have an immediate impact on the morale and motivation of the team, with a likelihood of loss of staff and their expertise that would impact on the level of service that Scotland receives. It fails to recognise the demonstrated flexibility of these staff, who spend a significant time away from home and use that and the Operational pay to best effect throughout their work. As the operational pay criteria have neither been widely circulated nor discussed with staff, any move away for existing staff should be part of a wider approach on operational pay across the FC. We believe that this alternative approach is further strengthened by the fact that FC England is retaining operational status for their posts at this stage.

FCTU have considered the business case and offer the below views touching on a number of important issues due proper consideration.

Lack of source of reference

It is difficult to challenge some of the assumptions within the business case, due to the lack of detail of how staffing levels were determined.

Dilution of skills for trainers

Currently L&D is staffed by many subject matter experts, who have years of practical experience. The new structure would appear to require a smaller number of staff to have that same breadth of knowledge and experience. Additionally, the regularity with which our current events are delivered by subject matter experts enables them to continually increase their levels of expertise. Delivery of a larger breadth of subjects, would water this down.

Missed business opportunity taking on lead role for forestry sector

We feel that rather than reduce the size of the current delivery team, we have missed an opportunity to maintain or potentially increase the size of the team in order to take advantage of the business opportunity to commercially sell our services to the wider industry. ENFOR and other organisations have similar challenges in terms of sourcing forestry specific technical training. As the biggest player in the sector we have an obligation to develop forest resources in order to contribute to government policy.

Business understanding of what is required to enable L&D to deliver what is proposed

To successfully deliver training with the proposed reduced team, the business would need to play a greater role through line managers managing the learning and development of their staff and coaching, identifying training needs and enabling consolidation on return from training. This is currently viewed as an L&D responsibility. There is no resource within the organisation to take on this extra work.

Provision of our intellectual property to private sector to buy it back

Much of the training we would need to buy in would comply with legal obligations, but would not incorporate FC policy. We would be required to provide information, materials and training content in order that this can be built into training delivered for our staff. We would then in turn pay companies to deliver this training to us. This makes no financial sense.

Impact on price charged by private sector

The private sector would undoubtedly see this change as an opportunity to increase their charges—supply and demand.

Lack of added value from bought in training

In-house trainers regularly make time for individuals who have specific learning needs which may not have been included in the course content. Also, in-house trainers are willing to use their Operational status to give the time to cover areas where individuals have struggled.

Informal aspects of training include site visits, consultancy visits and bespoke training events which are tailor-made for specific customers and which would be difficult to emulate by external providers.

After training support

Staff who have attended training regularly contact the trainer during consolidation to seek help and clarification on aspects of their training. This can be an ongoing service and is provided where and when required and is likely to be more limited with an external provider.

Consultancy and development work e.g. feeding in to OGBs, response to audits etc.

Many of the L&D trainers sit on working groups tasked with the development of future technology, software, tools, documentation, and advise on and develop training materials to launch these new initiatives. Under the proposed new structure much of this capacity would be lost.

Cross functional support resource e.g. accident investigations

Technical trainers are regularly called upon as expert witnesses for accident investigation. If we do not retain experts in this field, expert witnesses would need to be procured from the private sector, resulting in increased costs.

Proposal ability to meet business case critical success factors

One of the factors of success stated in the business case was that "staff report satisfaction with how the change was managed". Staff in L&D are currently not satisfied with the way that the change has been managed, therefore this success factor has not been met.

There is a critical success factor that states "*impact on staff in Scotland is minimised*". The field staff are not all aware of the changes which are happening. Those who are aware of it are concerned about the quality of external training and that they would no longer be able to call a trainer for guidance on demand.

Reduced trainer numbers reduces capacity to capture unsafe practices in the field

Trainers regularly report in the AIRS system unsafe practices and equipment. This has led to an improvement in standards and a benefit to the SH&E team who can use the data to analyse trends. It is very unlikely that this can be maintained with external training providers. This is also referenced in the response to the HS&E business case.

Risk related to FTAs

There is a business risk that individuals given a fixed term appointment would not remain in post until the end of the fixed term if the opportunity to move to a permanent post outside of L&D or the organisation arises. Individuals may also spend the last 6 months of their FTA focussed on looking for another job.

Retention of staff

The most experienced and expert staff are likely to leave the organisation first as they are most marketable. With fewer expert staff the impact of this would be extensive. If our experienced and expert members do not feel valued and also do not believe the new structure would work or that it lessens their job quality and satisfaction, they would explore alternative job opportunities, which would mean that the team is weakened and the business is losing valuable staff/assets.

Wildlife Training

The Scotland business case makes no reference to wildlife training. Much of the wildlife training currently delivered cannot be bought in from external providers as the expertise is not available in the market; hence an expert was brought into the L&D team 5 years ago.

Operational Risks

Given that both legislation and FC policy demands that staff operating equipment—whether harvesting machinery, pesticides, strimmers or ladders—we question if an assessment has been conducted to understand the training and refresher training demand from 1st October 2016 onwards. We are concerned that staff may be unable to perform key functions until procurement exercises can be run, and suitable training (if available) is sourced.

Central Services Business Case for Change – Health & Safety

FCTU have no particular issues with the proposals for health and safety in Central Services.

Central Services Business Case for Change – Learning & Development

FCTU have no particular issues with the proposals for L&D in Central Services that would require reconsideration; however, we anticipate that moving forward into implementation we will have more clarity on the following:

- Who will carry out the administrative duties for L&D?
- We wish to be clear on our understanding that the Development Advisor will work to Shared Services/CFS and not FR.
- We have observed that the Development Advisor will manage the Shared Services/CFS cash budget of £42k. This key work area has not been included in the job specification.

Conclusion

FCTU are grateful for the opportunity to meaningfully consult on these proposals. We have made what we hope are constructive comments that will be helpful in establishing the future arrangements for SH&E and L&D. For FCE and FCS we believe these require reconsideration before moving forward. We therefore look forward to discussing proposals further.

Finally, many thanks for the extension to the closing date for the consultation while further information was being made available.

Yours sincerely,



Sam Telford
FCTU Secretary
By email