

OEP Complaints Guidance for Public Authorities

Who we are

The Office for Environmental Protection (OEP) is a new public body, created in November 2021, under the [Environment Act 2021](#).

Our mission is to protect and improve the environment by holding government and other public bodies to account. We cover England and Northern Ireland and reserved matters across the UK.

We have a broad range of functions including reviewing and reporting on government's progress in meeting environmental goals and targets and advising government on proposed changes to environmental laws.

Another part of our remit is to receive complaints from members of the public regarding alleged failures of environmental law by public authorities. The OEP can use the information from these complaints to commence investigations and enforce against public authorities when appropriate. In addition to this the OEP can start self-initiated investigations and in urgent and serious cases proceed with urgent judicial reviews.

Public authorities

Individuals can complain to us if they think that a public authority has broken environmental law.

For our purposes, a public authority is any person or organisation conducting activities of a public nature, including:

- government departments and ministers
- agencies of government
- local authorities (county councils, district councils, unitary authorities, and parish councils)
- some private bodies such as water companies – but only in respect of their public powers and duties
- harbour authorities

A public authority could fail to comply with environmental law by:

- unlawfully failing to take proper account of environmental law when conducting its activities, for example not carrying out an environmental impact assessment
- unlawfully exercising, or failing to exercise, any activities it has to conduct under environmental law, for example not properly regulating environmentally harmful activities it is responsible for licensing

Handling Complaints

We are a free service, and we investigate complaints in a fair and independent way.

We can only consider complaints which meet certain criteria. For example the complaint must be about “environmental law” (as defined in the [Environment Act 2021](#)) and must relate to the conduct of a public authority.

Another of these criteria is that any applicable complaints process of the relevant public authority must be fully exhausted before we can consider the complaint. As part of our initial consideration of the complaint we will contact you to establish if your process has been exhausted.

Further details about the criteria for complaining to the OEP can be found on the [Complain to Us](#) section of our website.

Time Limits for Complaints to the OEP

- Where the public authority has no relevant complaints procedure the complainant must complain to the OEP within a year of when the alleged failure to comply with environmental law took place
- If the public authority has a relevant complaints procedure and this is exhausted within 9 months of the alleged failure to comply, the complainant must complain to the OEP within a year of the alleged failure
- If the public authority’s complaints procedure is completed more than 9 months after the alleged failure, the complainant has 3 months from when the procedure was exhausted to complain to the OEP

What we cannot do:

- provide legal advice or mediate in disputes
- put right a personal injustice
- provide compensation or issue fines
- take sides

Our Process

Complaint Received	<ul style="list-style-type: none"> • Complainants must complain to you first and must have fully exhausted the relevant complaints process if there is one. • The complaint must come to the OEP within a year of the alleged failure to comply with environmental law, or where the complaints process is finished more than 9 months after the alleged failure, within 3 months of your final response. • Where a complainant contacts us without first having exhausted your complaint process, we will signpost them to you.
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Validation	<ul style="list-style-type: none"> • We will check that the complaint meets the criteria for complaining to the OEP. • As part of this we will clarify with the complainant whether the complaint has been through your complaints process. • Where a complainant contacts us without first having exhausted your relevant complaint process, we will signpost them back to you. • If your complaints process has concluded, we will move to assessment.
Assessment	<ul style="list-style-type: none"> • We will review the evidence to see which environmental law may not have been complied with. • We will contact you to establish whether your complaints procedure has been exhausted. • In some cases, we will ask for your comments on the complaint and any relevant evidence you wish to supply. • Decide as to whether to close a complaint or investigate further.
Investigation	<ul style="list-style-type: none"> • Where we decide to investigate our purpose will be to assess whether the public authority has failed to comply with environmental law. • Through our investigation we will gather and analyse evidence. This can take various forms, including serving an information notice. You must respond in writing and provide the information requested so far as it is reasonably practicable to do so. • In instances where we are satisfied that there is a failure to comply with environmental law, and where we consider that the failure is serious, we will issue a decision notice. You must respond in writing to decision notices, including to confirm whether you will take the steps we require. • At the end of every investigation, unless we take a case to court, we will produce an investigation report. This will contain our conclusion and recommendations. Where we take a case to court the court judgment will replace the need for an investigation report.
Court proceedings	<ul style="list-style-type: none"> • If you do not agree with the recommendations in the decision notice, there is a refusal to comply with them or you contest our final outcome we may commence an environmental review of the case (review application in Northern Ireland). • We can also apply for judicial review or a statutory review in appropriate cases, without having issued an information notice or decision notice. We will only do this where we consider there is or may be a failure to comply with environmental law which is serious and urgent.

Working with us

Our complaints team may need to contact you because we need extra information to decide whether we could or should investigate a complaint, or to decide whether the matter complained about meets our validation criteria. Section 27 of the Environment Act provides a duty on public authorities to co-operate with the OEP as we exercise our functions under the Act. Please see our separate note on the duty to co-operate for more information.

Responding to the OEP

Ideally, we would like you to respond to us by email. Our timescale for responding to us is usually 20 working days and will be set out in our correspondence to you. However, we encourage you to contact us if you need additional time or have any queries. All complaint correspondence can be sent to our central mailbox at complaints@theOEP.org.uk. All case records are held on our complaints database, including the evidence supplied by the complainant, the public authority and any third parties.

Additional information

We would be happy to answer any questions. If you would like more information, please email enquiries@theOEP.org.uk or call 03300 416 581.