

## Board Paper

**Date**

17 March 2022

**Title**

Northern Ireland organisation design, resourcing and recruitment

**Report Author**

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**Responsible Executive Director**

Richard Greenhous

Paper for decision

Open in part

## Issue

1. Our Northern Ireland (NI) remit was confirmed on 22 February and our functions commenced in NI on 28 February. We must confirm our organisational design and secure the people and funding we need to meet our statutory obligations fully in NI, as well as England.

## Recommendation

2. The Board is recommended to agree:
  - a) The proposed organisational design in **Annex A**, assuming that DAERA's additional funding contribution will be sufficient to secure this.
  - b) Recruitment for the roles listed, with the experience requirements in **Annex B**.
  - c) Recruitment on an "agnostic location" basis, with successful GB-based staff contracted to Worcester and NI-based staff contracted as home workers, on the basis of the assessment in **Annex C**.

## Background

3. We need to grow the OEP to deliver our NI functions. Recruitment could not start prior to our NI remit and DAERA's financial contribution being agreed. The OEP's functions have now been agreed and commenced on 28 February. *This section has been redacted as its*

*publication would be prejudicial to relations within the United Kingdom. We also need to agree where to locate these new roles.*

## Analysis

### Organisational design

4. We are 'one OEP,' not separate units for England and NI. All staff are expected to work on priority issues, across teams, regardless of their job title or location. We have nominated Richard Greenhous as an Executive NI lead and created an OEP NI working group to ensure that NI is fully considered across the whole organisation.
5. The recommended organisational design (**Annex A**) follows analysis of the additional capacity the OEP needs to fulfil all the additional demands of our NI remit and associated growth. We recommend an additional 8 FTE, across the OEP, to fulfil our statutory functions in NI for 2022/23.
6. *This section has been redacted as its publication would be prejudicial to relations within the United Kingdom and to the effective conduct of public affairs.* The current work on the draft NI environment strategy is being done from within existing, Defra-funded resources.
7. We also need to address other shortfalls in the existing organisational structure. A permanent G7 Principal Finance Officer post is being recruited to provide a vital increase in finance capacity, outside the existing Defra headcount. We must also strengthen our operating model to address the higher number of public enquiries we are receiving than had originally been modelled, and which we expect will be sustained.
8. We recommend addressing all these permanent needs as part of a single, integrated refresh of our organisational design. The recommended additional roles will not therefore be for NI work only but integrated into the organisation as a whole and deployed on NI, England or joint priorities as required.

### NI expertise

9. In considering recruitment, we must balance conflicting priorities. The importance of local NI knowledge and visibility versus that of a single, integrated workforce and avoiding isolation or "capture" of a small group of staff working remotely.
10. For each role, we have assessed the extent to which NI specific experience is necessary, or whether generic experience would be adequate, with NI knowledge gained on-the-job and across the OEP as a whole.
11. Our full assessment is in **Annex B**. We recommend NI expertise is essential for two roles: the G7 Principal Lawyer and the SEO Senior Investigations Officer. NI expertise would be preferred but not essential for two more roles: the G7 and SEO Principal Monitoring Environmental Law Officer roles. Generic experience would be adequate for all the other roles, with NI knowledge gained on-the-job and across the OEP as a whole.

## Staff location

12. **Annex C** explores options for the contractual base of staff recruited to these roles. There are three options: a Worcester base, an NI base, and an “agnostic” approach whereby the contractual base for each recruit would depend on their location. This is a complex and finely balanced decision. All of the options have drawbacks.
13. We must ensure our independence and secure the economies of scale, resilience and expertise which come through integrated functions and a single, common staff base. We therefore continue to recommend that GB based staff are contracted to Worcester.
14. We also need to recruit credible NI expertise and maintain visibility in NI. It is unlikely that we will find many (if any) candidates with significant NI expertise in the vicinity of Worcester. We therefore recommend the “agnostic” location option, allowing successful applicants from NI to choose to be based in NI (home-based) or Worcester.
15. Whatever mix of Worcester and NI (home) based staff we end up with, we will need to be paired with an appropriate wider approach to supporting our presence and visibility in NI.

## Finance and Resource

16. Commencing our recruitment will depend on a sufficient financial contribution from DAERA. We anticipate that DAERA’s contribution will be agreed later this month.
17. *This section has been redacted as its publication would be prejudicial to relations within the United Kingdom.*

## Impact Assessments

### Risk Assessment

18. There is a significant risk that the funding we receive from DAERA will not be adequate to resource the OEP to meet our obligations in NI. This would affect our delivery capacity and the quality of work that we deliver. If we consider our funding is insufficient for us to fulfil all our functions (in both NI and England) we must state this in our annual accounts.
19. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and prejudicial to relations within the United Kingdom.* Our recruitment process could take upwards of 6 months to complete, which is likely to significantly impact the work we are bound to undertake.
20. There is a risk that we will not be able to balance our conflicting priorities. For example, the importance of local NI knowledge and visibility versus that of a single, integrated workforce.
21. We have identified potential recruitment risks for listing the contracted locations as Worcester, Northern Ireland, or an agnostic approach, in **Annex C**. No option is risk free but are confident in our recommendation of the agnostic approach.
22. *This section has been redacted as its publication would be prejudicial to relations within the United Kingdom.*

## Equality Analysis

23. Opening these vacancies to NI residents will help us comply with equalities requirements, given our NI remit. We would work closely with DAERA and/or appoint our own advisors, whilst drafting the adverts to ensure they comply with the equality legislation requirements that NI vacancies are subject to.
24. Our recruitment will be in line with good practice and consistent with the approach taken for our recruitment in England, following Civil Service Commission principles. This will include utilising Diversity and Inclusion approaches by advertising in a wide range of diversity focussed platforms and ensuring our selection panels are fully trained and as balanced as possible. As a Disability Confident employer, we offer a Guaranteed Interview Scheme for candidates who declare a disability and who meet the standard minimum score at sift.

## Environmental Analysis

25. The recommendations in this paper will help us develop an efficient and effective organisation, with the expertise needed to meet our environmental obligations and meet our principal objective.

## Implementation Timescale

26. Subject to confirmation of the organisational design, DAERA's funding contribution and related matters, we propose to commence recruitment later this month.

## Communications

27. We believe that NI stakeholders would welcome NI-based staff. During our recent stakeholder events, we have been asked several times whether or not we will be recruiting for NI-based staff. Our response to date has been that we are considering our approach to recruitment and will discuss this with our Board.

## External Stakeholders

28. We have previously shared some early thinking of the organisational design with DAERA, although they have not seen the final version that we are recommending today. DAERA's opinion is that it is our responsibility to resource the OEP effectively to fulfil our statutory functions in NI and it is within our remit to decide the experience and location requirements of all the additional roles.

## Internal Stakeholders

29. The following teams have been involved in the development of this proposal: Complaints and Investigations, Monitoring Environmental Law, Finance and HR.
30. Legal advice and review has been provided by the Legal Team.

Paper to be published	IN PART
Publication date (if relevant)	N/A

<p>If it is proposed not to publish the paper or to not publish in full, please outline the reasons why with reference to the exemptions available under the Freedom of Information Act (FOIA), please include references to specific paragraphs</p>	<p>Relations within the United Kingdom (s28. (1) (2c)</p>
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