

**Date**

27 April 2022

**Title**

Report of the Interim CEO

**Report by**

Natalie Prosser, Interim CEO

Paper for information

Open in part

## Summary

1. We have been pleased to welcome Malcolm Beatty to the Board from 1 April, following his appointment by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.
2. We are working at pace to provide advice to the Secretary of State in relation to the Nature Green Paper. Our advice will be brought to the Board on 9 May for decision. A summary of our current thinking is set out in paragraphs 18 and 19 below. The Board's views in relation to the proposed approach in paragraph 19 are sought in order to steer this piece of work.
3. The organisation continues to operate at the limit of its current capacity while concurrently teams are still very much forming and where we are still only partially operational. Although we are now in a more stable position, we remain in a high change environment. Our proposed business plan will be the primary vehicle to achieve a higher degree of discipline in our work programme, providing increased focus and certainty over our work plan. It will not however be possible to programme all of our work: we have had to make a number of assumptions which could well not hold and we will need to retain the ability to react to changing circumstances and adjust priorities in-year.
4. The work that has gone into the business plan exemplifies the challenge of prioritising over such a broad remit where there is so much more that the OEP could do than it has capacity (currently) to deliver. Hard choices have to be made with limited information. The Board will consider our proposals in more detail under the relevant agenda item.

## Recommendations

5. The Board is recommended to note the issues outlined in this paper
6. The Board is asked to comment on the approach outlined in paragraph 19, in respect of our advice on the Nature Green Paper

## Strategic Objective 1 - Sustained environmental improvement

7. Following the Board's consideration and agreement of the text of the 25YEP monitoring report at its last meeting, final changes have been made (in consultation with the Chair). The report is now being typeset and designed. The final report will be circulated in advance of print and publication. Given condensed timings, this will be circulated electronically around the day of the Board meeting.
8. Preparations are being made for the laying of the report in Parliament and its publication on 10 and 11 May respectively. We plan to hold an embargoed media briefing on 10 May, with coverage held until the following morning. Embargoed versions will be shared in advance with a select few stakeholders and a launch event for stakeholders will take place the day after publication, on 12 May. This will be similar format to the virtual strategy consultation launch event in January. Communications material and briefings are being prepared, which will be circulated to Board members to support sharing of key messages with their networks. Board member Julie Hill will be one of the speakers at the stakeholder event, alongside the Chair, interim CEO and Chief Insights Officer. Other Board members are invited to attend if they are available and wish to do so.
9. We raised the key messages of our report with the Defra permanent secretary in our recent engagement, and have specific discussions with the Director General for Environment, Rural and Marine, and Defra's Directors for the 25YEP and Natural Environment, Trees and Landscapes on 3 May.
10. The timeline for the NI Environment Strategy has been updated. Minister Poots approved the draft Environment Strategy on 24 March 2022, a week after our last update to the Board. This is to be published following approval from "an incoming Executive". On 28 March, DAERA published a summary of the responses to the consultation, stating that following amendment, the draft Environment Strategy is now the finalised Environment Strategy which they intend to adopt as NI's first EIP. DAERA will incorporate our advice into future revisions of the EIP.
11. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*
12. The timeline proposed will provide sufficient time for the OEP to further develop our capacity and understanding of the environment and environmental governance in Northern Ireland. This is essential in order for us to develop high quality advice, and ensure the OEP has used its voice in a relatively timely manner. It is also worth noting that our Northern Ireland budget remains under discussion and therefore we do not yet employ staff with the specific Northern Ireland expertise that we need. We will engage with Malcolm Beatty and other Board members on the developing substance of our advice in this period.
13. While there is some risk in this delay, given stakeholders have responded to the consultation, it was always known that the NI Environment Strategy was well advanced at the point our advice

was sought. *This section has been redacted as its publication would be prejudicial to relations within the United Kingdom.*

14. Building on previous steers from the Board, we are developing our approach for future monitoring reports in England and NI and present this to the Board for consideration in June.

## Strategic Objective 2 - Better environmental law, better implemented

15. Our advice in relation to the Biodiversity Net Gain Regulations was delivered to the Secretary of State and Minister Pow on the 5 April following approval of the final drafting in consultation with the Chair and Paul Leinster, as the Board agreed. As part of our work, we met with the Defra policy team who welcomed our engagement with the matters set out in the consultation. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*
16. Our high-level response to Defra's consultation on the draft Joint Fisheries Statement was delivered to Minister Prentis and Minister Poots on 11 April, with the Secretary of State, Minister Pow and the Scottish and Welsh ministers responsible for fisheries in copy. We offered our strong support for government's ambition to deliver world class, sustainable management of our sea fisheries and highlighted the contribution that this would make to achieving the objectives set out in the Fisheries Act, as well as broader efforts to achieve Good Environmental Status in marine waters. We advised, however, that notable elements of the draft lacked the detail needed to deliver a consistent and coherent approach to managing the marine ecosystem at a national level, and certain opportunities were being missed. We made six recommendations for Defra and DAERA to consider. In doing so, this response laid the groundwork for future OEP engagement on marine – setting out our expectations at the earliest opportunity.
17. We are concerned about the continuing delay in the publication of a final environmental principles policy statement. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.* Once the policy statement is published there will be a period of Parliamentary scrutiny before it is finalised. We are preparing to input into that process should the opportunity arise.
18. We have been grateful for Board members input to date on our proposed response to the Nature Recovery Green Paper, In those discussions we have focussed on our strategic approach to the issues and the key characteristics that will deliver nature recovery.
19. The draft is under preparation though not yet sufficiently advanced to present to you now. We intend to approach further Board engagement by sending the draft advice for comment, and we could arrange further individual discussions if Board members would find that helpful. Discussion and approval of the final draft will be at the Extraordinary Board meeting on 9 May. In the meantime, we would welcome views on the proposed approach outlined below.
20. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

## Strategic Objective 3 - Improved compliance with environmental law

21. We are in the process of finalising the Complaints and Investigations policies and procedures which are referenced in the delegations paper as part of the Board meeting agenda.
22. Since 1 January 2021 the OEP has received a total of 39 complaints. We received only one new complaint in March and 15 new enquiries. Our complaints dashboard, appended as Annex A, provides and update on the number and type of matters we are currently working through.
23. We are expecting to receive information from NGOs in relation to concerns that they have related to issues around ammonia. They have described this to as being a “notification”. Whilst these will not be complaints, there is the potential for them to become complaints if the NGO’s consider that this is necessary for us to take action in relation to their concerns.
24. *This section has been redacted as it relates to information recorded for the purposes of OEP’s functions relating to investigations and enforcement.*

## Strategic Objective 4 - Organisational excellence and influence

25. The Secretary of State issued a [Written Ministerial Statement](#) to confirm our funding from Defra, now published on our website. The statement is in line with the position previously advised to the Board.
26. The Executive have discussed the increasing volume of decisions and work strands that have called for Board engagement. We will wish to discuss how to best balance the Board’s time at our meeting in June.
27. We held our first all staff event at Worcestershire Wildlife Trust on 6 April. The day provided staff a welcome opportunity to meet face to face. We launched our values and behaviour charter and drew the golden thread from individual roles to the strategic objectives and behaviours. The CEO of the Wildlife Trusts, Craig Bennett, joined us and spoke about their aspirations for the OEP, offering their support and challenge. The day was very well received and met its objectives. Staff left with the action to develop their draft personal performance objectives, to be aligned directly to our organisational strategic objectives.

Since the last meeting of the Board, an opportunity has arisen to explore alternative office accommodation to that planned *this section has been redacted as its publication would be prejudicial to commercial interests*. This is within a building on the Worcestershire County Hall (WCH) campus *this section has been redacted as its publication would be prejudicial to commercial interests*. The landlord is Worcestershire County Council. We are working with Defra Estates to review this new option as quickly as possible. At this early stage it looks like it would be preferable *this section has been redacted as its publication would be prejudicial to commercial interests*. The advantages appear to be better value for money, a shorter lead time for office fit out meaning we could occupy the premises much sooner, all facilities management being included in the service charge and access to the wider campus facilities, as well as remaining within the wider public estate.

28. The Board may have noted press coverage of calls for civil servants to return to the office. OEP staff are not civil servants and at the current time we have not received any direction from Defra to change our working patterns. In addition our temporary facilities at WCH do not

provide us with the flexibilities needed for more substantial office based working. This includes only having desk space for just over half our staff (necessitating a desk booking system), very limited quiet working space and the fact that WCH meeting rooms are not fitted with video conferencing equipment.

29. At the moment we are taking an approach of encouraging for teams to come together in person with some regularity. We have procured some additional technical equipment to enable more blended meetings to take place. These will be operational shortly. In light of the removal of Covid restrictions we have can now book meeting room space for groups of more than 2/3 people. The Executive team will be conducting our weekly meeting largely in person from now on. Many teams are attending the office once a week or once a fortnight to encourage collaboration. Some staff use the office space more regularly in line with their own preferences. We are keeping the working model under active review. All staff were recruited with the expectation that they would be able to attend the office in Worcester 2 to 3 days per week with working patterns to be developed at team level to line up with business need. That expectation remains.
30. We discussed our Northern Ireland Budget with DAERA on 13 April. *This section has been redacted as its publication would be prejudicial to relations within the United Kingdom.*
31. These arrangements will be reflected in the OEP's Framework Agreement, on which we continue to work constructively with our Defra sponsorship team. Significant progress has been made in recent weeks towards a document we could agree. The key discussion remains the appropriate balance between accountability and independence, on which the gap between the OEP and Defra seems to be narrowing. We have been consistent in our requirements that the OEP's independence is properly reflected in the Framework Agreement, in line with the Board's steer.
32. We continue with our ongoing recruitment (wave 3). This includes a recent offer made for our G7 Finance role, and a live advert for applications for one G7 Lawyer. The Executive team is due to meet ahead of the Board meeting to discuss and agree a number of additional fixed term roles to boost capacity. A verbal update will be provided on the outcome of these discussions. We are also preparing to recruit a number of NI focussed roles in May. We plan to launch this recruitment, prior to confirmation of all NI funding, given recent discussions. DAERA have already indicated to us that they accept our staffing proposals and funding of these posts is informally agreed. We do not therefore consider there to be a material risk in commencing this recruitment
33. Recruitment for the permanent CEO position is near conclusion; subject to the required Ministerial consultation. We are grateful for the Board's support in this process.
34. We continue to welcome new colleagues to the OEP, following the completion of recent recruitment. On 1 May our permanent headcount will have reached 35 with 16 further staff employed on a range of secondment, short-term and contingent arrangements pending final recruitment. Since the Board's last meeting we welcome the following new starter:

OEP Role	Staff Member	Start Date
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## Stakeholder Engagement and Strategy Consultation

35. Dame Glenys and I appeared before the Environment Audit Committee on 23 March. Topics covered included funding and the OEP budget, recruitment and the diversity of the workforce, the OEP strategy consultation, promoting the complaints process to the public and how we are prioritising our work. The hearing was well-received by commentators on social media and was covered by ENDS Report.
36. We also met with Defra's permanent secretary to discuss our progress and also Defra's broader programme of work. We have had our first 'quarterly performance review' with our senior sponsor. From July, we will have these with Minister Pow.
37. Stakeholder engagement has largely focused on informing our responses to the consultations on environmental targets and the Nature Recovery Green Paper. We have run a programme of meetings and workshops with a range of stakeholders to discuss the proposals. Contractors YouGov have also been running a survey and series of online forums with members of the public to inform our strategy consultation.
38. Initial observations of the fora has shown that there is public support for protecting and improving the environment, but scepticism about the effectiveness of the OEP given government funding, and a lack of confidence that government will take action on OEP advice. As such, enforcement was viewed as the best way for the OEP to make a difference. We will reflect on this feedback as we finalise our strategy and set our business and corporate plans.
39. The consultation on our draft strategy and enforcement policy closed on 22 March. We received 68 responses. Annex B provides a summary of the responses, our approach to stakeholder, public and internal engagement, the key areas of feedback and how we intend to respond, ahead of the Board considering this at its extraordinary meeting in June.
40. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

## Impact Assessments

### Risk Assessment

41. The Strategic Risk Register continues to be reviewed by the leadership team monthly. It will be presented to ARAC in May, providing a quarterly overview for detailed scrutiny. In normal course, ARAC will review ahead of the Board.
42. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*
43. We are developing Operational Risk Registers for each Directorate and with a dedicated register for Northern Ireland as we establish our remit and delivery. We will further develop the risk register and risk management approach as part of our core business activity during 2022/23.

### Equality Analysis



44. None arising from the issues in this paper

## Environmental Analysis

45. This report gives an overview to the Board of the strategic organisational developments across the whole of the OEP which supports the mission and principal objective to protect and improve the environment. Each of the Directorate aligns activities to the 4 strategic objectives to ensure our work is focused, prioritised and makes valuable contribution.

Paper to be published	In part
Publication date (if relevant)	With meeting minutes
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) or Environmental Information Regulations (EIR).	FOIA/EIR exemptions for which we propose not to publish this paper in full are: <ul style="list-style-type: none"><li>• publication would harm relations between UK and NI governments (s.28)</li><li>• publication would harm the effective conduct of public affairs, including the Board's ability to receive candid advice and engage in free and frank discussion (s.36)</li><li>• publication would harm the OEP's commercial interests (s.43)</li></ul>

## ANNEXES LIST

*Annex A – This section has been redacted as it relates to information recorded for the purposes of OEP's functions relating to investigations and enforcement.*

*Annex B – This section has been redacted as it contains information for future publication.*

*Annex C – This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*