



Office for
**Environmental
Protection**

Delegation Policy

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1. Purpose

This policy establishes a framework for how functions of the Office for Environmental Protection (OEP) may be appropriately delegated by the Board. This framework helps ensure that the OEP's functions are exercised:

- efficiently and effectively, with decision-making occurring at the appropriate level
- objectively and impartially, and having regard to the need to act transparently and proportionately
- with clarity as to who is authorised to make decisions on the OEP's behalf, and
- within a system of overall governance and internal control.

2. Scope

This policy applies to Board members, including the Chair and Chief Executive, Board committees and employees of the OEP.

3. Policy

3.1. Principles of delegation

The Board cannot delegate functions reserved to it by law (see Annex A, Part 1). Subject to this, the Board may delegate such of its functions as it may determine and may delegate to its committees, to its members, or to OEP employees authorised for that purpose. Delegations shall be in accordance with this policy.

It is important that decisions are taken at the right level for each of the OEP's functions. In determining whether to delegate functions and to whom, the Board takes account of the degree of risk and uncertainty that may be involved in a particular decision or category of decision-making, and the potential consequences of those decisions.

A Board paper may ask for a decision to be delegated, or (if already delegated to staff) reserved, to the Chief Executive, either alone or jointly with the Chair. Where such decisions are strategic, long term or complex in nature they will usually be delegated/reserved to the Chief Executive in consultation with the Chair. Where such decisions are of an operational nature, they will usually be delegated/reserved to the Chief Executive.

Delegations may be made to named individuals or to identified grades, roles or other classes of member or employee. Delegations may be made generally or in relation to specific matters.

All delegations will be recorded as a formal resolution of the Board.

General delegations shall also be recorded in a scheme or schemes of delegation annexed to this policy.

Specific delegated decisions shall be recorded in a register of decisions to be maintained by the Board secretariat. That register, or sections of it, may be annexed to this policy or otherwise made available for consultation by OEP employees.

Delegation by the Board shall not deprive it of concurrent powers to act and the Board may recover to itself for consideration and (if so determined) for decision, any functions it delegates. Recovery of functions by the Board may be made generally or in relation to specific cases.

The Board may vary, revoke or add to existing delegations at any time (and the Board secretariat shall update the register of decisions, scheme(s) of delegation and annexes to this policy accordingly).

3.2. Exercise of delegated functions

Delegated decision-makers must bear in mind that they are acting on the OEP's behalf. The decisions they take carry the authority of the OEP and will reflect on the organisation as a whole. Decision-making must be approached conscientiously, including by acting objectively, impartially and with regard to the need to act proportionately and transparently.

Where the Board delegates authority to exercise OEP functions to members or employees, those members and employees may not further sub-delegate that authority unless in accordance with express permission to do so given by the Board.

Where the Board delegates authority to exercise functions to an employee those functions may also be carried out by that employee's line manager and those above them in the chain of line management. Where a delegation requires consultation with an employee, that consultation may also be carried out with that employee's line manager and those above them in the chain of line management.

The Board may instruct delegees (whether Board committees, members or employees) as to how to exercise a delegated authority, whether in general or in relation to specific decisions.

Delegations may be limited or made subject to any conditions the Board may specify, for example to limit the period of delegation or limit it to a particular matter.

All delegations to employees shall be deemed to include delegation of those powers of the OEP (including incidental powers under paragraph 8, Schedule 1 to the Environment Act 2021) which it is reasonably necessary for the employee to have in order to exercise the functions more specifically delegated to them and to carry out the tasks assigned to them under their contracts of employment or job descriptions.

Annex A: Functions reserved to the Board

Part 1 Functions reserved by law

The following functions are reserved to the Board pursuant to paragraph 10(4) of Schedule 1 to the Environment Act 2021:

- a) approving the OEP's strategy setting out how it intends to exercise its functions, including any revisions to that strategy (s.23(3) Environment Act 2021)
- b) approving a progress report on improving the natural environment in accordance with the UK's environmental improvement plan and towards meeting targets and interim targets set under the Environment Act (s.28(2) Environment Act 2021)
- c) approving a progress report on improving the natural environment in accordance with Northern Ireland's environmental improvement plan (para 1(2), Sch 3 Environment Act 2021)
- d) approving a report on the implementation of environmental law (s.29(2) Environment Act 2021)
- e) approving a report on the implementation of Northern Ireland environmental law (para 2(2), Sch 3 Environment Act 2021)
- f) approving written advice to a Minister of the Crown (s.30(1) or 30(3) Environment Act 2021)
- g) approving written advice to a Northern Ireland department (para 3(1) or 3(3), Sch 3 Environment Act 2021)
- h) deciding whether to give an information notice or a Northern Ireland information notice (s.35(1) or para 9(1), Sch 3 Environment Act 2021)
- i) deciding whether to give a decision notice or a Northern Ireland decision notice (s.36(1) or para 10(1), Sch 3 Environment Act 2021)
- j) deciding whether to apply for an environmental review or to make a review application (s.38(1) and para 12(1), Sch 3 Environment Act 2021)
- k) deciding whether to apply for judicial review or a statutory review, or to intervene in proceedings that relate to a judicial review or a statutory review (s.39(1) and 39(7) and paras 13(1) and 13(6), Sch 3 Environment Act 2021)
- l) approving a delegation policy, including any revisions to that policy (para 10(2), Sch 1 Environment Act 2021)
- m) approving a report on the exercise of the OEP's functions or approving a statement of accounts (paras 13(1) and 14(2), Sch 1 Environment Act 2021)

- n) approving an assessment of whether the Secretary of State and Northern Ireland Department for Agriculture, Environment and Rural Affairs have provided the OEP with sufficient sums to carry out its functions (para 14(3), Sch 1 Environment Act 2021)
- o) decisions (to be taken by the non-executive Board members alone) to consult the Secretary of State and the Northern Ireland Department for Agriculture, Environment and Rural Affairs on the proposed appointment of a chief executive (other than the first chief executive) (para 3(3), Sch 1 Environment Act 2021)
- p) decisions (to be taken by the non-executive Board members alone) to appoint a chief executive (other than the first chief executive) (para 3(1), Sch 1 Environment Act 2021)

Part 2 Other retained functions

The Board retains the following matters:

- a) the right to recover to the Board for consideration (and if so determined) for decision, anything delegated to OEP committees, members or employees
- b) any function which is stated as being reserved to the Board in the financial scheme of delegation or non-financial scheme of delegation
- c) delegating functions to Board members, committees or employees authorised for the purpose (para 10(1), Sch 1 Environment Act 2021)

Annex B: Non-Financial Scheme of Delegation

The OEP has adopted this non-financial scheme of delegation (NFSoD) in relation to exercising functions of a non-financial character, pursuant to paragraph 10(1) of Schedule 1 to the Environment Act 2021.

Part 1 Board and Board committees

Function		Legislative reference (where relevant)	Delegated authority
1.1	Changes to Board Rules of Procedure, including the Board Governance Framework, other than purely administrative changes covered by para 1.2	para 11(1), Sch 1 Environment Act 2021	Reserved to the Board
1.2	Changes to Board Rules of Procedure, including the Board Governance Framework, which are of a purely administrative nature	para 11(1), Sch 1 Environment Act 2021	Chair
1.3	Establishing and making arrangements for Board committees, including approving their terms of reference, procedures, arrangements for winding up, and allowances to be paid to independent members	para 9(1)(2) and (4), Sch 1 Environment Act 2021	Reserved to the Board
1.4	Deciding the membership of Board committees including their Chair	para 9(2), Sch 1 Environment Act 2021	Chair
1.5	Appointing an independent member of the Audit and Risk Assurance Committee	para 9(2), Sch 1 Environment Act 2021	Chair and ARAC Chair
1.6	Discharge of those functions that fall within a Board committee's terms of reference, other than any matter reserved to the Board at Annex A to the delegation policy	para 9(1), Sch 1 Environment Act 2021	Committees of the Board
1.7	Agreeing the ordinary meeting schedule of: a. the Board b. any committee of the Board	para 11(1), Sch 1 Environment Act 2021	Reserved to: a. the Board (in respect of 1.7a) b. the committee of the Board (in respect of 1.7b)

1.8	Calling an extraordinary meeting of: a. the Board b. any committee of the Board	para 11(1), Sch 1 Environment Act 2021	Chair or Chief Executive (in respect of 1.8a) Committee Chair or Chief Executive (in respect of 1.8b)
1.9	Deciding the agenda for any meeting and the appropriate attendees for the business to be considered at any meeting of: a. the Board b. any committee of the Board	para 11(1), Sch 1 Environment Act 2021	Chair (in respect of 1.9a) Committee Chair (in respect of 1.9b)
1.10	Deciding the papers and other supporting documents relevant to the agenda of the Board or a committee of the Board	para 11(1), Sch 1 Environment Act 2021	Chief Executive in consultation with the Chair of the Board or the Committee Chair as appropriate
1.11	Deciding all matters of order, competency and relevancy in accordance with the Board's Rules of Procedure including: a) issues of quoracy and attendance including if a Board member cannot effectively participate because of a failure of a video or telephone conferencing medium b) adjourning a meeting and the period of any adjournment c) when and whether to accept and distribute papers after an agenda has been issued d) when and whether to read out comments on an agenda item submitted by a Board member who is not present e) any variation to the order of business proposed in the agenda f) whether a vote is required g) how a vote shall be carried out h) the outcome of any vote and how it is to be recorded in the minutes i) the timeline for any decision to be taken by electronic business j) any point of order on the interpretation of or an allegation of	para 11(1), Sch 1 Environment Act 2021	In respect of a meeting of the Board, Chair or such other non-executive Board member elected to fulfil the role of chair for that meeting if the Chair is not present In respect of a meeting of a committee of the Board, Committee Chair or such other non-executive Board member elected to fulfil the role of Committee Chair for that meeting if the Committee Chair is not present

	a breach of the Rules of Procedure k) agreeing minutes before their presentation to the Board		
1.12	Deciding on any redactions necessary to agendas, minutes and open papers decided by the Board before their publication	para 11(1), Sch 1 Environment Act 2021	Head of Business Strategy and Planning
1.13	Deciding on the reasonableness and proportionality of any gift, reward or hospitality offered to a member of the Board	para 11(1), Sch 1 Environment Act 2021	Head of Business Strategy and Planning
1.14	Deciding if a matter disclosed by a Board member amounts to a significant conflict of interest and whether that Board member can participate in discussion of the matter in question and any related decisions	para 11(1), Sch 1 Environment Act 2021	Chair in consultation with the General Counsel and Head of Business Strategy and Planning

Part 2 Delegations to the Chief Executive

Function	Legislative reference (where relevant)	Delegated authority
<p>2.1 Exercising all statutory and other functions of the OEP other than:</p> <p>a) matters reserved to the Board, as set out in Annex A of the delegation policy, this non-financial scheme of delegation or the financial scheme of delegation</p> <p>b) matters delegated to Board committees or Board members set out in this non-financial scheme of delegation or the financial scheme of delegation</p> <p>c) specific matters reserved to the Board, or delegated to Board Committees or Board members set out in the Board minutes and/or decisions register</p> <p>This delegation does not override delegations to OEP employees authorised for that purpose, as set out elsewhere in this non-financial</p>	Various, as set out in Annex A of the delegation policy and elsewhere in this non-financial scheme of delegation	Chief Executive

	scheme of delegation, the financial scheme of delegation or the delegation policy.		
2.2	Approving the sub-delegation of the Chief Executive's powers to an Executive Director. Such sub-delegation must be made in writing and is permissible only in the event of the Chief Executive's planned or unforeseen absence. The particular power(s) being sub-delegated should be specified.	n/a	Chief Executive
2.3	Approving the sub-delegation of the Chief Executive's powers to an Executive Director. Such sub-delegation must be made in writing and is permissible only in the event of the Chief Executive's unforeseen absence, of a type (e.g. death, serious injury or insurmountable barriers to communication) that makes it impossible for them to use para 2.2. The particular power(s) being sub-delegated should be specified.	n/a	Chair
2.4	Deciding what is 'strategically significant' for the purposes of this non-financial scheme of delegation	n/a	Chief Executive in consultation with the Chair

Part 3 Working with others

Function		Legislative reference (where relevant)	Delegated authority
3.1	Approving memorandums of understanding or other non-legally binding arrangements with public sector bodies or others (including amendments)	s.26(1) Environment Act 2021	Chief of Staff, in consultation with the General Counsel
3.2	Approving written evidence to Select Committees of Parliament or the Northern Ireland Assembly	n/a	Chief Executive in consultation with the Chair
3.3	Approving written correspondence with Ministers of the Crown or Northern Ireland Ministers (including	n/a	Chief Executive in consultation with the Chair

	the First Minister and Deputy First Minister)		
3.4	Refusing a request from Defra or DAERA that compromises the OEP's ability to deliver its statutory functions independently	para 17, Sch 1 Environment Act 2021	Chief Executive
3.5	Attesting affixation of the OEP seal	s.74(6) Law of Property Act 1925	Chief Executive
3.6	Entering into written, legally-binding contracts (including amendments) for which any relevant financial approval is in place under para 2.4 of the financial scheme of delegation and: <ul style="list-style-type: none"> the contract is on OEP standard terms, or the contract is on standard call-off terms under a framework agreement available to the OEP 	n/a	Any Grade 6 employee or Principal Procurement and Supplier Officer
3.7	Entering into written, legally-binding contracts (including amendments) for which any relevant financial approval is in place under para 2.4 of the financial scheme of delegation, on terms other than those provided for at para 3.6	n/a	Any Grade 6 employee, in consultation with the Principal Procurement and Supplier Officer Or Principal Procurement and Supplier Officer
3.8	Approving a formal request to a person whose functions include functions of a public nature, that they provide the OEP with reasonable assistance and/or information	s.27(1) Environment Act 2021	Executive Directors

Part 4 Scrutiny and Advice

Function	Legislative reference (where relevant)	Delegated authority	
4.1	Approval of written responses to formal external consultations	n/a	Chief Executive

Part 5 Enforcement

Function		Legislative reference (where relevant)	Delegated authority
5.1	Determining whether a complaint has been made in accordance with the OEP's published complaints procedure	s.32(3) or para 6(3), Sch 3 Environment Act 2021	Complaints Officer or Investigations Officer
5.2	Waiving the time limit for submitting a complaint to the OEP	s.32(7) or para 6(7), Sch 3 Environment Act 2021	Principal Complaints Manager
5.3	Authorising a formal investigation into a suspected failure to comply with environmental law or Northern Ireland environmental law, of a strategically significant nature	s.33(1) or 33(2) or para 7(1) or 7(2), Sch 3 Environment Act 2021	Reserved to the Board
5.4	Authorising a formal investigation into a suspected failure to comply with environmental law or Northern Ireland environmental law, other than under para 5.3	s.33(1) or 33(2) or para 7(1) or 7(2), Sch 3 Environment Act 2021	Chief Executive
5.5	Notifying a public authority of the commencement of an investigation	s.33(4) or para 7(4), Sch 3 Environment Act 2021	Complaints Officer or Investigations Officer
5.6	Issuing to a public authority a warning letter, letter of advice or guidance or other informal notice or correspondence in relation to a suspected failure to comply with environmental law or Northern Ireland environmental law	n/a	Head of Complaints Investigations and Enforcement
5.7	Approving an investigation report to be provided to a public authority under investigation	s.33(5) or para 7(5), Sch 3 Environment Act 2021	Head of Complaints Investigations and Enforcement
5.8	Deciding to take no further steps in relation to the alleged failure to comply with environmental law or Northern Ireland environmental law that is the subject of the investigation	s.33(6) or para 7(6), Sch 3 Environment Act 2021	Chief Regulatory Officer
5.9	Deciding to take no further steps in relation to an eligible complaint that: <ul style="list-style-type: none"> does not reveal an indication of a failure to comply with environmental law by a public authority, or 	s32(6) or para 6 Sch 3 Environment Act 2021	Head of Complaints, Investigations and Enforcement

	<ul style="list-style-type: none"> does not meet the OEP seriousness or prioritisation criteria 		
5.10	Deciding to take no further steps in relation to an eligible complaint that may meet the OEP seriousness criteria but does not meet the prioritisation criteria	n/a	Chief Regulatory Officer
5.11	Deciding whether to publish an investigation report in part or in full	s.33(9) or para 7(9), Sch 3 Environment Act 2021	Chief Executive
5.12	Approving notification to the relevant Minister or relevant Northern Ireland department of the commencement of an investigation	s.33(10) or para 7(10), Sch 3 Environment Act 2021	Chief Executive
5.13	<p>Notifying a complainant that, in relation to their complaint, the OEP:</p> <p>(a) does not intend to consider the complaint because it was not made in accordance with section 32 or para 6, Sch 3 Environment Act 2021</p> <p>(b) has concluded that it will not be commencing an investigation</p> <p>(c) has commenced an investigation</p> <p>(d) has provided a final investigation report to the public authority concerned, or</p> <p>(e) has applied for an environmental review or for permission to apply for judicial review or for statutory review</p>	s.34(2) and para 8(2), Sch 3 Environment Act 2021	Complaints Officer or Investigations Officer
5.14	Providing a complainant with a copy of a non-published investigation report or report extract	s.34(2) and para 8(2), Sch 3 Environment Act 2021	Head of Complaints Investigations and Enforcement
5.15	Withdrawing an information notice or Northern Ireland information notice	s.35(6) and para 9(6), Sch 3 Environment Act 2021	Reserved to the Board
5.16	Approving notification to the Climate Change Committee of the OEP's intention to give an information notice or Northern Ireland information notice	s.35(7) and para 9(7), Sch 3 Environment Act 2021	Head of Complaints Investigations and Enforcement

	to a public authority in respect of an alleged failure to comply with environmental law/Northern Ireland environmental law which relates to emissions of greenhouse gases		
5.17	Withdrawing a decision notice or Northern Ireland decision notice	s.36(5) and para 10(5), Sch 3 Environment Act 2021	Reserved to the Board
5.18	Determination that notices are linked	s.37(1) and para 11(1) or 11(7), Sch 3 Environment Act 2021	Principal Investigations Officer
5.19	Decision not to share a copy of any linked notice or correspondence with the recipient of a principal notice	s.37(7) and para 11(9), Sch 3 Environment Act 2021	Head of Complaints Investigations and Enforcement in consultation with the Head of Litigation and Casework
5.20	Unless reserved to the Board or covered by a specific delegation elsewhere in this non-financial scheme of delegation, taking steps arising in the conduct of environmental reviews, review applications, judicial reviews and statutory reviews (including conduct of appeals, enforcement proceedings and costs proceedings) brought by the OEP, including decisions to discontinue or settle any such proceedings	n/a	Chief Executive in consultation with the General Counsel Principal Lawyer with conduct (time-critical matters only where the Chief Executive cannot be contacted)
5.21	Deciding not to share a copy of an information notice, Northern Ireland information notice, decision notice, Northern Ireland decision notice or any linked correspondence with a relevant Minister or relevant Northern Ireland department	s.40(2) and para 13(2), Sch 3 Environment Act 2021	Head of Complaints Investigations and Enforcement in consultation with the Head of Litigation and Casework
5.22	Deciding whether to request that a Minister or Northern Ireland department participate in an environmental review, judicial review or statutory review brought by the OEP	s.40(3) and para 13(3), Sch 3 Environment Act 2021	Chief Executive in consultation with General Counsel

5.23	Determining that it would not be in the public interest to publish a statement under section 41(1) or para 15(1), Sch 3 Environment Act 2021	s.41(2) and para 15(2), Sch 3 Environment Act 2021	Chief Regulatory Officer
5.24	Consenting to a person disclosing an information notice, a decision notice, a Northern Ireland information notice or a Northern Ireland decision notice	s.43(5) and para 17(5), Sch 3 Environment Act 2021	Chief Regulatory Officer
5.25	Undertaking an internal review in relation to a service complaint made about the OEP	n/a	Principal Complaints and Investigations Manager or one grade above the original complaint handler (whichever is more senior)
5.26	Reopening a complaint in relation to which the OEP has decided to take no further action pursuant to para 5.8, 5.9 or 5.10, or taking other action when a departure from the OEP's published complaints procedure or an issue with the service provided has been identified	n/a	Chief Regulatory Officer

Part 6 Policies and procedures

Function		Legislative reference (where relevant)	Delegated authority
6.1	Approval, amendment or withdrawal of strategically significant statements of policy not subject to a specific delegation elsewhere in this non-financial scheme of delegation	n/a	Chief Executive
6.2	Approval, amendment or withdrawal of statements of policy, other than those which are strategically significant (see 6.1) and those which are subject to a specific delegation elsewhere in this non-financial scheme of delegation	n/a	Executive Director
6.3	Approval, amendment or withdrawal of processes, procedures, guidance and forms, instructions or templates	s.32(2) and para 6(2), Sch 3 Environment Act 2021	Any Grade 6 employee in respect of those matters within their functional responsibility

Part 7 Press, media and publications

Function		Legislative reference (where relevant)	Delegated authority
7.1	Responding to 'routine' media enquiries	n/a	Digital Communications and Publications Coordinator
7.2	Responding to 'non-routine' or contentious media enquiries	n/a	Head of Communications
7.3	Managing the OEP's website content, including upload and removal of documents and other materials	n/a	Digital Communications and Publications Co-ordinator
7.4	Managing the OEP's social media accounts, including posting of messages, images and other materials	n/a	Digital Communications and Publications Co-ordinator
7.5	Arranging for the laying before Parliament or the Northern Ireland Assembly of OEP publications in the form properly authorised in accordance with Annex A to the delegation policy or this non-financial scheme of delegation	ss.24(1)(a), 28(7)(a) and 29(5)(a) and para 13(2)(a), Sch 1 and paras 1(7)(a) and 2(5)(a), Sch 3 Environment Act 2021	All HEO grade employees

Part 8 Information, records and data

Function		Legislative reference (where relevant)	Delegated authority
8.1	Approval and review of Freedom of Information Act 2000 publication schemes	s.19 Freedom of Information Act 2000	Chief of Staff
8.2	Disclosing information that— (a) relates to a particular information notice, decision notice, Northern Ireland information notice or Northern Ireland decision notice, or (b) is, or contains, such a notice	s.43(2) and para 17(2), Sch 3 Environment Act 2021	Chief Regulatory Officer
8.3	Disclosing information obtained by the OEP under section 27(1) or 35(3)(b) or para 9(3)(b), Sch 3 Environment Act 2021 which is not covered by para 8.2 above	s.43(2) and para 17(2), Sch 3 Environment Act 2021	All Grade 6 employees
8.4	Informing a requestor that the OEP holds information and/or disclosing information held by the OEP <u>other than</u>	s.1 Freedom of Information Act 2000 and reg 5	

	information covered under delegations elsewhere in this non-financial scheme of delegation	Environmental Information Act 2004	Private Office Manager and Board Secretary
8.5	Declining to inform a requestor that the OEP holds information and/or withholding information held by the OEP, including in response to information requests, other than those specified at 8.6.	s.2 Freedom of Information Act 2000 and regs 5 and 12 Environmental Information Regulations 2004	Head of Business, Strategy and Planning
8.6	Withholding information held by the OEP under section 36 Freedom of Information Act 2000	s.36 Freedom of Information Act 2000	Chief Executive [NB authority to withhold information pursuant to s.36 Freedom of Information Act 2000 is subject to the OEP being designated for that purpose by the Minister]
8.7	Undertaking a review in relation to a decision in response to an information request	n/a	Data Protection Officer or Executive Director
8.8	Approval of transfer of public records to the Public Record Office	s.3(4) Public Records Act 1958	Chief of Staff

Part 9 Legal matters

Function		Legislative reference (where relevant)	Delegated authority
9.1	Obtaining legal advice from the OEP's in-house legal team. The authorised employee seeking the advice is taken to be seeking it for themselves, their immediate team, their line manager and senior managers; and for any relevant project or programme the authorised employee is working in, and line managers of those involved in that project or programme	n/a	All OEP employees
9.2	Obtaining external legal advice. The in-house lawyer seeking external advice is taken to be doing so for their client and their client's immediate team, their client's line manager and senior managers; and for any relevant project or programme the client is working in, and line managers of	n/a	Principal Lawyer

	those involved in that project or programme		
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Part 10 Corporate and business plans

Function		Legislative reference (where relevant)	Delegated authority
10.1	Approval of a corporate plan and associated business plan	n/a	Reserved to the Board
10.2	Approval of a draft business plan	n/a	Chief Executive
10.3	Approval of the strategy and objectives for a project (including variations) which is strategically significant	n/a	Chief Executive in consultation with the Board
10.4	Approval of the strategy and objectives for a project (including variations) which is: a) not strategically significant, and b) large (planned to incur more than £50,000 non-pay expenditure or 8 person-weeks of effort)	n/a	Chief Executive
10.5	Approval of the strategy and objectives for a project (including variations) which is: a) not strategically significant, and b) small (planned to incur £50,000 or less of non-pay expenditure and 8 person-weeks or less of effort)	n/a	Executive Director
10.6	Approval to initiate delivery of a project which is large (planned to incur more than £50,000 non-pay expenditure or 8 person-weeks of effort) and not in the approved business plan and puts at risk delivery of the approved business plan	n/a	Chief Executive with notification to the Board
10.7	Approval to initiate projects other than those at para 10.6	n/a	Executive Director
10.8	Approval of variations to the business plan for items which directly influence delivery of the corporate plan, including to the scope, timing, and delivery arrangements, or to discontinue planned items	n/a	Chief Executive, with notification to the Board

10.9	Approval of variations to the business plan including to the scope, timing, and delivery arrangements, or to discontinue planned items, other than those at para 10.8	n/a	Executive Director with notification to the Chief Executive
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Annex C: Financial Scheme of Delegation

The OEP has adopted this financial scheme of delegation (FSoD) in relation to financial commitments and related matters, pursuant to paragraph 10(1) of Schedule 1 to the Environment Act 2021.

Part 1 Annual Budgets

Budget decision	Delegated authority
Approval of annual budget	Reserved to the Board
Approval of draft annual budget	Chief Executive
Approval of directorate performance indicators and accompanying indicative cost centre budgets	Appropriate Executive Director
Authorising transfers of sums regardless of value, for example between different expense codes	Appropriate Executive Director in consultation with the Chief of Staff or Head of Finance and Corporate Services*
Authorising transfers of sums between cost centre budgets of <ul style="list-style-type: none">- more than £100,000 or- more than 10% of the cost centre RDEL budget	Chief Executive in consultation with the Head of Finance and Corporate Services
Authorising transfers of sums between cost centre budgets of <ul style="list-style-type: none">- less than £100,000 and- less than 10% of the cost centre RDEL budget	Appropriate Executive Directors in consultation with the Head of Finance and Corporate Services

Part 2 Procurement

2.1 Procurement approval

Where a proposed procurement forms part of a defined project, procurement shall only commence with prior approval in accordance with Part 3 (project approvals).

The Principal Procurement and Supplier Officer is authorised to determine and approve the procedure to be used for each procurement, in accordance with the Procurement Policy. This may include categorising types of procurement and defining standard procedures and rules for each.

2.2 Non-competitive procurement

Employees may only undertake procurement without a competitive procedure in specific permitted or exceptional circumstances set out in the Procurement Policy.

Non-competitive procurement or 'single tendering' shall require approval in accordance with the following delegations before the procurement commences:

Total transaction value (including VAT)	Pre-procurement approval for single tendering
More than £100,000	Chief Executive, in consultation with the Principal Procurement and Supplier Officer
£5,000 or more, up to £100,000	Executive Director, in consultation with the Principal Procurement and Supplier Officer
Less than £5,000	Principal Procurement and Supplier Officer

2.3 Procurement delivery

Responsibility for delivering a procurement is delegated in the following way:

Procurement criteria	Delegated authority
Total contract value is more than £100,000 , OR Contract duration is more than 9 months, OR Contract is high risk or sensitive, OR An unusual procurement procedure or commercial arrangement is being used	Procurement managed by the procurement function, with support provided by the employee/team that requested the procurement The Principal Procurement and Supplier Officer shall decide roles and responsibilities in the procurement
Total contract value is £25,000 or more, up to £100,000 AND the contract is for less than 9 months, and is low risk, not sensitive and of a routine nature	Procurement undertaken jointly by the employee/team that requested the procurement and the procurement function The Principal Procurement and Supplier Officer shall decide roles and responsibilities in the procurement
Total contract value less than £25,000 AND the contract is for less than 9 months, and is low risk, not sensitive and of a routine nature	All OEP employees

Any other procurement	The Principal Procurement and Supplier Officer shall decide roles and responsibilities in the procurement
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2.4 Contract approval

This section sets out the delegated authorities for approving the financial value of a contract. It should be read alongside paras 3.5 to 3.7 of the non-financial scheme of delegation, which set out the delegated authorities for entering into contracts once they have received financial authorisation in accordance with this section.

In this section, reference to a 'contract' means any written, legally-binding agreement, including agreements for works, goods or services, licences, collaboration and partnership agreements, collateral warranties, side letters, indemnities and other written, legally-binding agreements, including agreements made by deed, but excluding contracts of employment (which are covered under Part 5).

All delegated authorities under this section are conditional upon:

- a) compliance with all internal financial delegations, policies, controls and management systems established, and
- b) the total contract value being affordable within the relevant cost centre budget in the accounting period in which costs will be incurred

Approval of a proposed contract shall be based on its total financial value according to the thresholds in table 1 below, unless it is considered to present a significant risk exposure to the OEP when it should be escalated to a proportionately higher authorisation.

Table 1: Financial approvals to award a contract

Total contract value (including VAT and all other attributable costs, charges and expenses)	Delegated authority
More than £500,000	Reserved to the Board
More than £100,000 up to £500,000	Chief Executive
More than £10,000 up to £100,000	Executive Director
£10,000 and below	Any Grade 6 employee or the Principal Procurement and Supplier Officer

Approval of any variation (or series of variations, considered cumulatively) to contract value is in accordance with table 2 below. The original contract value is the total financial value of the contract (including VAT and all other attributable costs, charges and expenses) when first awarded.

Total variation value (including VAT and all other attributable costs, charges and expenses)	Delegated authority
Up to and including 20% of the original contract value regardless of the total contract value.	Any person with delegated authority to award the original contract in accordance with table 1.
More than 20% of the original contract value	Any person with delegated authority to award a contract with the amended total contract value in accordance with table 1. The amended total contract value is the original contract value, the value of any prior variations and the proposed variation value.

Part 3 Expenses

Expense incurred by	Delegated authority
Approval of expenditure, including travel and subsistence claims, disbursements, assignment, disturbance and posting payments, overtime, call out/standby claims, relocation claims and purchasing card expenditure. Subject to spend being within approved budgets. All expenditure must be claimed in accordance with the OEP expense policies.	
Chair	Chair of the Audit and Risk Assurance Committee
Chief Executive	Chair
Non-executive Board members	Chief of Staff
Independent members of Board committees	Committee chair
Executive Directors	Chief Executive
All other employees	Line manager

Part 4 Payment of Employees

Step	Delegated authority
Authorising payment of employees in accordance with the terms of their employment contracts	Head of Finance and Corporate Services

Part 5 Terms of Service

Step	Delegated authority
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Decisions on 'job-size' and resulting grading for roles within the OEP	Executive Director in consultation with Principal Human Resources Officer
Appointment of employees on the OEP's standard terms of employment, where the starting salary is the minimum for the applicable grade	Executive Director
Appointment of employees on the OEP's standard terms of employment, where the starting salary is above the minimum for the applicable grade	Executive Director, in consultation with the Chief of Staff
Issuing, varying and terminating employment contracts in accordance with the approved funded establishment	Operations Resource Officer, in consultation with the Principal Human Resources Officer
Approval of contingent labour appointment, including terms	Executive Director
Approval of an annual pay award, and changes to the minimum salary level for each grade	Chief Executive in consultation with the Board

Part 6 Disposals

Disposal of unwanted stores, equipment and other tangible or intangible assets (limits are stated in net book value, or market value if known to be higher)	Delegated authority
All disposals, no matter what value must be made in discussion with the OEP finance team to ensure appropriate accounting treatment is made	
More than £100,000	Reserved to the Board
£25,000 or more, up to £100,000	Chief Executive in consultation with the Head of Finance and Corporate Services
£1,000 or more, up to £25,000	Appropriate Executive Director in consultation with the Head of Finance and Corporate Services
£250 or more, up to £1,000	All Grade 6 employees
Less than £250	All Grade 7 employees

Part 7 Bank Accounts

Step	Delegated authority
Opening and closing bank accounts and amending OEP bank mandates	Chief Executive in consultation with the Head of Finance and Corporate Services

Part 8 Insurance

Step	Delegated authority
Arranging insurances	Head of Finance and Corporate Services

Part 9 Financial Irregularity

Step	Delegated authority
All instances of financial irregularity must be dealt with in accordance with the Counter Fraud Policy and Fraud Response Plan	
Instigation of investigations into proven or suspected cases of financial irregularity and reporting to the Audit and Risk Assurance Committee	Head of Finance and Corporate Services in consultation with internal auditors
Approving annual reports to Defra of proven or suspected cases of financial irregularity	Head of Finance and Corporate Services in consultation with internal auditors

Part 10 Write-offs

Step	Delegated authority
Individual write-offs of debts, stock and other tangible or intangible assets	
More than £100,000	Reserved to the Board
More than £50,000, up to £100,000	Chief Executive in consultation with the Head of Finance and Corporate Services
£20,000 or more, up to £50,000*	Chief of Staff in consultation with the Head of Finance and Corporate Services
Less than £20,000*	Appropriate Executive Director in consultation with the Head of Finance and Corporate Services

* Any write-off that could be considered novel or contentious or repercussive must go to the Chief Executive

Part 11 Compensation Claims, Special Payments etc

Compensation, ex gratia or other special payment	Delegated authority
£15,000 or more	Reserved to the Board
Less than £15,000*	General Counsel in consultation with Head of Finance and Corporate Services

* Payments in respect of current or former employees must go to the Chief Executive

Part 12 Novel and Contentious Expenditure

Step	Delegated authority
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Requesting Defra and/or HM Treasury consent for any transactions which may set precedents, or which are novel, contentious or could cause repercussions elsewhere in the public sector (see Managing Public Money)	Head of Finance and Corporate Services
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