



Delegation Policy

Date: November 2024

Version: 3.0



© OEP copyright 2024

This information is licensed under the Open Government Licence v3.0. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/.

This publication is available at www.theoep.org.uk.

Any enquiries regarding this publication should be sent to us at:

Office for Environmental Protection

Wildwood

Wildwood Drive

Worcester

WR5 2QT

www.theoep.org.uk

03300 416 581

enquiries@theoep.org.uk

Contents

1. Purpose	4
2. Scope.....	4
3. Policy	4
3.1. Principles of delegation.....	4
3.2. How delegated functions should be exercised.....	5
3.3. Who may exercise delegated functions	5
3.4. Recording delegations	6
4. Functions retained by the Board	6
Annex A: Non-Financial Scheme of Delegation	7
Annex B: Financial Scheme of Delegation.....	24

1. Purpose

This policy sets out how functions of the Office for Environmental Protection (OEP) are delegated by the Board. It 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 all members of staff.

3. Policy

3.1. Principles of delegation

All delegations shall be in accordance with this policy.

The Board cannot delegate functions reserved to it by law. Subject to this, the Board may delegate its functions to its committees, to its members, or to OEP employees. In this context an OEP employee is a member of staff contractually employed by the OEP, and so does not include other members of staff, such as secondees and contingent workers.

The Board may delegate to named individuals or to identified grades, roles or other classes of member or employee. It may delegate generally or in relation to specific matters.

The Board delegates its functions so that decisions are taken at the right level, taking account of the degree of risk and uncertainty involved in a particular decision, and the potential consequences of the decision.

Delegation by the Board does not prevent it acting. The Board may recover to itself any decision in relation to any function it has delegated, generally or in relation to specific matters.

The Board may vary, revoke or add to existing delegations at any time and the Board Secretary shall ensure that an accurate record of the Board's delegations is maintained at all times.

Members of staff (including employees, secondees and contingent workers) shall be deemed to have delegated to them those powers of the OEP (including incidental powers under paragraph 8, Schedule 1 to the Environment Act 2021) which are not covered by a specific delegation but which it is reasonably necessary for the staff member to have in order to exercise the functions more specifically delegated to them and to carry out the tasks assigned to them under their terms of engagement or job descriptions.

3.2. How delegated functions should be exercised

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. Decision-making must be approached conscientiously, including by acting objectively, impartially and with regard to the need to act proportionately and transparently.

In approaching decisions, delegated decision-makers should consider those with whom it is necessary to consult to make decisions conscientiously, taking account of the degree and nature of risks involved in the delegated decision. Decisions with significant legal, commercial, financial and reputational risks, for example, should usually be taken in consultation with relevant staff members with responsibility to advise on those risks.

In addition, the Board may instruct delegees how to exercise a delegated authority, whether in general or in relation to specific decisions. Delegations may also 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.

3.3. Who may exercise delegated functions

Board committees, Board members and OEP employees can only take decisions on behalf of the OEP where the Board has delegated to them the authority to do so, and acting in accordance with the terms of that delegated authority.

Where the Board delegates authority, that authority may not be delegated further unless with the express permission of 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.

Similarly, where the Board delegates authority to a named role or category of staff (such as a specified grade) and the relevant staff member is not an employee as defined in this policy, and is therefore ineligible to exercise that delegation, the delegation is deemed to be made to the non-employee's line manager or, where that person is also not an employee, to the next most junior person in the chain of line management who is an employee.

3.4. Recording delegations

All delegations are recorded as a formal resolution of the Board in the Board's minutes.

General delegations are also recorded in the schemes of delegation annexed to this policy.

A Board paper may ask for a decision on a specific matter to be delegated, or (if already delegated to staff) reserved, to a Board committee, Board members, or to OEP employees. Where decisions are strategic, long term or complex in nature they will usually be delegated or reserved to the Chief Executive in consultation with the Chair. Operational decisions will usually be delegated or reserved to the Chief Executive, or another employee.

Specific delegated decisions are recorded in the Board's minutes and a register of decisions maintained by the Board Secretary, which is available for consultation by OEP employees.

4. Functions retained by the Board

The Board retains the following matters:

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

Annex A: 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 in this non-financial scheme of delegation or the financial scheme of delegation or any formal resolution of the Board	para 9(1), Sch 1 Environment Act 2021	Committees of the Board
1.7	Agreeing the ordinary meeting schedule of: a) the Board	para 11(1), Sch 1 Environment Act 2021	Reserved to: a) the Board (in respect of 1.7a)

	b) any committee of the Board		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	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

	<p>i) the timeline for any decision to be taken by electronic business</p> <p>j) any point of order on the interpretation of or an allegation of a breach of the Rules of Procedure</p> <p>k) agreeing minutes before their presentation to the Board</p>		
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	<p>Chair, in consultation with the General Counsel and Head of Business Strategy and Planning</p> <p>The Chair of the Audit and Risk Committee of the Board, in consultation with the General Counsel and Head of Business Strategy and Planning in respect of a matter disclosed by the Chair</p>

Part 2 Appointment of a Chief Executive

Function	Legislative reference (where relevant)	Delegated authority	
2.1	Deciding to consult the Secretary of State and the Northern Ireland Department for Agriculture, Environment and Rural Affairs	para 3(3), Sch 1 Environment Act 2021	Non-executive members of the Board

	on the proposed appointment of a Chief Executive		
2.2	Deciding to appoint a Chief Executive	para 3(1), Sch 1 Environment Act 2021	Non-executive members of the Board

Part 3 Delegations to the Chief Executive

Function		Legislative reference (where relevant)	Delegated authority
3.1	<p>Exercising all statutory and other functions of the OEP other than:</p> <p>a) matters reserved to the Board in this non-financial scheme of delegation or the financial scheme of delegation or any formal resolution of the Board</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 or any formal resolution of the Board</p> <p>This delegation does not override delegations to OEP employees set out elsewhere in this non-financial scheme of delegation, the financial scheme of delegation or the delegation policy or any formal resolution of the Board.</p>	Various, as set out elsewhere in this non-financial scheme of delegation	Chief Executive
3.2	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
3.3	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	n/a	Chair

	communication) that makes it impossible for them to use para 3.2. The particular power(s) being sub-delegated should be specified.		
3.4	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 4 Working with others

Function	Legislative reference (where relevant)	Delegated authority	
4.1	Approving memorandums of understanding or other non-legally binding arrangements with public sector bodies or others (including amendments), other than arrangements covered by para 6.5	s.26(1) Environment Act 2021	Chief of Staff, in consultation with the General Counsel
4.2	Approving written evidence to Select Committees of Parliament or the Northern Ireland Assembly	n/a	Chief Executive, in consultation with the Chair
4.3	Approving written correspondence with Ministers of the Crown or Northern Ireland Ministers (including the First Minister and Deputy First Minister)	n/a	Chief Executive, in consultation with the Chair
4.4	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
4.5	Attesting affixation of the OEP seal	s.74(6) Law of Property Act 1925	Chief Executive
4.6	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: a) the contract is on OEP standard terms, or b) the contract is on standard call-off terms under a framework agreement available to the OEP This delegation does not include entering into arrangements covered by para 6.5	n/a	Any Grade 6 employee or Principal Procurement and Supplier Officer

4.7	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 covered by para 4.6 This delegation does not include entering into arrangements covered by para 6.5	n/a	Any Grade 6 employee, in consultation with the Principal Procurement and Supplier Officer or Principal Procurement and Supplier Officer
4.8	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 Director or Programme Lead

Part 5 Scrutiny and advice

Function		Legislative reference (where relevant)	Delegated authority
5.1	Approving written responses to formal external consultations	n/a	Chief Executive
5.2	Approving an EIP progress report	s.28(2) and para 1(2), Sch 3 Environment Act 2021	Reserved to the Board
5.3	Approving a report on the implementation of environmental law or Northern Ireland environmental law	s.29(2) and para 2(2), Sch 3 Environment Act 2021	Reserved to the Board
5.4	Approving written advice to a Minister of the Crown or a Northern Ireland department	s.30(1) and (3) and para 3(1) and (3), Sch 3 Environment Act 2021	Reserved to the Board

Part 6 Complaints

Function		Legislative reference (where relevant)	Delegated authority
----------	--	--	---------------------

6.1	Determining whether a complaint has been made in accordance with the OEP's published complaints procedure	s.32(3) and para 6(3), Sch 3 Environment Act 2021	Complaints Officer or Investigations Officer
6.2	Waiving the time limit for submitting a complaint to the OEP	s.32(7) and para 6(7), Sch 3 Environment Act 2021	Principal Complaints Manager
6.3	<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 commence 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, made a review application or applied for judicial review or statutory review</p>	s.34(2) and para 8(2), Sch 3 Environment Act 2021	Complaints Officer or Investigations Officer
6.4	Unless covered by a specific delegation elsewhere in this non-financial scheme of delegation, deciding upon steps arising in the handling of a complaint, including decisions over seeking early resolution	n/a	Head of Complaints Investigations and Enforcement
6.5	<p>In seeking early resolution in relation to a suspected failure to comply with environmental law or Northern Ireland environmental law by a public authority and about which the OEP has not authorised an investigation:</p> <p>a) issuing to that public authority a warning letter, letter of advice or guidance or other informal notice, or</p> <p>b) entering into arrangements with that public authority where it commits to steps aimed at rectifying the suspected failure</p>	n/a	Head of Complaints Investigations and Enforcement

6.6	Deciding to take no further steps in relation to a complaint that does not indicate a failure to comply with environmental law or Northern Ireland environmental law by a public authority	n/a	Head of Complaints, Investigations and Enforcement
6.7	Deciding to take no further steps in relation to a complaint or other information which indicates that a public authority may have failed to comply with environmental law or Northern Ireland environmental law where the potential failure is not considered serious	n/a	Head of Complaints, Investigations and Enforcement
6.8	Deciding to take no further steps in relation to a complaint or other information which indicates that a public authority may have failed to comply with environmental law or Northern Ireland environmental law other than those at para 6.7	n/a	Chief Regulatory Officer
6.9	Undertaking an internal review in relation to a service complaint made about the OEP's complaint handling	n/a	Principal Complaints and Investigations Manager or one grade above the original complaint handler (whichever is more senior)
6.10	Reopening a complaint in relation to which the OEP has decided to take no further action pursuant to para 6.6, 6.7 or 6.8, 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 7 Investigations and enforcement

Function	Legislative reference (where relevant)	Delegated authority
----------	--	---------------------

7.1	Authorising an investigation into a suspected failure to comply with environmental law or Northern Ireland environmental law of a strategically significant nature and strategically significant variations to the scope of an investigation	s.33(1) and (2) and para 7(1) and (2), Sch 3 Environment Act 2021	Reserved to the Board
7.2	Authorising an investigation into a suspected failure to comply with environmental law or Northern Ireland environmental law, and variations to the scope of an investigation, other than an investigation covered by para 7.1	s.33(1) and (2) and para 7(1) and (2), Sch 3 Environment Act 2021	Chief Executive
7.3	Notifying a public authority of the commencement of an investigation	s.33(4) and para 7(4), Sch 3 Environment Act 2021	Complaints Officer or Investigations Officer
7.4	Approving notification to the relevant Minister or relevant Northern Ireland department of the commencement of an investigation	s.33(10) and para 7(10), Sch 3 Environment Act 2021	Chief Executive
7.5	Approving notification to the Climate Change Committee of the OEP's intention to give an information notice or Northern Ireland information notice 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	s.35(7) and para 9(7), Sch 3 Environment Act 2021	Head of Complaints Investigations and Enforcement
7.6	Deciding whether to issue an information notice or a Northern Ireland information notice	s.35(1) and para 9(1), Sch 3 Environment Act 2021	Reserved to the Board
7.7	Deciding whether to issue a decision notice or a Northern Ireland decision notice	s.36(1) and para 10(1), Sch 3 Environment Act 2021	Reserved to the Board
7.8	Determining that notices are linked	s.37(1) and (6A) and para 11(1) and (7), Sch 3 Environment Act 2021	Principal Investigations Officer
7.9	Deciding 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	Head of Complaints Investigations and Enforcement

		Environment Act 2021	
7.10	Deciding 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
7.11	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
7.12	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
7.13	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
7.14	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
7.15	Approving an investigation report regarding an investigation of a strategically significant nature	s.33(5) and para 7(5), Sch 3 Environment Act 2021	Reserved to the Board
7.16	Approving an investigation report other than one covered by para 7.15	s.33(5) and para 7(5), Sch 3 Environment Act 2021	Chief Executive
7.17	Deciding whether to publish an investigation report or report extract	s.33(9) and para 7(9) Environment Act 2021	Chief Executive
7.18	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
7.19	Deciding to take no further steps in relation to a strategically significant investigation	s.33(6) and para 7(6), Sch 3 Environment Act 2021	Reserved to the Board

7.20	Deciding to take no further steps in relation to an investigation not covered by para 7.18	s.33(6) and para 7(6), Sch 3 Environment Act 2021	Chief Executive
7.21	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	Reserved to the Board
7.22	Deciding whether to apply for judicial review or a statutory review	s.39(1) and (7) and para 13(1) and (6), Sch 3 Environment Act 2021	Reserved to the Board
7.23	Deciding to apply to intervene in proceedings that relate to a judicial review or a statutory review	s.39(7) and para 13(6), Sch 3 Environment Act 2021	Reserved to the Board
7.24	Deciding not to apply to intervene in proceedings that relate to a judicial review or a statutory review for matters not considered by the Board under para 7.23	s.39(7) and para 13(6), Sch 3 Environment Act 2021	General Counsel
7.25	Unless reserved to the Board or covered by a specific delegation elsewhere in this non-financial scheme of delegation, deciding upon steps (other than those of a purely administrative nature) 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 or in which the OEP is intervening, including decisions to discontinue or settle any such proceedings	n/a	Chief Executive, in consultation with the General Counsel or Principal Lawyer with conduct (time-critical matters only where the Chief Executive cannot be contacted)
7.26	Deciding upon steps of a purely administrative nature 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 or in which the OEP is intervening	n/a	Principal Lawyer
7.27	Deciding whether to request that a Minister or Northern Ireland department participate in an environmental review,	s.40(3) and para 13(3), Sch 3 Environment Act 2021	Chief Executive, in consultation with the General Counsel

	review application, judicial review or statutory review brought by the OEP		
--	--	--	--

Part 8 Strategy, policies and procedures

Function		Legislative reference (where relevant)	Delegated authority
8.1	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	Reserved to the Board
8.2	Approving a delegation policy, including any revisions to that policy	para 10(2), Sch 1 Environment Act 2021	Reserved to the Board
8.3	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
8.4	Approval, amendment or withdrawal of statements of policy, other than those covered by para 8.3 and those which are subject to a specific delegation elsewhere in this non-financial scheme of delegation	n/a	Executive Director(s) in respect of those matters within their functional responsibilities
8.5	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 responsibilities

Part 9 Press, media and publications

Function		Legislative reference (where relevant)	Delegated authority
9.1	Responding to 'routine' media enquiries	n/a	Digital Communications and Publications Coordinator
9.2	Responding to 'non-routine' or contentious media enquiries	n/a	Head of Communications
9.3	Managing the OEP's website content, including upload and removal of documents and other materials	n/a	Digital Communications and Publications Co-ordinator

9.4	Managing the OEP's social media accounts, including posting of messages, images and other materials	n/a	Digital Communications and Publications Co-ordinator
9.5	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 10 Information, records and data

Function		Legislative reference (where relevant)	Delegated authority
10.1	Approval and review of Freedom of Information Act 2000 publication schemes	s.19 Freedom of Information Act 2000	Chief of Staff
10.2	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
10.3	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 10.2	s.43(2) and para 17(2), Sch 3 Environment Act 2021	All Grade 6 employees
10.4	Informing a requestor that the OEP holds information and/or disclosing information held by the OEP other than information covered under delegations elsewhere in this non-financial scheme of delegation	s.1 Freedom of Information Act 2000 and reg 5 Environmental Information Act 2004	Board Secretary and Private Office Manager
10.5	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 covered by para 10.6	s.2 Freedom of Information Act 2000 and regs 5 and 12 Environmental	Head of Business, Strategy and Planning

		Information Regulations 2004	
10.6	Withholding information held by the OEP under section 36 Freedom of Information Act 2000	s.36 Freedom of Information Act 2000	Chief Executive
10.7	Undertaking a review in relation to a decision in response to an information request	n/a	Data Protection Officer or Executive Director
10.8	Approval of transfer of public records to the Public Record Office	s.3(4) Public Records Act 1958	Chief of Staff

Part 11 Legal matters

Function		Legislative reference (where relevant)	Delegated authority
11.1	Obtaining legal advice or assistance from the OEP's in-house legal team. The authorised person seeking the advice or assistance 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 person is working in, and line managers of those involved in that project or programme	n/a	The Board and all Board members or OEP employees in respect of the matters for which they have delegated authority under the delegation policy, the financial scheme of delegation or this non-financial scheme of delegation
11.2	Obtaining external legal advice and assistance. The in-house lawyer seeking external advice or assistance is taken to be doing so for the person authorised to obtain in-house legal advice or assistance under para 11.1 and their immediate team, their line manager and senior managers; and for any relevant project or programme they are working in, and line managers of those involved in that project or programme	n/a	Principal Lawyer

Part 12 Corporate and business plans

Function		Legislative reference (where relevant)	Delegated authority
12.1	Approval of a corporate plan and associated business plan	n/a	Reserved to the Board
12.2	Approval of a draft business plan	n/a	Chief Executive
12.3	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
12.4	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 12.3	n/a	Executive Director, with notification to the Chief Executive

Part 13 Programmes, projects and scoping studies

Function		Legislative reference (where relevant)	Delegated authority
13.1	Adopting a defined work programme and appointing the associated Programme Lead	n/a	Chief Executive
13.2	Appointing a Project Lead	n/a	Executive Director
13.3	Approval of the strategy and objectives for: <ul style="list-style-type: none"> a) a defined work programme (including variations) b) a project (including variations) which is strategically significant 	n/a	Chief Executive, in consultation with the Board
13.4	Approval of the strategy and objectives for a project (including variations) which is: <ul style="list-style-type: none"> a) not strategically significant, and b) large (planned to incur more than £50,000 non-pay expenditure or 40 person-days of effort) 	n/a	Chief Executive

13.5	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 40 person-days or less of effort)	n/a	Programme Lead where the project falls under a defined work programme otherwise Executive Director(s) whose line management includes the Project Lead
13.6	Approval to initiate delivery of a project which is large (planned to incur more than £50,000 non-pay expenditure or 40 person-days 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
13.7	Approval to initiate delivery of projects other than those covered by para 13.6	n/a	Executive Director(s) whose line management chain includes the Project Lead
13.8	Approval to undertake an internal scoping study for potential work or project (not to exceed £5,000 of non-pay expenditure and 15 person-days of effort)	n/a	Executive Director

Part 14: Annual report and accounts

Function	Legislative reference (where relevant)	Delegated authority	
14.1	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	Reserved to the Board
14.2	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	Reserved to the Board

OFFICIAL

OFFICIAL

23 of 30

Annex B: 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 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 13 of the non-financial scheme of delegation (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

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 secondments, contingent worker arrangements and 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	Any person with delegated authority to award the original contract in accordance with table 1.

regardless of the total contract value.	
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 Staff Terms of Service

Step	Delegated authority
Decisions on 'job-size' and resulting grading for roles within the OEP	Executive Director, in consultation with Principal Human Resources Officer
Appointment of staff on the OEP's standard terms of employment or secondment (as applicable), where the starting salary is the minimum for the applicable grade	Executive Director

Appointment of staff on the OEP's standard terms of employment or secondment (as applicable), 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 or secondment contracts in accordance with the approved funded establishment	Corporate Services Support 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
Over £25,000, up to £100,000	Chief Executive, in consultation with the Head of Finance and Corporate Services
Over £1,000, 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
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

OFFICIAL

OFFICIAL

30 of 30