



# Office for Environmental Protection (OEP):

## Annual whistleblowing report for the period ending 1 April 2023

### 1. Summary of the reason for reporting

As a Prescribed Person, the Office for Environmental Protection (OEP) has a duty to report annually on the number of qualifying disclosures made to us and to provide a summary of the action taken in respect of these. This duty aims to increase transparency in the way that whistleblowing disclosures are dealt with and to reassure whistleblowers that their disclosures are taken seriously.

More specifically, under the [Prescribed Persons \(Reports on Disclosure of Information\) Regulations 2017](#) the OEP, as a Prescribed Person, must report the following information every year:

- The number of disclosures received (which met certain criteria)
- The number of those disclosures where no further action was taken
- A summary of the action taken in relation to the disclosures
- A summary of how workers' disclosures have impacted our ability to perform our functions and meet our objectives
- An explanation of the OEP's functions and objectives

### 2. The statutory framework

Whistleblowing law is located in the [Employment Rights Act 1996](#) (as amended by the [Public Interest Disclosure Act 1998](#)). This provides the statutory framework for employment protections for workers who make a qualifying disclosure (or 'blow the whistle') about suspected wrongdoing.

The OEP is a 'prescribed person' under [The Public Interest Disclosure \(Prescribed Persons\) \(Amendment\) Order 2022](#) making it the appropriate body for disclosures on matters relating to the functions of the OEP<sup>1</sup>.

A full list of prescribed persons and their contact information may be located here: [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](#)

### **3. Whistleblowing facts 2022 to 2023**

The OEP was designated as a Prescribed Person in law in Northern Ireland in November 2022, and in England in December 2022. This is therefore our first annual whistleblowing report.

To date we have not received any qualifying whistleblowing disclosures.

When a whistleblowing disclosure is received, we will record the type of issue raised. This will be done for reporting purposes and so that we may identify and respond to any potential environmental infractions in the most expedient manner possible, in accordance with our overarching statutory objectives<sup>2</sup>.

### **4. Our approach to whistleblowing disclosures**

Our approach to whistleblowing provides an avenue for individuals to make disclosures in relation to possible infractions of environmental law by the government or public authorities in England and Northern Ireland.

Whistleblowing disclosures have the potential to help us to detect serious problems with the way environmental law is implemented and enforced. We therefore recognise the potential importance of whistleblowing to our organisation. When we receive a whistleblowing disclosure, we will consider the information provided to us, then decide and prioritise what action, if any, to take according to the nature and level of risk. This approach will be consistent with that outlined in our [strategy and enforcement policy](#) as well as our statutory obligations.

The OEP cannot provide legal advice. As such we encourage potential whistleblowers to review the [government's guidance on whistleblowing](#). Anyone considering making a disclosure may also wish to consider obtaining independent legal advice before blowing the whistle.

Further information on the OEP's approach to whistleblowing can be found in the [OEP's whistleblowing policy](#).

### **5. Our functions, objectives, and powers**

The OEP was established under the Environment Act 2021. The primary objective of the OEP is to hold government and other public authorities to account for their duties

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<sup>1</sup> [The Public Interest Disclosure \(Prescribed Persons\) Order 2014 \(legislation.gov.uk\)](#)

<sup>2</sup> <https://www.theoep.org.uk/what-we-do>

and obligations relating to environmental law. What is environmental law for the OEP's purposes is defined in [Section 46](#) of the Environment Act 2021. The two most common ways in which a public authority could fail to comply with environmental law are:

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

## **6. The impact of whistleblowing disclosures on our ability to perform our duties**

We intend to review and improve our approach to encouraging, receiving, and handling disclosures on a periodic basis. In doing so, we will take account of [Whistleblowing: prescribed persons guidance](#) from the Department for Business, Energy and Industrial Strategy (BEIS), the approach taken by other prescribed persons, specialist guidance and our own experience.

We will monitor outcomes achieved in relation to any disclosures received. Any potential enforcement action would be taken in view of our strategy and enforcement policy. As we have not yet received any qualifying disclosures there is no information to provide in this regard.

On the basis that we have not received any qualifying disclosures, there have been no impacts on the way we perform our duties. However, in anticipation of obtaining status as a Prescribed Person, the OEP has established a system for receiving disclosures, maintaining confidentiality where possible, and considering how the intelligence we may receive might impact areas of our work.