



Office for
**Environmental
Protection**

Complaint Report

Office for Environmental Protection

1 January - 31 March 2022

Background

This is the first complaints report the Office for Environmental Protection (OEP) has published since it received its statutory powers on 24 January 2022. Prior to this, complaints were received to the Interim Environmental Governance Secretariat (January 2021- June 2021) and then the Interim OEP (July 2021- January 2022). All complaints received prior to the OEP receiving its statutory powers were passed onto the OEP in January 2022 for consideration, and any time restrictions waived due to the exceptional circumstances.

Since our last report the Northern Ireland Assembly confirmed its approval for the OEP to operate in Northern Ireland. This means the OEP accepts complaints covering England, Northern Ireland, and reserved matters. There are separate arrangements for devolved matters in Wales and Scotland. Please visit our FAQ page on www.theoep.org.uk/faqs for more details and contact information.

The OEP considers complaints about suspected failures, by public authorities, to comply with environmental law. Each complaint is reviewed against the six criteria stated in the Environment Act 2021. Between January and March existing complaints were either closed (as they did not meet our criteria) or are in the process of being revaluated to determine if the OEP should investigate them. Additionally, any new complaints received were passed through our [complaints process](#). No complaints were progressed to stage 5, the decision to investigate, as we were consulting on our Strategy and Enforcement Policy. Only when these are finalised and formally published will any investigations commence.

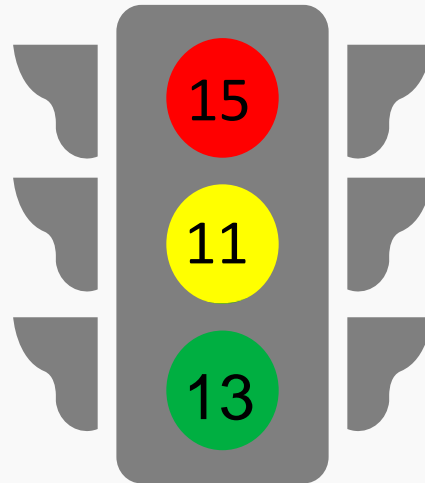
Complaint summary

When we receive a complaint, we send a receipt to the complainant and check the complaint against the criteria for complaining to the OEP in the Environment Act. If the complaint meets the criteria, we check with the public authority that their complaint procedure has been exhausted and invite them to share any relevant information.



39

39 complaints were received from the 1 January 2021 to March 2022



Closed

Waiting

Open



0

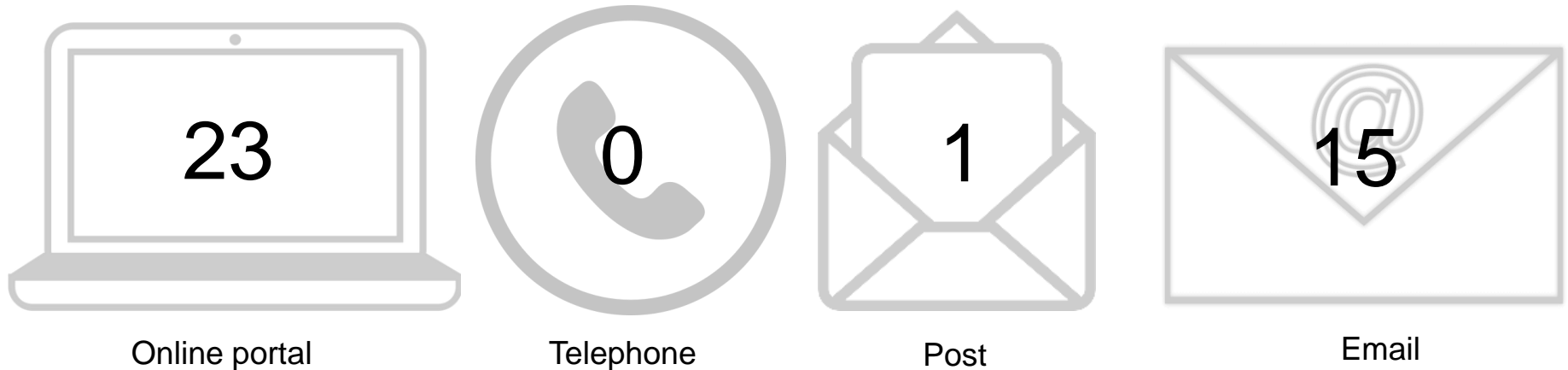
No cases have been escalated for the attention of Defra Ministers

Closed: 15 do not meet the criteria

Waiting: 11 require further information from the complainant or public authority

Open: 13 meet the criteria and are open cases awaiting a decision once the Strategy and Enforcement Policy are finalised

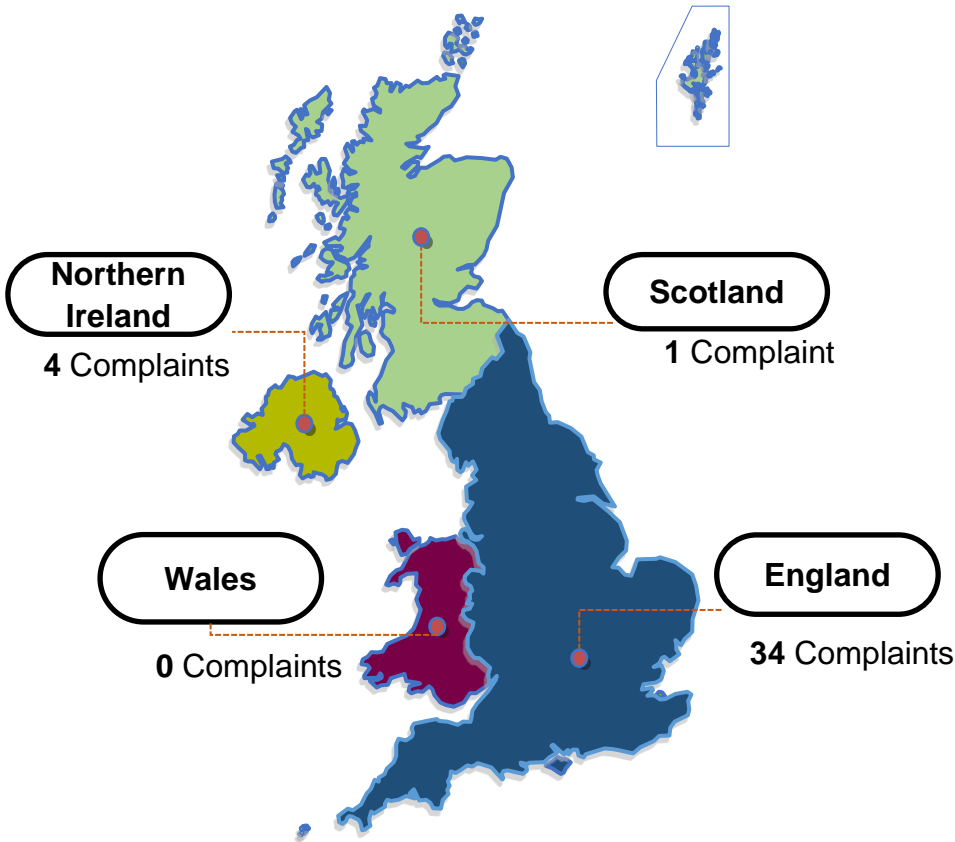
Method of complaint submission



23 complaints were received via our online complaint portal, 15 by email, one by post and none have been received by phone.

From 1 January 2021 up to 31 March 2022 most of our complainants chose to submit their complaint via our [online complaint portal](#).

Geographic breakdown



We cover breaches of environmental law by public authorities in England and Northern Ireland. We have received four complaints about Northern Ireland and 34 from England.

We received one complaint about a devolved matter in Scotland. We signposted the complainant to [Environmental Standards Scotland](#) before closing the complaint on our system.

To date we have not received any cross-border complaints.

From 1 January 2021 to 31 March 2022, the complaints received named 36 different public authorities in Northern Ireland and England, including 23 different local authorities.

Environmental Category

Environmental Category	Percentage of complaints where category mentioned
Nature conservation	25%
Pollution control	23%
Environmental governance	19%
Environmental monitoring and assessment	13%
Other	10%
Waste and resources	6%
Not environmental law	4%

Following discussion with stakeholders, we have adopted an initial approach to categorising complaints under categories of environmental law as shown above. "Environmental governance" covers the institutional framework for environmental protection as well as cross-cutting measures such as environmental reporting that do not fit in one of the other, more specific categories. The "Other" category includes things like development control. Some complaints named more than one category.

Our approach

The OEP can only legally consider complaints that meet the six criteria stated in the [Environment Act 2021](#), unless there is an exceptional reason to waive those criteria. Our approach is to aid customers when they contact us, if we realise that these six criteria are not met, we will communicate with the customer and explain the situation. In many instances we signpost customers to the appropriate public authority to either raise an initial complaint or exhaust their complaints procedure.

If it is apparent that the public authority's complaints procedure doesn't exist, or it is unclear, we will work with the public authority to ensure the complaint can be made appropriately. We aim to have open dialogue with complainants and public authorities working towards the best possible outcome.

We are also working more closely with our counterparts like the Local Government and Social Care Ombudsman, Parliamentary and Health Service Ombudsman, Environmental Standards Scotland and the Welsh Interim Environmental Protection Assessor. We will make complainants aware if their issues would be more successfully dealt with by an alternative organisation.

Next steps for complaints

During February 2022 we contacted complainants who submitted concerns to the OEP legacy organisations (Interim Environmental Governance Secretariat and the Interim OEP) . They were informed if their complaints did or did not meet our criteria. The complaints that did meet our criteria were reevaluated and progressed into the assessment stage (stage four) of our procedure. Any new complaints received from January 2022 onwards were progressed through the different stages including:

- **Stage 1** - Before complaining to the OEP the customer must ensure the Public Authority's complaint procedure is exhausted
- **Stage 2** - Submit a complaint using our online form
- **Stage 3** - The OEP checks the complaint meets the six validation criteria
- **Stage 4** - The OEP assesses the complaint in more detail

At present we have not proceeded further than stage four and will only move to stage five once the OEP Strategy and Enforcement Policy are published. This is scheduled to happen in late June 2022. At this point we will be able to progress to the next stages:

- **Stage 5** - Decide to investigate
- **Stage 6** - The OEP starts an investigation
- **Stage 7** - An outcome is reached

For further information on the stages for a complaint, please see [our complaints process](#).

Organisational updates

In February we published our [formal complaints procedure](#). This document includes a brief overview about the key information concerning how the OEP handles complaints including details about time limits, powers and purpose.

We have recently added our [reasonable adjustments policy](#) to our website, detailing how we aim to be an inclusive and accessible organisation. Additionally, we have started working on our Whistleblowing policy. As a prescribed person we will be able to take forward complaints from whistleblowers and take necessary action.

We have worked to improve our website making it more accessible and will be looking to add more features to make it easier for customers to contact us and submit complaints, helping them understand our six validation criteria.

More information

For more information about our complaints procedure and definitions, please visit our website: www.theoep.org.uk

If you cannot find an answer on the website, please email or call us:

enquiries@theoep.org.uk or call 03300 416 581



Office for
**Environmental
Protection**