

Complaints Procedure



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OEP Complaints Procedure

Under the Environment Act 2021, a person may make a complaint to the OEP if they believe that a public authority has failed to comply with environmental law.

We welcome the submission of complaints as an important part of our enforcement framework. It allows people to bring concerns to our attention which may merit investigation, supporting our work to protect and improve the environment by holding government and other public authorities to account.

This document contains the procedure you must follow to make a complaint to the OEP. It also describes how we deal with complaints. A summary of this procedure is provided on our website.

Thinking of complaining to us?

The OEP can investigate failures of public authorities to comply with environmental law.

For the purposes of submitting a complaint to the OEP, a public authority is defined as a person or organisation carrying out any function of a public nature that is not a devolved function, a parliamentary function or a function of a court or tribunal. This includes the government, agencies of government, local authorities and similar organisations. In some circumstances it includes private companies or others carrying out public functions, such as water companies, harbour authorities or other similar bodies.

If you are unsure which public authority you need to complain about, or whether the organisation you wish to complain about is a public authority, please contact us.

You may complain about a public authority where you think it has failed to comply with environmental law and your complaint meets all the criteria listed below.

Anyone can complain to us. Our service is free.

We are able to take steps to investigate the matter your complaint relates to, if we have an indication that a public authority may have failed to comply with environmental law and we think that, if it has, the failure would be serious failure. We will determine this in accordance with our enforcement policy and strategic priorities.

If you have any needs that we should be aware of, please advise us and how we can best help you.

Does your complaint meet the criteria?

Your complaint must meet all the criteria set out in the Environment Act 2021. These are listed below:

1. You suspect that an environmental law has been broken.
2. The environmental law in question relates to England, Northern Ireland or a reserved matter (which is a matter on which only the UK Parliament in Westminster can make legislation).
3. The complaint is about a public authority.
4. You are not complaining on behalf of a public authority (this is because the Environment Act does not allow one public authority to complain about another).
5. If the public authority in question has an applicable internal complaints procedure, you have already complained to the public authority about the matter and finished that procedure.
6. You must normally complain to the OEP within the specified time limit, by whichever is the later of;
 - a. a year after the environmental law was last broken, or:
 - b. if the public authority you are complaining about has an internal complaints procedure, three months since you finished that procedure.

Time Limits

The time limits for complaining to the OEP are set out in law. While complaints generally will need to be submitted to us within these time limits, we do have some discretion to consider complaints received outside of them, but only in exceptional circumstances. For example, we might consider a complaint outside of this time period where the environmental harm caused or details of a decision taken by a public authority have only recently come to light and could not have been known about any earlier.

If you are submitting a complaint outside of the time limits you should explain the reason for the delay so that we can decide if there are exceptional reasons for why we should accept the complaint.

You can find further explanations of the above criteria on the complaint form.

The purpose of the OEP Complaints System

The OEP has a specific objective and functions. The primary aim of the complaints system is to provide us with a mechanism to gain information on possible failures to comply with environmental law by public authorities. The OEP therefore welcomes complaints and the valuable insights they can provide, although we will not be able to investigate every matter that is presented to us. However, we do take a note of concerns raised and we may use

the information provided through the complaints process in our broader work, even if we do not investigate the specific matter complained about.

The OEP is unable to provide legal advice or mediate in disputes. We also cannot consider matters where the primary concern is related to matters outside of environmental law. In considering cases it is not our role to provide individual redress and we will exercise our judgment objectively. For example, it is not our role to always support the arguments of a complainant, just as it is not necessarily our role to defend public authorities faced with complaints.

The OEP's general power to investigate

As well as being able to investigate a matter following receipt of a complaint, the OEP can investigate any relevant matters that come to our attention through other sources.

For example, we can investigate concerns brought to us by a whistle-blower within a public authority even if that matter has not been raised as a complaint. We can also initiate an investigation based on information obtained through our own monitoring of the implementation of environmental law. While we would not treat these matters as complaints, we could still use the information as the basis to commence an investigation.

Similarly, although the general expectation is that a public authority's complaints procedure must be exhausted before we can consider a complaint, we may choose to investigate or take other enforcement action prior to the relevant procedure being exhausted. We may also investigate where it is not clear if the procedure has been exhausted or where we judge action to be in the public interest. This could be, for example, where:

- a. the case is urgent (for instance, serious damage could arise or increase during the period of consideration under the internal complaints procedure)
- b. there is ambiguity over whether the internal procedure covers the conduct in question
- c. the public authority's internal procedure appears to be open-ended such that the complainant is unable to progress to completion in a reasonable period
- d. the public authority's procedure is too complex or unclear for it to be reasonable to expect the complainant to exhaust it
- e. the conduct in question relates to a complex matter of environmental law, a point of general public interest, or another issue more appropriately dealt with by the OEP rather than by an individual complainant.

Before making a complaint to us

- You should first talk to the public authority about which you are considering complaining. This gives it a chance to consider your complaint. If it agrees with you, it can put things right.

- If the authority has an applicable internal complaints procedure, your complaint will need to have been considered through all stages of that procedure before you bring it to us. We will ask you to provide us with correspondence from the public authority confirming that their procedure has been completed.
- There are some things that fall outside of our remit. If you are unsure about this, you can read the guidance paragraphs at the beginning of each section of our complaint form for more information.
- Collect evidence that supports your complaint about the failure to comply with environmental law. You may later upload this to our website along with your complaint, if appropriate.
- Consider the questions on the complaint form carefully. You must answer the mandatory questions, indicated with *. If you do not do this, we may not be able to accept your complaint or may have to ask you to resubmit it.

How to make a complaint

- You can submit a complaint using our complaints form. You can complete the [form](#) online or contact us to ask for a paper form, which you can fill out and post or email back to us using the contact details below. Please note we will not accept complaints where postage is due.
- If you are unable to complete the online form or submit your complaint on the form in writing or by email, please telephone us on 03300 416 581 and we will discuss how we can support you to submit your complaint.

Our contact details:

Email: complaints@theoep.org.uk

Postal Address:

OEP

Worcestershire County Hall

Spetchley Road

Worcester, WR5 2NP

Telephone: 03300 416 581

How we will deal with your complaint

When you submit a complaint to us it will go through the following stages. Our [Customer Charter](#) provides more details about what you can expect from us.

Stage 1 Submission and acknowledgement

We will acknowledge that we have received your complaint. If you submit your complaint online, you should receive confirmation straight away. If you submit your complaint by post, we will send your acknowledgment to you upon receipt.

We will give your complaint a Unique ID number. We will include this in your acknowledgment. Please use this number in all further correspondence with us about the complaint.

If you do not receive a Unique ID number within ten working days of submitting your complaint form, please contact us so we can put this right.

Stage 2 Our first look at your complaint

We will first check if the initial information that you have submitted indicates that the complaint appears to meet the criteria:

1. You suspect that an environmental law has been broken.
2. The environmental law in question relates to England, Northern Ireland or a reserved matter
3. The complaint is about a public authority.
4. You are not complaining on behalf of another public authority.
5. If the public authority in question has an applicable internal complaints procedure, you have already complained to the public authority and finished that procedure.
6. You must normally complain to us within the specified time limit, whichever is the later of;
 - a. a year after the environmental law was last broken, or:
 - b. if the public authority you are complaining about has an internal complaints procedure, three months since you finished that procedure.

While complaints generally will need to be submitted to us within the time limits above, we do have some discretion to consider complaints outside of them, but only in exceptional circumstances. For example, we might consider a complaint outside of this time period where the environmental harm caused or details of a decision taken by a public authority have only recently come to light and could not have been known about earlier.

If you are submitting a complaint outside of the time limits you should explain the reason for the delay so that we can decide if there are exceptional reasons why we should accept the complaint.

You can find further explanations of the above criteria on the complaint form.

If we think your complaint does not meet all the criteria, we will let you know and explain why. We may contact you to clarify details or to ask for more information. For this reason, we will need an email or postal address. These details are important so that we can contact you and keep you informed about the progress of your complaint.

Stage 3 Assess your complaint

If after an initial check it looks like your complaint may meet all the criteria for complaining to the OEP, we will assess the complaint in more detail to confirm this. During this step we will review the evidence to understand which environmental law(s) may have been broken. At this point we are simply seeking to confirm if your complaint relates to a question of compliance with environmental law by a public authority. We are not, at this stage, assessing whether or not the public authority has complied with that law. This is covered in stage 5.

In stage 3, we will also contact the public authority to confirm that you have completed its complaint procedure. We may additionally ask the public authority for its comments and any relevant evidence it is able to supply.

If, after assessing your complaint in more detail, we determine that it does not in fact meet the criteria, and there is no further evidence you can provide to change that, we will write to you and let you know the reasons why. If we think the complaint meets the criteria, we will proceed to stage 4.

Stage 4 Decide whether to investigate

We will then consider whether the complaint is something we should investigate. We will decide this with reference to our enforcement policy and strategy including our prioritisation criteria. As part of this, we will need to determine whether a potential failure to comply would be a serious failure before we can investigate.

We will let you know whether we will investigate your complaint or not.

Stage 5 Investigate your complaint

Where we decide to investigate, the purpose of the investigation will be to assess whether or not the public authority has complied with environmental law. If we think it has not, we can make recommendations to address the failure.

We may ask you or the public authority for more information as we undertake the investigation.

We will keep you updated on our progress with your complaint. However, for reasons of confidentiality and legal restrictions we may not be able to provide you with specific details of our investigation while it is underway.

Stage 6 Outcome

We will produce an investigation report recording our conclusions and recommendations at the end of every investigation, unless we take a case to court. Where we take a case to court, the court judgment replaces the need for a report. We will publish our investigation reports in full unless we think there are good reasons to only publish extracts or to withhold publication.

Confidentiality

Usually, we will need your name and contact details when you submit a complaint. This is so we can keep you informed about the progress of your complaint.

We will not provide your contact details, other than your name, to the public authority. However, it is likely the public authority will already have them if you have been through its complaints process. We will have to let the public authority know your name, so that it can check its records to confirm that you have completed its internal complaints process.

We cannot normally accept anonymous complaints. Exceptionally, however, we can agree to keep a complainant's identity confidential where there is a good reason to do so. If you wish to keep your identity confidential, please contact us by email, phone or post so that we can discuss your needs and agree the best approach.

Data Protection

We are committed to keeping any personal data you submit to us secure. Please see our [Data Privacy Notice](#) for details of how we will handle your personal data in line with data protection legislation.

Reasonable Adjustments

Our service should not place anyone with a disability at a disadvantage. We have a duty to make reasonable adjustments to meet individual needs. If you have specific requirements, please contact us and tell us what you need. We will do our best to communicate with you in the way that you have asked.

Before making an adjustment, we may sometimes need to consider your request in more detail, for example by working with you to consider what adjustment would be most helpful and possible. There may be circumstances where we are unable to meet the request.

Unacceptable Behaviour

We aim to deal with people professionally, courteously, quickly, effectively and without incident.

We have an internal complaints process if you are unhappy with how we have treated you or your complaint.

Similarly, we will not accept threatening, bullying, discriminatory or abusive behaviour towards our staff. Such behaviour may make it necessary for us reduce or cease contact with someone.

Feedback

We welcome feedback on our service and how we deal with complaints. We use it to review and improve our services. If you would like to provide feedback on this procedure you can send it to us at enquiries@theoep.org.uk or through the Contact Us form on our website <https://www.theoep.org.uk/contact-us>