



Office for  
**Environmental  
Protection**

# Complaint Report

**Office for Environmental Protection**

1 October - 31 December 2021



# Background



On the 17 November 2021 the Office for Environmental Protection (OEP) was legally formed under the [Environment Act 2021](#). Prior to this, from 1 January 2021, complaints were received to the Interim Environmental Governance Secretariat, which evolved into the Interim OEP on 1 July 2021. On 24 January, the OEP received its statutory powers and all complaints received throughout this period were passed on to the OEP for consideration.

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.

At current, the OEP accepts complaints covering England and UK-wide reserve matters. Complaints concerning Northern Ireland are being accepted and held by the OEP and will be appropriately re-allocated following decision by the Northern Ireland Assembly on joining the OEP. There are separate arrangements for devolved matters in Wales and Scotland. Please visit our FAQ page on [www.theoep.org.uk/faqs](http://www.theoep.org.uk/faqs) for more details and contact information.

Now the OEP has its functions and powers all complaints received by the OEP legacy organisations (Interim Environmental Governance Secretariat/Interim Office for Environmental Protection) have been reconsidered and complainants contacted to indicate the next steps the OEP will take.

# 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.

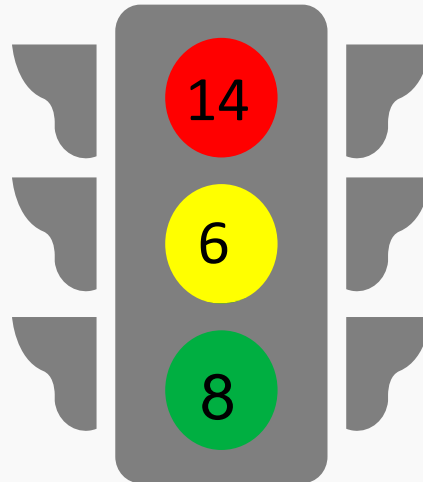


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28

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28 complaints were received from the 1 January to 31 December 2021



Closed

Waiting

Open



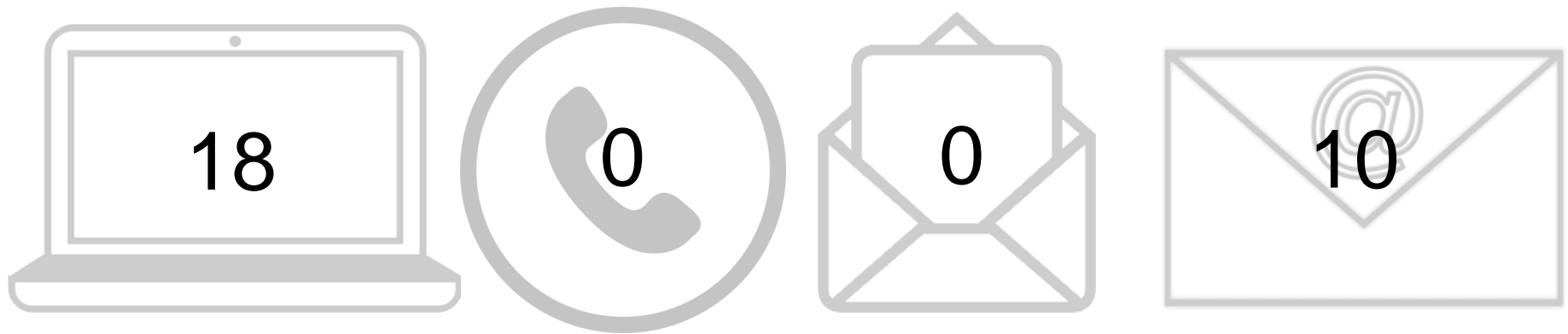
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No cases have been escalated for the attention of Defra Ministers

# Method of complaint submission

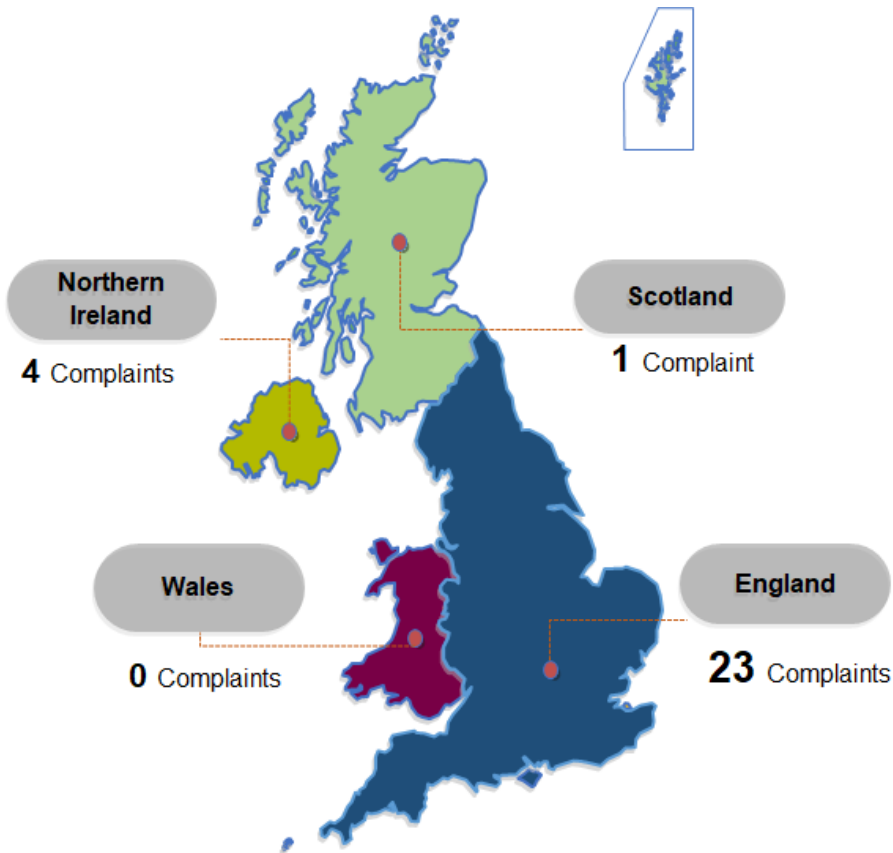


18 complaints were received via our online complaint portal, 10 by email and none have been received by phone or by post.

From 1 January up to 31 December 2021 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 are currently holding complaints concerning Northern Ireland until their position is confirmed with regards to joining the OEP. We have received four complaints about Northern Ireland and 23 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 to 31 December 2021, the complaints received named 32 different public authorities in Northern Ireland and England, including 18 different local authorities.

# Environmental Category

Environmental Category	Percentage of complaints where category mentioned
Nature conservation	28%
Pollution control	25%
Environmental monitoring and assessment	19%
Other	11%
Environmental governance	8%
Waste and resources	6%
Not environmental law	3%

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 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

Now that we have our statutory powers, we have reassessed the complaints we received, since January 2021. We assessed if any additional information was submitted and reconfirmed if the complaints met our criteria or not, in line with the Environment Act 2021. All complainants who submitted concerns to the OEP legacy organisations were then contacted to inform them of their outcome and status.

Complaints that did not meet our criteria were closed and will not be taken any further by the OEP. Complaints that do meet our criteria will be reevaluated to determine if the OEP should investigate them.

The OEP is currently engaging with stakeholders such as non-governmental organisations, charities, and members of the public, on our strategy and our enforcement policy. The consultation is open now until 22 March 2022, following which will be a review period before the strategy is published in its final form. Investigations will not commence until the OEP's strategy and enforcement policy is finalised.

Further information can be found here: [The OEP Strategy and Enforcement Policy - Office for Environmental Protection - Citizen Space](#)

# Establishing the OEP

Over the last year, since January 2021, the OEP has transitioned through three versions of the organisation. There were numerous developments over this time including substantial consultation with our key stakeholders to help inform how the OEP operates.

As a result, we developed some of our key policies, procedures, webpages and IT systems. Key information from our complaint's procedure can now be found here: [Our complaints process | oep \(theoep.org.uk\)](#) and information on what we can investigate can be found here: [What we can investigate | oep \(theoep.org.uk\)](#)

Our draft strategy and enforcement policy are also two key documents we developed over the last year. These show how we will hold public authorities to account for their non-compliance with environmental law; how we will approach complaints; how we will work with others on complaints; how we will be transparent and how we will enforce compliance where needed. The documents are currently out for public consultation until 22 March 2022, and anyone can submit their feedback- see [The OEP Strategy and Enforcement Policy - Office for Environmental Protection - Citizen Space](#). The final documents will be published in Spring 2022. Once this process is completed, we will be able to determine whether the complaints received can and should be investigated by the OEP, based on the criteria outlined in our finalised enforcement policy and strategy.

# More information

For more information about our complaints procedure and definitions, please visit our website: [www.theoep.org.uk](http://www.theoep.org.uk)

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

[enquiries@theoep.org.uk](mailto:enquiries@theoep.org.uk) or call 03300 416 581



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