

## Date

6 October 2021

## Title

Stakeholder Engagement: Strategy, Enforcement, 25YEP monitoring report.

## Report by

Louise Jakobsson and Andy Lester

Paper for agreement and discussion

Open in part

## Issue

1. Effective contributions from, and discussion with, stakeholder groups will be essential to the development of our strategy and enforcement policy. With this in mind, we are planning a phase of pre-consultation activities, in advance of formal consultation in the new year.
2. During this period, we will also be developing the key messages and recommendation for our 25YEP monitoring report. This will be supported by engagement to test content, ensure quality and secure necessary support. This approach reflects the steer from the 25 YEP Steering Group that stakeholder engagement activity is a core part of this work.
3. We are therefore likely to engage with similar groups around the same time across both strands of activities. There is a need to co-ordinate activities internally and communicate coherently externally across our engagements with our stakeholder groups.
4. This paper sets out a Strategy, Enforcement and 25 YEP integrated engagement plan. Please note that this paper does not set out in detail the consideration and aspects of the engagement needed for the 25YEP monitoring plan.

## Recommendation

5. The Board is asked to review the objectives, structure, audiences and plan for stakeholder engagement and:
  - a. agree the (additional) objectives for our engagement with stakeholders in respect of our strategy development (Para 8);
  - b. discuss and comment as to where Board members can help support, enhance and amplify our engagement;

- c. discuss and comment on the proposals

## Background

6. OEP stakeholders are, and will always remain, influential. Our theories of change and impact will rely on others acting to secure improvements that our own remit and actions cannot secure alone; we will fulfil all our functions under the influence of others' actions and voice; our 'licence to operate' will be dependent on our credibility and reputation, which stakeholders materially inform. It is a guiding policy that the OEP must be a listening and transparent organisation who manages key relationships purposefully, invests in them, and tracks and evaluates them regularly.
7. The 25YEP Steering Group has discussed the importance of effective stakeholder engagement to that project's success and agreed the below objectives:
  - a. *Strategic and focused*: deliver the most focused and impactful engagement with the resources and time available to us.
  - b. *Complements OEP expertise*: where we can, we will draw on the knowledge, expertise and goodwill of stakeholders to seek technical input and help to develop content, and test assumptions
  - c. *Builds support*: key stakeholders feel informed and engaged, and where possible support for key messages is secured in advance.
  - d. *Manages expectations*: we develop a clear understanding of the priorities from our key stakeholder and manage expectations on how we will be able to address them. This includes identifying where messages are likely not to be welcomed/or criticised and mitigate accordingly.
  - e. *Forward-looking*: we strengthen and develop the relationships that we will need for effective monitoring.
8. Similarly, we are proposing the below objectives of our engagement in respect of the OEP's strategy development to:
  - a. Ensure that important stakeholders feel that they have been engaged and had an opportunity to be listened to.
  - b. Gain meaningful insight into our strategy as it develops, as well as broad and diverse perspectives on a range of relevant issues.
  - c. Give confidence in the proposals emerging for recommendation to the Board.
  - d. Ensure that the OEP can demonstrably retain its independence.
  - e. Lay the foundations for a successful statutory consultation.
9. Stakeholder mapping undertaken by the OEP has identified a particularly wide array of stakeholder, and the OEP team has implemented a range of structures through which it engages some of its core stakeholders. This includes a stakeholder forum, stakeholder

groups focused on specific OEP functions, ALB meetings, and a meeting of the bodies (or officials) of the four nations. Outside of these structures, 1-1 meetings are regularly undertaken with a range of stakeholders at both working and senior levels, with senior meetings prioritised through our stakeholder mapping.

10. Stakeholders are supportive of our engagement to date and welcome the efforts made to keep them informed and updated, and there is an appetite for more substantive discussions on matters related to both the OEP's developing strategy, and the substance of the 25YEP monitoring report.
11. A version of this paper was also presented 29 September to the 25YEP Steering Group which was supportive of the overall framework, but highlighted the importance of an inclusive engagement approach, ensuring that no one group was overrepresented, particularly based on their ability to coordinate themselves more effectively than others.

*This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs*

## Analysis

12. A proposed integrated engagement plan is set out in Annex A. This identifies the audiences, structures and timing of engagement proposed relevant across Strategy, Enforcement policy and 25YEP monitoring report. The headings used in this plan are expanded below in this section.

### Audience

13. Audience groups have been identified from the stakeholder mapping activity undertaken, which has been further reviewed to develop these proposals. We have sought to identify coherent groups around which our engagement approach can be structured.
14. **Environment NGOs** are a critical audience group.

*This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs*

15. **Business and the environment groups** are an important, overlapping, but distinct group. They are important in giving breadth to the voices represented by the eNGOs. Key convening groups in this segment are the Aldersgate Group and Broadway Initiative.
16. **Environmental legal experts** have been advocates for the establishment of an OEP and will be a core stakeholder group for our strategy development, including through their representative association UKELA.

*This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs*

17. **Those we oversee** are necessarily public authorities but are nonetheless diverse in their awareness, and level of engagement in development of the OEP positions to date. It is expected that engagement with this group must be tailored to reflect its diversity. The following groupings are proposed:
  - a. **Defra core ALBs:** Environment Agency, Natural England, Marine Management Organisation, Forestry Commission and Joint Nature Conservation Committee.

*This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs*

- b. **Local authorities** have wide responsibilities for implementation of environmental law. They are disparate, of differing size and structures, and have varying levels of awareness of the OEP's role and remit. Obligations under environmental law are one of a wide variety of obligations within their remit. The Local Government Association and ADEPT (representing Directors of Environment and similar functions) have been active in our engagement to date.
- c. **Other public bodies**, including central government. This is a wide and diverse group including (to varying degrees of impact) all central government departments, their agencies and some private entities

*This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs*

- 18. Several **specific groups are mentioned in the Environment Bill**, with obligations for the OEP to define its relations and approach specifically. While these groups may fall within other categories, a distinct engagement approach is needed to enable discussions tailored to the specifics of each. The Climate Change Committee, the Ombudsmen and the equivalent bodies in devolved administrations fall within this group. The CCC will also be an important stakeholder for the 25YEP monitoring report.
- 19. Discussions with **Defra Group leadership, Ministers and Parliamentarians** will be different in content, approach and substance to each other, but a commonality of approach is proposed. These stakeholders are grouped for that purpose. For the 25 YEP monitoring report, engagement is also being undertaken at **working level with relevant Defra teams** with a stake in the EIPs and relevant policy teams.
- 20. Technical **experts in environmental science and policy**, have a central role to assuring and reviewing quality in our monitoring activities. These may be drawn from within organisations otherwise represented, or independently. These experts will provide challenge and confidence to emerging recommendations and have voice in the way outcomes are received. This is audience is more relevant to the 25YEP monitoring report.
- 21. Additionally, a wide range of others with **specific expertise** in particular aspects of the strategy development and/or components of it may be engaged to draw in learning and good practice from a range of sectors. Such discussions, such as with other regulators on some of the principal questions in the enforcement policy, will be convened as necessary.

### Mechanisms

- 22. A range of mechanisms have been used to date in delivering the OEP's engagement activity. We have considered these, the specific audience groups, and the expectations for the discussions that will most add value across both the 25 YEP and the strategy. The following mechanisms are proposed in the plan as set out in Annex A.
- 23. The **existing stakeholder forum** convenes around 25 stakeholders from across the above stakeholder groups.

*This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs*

It is proposed to meet monthly through the autumn with its existing membership, as a 'hub' for information dissemination and coordination. Similar hub meetings already occur with core ALBs and the four nations, in each case monthly.

24. There are two **existing stakeholder groups** – one each for Complaints and Enforcement (operating since 2020) and Scrutiny and Advice (operating since July 2021).

*This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs*

These are more discursive sessions and designed for questions where breadth of perspectives is most valued.

25. We propose to convene **special interest groups** of some of the audience groups identified above, to consider questions of interest to those groups across our strategy and enforcement policy development and the 25YEP monitoring report as appropriate. These will provide more focused forums, allowing issues to be considered with more depth and specific expertise. We are currently exploring workshops/roundtables for:

- **eNGOs** (in consultation with Greener UK and Wildlife & Countryside Link and others): We are proposing sessions on the 25YEP report, strategy and enforcement policy. We are exploring options with interest across relevant organisations being canvassed.
- **Business and environment groups** (in consultation with Broadway Initiative, Aldersgate Group): We are proposing sessions on the 25YEP report, strategy and enforcement policy. We are exploring options and timings.
- **Legal experts** (in consultation with UKELA): we are proposing one session on our strategy and enforcement policy combined.
- **Core ALBs**: we are proposing one or more targeted sessions on strategy and enforcement policy. We are engaging on the 25YEP monitoring report through bilateral engagement to seek technical input.
- **Local authorities** (in consultation with the LGA and Adept): we are proposing one session on our strategy and enforcement policy combined.
- **Other public authorities** (in consultation with Defra): we are proposing one session on our strategy and enforcement policy combined.
- **Devolved Authorities**: We are proposing one session tailored to those aspects relevant to our interaction with DA's.

26. We also propose to conduct **1-2-1 semi-structured interviews** with specific priority contacts on specific questions around our strategy and enforcement policy. These will include, for example, with the Legal Directors of the core ALBs, and may include selected stakeholders. The interviews are proposed to include relevant parts of a common set of questions, to enable information extraction, but with licence to allow expansion in discussion as required

27. We will ensure that the existing schedule of **Chair/CEO engagement** is informed by the timelines needed for contribution to the work. It is proposed that briefings and key questions be discussed in these existing sessions and forums.

*This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs*

28. We are also developing plans for targeted stakeholder engagement in the new year with NI stakeholders subject to the Assembly giving agreement to our remit. In the meantime, we are planning to invite NI bodies to join our general discussions and events on the development of our strategy, enforcement policy and 25YEP progress report as regular stakeholders. These discussions will not focus on NI specific aspects, until such time as our role is clear.

## Finance and Resource

29. This is an ambitious engagement plan and will require a significant amount of resources through the autumn. It is currently recognised as a priority by the senior leadership team.

## Impact Assessments

### RISK ASSESSMENT

30. There is a risk that stakeholders are unable to contribute effectively to the extent proposed and outlined. This is mitigated by development of the specific interest group discussions in consultation with key bodies within those communities, and efforts to schedule as early as possible within the autumn period. The risk is particularly relevant given the demands on stakeholders from COP26.
31. There is a risk that constrained resources for intended activities compromises their quality and effectiveness. This is mitigated in part by the merging of the two engagement strands, which will allow more effective use of resources.
32. There is a risk that we do not reach a sufficiently broad network of stakeholders, or that particularly influential organisations or individuals are not engaged. This is mitigated by the stakeholder mapping undertaken and ongoing consultation with the Board and relevant stakeholders.
33. There is a risk in the extent to which this activity can include stakeholders from Northern Ireland, in advance of the Assembly's decisions.

*This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs or relations within the United Kingdom*

### EQUALITY ANALYSIS

34. Specific engagement with those representing underrepresented groups has not been scoped. This will be sought in statutory consultation.

### ENVIRONMENTAL ANALYSIS

35. This proposition is not considered to have any material impact on any obligations of the OEP under environmental law or regulation. It is proposed that all activities be undertaken virtually.

## Implementation Timescale

36. It is aimed to begin to schedule these activities as soon as is practical. This is to accommodate for the publication of the 25YEP monitoring report and strategy consultation is planned for the beginning of next year.
37. The engagement programme will be staggered as and when we develop content to be consulted on, with many of the broader special interest group activities to take place late October/ November.

## Communications

38. We will alongside this developing a launch and communication plans for the strategy and the 25 YEP monitoring plan.

## External Stakeholders

39. These proposals have been developed following feedback and discussion in the existing stakeholder forums.
40. Relevant proposals will be discussed with nominated stakeholders (as set out above) to finalise the structure, nature and content of the 'special interest group' sessions.
41. An outline of the planned activities is also intended to be discussed with stakeholders at the next stakeholder forum.

## Internal Stakeholders

42. This has been informed by the Strategy and Functions Working Group and the SLT.

## ANNEXES LIST

### ANNEX A – ACTIVITIES PLAN FOR 2021

Audience	Timing	Channel	25YEP / Strategy	Partners	Output – Action
eNGOs	Oct – Dec	Stakeholder Forum	Both	N/A	Updates and liaison
	Oct – Nov	Sub Groups	S&A – Oct S&A – Nov		Discursive around specific questions
	Oct – Nov	Specific interest group	Both	Green Alliance W&CL to support coordinate ENGO's	3x Discursive – Strategy overall 25 YEP Enforcement including deep dive on specific question / topic
	Oct-Dec	CEO/Chair	Both	Green Alliance RSPB W&CL Client Earth	Specific discussion & questions Or/ potential Roundtable with all
Business & the environment	Oct - Dec	Stakeholder Forum	Both	N/A	Updates and liaison (representative groups only)
	Oct – Nov	Sub Groups	S&A – Oct S&A – Nov		Discursive around specific questions (representative groups only)
	Oct – Nov	Specific interest group	Both	Aldersgate Group/Broadway Initiative	3x Discursive – Strategy overall 25 YEP Enforcement including deep dive on specific question / topic
Legal (for strategy/ enforcement)	Oct - Dec	Stakeholder Forum	Both	N/A	Updates and liaison (representative groups only)
	Oct – Nov	Sub Groups	S&A – Oct S&A – Nov		Discursive around specific questions (representative groups only)
	Oct – Nov	Specific interest group	Strategy	UKELA	Discursive – deep dive on specific question / topic
	Nov	Structured interview	Strategy	As appropriate individual lawyers	Structured interview questions. Richard to advise on any specific legal contacts
ALB & those we oversee	Oct - Dec	Stakeholder Forum	Both		Updates and liaison (representative groups only - LG)



	Oct - Dec	ALB Forum	Both		Updates and liaison (core ALB only)
	Oct – Nov	Sub Groups	S&A – Oct S&A – Nov		Discursive around specific questions (representative groups only - LG)
	Oct – Dec	Specific interest group (Other)	Both?	Liaise with John Collins to link as appropriate with Defra group	Discursive – deep dive on specific question / topic – Re format a meeting time and expectation to accommodate.  To include Ombudsmen
	Nov	Specific interest group (local govt)	Strategy	LGA or ADEPT	Discursive – deep dive on specific question / topic. Focus on local authorities and enforcement
	Oct-Dec	CEO/Chair	Both	NE, EA, JNCC, MMO	Specific discussion & questions.
	Nov	1-2-1 Senior	Strategy	TBC (to include senior lawyers)	Structured interview questions addressing any gaps
Defra Group	Oct - Dec	1-2-1 Senior	Both	Sponsorship team	Updates and liaison
	Oct - Dec	CEO/Chair	Both	Minister Pow SoS TF / DH	Messages to line up to rhythm of meetings already in place Inform and land and gain pre-clearance sense check
	Oct - Dec	1-2-1 working level	25 YEP	Defra teams – 25YEP, OIF, EAU, Policy teams, etc	Regular engagement to inform and seek input where appropriate
Devolved Authorities	Oct - Dec	4 nations meeting	Both		Updates and liaison
	Nov- Dec	Specific Interest stakeholder group	Both		Specific meeting for DA
	Oct - Dec	CEO/Chair			Specific discussion & questions.
CCC	Oct - Dec	Stakeholder Forum	Both		Updates and liaison
	Nov	CEO/Chair	Both		Specific discussion & questions.
	Oct-Nov	Working level regular meeting	Both		Regular monthly catch-ups as with ALBs and DA
	Oct-Nov	Senior 121	Strategy		

Parliamentarians	Oct - Dec	CEO/Chair	Both		Messages to line up to rhythm of meetings already in place/to be established Inform and land and gain pre-clearance sense check
Environmental experts and others expertise	Oct - Dec	1-2-1 Working/Senior	Both	EA, NE others Royal Society, UKRI (25YEP)  Others	Structured discussions testing and gaining insight into findings