



31 AUGUST 2022

MEMORANDUM OF UNDERSTANDING

between

OFFICE FOR ENVIRONMENTAL PROTECTION

and

PARLIAMENTARY AND HEALTH SERVICE OMBUDSMAN

Parties

1. The Office for Environmental Protection (OEP) of Worcestershire County Hall, Spetchley Road, Worcester WR5 2NP, and
2. The Parliamentary and Health Service Ombudsman (PHSO) of Citygate, 47-51 Mosley Street, Manchester M2 3HQ.

1 PURPOSE AND SCOPE

- 1.1 This Memorandum sets out the framework for the working relationship between the OEP and PHSO. It is intended to inform our staff and the public about how our organisations wish to work together.
- 1.2 The OEP and PHSO are independent bodies that recognise each other's statutory powers and responsibilities. Their duties and powers are not limited in any way by this Memorandum, including the statutory right of each body to investigate or regulate the other. This Memorandum is not legally binding, and no legal duties, rights or obligations arise from it. However, OEP and PHSO may collaborate and co-operate, where appropriate and lawful to do so, to further their shared aim of environmental legislative compliance.
- 1.3 Each organisation will take steps to ensure that relevant staff are aware of what is in this Memorandum. They will keep staff updated about any changes to it and the responsibilities it places on each organisation and the work that they do

2 LEGISLATIVE FRAMEWORK AND CORE FUNCTIONS

The OEP

- 2.1 OEP was established under the Environment Act 2021. Its principal objective is to contribute to environmental protection and the improvement of the natural environment.
- 2.2 OEP has statutory functions to hold public authorities to account for their environmental commitments. These include enforcement functions, under which the OEP may, amongst other things, receive complaints and undertake investigations into public authorities' suspected failures to comply with environmental law. The OEP can undertake investigations only where it believes there has been a "serious" breach of environmental law. The OEP's functions also include providing scrutiny of the Government's 25-year environment plan, advising Government on environmental law and related matters and monitoring, and reporting on the implementation of environmental law.
- 2.3 Public authorities must co-operate with the OEP, and give it such reasonable assistance as it requests, including through the provision of information. Except in limited circumstances the OEP must keep such information confidential until after it decides not to take further steps in relation to a matter.
- 2.4 Under section 23 of the Environment Act the OEP must prepare a strategy which, amongst other things, sets out how it intends to avoid overlap between the exercise of its complaints handling functions and functions of relevant ombuds, which include PHSO.

PHSO

- 2.5 PHSO was set up by Parliament to provide an independent complaint handling service for complaints that have not been resolved by the NHS in England and UK government departments.
- 2.6 PHSO comprises two statutory offices, namely the Parliamentary Commissioner for Administration and the Health Service Commissioner for England. This office has always been held by one individual. The PHSO therefore has responsibilities under two pieces of legislation, namely the Parliamentary Commissioner Act 1967 and the Health Service Commissioners Act 1993.
- 2.7 In accordance with these Acts, PHSO has the power to require individuals and organisations to produce information and provide documentation relevant to an investigation.
- 2.8 The legislation prevents PHSO from disclosing the purpose of any investigation, or any information obtained during an investigation, except in limited circumstances and following the conclusion of the investigation.

3 PRINCIPLES OF COOPERATION

3.1 PHSO and OEP will:

- a) Respect each other's independent status.

- b) Secure openness and transparency between the two organisations in their dealings with each other and in how they exercise statutory powers requiring the release of information, subject to any legal restrictions.
- c) Secure collaborative working between the parties in areas where their functions overlap, to minimise conflicting activities.

4 CONSULTATION AND AREAS OF COOPERATION

- 4.1 OEP and PHSO may consult with each other before taking steps that may affect the other party, particularly if they discover that they are investigating the same or related incidents. The intention of such consultation will be to discuss what, if any, practical arrangements should be put in place so that both parties can fulfil their respective functions as fully, effectively, and efficiently as possible.
- 4.2 OEP and PHSO will endeavour to signpost complainants to each other as necessary.

5 LIAISON MEETINGS

- 5.1 Representatives of PHSO and OEP will meet as appropriate to consider matters of mutual interest arising from their respective functions.
- 5.2 Each party will ensure the other has been provided with an appropriate named contact or named role to liaise with as required to carry out day to day cooperation.

6 CONFIDENTIALITY

- 6.1 PHSO and OEP will handle all information exchanged appropriately and in line with their respective privacy notices, in accordance with data protection legislation.
- 6.2 The participants do not intend that this MoU shall cover any sharing of personal data by the participants and will take account of each other's statutory responsibilities in relation to the disclosure of sensitive information.
- 6.3 Where either party receives a request for information under the Freedom of Information Act 2000, Environmental Information Regulations 2004 or the Data Protection Act 1998 or 2018, they will endeavour to consult with the other party before disclosing information that would affect the other party's responsibilities. However, this does not apply to requests for information that relate to either party's regulatory oversight of the other party.

7 MONITORING AND REVIEWING THIS MEMORANDUM

- 7.1 Either party may suggest amendments to this Memorandum but the approval of both will be required to make a change.
- 7.2 This Memorandum commences on the date set out at the top of page one. The Memorandum will be reviewed initially after 12-18 months of the operation of OEP and thereafter every two years or when changes to either party's legislation

or directions are made. It will also be reviewed if the principles described above need to be altered and/or cease to be relevant for any other reason.

8 KEY CONTACTS AND DISPUTE RESOLUTION

8.1 Details of key contacts will be maintained by PHSO and OEP.

8.2 Where either party identifies problems or disputes in operating this Memorandum, it will seek to resolve them quickly and informally. Representatives of the signatories agree to discuss how best to resolve the issues at an appropriate level but if this is not possible then the Chief Executive of PHSO and the Chief Executive of OEP will take responsibility for achieving a mutually acceptable resolution. Their decision will be final.

Signatures to the Memorandum

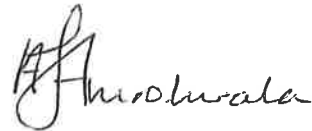
Signed:



Name: Natalie Prosser

Date: 31 August 2022

Signed:



Name: AMANDA ANIOLWALA

Date: 31/8/22