

Environmental Audit Committee

Oral evidence: Work of the Office for Environmental Protection, HC 1210

Wednesday 23 March 2022

Ordered by the House of Commons to be published on 23 March 2022.

[Watch the meeting](#)

Members present: Philip Dunne (Chair); Sir Robert Goodwill; Clive Lewis; Caroline Lucas; Cherilyn Mackrory; Dr Matthew Offord; Valerie Vaz; Claudia Webbe.

Questions 1 - 56

Witnesses

I: Dame Glenys Stacey, Chair, Office for Environmental Protection; and Natalie Prosser, Interim Chief Executive Officer, Office for Environmental Protection.

Examination of witnesses

Witnesses: Dame Glenys Stacey and Natalie Prosser.

Q1 **Chair:** Welcome to the Environmental Audit Committee's evidence session with the Office for Environmental Protection. I am very pleased to welcome Dame Glenys Stacey, who is the chair, and Natalie Prosser, who is the interim chief executive, both of whom appeared before our Committee in a virtual meeting before the organisation was formally constituted. I invite you to say a few words, Dame Glenys, about the transition from being a non-statutorily constituted organisation to one that is now formally up and running.

Dame Glenys Stacey: Thank you very much, and thank you for the kind welcome and the invitation to appear—we do appreciate it.

We have made the transition. We still have much work to do. There will always be a fair amount of work for the OEP to do, I think, but we have made good progress and are on course now to deliver.

Reflecting on where we are in preparation for this meeting, it seems to me that we have done much of our forming, storming and norming, as they say. We are established as operationally independent of Defra, with our own payroll, financial infrastructure, IT systems, press office, website and so on, on our own two feet. We are not yet in our planned home in Worcester, but we are making steady progress on getting to that. Meanwhile, we are lodged temporarily in other offices in Worcester, so we are at least there.

Our initial recruitment is very nearly complete with all our executive directors now with us, much to Natalie's relief. Now our remit has very recently been extended to Northern Ireland, as you know, so we are turning our attention to extra recruitment because of that. We are now progressing with authority the early work that we have done to build the right foundations to deliver well in Northern Ireland.

Our board is very much in the rhythm of meeting regularly and is working well, with a Northern Ireland member due to join us shortly. The all-important relationship between the board and the executive is established and off to an exceptionally good start, and I am delighted with that.

We have the funding, as you know, that we judge we need for the year ahead, but of course we welcome the Government's commitment to review our funding for future years, as we are likely to need more people soon enough and we expect to be able to demonstrate that unequivocally before the business year-end.

Turning now from storming and norming to performing, I should make it clear straightaway that having met several times, our board is already concerned about the slow pace and limited scale of government endeavours to protect, restore and enhance our environment and so the clearly stated intentions and ambitions.



HOUSE OF COMMONS

We continue to see extremely worrying and persistent trends of environmental decline, and it seems to us that making the necessary course adjustment is exceptionally difficult, but it is absolutely necessary now for our health, wealth and wellbeing and it is essential for generations to come.

You perhaps know that as an interim body, we gave advice to Government on their draft environmental principles policy statement and we understand they have found our advice helpful. We see exceptional opportunities now in the months ahead. With the Government poised to publish the environmental principles policy statement and settle those statutory targets and, we hope, other targets, and as they consider the next iteration of the 25-year plan, we do wish to press home unequivocally that case for change, given the urgency, scale and breadth of endeavour that is needed now.

Chair: Can I interrupt you for a second? We have quite a lot of questions to ask and I do not want you to cover all the answers in your opening comments, although they are all very helpful.

Dame Glenys Stacey: Okay. Let me just conclude by saying that we see opportunities ahead this year and we intend to grasp them. We will act strategically, as Parliament intends, and we will indeed fulfil our remit to the full.

Q2 **Chair:** Thank you.

Natalie Prosser, in our brief you are still the interim chief executive. I think that is because the Secretary of State has to confirm your appointment or the appointment of the chief executive. Can you tell us where that process has got to?

Dame Glenys Stacey: It might be more politic for me to deal with that.

Chair: Perhaps it would.

Dame Glenys Stacey: You are right. Natalie is an interim chief executive. We are currently recruiting for our permanent chief executive. Interviews are scheduled, I think, in the next couple of weeks, so we are very nearly there. It is not a Secretary of State appointment.

Q3 **Chair:** It's not?

Dame Glenys Stacey: No.

Chair: Okay, but the Secretary of State has some influence over the non-execs that have been appointed now.

Dame Glenys Stacey: Very much so. The board members are appointments of the Secretary of State, but there was an open recruitment process. I was on the recruitment panel. I am very sure it was a fair and open process, and I am delighted with the results.

Chair: Okay. But that relates only to the non-execs and the chair, not to the executives.



HOUSE OF COMMONS

Dame Glenys Stacey: No. The executives are for the OEP.

Chair: Right. So you, as the group of non-execs, will be making the decision on the appointment of the permanent chief executive.

Dame Glenys Stacey: That is right. I can check this, but technically we have a recruitment panel—I chair it, and we have another board member on it and an external person as well. I think that it is for that panel to make the decision on behalf of the board.

Q4 **Chair:** When the OEP was being conceived and the legislation was going through, one of the challenges was how it would be able to demonstrate independence from the sponsoring Ministry. We, as the Committee carrying out pre-legislative scrutiny, made some suggestions that it should be responsible directly to Parliament, similarly to the National Audit Office, but the Government rejected that advice. Do you see any difficulty in demonstrating your independence with the way in which the board is constituted and you recruit your staff?

Dame Glenys Stacey: I recollect your arguments and fully appreciate the rationale for the view that you took. I do not argue with that view, but of course I am appointed under the arrangements that were agreed. I have not found it at all difficult to be independent. I have said it publicly before: it is all in the doing. I do think, candidly, that the nature and quality of the appointments that have been made to our board are testament to the fact that this will be a strong and independent body. I see no reason to doubt that, with my experience in that body to date, but of course I do understand your arguments for a different model. However, I am here to make the best of the model we have and to do it relentlessly, objectively and independently.

Q5 **Chair:** Thank you. From my brief experience in government and looking at non-departmental bodies, I was aware of framework agreements and governance arrangements that were put in place for other non-departmental bodies. Do you have your framework agreement agreed with Defra?

Dame Glenys Stacey: Would you like to know the position? I expect you would.

There is a new model for these framework documents now. The Cabinet Office has produced a new model—it does not want a thousand flowers blooming—so we are looking at that and working with Defra to get to the right framework document for us that reflects our particular nature, particularly in terms of our independence. My understanding is that we are very nearly there with that. We are very sure of the sorts of protections we need in that document to make sure that the commitment to our independence is demonstrable, and we are still having those discussions with Defra.

Q6 **Chair:** Thank you. We will have a look at that document when it is available. If you could send it to us, that would be most helpful.

You touched on the review that you are expecting to have. I think that



HOUSE OF COMMONS

the Secretary of State has indicated that it will be within 18 months of your becoming a statutory form.

Dame Glenys Stacey: Yes, that is right. In the letter that we had just a couple of days ago—or even yesterday, I think—it is set to happen within 18 months of our vesting and that is standard Cabinet Office guidance now for any new body. We are hopeful that that happens at a reasonable time, perhaps at the back end of this calendar year. It has to happen within that 18 months, but we would like to have that review as soon as we are more certain of our funding requirements; obviously the sooner done, the sooner sorted.

Q7 **Chair:** So you will use that as an opportunity to confirm to the Government your view as to the adequacy of your budget, resources and so on.

Dame Glenys Stacey: That's right. We expect to have real experience of doing the job in action. These next few months will demonstrate for ourselves and for Government what is actually needed, we expect. We would also want the opportunity to demonstrate in that review that we are effective and efficient. We do not expect to be given money without being able to do that, but I do believe we will be able to demonstrate then that the numbers we have at the moment—and it is the number of people that I would like to particularly focus on, Chair—

Chair: Just before you do, I know that Robert Goodwill has some specific questions on this, so I would like to move to him to ask them.

Q8 **Sir Robert Goodwill:** Thank you. I would like to ask about resourcing and staffing.

As I understand it, you have £8 million this year, and next year you are going to have a little bit more—just over £11 million; £11.5 million—to set up, and then it settles down to £7.25 million with inflationary increases. Is that sufficient to achieve all your ambitions for the organisation?

Dame Glenys Stacey: I will make sure that I get to Natalie Prosser in a minute because she has the detail. But no: the short answer is that our position—we have made this clear to Defra—is that we do think we are able to set up the organisation as we have and that we can deliver well in the year ahead with what we have for the year ahead. However, we expect that as we get into the rhythm of our work, particularly if we get significant numbers of complaints that, in turn, we find to be serious and have to be investigated, we are very likely to need the money to purchase the right people power to do our work and that is as important as the money, if you like, given some of the people-number constraints across government at the moment.

Natalie, you probably want to add to that.

Natalie Prosser: My observation is that the ringfenced budget that you will have seen in the letter to the Committee provides a baseline for OEP. We have modelled as best we can our likely forecasted resources. That



HOUSE OF COMMONS

inevitably is challenging for an organisation still in establishment and that is why the review that has been committed to is critical for the OEP, because it should take place at a time when we have been fully operational and can assess with a degree of granularity that it is reasonable to expect of us the long term resourcing needs of the OEP in terms of both funding and people. We very much see the ring fence as the starting position. We suspect that it will not be the finishing position, hence the importance of the review.

Q9 Sir Robert Goodwill: What sort of headcount will that budget give you? How many people are you going to have on the payroll?

Dame Glenys Stacey: At the moment we have 53 people. We have permission for the year ahead to have up to 10 additional people on and off, so getting into the mid-60s there, and of course we have our staffing to cover the Northern Ireland remit still to settle, so we may be getting up to about 70 people. I think when I last appeared before you I suggested, with a finger in the air, that we might need 80 to 85 people. Other figures have been bandied about in the past. The parameters seem to be about 60 to 120, and I know that has been modelled in work done, commissioned by Defra, in the past, but only time will tell—only experience will tell us. We know that we are lean at the moment. We know that we are making the very best of the resource we have and we have a very flexible model, but experience tells us both that this will not do.

Q10 Sir Robert Goodwill: So what will be the mechanism if you decide you need more money? Will it be Defra, the Treasury or Committees like this one, or will you be lobbying the Government?

Dame Glenys Stacey: There is a sort of staged process. I would call it that. Do you want to set out the stages for us, Natalie?

Natalie Prosser: A ringfenced budget within the Defra allocation is quite unusual. Alongside the baseline, we are entitled to bid for uplifts both in the next financial year and subsequent financial years in the same way that any arm's length body of Defra can do. It has been indicated to us that Defra will be open to us making those supplementary bids and we are likely to.

In substance, the review of the OEP's resourcing has long been committed to by the Government as being the meaningful proper evaluation of the OEP's resourcing needs. What we anticipate is that the outcome of that review should give a clearer evidence-based indication of what the OEP needs for its ongoing, long term operations. There are two mechanisms. One is the in-year ability to bid for supplementary resourcing, but the substantive point is the independent review due to take place, we expect, towards the back end of this year and that will be very important to settle the funding of the OEP's second full year of operations.

Q11 Sir Robert Goodwill: This question might expose my ignorance of how it works, but might the organisation be getting any fines or fees?



HOUSE OF COMMONS

Natalie Prosser: No.

Q12 **Sir Robert Goodwill:** Not at all?

Natalie Prosser: No, none.

Dame Glenys Stacey: No, it is a very straightforward funding model.

Q13 **Sir Robert Goodwill:** You are located in Worcester. That will be of interest to quite a few organisations that are moving around the country. How many of the people you have recruited were already based in Worcester and saw that as an opportunity, and how many people do you expect to recruit elsewhere who will move to Worcester? I know that quite a lot of the levelling-up agenda is about sending various organisations out to the far reaches of the country.

Dame Glenys Stacey: We have the figures to hand.

Natalie Prosser: Yes. About 70% of the offers we made to staff were to individuals already located either in Worcestershire, West Midlands or the south-west, so within commuting distance of the Worcestershire office. That is the majority of our staff. All our staff, with the exception of a very small number of legacy staff who moved under machinery of government changes, are on Worcester-based contracts. Although we might anticipate a small number of our staff relocating, the vast majority live within commuting distance of Worcester, which we are very pleased about as an outcome.

Q14 **Sir Robert Goodwill:** That is interesting. You are a new organisation. It is probably different for an organisation that is being transplanted.

What about the diversity of your applicants? The panel giving evidence today is not very diverse.

Dame Glenys Stacey: I think it is fair to say that like others in the sector, we have tried very hard and it has been exceptionally difficult, but there are other opportunities. Again, we have figures to hand.

Natalie Prosser: We aimed, in our recruitment, to make the OEP as diverse as we possibly could and we did that recognising that the environmental sector does have a diversity problem. We recognised that from the outset. As for the outcome, the OEP has an even gender balance, with just slightly more women than men in the organisation. About 8% of our staff declare a minority ethnic background and just under 80% declare having a white ethnic background. That does leave us with a little margin of undeclared, which in a small organisation is quite statistically significant, but parking that, as we move forward as an organisation, the need to bring in diversity of perspectives and views is at the core of what we are doing. We are doing work at the moment to consider what alternative options we can explore. For example, we are very interested in opening up apprenticeship opportunities, the potential for unpaid internships and outreach from our staff into our local community because we see an opportunity in the environmental sector to provide opportunities for people to join the sector rather than recruiting



HOUSE OF COMMONS

from pools that we have found to be lacking in diversity. We are not where we want to be, but it is not as bad as it might have been, I think. Progress has been made. We recognise, particularly as a new executive, that we need to do more and we are committed to doing more.

Sir Robert Goodwill: Thank you very much.

- Q15 **Clive Lewis:** I have one comment on that. Those figures can hide the fact that many people from black and ethnic minorities and those with protected characteristics tend to be at the lower level of an organisation, and when you look at the higher levels of an organisation, you tend to find that the diversity numbers drop off. I am sure you are aware of that.

Natalie Prosser: That is an acute observation hence why, for us, we are particularly interested in opening up opportunities for young people, particularly—and career changers, because that is another opportunity—to join our organisation, using the benefit of the significant range of skills and experience we have within our organisation to outreach, and in doing that in the local community and where we are based. We see opportunities.

- Q16 **Cherilyn Mackrory:** I want to talk about the OEP's strategy. The Environment Act required the OEP to publish a strategy that sets out how it intends to exercise its functions. Can you tell me, perhaps Dame Glenys to start with, what models from other organisations you examined when you were developing the OEP strategy, or the draft strategy, which is where we are.

Dame Glenys Stacey: Yes, of course. Thank you.

We did consider other approaches. We considered the long-established other regulatory oversight approaches, risk abate approaches, earned autonomy or contrast and compare, those sorts of standard regulatory tools, but they do not fit terribly well.

We then considered a functional approach. We have specific functions—monitoring, law enforcement and so on—and we could have done a functional strategic approach but we see the dangers in that in terms of silo approaches and we want this organisation to have the most impact. There we were looking particularly at the NAO's principles of effective regulation where there is a strong stress on organising and strategising to maximise impact and that is what we have done.

I should say that we spoke to a good number of people here in coming to this view. On complaints, for example, we spoke extensively to bodies that have real experience of dealing with a wide range of complaints—the EA, NE, the MMO, the Parliamentary and Health Service Ombudsman and so on—and we spoke to other oversight bodies about strategy more generally. The Equality and Human Rights Commission is one such example. We also spoke to other stakeholders of ours, so we did a good amount of talking and thinking, and a fair amount of review and analysis, and we came to the conclusion that the best approach was to aim for impact and were confident enough about how we might do that to set it



HOUSE OF COMMONS

out for consultation at this point, which is what we have done. So the strategy is not settled necessarily, although I must say that preliminary analysis of the responses show it has been very well received—in fact, very well received indeed. We were confident enough, weren't we, Natalie, to get it out and see what people thought.

- Q17 **Cherilyn Mackrory:** I understand that the draft consultation is open for the public until tomorrow. I think the 26th is the last day for public consultation.

Natalie Prosser: It closed last night.

- Q18 **Cherilyn Mackrory:** The Environment Act was fairly prescriptive as to what it required you to do, so could you answer me two things: first, how much input has Defra had in getting you to where you are now; and, secondly, has Defra submitted to the consultation?

Dame Glenys Stacey: It is our strategy; it is not Defra's strategy. We have not asked Defra for advice on how to develop a strategy or what our strategy should include, just to be clear.

We have spoken many times with officials in Defra about our thinking and I am sure that the tenets of our strategy are well understood there. We have kept nothing secret. As it has developed, we have informed officials. Indeed, I have been able to air the basic principles underlying the strategy in the three or four meetings I have had with Ministers while it has been developed, but just to be clear, none of that means that Defra has designed out strategy in any way—not at all. I don't think there has been any suggestion from Defra about any aspect of our strategy.

- Q19 **Cherilyn Mackrory:** You are planning to review the strategy within 18 months?

Dame Glenys Stacey: Yes. The Act requires us to review it, but we want to review it. Our experience tells us it will not be right. It will be as right as we can get it, but experience matters.

- Q20 **Cherilyn Mackrory:** What kind of review are you looking for to see whether it has been successful or not, or what might need to be changed?

Dame Glenys Stacey: I think our strategy is pretty weak on measuring success and that is something we are keen to hear from stakeholders about. We are setting out to have an impact. In a nutshell, we are setting out to make a difference, so we need to evaluate whether we are making a difference, and whether it is a big enough difference or if we could work differently to increase impact. I accept that there is work to be done on how we measure and evaluate that.

- Q21 **Cherilyn Mackrory:** In the draft strategy, the OEP defines "environmental protection" to include "the protection of people from the effects of human activity on the natural environment", as well as protection of the natural environment itself.

Could you comment on your aims there?



HOUSE OF COMMONS

Dame Glenys Stacey: I think that is absolutely in line with the statute.

Natalie Prosser: That is a lift directly from section 46 of the Environment Act.

Q22 **Cherilyn Mackrory:** I thought it sounded familiar but I would like to know—if you are going to include it in the strategy, which is obviously a prescriptive from the Environment Act—what you would like to see. What are the aims?

Dame Glenys Stacey: We have set out in our strategy four objectives that flesh it out a bit, but knowing that that is what we are aiming for does help us when it comes to very significant decisions, for example, prioritisation of the issues that we will deal with and I am sure we might well come on to that. For example, it would lead you to show very keen interest in the air quality of this country, given the number of deaths that are attributed to poor air quality. You can see, if you like, as you follow it through, that there should be a golden thread between our statutory objective, our objectives in our strategy, and then what we focus on and do.

Q23 **Cherilyn Mackrory:** By including that line—I guess I am probably asking you to pre-empt and I shouldn't, so forgive me—is it likely to mean that air quality complaints get priority over water quality complaints because water quality complaints have catastrophic effects on the environment and potentially on human health, but you are more likely to get direct impact on human health from air quality?

Dame Glenys Stacey: The answer is not necessarily. It is a factor to take into account.

Q24 **Cherilyn Mackrory:** Okay. What are the implications of this definition—I guess we have kind of covered that—for the scope of the OEP's activities? Could you expand on that?

Dame Glenys Stacey: I think we have about the broadest remit that we could possibly wish for here. I think you are beginning to get towards the nub of it, though, which is that across that broad remit and given the many significant issues we face in the environment, we have to make some choices. In our strategy, we are setting out as carefully as we can the sorts of factors we will take into account in prioritising one issue over another. We will not just be dealing with one issue at any one time. That is the comfort. We quite accept that we can spell out these considerations as we have done, but there is nevertheless a large amount of judgment. These factors weigh against each other in different ways on different topics. We have to make a judgment and our board has its sleeves rolled up ready to do that very soon.

Q25 **Claudia Webbe:** Moving on to questions relating to enforcement, when you designed your complaints procedure, what lessons did you learn from other organisations that also receive complaints from the public?

Natalie Prosser: We started out, as Dame Glenys has already alluded to, by talking to a lot of our stakeholders. We met very early on with the



Parliamentary and Health Service Ombudsman and the Local Government and Social Care Ombudsman, both of which are very familiar with dealing with the public. One thing that was pretty obvious to us very early on was that the OEP's remit is quite complex. It is challenging, particularly for members of the public. It is a bit easier for NGOs and the like, but for members of the public it is a challenging concept to engage with so we have prioritised as we have set up, for example, making our website as accessible as we can make it, to explain our remit. Two things we have learnt from the complaints we have received so far are that it is very difficult for members of the public first to identify the public authority responsible for the issue that they are concerned about, and secondly to identify the environmental law that may be engaged. Both of these elements are critical for the OEP to have a remit. We have evolved our website through several iterations by learning from the complainants who have come to us so far. We have worked with them directly—with some complainants to help them scope their complaint—but we understand that there is more to do.

Even before Dame Glenys and I were in post, the team that set up the original pre-OEP IEGS system user-tested the approach to complaint handling widely and that included engagement with public-facing complaint organisations across government. We think we got off to a good start and experience has already told us that we have needed to improve. We have a continuous improvement approach in the OEP, which is why we have iterated our website. We will learn as we progress, not just from receiving complaints but through launching investigations. At the moment, for example, we put out a quarterly report that summarises all the complaints that we have. We are an organisation committed to transparency, so as we take complaints forward into investigations and decisions, we will be transparent to the public about that and I think that will make something that has been somewhat conceptual much more real and accessible, and help members of the public, in particular as a stakeholder group, to understand what we are here to do and that we will be effective in performing our role.

For completeness I should say that the OEP does not exist as a complaints resolution body to secure redress for individuals. Our focus is on systemic and serious environmental harms. In that respect, we assist some of our complainants to find other bodies that may be able to assist them more directly—the PHSO and Local Government and Social Care Ombudsman in particular—and we have good established working relationships with those organisations.

Q26 Claudia Webbe: Regarding the OEP's relationships with other organisations, I understand that the OEP cannot accept a complaint until the internal complaints procedure of the relevant public authority has been exhausted. To what extent, and how do you determine, when another organisation's complaints process has indeed been exhausted?

Natalie Prosser: First, we set it out very clearly in our portal. When complainants come to us we explain that they will need to have satisfied



HOUSE OF COMMONS

that requirement. It is a statutory test, so we do not have a great deal of discretion to step away from it.

On a number of occasions we have engaged directly with public authorities to assist complainants to access those complaints procedures. I have also met a number of public authorities to make them aware that the OEP is likely to receive complaints and therefore they need to be active in handling complaints from members of the public because those complaints will ultimately come to the OEP. We have discovered that some complaints procedures at public authorities are quite difficult to access and sometimes have been absent entirely. We hope that we have already made some small strides to supporting other public authorities to make their complaints procedures more accessible. However, it is in line with good regulatory principles to allow public authorities an opportunity to put things right in the first instance. They are better placed than we are to address the specifics of a complainant's issue and where that works effectively, that is in everybody's interest.

It is also true, though, that if no complaints procedure is available, complainants can come directly to the OEP and I do think that will incentivise public authorities to take complaints from the public more seriously, because if they don't, it will fall directly within the OEP's remit. We hope that our activity goes beyond just dealing with complaints and investigating them and that we improve the quality of complaint handling and accessibility for the public to engage a public authority that has responsibilities under environmental law. We will certainly make it part of our ongoing practice to take every opportunity we can to improve that across the piece.

Q27 Claudia Webbe: I suppose the public's trust will be a big thing. As a relatively new organisation enforcing environmental law, how will you go about building public trust?

Dame Glenys Stacey: It isn't straightforward, is it, because the initial thought of an individual member of the public may be that we are an ombudsman, but we are not. I would crystallise our general philosophy as being as helpful as possible to every complainant that comes in, that we are assisting them to know whether there is a breach of environmental law or whether there is a public authority that they can identify and name and if their complaint it is not relevant to us, where they can go, signpost them to get their complaint resolved in the best way possible. We do go out of our way to build that relationship and support those individuals.

There is a wider job for us, I think, as well which we have underway and which is to make sure that in all that we do—our website for example—guides people clearly and unequivocally to the complaints procedure and what they need to do to make their complaint. I think we are not bad at that already. We will always want to improve our portal, obviously, but we are doing our best there. I suspect that public trust will be in the doing. We were vested, we got our powers, just a short time ago and we have to demonstrate that we can do it.



HOUSE OF COMMONS

Q28 **Claudia Webbe:** Just for clarity, how many complaint handlers, if I can use that term, are we talking about?

Natalie Prosser: There are nine or 10 in the complaints and investigations teams at the moment. It is worth mentioning—

Q29 **Claudia Webbe:** Did you say nine or 10?

Natalie Prosser: Yes, nine or 10 individuals, but that is split between complaints and investigations. We have designed the organisation to work in a way that is very flexible. For example, we can redeploy members of our science teams to our complaints and investigations functions and most of the officers in complaints and investigations can focus on complaints or investigations, depending on the work through. However, it is a small team, roughly 10 people. They are supported by a legal team and the legal team works very closely with the complaints team. By necessity, for every complaint we have, we have to identify the relevant environmental law so it is quite a technical business. It is an area where we need to have some information about volumes. We would like to maintain the service standards that we have started out with so that we can support members of the public to engage with us but at the moment, we cannot predict how many complaints we are likely to get. We have had about 38 in at the moment and we have not seen a big increase. We have had about 10 of those complaints since we vested legally. Some of those complaints are relatively straightforward; some are incredibly complex. Our resourcing model will need to be kept under tight review as we progress, which is why the review later in the year is so critically important for us because we need to make sure this function is adequately resourced. It is right now. Whether it will continue to be will depend on how much work we get.

Q30 **Claudia Webbe:** I suppose it will then be about managing expectations because this is even before you have done any public marketing or promotion of the work of the agency. How will you manage those limitations and how will you manage your investigations vis a vis complaints?

Dame Glenys Stacey: At the moment, I think it is right to say that if you wish to make a complaint about a matter to do with the environment and you don't know where to make that complaint, if you google, "How do I make a complaint about the environment?", the OEP will come up. There is already the most obvious route to find that we are a body that deals with complaints about the environment. Of course people need to go through the originals complaints process—

Claudia Webbe: Presumably you are not saying that you are going to rely on digital marketing to get the message out there to vast numbers of our communities.

Dame Glenys Stacey: Are you suggesting that we should have some sort of other type of campaign?

Q31 **Claudia Webbe:** I suppose I am wondering how you will, on the one



HOUSE OF COMMONS

level, let people know that you exist beyond the digital and secondly how you will manage expectations notwithstanding the team the size of the team that you have.

Dame Glenys Stacey: There are probably a couple of things to think of straightaway. Most people—the vast majority of people—will not complain to us initially. They will complain to Natural England or the Environment Agency and those bodies know full well that once their process is exhausted, we are the next step. They have an obligation as they conclude a complaint, if it is not to the satisfaction of the individual, to signal where the next step is. We would expect that to happen and indeed believe that is happening. If you like, the logical step is there; people can do that.

Also, I do believe that over the months ahead it is almost inevitable that as we take forward serious complaints we will become more well known. We need a chance to build our reputation to make sure that more people become aware that we exist. I don't think it is our role necessarily to advertise for complaints but we need to make sure that people, when they wish to make a complaint, know at the right stage that we are here. We are doing that by a combination of an extremely accessible approach on our website and through the agencies where complaints will come from, including local authorities. Finally, of course, through the helpful work and endeavours of the non-governmental organisations who understand full well the complaint routes and will be promoting them on our behalf.

Natalie Prosser: If I may add, Chair, we have those avenues that we have already explored and we have those good relations. We do know that there is a swathe of the public, though, who are not engaged with one of the NGOs or to whom we will not be visible, and we need to learn about how to communicate to that sector of the public, so we have commissioned some targeted work through YouGov to engage with representative groups that have been selected because they are not part of the NGO world and, because they are that further bit removed, to help us understand how we are perceived by the public. That will give us some insight into how to engage with the less-informed member of the public as we progress. We are very interested in what that is going to tell us about how we are perceived and how we are understood. We have also had the benefit of hearing from some of the insights that Defra has commissioned in relation to its public perceptions activity, and that has sharpened our focus because they are such a critical stakeholder for us, and understanding their perceptions and needs, when they are not represented particularly by one of the groups that we are engaged with, is a particular challenge. We are doing some work to try to take that forward separately from the matters that Dame Glenys talked about.

Dame Glenys Stacey: We do expect that work to conclude before we finally determine our strategy and approach on this. We want that work in so we can make sure we have it covered. Indeed, we are very open to suggestions because I know it is not straightforward; getting that reach is



HOUSE OF COMMONS

not straightforward. We will be very happy to consider any suggestions that are made during this consultation process.

- Q32 **Claudia Webbe:** I suppose depending on the nature of an environmental breach, you may find that you have people naturally gravitating towards you. I am just concerned about whether you have the capacity to respond to the very many people who may come forward in the event of a breach.

On the issue of breach, can you explain the factors that you will take into account when determining or assessing whether a breach of environmental law has occurred, whether it is serious, and whether the environmental harm amounts to serious damage?

Dame Glenys Stacey: Like so many aspects of our work, it is not straightforward, but we need to take forward those matters that we consider to be serious. We have set out a factors-based approach in the strategic consultation that is underway showing some of those factors. For example, the behaviour of the public authority concerned seems to us to be entirely relevant, and the severity of the environmental damage or harm to human health. These are the sorts of factors that we will take into account.

In trying to flesh this out, we are not putting any unreasonable meaning into the word "serious". I think everyone knows naturally or intuitively what "serious" might mean, but we are trying to spell out, if you like, the sorts of factors that we will want to consider in determining for ourselves whether a matter is serious. Inevitably, however, there is a large amount of judgment in that. It will be a judgment-based assessment.

- Q33 **Claudia Webbe:** To what extent may your resources and the prioritisation criteria you have set limit or enhance your ability to take action on matters deemed to be serious by the public?

Dame Glenys Stacey: There are two things here. One is how we determine if something is serious and how we prioritise those matters that we regard as serious. We cover those two things separately.

We have purposely taken a pretty expansive view of what we will take into account in considering what is serious. We have done that because it seems right to do so, because we do not yet have experience of the test and we need to have the experience, and because we do not want to narrow it unduly. To narrow it unduly at this early stage seemed to us be strategically wrong. There is a good chance we will get a number of things coming in that, on these factors, are considered to be serious.

We have already outlined, I think a couple of times now, that we know we are going to need more resources, but we need to evidence that. We need to evidence that we need more resources, and the nature and amount of those resources, and we need evidence that we are effective in what we do and efficient in our use of resources, but we have a process—a schedule. We expect to get to that point within the next 12 months or so to be able to demonstrate what we need. What we will need at that point, of course, is a responsive Government.



HOUSE OF COMMONS

Q34 **Claudia Webbe:** Yes, because it would probably defeat the objective if you were not able to take enforcement action against things deemed to be serious because you did not have the resources to hand.

Dame Glenys Stacey: It is all chicken-and-egg, I'm afraid, yes.

Claudia Webbe: Thank you.

Q35 **Dr Offord:** I am sure that you are aware that this Committee has undertaken some inquiries into water, particularly rivers and pollution. As part of our inquiry, we concluded that the regulatory mechanisms were not effective with regard to the monitoring of water or enforcement of water quality.

Dame Glenys Stacey: Yes.

Dr Offord: I wanted to get in early with lobbying. Will you consider using your powers to drive better water quality in the United Kingdom?

Dame Glenys Stacey: Thank you for the question. Thank you for the excellent work done to date on this important topic.

We recognise absolutely the poor quality of water. It is a longstanding issue. I don't have to tell you that only 14% of rivers currently have good ecological status. It is just not good enough.

I should say straightaway that we see an important role for us here in our early years, and we are working through the specifics of exactly what that role should be, bearing in mind that we want to have the most impact.

Our board is already heavily engaged on this, you will be pleased to hear. I think we sum up our position at the moment as recognising that there is a long-established regulatory approach with long-established objectives, with a price review coming up shortly, in 2024, and these things are not working well enough.

We know there are two main reasons for these problems with water. One is the combined sewer overflow problem or point-source pollution that you have had such an interest in. The other is basically agricultural run-off or diffuse pollution. We can see that there is some action in relation to combined sewer overflows, no doubt inspired by the pressure that you have been able to put on. We have seen the Government's February guidance to Ofwat—I assume you have seen that—and it seems to me remarkable, a turnaround. It invites a fundamental look at the objectives of regulation for water and the regulatory strategies to be deployed to achieve those objectives.

There are some encouraging early signs from the water industry that there is a recognition that something needs to be done. We are meeting with Water UK either today or yesterday, and with the Big Four companies that seem to be looking to invest in clean water initiatives. We are beginning to get a better understanding of what the industry is doing and also what the regulators are doing. It seems to us that there are



HOUSE OF COMMONS

opportunities here, particularly in the way the industry is regulated and the reasons for regulation, and I would imagine—I don't know because we need to talk again as a board—that it seems to us that it is not clear that agriculture run-off is quite getting the attention that it deserves. We are—let's put it this way—keenly interested. We have our thinking caps on and it is important that we do that thinking well because we want to make the biggest impact and not simply replicate the work of others.

Q36 Dr Offord: Two things emerge from your comments. The first is that both the Environment Agency and Ofwat are already undertaking inquiries into water quality breaches. That will be useful evidence and information for you.

Secondly, when you appeared in front of the Committee in July 2021, you suggested that water quality would make a good thematic review for the OEP. You mentioned the board and perhaps the board is aware of the issue. Can you tell us? Is it under active consideration by the board?

Dame Glenys Stacey: It is. There are a number of pressing matters under active consideration and that is right up there.

Q37 Dr Offord: Good. Thank you. That was all I wanted; a very short answer.

My final question is about complaints. Have you received any received complaints regarding water quality through the interim OEP?

Dame Glenys Stacey: Yes.

Q38 Dr Offord: What have you been able to do in response to those complaints?

Dame Glenys Stacey: We have triaged all the complaints that we have received as an interim body. We have taken them as far as we can pending our statutory powers. That is the first thing, all of them, and that includes a good proportion of complaints about water quality and particularly combined sewer overflows. Is it 10?

Natalie Prosser: Yes, 10 complaints.

Dame Glenys Stacey: It's 10.

Q39 Dr Offord: You are in quite a peculiar situation, aren't you, where you do not have the powers quite yet?

Dame Glenys Stacey: We just got the powers.

Dr Offord: You've just got them?

Dame Glenys Stacey: Yes

Dr Offord: But when you received the complaints, you did not have the powers.

Dame Glenys Stacey: No, that's right, but we have been keeping the complainants informed of the situation. I would say that we are hot off the stocks in terms of having got our powers just a few weeks ago. The



HOUSE OF COMMONS

board has already met once with its priorities and it will consider them again next time it meets to make decisions.

- Q40 **Valerie Vaz:** Dame Glenys and Natalie, but particularly Dame Glenys, you have come to this organisation with an incredibly impressive background of the organisations you have founded. We have much hope that you are going to take this forward. One of the things my colleague has tried to draw out is how you will take on cases and one way is to implement environmental law. Do you intend to do it in a more thematic way or by a deep dive? You mentioned air quality in response to another colleague's question. How do you intend to focus your monitoring of environmental law?

Dame Glenys Stacey: It is an interesting question. We have just a small team dedicated to monitoring at the moment, I think four or five.

Natalie Prosser: Four.

Dame Glenys Stacey: Then we have our lawyers sitting alongside them. We do not have significant resources there at the moment, although we have the review of our resources coming.

We have set out in our strategy consultation how we intend to approach environmental law and I should say first of all that we have thought long and hard about the definition of environmental law and its relationship with planning law, for example.

- Q41 **Valerie Vaz:** It is not in the Act?

Dame Glenys Stacey: Well, there is a definition, but it is not straightforward. Elements of planning law are environmental law, actually, so we need to be very clear about how wide, potentially, this power of monitoring is, and I think we have done the good thinking on that and arrived at a good position.

What we are setting out, if I recollect, in our consultation is that we will take both a thematic and a regular approach, so it is a sort of two-pronged approach. We will choose a theme or a number of themes over periods of time to follow—things that we think will potentially give us impact—but we will also have a regular monitoring programme. It is a two-pronged approach.

- Q42 **Valerie Vaz:** Just to add to your woes, obviously there is retained EU law. As we move out of the EU, we take back more of the laws. How are you going to monitor all that?

Dame Glenys Stacey: My rather simplistic understanding is that much of our current environmental law is in fact retained EU law. We are talking about one and the same body of law. I don't see it in that sense as a particular obstacle. It is there. If law is applicable here, it is relevant to our monitoring function. We also want to focus, if we can, on areas where we think either replacement of law or adjustment—or indeed adjustments—to the way the law is implemented need to be given effect.



HOUSE OF COMMONS

The fact that it may or may not come from Europe is not necessarily that significant in the way we are thinking.

- Q43 **Valerie Vaz:** Let me give you an example. The EU REACH directive is very specific about chemicals. Do you think you have the resources to be able to deal with that, or is this one of the areas that would come in your review so that perhaps you would get more resources?

Dame Glenys Stacey: Exactly. At the moment, just to be clear, we have the resources we said—about 70 people—over the year ahead plus our Northern Ireland resource. That is within the 60 to 120, but only time will tell if it is enough. It is definitely very tight already. We do not have a very significant communications arm. We have very few people managing our finances. We have kept everything as tight as we can. At least half of our staff are in jobs that necessarily have to flex in order to make sure that we can move with whatever we want to do at the time to have the best impact. We have worked extremely hard to get the most out of the resource that we are to be given, but we already can feel the pinch points. For example, the work that we have planned in the next few months, which is a significant amount of advice to Government, will stretch us to our current limits. We have a very busy few months ahead, with getting our 25-year report out in May as well. We need to be able to demonstrate where those pinch points are within our organisation, but I do know of two areas already, apart from general support, that concern me particularly. One is complaints. We have put a good number of staff in there when you think of the totality of our staff, but two or three serious complaints can take us over the limit there. The other area—you have hit the nail on the head—is monitoring. Monitoring is new. We have not done it like this in this country before. It is fantastic. I think it has great potential, but how much resource can we justify? It is an assessment of what impact and benefit we can have with the extra resource we might call for. We have to demonstrate that.

- Q44 **Valerie Vaz:** I am not quite clear. Did you say that you have the ability to deal with these very specific things such as EU REACH?

Dame Glenys Stacey: Yes, frankly we can deal with whatever we choose within in our pretty broad definition of environment law, the law being the choosing.

- Q45 **Valerie Vaz:** You mentioned Government and you probably want to stress your independence from the Government. Would you wait to be asked by the Government to advise on something?

Dame Glenys Stacey: It has never been my habit to do that and I do not intend to change my habits now. More seriously, however, we have the authority to give advice when the Government is changing the law. We can give that advice as we see that coming or as it is happening. We can also give advice whenever the Government ask for it, so there are two opportunities there.

Of course, advice is not the only way to express a view. There are other ways: in a thematic report, for example, or in an annual report or in a



HOUSE OF COMMONS

25-year plan review report. There are ways in which a considered evidence-based view can be expressed and advice is just one of those ways.

Q46 Valerie Vaz: That would be across the Government, would it—across all the Departments? You are monitoring all the Departments in relation to environmental law?

Dame Glenys Stacey: Yes, it is and I think that is a very important point: this is not the OEP scrutinising Defra and nowhere else. Environmental issues are so important and the solutions are across the Government. They are not simply Defra's problems and the solutions do not just rest with Defra. We already have met with the cross-departmental board. We called their meeting, I think twice, during our strategy consultation period to make sure that we are getting that reach across senior officials, and of course some Departments have much more to contribute to environmental protection improvement than others. We know that and have a keen interest in making sure that we influence those Departments.

Q47 Valerie Vaz: Something very specific has just come out. You mentioned the Government's environmental principles statement that is to come out shortly. Do you plan to comment on the Nature Recovery Green Paper and environmental targets consultation?

Dame Glenys Stacey: We have already given advice to the Government in relation to their environmental principles policy statement and I understand that advice has been well received. Like you, we want to see what is in the final statement and, frankly, what impact we have had and what difference we have made.

We do intend to respond to the Nature Recovery Green Paper. It is very fresh off the stocks, isn't it, but our board has already discussed it, preliminarily, just last week. Most certainly we intend to respond to the target consultation that came out just last week. I am happy to talk about that if you wish.

Q48 Valerie Vaz: Two very small questions: first, do you intend ever to litigate?

Dame Glenys Stacey: I do not see how we are going to avoid it, ultimately. It comes with the territory.

Q49 Valerie Vaz: Another, maybe helpful, suggestion if you are looking for a diverse workforce: perhaps go to the law schools, jobs fairs and things like that, because it is always difficult for minorities to get articulated and this is something. They do not think of working in Government Departments sometimes.

Dame Glenys Stacey: Yes. That is helpful. Thank you very much.

Q50 Caroline Lucas: Apologies for not being here at the start of the meeting. It was the spring statement, as you know, so I was doing that, and I apologise if you have already covered some of this.



HOUSE OF COMMONS

I was interested in collaboration and your arrangements with other bodies. How is the OEP managing its relationship with the environmental protection bodies in Scotland and Wales?

Dame Glenys Stacey: Natalie Prosser will want to give the detail as she is steeped in the relationship, but we do meet together. I meet the chair of ESS and also with my equivalent in Wales. As you know, the arrangements there are a little bit different and not necessarily permanent, but we do work together. We also have side arrangements at a working level where the detailed discussions take place. Natalie might be able to give us a clue as to the issues on the table at the moment.

Natalie Prosser: We and Environmental Standards Scotland are two organisations both in set-up at the moment, so we have had a lot of common ground there. As Dame Glenys said, I have met the chief executive of ESS. I have met Dr Nerys Llewelyn Jones on a number of occasions. We have a working group at official level with representatives from all three countries. They have met numerous times to discuss how we are going to work together, how we are going to share information and how we understand our respective priorities, which quite legitimately might differ across jurisdictions. We are at an advanced stage of putting in place memorandums of understanding with those organisations. Collectively, we are committed to working together in the spirit of efficiency and also because, so very frequently, we will have common ground and common interests. As we all know, the environment does not stop at the borders. I am looking forward to a long and fruitful relationship with the authorities in the devolved Administrations. It has been extremely constructive and entirely positive so far.

Dame Glenys Stacey: I should say as well that we both know from former roles just how fruitful those good relationships can be.

Q51 **Caroline Lucas:** You mentioned memorandums of understanding. I understand one is required between you and the Climate Change Committee. When might that be published? Also, can you say a little bit about how the two bodies intend to work together, particularly to avoid overlap on things like adaptation?

Dame Glenys Stacey: I will start on that.

The Climate Change Committee has been so welcoming. We talk about it often as our sister organisation. It has 10 years on us, has proven what such a body can achieve and has given us a great deal of assistance in our early months. For example, we have had advice from the Committee about how it goes about constructing and bringing together some of its seminal reports. We start doing that now with our first report in a couple of months, but it was helpful to hear from others how they have done it.

The CCC has also opened its doors to us and will take us if we are in London and need a drop-down space, which is lovely, isn't it—good grounding for a positive relationship.

Natalie Prosser can flesh out how the detail is dealt with at working level.



HOUSE OF COMMONS

Natalie Prosser: We are expecting to finalise agreement of our MOU imminently. We have had a number of MOUs to put in place, as I am sure you are aware, and we have tried to standardise them and keep them consistent across the different organisations. We are at an advanced stage with quite a few of them at the moment.

Underpinning the MOU, in order to make sure we understood what we needed to document, we have worked closely with CCC officials to understand where their remit ends and ours starts, and our respective roles and responsibilities, and to recognise our respective expertise. The process has been entirely constructive. We have developed, I think, a very holistic position between the two organisations.

To reiterate what Dame Glenys has said, the CCC has been incredibly supportive for us at the OEP, giving us critical-friend insight into some of our preliminary analysis and working at functional-lead level to help us with our communications activities, for example. In all of those practical, day-to-day things, a more established organisation could give us some helpful advice. It has been incredibly helpful. I would like to put on record our thanks to the CCC for its incredible support and day-to-day practical support, including space in offices when we need it.

Dame Glenys Stacey: That is not to say that there are not opportunities coming up where we can work more closely together on issues. This is predominantly about us being set up in the early months.

Q52 **Caroline Lucas:** Would adaptation be one of those things? It feels to me like that is one of the areas where there might be most common ground or potential overlap?

Dame Glenys Stacey: I agree that adaptation is an area of common ground. I don't know whether there will be any issue working jointly. It is too early to say. There are a number of interesting areas, for example net zero. We do not yet have those discussions as far advanced, so I would not want to pre-empt them or suggest that we are further than we need to be. I am just recognising that as we are now established, there are opportunities to get beyond the helping us to get up and running and into the meat of the business.

Q53 **Caroline Lucas:** When you say imminently—I know that that is quite an elastic word—would you imagine in the next couple of months, for example?

Natalie Prosser: Certainly. Bar probably the spelling of a couple of words, we are pretty much there with the MOUs.

Q54 **Caroline Lucas:** I want to ask about Northern Ireland. We have talked about Wales and Scotland. How do you plan to carry out scrutiny and give advice in Northern Ireland specifically?

Dame Glenys Stacey: We have only just been given our powers so it is early days for us to say.



HOUSE OF COMMONS

We did try to cover that in the strategic consultation document that we put out. It was rather difficult because we did not want to get above ourselves and make the assumption that we were to be given jurisdiction in Northern Ireland. At the same time, we wanted to make sure that our approach would apply to Northern Ireland, so we walked a rather fine line there.

We were able to meet stakeholders in Northern Ireland about the strategy. I think within a couple of days of it being announced that we would have power, we were there meeting key stakeholders, and we have had a good level of response as well to our consultation document. I think when we looked yesterday, there were probably eight or 10 responses from Northern Ireland—yes, 10—which is extremely helpful. We have some more work to do. Some of those responses are telling us that what we say in our document is not sufficiently tailored to Northern Ireland and that we need to understand better the constitutional arrangements particularly, and there are some difficulties there that you will be familiar with. We recognise that we do need to understand those better.

We do have plans to be visible in Northern Ireland. We are trying to arrange our next board meeting in Northern Ireland and would hope to be there for three days in June to begin to meet all key stakeholders there.

In the meantime, we have established a very good relationship with DAERA. We didn't wait to have the formal decision of the Assembly before we started those arrangements and DAERA has been very helpful to us, indeed assisting us in the assessment of Northern Ireland complaints for example.

In summary, we have more to do and more to learn. We need to get out there. We need now to recruit our Northern Ireland staff, once we have our funding sorted in Northern Ireland. We can crack on with that.

Q55 **Caroline Lucas:** Will there be an office space there?

Dame Glenys Stacey: We are not proposing that at the moment. We have a formal satellite office and there are reasons for that. Both Natalie and I have experience of remits in Northern Ireland and there are some difficulties in having a small office with a limited number of staff who do not have necessarily the breadth of expertise or the level in the hierarchy to make decisions. That said, we do want a drop-in base there. We want some of our people based in Northern Ireland and living in Northern Ireland, and we want that total flexibility between Worcester and Northern Ireland. It is a big ask, but our experience tells us that probably the most effective thing for Northern Ireland is if we can tap in to all the expertise we will have in Worcester, but make sure we are getting out to Northern Ireland sufficiently often.

Q56 **Caroline Lucas:** Can I check—you may have already done this—if you have appointed the fifth OEP board member? If you haven't, would it be likely to be someone from Northern Ireland, for example, to cement the



HOUSE OF COMMONS

relationship?

Dame Glenys Stacey: There could be another board member here for England. I am not pressing for that at the moment. But we do definitely need a board member for Northern Ireland; it is a statutory requirement. The process is complete. Minister Poots has made his choice. I think the candidate has accepted—yay! So any day now, we should be welcoming a Northern Ireland member to our board.

Chair: Thank you very much indeed, Dame Glenys and Natalie Prosser. That concludes our formal questions for you today.

I would like to invite you to alert us to anything that you feel that we should know from the work that you are doing. We would very much welcome the opportunity to make this an annual appearance, perhaps, or a periodic one, because I don't think you have other opportunities to speak to parliamentarians and we would welcome the chance to do that.

Dame Glenys Stacey: We will always welcome the chance to come—absolutely. We will come without hesitation. Thank you for showing such a keen interest in us and in our resourcing. That is very helpful. Certainly we have lots of work planned for the months ahead, including responding to that targets consultation. I assure you that we will be firm.

Chair: Thank you.