

Environmental Audit Committee

Oral evidence: The work of the Office for Environmental Protection, HC 561

Wednesday 21 February 2024

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Members present: Philip Dunne (Chair); Duncan Baker; Barry Gardiner; Clive Lewis; Dr Matthew Offord; Cat Smith.

Questions 1 - 48

Witnesses

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

Examination of witnesses

Witnesses: Dame Glenys Stacey DBE and Natalie Prosser.

Q1 Chair: Welcome to the Environmental Audit Committee, where we have a single oral evidence session today. I am very pleased to welcome Dame Glenys Stacey, who is the chair of the Office for Environmental Protection, and Natalie Prosser, who is the chief executive. Thank you for coming to see us again, Dame Glenys. Apologies for starting a little bit late, it is a busy day in the Chamber today. I would like to kick off with a general opportunity for you to give us an overview of how you think the OEP has performed over the past year.

Dame Glenys Stacey: Thank you very much and thank you for the invite to be here today. We are always happy to come. How have we done over the past year? I suppose the first thing is that we are now properly established. We have a remit, as you know, for England and Northern Ireland, and we have modest offices in Belfast and Worcester.

We have recruited well, we believe—some excellent staff. We have strong governance arrangements and clean first accounts, which is always a joy to see. We have been cracking on with work.

I understand that we have completed something like 78% of the commitments that we made for work in our corporate plan. Incidentally, we have an 83% staff engagement score as well. It looks like our staff are enjoying the work that they do.

On enforcement, we have dealt with over 1,000 inquiries and over 100 complaints since we started. I do not have the figures for the last year, but it is a steady flow. We have started two formal investigations. You will know of one, which is our ongoing investigation into the oversight of the combined sewage overflows in this country. It is looking at the work of Ofwat, the Environment Agency and the Secretary of State. We are in the advanced stages of that review.

We also issued judicial review proceedings against DAERA and the Northern Ireland Environment Agency in relation to an ammonia issue, which I am happy to go into, if you wish to know. That was successful. We were able to withdraw our proceedings and things are on the right track there now. It was a case where the strong-arm approach worked.

We have given a good amount of advice to Government; I think six separate pieces of advice and eight consultation responses. You will be aware of some of those—for example, our advice in relation to nutrient neutrality towards the back end of last year. We have done a fair amount of reporting as well; our two annual progress reports, and then we have several other reports, with three independent reports scrutinising various aspects of environmental law and its workings. For example, late last year we produced a report on the workings of environmental impact assessments and similar types of assessment.



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I would say that progress has been good. We have been very fortunate but also assiduous in the people we have recruited, we are up and running good and proper—but of course, there is always more to do.

Q2 **Chair:** How many people do you have currently on the payroll?

Dame Glenys Stacey: We have the up-to-date figures as of this morning, so we will just go to them.

Natalie Prosser: At the moment we have a total of 84 individuals. That is not quite the same as FTE. But in that vein, 66 of them are permanent members of staff. The rest are a mixture of fixed terms, secondments and some contingent labour.

Q3 **Chair:** Thank you. I have a general question about the scope of your role because you are not like an ordinary regulator. Therefore you are able to fix your remit, with consultation with others but without direction from others, as I understand it. Have you found that that has been a satisfactory position to be in, or are there aspects of your remit that you found quite difficult, determining on your own what you do?

Dame Glenys Stacey: We have a remit as set out in the Environment Act, which we study carefully, and also the explanatory notes that accompany it, to make sure that we understand it fully and keep it at the forefront of our minds.

We have consulted the wider public about how we go about our work, how we will prioritise one issue over another and what our overall approach to enforcement is. Where possible, we have sought views on how we do our work and how we interpret it in the broadest sense.

I am firmly of the view that the remit is wide. Certainly, there is plenty to do. There is no issue for us in terms of looking for something to do. It is much more about making sure we give priority to the things where we can make the most difference, I suppose. This is where our resourcing becomes critical. We have reached this point now. It is not satisfactory to have 15% of our staff not in secure positions. It is no way to set up as we mean to go on. We will be making some very hard choices if we cannot increase our permanent staff numbers.

Q4 **Chair:** We will come on to resourcing in a minute. I think by, is it June 2025, you have to review your strategy? What can you tell the Committee about the way you determined your original strategy and what you are thinking about? Perhaps you could go through the timeframe you have in mind for conducting that review and the extent to which you welcome input from external third parties, including us.

Dame Glenys Stacey: Our original approach—

Chair: Or I should say our successor Committee, because it is subject to your timetable. It may outlive us.



Dame Glenys Stacey: I will turn to Natalie for the timetable in a moment but first you ask how we came to our strategy. It was early days for us at the time. We were an interim body for a few months. During that time, we did a lot of thinking. We were fortunate to have that time. We had our board appointed; we still had staff to appoint, but we had our board and that is very much the intellectual capital of the organisation. We did a good amount of thinking together about aspects of the strategy. We knew the strategy needed to cover, for example, our enforcement policy and approach.

We consulted as widely as we could then on a full-length consultation to get people's views and we took those views in account. We had some very helpful suggestions as to how to tweak some of the things that we were proposing, for example. Then we set out our strategy and enforcement policy in a public-facing document that is available on our website.

We have started to review that strategy. Work is in hand already. We have had one discussion about it at the board, I think when we last met, where we recognise that the strategy has worked pretty well. The way it is, one might argue there are a few too many words in the document, that we could be more succinct, now that we are clearer that we can target better what we are trying to do. That review is just about on the starting blocks, isn't it, Natalie? We have had one short board discussion, but there is more to be done.

Natalie Prosser: We committed, when we set our original strategy, to review it within about 18 months, bringing us ahead of the statutory deadline. Certainly we have done a fair amount of work inside the tent on exactly that. We will be looking to put a proposition to our board in the next couple of months. Ideally, we would like to be out to consult on it in May 2024—that is quite proximate—ideally, settling our new strategy or rather an evolution of our existing strategy by September this year.

We are obliged by law to consult publicly on that. We would do that anyway because we have such valuable insight from our stakeholders. I think where we are going with our strategy—our first strategy has stood up very well but it has not had the benefit of real experience. Our strategy refresh draws on nearly two years of operational experience. I think we can be more specific and more targeted in our new strategy.

That proposition is due to come to our board in the next couple of months, and we will move it forward. We would be very happy, of course, to talk to the Committee about that proposal publicly.

Dame Glenys Stacey: We would be very happy to hear from you as to your suggestions as well. It is an open door.

Q5 **Chair:** Did I hear correctly that you are proposing in May to publish an initial draft?



Natalie Prosser: That is right.

Dame Glenys Stacey: For consultation.

Chair: For consultation, which you will consult. Then in September you will publish an iteration of that, which you will also consult on. Is that the intent?

Natalie Prosser: We will use the period from May to September to consult on it and ideally make a decision on the revised strategy in September.

Chair: So ahead of June of the following year; the statutory requirement. Thank you.

Natalie Prosser: Yes.

Q6 **Dr Offord:** For the sake of context, I would be grateful if you could give us an aerial view of your latest progress report on the Government's environmental improvement plan.

Dame Glenys Stacey: Let me find a summary for you. We published it at the back end of January, and we also produced a methodological note showing how we had worked on the information and data. Hopefully the two documents sit well together and are helpful to you and other Members of Parliament.

We were reporting in January that Government were largely on track to meet four of the 40 targets that we were tracking—the environmental commitments, including the statutory targets—so one in 10. The overall trend data for goal 2 on clean air and goal 8, reducing risk of harm from hazardous chemicals—for those two goals the trend data showed a mixed picture. We were unable to assess goal 10, which relates to enhancing beauty, heritage and engagement. It is quite a new goal and there is not a lot of information. Then we found the Government were largely off track in relation to the seven remaining goal areas, including the pressing apex goal on thriving plants and wildlife.

Some things are moving in the right direction, I am pleased to say, in each of the 10 goal areas. Water leakage in England is reducing, the number of illegal waste sites has reduced, although they are springing up all the time, I understand. The percentage of fish stocks that are sustainably harvested has increased for the last couple of decades, which is good. There are fewer tree pests and diseases becoming established than has been the case historically.

If we are not careful, this can be quite beguiling, because the real question is: are those positive movements outweighed by deeply concerning other environmental trends, adverse trends? We provide the detail for each goal in our report. But, broadly speaking, yes, in the majority of cases they are.



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Last year, I think we found that Government were largely off track. We used a slightly different wording this year. Although there are some positive design signs, it is basically not on track. At the highest level it is no change. The change is in the detail, goal by goal, which we set out.

Q7 Dr Offord: I do not have a copy of last year's report, but I have this year's report in front of me. How does it compare with the progress achieved last year? Would you say it has improved or has it regressed in any way, or has it remained the same?

Dame Glenys Stacey: Overall at the highest level, one would say we are broadly in the same position. We are in slightly different positions in relation to each of the goal areas and each of the targets. We can identify, for example, some positive movements in some respects on almost all of the targets—air quality comes to mind or water—but they are outweighed, in our judgment, by continuing adverse trends.

It is a sign of the scale and complexity of what has to be done. A good example is the rate of tree planting. It can look impressive until you realise that it needs to double to meet the target. Just to be sure, what we are trying to do is not say how things were but, where we can reliably do so, to look forward and project as to where they are likely to go. Because it seems to us that as Members of Parliament, that is the most useful thing you can have. Are you on track to meet your targets, rather than what did you do last year? We are trying to cover off both of those in our reporting.

Q8 Dr Offord: That is a very good point. It covers the next issue, which is while looking at the report it is necessary to look back at the past reports. It would be easier if we could have a side-by-side analysis that would enable the reader to determine whether the Government are on track to achieve their objectives. Would that be something that could be achieved in future years in the report?

Dame Glenys Stacey: That is an interesting idea. The structure of our report has certainly changed since last year. It is a fuller report. It is covering much more ground and in more detail. We have also reflected and we have a refreshed EIP that should be with us for the next five years. We are shaping our report around that EIP. We have done a bit of movement there as well.

Of course continuity is welcome, as is ease of being able to reference across. We have started including, for each of the goals, a range of summary assessments, which you can see for each goal area. You can look at any one of them and see that there is a summary assessment table. These tables will tell you the extent to which things are moving in one direction or another, as from last year. Here is a good example on page 34, on thriving. You get an idea of the direction that things are moving in. But I think what you are asking for is more specific reference to last year's assessment.



Dr Offord: Yes.

Dame Glenys Stacey: Thank you. I will take that idea away.

Q9 **Dr Offord:** I hope that is a helpful suggestion. One of the issues with the Environmental Act is that the Government have 12 months to respond to your previous progress report. Given that it is an annual report, does that seem an extraordinary amount of time and conditions may well have changed in that period?

Dame Glenys Stacey: It is always open to Government to reply at any time within that 12-month period. Obviously, from my perspective, the sooner we get a comprehensive reply, the better position we are all in. That is the first thing.

Q10 **Dr Offord:** What period would you like that to be?

Dame Glenys Stacey: I do think the Government need time to assess what we say. It is not a straightforward matter. These things are complex and difficult to grasp at times. I would like something within six months. The main thing I would like is good, full engagement with the recommendations that we make and the analysis that we conduct—something meaningful by way of response rather than something more scant.

Q11 **Dr Offord:** On that basis, I recall that in evidence previously given to the Committee, the issue of OEP assisting the Government in the retained EU law Bill and the Levelling-up and Regeneration Bill was discussed. Do you feel that your role there fulfilled your expectations?

Dame Glenys Stacey: We did a lot of work, and Natalie can go through the detail if that is helpful to you. It was a good exercise for us to be involved in. I think we did help to make a difference, certainly to the understanding of Members of Parliament of the nub of some of the issues. Natalie, do you want to follow on?

Natalie Prosser: We prioritised our interest in the retained EU law Bill because of the potential profound implications for environmental law, which I am sure you are very familiar with. We did devote a reasonable amount of resource to looking into it. As it moved through, the number of revocations was relatively low. We had a particular concern in one area, the NAPCP—the National Air Pollution Control Programme. We did write about that, because we were concerned that it represented a weakening in environmental protection.

Of course, that is a political decision for Government to make. I think we fulfilled our role in highlighting the potential implications of revoking those regulations. Government made the choice to proceed to revoke. If I reflect on the role of the OEP, particularly in our advisory capacity in relation to environmental law, that is the OEP fulfilling its role. We are not here to tell Government what to do and what not to do, but we are here to help Government, and indeed Parliament, to make informed decisions.



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I believe we did that with the Retained EU Law Bill. I also believe we did that with the Levelling-up and Regeneration Bill, both in our evidence to the Bill Committee and in relation to advice we provided with the late amendments related to nutrient neutrality, which was focused very specifically on the potentially regressive effect of that amendment on the body of environmental law. I think that was quite proper for us to do that. That is why I am satisfied that we fulfilled our role properly in relation to those two Bills.

Q12 Dr Offord: The progress report does repeat some of the concerns that were published in the previous report. It could be due to the length of time between the first two reports being published. Do you think the Government have been responsive to your first report, given that some concerns been repeated in the second?

Dame Glenys Stacey: Many aspects of the environment take a long time to turn round. It is good to have an annual reporting cycle, in my view. We can catch things early. We can see when something is not working and there is time to correct the course, but I can certainly accept that things may take time.

We repeat this year five key recommendations we made in our report last year. They are equally pertinent. It is true to say that in each of those five recommendation areas we can see that Government have done something. They have set interim targets, for example They have done some work to change the terms of reference of one of the governance bodies, that sort of thing. Our point is that it is not enough. It needs to scale up.

I don't know what our recommendations will be next year. It depends on progress this year. Yes, it is right that we recognise when Government have taken action, and it is particularly pleasing if it is in accord with the recommendations we have made, but we will keep pressing where things need to be done. That is our job: shining a light for you on how things are.

Q13 Dr Offord: You mentioned the retained EU law measure and the effect that had, particularly on environmental legislation. If there were certain areas where the Government were adamant that they would continue in a certain direction, and you disagreed with that direction, what punitive actions will you be able to take against them or propose against them?

Dame Glenys Stacey: That rather depends on precisely what Government are doing. We have taken action in Northern Ireland where Government were acting, we thought, illegally, and we did that successfully. We would do the same here if we found that to be the case. Where it is not an illegal action but an undesirable one is probably what you are most interested in. Natalie, do you want to cover that?

Natalie Prosser: I think it goes to the core of what the OEP is here to do. A lot of interest is always attracted to our enforcement powers, but



they are suited only to a particular set of circumstances. That is where there is unlawful behaviour.

Where behaviour is not unlawful but undesirable, our role predominantly is to bring that to light, and we play our role as part of a much broader system. I would reflect that our report is laid before Parliament and Government's response is laid before Parliament. That brings those issues to light and allows those issues to be debated, scrutinised and accountability mechanisms to work.

Outside of our investigations, enforcement powers, that is our primary function; whether it be advisory, whether it be monitoring environmental law or monitoring progress. Our job is to bring independent, evidence-based insights to how well things are working to allow the broader accountability system to work. That is what we would do, as we have done previously, if we felt that changes to law in particular had a negative impact, particularly if we felt they would have a negative impact on achieving the EIP goals or the new statutory targets, because we would want to bring that to light to allow those changes to be subject to proper scrutiny.

Q14 Chair: Picking up on the issue of targets, which you just mentioned, Natalie, do you see it as part of your remit to make recommendations to Government as to how they should try to get back on track to achieve those targets?

Dame Glenys Stacey: That is an interesting question. You will see in our report that we make a good number of suggestions for how things could be improved. We do not set out to provide a comprehensive delivery plan. That is a matter for Government that we press for, but in terms of where the obvious things are to be done, we are able to point that out in our report, and we do so.

For example, in relation to the species abundance targets, our argument is that the relevant policies are already there. They are already on the books. You do not need a new solution. The solutions that we have are good. They need to be applied. They need to be put into effect.

In other areas, for example, in relation to invasive species, again the policies are there, but the funding is not. We make it plain in our report. In this case, you need to have a look at the funding. In some other areas—chemicals, for example—there are significant strategy and policy gaps, which we point out.

We indicate where the problem is, whether it is resourcing, strategy, policy, funding or whatever. Sometimes we make more specific recommendations, where we think it is right to do so. That is all designed to help Government get it right without dictating what is always a complex solution to these problems.



Natalie Prosser: Parliament clearly envisaged this role for us when they wrote in our legislation under section 28(6) that the OEP may include consideration of how progress could be improved. We take that responsibility very seriously because we think it is the area in which we could possibly add the utmost value in our work, in providing that insight about how Government might be better placed to succeed in their ambitions.

Q15 **Chair:** Do you think this risks setting you up in perpetual conflict with Government if they do not accept your recommendations? How do you propose to resolve that, because I do not imagine you want to set yourselves up as the alternative opposition.

Dame Glenys Stacey: You have hit the nail on the head there. I say that some of these issues are complex, and they are. There are systemic barriers in some cases to getting to where we need to be. It not easy for Government to strike the right balance on these things. We can see that although some of our recommendations are welcomed and followed through, others are not.

It would be a bit odd if all our recommendations were followed. One might question whether this is a meaningful process, whether you would need OEP at all. I am not surprised that some are not.

In reality, Parliament set an ambitious programme for us all to achieve for nature and the wider environment, and we are there to try to make sure that Government meet their ambitions. It will be a great day when we see these trajectories move into the right direction, and we will be the first to be cheering—but we know what our job is, to say it as it is to assist you.

Q16 **Chair:** You mentioned earlier, in response to a question from Matthew Offord, that you have achieved an assessment of nine of the 10 main areas is. Is the 10th area the one that gives you most cause for concern because you have not been able to assess it? Or perhaps you could highlight where the real areas of risk that you are most concerned about are.

Dame Glenys Stacey: The 10th is goal 10, the goal that relates to enjoyment of nature, heritage and so on. One of the main reasons we have not reached an assessment there is it is a very new goal area, and we do not have the appropriate measures, data and information yet. Rather than saying things are not right, what we are saying is we cannot assess it yet, but we are pressing, of course, for the measures to be there.

As for what we are worried about—rather than having a serious concern about one particular area, we have a lot of concerns over most of it, but particularly we are focused on those areas with relatively near-term targets. The 2030 targets relating to nature, for example—we are bound



to focus our attention on them because things need to happen now and then.

We would also be concerned about those areas where we might be approaching a tipping point, some irreversible point within the general policy cycle length of time. Here marine does come to the fore. We have some particularly difficult issues in marine. It seems to me that things move slowly in the marine policy and strategy environment. There are some difficult, well-established problems and some new ones as well; for example, the heating of our oceans.

We have a prioritisation mechanism, which we apply, and that does inevitably pull to the fore these two categories of types of situations—one where the targets are coming up fast and one where you might be going past a point of no return, which you do not want to do.

Q17 Chair: You touched on Parliament's responsibilities. Do you see specific things that Parliament could be doing to make your job better, or which you could encourage Parliament to do more?

Dame Glenys Stacey: I am very rarely asked how we could be assisted to do our job better. That is a lovely idea. I think the Select Committees are great. I am always happy to come here. I think you have a pivotal and well-respected role—this Committee and others—in being alongside us, keeping Government on track. The more you can do that, the better for us.

I also welcome all the relevant parliamentary debates. There was one a couple of weeks ago, for example, on hedgerows and hedgerow oversight, with an impressive level of debate. The more debate that happens the better. A Select Committee can bring a Secretary of State or a Minister to this table. You can ask the questions that need to be asked—more power to your elbow. We think that is an excellent part of our democratic system. It works in a healthy way, as far as we can see.

Certainly we would wish for that. We are not asking for any large-scale amendments to the Environment Act, but we want to see all four pillars of the Environment Act fully implemented: the targets, the EIP, us, of course, and the EPPS, the environmental principles policy statement, showing an interest in that and how that is being applied in Departments. We will be doing our own piece of work on it, but your interest in that seems to me important as well because it is such a useful tool.

When you consider more widely what Government need to do to meet this wide range of challenging targets, two or three things stand out, which I hope that you and other Members of Parliament will show an interest in. The most obvious one is environmental land management schemes. We are at an interesting point with those. There needs to be sufficient take-up of the higher-order schemes for Government to have a chance of meeting their nature target. We would very much welcome



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being able to apply your scrutiny to those big-ticket items that are going to make a difference.

- Q18 **Chair:** A challenge for this Committee is to not stray into areas of other Committees. I think the ELM scheme probably would naturally sit with EFRA primarily, but I take your point on board.

On the issue of parliamentary post-legislative scrutiny and a role for Select Committees, normally one would not, I think, get involved in that until three years after a piece of legislation has come into effect. I think you have just suggested that we may not need to. Do you think it would be a good idea for a successor to this Committee to engage in post-legislative scrutiny of the Environment Act?

Dame Glenys Stacey: Yes, I would.

Natalie Prosser: Yes.

Chair: Good, that is a simple answer, and welcome. Perhaps we will note that for our successor Committee.

- Q19 **Cat Smith:** A few questions on data, if I may. You are required to publish a progress report annually, which should, in theory, show a year-on-year progress, but much of your latest report is based on data from years prior to the reporting period of 2022 to 2023. I wondered if you could explain why that was.

Dame Glenys Stacey: I will start. We are quite a new body. The EIP is relatively new in the scheme of things, and not all of our datasets in the country are aligned specifically to the annual timetable that we are on, or to the precise things we would wish to see measured in order to judge progress against these targets.

We are looking predominantly at publicly available data, using all that we can to get the most up-to-date picture we can. Some of these datasets do not stop at 31 March. Occasionally we have used data that is not public domain data or not produced by Government, but we do not usually do that. We use the land map as an example of that.

We are using the best data we can and, in some areas, there has been progress. For example, on species, the data have been brought up to a closer date than it was when we last reported, when it was five years old last year, but it is a constant battle, a constant concern. You will know that in our report we highlight where we do not have sufficient data. We have these grey boxes that tell a story, don't they? We do not have the data.

There is a lot of work going on in DEFRA to improve our data or the country's data. Of course, we have close associations with the relevant team there and with the chief scientist, Gideon. You may want to add a bit more, Natalie.



Natalie Prosser: The primary reason is that our main datasets are Government datasets. We have identified a number of data-related issues that affect both our monitoring and the Government's. If I were to summarise them, those two issues are data timeliness and data availability. We have made eight specific recommendations in our report across eight areas with attempts to address those matters.

One example, in relation to thriving plants and wildlife, we think that there is a need to publish the relative species abundance index. We need wider, up-to-date data on species abundance generally, and we need clarification on participation on agri-environment schemes because we have datasets that are not consistent with themselves. That creates a particular challenge. We need an expansion and increased collation of marine-monitoring data. That is just one recommendation linked to thriving plants and wildlife.

It is not the OEP's role to fill those data gaps, but as part of our scrutiny function, we do highlight where they exist, and that is what has fed into that range of recommendations. If those are taken forward, we should see improved and better targeted data that will assist us in our evaluation, but also Government in their own evaluation to see what is working and what is not.

Q20 **Cat Smith:** It isn't the first time you have told our Committee about the data gaps in Government data. You gave us evidence last year along the same lines. Would you say that the situation with the data gap has improved? Has it narrowed or perhaps widened?

Dame Glenys Stacey: That is difficult to answer in one word. In some areas it has improved. We have more data collated in a more up-to-date way on species, but it is not necessarily the right dataset. That is a little microcosm of what it is like.

Of course, in this year's report we are reporting against a greater range of targets because we have interim targets and others. We have about 40 targets this time, some of which are very new. We are identifying where we do not have data for those or other targets. What we have not asked ourselves, I think, is whether that presents a better or worse picture overall

We can see that the OIF is developing the big dataset that we rely on, and we are certainly working with those teams to plug the gaps that relate to achievement of the goals set out in the EIP. We know work is going on and that we are influencing it.

Natalie Prosser: We also know that there is a considerable amount of work going on in DEFRA on its next annual progress report. That will be very critical to improving the monitoring and the datasets. We do not know exactly where that will be, but I have some optimism that that will move us forward. We will have to wait and see what that looks like later in the year.



Q21 **Cat Smith:** You have talked about the data gaps. Is it that the Government are not collecting the data that you need, or is it that the Government are not sharing that data with you?

Dame Glenys Stacey: It is the former predominantly. There was an issue we could discuss about co-operation separate from data. Take marine, for example. In large part, the data is not collected—and it is a mammoth task to do it—but without it, you are not going to know how you are getting on. Also you are risking very serious degradation of the planet. There is not a lot of choice about it.

An interesting thing, when I reflect on what difference the OEP has made, is that we have set out clearly, across the whole of the EIP, where you have reliable data and where you have not, where you have data that is reliable, unreliable, dated, up to date, collated properly, targeted on the right things or not. We have never had that before. We have had the EIP since 2015, but having a clear statement of where the gaps are for the first time in the public domain and why that is important is quite a valuable contribution. It is your starting block for getting better.

Q22 **Cat Smith:** Do you see a role for the OEP in data collection?

Dame Glenys Stacey: OEP has notably fewer than 100 staff and a lot of things to do; so no.

Q23 **Cat Smith:** I will move on to some other questions on enforcement. Could you update the Committee on the progress of your investigation into the regulation of sewage discharges, which is something that we talk about quite a lot in this Committee.

Dame Glenys Stacey: Certainly. Natalie can give the detail, but we are well into the late stages of it now.

Natalie Prosser: I have my general counsel sitting behind me who will have told me to preserve the integrity of the live investigation and I always have to put that health warning first. But I can give you an update on where we are in the process. You will be aware that we issued something called an information notice, which is a rather euphemistic term essentially for setting out where we think the Government and public authorities—the three in this case—may have broken the law.

In that notice we provided the public authorities with a detailed breakdown of where we think the legal breaches could be and the rationale behind that. We served the notice in September last year. Public authorities have had two months to respond and they did so within the timeline. Again, they have provided substantial responses to the findings in the information notice.

Since that time, we have been working through that in some detail, and we are dealing with some extremely complex areas of law. Our enforcement policy sets out that where we can we will resolve issues through discussion and negotiation. The phase of the case we are up to



at the moment is exactly that; we are in ongoing, active dialogue with all three public authorities, with the intent of achieving as much common ground between ourselves as is possible. I cannot go into any more specific detail than that.

Over the next few months, we will either reach some agreement or at least narrow down the issues between us. We will be aiming, I think, to make a decision, which might be that we continue or do not continue with the case through the course of this summer. I cannot give you a specific deadline because negotiations take as long as negotiations take, and we do want to, if we can, achieve resolution, because that is in absolutely everybody's interests but we will not want to prolong that process if it looks like we are not making progress.

An indicative timeline will be for one of two things. It will be a decision notice, in which case we will confirm our view that the public authorities have broken the law, or it will be an investigation report, which sets out that we have not made that finding, but it explains why. It will be one of those two outcomes, likely in the summer. I do apologise that I cannot be more specific but it is a live case, as I am sure you appreciate.

Q24 Cat Smith: Absolutely. Our constituents are frequently in touch with us on matters like this because it is something that is strongly felt by the public. That leads me to my question about your enforcement powers and whether or not you feel that they are sufficient, how well are they working and how they could be improved?

Natalie Prosser: I will start with what works well and then I will reflect on some areas where there might be some challenges. We have two obvious examples here of what has worked well. One is to do with the setting of the statutory targets, where there was a clear legal duty to engage with the Secretary of State, where that deadline in law was not met. We indicated our very serious concerns about that, reflecting the challenging political circumstances of the time. We secured compliance with the law in that case within six weeks of the statutory deadline. In my view, we would not have secured that outcome had the clear escalation route to legal action not been available to us. That worked very well.

Similarly, in our case in Northern Ireland, where we were very prepared to issue urgent judicial review proceedings in relation to a decision of the Northern Ireland Government we achieved a settlement on that matter prior to having to issue those proceedings, but on threat of them. We secured an outcome that brought the Government back into compliance with the law, in our view. Again, without that mechanism to escalate, I do not think we would have achieved that resolution. Those are two good examples.

However for our broader casework, the ability to move a matter along at pace, often in contexts of very complex laws and facts, we are very dependent on active co-operation from the public authorities that we engage with. If we do not get that active co-operation, it can take a quite



significant amount of time to identify whether there is a case to answer or not, because of that complexity of the law and the facts.

There is little mechanism in our legislation to expedite those cases, and we will always be reluctant to escalate a case unnecessarily if we think we can achieve resolution. I will give a specific example. We had a very substantial complaint from WWF and ClientEarth. It took us about a year to get to a decision point in that case, because it was very difficult to get at the underlying facts. However, I do not think that is an acceptable amount of time for us to deal with an issue. We have now made a finding in that case. It remains an active case with some areas under discussion, but it is a good example of where it can be very difficult to access the information we need to move a case forward at pace.

I think there are some real positives there and some lessons for us and the wider sector to learn about the importance of moving cases on at pace and how co-operation and candour from public authorities is an essential component.

Dame Glenys Stacey: For transparency, we give examples on our website of cases that we have concluded and reached some sort of settlement that takes things to where we want them to be. I think there are 11 or so that have been completed. We can show a record of achievement in applying the approach that we set out to apply.

Of course, we do not necessarily set out to be the European Union, do we? We do not threaten huge fines for infraction. We have a different set of powers. So far they are broadly working as intended.

Q25 **Chair:** Do you think it is relevant or not to publish your decision when Parliament is sitting, given that you are investigating the Government as well as other public bodies?

Dame Glenys Stacey: It would be very helpful if we can meet that deadline, yes.

Chair: There is no deadline.

Dame Glenys Stacey: There is in terms of your sitting. Once you get to your summer recess—

Chair: You said on a date when the House is sitting so that we could at least discuss it.

Dame Glenys Stacey: I would much prefer to get this report laid on a date the House is sitting. The work needs to be done.

Chair: Thank you. That is very helpful.

Q26 **Duncan Baker:** I am coming to the topic of staffing and funding for the OEP. Last year you told us about the process of being able to bid for your resources. You were concerned in particular, I think, about some of the staffing resource and being able to get the operating model quite right.



Can you bring us up to speed with where that is at the moment?

Dame Glenys Stacey: We were concerned about funding last year and raised our concerns with you. We put in a bid to DEFRA last year for the year we are currently in, and we were basing our bid on what we thought what was needed for us to be a credible organisation, if you recollect. That is a little bit above the bare minimum of what we must do by law, but nowhere near the potential in terms of what we could do.

I was very concerned that that bid would not be met. In fact, we were given 93% of that bid. It is rather difficult to bleat about 7% when other bodies are finding things difficult. We have managed to do an awful lot with that money. It has been very welcome.

In Northern Ireland, it was not such a happy picture. We bid for, I think, £1.62 million and received £1 million. Many other public bodies in Northern Ireland are equally short-changed—there is a wider issue there—although we were able to bid for moneys within year. That is not ideal, but it is an opportunity at least. We are still a growing organisation, and there are areas of work, in particular, that we need to get more capable at and have more capacity for. One is the extent to which we can project forward. I have mentioned that earlier. The other is the good work we could do monitoring environmental law. I am sure, Natalie, you want to talk a bit more about that.

We are also rather dependent on how many investigations come along at once. It might be like London buses; we have three serious and urgent matters at once. We have put in a bid to grow. This has always been anticipated. Organisations do not come up overnight. You grow them over time. We need about 20 more staff. We would very much hope to be given the resources and the freedom to grow and to stop having to employ good people on more temporary terms. Natalie, you will want to follow that up.

Natalie Prosser: I think it is important to remember that our modelling was a two-year funding arc. We were looking for investment to allow ourselves to grow, and grow further in the next financial year. We have put in a bid for next year of a little over £10 million for England only, which would be an additional approximately £1.5 million. We think that would bring us to the original operating model envisaged for the OEP.

At the moment, I do not know whether we will be successful in that bid. If we are not successful, it will have material consequences for our work programme for next year. It will not allow us to grow our staff numbers and it will probably require us to shrink our non-permanent staff and we would likely move a little bit backwards. That would be the likely impact if, for example, we were given the same resource envelope for the next financial year as the current one, given pay rises and so on. We are modelling that at the moment, but I think it would have quite serious implications for what we would be able to do next year.



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Q27 **Duncan Baker:** Going back to that Northern Ireland situation, that is far below what you were asking for.

Natalie Prosser: Yes.

Q28 **Duncan Baker:** How has that impacted the business there?

Dame Glenys Stacey: Because Northern Ireland came on stream later than England for the OEP, it has all been a bit behind the England curve, and we had not fully recruited. It came at a time when we had some options available to us. It leaves us with a great deal of uncertainty. We have several quite meaty pieces of work under way in Northern Ireland. There are a lot of areas where we can make a very significant difference. We have a bit of a planning blight until we know for certain what we are going to get for the year ahead.

If I may say as well, I know that public finances are tight across the spectrum of public activity—of course I do. My case is that we are new, we are not yet there. Once we are there, then treat us as you would treat other bodies. But for the moment, we need to be what we should be. It is not appropriate to treat us in exactly the same way as others, in our view, because we have always said that this is the trajectory in order to get us to be the fully-fledged organisation, able to do what Parliament intends us to do.

Q29 **Duncan Baker:** How responsive has the Department been to these pressures, to your concerns, that you must go back to them and say, "Look, we are not able to get to the position we want to because of predominantly funding issues."

Dame Glenys Stacey: The Department certainly understands our position and our concerns. I am assured that our representations are put before Ministers and that the Ministers are given information that explains quite clearly how different our position is from that of other bodies. We are not quite the same as other arm's-length bodies of DEFRA, are we? As far as officials are concerned, as far as I am aware, they are doing the job you would expect them to do, but we want decisions, of course.

Q30 **Duncan Baker:** Last year, you were particularly concerned about the complaints and investigations team, which requires specialist individuals. It is often time-consuming to investigate matters and, of course, enforcement staff are also specialists and take time to do that work and that is a key part of your organisation. How have you managed to rectify the concerns you had?

Dame Glenys Stacey: You are right that formal enforcement is resource heavy. Our approach to enforcement is helpful in that respect, getting more bang for your buck by seeking settlement rather than the formality of legal proceedings.



Natalie, did you want to comment on the size of the team now? Certainly it has a year's more experience and our processes have been refined over time as well, but do you want to say anything more?

Natalie Prosser: We have learned a lot over the last year and a half or so about how things work in practice. One thing we have learned is that there is a very close link between where laws are not being used well and where public bodies are falling short of compliance with the law. The gap between the two is often a very fine one and often a very grey one. Where we are at the moment is moving our functions about, looking at how well laws are being used—which is often not very well—and whether public authorities are falling short of the law, moving those functions and thinking in a more integrated way. To develop that further, we will need more capacity.

At the moment, I am content that our complaints team can handle the volume of work that we are getting through, but to move us to an organisation where we can be genuinely issue driven and genuinely delve into whether it is a case of underperformance against what the law is meant to do or non-compliance or, in some cases both happening at the same time, we will need to develop more capacity

The issue that will bite most likely next year is with our evidence budget. That is where we will very seriously feel the pinch if we do not have additional funding. Our evidence budget is an essential prerequisite to our understanding virtually anything that we are looking at, whether it is in our EIP monitoring, monitoring of environmental law, or indeed our complaints and investigations because often we need to work out what is happening on the ground.

Going forward, I am content that we are adequately resourced at the moment for the current volumes of complaints and investigations, but as we evolve as an organisation we are looking at real challenges in making sure our evidence gathering is sufficiently well resourced for us to look at all the things that we should be looking at across all our functions

Q31 **Duncan Baker:** I am coming to natural capital now; a different topic entirely. First, a broad question. How progressive is the Government's policy of trying to use private investment to assist the recovery of nature and nature restoration and how likely do you think those policies are to succeed?

Dame Glenys Stacey: We do cover this in our report, from page 150 onwards. We all know that the Government are aiming for 2 million green jobs by 2030. We do not see a programme of work that is going to get us to those 2 million jobs. We are not quite sure that we have a good definition between us of green jobs anyway but it does look as if we are going to fall far short. One reason for that is a shortfall in the skills base. There is a green jobs skill shortage, which is not necessarily easily resolved.



On private finance commitment, Government are making—I think it is £500 million by 2027, rising to £1 billion by 2030, and we know the Green Finance Institute has said that it needs to be much more than that. It does not appear to be anywhere near the scale of investment that is needed. I think there is a 12-times difference between what Government are proposing and what the Green Finance Institute suggests is needed. I am curious to see whether that can be lifted.

I think there is also work to do to make sure that real projects are now brought forward and delivered and we do not just see a load of greenwashing or several companies claiming the benefit of one action or whatever. There needs to be some meat on the bones for what is anticipated here. There is also more work to do on what counts and what does not. I think Government need to look very seriously at the scale of ambition when it comes to private investment.

Q32 Duncan Baker: It is very true, but there is always the art of the reality and what is possible, isn't there? The Green Finance Institute may well have a scale far greater than the Government's and I suspect the need to meet in somewhere in the middle, but that needs to be set out with more certainty. You are saying, effectively, break it down almost by sector to where those jobs are going to be delivered.

Dame Glenys Stacey: It is another example of where more detail is required. We have said Government plans need to stack up. This is a clear example. It is difficult to know whether this is stacking up on the face of it. Over the period Government are talking about, £4.5 billion of private funding will go in. The Green Finance Institute expects £56 billion. The gap is between £4.5 billion and £56 billion, and £4.5 billion has to move, I would have said. Even if one might question whether it should move to £56 billion, there is a suggestion there, isn't there, that we are in the wrong ballpark?

Q33 Duncan Baker: Finally, what is your view on the nature investment standards programme that has been launched by the British Standards Institute and DEFRA? Is it needed and if so, why?

Dame Glenys Stacey: The OEP has not considered it in detail. We can do that, of course, but we have not done that so far. It seems to me that it is a sensible development. It is there to make sure that data and information is there, and also that there is some integrity to the types of projects that will be brought forward and count. It is with the BSI, isn't it? I am hopeful for it, but the OEP has not done a formal assessment.

Q34 Chair: On the subject of natural capital, you will be aware that this Committee is in the middle of an inquiry into the topic. We have had evidence that while internationally there are a number of voluntary natural capital transactions taking place between companies and providers, the UK is one of the first, if not the first, country to have introduced mandatory elements to natural capital. Do you see it as part of your remit to compare and contrast UK performance against that of



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other countries in that or any other areas of environmental protection?

Dame Glenys Stacey: We do not systematically do that for everything we do, or even for each goal area, but there are some examples in our report of where we have done it because we think it meaningful to do so and because the information has been readily available to us.

It is rather a mixed picture for us. The legislation does not require us to do that. Sometimes it is helpful and it is relatively easy for us to do. Where that is the case, we will do it.

Chair: It depends on what data sources are available, essentially.

Dame Glenys Stacey: Yes.

Q35 **Chair:** Can I conclude with some questions on the future and the immediate future?

You touched on the EPPS that should have come into effect towards the end of last year. You have a responsibility to assess how the Government are performing against their own principles. Do you think this coming year is too soon to do that?

Dame Glenys Stacey: No, I think it needs to be done. Sorry to interrupt you, Chair.

Chair: That is my question.

Dame Glenys Stacey: Absolutely not. We need to see this operating now and do any course corrections necessary before habits get established, so we have a very keen interest in it now.

Q36 **Chair:** Is there any particular Department or piece of legislation that you think needs to be looked at first, that you have in your sights, or not yet?

Dame Glenys Stacey: The environmental principles policy statement applies to all Departments, but some Departments have a key role to play in the development of the environment, the nurturing of the environment. Of course we look to DEFRA and we are already in discussions with DEFRA about our interest in how it is applying these principles. We will also look across all Departments, and particularly the ones such the Department for Transport, the Department for Levelling Up, Housing and Communities—those that particularly have remits that suggest that there is a vulnerability for the environment. We want to make sure that we prioritise looking at those Departments, but it is a Department-wide requirement and we will want to do a good enough, and wide enough look overall.

Natalie Prosser: We have engaged so far with DEFRA, DESNZ, DfE, DfT—as my chair mentioned—DWP, DLUHC and HM Treasury. Those are the Departments that we have identified as our priorities. When I spoke about our enforcement powers, our ability to provide real insight and move things along at pace is dependent on a degree of co-operation,



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candour and transparency from Departments. We do not know how open Departments will be prepared to be with us. We need to understand, after the fact, how the principles are factored into decision making. In order for us to do that, officials need to show how that has happened. We are still working through the degree to which they will be willing to do that.

Q37 Chair: In your discussions with Departments, are you drawing to their attention the principles or are they well aware of them? Do you think it is in their consciousness yet that they have this new legal requirement?

Dame Glenys Stacey: That is an interesting question. I am not sure we have the answer. When we write to Departments, mentioning the EPPS, they have an opportunity to consider what it might be. I do not know whether we can form a view. Certainly some of those Departments are aware; they have representatives sitting on a cross-departmental group headed by a leading official in DEFRA. They have certainly had the chance to consider those principles and their application. I would say that the top-level officials in most of those leading Departments are aware. The question might be how far down the chain that news gets.

Natalie Prosser: We do know that DEFRA is preparing training materials and information for use across Government. We will be looking at those materials as part of our work.

Q38 Chair: Given the very wide range of scope of your remit, how do you decide which things to prioritise?

Dame Glenys Stacey: We are not short of things to consider. We are not scrabbling around. In our strategy document, at page 22 we set out our approach to prioritisation, which we live. We look at prioritisation by potential outcome, at how big an impact we could possibly have. We are looking at the likelihood of us having that impact, or some impact. We are looking at what we call strategic fit, which is whether it should be us at the OEP doing it, or is it someone else's primary role. We do not want to do other people's work; we have enough that falls just to us, so it is about strategic fit first.

Then we look at our capacity and capability as well. That still leaves a lot of judgment, and these matters go to our board. They are not determined at any lower level. We have very good discussions at our board when it comes to making difficult choices about things that are above the threshold.

Q39 Chair: Do you receive advice from external bodies? Are NGOs battering at your door urging you to do this or that in terms of priority?

Dame Glenys Stacey: We have good relationships with a wide range of stakeholders, including all of the relevant NGOs. I would not say that they are badgering us, would you?



Natalie Prosser: Not in that sense, no. Every NGO we speak to has its priority areas of interest that they would like to be our priority areas of interest. That is quite understandable. However, we are very transparent about the matters that we choose to prioritise and we are very clear about why we are choosing the things that we are focusing on. For example, our current main areas include nature, water and environmental governance. We are very clear about that, and we are very clear about why.

In our new strategy, one of the things we are looking at is being a bit clearer about the context in which we are working. This is particularly around the importance of the new statutory targets and how that may well influence us to prioritise, for example, matters that may assist or move us at greater pace towards achieving those targets. This could manifest in areas of compliance with law or how law is working in practice, and taking that more integrated, targeted approach.

Dame Glenys Stacey: To reassure you, I cannot think of an occasion when an NGO has disagreed with our prioritisation or our plans for the year ahead. It is clear why we are prioritising those matters. It is virtually inarguable to say that we should not be doing what we are doing.

Natalie Prosser: Everyone would like us to do more.

Q40 **Chair:** However, I do not think third parties will have access to the complaints you have received, until you choose to publish them.

Dame Glenys Stacey: We do have three months, I think, for giving a complaints report, which is on our website and does show the general nature of the complaints. Of course, we can also instigate investigations, and that is potentially a very useful power.

Q41 **Chair:** Has a particular volume of complaints influenced you to think that maybe there is something that you ought to look into?

Dame Glenys Stacey: Yes, we have done that on water and CSOs, but our prioritisation criteria include the ability for us to take into account public interest in the issue. However, that will not necessarily be the determinant thing. We still need to know that it is serious and we need to know that we can make a difference—all of those things I set out earlier—but we have regard to the level of public concern.

Natalie Prosser: The investigation in Northern Ireland was triggered by eight complaints about individual decisions. One thing we could do is look at that cluster of complaints and we could see there was a root cause issue. We did not take forward any of the individual issues, but we took forward the thematic point, and that has resulted in a resolution in Northern Ireland.

Q42 **Chair:** Have you had complaints from Members of Parliament to which you have given greater or lesser weight than to other complaints?



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Dame Glenys Stacey: I am not aware that we have had any, but we might now.

Natalie Prosser: We have had issues brought to our attention, but not a complaint.

Chair: I will give Barry Gardiner an opportunity to ask a question. Having just arrived, Barry, you do not know what has been said, but it has rarely stopped you in the past from wanting to ask a question, so here is your chance.

Q43 **Barry Gardiner:** You are extraordinarily kind. The first thing I must do is to apologise to you, but you will understand with what is going on in the Chamber that it has been a very stressful day.

I was in Washington last week speaking at the USDA, Department of Agriculture Outlook Forum, and I specifically referenced the importance of the work that you are doing as the Office for Environmental Protection. I said that I hope that you would be given more powers in the future to get on with it.

Dame Glenys Stacey: More power to your elbow, Mr Gardiner. I do think that other jurisdictions are showing a keen interest in this model. We get a number of requests for information and to speak. There is a healthy interest in how this is working.

Barry Gardiner: I think it is very important. I see you have gone past the natural capital question, and I will try to catch up with what was said on that, which would have been my particular interest.

Q44 **Chair:** I have two more questions. You have two non-executive board members whose terms of office expire before this summer. You do not need to answer this question directly, but what is the policy approach towards appointments? Do people expect to be appointed to a second term?

Dame Glenys Stacey: It is difficult to answer this question without you understanding which board members I would be talking about, and I am a bit uncomfortable about doing that. Certainly, one board member is of an age where other things in life look more attractive, despite all the good work done at the OEP, so we will have at least one vacancy. Our board could be bigger, in any event. It is a small board at the moment, so we are anticipating a recruitment and selection campaign for at least one, possibly two, board members. We have been working with DEFRA over a period of months now to get that campaign off the ground, and we are still waiting for it to start. That makes me deeply uncomfortable, given we know the length of time these campaigns can take.

Q45 **Chair:** It is initiated by the Department rather than by you?

Dame Glenys Stacey: Yes. The Secretary of State is responsible for that. He or she makes those appointments.



Q46 **Chair:** I have two final questions. One is about your organisation and what you are most concerned about looking forward over the next year for the OEP as an entity.

Dame Glenys Stacey: There are two things really. First is the resourcing position we are perhaps likely to find ourselves in. We can already identify half a dozen substantial pieces of work that you would wish us to do, that we will not be able to do. They are pieces of work you would expect us to do. I find that prospect extremely uncomfortable, but 20 staff could make all the difference. That is the first thing.

Secondly, we do not find that DEFRA is always as co-operative with us as we would expect it to be. Natalie may want to say more about that. It concerns me greatly that some delays are built into our own work because of that lack of co-operation or delay. If we have full co-operation, transparency and disclosure of relevant material, we can report to Parliament much more fully than we can at the moment. These two things—our working arrangements with DEFRA and how they can become better with more co-operation, frankly—is the first, and then the second thing, which is no less important to me, is can we be resourced to be credible.

Q47 **Chair:** My final question looks to the Government's prospects of achieving their targets. Going back to your assessment of EIP, which is backward looking, looking forward, is there a particular area that you are most concerned about over the next period—the next year, for example?

Dame Glenys Stacey: I have mentioned the nature targets because they are so pressing. The policies are there; they just need to be implemented and they need to be implemented now at sufficient scale, so speed up and scale up. We will be watching that very carefully. We will keep a focus on that for our next report as well, incidentally.

There are other areas that are not seemingly so immediately pressing, but are deeply worrying. I have mentioned marine, where the prospects for the globe are catastrophic if we do not deal with the new issues, as well as the traditional issues arising in marine.

Another area that worries me personally is soil and soil health, where we still do not have a set of measures. Other jurisdictions, for example Northern Ireland, are ahead of us. It would be good to see progress there because I suspect we have a big issue there and we have ways to deal with it.

Lastly, I would point to agricultural diffuse pollution where there are solutions, but we need to get on with it as a nation. Do you have anything else, Natalie?

Natalie Prosser: I have two things, and these have been the focus of prospective work that will be due out over the next few months. We will be publishing a major report, hopefully in the next couple of months, on the efficacy of the regulations for protecting water—regulations under the



Water Framework Directive. That is a key delivery vehicle for the Government's ambitions for clean water. Without getting ahead of our report, we have identified a range of practical issues that may well be material impediments there. This is about the practicality of getting things done, but it is important to deliver those outcomes.

We also have a major piece of work, which will likely be laid in the autumn, around protected sites and the laws in place, and how they are being used to protect our sites. We know that is a key plank of nature recovery and species abundance. I am sure we will identify areas where those laws are not being used to the best effect.

As we continue with our programme of looking at how laws are implemented, we will increasingly uncover the practical day-to-day blockers that are getting in the way of achieving some very important ambitions. Inevitably, I tend to worry about the things that I see in front of me as we work through the evidence base.

Q48 Chair: In relation to some of those challenges, do you regard yourselves as having a good and constructive working relationship with officials in DEFRA? Are you in regular contact with them or is it a bit more antagonistic, not least that you are using your powers against some parts of DEFRA at the moment?

Dame Glenys Stacey: These relationships work on a number of levels. Certainly, we have constructive relationships with senior officials and they quite understand our concerns and issues, but they are working in a wider system.

There are what I would call rubbing points. I have mentioned the lack of co-operation. It takes a long time, sometimes almost two years, to get information about something that is a matter of complaint or, indeed, the suggestion that we are not entitled to any information for core purposes, if it is not already in the public domain.

These are matters where we take a different view and we have robust, independent legal advice—our board has made sure that it has that—and there are ongoing discussions now about whether we can work through those things.

There is also a difficult discussion about the extent to which we should be projective looking forward, as we have begun to be. Candidly, I do not understand how anyone could think we should not. The legislative provisions allow us to—we may look forward, and it is the most useful thing for you and other Members of Parliament. I am hoping for a happy outcome to that difference of opinion about our role. Apart from that we have constructive relationships day-to-day.

Natalie Prosser: If I were to sum up the two issues we have, they are sufficiency of information, as in not getting enough, and timeliness of information. For example, in the matter my chair referred to, we wanted



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to review EU infraction cases, not necessarily to progress them, but so we would understand if there were any issues there that we should—

Dame Glenys Stacey: So we could draw a line.

Natalie Prosser: We initially asked for that information in April 2022, and we still have not received it all. We have some optimism we will get the complete information within the next few months, but it has taken two years to access that information.

Chair: Thank you very much. Certainly, it was noticeable when looking through your report, that in some areas you had data which was within a year or so of publication. However, on some charts your latest data was from 2019. It seems hard for you to report annual progress when you are looking back four or five years.

Dame Glenys Stacey: Especially in relation to targets that are fast upon us; you really want it up to the minute if you can.

Chair: Dame Glenys Stacey and Natalie Prosser, thank you very much for joining us again. It was a pleasure to see you, as always.