

Board Paper

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Title

Issue-based working – taking stock

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Paper for discussion

Open paper

Issue

1. At the Board's steer we have prioritised certain topics to focus on through our strategy review. It is, however, important to also consider how the different parts of our business fit together operationally into a coherent whole that delivers our strategic objectives.
2. This paper consolidates various aspects that the Board has considered in the review of our strategy, and sets out how these relate to our issue-based approach. It also sets out how we consider we must focus our efforts to embed an issue-based approach.

Recommendation

3. The Board is recommended to:
 - (a) consider and comment on our descriptive model for how the OEP's functions work together to allow our intended issue-based approach
 - (b) note the work to date on specific aspects of our 'knowledge functions' and how those aspects are inter-dependent
 - (c) note the areas where we anticipate work being required to further develop our issue-based model, to ensure a coherent approach across the business and all our (knowledge, decision and response) functions, and our intention to develop these over time iteratively.

Background

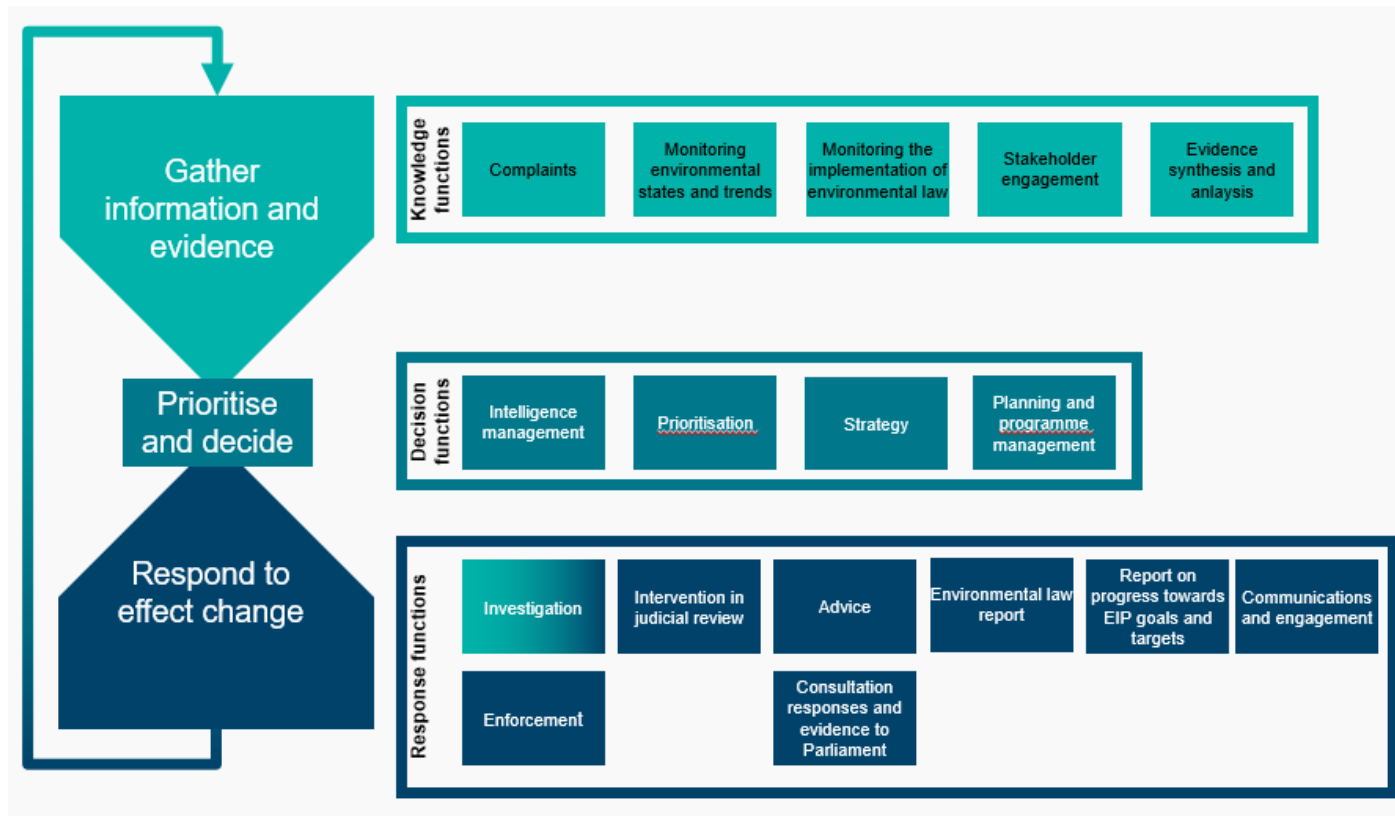
4. Our current strategy is to decide how we act by taking an issue-based approach. We aim to approach the issues we identify with an open mind as to which statutory functions to deploy in response. We may deploy functions in a complementary way, sometimes together, sometimes sequentially. We prioritise by outcome and across our functions, so we 'choose the right tool for the job' as well as prioritise those things where we can make the most difference. We aim thereby to avoid our approach becoming narrow and functionally siloed and to improve our effectiveness, efficiency and impact overall. The Board reaffirmed this steer in October, and it is embedded in the guiding policy the Board considered in January.
5. We have made progress in developing an issue-based approach over the last two years or so, as we've built teams, structures, internal processes and governance from scratch. Some aspects are well established, and others developing for example intelligence management.
6. There is, however, more to do to ensure what we intend by issue-based working is reflected fully in practice, including as a result of the refinements to our strategy the Board has decided in recent months. Our structures, internal processes and governance may need to evolve, and the issue-based mindset may need fostering further with our staff, so it is consistently implemented in practice. We plan to work on this in implementing our refreshed strategy.
7. While it has always been our strategy to act in this way, our experience and stakeholder engagement suggests we can explain it more clearly. For example, NGOs have sought greater confidence in how we retain and manage knowledge and information they provide where we do not immediately prioritise issues. We must also regularly explain why we cannot be certain at the early stage of our evidence gathering and engagement with public bodies towards which outputs our work will be directed. The strategy refresh is one means to seek to provide greater clarity on our approach, and what it means for others.

Analysis

Describing our issue-based approach

8. Our 2022 strategy only provides high-level statements of what we mean by issue-based working, requiring work to be done elsewhere to flesh out what it means in practice. In essence, we believe our intended approach requires that the OEP can: (i) identify relevant, tractable issues, (ii) make wise choices over which of these to prioritise and (iii) deploy the right mix of our statutory tools to have impact in relation to those issues. To assist with explaining this better, we have developed a descriptive model.

Figure 1: our issue-based approach



9. In this model, some of our functions (our ‘knowledge functions’) provide value for the OEP primarily, though not exclusively, because they allow us to gather information and intelligence, i.e. to identify and assess ‘issues’ that fall within our remit.
10. These functions are some of our key duties in the Act and related activity:
 - (a) handling complaints and enquiries
 - (b) seeking and receiving intelligence from stakeholders and other sources
 - (c) monitoring environmental states and trends, i.e. progress in improving the natural environment in accordance with EIPs and targets
 - (d) monitoring the implementation of environmental law
 - (e) analysing and synthesising evidence relating to these, including by commissioning evidence reviews
11. Other functions (our ‘response functions’) concern our statutory powers to effect change in relation to the issues we identify. They are:
 - (a) EIP progress reporting
 - (b) environmental law reporting
 - (c) advice to government

- (d) investigations, enforcement and interventions, and
 - (e) the various other outputs we deliver (e.g., communications and stakeholder engagement, seeking early resolution and responding to consultations).
12. Between identifying issues and deploying a response lie our 'decision functions' (intelligence management, prioritisation, strategy and planning and programme management). There should be 'no straight through' from an issue to an automatic response. Rather, first there is open-minded, informed decision-making on which function or functions is best suited to addressing the issues identified. Through this process we seek to match prioritised issues to the best response, and may reassess it as new information emerges or where our initial analysis and understanding develops over time.
13. Issue-based working requires that relevant information flows efficiently through the organisation from knowledge, to decision, to response functions. Proportionate information must be available when needed to make wise, well-informed choices over the issues we prioritise and the opportunities we take up for influential action. Systems for reporting back should support accountability and line-of-sight (ultimately up to Board) and provide feedback into our knowledge base for future decision-making. It will necessarily require iterative development as we learn and refine the approaches that work the best.

Implementing the issue-based approach

14. Alongside reviewing our strategy, the Executive has taken stock of our maturity in implementing our intended approach. We recognise the considerable progress that our teams have made to implement our functions in practice, building necessary teams, structures, internal processes and governance from scratch along the way.
15. We also recognise that there is more to be done to truly embed issue-based working across the organisation. We recognise that this is partly a function of evolving our structures, internal processes and governance and partly a function of evolving our culture and mindset. The two go hand in hand.

Developing our knowledge functions

16. The Board has recently considered proposals to further develop our 'knowledge' functions:
- (a) valuing enquiries as a source of intelligence (Board paper [here](#))
 - (b) developing our access to, and management and analysis of, intelligence beyond complaints to enable us to better identify and act upon suspected serious non-compliances (Board paper [here](#)).
 - (c) piloting how we access and analyse sources of intelligence on the implementation of environmental laws (to identify both potential deficiencies in implementation and potential non-compliances) (Board paper [here](#))
 - (d) developing our approach to stakeholder engagement as another source of relevant intelligence (Board discussion paper [here](#)), and building how we plan, co-ordinate and share information arising from engagement

- (e) monitoring environmental states and trends in a way that supports organisation-wide, issue-based working, not just as an input into EIP progress reporting (Board paper [here](#)), including through a longer-term evidence programme the Board has endorsed through its business planning discussions
 - (f) developing our approach to horizon-scanning and intelligence management, and building the associated infrastructure.
17. Regarding the last of these, the Board is now receiving weekly intelligence updates and Annex A provides a broader summary of progress which includes the roll out of an intelligence management system, development of horizon scanning processes and the creation of an issue-based forum to improve the flow of information across the organisation.

Areas for further work

18. We must complete the roll out of our intelligence management systems and integrate them with parallel work to develop how we most efficiently and proportionately source intelligence.
19. Intelligence will need to be reliable and robust, capable of supporting our decision-making, including when we are under close stakeholder scrutiny, yet without being over-engineered. Hence, sometimes it will be appropriate, for example, to gather experts in a room to glean intelligence from such engagement. Other times a more systematic evidence gathering or research-based approach may be required. We intend to continue to test, learn and refine. For example following the Board's steer, we will pilot how we monitor the implementation of environmental law, seeking to narrow down to the richest sources of actionable intelligence within the right level of resources. We will report back to the Board in due course.
20. As we do, we must integrate any refined approaches with our existing ways of working, or else adapt them. For example, we aim to test and, if necessary, refine how existing processes, such as for handling complaints and enquiries, best interact with our intelligence management. And how, as we implement an updated communications and stakeholder engagement strategy, this makes good and consistent use of stakeholder engagement to seek and gather intelligence.
21. As we develop our approach, we expect it may entail some development of existing governance, internal procedures and reporting. For example, we must invest effort in analysing intelligence and improve our understanding of when this is most valuable, and when decisions should be brought to stop, change course or continue. We must also ensure we take decisions in a non-siloed way taking advantage and account of all our organisational knowledge as this broadens.
22. We intend this development to be iterative, to build from and improve upon what already exists, and not be a radical departure from this. However, without this evolution in our work, we risk building our stock of intelligence without the ability to deal with it, other than in silos.
23. As an example, ExCo has approved a trial of a regular issue-based forum attended by Grade 6 staff from across the OEP. The [Terms of Reference](#) for the forum set out that its purpose is to improve; the flow of information across the organisation, situational awareness and corporate memory. The forum discusses emerging issues identified by the intelligence team and any new issues being scoped for potential action on a 6-weekly basis, so that these

receive broad challenge and insight. It reports to ExCo quarterly. It has no delegated decision-making powers but feeds into existing governance processes; for example the forum may recommend that an issue be scoped further to the relevant Executive Director. It too will be developed iteratively with active and regular review of what is working and what could be improved.

24. We also recognise the importance of continuing to improve our decision-making to deploy the optimal mix of statutory functions to ‘right-sized’ problems. We also recognise the importance of developing our understanding of how to deliver these functions best, making best use of external opportunities and internal resources both financial and in terms of the skills and expertise we hold. This must include considering the scale of resources to deliver each of our responses – the right size, as well as the right response – integrating communications and engagement better throughout our projects to amplify our messages, or to be the substance of our response. We continue to seek to embed our project management disciplines, so that prioritisation and scoping decisions are subject to effective change control, and to build a consistent approach to lessons identification that will become increasingly valuable as the number of completed activities increases.
25. Finally, we expect to consider how best to develop our existing reporting and line-of-sight, to ensure appropriate and proportionate oversight and feedback. This will support us gathering the necessary evidence to judge our success in line with further recent Board steers (Board paper [here](#)).

Northern Ireland

26. The issue-based approach is how we intend to operate in both England and Northern Ireland. The matters covered in this paper are therefore pertinent to both jurisdictions.

Finance and Resource

27. Our issue-based and prioritisation approaches intend to support us to be effective, efficient and make good use of our resources. Implemented better, we judge this approach to provide efficiency overall.
28. We have not planned to implement our issue-based approach as a stand-alone project within our business plan. Instead resources are allocated within the various parts – for example towards monitoring environmental law, intelligence management and our evidence programme – with some capacity held to implement and communicate our strategy internally, review our governance and improve our reporting, notably of our impact, and develop our people strategy and culture. Implicit is that each project has capacity to connect the specific activity, to the broader approach. We may need to create greater visibility of how these parts come together to deliver collectively, as we consider further how we implement the refreshed strategy.
29. It will remain important for us to ensure appropriate balance between our ‘knowledge’ and ‘response’ functions as we undertake our planning, and allocate resources. The greater clarity we intend through the model set out above may allow us to identify more clearly and take better decisions on the appropriate resourcing to apply to ‘knowledge’ and ‘response’ with the evidence we gain as we test, pilot and learn.

Impact Assessments

Risk Assessment

30. We have always judged this approach to provide the best opportunities to make the most difference, across our wide remit and with the degree of discretion we have in our prioritisation choices. We continue to judge that to be true.
31. There is a risk that we under- or over-invest in knowledge. Where we under-invest, this may compromise our ability to identify issues (including non-compliances) where we could make the most difference. Where we over-invest, this may come at the expense of responding to such issues. There is a similar risk that the burden of managing intelligence and information for decision-making and enabling those decisions becomes disproportionate against the better decisions that should result. Together this may mean we over or underinvest in response, at risk to our overall impact. We aim to mitigate through careful consideration of the scale and scope of each activity, and the test and piloting approaches proposed.
32. There is a risk that issue-based working becomes less seamless when information, decisions and actions transfer across functional line management chains. While much of our work is multi-disciplinary, such challenges may be inevitable in our organisational structure. The information flows, reporting and governance changes we identify may be required are key mitigations.
33. There is a risk that our intended approach is hard to communicate externally and internally, which may put at risk its effectiveness overall. We aim to mitigate through our strategy, communication around it, our culture and behaviours and operational practice.

Equality Analysis

34. No material equalities impacts have been identified.

Environmental Analysis

35. The recommendations in this paper are intended to support the OEP in delivering our intended issue-based approach to ensure work happens in a coherent and well governed way. This in turn will support us in maximising how we deliver our principal objective, and in meeting our legal duties under environmental law through the work we undertake.

Implementation Timescale

36. This paper consolidates various aspects that the Board has considered in the review of our strategy, and sets out how these relate to our issue-based approach. The implementation of those components the Board has considered in the constituent papers.
37. We plan to take stock of the degree of change to our operational approaches, governance, culture and broader ways of working as we conclude consolidation of our strategy and begin the communication of it – and reflect that strategy in our planned activities around reporting, governance, and culture.

Communications

38. The internal communication of this approach will be developed alongside our work in relation to the overall strategy. Much of the content of this paper exists, or is an iteration of existing practice. In other places the change will be greater.
39. We recognise the importance of and will invest appropriately in sustained engagement with and support for staff to bring to life this aspect of how we work. This may include through induction, guidance, training, line management and governance.

External Stakeholders

40. We are discussing our issue-based approach with NGO stakeholders before the Board meets, to explain how we use and value information from a range of sources throughout our functions. This follows questions raised in earlier engagement on our strategy refresh.
41. We have trialled our descriptive model with stakeholders, including Defra, in explaining how we work with others to deliver our functions. We regularly discuss our issue-based approach with those public authorities who we engage with, and from whom we obtain information.

Paper to be published	YES
Publication date (if relevant)	With meeting minutes
If it is proposed not to publish the paper or to not publish in full, please outline the reasons why with reference to the exemptions available under the Freedom of Information Act (FOIA) or Environmental Information Regulations (EIR). Please include references to specific paragraphs in your paper	

Annex A - summary of the intelligence management approach

Annex A - summary of our intelligence management approach

1. Our intelligence management approach aims to deliver four outcomes that contribute to better informed decision making:
 - (a) improved flow of information across the OEP
 - (b) improved corporate memory
 - (c) improved situational awareness, and
 - (d) reduced knowledge gaps.

Intelligence management system

2. To deliver these outcomes we have developed an intelligence management system (IMS) which embeds an intelligence cycle of scanning, storing and sharing information relevant to the OEP's remit. The IMS contains a dataset which we began collating in June 2023 from a defined list of [sources](#). This covers both Parliaments, UK and NI Governments and stakeholder publications and activity.
3. The IMS houses an emerging issue log to capture issues identified through our knowledge functions, which may or may not become future priorities for the OEP.
4. It also houses a summary log of the activity being undertaken by our response functions. For example, live projects, investigations and issues being scoped, with links to their project initiation (or scope) documents, complaint assessment templates or other scoping templates. It signposts to the OEP colleagues involved in each.
5. The IMS will be launched in mid-June and will be developed iteratively to deliver dashboards and analysis that support different OEP functions, for example a stakeholder dashboard, a consultations dashboard etc.

Processes and products

6. Alongside the IMS, the intelligence team is developing processes and products.
7. On a weekly basis the intelligence team scans a defined list of [sources](#) for intelligence related to our remit. We highlight intelligence relevant to our current priorities to the relevant colleagues. We combine this scanning with other intelligence submitted from across the OEP to produce a [weekly note](#), which OEP staff can subscribe to.
8. Every six weeks the intelligence team conducts horizon scanning activity. We review new intelligence to identify evidence that contributes to existing issues and identify any new issues, which we capture on the emerging issue log. From this we identify a few topical issues to discuss with the Grade 6 issue-based forum, alongside any new scoping ideas submitted from across the OEP. This activity is summarised on a quarterly basis to ExCo.
9. Our horizon scanning activity also looks at issues over the next five years. The Delphi survey conducted with both staff and the college of experts identifies longer term emerging issues. To inform the start of the business planning cycle, we intend to bring an annual horizon

scanning report to the Board in the Autumn. This will incorporate the emerging issues identified by the Delphi surveys and from regular scanning and scoping activity.

10. The intelligence management approach also accepts commissions (limited to a maximum of two weeks work for one FTE) for briefing or analysis on issues. These can be on an environmental issue, stakeholder, or EIP Goal or NI Strategic Environmental Outcome.
11. The intelligence team consists of 1.9 FTE.