

Board Paper

Date

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Title

OEP strategy review – approach to consultation

Report Author

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Paper for discussion/information

Issue

1. In reviewing and revising our strategy we are required to consult. However, there is much discretion in terms of who we consult and the approach we take¹.
2. Based on what we know from our previous strategy consultation, and the nature and scale of our review, we have set out a recommended approach for approval.

Recommendation

3. Board is recommended to:
 - a. Agree our approach to consultation, in particular:
 - i. Strategic intent
 - ii. Objectives
 - iii. Audience
 - iv. Duration of consultation
 - v. Approach to stakeholder engagement

Background

4. In 2022 we ran a 10 week consultation on our first strategy and enforcement policy. Whilst we can take lessons from that process, we should acknowledge that the nature and scale of what we are now consulting on is different. The context is also different, given that we have been operational for two years and our stakeholder relationships have evolved.
5. We have gathered feedback on our approach regularly in our years of operation. In reviewing our existing strategy, and ahead of the formal consultation, we have engaged with key stakeholders to explain the areas of focus the Board decided, and to discuss some of the key questions the Board asked us to consider in the review. Before the Board decides on our strategy, this will have included three sessions of our stakeholder group, two sessions with Defra group Arms Length Bodies, a session with our sponsorship team, and a structured discussion on certain questions with our sponsoring Minister in England.

¹ S24(5) Environment Act 2021 states: "*Before preparing, revising or reviewing the strategy, the OEP must consult such persons as it considers appropriate*".

6. In terms of internal engagement with staff, we have representatives from across the organisation involved in the review and engaging more widely with teams and individuals in the specific areas we have reviewed closely. In addition, we have been keeping staff briefed via existing communications and engagement channels, such as our all staff cascades and ExCo debriefs. We have also run a bite-sized workshop session on how we measure success.
7. This engagement has provided useful insight as to the level of engagement we might anticipate from stakeholders, the topics likely to be of greatest interest to them, and those issues where we would most value input from our stakeholders.
8. The intention is to publish our draft revised strategy, including the enforcement policy, and run an external consultation. This paper sets out our proposed approach to the consultation and in-consultation engagement.

Analysis

Strategic intent

9. The overarching strategic intent for the consultation and associated engagement, is to test and strengthen our strategy, whilst strengthening our relationship with existing stakeholders and building positive and constructive relationships with new stakeholders.

Objectives

10. To ensure the consultation is effectively planned and allows us to measure success, we propose the following objectives. We want the consultation to:
 - a. Test our strategy, particularly where we are proposing change or anticipate challenge, to ensure it is robust, defensible and future-proof.
 - b. Maintain and strengthen engagement with existing stakeholders by showing we are a listening organisation.
 - c. Provide an opportunity to engage with new or harder to reach stakeholders.

Assumptions

11. Our approach is underpinned by several 'assumptions' that have shaped the scope and scale of how we manage the consultation and associated engagement:
 - a. As this is a 'refresh' rather than a whole new strategy, our approach to consultation should be scaled and proportionate.
 - b. We are unlikely to generate the same level of interest as for our first strategy and should not seek to court it without good cause – instead taking a more targeted approach to engagement.
 - c. Interest is likely to be restricted to 'invested' stakeholders, who will require targeted engagement. However, we should ensure sufficient, accessible opportunities exist for anyone to engage should they wish to, including the public.
 - d. We should use this opportunity to engage with stakeholders with whom we want to build a new / closer relationship.

Audience

12. For the purpose of this consultation, we consider we have two main audiences, which can be further sub-divided for the purposes of planning engagement activities:
- a. Established ‘invested’ stakeholders – this group includes those with whom we are well acquainted, some of whom we have already engaged with during the pre-consultation phase, including:
 - i. Those we oversee i.e. government & public bodies.
 - ii. Those we have a unique relationship with i.e. the other watchdog bodies, Climate Change Committee, ombudsmen, select committees etc.
 - iii. Those active in related fields and ‘invested’ in the OEP i.e. environmental non-government organisations (eNGOs), business and environment groups, environmental law groups, professional bodies.
 - iv. Existing staff, Board and College of Experts
 - b. New / harder to reach priority stakeholders
 - i. Organisations / individuals identified as pertinent to areas where the strategy will change, or where we can anticipate challenge, but who, as yet, we have not had extensive engagement with. This might include opposition parties in England and some Members of the Legislative Assembly in NI for example.
 - ii. New and prospective new staff, Board members and College of Expert participants
13. The public are not a target audience for this consultation due to the technical nature of the strategy review. We won't be undertaking any activity targeted at a general audience. However, the consultation will be available on the website and will be promoted via social media so there will be some opportunity for interested members of the public to participate.

Approach to stakeholder engagement

14. During the strategy review and pre-consultation phase we have engaged with a number of our key stakeholders (see para 5), meaning that many of our ‘invested’ stakeholders are aware and primed to engage with the formal consultation.

Audience	Engagement channel					
	Existing internal channels (cascades etc)	Online consultation material (+ social media)	Consultation briefing video (hosted online)	Existing forums / mtgs	Focus groups	1:1 engagement
a) Invested stakeholders	Internal stakeholders only					
b) New / hard to reach priority stakeholders						

15. We propose a 10 week consultation window, within which there will be engagement activities tailored to our audiences - summarised above.

Online consultation

16. A 10 week consultation would run from the week commencing 10 June until the week commencing 12 August 2024.

17. This will begin with us publishing the draft strategy on our website. We will publicise the consultation through our social media channels (i.e. LinkedIn and Twitter). This will be done when we launch the consultation, halfway through, and a week before the consultation closes.
18. To field consultation responses in a clear and consistent way we have developed a draft consultation document (Annex A), which incorporates a questionnaire. In addition to the consultation document (which will be downloadable from our website), people will be able to write or email us their views.

Consultation briefing video

19. To support those wishing to respond, we will record a video, to be introduced by our Chair or Chief Executive, to introduce and explain the context of our strategy review, and what feedback we are seeking through the consultation. This will be recorded, hosted on our website and shared via social media.

Existing forums and engagement

20. Now we have been up and running for two years, we have a number of regular forums and meetings established that can be used to help publicise the consultation and seek feedback. For example, we have regular meetings with government officials, ALBs and eNGOs.
21. Where these channels exist, we will maximise the opportunity they afford to reduce further resource outlay in setting up additional meetings.
22. For internal stakeholders we will also make full use of all our existing communication and engagement channels, such as cascades, ExCo de-briefs and team meetings. Given the involvement of representatives from across the organisation in the strategy review, there will also be more targeted outreach with specific teams and individuals.

Focus groups

23. Given the limited changes proposed by our review, we intend to run focus groups to generate discussion and obtain feedback. Whilst these, and the consultation document, will allow for more general feedback, the intention of these sessions will be to dig into the detail of our proposed changes and areas where we might anticipate challenge, and to test them with an informed audience.
24. Targeted engagement activities such as the focus groups and 1:1 engagement will be front-loaded in the consultation timeline to maximise time available for any necessary follow-up and analysis, and to try and minimise the clash with school summer holidays.

1:1 engagement

25. Where we identify matters of particular sensitivity or identify stakeholders whose views are likely to be unique or especially significant in the light of the changes we are proposing, it may be appropriate to have targeted 1:1 meetings.

Consultation questions

26. We will encourage people to use the online consultation response form to enable easier collation and analysis of information. The form will contain no more than 15 targeted questions, referencing specific sections of the strategy where we have made changes.
27. Our questions will allow for the capturing of qualitative data. We will also include a question that allows us to capture wider feedback that doesn't necessarily fit with the specific questions. The questions included in our consultation response form will be assessed by a social researcher from our Insights function.
28. We learned from the 2022 consultation that, whilst we provided a consultation response form, many respondents chose to write free-form feedback in the form of emails and letters. Given the level of response anticipated for this consultation, we will continue to allow responses provided in any format.
29. In running the consultation, we have considered and aim to adhere to the Defra consultation principles 2018² to ensure it is clear, concise, purposeful, informative and targeted. We have also considered the consultation from an equality perspective to ensure it meets accessibility requirements (see 'impact assessments' below).

Analysis of responses

30. As set out in our assumptions above, we do not anticipate a huge response to our consultation and consider that getting good quality responses from a smaller and more informed group is more appropriate in this instance. As a result, we do not envisage collation and analysis being on par with the consultation run in 2022.
31. In 2022 we used citizen space as a platform for our consultation. We enlisted a contractor (Systra) to complete the analysis, given an unknown level of public interest. We received a total of 76 responses (28 via citizen space, 21 using our response form, and 19 via letters written to us). *This section has been redacted as its publication would be prejudicial to commercial interests.* On the basis of this earlier consultation, we do not consider the use of external contractors, nor the use of citizen space provided good value for money. We no longer have access to citizen space having rescinded our licenses.
32. Given that we anticipate a smaller return for this consultation, we intend to keep data collation and analysis in-house. This will commence during the consultation period as we start to receive feedback through engagement activities and via responses received.
33. Feedback received will be used to inform any further amendments to our strategy. We will publish a summary of our approach to the consultation, findings and how the consultation has informed our work when we publish the revised strategy.

Finance and Resource

34. The Chief Executive agreed a project initiation document in September which agreed an allocation of resourcing to the strategy review – equivalent to c0.8 FTE in each of 2023/24 and 2024/25 across the delivery of the review, consultation and the development of the strategy. A small proportion of this is allocated towards developing and supporting engagement to date, and supporting the specific outreach now proposed.

² Consultation principles: guidance, Defra (19 March 2018) [Microsoft Word - Consultation Principles \(1\).docx \(publishing.service.gov.uk\)](#)

35. £10k external expenditure in production costs is included in the budget for 2024/25. There is no budget to support consultation.

Impact Assessments

Risk Assessment

36. **Engagement** – there is a risk that some may think we have not sufficiently engaged in a way that meets our objectives for this consultation. This may present a relationship management risk if we are considered not to be a ‘listening’ organisation. We consider that this risk is minimal if we pursue the proposed approach, but there remains a risk that we may not reach all potential stakeholders with our planned engagement.
37. **Data protection** – We have considered the data protection risks involved in the consultation and these are detailed in a separate Protection Impact Assessment. We will be receiving personal data, as we will not be able to anonymise the process ‘end-to-end’, this does mean we will need to put in place measures to safeguard this data. These are detailed in the DPIA. We will not be requesting any ‘special category’ personal data.
38. **Legal risks** - There is a risk that we are seen not to have complied with the requirements or standards expected in respect of consultation. To mitigate this risk we have sought internal legal opinion on the requirements for the consultation and have developed our approach in accordance with the Defra consultation principles referenced above.
39. **Response rate** – There is potential for us to receive either more or less responses than we anticipate / have planned for. In an extreme scenario, there is the possibility that our consultation could prompt a campaign response from one or more stakeholders. We consider this risk to be low. If we were to be the subject of a campaign, the likelihood is that the content of responses would be broadly the same, so in effect it would not add significantly to the feedback to be processed. To mitigate the risk that we might receive a low number of responses, we are hosting targeted engagement activities.
40. **Challenge** – We may receive strong feedback that is contrary to the OEP's position. If we receive strong contradictory challenge, we will devise a reactive strategy with the stakeholder(s) in an attempt to resolve the issue.
41. **Stakeholder specific risks** – It is possible that government's response to our consultation or engagement fails to uphold their duty to safeguard our independence or fails to meet our expectations in terms of the duty to cooperate. Should this occur, we will devise a reactive strategy, but also consider this in the context of wider organisational activity in respect of government relations.

Equality Analysis

42. We have completed a separate equality impact assessment. In conclusion, no material equalities impacts have been identified if we take the approach set out herein. This means, making more accessible versions of our documents available upon request, and using different forms of media to publicise and explain our consultation.

Environmental Analysis

43. The OEP's principal objective is to contribute to environmental protection and the improvement of the natural environment. In consulting on our strategy, we are seeking to test the extent to which it provides an effective framework for delivering against our mission.
44. The transparency afforded through our consultation is important to allow for the scrutiny that holds us to account against our mission and helps to provide us with assurances in terms of our strategic direction.

Implementation Timescale

45. Below is an indicative timeline for a 10 week consultation. The intention would be to front load engagement activity to seek early feedback and allow for analysis to commence concurrent with the latter part of the consultation.

10 week consultation									
w/c 10 June	w/c 17 June	w/c 24 June	w/c 01 July	w/c 08 July	w/c 15 July	w/c 22 July	w/c 29 July	w/c 05 Aug	w/c 12 Aug
LAUNCH									
Social media									
Video				Social media				Social media	
	Focus group sessions x5								
	1:1 engagement								
							Commence analysis		

Communications

46. Our approach to communications is embedded in the proposed approach outlined above.
47. A more detailed communications and engagement plan is shown at Annex B.

External Stakeholders

48. Our approach to stakeholder engagement is embedded in the proposed approach outlined above.
49. A more detailed communications and engagement plan is shown at Annex B.

ANNEXES LIST

This section has been redacted as it contains information available elsewhere.

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