

Office for Environmental Protection

Appointment of Chair of
Office for Environmental Protection.
Candidate pack.

Closing date: noon 08/09/2020.

Reference: Appt05-20



Department
for Environment
Food & Rural Affairs



Contents

Defra group vision	5
Equal Opportunities	5
Diversity	5
Disability.....	6
About the OEP	7
Protecting and Improving our Environment.....	7
OEP, Board, and Chair responsibilities	11
OEP responsibilities	11
Board responsibilities	12
Chair responsibilities:	13
Chair role and criteria	14
The role	14
Essential criteria.....	14
Terms of appointment	15
Time commitment and term of office.....	15
Remuneration and expenses	15
The appointment process.....	16
Overview	16
Advisory assessment panel	16
Closing date for applications.....	16
Panel sift	16
Panel interview	16
Meeting with Secretary of State	17
Pre-appointment hearing	17
Confirmation of appointment	18
Start date.....	18
Early work and induction	18
How to apply and submit your application.....	19
Conflicts of interest and due diligence	20
The Commissioner for Public Appointments	21
Ineligibility criteria	21
Data protection	22
Annex A – The seven principles of public life.....	23



Dear Candidate

Protecting and enhancing our natural environment is a greater priority than ever before. There are many challenges, but also significant opportunities: the UK Government has pledged a green recovery in response to the recent pandemic and in a few months' time the Transition Period will come to an end, with the UK free to chart its own course. As a country we have opted for the freedom to act and to decide our own environment policies in future. But with that freedom come new responsibilities, which is why the Office for Environmental Protection (OEP) is vital to implementing governance arrangements that are agile, collaborative and fit for purpose.

It is our ambition to ensure we leave our environment in a better state than that in which we found it. This vision is at the heart of the Environment Bill, which includes ambitious legislative measures to tackle pressing challenges on biodiversity, air quality, water and resource and waste efficiency. The Bill requires publication of an environmental principles policy statement to inform the policy-making process; includes a comprehensive framework for environmental improvement with legally binding targets; and provides for new domestic environmental governance. It will establish the OEP, an independent statutory body that will hold government to account on our environmental ambitions and obligations outside the EU.

Office for Environmental Protection

In order to ensure we have robust environmental governance systems in place the new body will have four main functions: to scrutinise environmental law, environmental improvement plans and targets; provide advice to government; investigate complaints; and, where necessary, take enforcement action to make sure environmental law is properly implemented by government and public authorities.

I am looking for a strong leader who has the ability to develop and lead a credible scrutiny and enforcement organisation effectively and efficiently, who can act objectively and impartially in leading the new independent body, and who can respond to new opportunities and priorities and drive change and innovation. Commitment to building an inclusive culture and reputation as a place that attracts, develops, retains and fully engages all the diverse talent across the organisation is essential.

If you have the skills, passion and experience to lead the OEP, whatever your background, we very much look forward to hearing from you.

George Eustice

Secretary of State for Environment, Food & Rural Affairs

Office for Environmental Protection

Defra is managing the appointment process for the Chair of the OEP as part of its responsibility for setting up the new organisation. Once established as a body corporate the OEP will be legally distinct from Defra, its sponsoring department.

Defra group vision

The Defra group is here to make our air purer, our water cleaner, our land greener, and our food more sustainable. Our mission is to restore and enhance the environment for future generations, and to leave the environment in a better state.

This matters because enhancing nature and green spaces enhances lives and livelihoods, contributing to a strong economy. Our wellbeing, our physical and mental health, our love of place and landscape, and our intrinsic need for beauty, awe and wonder, are all intimately bound up with a thriving natural environment.

Appointing high-calibre people from diverse backgrounds with relevant skills, knowledge and experience to the boards of our public bodies will help us to ensure that our work is more effective, resilient and accountable.

Equal Opportunities

UK Government has a policy of equality of opportunity. We aim to promote equal opportunity policies whereby no one suffers unfair discrimination either directly or indirectly, or harassment, on grounds such as race, colour, ethnic or national origin, sex, gender identity, marital status, disability, sexual orientation, religious beliefs or age.

Diversity

We positively welcome applicants from all backgrounds. All public appointments are made on merit following a fair and open competition as regulated by the Office of the Commissioner for Public Appointments.

Disability

We guarantee to interview anyone with a disability whose application meets the minimum criteria for the post. 'Minimum criteria' means you must provide sufficient evidence in your application, demonstrating that you meet the minimum level of competence required for each essential criterion, as well as meeting any of the qualifications, skills or experience required. The Cabinet Office and Defra is committed to the employment and career development of disabled people. To show this we proudly display the Disability Confident Leader logo. More information about Disability Confident Leaders is available by clicking the logo above. If a person with disabilities is put at a substantial disadvantage compared to a nondisabled person, we have a duty to make reasonable changes to our processes where possible. If you need a change to be made so that you can make your application, please refer to the 'How to apply and submit your application' section below.

About the OEP

The OEP is being set up, and its functions defined, through the Environment Bill 2020 which is currently going through Parliament. The provisions in the Environment Bill are subject to consideration by Parliament and therefore may change during Bill passage. The OEP's remit as currently set out in the Bill is described below.

Protecting and Improving our Environment

Having left the EU, the UK has the autonomy and ability to set its own future environmental protections, allowing us to deliver an ambitious environmental programme that allows us to do things better and differently. This will enable us to establish a new system of environmental governance and accountability to deliver real environmental improvement.

The OEP's principal objective is to contribute to environmental protection and to the improvement of the natural environment. It will:

- Implement long-term environmental governance;
- Provide scrutiny and advice on environmental law;
- Monitor and report on progress against Environmental Improvement Plans (EIPs) and targets, which are also provided for in the Environment Bill;
- Investigate complaints of alleged breaches of environmental law by public authorities where these are serious and in line with the OEP's enforcement policy;
- Take legal action in serious cases, if necessary as a last resort.

The Environment Bill

The Environment Bill sets a new and ambitious domestic framework for environmental governance as we maximise the opportunities created by leaving the EU. It responds to a clear and urgent scientific case and growing public demand, for action to address environmental challenges including biodiversity loss, climate change, waste and pollution of the air, water and

land. The Bill will help drive the long-term action nature needs to recover, through legally-binding targets, a new environmental enforcement body and placing environmental principles in domestic law in a consistent and transparent way. This will deliver significant environmental improvement, by restoring nature, cleaning our air, improving the management of water and decreasing waste.

Territorial Jurisdiction

The OEP provisions in the Environment Bill extend to all of the UK, but with its functions in Scotland, Wales and Northern Ireland being limited to reserved matters, such that in practical terms it will mainly operate within England. As the environment is a devolved matter (subject to a small number of reserved areas), it is for each administration to develop and deliver environmental governance proposals. The Environment Bill does include an option to extend the OEP to cover Northern Ireland, however it will be for the Northern Ireland Executive and the Assembly to decide whether to do so. The Scottish Government has also set out proposals to establish Environmental Standards Scotland, while the Welsh Government has set out its intention to legislate for environmental governance in Wales.

Functions

The OEP will investigate complaints made through a free to use system about potential breaches of environmental law by government and public authorities. Where the OEP considers that the potential breach is serious, the OEP is expected to engage in constructive dialogue with public authorities and, where appropriate, recommend remedial measures through a series of notices. If the issue is not resolved, the OEP may take enforcement action. The OEP will take a proportionate approach to enforcement, focusing on serious breaches of environmental law. It must engage with public authorities to seek a solution before considering court action, which the OEP will take via a bespoke “environmental review” mechanism. Recourse to judicial review without going through earlier stages of engagement in the OEP’s enforcement framework is available in the most urgent cases.

Office for Environmental Protection

The OEP's scrutiny and advice functions are complementary to its complaints and enforcement role. Its independent scrutiny of the EIP, targets and environmental law will enable it to identify issues early on, which may be before a breach of environmental law and any associated environmental harm occurs. This will allow the OEP to engage in constructive dialogue with public authorities and advise on how progress in improving the natural environment, meeting targets or implementing environmental law could be improved, moving into its enforcement role only if necessary and where serious failures to comply with environmental law have been identified.

The OEP will also provide advice to government on proposed changes to environmental law, or at the request of a Minister, on any other matter relating to the natural environment.

Role and Responsibilities

The OEP has been designed to suit the UK's specific context and ambitions. Its creation is an important step towards the Government's commitment for this to be the first generation to leave the environment in a better state than that in which we inherited it.

The OEP will be a core part of the environmental governance framework in England. It will hold government to account on environmental commitments and oversee public bodies' implementation of environmental law.

The OEP will **provide independent scrutiny of progress** in improving the natural environment under the EIP, and towards meeting targets set under the Bill. This will inform government's thinking and will help Parliament to hold government to account based on specialised, objective, independent analyses and recommendations. The OEP will monitor the implementation of environmental law and provide advice on proposed changes to environmental law.

The OEP will also **investigate complaints regarding failures of public bodies to comply with environmental law** and has an enforcement function when it considers serious breaches of environmental law may have taken place, which in turn will incentivise compliance in the first place.

Office for Environmental Protection

Independence and Accountability

The OEP will be set up as a non-departmental public body and will be provided with safeguards to ensure its operational independence from government, without affecting ministerial accountability. These include a legal duty on Ministers to have regard to the need to protect the OEP's independence.

It will be legally separate from the Crown, enabling enforcement action against Government departments where necessary. Ministers will have no powers of direction over its work programme or decision making. The Chair will be appointed by the Secretary of State and will be subject to pre-appointment scrutiny by Parliament. Ministerial appointments will be regulated by the Commissioner for Public Appointments.

It will be granted a budget that will be ring-fenced for each spending review period. This will give the OEP greater certainty over its finances.

The OEP must lay a report on the exercise of its functions and its annual statement of accounts before Parliament, including an assessment of whether it has been provided with sufficient funds to carry out its functions. It may also submit an Estimates Memorandum alongside the Defra estimate to a Select Committee to justify any request for additional funding.

OEP, Board, and Chair responsibilities

OEP responsibilities include:

- To monitor and report to Parliament on progress towards meeting any targets or interim targets set under the Environment Bill, and in improving the natural environment in accordance with the government's environmental improvement plan (25 YEP).
- To monitor, and report to Parliament where appropriate, on the implementation of environmental law.
- To provide advice to Ministers in relation to changes to environmental law proposed by a Minister, as well as on any other matter relating to the natural environment when requested by a Minister.
- To receive, verify, and where appropriate investigate and report on, complaints into alleged failures to comply with environmental law by public authorities.
- To investigate potential serious failures by a public authority to comply with environmental law and take formal enforcement action, including through information notices, decision notices and court proceedings, where appropriate.

In fulfilling its responsibilities, the OEP is required to:

- Act objectively and impartially, and have regard to the need to act proportionally and transparently.
- Set out how it will respect the integrity of other relevant statutory regimes, which would involve acting strategically and considering where extensive governance already exists.
- Determine, prioritise, and act on, complaint and enforcement cases that it considers have important implications, as specified in the Environment Bill.
- Consider how to practically coordinate any investigation with other relevant bodies holding an investigatory remit.

Office for Environmental Protection

Board responsibilities

The Board of the OEP is its body corporate in law, to whom its legal functions and responsibilities are assigned. The Board sets the strategic direction of the organisation. It ensures the correct, efficient and effective use of the OEP's resources, including its public funding.

The Board of the OEP includes a non-executive chair and between four and nine other members, with the majority of members being non-executives. The non-executive members are crucial in constructively challenging and holding to account the executive members.

The OEP Board has a collective responsibility to:

- Establish and take forward the strategic aims and objectives of the OEP.
- Set the long-term direction for the executive team and the tone and pace needed to deliver the agreed strategy and plans.
- Ensure that in exercising its functions the OEP acts objectively and impartially, and has regard to the need to act proportionately and transparently, and furthers its principal objective.
- Determine and review when appropriate its own procedures, meeting any statutory requirements.
- Consider recommended courses of action and provide oversight and direction for staff implementing the OEP's functions, with the Board making decisions where required for those functions that it may not delegate to Individual Board members or staff, including enforcement action against public authorities and approval of the OEP's annual report on progress in achieving environmental improvement plans and targets.
- Receive, review, and submit regular performance information concerning the ongoing delivery of the OEP against its strategy.
- Ensure that Parliament is kept informed of any revision of the OEP's strategy.
- Ensure that effective and high standards of corporate governance are always in place.
- Comply with the Code of Conduct for Board Members of Public Bodies.

Office for Environmental Protection

Chair responsibilities:

- During the establishment of the OEP, to guide the development of the OEP's governance framework, operating model and strategy.
- To formally appoint the first Chief Executive Officer of the OEP, in consultation with the Secretary of State.
- To be consulted on the appointment of the OEP's Non-Executive Directors.
- For overall leadership, direction and effectiveness of the OEP, ensuring that its policies and actions are in line with the OEP's strategy and its affairs are conducted with probity.
- To chair and lead the board in all its work, ensuring effective governance in line with best practice.
- Building and maintaining an effective, cohesive and focussed board, including annually assessing the performance of members and committees.
- In ensuring that the board reaches effective decisions, taking proper account of any relevant information or evidence.
- To represent the OEP to Parliament, Ministers, partner and stakeholder organisations as well as the general public, and for building and maintaining effective customer, stakeholder and partner relationships at a strategic level to support the achievement of the OEP's aims.
- For promoting a culture of equality, diversity and inclusion on the board as well as more widely in the OEP.
- To lead the board in its relationship with the executive, and in particular the chief executive, providing support but constructively challenging when necessary.

Chair role and criteria

The role

The Chair of the OEP provides leadership and strategic vision for the board, ensures good governance and, with the board, holds the executive to account. The chair will promote a positive and constructive relationship with everyone that works with the OEP including Parliament, government Ministers, departments, and public authorities; along with a wide range of interest groups as well as others. The chair is appointed by, and is accountable to, the Secretary of State for Environment, Food & Rural Affairs.

Essential criteria

In their applications candidates must be able to demonstrate all of the following essential criteria:

- A credible and authoritative figure, able to communicate effectively on behalf of the OEP and build confidence across multiple sectors.
- Ability to understand, influence, and lead within a complex political or administrative system, corporate or public body, while remaining objective and evidence led.
- Ability to guide the strategic direction of the OEP as a new and innovative organisation; lead the board to reach well-considered decisions, maximising the contribution of its members; and, provide support or challenge to the Executive members as appropriate.
- Ability to demonstrate a good understanding, or the ability to attain that understanding swiftly, of the focus of the OEP's work, along with an understanding of the relevant fields of expertise involved.

Skills

The Secretary of State is seeking high-calibre applicants and is particularly interested in those with:

- Experience of managing and setting up regulators with a similar remit.
- An understanding of environmental law and its application in a national context.

Terms of appointment

Time commitment and term of office

The chair is expected to spend a minimum of two days per week on OEP business. This includes preparing for meetings and travelling time.

The OEP will be headquartered in a single office space in a location tbc with a 'touch down' point in central London. The role will be based at the OEP's headquarters with attendance in Westminster and other locations expected. Work is ongoing to identify suitable premises and we will take into consideration any workplace guidance requirements in light of coronavirus over the coming months. Flexible working may be accommodated in line with the requirements of the OEP.

The chair will be expected to attend regular meetings of the OEP Board, as well as relevant committee meetings, and visits. Board meetings will be held in the OEP's core office location, subject to ongoing COVID-19 restrictions.

This appointment is subject to the establishment of the OEP, which is being legislated for by the Environment Bill. The successful candidate may initially be appointed as a non-executive OEP Chair Designate, engaged by Defra on an interim, fixed-term basis, until the Environment Bill receives Royal Assent and the OEP is legally established.

Following Royal Assent, the intention is that the successful candidate will transfer to become the non-executive OEP Chair. At this point, their fixed-term appointment to Defra will end.

The successful candidate will be appointed initially for a period of up to five years and may be eligible for reappointment. Reappointment is at the discretion of the Secretary of State, subject to satisfactory performance assessment, with the appointment limited to a maximum of ten years or two terms. The total length of the appointment is expected to encompass both their appointment as OEP Chair Designate and appointment as OEP Chair.

Remuneration and expenses

The remuneration is £56,784 per annum for a time commitment of a minimum of two days per week. The appointment is non-pensionable and reasonable travel expenses are paid.

The appointment process

Overview

The OEP Chair will be appointed in line with the terms laid out above, following a transparent, merit based competition, by the Secretary of State for Environment, Food & Rural Affairs. This is in line with the provisions of the Environment Bill. The appointment is made in accordance with the Ministerial Governance Code on Public Appointments and is regulated by the Commissioner for Public Appointments.

The Advisory Assessment Panel will consist of:

Tamara Finkelstein – Departmental Official and Panel Chair

Lord Kakkar – Senior Independent Panel Member

Dame Fiona Reynolds – Independent Member

Lord Ewen Cameron – Independent Member

Henry Dimbleby – Independent Member

Campaign closing date for applications - noon on 08/09/2020

Panel sift – Week Commencing 21/09/2020

During the sift the panel will assess each application against the essential criteria and decide who to invite for interview. We guarantee to interview anyone with a declared disability whose application meets the minimum criteria for the post.

Panel interview – Friday the 23rd and Friday the 30th October 2020

The format for interviews has yet to be confirmed and further details will be provided to shortlisted candidates in advance. Interviews are expected to last for approximately 45 minutes.

Where physical interviews can be accommodated, they will take place at the Department for the Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London, SW1P 3JR.

We will be glad to ensure any reasonable adjustments are made, where required, for candidates attending interviews.

Office for Environmental Protection

Meeting with Secretary of State

As these are Ministerial appointments candidates may be invited to meet with the Secretary of State for Environment, Food & Rural Affairs as part of the appointment process.

Pre-appointment hearing – Late December / Early January 2021

This role is subject to pre-appointment scrutiny by the Environment, Food & Rural Affairs Select Committee.

Pre-appointment scrutiny is an important part of the appointment process for some of the most significant public appointments made by Ministers. It is designed to provide an added level of scrutiny to verify that the recruitment meets the principles set out in the Governance Code on Public Appointments.

The pre-appointment scrutiny aspect of the appointment has two parts.

First, information concerning the appointment and the Secretary of State's preferred candidate will be shared with the Environment, Food & Rural Affairs Select Committee. As part of this process you will need to be content for your name and your CV to be shared with the select committee as the Government's preferred candidate. You will also be required to complete a pre-appointment hearing questionnaire which could include, among other things:

- declarations of any relevant potential conflicts of interest,
- what you see as the priorities and key risks for the organisation,
- questions about how you would lead the board and work with stakeholders,
- your commitment to standards in public life and how you would handle being in the public eye.

Normally any information provided to the select committee by the Government or a candidate will be published.

Second, the EFRA committee will call the Secretary of State's preferred candidate to a joint public hearing, held with the Environmental Audit Committee, to answer questions relating to their suitability to the role. You would not be expected to have an in depth technical knowledge of how the body works or an exact plan of what you would do in the role, however you will be expected to provide a credible representation of your understanding of the work of the body and what your role in its future would be.

Office for Environmental Protection

The Government is committed to making the public appointments as accessible as possible so that no one is deterred from applying. The Department will provide support to you to help you prepare for the hearing and the clerks to the select committee will also be available to discuss with you how the hearing will run. You will also be supported by the Department in working with the select committee should you require any adjustment to enable you to participate fully in the hearing process.

For more information about pre-appointment scrutiny, please see the '[Cabinet Office Guidance: Pre-appointment scrutiny by House of Commons Select Committees](#)'.

The Liaison Committee also publishes [guidelines to select committees](#) for pre-appointment.

You may also find it helpful to review the [Code of Conduct for board members of public bodies](#) which sets out the expectations which the Government places on non-executive members of public bodies.

Confirmation of Appointment

The appointment will be confirmed by the Secretary of State for Environment, Food & Rural Affairs.

Start date

It is planned that the Chair of the OEP will take up their appointment by April 2021.

Early work and induction

The OEP Chair's early work will include: involvement in the assessment of candidates for non-executive director appointments; appointing the chief executive officer, in consultation with the Secretary of State; preparing the first strategy of the OEP; and, completing a planned induction process.

The successful candidate must abide by the Seven Principles of Public Life ([attached at Annex A](#)) and the [Code of Conduct for Board members](#).

How to apply and submit your application

To apply, please send by noon on 08/09/2020:

- A CV of no more than two sides of A4;
- A supporting statement of not more than 1,000 words (approximately two sides of A4). It is essential that your statement of suitability gives full but concise information relevant to the appointment, clearly demonstrating how you meet each of the [essential criteria](#).
- e-mail addresses for two referees;
- Completed diversity and political activity monitoring form;
- Completed [Conflicts of interest, conduct and advertising](#) monitoring form.

Monitoring forms are available on the advert webpage.

If you have any questions about the appointments process, you need a change to be made so that you can make your application, or require additional assistance to support you in your application, please email the Public Appointments Team on publicappts@defra.gov.uk

To arrange an informal discussion about the role please contact the Environmental Principles and Oversight Team

email: OEPAappointments@defra.gov.uk

phone: 02087201578 or 0208 026 6003

To use the Next Generation Text Service please prefix telephone numbers in this document with 18001.

Completed applications should be emailed to publicappts@defra.gov.uk quoting reference APPT05-20.

We welcome applications from disabled candidates. If you wish to discuss submitting your application in an alternative format, please contact the Public Appointments Team via the above email.

Conflicts of interest and Due diligence

If you have any interests that might be relevant to the work of the OEP, and which could lead to a real or perceived conflict of interest if you were to be appointed, please provide details in your application. If you have queries about this and would like to discuss further, please contact the Public Appointments Team via email: publicappts@defra.gov.uk

Given the nature of public appointments, it is important that those appointed as members of public bodies maintain the confidence of Parliament and the public. If there are any issues in your personal or professional history that could, if you were appointed, be misconstrued, cause embarrassment, or cause public confidence in the appointment to be jeopardised, it is important that you bring them to the attention of the Advisory Assessment Panel and provide details of the issue(s) in your application. In considering whether you wish to declare any issues, you should also reflect on any public statements you have made, including through social media.

As part of our due diligence checks we will consider anything in the public domain related to your conduct or professional capacity. This will include us undertaking searches of previous public statements and social media, blogs or any other publicly available information. This information may be made available to the Advisory Assessment Panel and they may wish to explore issues with you should you be invited to interview. The information may also be shared with ministers and Cabinet Office.

The Commissioner for Public Appointments

This appointment is regulated by the Commissioner for Public Appointments, to ensure that it is made on merit after fair and open competition. More information about the role of the Commissioner and the Governance Code on Public Appointments can be seen at:

[Commissioner for Public Appointments.](#)

[Governance code on Public Appointments.](#)

For full details of the complaints process for public appointments, please contact the Commissioner via the following link.

[Commissioner for Public Appointments – Contact Us.](#)

Alternatively, please contact the Commissioner's office on 020 7271 6729 or 020 7271 0815 for a printed copy.

Ineligibility criteria

You cannot be considered for a public appointment if:

- You become bankrupt or make an arrangement with creditors;
- You become subject to a debt relief order or a bankruptcy restrictions order;
- Your estate has been sequestrated in Scotland or you enter into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or have, under Scots law, granted a trust deed for creditors;
- You are disqualified from acting as a company director under the Company Directors Disqualification Act 1986;
- You have been convicted of a criminal offence, the conviction not being spent for the purposes of the Rehabilitation of Offenders Act 1974 (c. 53);
- You fail to declare any conflict of interest.

Data protection

Defra is committed to protecting the privacy and security of your personal information and does so in accordance with data protection law including the General Data Protection Regulation (GDPR). All the information you provide will be used to proceed with the public appointment listed in this information pack and in the case of diversity monitoring information may be anonymised and used solely for monitoring purposes.

Annex A – The seven principles of public life

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.