



Office for
Environmental
Protection

Appointment of up to two Non-Executive Directors of
the Office for Environmental Protection

Candidate pack

Closing date: 12 noon, 16 April 2024

Reference: APPT13-23



Department
for Environment
Food & Rural Affairs



Regulated by
The Commissioner for
Public Appointments



disability
confident
LEADER

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Ministerial message to candidates



Dear Candidate,

It's never been clearer that we rely on nature for everything - for our economic prosperity, our food security, and wellbeing. Nature is at the core of our communities which is why we are committed to leaving it in a better state.

The world-leading Environment Act has embedded nature at the heart of decisions that government will take. The new biodiversity duty requires public authorities to help conserve and enhance biodiversity, meanwhile ministers will be required to consider five internationally recognised environmental principles when making policy.

Last year we also published the Environmental Improvement Plan (EIP) which builds on the earlier 25 Year Environment Plan (25YEP) vision. The new plan sets out how we will work with landowners, communities and businesses to deliver each of our goals for improving the environment, matched with environmental targets to measure progress.

The Environment Act also established the Office for Environmental Protection (OEP), an independent statutory body that is responsible for holding government to account on the implementation of environmental law.

I am looking for up to two high-calibre Non-Executive Directors to join the Board of this body.

I am particularly looking for candidates with a significant technical, professional, practical or academic background in one or more of the following:

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- law, particularly relating to the natural environment (including international and/or planning law);
 - environmental science, or environmental economics;
 - environmental policy and how it is implemented by government, business, the public and others;
 - investigatory and enforcement proceedings.

If you have the drive, skills and experience to assist in directing the OEP, whatever your background, we very much look forward to hearing from you.

The Rt Hon Steve Barclay MP

Secretary of State for Environment, Food and Rural Affairs

About Defra

Non-Executive Directors of the Office for Environmental Protection (OEP) are appointed by the Secretary of State, in consultation with the Chair of the OEP. Defra is managing the appointments process, which is regulated by the Commissioner for Public Appointments.

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

The 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 are committed to the employment and career development of disabled people. To show this we proudly display the [Disability Confident Leader](#) logo. If a person with disabilities is put at a substantial disadvantage compared to a non-disabled 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 was legally created in November 2021, under the Environment Act 2021.

The OEP is legally distinct from Defra, its sponsoring department. It is provided with safeguards to ensure its operational independence from government, without affecting ministerial accountability.

The OEP's objective is to protect and improve the environment by holding government and other public authorities to account.

The OEP's four strategic objectives are to strive for:

- Sustained environmental improvement - Government is held to account for delivery of environmental goals and targets, and its plans for environmental improvement.
- Better environmental law, better implemented - The environment is protected and improved, and people are protected from the effects of human activity on the natural environment, through better design and implementation of environmental laws.
- Improved compliance with environmental law - Government and other public authorities abide by environmental law so it can protect people and protect and improve the environment as intended.
- Organisational excellence and influence- The OEP is effective and efficient, with the authority, relationships, expertise, and voice to play a full part in national environmental governance.

The OEP's work covers England and Northern Ireland and reserved matters across the UK (a matter on which only the UK Parliament in Westminster can make legislation). 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 Scottish Government has established Environmental Standards Scotland. The Welsh Government has set out its intention to legislate for environmental governance in Wales and has appointed an Interim Environmental Protection Assessor for Wales.

The organisations and individuals the OEP can hold to account include:

- government departments
- government ministers

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- regulators
 - local authorities
 - some private bodies, such as water companies – but only in respect of their public powers and duties

The OEP is established as a non-departmental public body and is 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 is legally separate from the Crown, enabling enforcement action against Government departments where necessary. Ministers have no powers of direction over its work programme or decision-making.

OEP and Board responsibilities

OEP responsibilities

- To monitor and report to Parliament on progress towards meeting any targets or interim targets set under the Environment Act, and in improving the natural environment in accordance with the government's environmental improvement plan.
- 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 proportionately and transparently;
- prepare a strategy that sets out how it intends to exercise its functions;
- avoid overlap in the exercise of its functions with the Committee on Climate Change;
- co-operate with the devolved environmental governance bodies;
- determine, prioritise, and act on, complaint and enforcement cases that it considers have important implications, as specified in the Environment Act;
- consider how to coordinate practically any investigation with other relevant bodies holding an investigatory remit.

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 also directly takes many significant decisions of the OEP, including decisions relating to investigations and enforcement, and approving all reports laid before Parliament and the Northern Ireland Assembly.

The Board of the OEP includes a non-executive chair and between five and ten 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 for:

- establishing and taking forward the strategic aims and objectives of the OEP consistent with its overall strategic direction and within the resources framework determined by the Secretary of State and the Department of Agriculture, Environment and Rural Affairs, Northern Ireland (DAERA);
- ensuring the OEP acts objectively and impartially as it carries out its functions, and challenging any activity from Defra, DAERA or any other UK or Northern Ireland government departments they consider compromises its ability to act independently in the process;
- providing effective leadership of the OEP within a framework of prudent and effective controls that enables risk to be assessed and managed;
- helping to ensure the financial and human resources are in place for the OEP to meet its objectives;
- reporting to Parliament and the Northern Ireland Assembly through the OEP's annual accounts where the Board considers the Secretary of State and DAERA have not provided sufficient funds for the OEP to carry out its functions;
- reviewing management performance;
- ensuring that it receives and reviews regular financial and management information concerning the management of the OEP;
- ensuring that it is kept informed of any changes which are likely to impact on the strategic direction of the OEP or on the attainability of

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- its objectives, and determining the steps needed to deal with such changes and where appropriate bringing such matters to the attention of the Secretary of State, Permanent Secretary and DAERA;
- ensuring that any statutory or administrative requirements for the use of public funds are complied with; that the Board operates within the limits of its statutory authority and any delegated authority agreed with Defra and DAERA, and in accordance with any other conditions relating to the use of public funds;
 - ensuring that, in preparing its enforcement policy and exercising its enforcement functions, it has regard to any guidance issued by the Secretary of State under section 25 or 25A of the Environment Act.
 - ensuring that, in reaching decisions, the Board takes into account its strategy, its corporate and business plans, and any contribution it has agreed to make towards Defra's or DAERA's policy objectives;
 - ensuring that, as part of the above compliance, its members are familiar with:
 - the Act;
 - the OEP's Framework Document;
 - any delegation letter issued to the OEP by the Permanent Secretary;
 - any elements of any settlement letter issued to Defra or DAERA that are relevant to the operation of the OEP; and
 - any separate settlement letter that is issued to the OEP from Defra or DAERA; and
 - the need to have appropriate internal mechanisms for the monitoring of, and governance and external reporting regarding, any conditions arising from the above documents, and the need to ensure that the Chief Executive and the OEP as a whole act in accordance with their obligations under the above documents;
 - demonstrating high standards of corporate governance at all times, including by using the audit and risk assurance committee to help the Board to address key financial and other risks;
 - setting performance objectives and remuneration terms for the Chief Executive that give due weight to the proper management and use and utilisation of public resources, consulting with Defra where it deems appropriate;
 - putting in place mechanisms for independent appraisal and annual evaluation of the performance of the Chair by the independent non-executives, taking into account the views of relevant stakeholders,

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- and making the outcome of that evaluation available to the Secretary of State and DAERA; and
- determining all such other things which the Board considers ancillary or conducive to the attainment or fulfilment by the OEP of its objectives.

The Board should ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control. The OEP's Board Members are listed at Annex A.

The roles

The Secretary of State is seeking to appoint up to two non-executive members to the Board of the OEP.

Board members will play an important role in supporting and encouraging the executive team in delivering the organisation's statutory powers of scrutiny, advice, investigating complaints and enforcement in relation to environmental law and its application. Your skills will be vital in helping the Board make the right decisions for current and future policy.

Applications are invited from high-calibre candidates from all backgrounds who can demonstrate they can contribute to the strategic leadership of the OEP and discharge a full range of non-executive responsibilities. We welcome applications from any candidates who meet the essential criteria for the role, whether experienced or first-time Non-Executive Directors.

The successful candidates must abide by the Nolan principles of public service (included at [Annex B](#)), the Twelve Principles of Governance for all Public Body NEDs (included at [Annex C](#)) and the [Code of Conduct for Board Members of Public Bodies](#).

Essential criteria

Candidates must demonstrate all of the following essential criteria:

- ability to support a relatively new body in its evolution, ensuring it is functioning in line with the OEP's statutory role and operates effectively and efficiently;
- ability to analyse complex issues at a strategic level in ways which are impartial, evidence-based, creative and focused on proportionate solutions;
- ability to work collaboratively, providing effective challenge and support to the Executive in order to ensure good governance;
- highly effective leadership, interpersonal and communication skills, demonstrating an ability to influence and engage with a diverse network of stakeholders along with the ability to inspire confidence at all levels.

Experience

A significant technical, professional, practical or academic background in one or more of the following:

- law, particularly relating to the natural environment (including international and/or planning law);
- environmental science, or environmental economics;
- environmental policy and how it is implemented by government, business, the public and others;
- investigatory and enforcement proceedings.

We would welcome applications from candidates with practical experience of land management.

Time commitment and term of office

Non-Executive Directors will be expected to spend four days per month on OEP business. This includes preparing for meetings and travelling time.

The OEP is headquartered in a single office in Worcester, with a touch-down point in Belfast. The role will be based at the OEP's headquarters with occasional attendance in Belfast, Westminster, and other locations expected.

The Non-Executive Directors will be expected to attend regular meetings of the OEP Board, as well as relevant committee meetings and visits. Board meetings will be held at the OEP's headquarters or online.

It is anticipated that the successful candidates will take up post in September 2024. They will be appointed initially for a period of four years and may be eligible for reappointment.

Remuneration and expenses

The remuneration will be £20,400 per annum, based on a commitment of four days per month, and reasonable travel expenses will be paid. The appointment is non-pensionable.

The recruitment process

The closing date for applications is 16 April 2024. We expect shortlisting to take place on 8 May, with interviews on 5 and 6 June. 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.

The Advisory Assessment Panel will consist of:

- Edward Barker (Director, Natural Environment, Trees and Landscapes, Defra) as Chair;
- Dame Glenys Stacey (Chair of the OEP);
- Saratha Rajeswaran (Chief of Staff, Aviva plc) as Independent Panel Member.

At the shortlist meeting, the Panel will assess each application against the essential criteria in order to decide who to invite for interview. We guarantee to interview anyone with a declared disability whose application meets the minimum criteria for the post.

Interviews are expected to take place in London and will last for approximately 40 minutes. Further details about the format will be provided to shortlisted candidates in advance. We will be glad to ensure any reasonable adjustments are made, where required, for candidates attending interviews.

As these are Ministerial appointments, candidates deemed appointable by the Panel may be invited to meet with the Secretary of State as part of the appointment process.

How to apply and submit your application

In order to apply you will need to visit the [Apply for a public appointment](#) service on gov.uk and either [create an account](#) or [sign in](#). Once logged into your account, click on Apply for this role and follow the on-screen instructions.

All candidates are required to provide:

- a CV of no more than two sides of A4, including the names and e-mail addresses of two referees;
- a statement of suitability of up to 1,000 words (and not more than two sides of A4) clearly demonstrating how you meet each of the [essential criteria](#) for the role – make sure you refer to the contents of this document and provide specific examples; please also include information about your [experience](#);
- diversity and equality information;
- information relating to any outside interests or reputational issues.

You will also have the opportunity to make a reasonable adjustment request or apply under the disability confident scheme before you submit your application.

The Advisory Assessment Panel reserves the right to consider only applications that contain all of the elements listed above, and that arrive before the published deadline for applications.

If you have any questions about the appointments process, please email the Public Appointments Team: publicappts@defra.gov.uk.

If you would like an informal discussion about the role, please email privateoffice@theOEP.org.uk.

Completed applications should be submitted online at <https://apply-for-public-appointment.service.gov.uk/roles> by midday on 16 April 2024

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.

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 email the Public Appointments Team: 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

These appointments are regulated by the Commissioner for Public Appointments, to ensure that they are 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 click on the following link:

[Commissioner for Public Appointments - investigating complaints](#)

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 will be anonymised and used solely for monitoring purposes. For more information about the way we collect and hold your information, please read the [Privacy Notice](#) accessible through the Apply for a public appointment service on gov.uk or request a copy of Defra's Public Appointments Privacy Notice from publicappts@defra.gov.uk.

Annex A – OEP Board

Dame Glenys Stacey (Chair) is a solicitor by profession and has a wealth of CEO and regulatory experience, having led the start-up or development of a number of public-sector organisations responsible for legal or regulatory services. She has previously served as Her Majesty’s Chief Inspector of Probation, Chief Executive at Animal Health (now part of the Animal and Plant Health Agency), Chair of the Professional Standards Authority and Chief Regulator at Ofqual. In 2019, she chaired an independent review of farm regulation at the request of Defra’s Secretary of State. Dame Glenys was appointed DBE in 2016 for services to education.

Natalie Prosser (CEO) is a solicitor by background, with fifteen years in government, specialising in public and regulatory law, regulatory operations and governance. Her previous roles have included General Counsel at the Gambling Commission, Director of Operations, Vocational and Technical Qualifications and Director of Legal at Ofqual and regulatory and policy lead on the independent Farm Inspection and Regulation Review. Natalie started her role as Interim CEO in February 2021 and was appointed to the role permanently in April the following year. The CEO leads all the work of the OEP including work to establish the OEP, develop its strategy and undertake its functions.

Malcolm Beatty is a Chartered Forester and Chartered Public Finance Accountant and worked for many years in the Northern Ireland Civil Service, retiring in 2018. Among other posts in the agricultural sector, Malcolm was Chief Executive and Accounting Officer of the Northern Ireland Forest Service, and the NI Chief Plant Health Officer. In 2019 he was appointed OBE for services to the environment in Northern Ireland. Malcolm is a Trustee, Company Director and Honorary Treasurer of the Field Studies Council, a UK environmental and educational charity. He is a Trustee and Company Director of Centre Ministries, a faith charity operating in England and NI. Malcolm is also a school governor for St. Colman’s High School and Sixth Form College.

Julie Hill MBE has had a career in environmental policy and politics, working primarily in the UK. She is currently Chair of the Institution of Environmental Sciences and Chair of the Advisory Committee for Social Science for the Food Standards Agency. Former roles include Chair of the Waste and Resources Action Programme and board member of the Eden Project, the Environment Agency and the Consumer Council for Water. She has written and presented widely, including a popular science book ‘The Secret Life of Stuff’.

Professor Dan Laffoley is a scientist, communicator, explorer and marine biologist, with over three decades of experience in the UK, Europe and around the world. He is a UK and international expert on Marine Protected Areas (MPAs) and conservation. He is currently Marine Vice Chair of the International Union for Conservation of Nature's World Commission on Protected Areas responsible for global targets and guidance on ocean protection. Prior to that he led the development and scale-up of the marine conservation work of Natural England and English Nature. He has been responsible for the creation of many global, European and UK public and private sector partnerships, alliances and frameworks that underpin modern-day marine conservation. This work includes creating the concept behind Blue Carbon, scaling up knowledge and action on ocean warming, acidification and deoxygenation, scaling-up work on marine World Heritage and conservation of the High Seas and various global guidance on implementing MPAs and marine spatial planning.

Paul Leinster CBE has over 40 years of practical experience in environmental management, science, policy and regulatory development and implementation in the private and public sectors. He is Chair of Water Resources East, the Bedfordshire Local Nature Partnership, the Institute of Environmental Management and Assessment, and bpha (a housing association) and is a Board Member of both Flood Re and Delphic HSE. He also provides strategic environmental consultancy advice to public and private sector organisations. From October 2015 to December 2020 he was Professor of Environmental Assessment at Cranfield University and a Member of the Government's Natural Capital Committee. Before that he was Chief Executive of the Environment Agency (2008-2015) having joined EA in 1998 after working for over 20 years in the private sector.

Professor Richard Macrory CBE is emeritus professor of environmental law at University College, London, where he set up and was first director of the Centre for Law and the Environment. He has also practised as a barrister at Brick Court Chambers London. Professor Macrory served as a board member of the Environment Agency (1999-2004) and was a long-standing member of the Royal Commission on Environmental Pollution. He was the founding editor of the Journal of Environmental Law and was chairman of Merchant Ivory Film Productions (1988-2004). In 2006, Professor Macrory led the Cabinet Office Review on Regulatory Sanctions and his recommendations were reflected in Part 3 Regulatory Enforcement and Sanctions Act 2008. Professor Macrory was the first chair of UK Environmental Law Association, and in 2016-18 was co-chair of UKELA's Brexit Task Force.

Annex B – 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.

Annex C – The Twelve Principles of Governance for all Public Body NEDs

Expertise

1. Consider and act in the best interests of your organisation and its objectives; delivering the outcomes expected by your sponsor department, ministers and ultimately the public.
2. Consider the broader mission and duties of your sponsoring Secretary of State, his or her Department and the Government.
3. Ensure compliance with statutory duties and the organisation's Framework Document and act within its powers.
4. Exercise reasonable care, skill and diligence in the exercise of their authority and judgement.

Scrutiny and challenge

5. Maintain independence from the executive to allow scrutiny of management and in meetings agree goals and objectives and monitor performance and the reporting of performance so that the public who use your organisation receive a high-quality service.
6. Satisfy yourself on the integrity of budget setting to deliver objectives and financial information and reporting against budgets, and that financial controls and systems of risk management are robust and defensible. Meet the requirements of [Managing Public Money](#), including supporting the Accounting Officer in fulfilling their duties to provide propriety and value for money in the use of public funds.
7. Champion high standards of risk management by ensuring your organisation has effective risk reporting, controls and governance, risk expertise and risk tolerances to effectively manage risk.
8. Represent your organisation to the department and to Ministers, as well as ensuring Ministers' views are considered by the executive team of the organisation, as appropriate.

Support

9. Support the board in succession planning and be prepared to put yourself up for re-appointment, as well as promoting the need for a diverse board.
10. Participate in and promote regular reviews of your organisation, as well as the board's own effectiveness, with particular focus on the organisation's purposes and its efficiency in meeting these purposes. Engage in the appraisal process, including self-reflection on your own abilities.
11. Listen carefully to, ask appropriate questions of and support management to encourage discussion in a manner that promotes a culture where all perspectives are listened to, while fulfilling the individual Director's duties and responsibilities and respecting and valuing the expertise of the executive team.
12. Promote the success of the entity having regard to the interests of all members and stakeholders, and all risks.