



## **UKELA Working Party Guidance (May 2021)**

### **A. Working Party Purpose**

1. Working Parties (WPs) help enable UKELA members keep up to date with environmental law developments. They also have a role in influencing environment and legal developments and in supporting CPD through events and information exchange. They have a role in capturing knowledge and experience from the UKELA membership in order to influence, inform and educate..

### **B. Working Party Support**

2. UKELA's Council includes 2 WP Coordinators (trustees responsible for overseeing WP operation). Council conducts periodic reviews of WP operations to ensure that the guidance remains relevant and that WPs continue to support UKELA's charitable objects and provide a valuable member resource. Council may take appropriate action in cases where WPs are not operating in accordance with the guidance.
3. UKELA's staff includes a part-time Law and Policy Advisor who helps WPs pursue their purpose and on designated priority topics. The WPs and topics that the Advisor supports are reviewed regularly in line with the WPs' priorities and needs.
4. The Law and Policy Advisor is responsible for organising and chairing WP Convenor meetings. The meetings provide the opportunity to set WP priorities, plan events and discuss general WP matters. There are four convenor meetings a year:
  - 1) in March,
  - 2) June,
  - 3) September, and
  - 4) late November/early December.

5. The WP meetings are held by video conference.
6. UKELA uses a Google Calendar for co-ordinating information about UKELA and Working Party activities. This includes provisional and confirmed dates for meeting and events, internal and external deadlines for consultation responses. UKELA staff will update the calendar when notified of activity by WP convenors.
7. The 'Expertise and Knowledge' section below provides guidance on planning events and liaising with UKELA staff.

### **C. Terms of Reference**

8. The scope and nature of the work and activities of WPs are governed by Terms of Reference (ToR) which are published on UKELA's website. WPs must operate with up-to-date ToR which should provide:
  - the WP's aims and objectives including the relevant areas of environmental law and practice with any areas of special interest;
  - its organisational structure e.g. the team member roles within the WP; and
  - information on the frequency and structure of work and meetings.

### **D. WP coverage of environmental law**

9. UKELA's Council should ensure that, as far as practicable, WPs cover all areas of relevant environmental law and practice either by expanding the remit of an existing WP or by creating a new WP to cover relevant areas e.g. as an emerging area of law and practice arises.
10. New WPs can be proposed by any member. This needs the support of at least six other members. Council has the final decision on whether a WP is set up. This is because all WPs take resources and must contribute towards UKELA's priorities and charitable objectives. If a topic area is of interest but is essentially of a crosscutting nature or does not easily fit with the WP format, it may be appropriate to establish a Special Interest Group.

## E. WP structure

11. All WPs must have between one and three convenors. They are jointly and severally responsible for:
  - 1) ensuring that WP activities are relevant to members' needs and that suitable 'horizon scanning' can identify emerging areas of practice;
  - 2) providing and circulating agendas, papers and minutes of meetings;
  - 3) ensuring that the WP's page on the UKELA website is up-to-date, carrying out a review and providing text for an update every three months (see below);
  - 4) provide updates to staff for the UKELA Google calendar;
  - 5) liaising with other WPs on cross-cutting issues, consultation and events;
  - 6) liaising with regional groups on e.g. joint/touring events;
  - 7) providing information about WP's activities to e-law;
  - 8) aiming to recruit new WP members, including student/young UKELA members to develop new talent and supporting succession planning.
  
12. Convenors decide how to run their WP. One approach is to delegate the functions above to a WP team which could include:
  - the Convenor(s);
  - student/young UKELA 'scribe';
  - other WP liaison, e.g. contacting other WPs or groups;
  - e-law updater;
  - events co-ordinator; and
  - UKELA Council member
  
13. Convenors shall ensure that every 3 years they provide WP members, the opportunity review the WP ToR and how the WP is run. In particular, asking whether they are content with:
  - how the WP is organised (including arrangements for convenor support);
  - the convenors continuing to lead the WP or propose a change; and
  - whether they would like to change any team members or post(s).
  
14. The convenors must notify the Law & Policy Advisor of the outcome of each review, including any consequential changes to the WP ToR.

15. A proposed change of convenor should be notified to the Law and Policy Advisor. Periodic changes in convenors and other roles are encouraged to achieve a good balance between continuity and succession planning. Convenors can step down and return at a future date.

#### **F. WP membership and circulation lists**

16. All WP members must be UKELA members and convenors should satisfy themselves of this, via UKELA's Membership Development Manager.
17. There should be a UKELA Council member on each WP. Council members will be asked to nominate themselves and Council will monitor the take-up of posts regularly.
18. To ensure GDPR compliance, UKELA staff are responsible for maintaining the WP membership lists (rather than WP team members). The WP membership will comprise UKELA members who are engaged in or expressed an interest in the WP specialist area. WPs should periodically check with UKELA staff that WP membership lists are up to date.
19. WP email circulation lists should include WP members as well as:
  - interested members;
  - UKELA staff;
  - WP Coordinator on Council;
  - Trustee sitting on WP;
  - convenors of all other WPs

#### **G. UKELA website**

20. WPs must have an up-to-date UKELA website page providing at least:
  - the WP ToR (see above);
  - the Convenors' names and contact details;
  - the names of other WP [contacts];
  - information about the practice areas and professions that its members include, noting any special areas of interest or gaps in expertise for which the WP is keen to recruit to the WP

- information about recent and proposed activities and events
- links to its meeting papers, consultation documents or other information published by the WP.
- It is expected that the WP team review and update the WP webpage every three months.
- The UKELA staff team will undertake any updates

## **H. WP activities: guidance and expectations**

### ***1. Level of activity***

21. WP are expected to be active, although the level or frequency of particular activities will vary according to the level of the activity on the environmental topics covered by the WP.
22. WPs are encouraged to hold meetings and events on a regular basis. Meetings should have clear objectives and an agenda. Where face-face meetings are impractical, video conferencing arrangements can be made. UKELA has a designated zoom conference facility which can be used by WP whenever it is available. This can be used by contacting the UKELA staff team.

### ***2. Expertise and knowledge sharing***

23. WPs should promote relevant expertise and knowledge among members by e.g. meetings with expert speakers, group discussions and circulating important developments.
24. When planning events WPs are encouraged to liaise with Regional Groups and other WPs to explore opportunities for joint or touring events.
25. The Policies and Procedures section of the UKELA website aims to provide guidance on organising events. However, the following checklist provides an outline of tasks:
  - 1) check the public events calendar: <https://www.ukela.org/events>, and with the staff team to avoid: (i) clashing with other events; and, (ii) to avoid duplication of topic areas;

- 2) Add brief details of a proposed event to the google calendar (via the staff team) or 'hold' a particular date until it is confirmed by adding:
  - which WP is proposing the event e.g. Waste WP
  - add 'HOLD' to the entry if the event remains provisional
  - it may be appropriate to hold 2 or 3 dates as provisional if this is the case; if so, ensure that unused provisional dates are deleted.
- 3) Keep the UKELA staff team updated on what is being planned early in the proposal process.
- 4) Identify any expenses such as for refreshments, speaker expenses etc. If costs are likely to be incurred, then the convenors will need to ask for a quote so that any ticket price for the event can be set at a correct level. The staff team is happy to help draw up a simple budget, set up bookings on the UKELA website and assist with marketing. Once you have an idea for an event, talk to the staff team about this and ensure the event is added to the UKELA website and e-law.
- 5) If there are expenses (e.g. for speaker expenses, drinks etc), these will need to be covered from ticket sales
- 6) Convenors can help promote an event by:
  - asking other WPs to circulate details among their members;
  - submitting details for publication in e-law (bi-monthly), the future edition deadlines are provided at the end of each e-law;
  - asking the staff team to update the website and social media.

### **3. Proactive influencing**

26. WPs are encouraged to tackle their priority topics on their own initiative as well as responding to consultation papers, although it is recognised that resources may well limit such initiatives.
27. In influencing policy, legislation and regulatory best practice, WPs are encouraged to:
  - find out who is the government policy and legal lead in their topic areas; and then aim to meet them and build relationships; and

- plan the WP programme based on knowledge gains from key contacts, including government officials.

### **I. Submissions to an outside body (external submissions): content**

28. Submissions to an outside body (external submissions), such as consultation responses and evidence to government committees, should have regard to UKELA's primary purpose to make better law for the environment as well as its strategic aims and objectives.
29. As with all UKELA's influencing work, external submissions should aim to engage constructively with policy makers. Where possible, they should set out UKELA's preferred approach, present opportunities for improvement, or suggest alternatives to proposals that are considered problematic. In some instances, it may be appropriate to include in a submission an offer to meet with relevant personnel to discuss matters further.
30. While external submissions may note that there is a divergence of views there must not be a minority report or submission; submissions are made on behalf of UKELA and WPs should use the standard introductory text about UKELA and its wide membership (unless this is not technically possible, e.g. due to constraints of online comment forms). This helps ensure that UKELA maintains its professionalism and credibility.
31. External submissions should be drafted with the recipient in mind. In the first instance, this is likely to be government policy officers and lawyers. They should avoid polemic and emotive language. This will detract from the points at issue.
32. To provide focus and impact, external submissions can, where appropriate, include:
  - an introduction, outlining UKELA's key concerns which can then be elaborated in specific answers;
  - confining the main body of the submissions to key points, and putting detail in an annex.

## **J. External submissions: process**

33. The procedure for external submissions should include the approach set out below; although it is recognised that this may not be practicable in all instances, e.g. where there may be tight consultation timetable:
- The Convenors should invite WP members to comment in good time and set a clear timetable for receiving input to the submission. Views from members outside the timetable may not be included.
  - If the external submission is significant in any way, holding a telephone conference with key WP members is advisable.
  - A draft response should be circulated to all WP members for comment in good time, e.g. a min. 2 weeks before final submission date, with a 7-day response.
  - To ensure consistency and avoid duplication, Convenors must advise the Law & Policy Advisor of the proposal to make an external submission and include them in the circulation of any draft. If the Law & Policy Advisor is unavailable then there should be liaison with the current WP Coordinator on Council and/or Executive Director.
  - For submissions on high profile or controversial matters, the Law & Policy Advisor will provide UKELA's WP Coordinator on Council and Executive Director an opportunity to comment on submissions.
  - If a submission cuts across WP topic areas convenors should seek input from the relevant WP Convenors.
  - If a submission is produced with input from more than one WP all relevant Convenors must agree on the submission.
34. It is the responsibility of WP Convenors to submit external submissions to the relevant consultation body and to ensure as far as reasonably practicable that it has been received. Convenors must send completed submissions to UKELA's WP Advisor when submitted, preferably by copy email.

To maximise the impact of any submission, the staff team will post on the UKELA website (provided that is permitted by the relevant committee), add details to elaw and arrange for social media.

## **K. Handling disagreements**

35. Disagreement on WP matters is not expected to happen often. However, if it does, the approach set out below should generally be adopted.
- 1) Disagreement on substantive matters such as the contents of a submission should be resolved at WP level governed by the rules above and with advice of the Law & Policy Advisor as appropriate.
  - 2) It should be remembered that all views are communicated externally on behalf of UKELA, therefore the procedures set out in this guidance must be followed.
  - 3) If there is complaint about any procedural aspect of WP operations, Convenors should seek to resolve informally the dispute, although the Law & Policy Advisor should be informed of the concern, in confidence.
  - 4) If the dispute continues, the Law & Policy Advisor should convene a discussion in order to secure a mediated settlement, with all parties to the disagreement being involved. The Law & Policy Advisor will notify UKELA's Executive Director and WP Co-ordinator on Council.
  - 5) If no agreement is reached the WP Co-ordinator will convene a discussion on behalf of the UKELA Council and Council will arbitrate reaching its own decision on the way forward if necessary. The Convenor(s) will be kept informed at all times. The WP(s) will accept Council's final view.
36. If the above procedure is not appropriate for a particular concern, e.g. a direct referral by someone who is not a member of a particular WP they have a concern about, then that matter can be raised with the Law and Policy Advisor, the WP Co-ordinator or the Executive Director who will take action in accordance with UKELA's operational procedures including e.g. its complaints policy.

## **L. UKELA and political influencing**

37. To further its main objective UKELA could seek to influence political decision-making as it could be argued that influencing the formulation of law cannot be

divorced from influencing the policy of the government or political parties who may become government.

38. UKELA may be asked from time to time to inform or work with political parties, as well as working with the government of the day. This may mean:
- providing briefings about UKELA's objectives;
  - opening communication channels with politicians and their advisors (e.g. via meetings, phone);
  - contacting or sending mailings including press releases;
  - providing information on UKELA's areas of expertise but only in as much as this furthers UKELA's objectives. This may mean finding out how the information may be used before providing it. This information should be shared with other political parties and it should be made clear that this will be done, as part of an even-handed approach.
39. If, in the context of furthering the interests of UKELA, WPs consider it necessary to take further action (e.g. advice on the tabling of a Parliamentary Question, discussing matters informally with government departments, suggesting amendments to legislation or commenting upon proposed legislative amendments) such action must be referred to the Law and Policy Advisor who may then refer the matter to UKELA's Executive Director and Chair.
40. UKELA has limited resources to influence at a political level and how much work is carried on will be at the discretion of WP Convenors and Council. If there is uncertainty in this regard, Convenors must discuss with the Law and Policy Advisor who may refer the matter to UKELA's Executive Director and Council.

4 May 2021