

## **UKELA's Strategy July 2012 – July 2015**

Making the Law Work for a Better Environment

The Strategy falls within **UKELA's charitable objects** which are:

To promote for the benefit of the public generally the enhancement and conservation of the environment in the United Kingdom and in particular to advance the education of the public in all matters relating to the development, teaching, application and practice of law relating to the environment.

### **UKELA's Values – these are what help us maintain a sense of community and shared purpose**

After consulting UKELA's members Council agrees that the core values of UKELA (ie what keeps us together as members) are:

Promoting good law concerning the environment; increasing awareness; wanting to educate others; being welcoming, inclusive and encouraging participation; independence and integrity.

### **Vision**

UKELA has a vision of a world in which environmental governance and legislation is clear and effective and improves environmental quality and human well-being. UKELA will be influential in securing good quality law and policy on the environment, energy and natural resources. UKELA aims to be the expert voice on environmental law and governance and a forum for the exchange of environmental knowledge. It will support its members with continuing professional development opportunities and provide clear information to the public about the law and the environment.

### **A. Key external factors that will influence UKELA's work 2012-2015**

#### **Politics**

- Scottish independence/devolution
- Welsh Single Environment Body and new Welsh made legislation on the environment
- Northern Ireland (but less dramatic influence unless independent environment agency becomes more of a reality)
- Cross border issues in UK and Ireland
- Enforcement across the EU member states
- General election (by May 2015)
- International influences (eg global agreements, technology developments, economic /market influences)
- Re or de-regulation emanating from Westminster
- European funding/knowledge exchange with European bodies



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- Changing attitude to interventions in the courts/Environmental Tribunal
- Increasing regulation of charities

### **Economic**

- Recession/cuts – impact on private law firms and the public sector
- Fee earning pressure means less time for volunteering
- UKELA possibly less attractive than other organisations to support as part of CSR
- Green economy
- Cost of environmental regulation being seen as restraint on growth (also political)
- More in house lawyers whose role includes environment
- Decline in the role of the specialist environmental lawyer

### **Social**

- Partnerships/mergers/collaborations between NGOs is increasing (partly because of economic pressures)
- Ageing population – more availability of young retired as volunteers
- Young people – pinched job market and lack of opportunities
- Increasing general awareness of environmental issues
- Media role changing (particularly social media provides new opportunities)
- Busy professionals finding less time to volunteer (see above)
- Social interactions more informal/open/inclusive as means of communication
- Juniors less interested/have less time for meeting peers from other firms

### **Technological**

- Social media (see above)
- Other ways to communicate/operate – eg Huddle/Dropbox
- Traditional methods for communicating still important
- Raising revenue opportunities aided by technology
- VideoLinks more accessible for events/meetings
- Retaining/recruiting members supported by technology is more efficient/low cost

### **External Scan commentary**

Devolution will provide a very strong theme during the Plan period and UKELA will need to up its game to meet the challenges and opportunities. The position is different in Scotland, Wales and Northern Ireland and UKELA will need different strategies for each. It must also not forget the English regions which could become an important focus as we respond to the Localism agenda and



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new opportunities for engaging more with local authorities. The coherence of Environmental law will become an increasingly important issue as different versions of law, governance and regulation emerge.

Globalisation creates a tension in the opposite direction, meaning that international linkages between environmental law interests become more significant as the national picture fragments. With environmental challenges also on a global scale UKELA will need to strengthen its networks in Europe but also in English speaking jurisdictions where there is a strong common interest (the US, Canada, Australia and New Zealand). New technology makes this work easier and more affordable.

Procedural and political changes mean that UKELA will continue to have a role in providing education and training on the first tier tribunal; civil sanctions; regulatory initiatives like the red tape challenge, and Aarhus.

Energy in all its aspects – climate change and litigation, the carbon reduction commitment, renewables, new nuclear, fracking – are all huge issues and UKELA will need to ensure resources are deployed to address them effectively. Air quality and noise may become more of a priority if other organisations cease to be able to influence them effectively.

As the focus of the work of UKELA's members increasingly turns to resource use and resource scarcity, issues which have strong linkages with planning, UKELA may need to change its approach to deal more effectively with issues that cut across working party boundaries. Ecosystem valuation, the water catchment area approach and diffuse pollution are all changes in thinking which mean UKELA will need to operate differently to be effective in influencing developments.

UKELA needs to make sure it helps its members thrive. The academic members of UKELA will be looking for opportunities to make a practical impact at the leading edge of thinking about the law and the environment and UKELA is well placed to provide means of doing this. Engaging in house lawyers in industry and appealing to busy city lawyers with a broad brief, means that the emphasis of work may need to change to meet internal and external challenges. There may need to be more of a focus on big firms, encouraging junior members by offering networks and training that appeal. As pressures mount on the public sector it may be more difficult to engage that audience and the challenge is to maintain an accessible, diverse offering to keep the broad sweep of focus that is such a strength to UKELA.

There is still an appetite for “alternative visions of Environmental Law” which can provide passion and inspiration even for the most hardened of legal practitioners.

The recession – unlikely to release its grip for at least the first two years of the plan period – is a significant factor which will influence much of what UKELA does. It may force other organisations working in the same territory out of business, leaving strategic gaps that could be filled. It will have an impact on membership and events' attendance which means we must remain reactive to members' concerns. It means UKELA will need to run a lean ship with carefully targeted resources



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and that the need to do this should be well communicated to prevent misunderstandings about our motives. It will mean planning for various scenarios so that trustees are well prepared for the most likely eventualities.

## B. Organisational analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>Network of contacts</li> <li>Available expertise</li> <li>Patrons</li> <li>Stable finances</li> <li>Active trusteeship</li> <li>Diverse and knowledgeable membership</li> <li>Longevity</li> <li>Unique</li> <li>Staff</li> <li>Events programme</li> <li>Relative informality</li> <li>Low costs/overheads</li> <li>Popularity of trusteeships</li> <li>Gravitas</li> </ul>	<ul style="list-style-type: none"> <li>Heavy reliance on voluntary efforts</li> <li>Ditto on sponsorship</li> <li>Narrowness of income sources</li> <li>Difficulty in measuring impact of UKELA's work</li> <li>Visibility/low public profile</li> <li>Lack of "buy in" to UKELA's vision + ethos by some members</li> <li>Low level of engagement from the wider membership</li> <li>Lack of clear vision</li> <li>Other competing environmental organisations</li> <li>Patchy working party performance</li> <li>Mentoring infrastructure</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>Devolution</li> <li>Evolving sectors</li> <li>Changing landscape of env charities in UK</li> <li>Access to European funding</li> <li>In house lawyers</li> <li>Planning lawyers</li> <li>Social media</li> <li>Energy debate</li> <li>Better international links</li> <li>Students</li> <li>Academic incentives</li> <li>Aim 5 follow ups</li> <li>Gap in environmental law training opportunities for young professionals</li> </ul>	<ul style="list-style-type: none"> <li>Funding</li> <li>Sponsorship declines (fall off in "benevolent" cash)</li> <li>Difficulty in maintaining relevance to "core" members ie city law firms</li> <li>Fall in membership due to recession</li> <li>Business model not working effectively</li> <li>Time pressure on volunteers</li> <li>Conflicts of interest</li> <li>Continuity on Council</li> <li>Student activity and engagement declines</li> <li>Patchy quality submissions</li> <li>Rogues (speakers/council members/convenors etc)</li> </ul>

## C. Strategic aims

Considering the key external factors, analysing UKELA as an organisation and discussing the most important internal issues has led to the identification of the following Strategic aims for the period. An annual work plan will be prepared which sets out in more detail how the Strategic aims will be achieved. These aims indicate the continuity of core work – influencing, providing information to the public and networking/training (there was a strong feeling that the conference is the jewel in the

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crowd and should continue). However all these activities need to be “devolution proofed” and any opportunities arising from devolution should be seized now. The changes ahead imply a restructuring of the working parties and regional groups so they best meet the needs of the outside world and members, whilst ensuring that staff resources are deployed where they are really valued. The student offer will be revisited as it appears not to make a big enough impact, whereas UKELA could be making a more worthwhile contribution to the issues facing young people seeking a career in environmental law (access and employability) and the academic community that supports them.

### **Aim 1 (joint top priority with Aim 2) - Interventions**

Make UKELA’s interventions more strategic, diverse, focused and influential in order to shape UK environmental law.

This would include:

- Maintaining a respected and independent voice
- Using the “State of Environmental Law” report to inform influencing work and ensure UKELA members are well informed about the principles promoted in the project reports
- Monitoring how the recommendations in the “State of Environmental Law” report are taken up and where the principles promoted by it are applied
- Restructuring the working parties to make sure they deal effectively with issues arising from devolution and the changes in approach highlighted in the external scan
- Improving the application and use of Environmental Law to promote sustainable development – rethinking the use of limited resources.
- Focus on these priority areas with early interventions and staff resources applied to support volunteer effort-
  - In Wales new legislation: Sustainability Bill; Planning; Single Environment Body
  - In Scotland: legislative reform flowing from the “Consultation on proposals for an Integrated Framework of Environmental Regulation”.
  - Westminster:
    - Land Use Planning (including the new NPPF, Localism Act and infrastructure planning).
    - Draft Soil Framework Directive (raising awareness and stimulating debate, influencing the approach to implementation if it is adopted)
    - Litigation (including sanctions, appeals/tribunals and costs)
    - Climate change and energy (including new nuclear and renewables)
    - Waste
    - Nature conservation (review of wildlife legislation, initiatives trailed in the natural environment white paper such as biodiversity offsetting)
    - Water (including reforms to abstraction regime, diffuse pollution controls, Flood and Water Management Act 2010 implementation).



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- Continuing to support and enable discussion on alternative visions of Environmental Law (Wild Law, ecocide etc)
- Monitoring opportunities for new areas of focus (nanotechnology, air quality, noise)
- Raising awareness of key issues amongst non UKELA members by holding events or promoting a debate
- Engaging with alternative visions of environmental policy making

The means of fulfilling this aim includes using UKELA's members' expertise to highlight current problems in UK Environmental law and shape its future direction. This includes keeping in touch with members to find out their concerns, drawing on the expertise in the working parties, encouraging industry associations to join UKELA so we can benefit from their perspective (also see membership aim).

### **Aim 2 – Public Information**

Improve delivery of information to the public across the UK and improve the general and social media profile of UKELA

This would include:

- Improving digestibility of information to the public by using different delivery methods
- Consider a L&YE hotline (particularly if other organisations are unable to provide this)
- Continue and develop the expert media panel and improve visibility of UKELA in outputs
- Target 500,000 visits p.a. to L&YE by 2015
- L&YE response to devolution
- Integrate the EL elements of [www.ukela.org](http://www.ukela.org) with L&YE and rationalise other elements where possible
- Streamline social media work and build more volunteer support for it
- Step into information voids (eg air quality and noise)
- This area could be linked to an internships programme

This would not include:

- Providing events only for the public, but making events accessible to all where possible is a priority

### **Aim 3 - Devolution**

Ensure UKELA has a sufficiently resilient structure across the devolved administrations so it is prepared to meet the challenges and opportunities of an increasingly divergent UK system of



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Environmental Law and governance and to prepare scenarios in light of the Scottish referendum in 2014

This would include:

- Holding a review of restructuring options to ensure UKELA Scotland, UKELA Wales and UKELA Northern Ireland are as able to meet UKELA's aims as 'UKELA England'
- Changing the Constitution if needed
- Reviewing the structure of the regional groups to ensure they meet the needs of members, attract new members and that staff resources are deployed where most effective
- Offering centrally organised roadshows to groups to facilitate the offer of groups to members (which could also engage the working parties)
- Ensuring Wales and Northern Ireland have self-sustaining and active committees
- Developing a template approach for each area which reflects an overall agreed standard of UKELA delivery and a proportionate response to the level of members' interest
- Building membership in Scotland and Wales and strengthening partnerships in Northern Ireland
- Developing models for knowledge exchange between the four parts of the UK

### **Aim 4 – Membership**

Retain, diversify and activate membership networks

This would include:

- Maintaining a broad church membership
- Providing networking opportunities and knowledge exchange that suit the diversity of membership
- Provide practical training orientated events with CPD attached which are widely accessible
- Deliver an excellent, reasonably priced annual conference
- Deliver an annual Garner lecture which maximises opportunities for participation including internationally
- Activating networks (formal and informal) including building stronger links with industry associations
- Appealing to different sectors – students, corporate, academics, **young UKELA**, public sector, individuals, retired, affiliate/overseas members with a strong recruitment focus on industry members, in house lawyers and local authorities
- Offering videolinks, other remote links or knowledge sharing platforms for all meetings, where possible, to strengthen networks and knowledge sharing
- Use social media to communicate with members and potential members

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- Revisiting the offer to students (particularly the bursary, outstanding achievement prize and mentoring scheme) and engage more with academics to encourage student engagement
- Maintaining the moot and article competitions but revise timings and prizes
- Exploring the development of a new internship scheme for students which is accessible and enhances their employability and exposure to EL

### **Aim 5 – International**

Interact with international bodies, particularly in Europe, to influence better EU law, and key jurisdictions globally which are relevant to members' working lives, to provide opportunities for knowledge sharing and foster cooperation on key issues

This would help UKELA influence the law at an international level more effectively, build profile and possibly membership.

This would include at a minimum:

- Strengthened links with European EL associations with opportunities for members to hold joint discussions
- Strengthen links with other international bodies, particularly the English speaking jurisdictions where there is a strong common interest (the US, Canada, Australia and New Zealand)
- Including bodies from overseas in events planning (eg annual conference and Garner lecture) and offer opportunities to participate
- Participate (remotely) in any knowledge sharing initiatives to emerge post Rio as part of the implementation of the Rio outputs

### **D. Good Governance**

UKELA's trustees view good governance as a principle that underpins everything they do. The past two strategic plans have made this a specific aim in the plan and much time and effort has been spent getting systems in place – operational guidelines which are kept up to date, risk planning, staff management, financial controls, succession planning, providing training, skills audit and so on. With limited staff resources the trustees will bring in relevant professional advice when needed.

There are some specific tasks to focus on for this period. Although many UKELA key roles are voluntary they are one of the principal means by which UKELA's aims are delivered. All key UKELA roles will have job descriptions with clear objectives and be kept under review by Council to ensure performance is sustained. A protocol will be introduced to govern this.



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Major, new tasks to emerge from this Strategy

1. Working party restructure review
2. Devolution review – identifying strategies for Scotland, Wales, NI and restructure of regional groups, seek funding to build capacity in Scotland and Wales
3. Student offer revisited and potential development of internship project with a view to securing dedicated funding
4. Links established with top target organisations abroad and staff/volunteer resources found for this
5. Keep under review any opportunities or threats posed by situation of other charities working in the same field (eg ELF/EPUK)

### **E. Resources**

UKELA will deliver this plan largely through a network of active volunteers and three staff to deliver management, administration, communications and expert legal support for the working parties.

#### **Volunteers**

UKELA has a relatively large number of engaged volunteers – on Council, looking after the working parties and regional groups, running events, fundraising, supporting our communications. Anything that can be done to increase volunteer engagement will help deliver this Strategy more effectively.

Changes have been proposed to strengthen the delivery by volunteers and increase accountability. We hope that volunteers will value having clearer objectives and direction and a more accountable system which will enable people under pressure to step down and others to move in to the gaps. UKELA's trustees and staff will work to promote volunteering to members and to engage people with positive support and encouragement. UKELA recognises that pressure of work can often impede a volunteer's effectiveness, however willing they are to help, and that turnover can be high. Support from more experienced volunteers and staff is vital in developing volunteers' skills and enthusiasm and retaining support.

All the Strategic Aims rely on a mix of volunteer and staff support to succeed. By prioritising the aims Council has given a clear indication of where it prefers staff support/money to be given. So, for example, the international aim will be highly reliant on volunteers for success, whilst influencing and devolution will involve a higher level of staff resources.

#### **Staff**



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Staff resources (currently equivalent to 7 full days per week) are limited by funding. Any increase in funding could potentially make a big difference to UKELA's effectiveness particularly in relation to influencing the law, public information and membership development. The main focus for the staff is to build the capacity and skills of the volunteers, to provide practical organisation and planning guidance and to drive things forward. Staff time is generally insufficient to provide much practical delivery – eg long and complex consultation responses are not likely to be carried out by the staff. Aspirations for work that depends on more paid for staff time are set out below. Staff retention within UKELA has been good, thanks to the support of the trustees for the staff, flexible working arrangements and fair pay and conditions.

This plan implies no changes needed to the staff structure which is currently an Executive Director; Member Support Officer and Working Party Support Officer (who also has capacity to carry out other ad hoc roles in addition).

### **Office**

UKELA has no office and therefore low overheads. This has proved a saving grace in a time of cuts and hardship and has probably provided resilience for the organisation against the trend. However because of remote working the trustees need to ensure robust systems are in place to protect against failures or problems with IT, data protection, financial management, file storage, health and safety, human resource management etc.

### **Money**

During the period of the last Strategic Plan (2009-2012) UKELA has built its reserves, particularly those tied into the Lord Nathan (restricted) Fund. This stands at nearly £60,000 at the end of the plan period and the policy recently adopted means that this sum will be maintained in line with inflation but any excess will be spent on maintaining the Law and Your Environment website. Thus this sum is not expected to increase much by the end of the next plan period, whilst the website will have been kept up to date more effectively. Fundraising efforts for the Fund will continue with special appeals, voluntary additions to event bookings and sponsored activities.

UKELA's "core" funding largely comes from its membership subscriptions (and associated Gift Aid); surplus income from event attendance and sponsorship. UKELA receives a huge amount of value from gifts "in kind" – venues, hospitality, storage, office administration – and has benefited from free service provision from major companies (eg Google, Huddle and Citrix).

UKELA is not dependent on time limited grants or sources of funding that are particularly vulnerable to external factors (eg local authority funding).

In addition to the Lord Nathan Fund, UKELA will keep sufficient money in the unrestricted reserves to provide for six months' of expenditure (whilst taking into account specific commitments for individual events). This figure will be kept under review.



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UKELA's trustees' mantra is "to plan for the worst and hope for the best". Accordingly this Strategy includes funding scenarios to cover the worst and best.

### **Business as usual**

This would mean a more or less balanced budget each year with no major losses from events or members leaving. This would enable core work to continue but no new work to be added unless it was largely carried out by volunteers. It is possible for UKELA to carry out major new ventures (eg the Review of Environmental Law in the 2009-2012 plan) without substantial new funding and with the support of volunteers, but it requires a major organisational and personal commitment from all involved.

### **Worst case**

This would be most likely to come about because UKELA has to cancel the annual conference because of a drastic loss of bookings or some unforeseen circumstances. Although the conference income mainly just covers the costs if there was no conference there would be no sponsorship income (c. £25,000) and any deposits would be lost (£10,000 for 2013). This would quickly eat into the reserves and the trustees would need to take cost saving steps which is most likely to mean a reduction in staff time and/or the loss of a role (although this level of loss might be sustainable in year 1 if nothing else changes).

Membership income is the other main source of income which could be threatened by a loss of members. However this is unlikely to be at a level to cause a major threat to the organisation in one year and staff cuts would be unlikely to remedy it as staff support for membership admin and services to members is a crucial part of the mix in keeping members on board.

### **Developing the organisation**

This plan includes some potential new initiatives which require dedicated funding if they are to work at their most effective. In all cases some limited work towards the aims identified can be carried out without extra funding but this is the estimate of the level of funding required to achieve these aims.

#### **1. Influencing the Law**

UKELA's Working Party Support Officer provides support on a one day a week basis to the priority working parties in a targeted fashion. With extra time this role could support more working parties, ensure UKELA increases its effectiveness in influencing the law and could help with the devolution work below. However UKELA has no core funding which would enable an increase in time and



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attempts to fundraise for it have not been successful. Some additional funding has been found for the role for ad hoc work (eg the Review of Environmental Law) and these attempts will continue.

Estimate cost: one extra day would cost about £12,000. The current position (one day a week) will need to be maintained unless extra funding is found.

### **2. Building capacity to meet the challenges of devolution.**

This would require a dedicated member of staff to lead an organisational review with the members, develop resilient structures and governance systems, build membership and engage existing members within the target areas of Wales, Scotland and Northern Ireland, build effectiveness in engaging with influencing the law in those areas, developing programmes of training and knowledge sharing. Estimated cost about £60,000 over two years with the aim of volunteers being able to carry on after that.

This could (and would have to) go ahead in some “devolution lite” form if funding is not found but the aim would be compromised.

### **3. Building an internship programme which promotes Environmental Law to a new audience, builds skills and interest, is accessible and enhances employability for a new generation.**

This would require a dedicated project manager, possibly working in partnership with another voluntary sector organisation, to develop links with a limited number of universities and academic institutions in the UK and possibly overseas (in developing countries). The project manager would also need to develop a panel of UKELA member firms and organisations able to offer internships according to an agreed protocol and co-ordinate delivery of the internships to selected candidates.

Estimated cost TBC (needs discussion with Capacity Global which is interested in a partnership)

This could not go ahead without dedicated funding being found and the current student offer would need to continue in some modified and improved form.

### **4. International links**

Ideally extra paid staff time would be found to establish new links with organisations in the EU and elsewhere, develop formal links and protocols and develop joint events and initiatives. This could be an extra day a week for an existing member of staff. This aim does not imply a huge amount of UKELA funded international travel – UKELA members would be encouraged to find their own funding to do this wearing a UKELA hat as well as for their own benefit.

Estimated cost £12,000 p.a.

This work can go ahead without extra funding provided sufficient engaged volunteers at a senior level are found to lead it.