

**Representation Form**

 **The purpose of this form**

We can accept and will consider (free of charge) any representation which includes any instance of concern from anyone about how public authorities discharge their environmental law responsibilities or the effectiveness of environmental law itself.

The purpose of this form is to enable you to set out your representation in a structured way so that we can carry out an initial assessment and consider what steps, if any, should or can be taken. We may also wish to contact you to discuss your representation or seek further information from you. If you have any difficulties in using or completing this form, our staff are more than happy to assist and can be contacted at Representations@environmentalstandards.scot.

Please use this form to contact us if you have specific concerns:

* that a public authority isn’t complying with an environmental law;
* that an environmental law isn’t being implemented or applied properly; or
* that an environmental law isn’t effective in protecting the environment.

In this context a public authority means a person carrying out any function of a public nature and environmental law means any law which is mainly about the environment.

Compliance relates to whether a public authority is failing to take proper account of environmental law when exercising its functions or is acting in a way that is contrary to (or incompatible with) environmental law.

Environmental law means any law which includes provisions mainly about the environment and environmental protection, with environmental protection including:

(a) protecting, maintaining, restoring or improving the quality of the environment,

(b) preventing, mitigating, minimising or remedying environmental harm caused by human activities; and

(c) monitoring, considering, assessing, recording, reporting on or managing data on anything relating to paragraphs (a) and (b).

In practical terms, the effectiveness of environmental law relates to whether the law is achieving its intended effect in protecting the environment and contributing to our international obligations relating to environmental protections.

**Next steps**

It is important to explain that, before considering what action should be taken, we normally expect that you will have given the relevant public authority the opportunity to respond to the issue or that you have tried to resolve your concerns through other available mechanisms. Whatever action we do take, we will write to you setting out the reasons for this and provide as much further assistance as we can.

It is also important to understand that we are not an appeal or complaints body for individual decisions taken by public authorities in the exercise of their regulatory functions in relation to a particular person or case (for example, a decision on an application for a licence or a decision on regulatory enforcement in a specific case).

The ‘[How to raise a concern](https://www.environmentalstandards.scot/investigations/how-to-raise-a-concern/)’ and ‘[Frequently Asked Questions](https://www.environmentalstandards.scot/investigations/representations-faq/)’ pages on our website provide further information on our role and may assist you in completing this form.

By submitting this form you agree to our [Data Privacy Notice](https://www.environmentalstandards.scot/privacy-policy/). ESS may use the information you provide but we will not share your personal information without obtaining prior consent from you. You may tell us at any time if you wish to withdraw your representation.

When you have completed this form, please send it to Representations@environmentalstandards.scot.

**Section 1 – Your representation**

1. Please tell us below the name of the public authority you are contacting us about.

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| Click or tap here to enter text. |

2.What area of the environment does your representation relate to? (for example, air quality/pollution, water quality/pollution, contaminated land, nature conservation, protected sites, protected species, climate change environmental assessment and monitoring).

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| --- |
| Click or tap here to enter text. |

3. Have you already contacted the public authority about the matter?

Yes [ ]  No [ ]

Have you received a response?

Yes [ ]  No [ ]

If the answer to either of the above questions is ‘no’, please tell us in the box below why this is the case.

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| --- |
| Click or tap here to enter text. |

4. Does your representation relate to:

* A public authority not complying with an environmental law?

Yes [ ]  No [ ]  Don’t know [ ]

* Environmental law not being implemented or applied properly?

Yes [ ]  No [ ]  Don’t know [ ]

* An environmental law isn’t effective in protecting the environment?

Yes [ ]  No [ ]  Don’t know [ ]

5. If the answer to the above questions is ‘no’, ESS may not be able to help you. If you have answered ‘yes’ or ‘don’t know’ to any of the questions above, please tell us in the box below what the background to your representation is, including the key dates when decisions/actions were taken, and specifically what you feel has gone wrong. If possible, please include below the details of the environmental law(s) your concerns relate to and, whether there any related public authority policies, guidance and/or decisions.

It would also be of assistance if you could also provide copies of the public authority’s response to you and any supporting information you have.

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| --- |
| Click or tap here to enter text. |

6. What outcome are you seeking through bringing your representation to ESS?

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| Click or tap here to enter text. |

7. How did you hear about ESS?

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| Click or tap here to enter text. |

**Section 2 – Your details**

The person who identified the problem should normally fill in this form. If you are acting on behalf of someone else, please check and confirm that they are content for you to do so.

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| First Name | Click or tap here to enter text. |

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| Last Name | Click or tap here to enter text. |

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| Your Organisation’s name (if applicable) | Click or tap here to enter text. |

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| Telephone Number | Click or tap here to enter text. |

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| Email address | Click or tap here to enter text. |

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| Address Line 1 | Click or tap here to enter text. |

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| Address Line 2 | Click or tap here to enter text. |

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| Town/City | Click or tap here to enter text. |

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| Post Code | Click or tap here to enter text. |

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| Preferred contact method  | Click or tap here to enter text. |

To investigate your concerns, or make further enquiries, we normally need to contact the public authority to confirm that you have tried to resolve your concerns with them first. We may also need to discuss with the public authority the nature of your concerns. This means that we may need to share with the public authority personal information related to your case.

**Diversity Monitoring**

ESS would appreciate if you could assist us to ensure we are reaching as many people as possible and preventing barriers from using our service. To support this, we have an [Equality and Diversity Monitoring Form](https://app.smartsheet.com/b/form/a1a825e45e564fe18499357b3b3dc397) available to all who submit a representation.

We understand that this information is particularly personal and sensitive, and you may not want to share it with us. So whilst we would encourage you to share your details, please note filling in this form is voluntary and will not affect our investigation of your representation.

All information shared will be confidentially held in a secure database, separate from your representation.

**Declaration**

By completing and signing this form, I confirm that the information given is accurate and that I provide my consent for ESS to share information about me with the public authority/authorities subject to the representation **(if you have any concerns about us sharing your information with the public authority please contact us to discuss)**.

I also understand that ESS may access and review information about my concerns held by the public authority and that, depending on the nature of the representation, this may include sensitive personal information. I also understand that my personal information will be retained by ESS as set out in our privacy notice.

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| --- | --- | --- | --- |
| **Signature** *(Click image to add a digital signature file)*  | Click or tap here to enter text. | **Date** | Click or tap here to enter text. |

**Section 3 – Checklist**

* Have you fully completed all sections of the form that apply to you?

Yes [ ]  No [ ]

* Have you included copies of all your supporting paperwork (in particular any response you have received from the public authority)?

Yes [ ]  No [ ]

* Please do not send us original documents. To help protect your information we do not hold original documents on our files. Any original documents you send will be returned. Also, when our involvement with your representation comes to an end, the documents we hold on our files will be destroyed in line with our records retention policy.
* If you plan to send us large amounts of documents, please put your documents in date order, putting the most recent document at the front and oldest at the back.