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21 Calton Road  
Edinburgh  
EH8 8DL

Our Ref:  
Your Ref:

If emailing, mark FAO:

29 November 2023

Dear Tavish

### **SEPA's Sea Lice Risk Framework (SLRF)**

Thank for your letter of the 23<sup>rd</sup> November 2023 following our information session on the 17<sup>th</sup> November 2023. Thank you for reiterating your commitment to work collaboratively as we move forward in developing a model to help support Scotland's regulatory framework around sea lice. I would also like to take the opportunity to thank you and your members for their input and responses to both our consultations on this topic. These responses were valuable and as we highlighted on the 17<sup>th</sup> have helped us significantly in finalising the details as we look to introduce a new framework.

Noting the concerns you raised in your letter, SEPA, as a body overseen by the Scottish Public Service Ombudsman, is required to comply with the model complaints handling procedures (MCHP). By doing this we provide rights to complainants who may be dissatisfied with the service provided by SEPA, and transparency as we report all such matters to our Board.

To address the concerns set out in your letter this matter has been handled as a Stage 1 Complaint under the SEPA Complaints Handling Procedure, details of which can be found on our website at: <http://sepa.org.uk/about-us/complaints-handling-procedure/> Your unique



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reference number is **2311\_018Stage 1**, so please quote this in any future contact with us about this issue.

This letter is our Stage 1 response, and the Outcome of your Complaint is noted below.

### **Background to complaint**

Your letter dated 23 November sets out your concerns around the consultation and engagement process. In summary you are dissatisfied with;

- 1) The approach taken during the workshop on the 17<sup>th</sup> November;
- 2) Failure to provide a full regulatory and business impact assessment (BRIA);
- 3) That SEPA are proposing to implement a framework before the required models, regulatory controls, protocols and guidance documentation have been established and published.

### **Findings**

I note the concerns expressed in your letter. SEPA has taken consultation and engagement very seriously throughout the development of the proposals, with an initial consultation (December 2021) on the principles behind a framework, followed by a second consultation on the details of how we would implement such a framework.

We have arrived at this outcome by undertaking a number of formal and informal consultations with stakeholders, ensuring that all stakeholders have been appraised of the development of the framework and affording them the opportunity to highlight any concerns and provide opportunities to clarify any points. These steps go beyond the guidance set by the Scottish Government.

As you note, the information sessions on the 17<sup>th</sup> November were primarily about dissemination. Post consultation standard practice would be to issue a consultation response detailing how we have taken the consultation responses in to account and highlighting any proposed changes as we move forward. In this instance, given the good engagement throughout the process, we felt it was appropriate to go beyond that and provide two sessions

(one to the sector and another to relevant stakeholders) to provide informal feedback on the consultation responses and our proposed response. As we stated in advance of the meeting, it was not intended to be further consultation exercise, it was intended to avoid surprises and give you and your members an opportunity to ask questions. We made it clear that we would not provide any written material in advance of the publication of our formal response.

As we indicated when we met on the 17<sup>th</sup> we were surprised in the lack of feedback on our impact assessment. We provided considerable details including the proportion of farms which could be affected and the areas subject to the greatest risk. We had asked you in advance for help to develop this section. We will update the assessment to take account of the comments that we did receive and publish it together with our response. I would reiterate that the impact assessment that was included in the consultation was by design not a full Business and Regulatory Impact Assessment.

We disagree with your assessment of our readiness to implement the framework. We have spent the last four years developing our approach working with the Salmon Interactions Working Group and then with stakeholder over the period of two consultations. We have had strong support for our implementation timetable from other interested parties and regulators.

We welcome your commitment to work with us to develop the monitoring programme and the future development of the next generation of models. I would stress that this will not be on the basis of a MOU between the industry, the Marine Directorate and SEPA. We will continue to lead an inclusive approach which is necessary to deliver the credibility needed for the further evolution of the regime.

In relation to your suggestion of a meeting, I can only apologise that we have taken longer than we would have liked to discuss the proposed pilot approach, this being the subject I understand we were keen to engage on collectively. There were discussions around the timing of a meeting to discuss the pilot approach and we are still keen for this to take place.

## Complaint Outcome

In summary, having considered the information available to me and for the reasons I have given above, I would advise you that I have found your complaint to be **Not Upheld**.

If you are not satisfied with this complaint outcome, you can ask us to look at it again under Stage 2 of our Complaints Handling Procedure. If you wish to do that, please follow SEPA's [Complaints Handling Procedure](#).

Please quote the complaint reference number **2311\_018 Stage1** in any further communications with us.

Yours sincerely

REDACTED

Compliance

cc Complaints Administrator