

To:	Legal Services Board	Agenda item No:	14
Date of Meeting:	24 November 2016	Item:	Paper (16) 78

Title:	Response to Tailored Reviews of LSB and OLC
Workstream(s):	All
Authors	Senior Leadership Team
Introduced by:	Julie Myers, Corporate Director Business julie.myers@legalservicesboard.org.uk / 020 7271 0059
Status:	Official

Summary:

MoJ launched a call for evidence to inform their Tailored Reviews of LSB and OLC on 27 October 2016.

The executive has prepared a submission addressing each of the questions asked in the call for evidence, and which also provides contextual information to support the proposed answers. Where relevant, the submission also draws attention to the LSB's more substantive vision for legislative reform (the Tailored Review focuses very much on necessity of current statutory form and functions and areas for improvement).

Recommendation(s):

The Board is asked to discuss the draft submission and agree to its submission by Tuesday 29 November 2016.

Risks and mitigations

Financial: No financial risks attached to this submission.

Legal: No legal risks attached to this submission.

Reputational: LSB's vision for legislative reform makes clear where wide ranging and radical changes could be made to improve the legal services market. The Tailored Reviews provide an opportunity for the LSB to demonstrate its effectiveness and reiterate its legitimacy within the current legislative framework.

Resource: No resource risks attached to this submission.

Consultation	Yes	No	Who / why?
Board Members:		✓	
Consumer Panel:		✓	Expected to prepare their own submission
Others:	N/A		

Freedom of Information Act 2000 (Fol)		
Para ref	Fol exemption and summary	Expires
Annex A	Section 22	

LEGAL SERVICES BOARD

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Background to the Tailored Reviews (extracted from MoJ website)

1. “As part of the UK government’s requirement to reform public bodies, all government departments must conduct a Tailored Review of their arm’s length bodies at least once in the lifetime of a parliament, every five years.
2. As with all Tailored Reviews, the reviews of the Legal Services Board (LSB) and the Office for Legal Complaints (OLC) will examine whether there is a continuing need for the function and form of each organisation.
3. If it is agreed that either of the organisations be retained, the reviews will look at their capacity for delivering more effectively and efficiently, and will include an assessment of their performance.
4. It will also review the control and governance arrangements to make sure they meet the recognised principles of good corporate governance.”
5. The MoJ had planned to launch the Tailored Reviews before the summer, but post-referendum hiatus across Whitehall led to delays.

Engagement with the MoJ Tailored Review (TR) team

6. In preparation for the review, on 25 May, the MoJ TR team briefed the Chief Executive and Corporate Director on the process that they intended to follow. Members of the TR team also spent a day with LSB colleagues on 9 June and received in-depth briefings on: LSB’s legal basis; governance; approach to statutory decisions; approach to assessing regulatory performance; LSB research activities; the Consumer Panel and its work; planning and reporting; relationship with OLC; as well as an overview of a number of projects.
7. As part of their evidence gathering, alongside the call for evidence, the MoJ TR team requested one to one meetings with a selection of Board Members. They agreed that it would be helpful to see the Chairman, the Chairs of the two Board Committees and a longer serving Board Member. Terry Babbs and Marina Gibbs are scheduled to meet the team on 22 November and Mike Pitt and Helen Phillips on 28 November.

Proposed submission

8. The executive has prepared a comprehensive submission to the call for evidence. This focuses on the specific questions posed by MoJ and provides additional context to support the answers. Where relevant, the submission draws attention to the LSB's vision for legislative reform. In doing so, we recognise that the Tailored Review is very much focused on current statutory functions (whether they are still needed, are they still being delivered, are they effectively carried out, do they contribute to the core business of the organisation the sponsor department and to government as a whole). But it seems sensible and important to do so in order to reinforce our message that there are more fundamental options open to MoJ than simply reviewing the current statutory form and functions of the LSB, Office for Legal Complaints and Legal Services Consumer Panel.
9. The draft at **Annex A** has been prepared by the Senior Leadership Team and is sent clearly marked as **work in progress**. Board Members will see that there are drafting comments that remain to be addressed and that substantial editing and proofing is still required. There are also a number of areas where the Board's views will be essential to the final content of the submission in particular in relation to the service provided by the OLC.

Next steps

10. The submission will be finalised in line with discussion at the Board meeting and submitted to the MoJ on 29 November 2016.

Recommendation

11. The Board is asked to discuss the draft submission and agree to its submission by Tuesday 29 November 2016.