

To:	Board
Date of Meeting:	12 October 2011
Item:	Paper (11) 74

Title:	Q2 performance report: July - September 2011
Workstream(s):	Business plan 2011/12
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Status:	Protect

Summary:

This paper provides a summary of the Board's performance in delivering its published Business Plan commitments during Q2 2011 (July - September). It also contains the draft Q2 submission for the Ministry of Justice's (MoJ) Non-Departmental Public Body (NDPB) performance reporting requirements (Annex A).

Risks and mitigations

Financial:	N/A
FoIA:	Initial assessment of exempted text is highlighted.
Legal:	N/A
Reputational:	N/A
Resource:	N/A

Consultation	Yes	No	Who / why?
Board Members:		✓	Regular performance report.
Consumer Panel:		✓	Regular performance report – report also includes Consumer Panel Q2 report.
Others:	N/A.		

Recommendations:

The Board is invited:

- (1) to review and to comment on the draft Q2 performance report
- (2) to agree to its use as a basis for discussion with MoJ.

LEGAL SERVICES BOARD

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Q2 performance report: July - September 2011

Introduction

1. This paper provides a summary of the Board's performance in delivering its published Business Plan commitments during Q2 2010/11 (July - September). It also contains the draft Q2 submission for the MoJ's NDPB performance reporting requirements (**Annex A**) and the Consumer Panel's quarterly report of activity (**Appendix 3**).

Overview

2. The LSB Business Plan for 2011/12 stated what LSB expected to achieve on a quarter-by-quarter basis. Progress against those commitments for Q1, and an update on any commitment which was outstanding from 2010/11, is reported below:

Q2 2011/12 commitment	Progress
Publish decision-document and way ahead on regulatory standards	Delayed. Decision document will be published in Q3.
Review of Approved Regulators' (AR) appeal arrangements	Complete. Maps prepared of ARs' disciplinary and appeal mechanisms for internal use and to inform project.
Immigration: review of evidence and decisions on next steps	Complete. Project brief reviewed and signed off by SMT and full PID now in preparation.
Conveyancing: call for evidence	In part. Information to inform approach was requested from all ARs with a deadline of July 2011. Pending analysis of this, we will decide whether to proceed with a broader call for evidence.
Consultation with ARs around review of first-tier complaints-handling	Delayed. This will be issued early in Q3.
Recommendations for designation decisions for Licensing Authorities	Complete. Recommendations made for CLC and TLS/SRA.
S80 Orders to be made designating appellate bodies for ABS appeals	Complete for CLC and Order laid for SRA.

Orders to be made under Part 5 of Legal Services Act 2007	Complete. Orders necessary for 6 October 2011 in place.
Self-assessments of applicable ARs reviewed and LSB assessment published	Complete – except for TLS/SRA.
Consider the need for additional research to support review led by ARs	Ongoing as review develops.
Application by relevant ARs to change their regulatory arrangements to incorporate QASA (Crime)	Delayed. This is reactive work where we await the submission from the relevant ARs.
Publish decision document following 10/11 consultation, outlining action expected of ARs	Complete. Decision document published July 2011.
Decision document on proposed approach to scope of regulation	Re-scheduled. Consultation document published July 2011.
Received Consumer Panel advice on will-writing	Complete. Advice received.

Q1 2011/12 commitment	Progress
Consider SDT budget	Error. SDT budget due to be considered early in Q3.
Commission advice from Consumer Panel on consumer protection in relation to not for profit providers	In part. Early discussion with Panel in May 2011. Now likely to seek more ongoing relationship with Panel in this project rather than commissioning formal advice.
Submission of self-certificates by Applicable ARs	Near complete – awaiting submissions from The Law Society / SRA.
Publication of the RIR summary report	Delayed following a re-prioritisation of resources to research project management in the first half of 2011. Re-scheduled for Autumn.
Publication of research database	Delayed whilst awaiting decisions on future of website. Likely to require some application development work before possible to publish and work is being scoped.

3. The table above only reports on publicly committed deliverables and, as such, does not present a full picture of the Board's achievements to date, all of which

have been reported to the Board on a monthly basis through the Chief Executive's progress reports.

MoJ performance management framework

4. The draft Q2 performance report for MoJ is attached (**Annex A**). The report contains all of the fields requested by MoJ, including headline risks for each project, a quarterly report on regulatory arrangements applications, a quarterly report from the Consumer Panel and a brief narrative cover paper to provide some further context for the report. The report for MoJ also contains, for the first time, the formal performance data provided to us for Q1 from OLC, which we have undertaken to report to MoJ.

Annex A - Narrative cover for MoJ Q2 report

To: Ministry of Justice

Legal Services Board Q2 performance report

Overview of the Quarter

1. The programme highlight report at **Appendix 1** provides a comprehensive overview of the Board's work to deliver its Business Plan during Q2 2011/12. The report is based upon the LSB's overarching programme and individual project plans.
2. Attached at **Appendix 2** is an overview of our work in relation to requests for approval to alterations of regulatory arrangements and, at **Appendix 3**, a quarterly report on Consumer Panel activity.
3. Also attached, for the first time, at **Appendix 4** is the first formal report from the OLC on its performance to LSB. This covers the Quarter 1 period (rather than Quarter 2), as the formal Quarter 2 report is yet to be received. The report is presented by LeO staff to the OLC Board and then provided to LSB with an OLC commentary which is then considered at LSB Board level.
4. Based on an assessment of the status of individual projects, the LSB judges the status of its overarching programme to deliver its Business Plan for 2011/12 and thus its regulatory responsibilities is **GREEN/AMBER**, but with ABS at **AMBER**.
5. Matters of note not specifically addressed by the programme report include the following:

Organisation development and governance

During July - September 2011:

- We completed performance appraisals for all colleagues;
- The Board confirmed new Committee membership for its Remuneration and Nomination, Audit and Risk and Licensing Authority Committees;
- The Board recommended the interim appointment of Elisabeth Davies as Consumer Panel Chair following an internal recruitment exercise. A recommendation for re-appointment of Elizabeth France as OLC Chair was also made to the Minister;
- Annual Report and Accounts prepared and laid before Parliament, with a clean audit opinion from NAO.

Relations with the Ministry (not included in Appendix 1)

During July - September 2011:

- Held a useful workshop with MoJ colleagues to discuss lessons learned and identify improvements to our ongoing working relationship;

- Responded to a variety of data requests either for MoJ or Cabinet Office purposes and met with Alison Wedge of the MoJ ALB Unit to discuss the impact such requests have on our work;
- The LSB's refreshed Framework Agreement was signed;
- Noted the intention of Government to criminalise referral fees in personal injury;
- We provided input to the Lord Chancellor's speech to City UK.

Stakeholder relations (not included in Appendix 1)

During July - September 2011:

- We held a series of meetings with approved regulators, notably the Bar regarding their Chief Executive arrangements;
- We received the OLC's Annual Report and Accounts and discussed with them matters around MDP complaints handling and their concerns around jurisdictional issues. The first quarterly performance statistics were received and these are attached at **Appendix 4**;
- We responded to BIS consultation on new arrangements for consumer empowerment and advocacy.