

LEGAL SERVICES BOARD PERFORMANCE MANAGEMENT FRAMEWORK

Report for Q3 2009/2010 (October -December 2009)

Key Objectives	Programme / Policy Area	Programme / Policy Deliverables (How will the objectives be achieved?)	Project Milestones	Milestone Dates	RAG status (Impact/Likelihood)	RAG Mitigation	Key Achievements for this reporting period (Commentary)		
					RAG				
Putting consumer and public interest at the heart of regulation	Consumer Panel	Establish Consumer Panel	Recruit candidates for Consumer Panel			Completed	Panel announced 11 November		
							First meeting 27 November		
		Develop working arrangements	Agree 2010/11 work plan and research priorities	31/03/2010	1	On track	Development of the Panel work plan is a Panel responsibility - not LSB. We intend to rework the milestones to reflect LSB responsibilities. Irrespective of this, both the Panel and the LSB are on track to have a Panel work and research plan endorsed/agreed in March 2010		
			Develop mechanisms for Consumer Panel views to feed back into work of LSB			Completed	An MoU has been agreed by both the LSB and the Panel covering ways of working		
Widening access to the legal Market	ABS	Establish process for ARs to seek designation as a Licensing Authority (LA)	Consultation on draft procedures/criteria to become a Licensing Authority	12/02/2010	2	On track	Consultation on draft guidance developed and launched		
			Consultation on draft guidance to LAs	12/02/2010	2	On track	Consultation on designation and cancellation of designation drafted and pre-consultation commenced		
			Consultation on Cancellation of Designation	12/02/2010	2	On track	Consultation on designation and cancellation of designation launched		
			Issue final Rules	24/03/2010	12	LSB plan amended to accommodate earlier submission to MoJ to ensure commencement of ABS before purdah. Planning now in process for approach to MoJ to discuss amending their commencement work plan	Indemnity task force developed and set up		
		Assess market readiness for ABS	Indemnity and Competition Taskforce set up			28/02/2010	2	On track	Section 69 discussions held with SRA
									Started to develop MOU with Potential LAs
									ABS forum held in Manchester and outcomes reviewed
Ongoing 1-2-1s held to inform and steer policy development and promote ABS									
							Research plan developed		

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Developing excellence in legal services regulation	Enforcement	Establish the approach, philosophy and processes related to the use of our enforcement powers	Consultation	26/10/2009		Completed	Consultation on shaping a statement of policy of compliance and enforcement powers closed 26/10/09	
			Analysis of Consultation responses	17/11/2009			Approval from LC on size of Maximum Financial Penalty	
			Agree Rules	30/11/2009			SI drafted, laid and approved	
			Agree Maximum Financial Penalty	30/11/2009			Finalised enforcement policy statement signed-off and published on LSB website	
			Submit to MoJ	30/11/2009			Work around applying enforcement policy such as considering content for a 'Enforcement Handbook' begun by MM	
							Ongoing watching brief over Approved Regulators compliance against rules	
							Internal awareness raising of enforcement process as it is developed	
Promoting access to a diverse legal profession	Access to justice	Communicate priorities for Public Legal Education and Access to Justice Strategy	Gain agreement on direction of travel for A2J and PLE	11/01/2010	4	Contingency time in the overall project plan means that slippage, due to resource constraints, will not effect overall timetable	Timeline and approach to A2J and PLE developed	
			Discussion about draft A2J Strategy	28/01/2010	2		On Track	Deliverables and Timelines refined for agreement by SMT and Board
			Board approve A2J strategy	22/02/2010	3		On Track	A2J strategy agreed by SMT for discussion at January Board
			Publication of PLE priorities	31/03/2010	3		On Track	
Improving service by resolving complaints effectively	First Tier Complaints	Review the requirements ARs impose on authorised persons in terms of first tier complaints handling	Develop FTCH strategy	31/03/2010	3	On-track	Approach to FTCH agreed by Board	
			ARs provide self-assessment regarding FTCH and Monitoring and agree/settle regulatory outcomes	26/02/2009	3	On-track	Sign posting letting sent to ARs and other stakeholders. Letter outlines (i) draft signposting rule, (ii) Developing complaints handling outcomes, (iii) Articulating the development/engagement process in 2010	
			Agreement on issues to be addressed in review	26/02/2009	3	On-track	1-2-1s arranged and carried out with ARs about their plans for 1 January and to discuss developing action plans and the assessing and monitoring process	
		Benchmark best practice in first tier complaints handling with view to consulting on a base-line of requirements that ARs should reasonably require of authorised persons'complaints handling process	Recieve ARs' Action Plans including dates and KPIs	31/03/2010	3	On-track	Watching brief maintained over AR action plan development	

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		Approve the OLC's first budget	Complete	Dec-09		Complete	Budget approved at December LSB meeting. Approval granted on basis of clear pre-agreed acceptance criteria including plan for establishment, risk management framework and key planning assumptions
		Consent to OLC scheme rules	Complete	Dec-09		Complete	Scheme rules consented to at December Board meeting. Consent granted on basis of comprehensive consultation and stakeholder engagement process/analysis and with reference to Consumer Panel input
		Develop the governance model between the LSB and OLC	Complete	Dec-09		Complete	MoU between LSB and OLC explaining agreed principles of the relationship between the two organisations agreed at December Board meetings
		Agree the LSB / OLC performance management framework	Agree MoU on principles of performance management	Dec-09		Complete	MoU between LSB and OLC explaining agreed principles of the relationship between the two organisations agreed at December Board meetings
			Review OLC performance measures with a view to confirming that these meet LSB needs and/or require supplementing	Autumn-10	2	On-track	Timetable for agreeing KPIs for both initial and steady-state OLC agreed as part of the budget approval process, along with review of draft balanced scorecard
Developing excellence in legal services regulation	Regulatory Review	Agree strategy for the LSB on how to build continuous improvement in regulatory practice and agree process which identifies lessons learnt	Develop Regulatory Review approach/strategy	31/03/2010	4	Mitigation not required as Slippage in milestone date actually to accommodate SRA timetables and reflects delay in agreeing the SRA review plans and Senior Staff Absence	Strategy for conducting regulatory reviews completed
			Agree strategy for conducting regulatory reviews	30/11/2009		Completed	Board Paper agreed. Paper includes information about research into how other oversight regulators conduct their reviews. Board were asked to agree (i) Strategic framework for LSBs Regulatory reviews (ii) Review the plan for regulatory reviews including SRA Entity review, Independence and FTCH.
		Agree methodology for use by ARs and LSB to assess regulatory performance	Pilot Entity Review - Tender and engage consultant	28/02/2010	2	On-track	Published Independence Certificate for Compliance
			Pilot Entity Review - Develop scope of review	31/03/2010	2	On-track	Requests to draft action plans for Dual Self -Certification issued Formal Agreement to proceed with SRA review on-going pending meeting with SRA consultants Drafting of Invitation to Tender for SRA review on-going, pending agreement to proceed

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Developing Excellence in legal services regulation	Designation and Regulatory Arrangements	Put rules and procedures in place to enable LSB to approve the rules of AR's and other bodies to become ARs	Develop the rules associated with the approval of regulatory arrangements and designation as an AR	08/12/2009		Completed	Procedure for approving AR rule change developed and agreed
			Agree prescribed fee for approval of ARs	02/12/2009			Transitional Process for approving new ARs managed
			Publish rules and architecture for processing applications from existing or new ARs	30/11/2009			Final rules and architecture agreed by Board and (including prescribed fee) submitted to MoJ
			Implement process for processing AR applications	31/12/2010			Final rules published
			Develop and disseminate detail of forward plan & exemption process	15/12/2009			Post-consultation decision document published
			Meet with each AR to formulate annual Forward Plan	28/02/2010	4		Slippage will not effect deadline for receiving Forward Plans by beginning of April 2010 but to accomodate time to meet and support AR's effectively. No Mitigation required.
			Implement Forward Plan and Exemptions for each Ars	31/03/2010	2	On track	Development work with early applicants begun Decision made on how to process and approve ILEX submission and what fee to charge

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Securing independent regulation	Independence	Agree Rules requiring all ARs to establish and maintain a clear and demonstrable separation between their regulatory and representative functions	Consult on s30	30/10/2009		Completed	Consultation on s30 and s51 completed on 30/10/09
			Consider and publish responses	17/11/2009			
			Rules agreed by Board	30/11/2009			
			Submit Rule to MoJ	30/11/2009			
		Design mechanisms that will test the degree to which regulatory independence has been achieved	Scope out dual self-certification process	05/11/2009		Completed	Process for reviewing compliance agreed with ARs following Roundtable. Final rules and architecture approved by Board Final rules and architecture submitted to MoJ and incorporated into Submission to Ministers
			Discuss process with ARs	05/11/2009			
			Discuss compliance criteria	05/11/2009			
			Ongoing roundtable and one to one meetings from January - April	31/04/2010	4		
		Agree rules to ensure that all practising fees paid by authorised persons are as transparent and fair as possible	Consult on s51	30/10/2009		Completed	Letters issued to ARs re: developing actions plans on internal governance and practising fees and outlining requirements and deadlines Roundtable and one to one meetings offered to ARs to support development of action plans on Internal Governance
			Consider and publish responses	17/11/2009			
			Rules agreed by Board	30/11/2009			
			Submit Rule to MoJ	30/11/2009			
			Roundtable and one to one meetings from January - April	31/04/2010	4	Slippage will not effect deadline for receiving Action Plans by end of April 2010 but to accomodate time to meet and support AR's effectively. No Mitigation required.	
			Agree MOU with ARs about practising fee approval	30/04/2010	6	On track	

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Developing research and public legal education strategies	Workforce Development	Review work already underway within sector on professional diversity to identify gaps and facilitate sharing of best practice	Organise programme of Professional Regulators forums	On-going	2	On track	2 x Diversity Forums held
		Ensure that arrangements are in place which facilitate constructive working relationships between the profession	Enter into dialogue with higher education providers	on-going	2	On track	Framework strategy and equality expectations statement agreed by Board
		Drive forward a small number of diversity initiatives with will have a tangible impact	Organise research seminars	on-going	2	On track	LSB Equalities Scheme and expectations statement consultation Launched
		Routes into the profession which can be explained in ways easily understood by consumers	Develop guidance	31/03/2010	9	The priority to develop guidance pre and post education and training arrangements will be escalated to the SMT and reconsidered due to resource constraints, however plans to ensure that education and training arrangement are easily understood by consumers remain on track	Liason with Universities and Law Schools re: student selection, funding and equalities
			Develop website on routes into the profession	31/03/2010	9		
		Ensure that diversity and mobility issues are integral to the model of regulatory excellence which we plan to develop	Address diversity and mobility issues in relation to the LSB model of excellence	31/03/2010	2	On track	Became a lead organisation on Milburn Panel for Access to Professions Agreed with Judiciary Ownership response and timetable for QAA Held Higher Education Forum hosted by David Lammy, covering (i) Diversity issues in HE (ii) How the LSA impacts on training and qualifications
Developing research and public legal education strategies	Research	Develop draft reserach strategy for consultation with partners	Develop research Strategy			on track	Board agreed broad framework at December meeting for detailed consultation with ARs, academics and commercial providers in course of January and sign off in Q4
		Develop protocols with the Consumer Panel about how we complement each other in relation to reserach	Develop MoU and research stratgey which includes LSBCP involvement	Complete			As above. LSBCP engaged in the development of the research framework which includes involving a Consumer Panel member on the Research Strategy Group and the Consumer Panel Manager on individual research project steering groups
Providing value for money	Finance	Ensure appropriate procurement processes are in place	Provide quarterly financial reports	31/12/2009	1	On track	Monthly management accounts submitted to Board
		Constant review of spending decisions	Spending kept with DEL	31/03/2010	1	On track	

