PROGRAMME/POLICY AREA: ABS / APPEALS MECHANISMS

KEY OBJECTIVES: Widening access to the legal market

LINK TO REGULATORY OBJECTIVES: RO1, RO3, RO4, RO5, RO6, RO8



PROJECT HEADLINES

Key achievements of Q4 reporting period:

- 1. Liaison with the Tribunals Service to facilitate early decision from Tribunals Procedure Committee (TPC) on the proposed rule change in relation to the power to award costs and CEO-level meeting held on 31 January.
- 2. CLC Licensing Authority (LA) application received and under review.
- SRA LA application received, naming the Solicitors Disciplinary Tribunal (SDT) as appellate body. A series of
 meetings have taken place with SRA to reach agreement on the way forward and the implications for 6
 October implementation. Correspondence and supporting papers have also been prepared.

agreed the content and policy with SRA on this s80 Order.

[s36]. We have

- 4. Section 69 consultation closed five responses were received and reviewed. SI submitted to MoJ on 6 January. Discussion followed in relation to specific vires issues and an approach was agreed for dealing with the issue, including drafting and publishing a new Order (now out to consultation).
- Consultation on new maximum financial penalty (MFP) closed and four responses received. MFP Order subsequently sent to MoJ for LC consent.
- 6. Three ABS project board meetings held with MoJ and a further meeting on Consequential Orders. Discussions were ongoing throughout the reporting period.
- 7. Weekly ABS "flash" reports now produced and shared with MoJ.
- 8. Paper to LSB Board on contingency planning to be a direct licensor.
- 9. Further LA rules consultation closed on 21 February. Five responses were received and have been reviewed.
- 10. Consultation on schedule 12 rules agreed.
- 11. Section 80 Order being finalised to submit to MoJ on 6 April.
- 12. New draft Impact Assessment (IA) submitted to MoJ economists following two successful stakeholder workshops. We have subsequently received clarification from MoJ about when we are required to produce IAs for ABS-related Orders. MoJ recently resolved that no IA is required for the Part 5 ABS Order. The current IA will instead be used for benchmarking exercises and we are considering other options for utilising the information that has been produced.

- 1. Complete planning for 2011/2012 based on Business Plan.
- 2. Make formal recommendation to Lord Chancellor in relation to appeals against decisions of the CLC.
- 3. Publish summary of responses/decision document.
- 4. Prepare response to TPC queries for consideration at 4 May meeting.
- 5. Prepare consultation document and recommendation/order in relation to the SRA's proposed use of the SDT as appellate body.
- 6. Sign-off MoU with Tribunals Service and CLC.
- 7. Develop thinking on approach to broader review of appeals arrangements.
- 8. Finalisation of Orders for LA designation and commencement.
- 9. Revised s69 Order published.
- 10. Agreement on content and policy with SRA on s80 Order that will allow the SDT to hear appeals for SRA ABS.

PROGRAMME / POLICY	PROJECT MILESTONE	T
DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE
Preparation for ABS go-live	Submission of MFP SI to Lord Chancellor	Completed (11/02/2011)
	 Board approval in principle of s80 Appeal Mechanisms recommendation 	Completed (10/01/2011)
	 Submit final draft s80 recommendation to Lord Chancellor 	Completed (06/04/2011)
	Fulfilling MoJ requirements.	On-going
On-going development of market readiness for ABS	Regular ABS implementation group meetings.	On-going
Appeals Mechanisms	 Submit final draft s80 recommendation to Lord Chancellor. 	Completed (06/04/2011)

PROJECT RISKS:	ASSESSED OF REAL PROPERTY.			The Residence of the Parties of the	
RISK	IMPACT (1-5)	LIKELIH OOD (1-4)	RAG RATING	ACTION TAKEN	
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OVERALL PRO	DIECT STATUS:	
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PROGRAMME/POLICY AREA: First Tier Complaints Handling (FTCH)/ OLC/ LCS shutdown

KEY OBJECTIVES: Improving services by resolving complaints effectively

LINK TO REGULATORY OBJECTIVES: RO1, RO2, RO4, RO6, RO7, RO8

LEGAL SERVICES

PROJECT HEADLINES

Key achievements of Q4 reporting period:

- 1. We engaged with ARs in relation to remaining regulatory review questions, including monitoring and enforcement.
- 2. We met the Master of Faculties and worked through outstanding issues with their rule change application to address issues of non-compliance with first-tier complaints handling (FTCH) requirements.
- 3. We finalised and published our FTCH regulatory review report on 1 March 2011. Its findings show that, whilst good progress has been made in bringing ARs' arrangements into compliance with the Act, there are concerns about capacity for data collection and therefore ARs' ability to learn from complaints patterns as well as assessment methodologies.
- 4. We developed a research specification and engaged research consultants to undertake qualitative assessment of FTCH.
- 5. We have received the first-cut of the research in relation to consumer experience with complaints handling and summaries have been developed for each AR. The reports provide a good lead in to the next part of the review. We subsequently met with most ARs in relation to the research and outcome of the review.
- 6. We met the Council of Healthcare Regulatory Excellence (CHRE) to share experiences particularly around oversight of complaint-handling arrangements.
- 7. We have continued to engage with LeO regarding the regulatory information needs of the LSB. There has been progress in developing information sharing between LeO and the LSB through meetings at Board level and with senior staff.
- 8. LCS closed and transferred no cases to the Acting Legal Ombudsman, having worked through the remaining 500 cases during Q4.
- 9. The OLSO function has transferred to the Acting OLSO based at the LeO.

- 1. Planning for 2011/2012 against published Business Plan.
- 2. Receive final report on qualitative assessment of FTCH.
- 3. Draft letters to ARs regarding consumer research ahead of publication, including dates for next regulatory review.
- 4. Begin development of a summary report of the consumer experience with complaints handling research.
- Meet with LeO regarding performance reporting.

Q4 10/11 and Q1 11/12 PROJECT MILESTONES				
PROGRAMME / POLICY DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE		
Regulatory Review - Complaints Handling	 Complete tender for Consumer FTCH research Undertake research 	Completed (31/01/2011) Completed (30/04/2011)		
	 Research Report due Completed planning for 2011/2012. 	31/05/2011 31/05/2011		
Agree and monitor performance targets with	Initial KPIs agreed.			

OLC	Γ		
Oversee the maintenance of customer facing performance by current second-tier complaints bodies	•	Ongoing performance monitoring.	On-going

PROJECT RISKS:	CONTRACTOR STATES				NAME OF STREET
RISK	IMPACT (1-5)	LIKELIH OOD (1-4)	RAG RATING	ACTION TAKEN	

OVERALL P	ROJECT STATUS:	
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LEGAL SERVICES

PROGRAMME/POLICY AREA: Independence/ Practising Fee Approval

KEY OBJECTIVES: Securing Independent Regulation

LINK TO REGULATORY OBJECTIVES: RO1, RO2, RO4, RO5, RO6, RO7

PROJECT HEADLINES

Key achievements of Q4 reporting period:

- Draft suite of documents and timetable for this year's IGR process produced and submitted to appropriate Board Members for input. The draft Business Plan made it clear that we would focus on independence in practice not simply on paper. We also made it clear that we would do so through a risk assessment.
- 2. Approach and documents finalised and circulated to ARs for completion.
- 3. Letters to the Faculty Office and CLC have been sent informing them that they will be exempt from the exercise.
- 4. A letter has been sent to ACL / CLSB exempting them from completing the exercise but asking them to produce a detailed document on their progress to becoming fully compliant with the requirements of the Act. This will include timelines, milestones and risks.

- 1. Meetings will be arranged with the ARs and the LSB to discuss their draft submissions.
- 2. A briefing paper on each participating AR will be produced to detail the LSB's rationale for the questions asked and the ARs outstanding commitments in this area.

Q3 and Q4 PROJECT MILESTONES			
PROGRAMME / POLICY DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE	
Practising certificate approval	Lessons learnt exercise	Completed (31/03/2011)	
	 Begin PCF approval process for 2011/12 Liaison with ARs to discussion draft 	31/03/2012	
	submissions.	31/05/2011	

OVERALL P	ROJECT STATUS:	对于1000年,1000年,1000年,1000年,1000年
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KEY OBJECTIVES: Developing a workforce for a changing market

LINK TO REGULATORY OBJECTIVES: RO1, RO3, RO4, RO5, RO6, RO8

PROJECT HEADLINES

Key achievements of Q4 reporting period:

- The Professional Associations Research Network (PARN) requested a meeting with the LSB on the Social Mobility toolkit and it was agreed that the ownership of the toolkit should lie with Professions for Good (PFG). Work of sub-group 5 (GPCF), including the Social Mobility Survey and Social Mobility toolkit proposal, subsequently handed to PFG.
- 2. We reviewed feedback from the members of the Diversity Forum of Professional Regulators about the future of the Forum.
- 3. The consultation paper 'Increasing diversity and social mobility in the legal workforce: transparency and evidence' closed on 9 March 24 written responses were received. We are also planning further engagement with a range of stakeholders, including a workshop with diversity managers from city law firms and meetings with the Society of Black Lawyers and other diversity interest groups.



- 4. Discussion with the BSB E&D Committee on the Diversity consultation paper 'Increasing diversity and social mobility in the legal workforce: transparency and evidence'. A follow up meeting with new BSB E&D Advisor Marcia Williams was scheduled for March.
- 5. Constructive discussions with the SRA on the Diversity consultation paper. SRA to pilot the LSB's sample questionnaire with firms through their supervision pilot.
- Useful meeting with the CPS, which is strongly in favour of proposals set out in the Diversity consultation paper and is keen to harmonise these arrangements with its own E&D Expectations Statement for selfemployed barristers carrying out CPS work.
- 7. Useful meeting with E&D adviser Mary Gallagher from Addleshaw & Goddard LLP who was broadly supportive of our proposals set out in our consultation paper. Addleshaw & Goddard LLP have a strong existing diversity programme and are already collecting data on the protected characteristics.
- 8. Research specification developed and issued to potential bidders for project to advise on best practice assessment methods and develop a model scheme. Contractors appointed Human Assets, which is a business psychology consultancy (previous experience on judicial appointments assessment centres, SRA work-based learning pilot and the interim QC appointments scheme). The research report has been finalised and published.
- 9. Update paper and project plan received from Joint Advocacy Group (JAG), which demonstrates significant progress with development and committed to providing a revised post-consultation proposal in February.
- 10. CEO-level meeting held on 2 February to discuss next steps.
- 11. Detailed post-consultation specification for QAA scheme received from JAG.
- 12. Wider stakeholder roundtable held on 2 March.





- 1. Planning for 2011/2012 against agreed Business Plan.
- 2. Prepare consultation response and decision document and draft guidance for the Board's approval in July.
- 3. Stakeholder engagement around the proposed guidance.
- 4. Discussion with EHRC about our proposed approach, seeking public support.
- 5. Write to JAG identifying 'acceptance criteria' for scheme to be capable of approval.
- Continued engagement at working level to understand detailed proposals and probe JAG in relation to key concerns (including implementation timetable, ensuring enforceability of standards, availability of range of assessment methods, coverage of standards, approach to judicial training and re-accreditation of level 1 advocates).

Q4 and Q1 PROJECT MILESTONES	医结果 医克里克氏氏 医多种	
PROGRAMME / POLICY DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE
Workforce access/ diversity and social mobility	 Framework and Guidance consultation closes ARs implement framework and begin data collection 2011/2012 planning. 	Completed (09/03/2011) From April 2011 31/05/2011
Initial proposed measurement framework considered by Diversity Forum	 Publish single source map of education routes 2011/2012 planning 	Delayed until 31/03/2011 31/05/2011
QAA	 Appoint researchers and commence research project Complete research project 2011/2012 planning. 	Completed (31/01/2011) Completed (31/01/2011) 31/05/2011

PROJECT RISKS:	Charles Control of the Control	SET SE		
RISK	IMPACT (1-5)	LIKLI- HOOD (1-4)	RAG RATING	ACTION TAKEN
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OVERALL PR	OJECT STATUS:	
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PROGRAMME/POLICY AREA: Access to Justice / Referral fees / Improving Access to

Justice: rationalising the - scope of regulation

KEY OBJECTIVES: Improving Access to Justice

LINK TO REGULATORY OBJECTIVES: RO3, RO4, RO5, RO7

PROJECT HEADLINES

Key achievements of Q4 reporting period:

- 1. Think piece article on issues that the LSB must grapple with in relation to reservation and different methods of regulation published with a legal journal.
- 2. Referral fees consultation responses reviewed and proposals submitted to March Board. The direction of travel for the decision document was approved.

[s36(2)(b)]

- 3. Final report from the Regulatory Policy Institute (RPI) research into the economic rationale for regulation of legal services submitted to LSB. A launch seminar for a small group of invited academics and other stakeholders where George Yarrow and Chris Decker from RPI introduced the research was held. Publication of package including the consumer outcomes, economics research and supporting compendium of essays.
- Fieldwork for understanding consumer outcomes research completed with on-line group review of emerging outcomes with a range of stakeholders. Final report of the Opinion Leader consumer outcomes research completed.
- 5. Pilot of shadow shopping for the consumer experience of will-writing research completed. Expert panel to evaluate the quality of wills written established, induction meeting held and assessment criteria agreed.
- 6. Consumer Panel call for evidence about issues relating to the will-writing industry closed with a good response, including nearly 400 case studies and over 20 substantive stakeholder responses.
- 7. Increased interest and lobbying in relation to will-writing work with The Law Society formally starting a campaign for will-writing to be regulated at the same time.
- 8. The OFT announced that it has gained commitment with the big four banks to review their practices for selling professional executor services and agreed the key principles that should underpin this. LSB has responded with support in light of our wider review and joint LSB, OFT and SRA research and highlighting our joined up response in this area. OFT is using the same lines in subsequent correspondence with parties interested in their announcement.
- 9. Stephen Mayson of the College of Law's Legal Services Institute published the second part of his review of the reserved legal activities. We are supportive of this review which moves the debate forward whilst not agreeing with his methodology for determining the areas that should be regulated in "the public interest". A possible joint forum on reservation is being discussed.
- 10. Launch of a new web page covering the project with a narrative setting out clearly how work is progressing and making clear the role of the research strands.
- 11. Will-writing business surveys completed and mystery shopping and consumer surveys progressing well.
- 12. Paper entitled regulated and unregulated lawyers has been circulated internally (including to Board Members) as part of the weekly Board 'round-up'. The paper will be presented to the Socio-Legal Studies Association (SLSA) Annual Conference 2011 on 12 April and once presented will be published on the LSB website

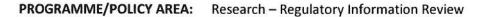
- 13. A draft of the Referral Fees decision document will go to the April Board meeting for approval and planned publication in May.
- 14. Planning communication strategy for publication of Referral Fees decision document.
- 15. Update paper to Board on rationalising scope project.

- 16. Internal workshop of scenario planning around adding a legal activity to the list of reserved activities.
- 17. Review of external engagement plan and determine whether external workshops will be beneficial at this time.
- 18. Working group of some key stakeholders to discuss the nature of regulation of reserved legal activities.
- 19. Internal workshop to update colleagues on project developments, obtain input on key issues and explore links between different workstreams.

Q4 and Q1 PROJECT MILESTONES					
PROGRAMME / POLICY DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE			
Access to Justice	Review research on legal need.	On-going			
Reserved and non-reserved legal activity	 Will-writing shadow shopping research completed New project plan completed to take account of new approach 2011/2012 planning. 	Completed (31/03/2011) Completed (31/03/2011) 31/05/2011			
Referral Fees	 Stakeholder engagement Publish Referral Fees Consultation Decision Document 2011/2012 planning. 	On-going 31/05/2011 31/05/2011			

Project Risks:	UADACT	1,000	200	ACTION TAYEN	
RISK	(1-5)	HOOD (1-4)	RAG RATING	ACTION TAKEN	
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OVERALL P	ROJECT STATUS:	在发展的发展,这种特别的
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LEGAL SERVICES

KEY OBJECTIVES: Putting consumer and public interest at the heart of regulation

LINK TO REGULATORY OBJECTIVES: RO1, RO3, RO4, RO5, RO6, RO7

PROJECT HEADLINES

Key achievements of Q4 reporting period:

- 1. Completion of the 'Knowledge Bank' with over 500 articles.
- 2. Ongoing analysis of data sets to develop supply and demand mapping.
- 3. Meeting with the ARs and Professional Bodies to assist with completion of the survey.
- 4. Held economics seminar, commissioned articles for February publication.
- 5. Held market segmentation study brainstorming discussion.
- 6. Sent out follow up information review data request to ARs.
- 7. Obtained data from Royal Mail allowing us to incorporate rural/urban splits into our data analysis.
- 8. Benchmarking research is progressing well OXERA is preparing the draft report, CRA is commencing benchmarking of corporate and high street firms and we hope to appoint for a project on special bodies shortly. This will allow us to strengthen our evaluation plans.
- 9. Published our economics report with accompanying essays.
- 10. Published our consumer outcomes research.
- 11. Commissioned Frontier to carry out research into provision of legal advice by special bodies.
- 12. Completed the research review for the knowledge bank.
- 13. Completed Evaluation Framework to go out with Business Plan.

- 1. Prepare a plan for the publication of the 'Knowledge Bank'.
- 2. Publish the LSB evaluation strategy.
- 3. Publish the LSB Research Plan 2011/12.
- 4. Receive outstanding data from SRA to support out map of legal services provision which we expect to publish in June.

Q3 and Q4 PROJECT MILESTONES		
PROGRAMME / POLICY DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE
Research designed to provide evidence to meet the LSB's Business Plan 2010/11	 Building up evidence base to support policy decisions Assist with the development of Impact Assessment to fulfil legislative requirements Agree Research strategy for 2011-12 Planning for 2011/2012 	On-going On-going Completed (31/03/2011) 31/05/2011
Regulatory Information Review	 Ongoing completion of 'Knowledge Bank' Receive remainder of survey information from regulators and Professional bodies Planning for 2011/2012 	Ongoing Completed (31/01/2011) 31/05/2011

OVERALL PR	ROJECT STATUS:
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KEY OBJECTIVES: Working with smaller ARs/ Communications and public affairs

LINK TO REGULATORY OBJECTIVES:

PRO	DIECT HEADLINES
CONTRACTO	achievements of Q4 reporting period:
- 25	Stakeholder workshops on draft Business Plan 2011/12.
)	Business Plan consultation closed and responses reviewed for Board discussion.
3	The Smaller AR capacity and research project continues. Comments were provided regarding the direction of
	the work and initial drafts submitted. Second round interviews have been arranged and are taking place
	during this month and next month. A questionnaire was produced in order to understand the evidence that
	underpins the basis of each regulatory arm's activity and understanding of their markets.
4.	[s36(2)]
5.	We have been supporting the CLSB on the adoption of its articles of association and other start-up activities.
6.	The document on AR interactions has gone live with LSB colleagues and we will look to reduce the incidence
	of multiple information requests from ARs.
7.	[s36(2) & 44]
8.	The responses to the questionnaire sent to the Smaller ARs have been collated and summarised for Nick
	Smedley, Report was presented to the Board in March.
9.	A draft document setting out the next steps for the Smaller AR project and the publication of the research has
	been produced.
10.	Nine speeches made by LSB colleagues, significantly:
	 Chris Kenny - Speech to Heads of University Law Schools (University of Warwick)
	 Chris Kenny - Regulation of the Legal Profession in the UK (Federation of Law Societies, Canada).
	y activities for Q1 reporting period:
1.	Publish 2011/2012 Business Plan.
2.	Eight speeches scheduled to be made to the sector by LSB staff.
3.	A specification for the KPMG review of the contingency planning documentation will be produced and KPMG
	will be asked to conduct the review during this period.
4.	A Board paper for the April board will be produced setting out the next steps for the publication of the Nick
	Smedley research and how the LSB intend to react to his recommendations.
	[s36(2)]
5.	The research report will be finalised and made ready for publication. The report will be circulated to ARs
٥.	approximately four weeks before it is published.
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	[s36(2)]

Q3and Q4 PROJECT MILESTONES					
PROGRAMME / POLICY DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE			
Small ARs	 Develop Smaller AR contingency planning summaries Develop Smaller AR relationship management plans Complete and publish small AR research Produce specification for KPMG review of Contingency plans Publish Smaller AR research 2011/2012 Planning 	Completed (31/01/2011) Completed 31/01/2011 31/03/2011 30/06/2011 30/06/2011 31/05/2011			
Communications and Public Affairs	 Conduct programme of speeches Business plan agreed and published 	On-going 31/04/2011			

PROJECT RISKS:		er de la			
RISK	IMPACT (1-5)	LIKELIH OOD (1-4)	RAG RATING	ACTION TAKEN	
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KEY OBJECTIVES: Finance

LINK TO REGULATORY OBJECTIVES:

PROJECT HEADLINES

Key achievements of Q4 reporting period:

1. Internal and external audit programme.

Key activities for Q1 reporting period:

1. Prepare annual accounts for review by Audit and Risk Committee.

Q3 and Q4 PROJECT MILESTONES					
PROGRAMME / POLICY DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE			
Ensure appropriate procurement processes are in place	Provide quarterly financial reports	On-going			
Constant review of spending decisions	 Produce Annual Report and Budget, gain sign-off from NAO, submit to Minister and lay 	July 2011			

OVERALL PI	ROJECT STATUS:	
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KEY OBJECTIVES: Ensuring that a system of risk management is maintained to inform decisions on financial and

operational planning

LINK TO REGULATORY OBJECTIVES: All projects are risk assessed and measures taken to mitigate or exploit are

integral to planning, approval and operational activities

PROJECT HEADLINES

Key achievements of Q4 reporting period:

- 1. On-going review of corporate and project risk.
- 2. Annual Internal Audit by KPMG completed.
- 3. Audit and Risk Committee meeting held 28/02/2011.

- 1. On-going review of corporate and project risk.
- 2. Second Audit and Risk Committee meeting of 2011 to be held to review Annual Report and Corporate Risks.

Q3 and Q4 PROJECT MILESTONES				
PROGRAMME / POLICY DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE		
Formal risk management system maintained by executive and reviewed by Audit and Risk Committee	 First Audit and Risk Committee meeting of 2011 to be held Second Audit and Risk Committee meeting of 2011 to be held 	Completed 28/02/2011 23/05/2011		
All projects are risk assessed and measures taken to mitigate or exploit are integral to planning, approval and operational activities	Ongoing project and corporate risk maintenance in line with risk strategy	On-going		

RISK	IMPACT	LIKELIH	RAG	ACTION TAKEN	
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		(1-4)			
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OVERALL PRO	JECT STATUS:	
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PROGRAMME/POLICY AREA: The Levy

KEY OBJECTIVES: The Levy



LINK TO REGULATORY OBJECTIVES:

PROJECT READLINES

Key achievements of Q4 reporting period:

- 1. Start invoicing ARs
- 2. Lessons learned.

Key activities for Q1 reporting period:

1. On-going process considered in light of comments from Merits Committee and MoJ and approach developed for further work.

Q4 and Q1 PROJECT MILESTONES					
PROGRAMME / POLICY DELIVERABLES		ROJECT MILESTONE	MILESTONE DELIVERY DATE		
Development of methodology for running costs recovery	•	Consider and plan on-going process, including learning lessons from Merits Committee feedback.	Completed (31/03/2011)		
Re-coup of running costs	•	Begin to invoice ARs	Completed (31/01/2011)		

OVERALL PI	ROJECT STATUS:	
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