

<b>To:</b>	Legal Services Board	<b>Agenda Item No.:</b>	8
<b>Date of Meeting:</b>	23 March 2017	<b>Item:</b>	Paper (17) 14

<b>Title:</b>	<b>Draft tripartite operating protocol between LSB, OLC and MoJ</b>
<b>Workstream(s):</b>	Performance, evaluation and oversight
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<b>Status:</b>	Official

**Summary:**

[REDACTED]

The three organisations have now worked together on such a statement and Members will find attached at Annex A, a draft Tripartite Operating Protocol.

This was also reviewed by the OLC at its 8 March Board meeting and the version attached at Annex A reflects drafting comments from OLC Members.

[REDACTED]

Pending Board discussion, and any further comment from MoJ, the Board is asked to approve the document in principle, and delegate sign-off of final content to the Chair and Chief Executive.

The Board should be aware that it is possible that this document will require some immediate amendment in light of any relevant recommendations from the Tailored Reviews of LSB and OLC.

**Recommendation(s):**

The Board is invited:

- (1) to discuss the draft tripartite operating protocol
- (2) delegate sign-off of final content to the Chair and Chief Executive

<b>Risks and mitigations</b>	
<b>Financial:</b>	LSB is not exposed to any financial risks from this protocol.
<b>Legal:</b>	LSB is not exposed to any legal risks from this protocol: the requirements of the Act will always take precedence.
<b>Reputational:</b>	The protocol is designed to mitigate reputational risks arising from confusion over responsibilities and accountabilities of the three parties.
<b>Resource:</b>	LSB is not exposed to any resource risks from this protocol.

<b>Consultation</b>	<b>Yes</b>	<b>No</b>	<b>Who / why?</b>
<b>Board Members:</b>	<b>X</b>		Chair has been kept abreast of developments.
<b>Consumer Panel:</b>		<b>X</b>	N/A
<b>Others:</b>	MoJ sponsor team and governance team		

<b>Freedom of Information Act 2000 (Fol)</b>		
<b>Para ref</b>	<b>Fol exemption and summary</b>	<b>Expires</b>
Summary box: para's 1 and 4 Main paper: Para 1 Para 5 (including table) Para's 6 and 7	Section 36(2)(b)(ii): information likely to inhibit the exchange of views for purposes of deliberation	
Annex A	Section 22: information intended for future publication	

## LEGAL SERVICES BOARD

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### Draft tripartite operating protocol between LSB, OLC and MoJ Executive summary

#### Background

1. [REDACTED]
2. The three organisations agreed to develop a tripartite operating protocol to meet the aspirations of the Grant Thornton recommendation. This paper presents the work to date, developed by way of constructive working between respective OLC, LSB and MoJ teams.
3. OLC led on drafting of this version, informed by preparatory work by LSB, and they used the principles set out in the Cabinet Office's recent "*Partnerships between departments and arm's length bodies: Code of Good Practice*" as a driver for the document. This provided a useful starting point for the underlying principles of the protocol. Although, as the relationship between a Department and any of its ALBs is not the same as the relationship described in the Legal Services Act 2007 between LSB and OLC, the document makes clear that statute will always take precedence.
4. The protocol goes on to set out key accountabilities, with detailed tables setting out who is responsible for initiating action in ten areas of overlapping interest, and there are detailed notes on operational arrangements to put the various powers and duties into effect.
5. [REDACTED]



  
  
**Proposal**

8. Pending Board discussion and any further comment from MoJ, the Board is asked to approve the document in principle, and delegate sign-off of final content to the Chair and Chief Executive.

**Next steps**

9. The Board should be aware that it is possible that this document will require some immediate amendment in light of any relevant recommendations from the Tailored Reviews of LSB and OLC.
10. We are also yet to have sight of the further drafting suggestions arising from the OLC's discussion on 8 March 2017.

10.03.17