

Regulatory performance assessment

Performance management dataset

June 2017

1. Dataset

What we will collect

1. We will collect a performance management dataset (dataset) from the regulators and use this data to inform our assessment of the regulators' performance. The requested dataset links clearly to the regulatory performance standards and is focused on the regulators' core regulatory functions. Meaningful data we can collect in relation to the regulatory approach standard has yet to be identified and so is not captured in this dataset. We will keep this under review.
2. We expect most regulators are already collecting this data and providing it to their Board/Council through their own internal governance mechanisms. We therefore do not consider it unduly burdensome to collect and provide this data to the LSB. Where information is publicly available, we are happy to be directed to this information.
3. Whilst we want consistency in the underlying data we collect from each of the regulators, we acknowledge there are differences in the language and processes used across the regulators. We will work with the regulators to tailor the dataset to meet their specific circumstances. Where we collect information on average timeframes, we will collect this average as a median. We consider this a fairer measurement as it discounts outliers, which can distort performance figures.
4. We will provide the regulators with a template to complete. Within this, there will be an opportunity for the regulators to provide written commentary in support of the performance management dataset provided.
5. The basic dataset is set out in Table 1.

How often will we collect the data?

6. We will collect this data from regulators at different intervals reflecting the differences in the scale of their activity and ensuring the data we receive is representative of current performance. We will agree the intervals with each of the regulators. We would like the regulators to begin reporting to us from April 2018/19 at the latest.

How we will use it?

7. We recognise most of the dataset will already be collected by the regulators and used by their Boards/Councils to hold the executive to account for their performance. In a few cases, the regulators may also publish the data.
8. We are not collecting the data to carry out the same role as the regulators' Board or Council. Furthermore, we are not seeking to take the place of the Board or Council in holding the regulators' executive to account. We are collecting the data to inform our own decision-making, to assist us in understanding the regulators' performance over time and to gain assurance that it is performing as it should. It is only one of the sources of evidence we will use when deciding what, if any, oversight activity is required from the LSB.

What will we publish?

9. In accordance with s167 of the Legal Services Act, we will treat all information collected through the performance management dataset as confidential. However, such information may be disclosed in circumstances set out in s168 the Act, which include but are not limited to:
- disclosure for the purposes of enabling or assisting the Board to exercise its functions (whether as an approved regulator, a licensing authority or otherwise); and/or
 - disclosure in accordance with any requirements of the Act or any other enactment or other rule of law. This will include any disclosure in response to a request for information under the Freedom of Information Act. Any such requests will be considered on their own merits and, where necessary, in accordance with legal advice.

2. The dataset

10. We will ask for the following information from the regulators for the current financial year.

Table 1: Basic performance management dataset

Authorisation	
Applications	<ul style="list-style-type: none"> • Number of authorisations processed for <ul style="list-style-type: none"> ○ authorised persons ○ entities ○ licensed bodies • The outcomes of the applications for <ul style="list-style-type: none"> ○ authorised persons ○ entities ○ licensed bodies • The types of application (initial and renewal) for <ul style="list-style-type: none"> ○ authorised persons ○ entities ○ licensed bodies
Appeals	<ul style="list-style-type: none"> • Number of appeals received and concluded • Number of appeals where a decision has been made to overturn the initial decision and new information has been presented • Number of appeals where a decision has been made to overturn the initial decision, where no new information has been presented (all of the above broken down per type of applicant).
Timeliness	<ul style="list-style-type: none"> • From date of completed application: <ul style="list-style-type: none"> ○ median time taken ○ longest time taken ○ shortest time taken. • From the date of completed appeal lodged <ul style="list-style-type: none"> ○ median time taken ○ longest time taken ○ shortest time taken.
Supervision: given the significant differences in approaches to this area of work, we will consider the metrics to be collected with each of the regulators. As a minimum, the metrics will need to cover delivery against planned activity and timeliness.	
Enforcement	
Caseload	<ul style="list-style-type: none"> • Number of open cases at the time of the return
Timeliness	<ul style="list-style-type: none"> • From receipt of initial complaint to the interim order decision: <ul style="list-style-type: none"> ○ number of cases considered

	<ul style="list-style-type: none"> ○ median time taken ○ longest time taken ○ shortest time taken. ● From receipt of initial complaint to the final first stage Committee/Case Examiner decision (in all case types): <ul style="list-style-type: none"> ○ number of cases considered ○ median time taken ○ longest time taken ○ shortest time taken. ● From final first stage Committee/Case Examiner decision to final disciplinary hearing decision (in all case types): <ul style="list-style-type: none"> ○ number of cases considered ○ median time taken ○ longest time taken ○ shortest time taken. ● From receipt of initial complaint to the final decision (in all case types): <ul style="list-style-type: none"> ○ number of cases considered ○ median time taken ○ longest time taken ○ shortest time taken.
Decision type	<ul style="list-style-type: none"> ● Number of cases where a decision to conclude the case has been agreed (i.e. consensual disposals or regulatory settlement agreements) ● From receipt of initial complaint to the final decision for regulatory settlement and consensual disposals: <ul style="list-style-type: none"> ○ median time taken ○ longest time taken ○ shortest time taken.
Appeals	<ul style="list-style-type: none"> ● Number of appeals (in all case types): <ul style="list-style-type: none"> ○ outstanding ○ where decision was overturned ○ where decision was upheld ○ settled by consent.
Governance and leadership	
Organisational health	<ul style="list-style-type: none"> ● Staff turnover for those dedicated to regulatory activity for the financial year compared to the previous year.
Complaints	<ul style="list-style-type: none"> ● Number of justified complaints about the regulator ● The subject matter of the justified complaint against the regulator ● The timeframe for conclusion of the complaint resolution
Business planning	<ul style="list-style-type: none"> ● Number of planned business activities not completed within agreed timetable