

## P450 'Housekeeping and making the BSC gender neutral'

This housekeeping Modification proposes to correct a total of 52 non-material errors and inconsistencies across 31 Sections (including 9 Annexes) of the BSC. It also seeks to replace gender specific references with references that are gender neutral to bring the BSC in line with modern best practice and other energy codes.

The Fast Track Self-Governance Appeal Window for P450 closes:

**5pm on 03 February 2023**

If no appeals are notified by this time, the Panel's decision is final.



The BSC Panel has **approved** P450 as a Fast Track Self-Governance Modification



The BSC Panel does not believe P450 impacts the European Electricity Balancing Guideline (EBGL) Article 18 terms and conditions held within the BSC

This Modification is expected to impact:

- Elxon

**ELEXON**

### Phase

Initial Written Assessment

Definition Procedure

Assessment Procedure

Report Phase

Implementation

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## About This Document

*You can find the definitions of the terms and acronyms used in this document in the [BSC Glossary](#).*

This is the P450 Fast Track Self-Governance Modification Report, which Elexon has submitted to the Authority, the National Electricity Transmission System Operator (NETSO) and BSC Parties.

P450 is a Fast Track Self-Governance Modification, so it does not go to the Authority for decision. The BSC Panel has approved P450 for implementation on 23 February 2023.

In accordance with BSC Section F7.3, Parties have until 03 February 2023 to object to the Panel's decision, stating why they do not believe P450 meets the Fast-Track Self-Governance criteria. If no objection is notified by this time, the Panel's decision is final.

There are three parts to this document:

- This is the main document. It provides details of the solution, impacts, costs, benefits and implementation approach. It also summarises the Panel's key views on the Modification.
- Attachment A contains a list of the proposed changes.
- Attachment B contains the approved redlined changes to the BSC.



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### Why Change?

Elxon has identified a total of 52 minor errors and inconsistencies across 31 Sections of the BSC (including 9 Annexes). These cause a lack of clarity and quality within the BSC legal text. In addition, the BSC uses gender specific references and terminology, which represents an inconsistency between the Code and currently accepted practice for legal text which uses gender neutral references and terminology.

### Solution

This Modification seeks to correct minor errors and inconsistencies identified in the BSC and make the BSC gender neutral.

### Impacts & Costs

As all of the changes proposed under this Modification are minor housekeeping changes, there will be no material impacts on any existing Core Industry Documents, BSC Systems, BSC Parties, consumers or the environment.

The estimated cost to amend the BSC Sections is expected to be under £5k. No ongoing costs are expected.

### Implementation

The Panel has approved an Implementation Date of 23 February 2023 as part of the February 2023 standard BSC Release, as this is the most efficient Release to target.

### Decision

The BSC Panel unanimously agreed to raise and approve P450 as a Fast Track Self-Governance Modification. The Panel agreed with Elxon that P450 does not materially impact the EBGL provisions in the BSC.



### What is Housekeeping?

Housekeeping involves the correction of manifest errors, minor errors and inconsistencies, including typographical errors (e.g. punctuation errors, spelling mistakes, incorrect font, incorrect capitalisation) incorrect cross-referencing, and the removal of redundant text.

### What is the issue?

Elexon has identified a total of 52 minor errors and inconsistencies across 31 Sections of the BSC (including 9 Annexes). Such errors are identified in the Code from time to time and are recorded by Elexon to be addressed at an appropriate time in the future. These errors, although minor, may affect the reading of the Code.

In addition, the BSC uses gender specific references and terminology. There is a total of 315 instances where masculine pronouns or terms are used, such as “Chairman”, “he”, “his” and “him”. This represents an inconsistency between the Code and currently accepted practice for legal text which uses gender neutral references and terminology.

### Background

Although masculine pronouns have traditionally been used in legal text to refer to people regardless of their gender, it has now become standard practice to use language that is gender neutral. For example, in 2007, it became government policy to use gender neutral language when writing legislation.

The use of gender-neutral language removes gender bias, inequality, and discrimination. It promotes equality and diversity, and conveys respect to all people. For these reasons, in March 2022, National Grid ESO implemented modifications to the [Connection and Use of System Code \(CUSC\)](#), [Grid Code](#) and National Electricity Transmission System (NETS) [Security and Quality of Supply Standard \(SQSS\)](#) Industry Governance Framework to remove any gender specific references or terminology, making them gender neutral. Codes that were created more recently, such as the Smart Energy Code and the Retail Energy Code, already adhere to this modern practice.

### 3 Solution

#### Proposed solution

This Modification proposes a total of 52 non-material housekeeping changes to the Code. It also proposes that all gender-specific references are amended to be gender neutral. When amending gender-specific references, the following techniques will be used<sup>1</sup>:

- (a) Gender-specific pronouns will be amended to be gender neutral as per the table below:

Current gender-specific terminology	Gender neutral alternative
he	they
him	them
his	their
Chairman	Chair

- (b) The noun will be repeated to avoid the need for pronouns.
- (c) The sentence will be rephrased to avoid the need for a noun or pronoun.

Due to the minor and non-material nature of the proposed changes, these have been combined into a single Modification Proposal for efficiency. The use of the BSC Digital Code has also made the impact assessment for this change much easier, as we are able to search across the entire document collection. The full list of changes proposed under this Modification are summarised in **Attachment A**. The draft BSC legal text can be found in **Attachment B**.

#### Benefits

The correction of minor typographical, formatting, referencing, and consistency errors in the BSC improves clarity and reduces the potential for misinterpretation of the Code. This helps to ensure that visitors to the Code receive a smooth and effective user experience. Also, making the BSC gender neutral will remove gender bias and inequality within the Code, thus having a positive impact on society as a whole.

#### Legal text

31 Sections (including 9 Annexes) of the BSC will be impacted by this Modification. **Attachment B** contains the approved redlined changes to the BSC.

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<sup>1</sup> This approach follows the '[Guide to Gender-Neutral Drafting \(2019\)](#)' produced by the Office of the Parliamentary Counsel and the Government Legal Department.

## Applicable BSC Objectives

### Applicable BSC Objective (d)

This Modification will promote efficiency in the implementation of the balancing and settlement arrangements by correcting minor errors and inconsistencies, which will make the reading and interpretation of the BSC easier. It will also improve efficiency by removing unnecessary distractions such as the use of gender specific language.

### Are there any (other) alternative solutions?

No.



#### What are the Applicable BSC Objectives?

- (a) The efficient discharge by the Transmission Company of the obligations imposed upon it by the Transmission Licence
- (b) The efficient, economic and co-ordinated operation of the National Electricity Transmission System
- (c) Promoting effective competition in the generation and supply of electricity and (so far as consistent therewith) promoting such competition in the sale and purchase of electricity
- (d) Promoting efficiency in the implementation of the balancing and settlement arrangements
- (e) Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency [for the Co-operation of Energy Regulators]
- (f) Implementing and administering the arrangements for the operation of contracts for difference and arrangements that facilitate the operation of a capacity market pursuant to EMR legislation
- (g) Compliance with the Transmission Losses Principle

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As all of the changes proposed under this Modification are minor housekeeping changes, there will be no material impacts on any existing Core Industry Documents, BSC Systems, BSC Parties, consumers or the environment.

### Impact on BSCCo

This Modification will be a document only change to update 31 Sections of the BSC (including 9 Annexes). The estimated cost to amend the BSC Sections is expected to be under £5k. No ongoing costs are expected.

### Impact on EBGL Article 18 terms and conditions

Some of the changes proposed (specifically, changes to Sections K1.2, K3.3, T3 and T4) amend BSC provisions identified as constituting European Balancing Guideline (EBGL) Article 18 Terms and Conditions, as listed in [BSC Section F, Annex F-2](#). However, these amendments should not be required to follow the EBGL change process as they constitute non-material housekeeping changes. Non-material housekeeping changes are exempt from the EBGL change process (in accordance with the Self-Governance Criteria).

### Impact on a Significant Code Review (SCR) or other significant industry change projects

An SCR exemption request was sent to Ofgem on 5 January 2023. Ofgem confirmed SCR-exempt status of P450 on 10 January 2023.

### Impact on the consumer benefit areas

Impact of the Modification on the environment and consumer benefit areas:	
Consumer benefit area	Identified impact
1) Improved safety and reliability	Neutral
2) Lower bills than would otherwise be the case	Neutral
3) Reduced environmental damage	Neutral
4) Improved quality of service	Neutral
5) Benefits for society as a whole Making the BSC gender neutral will remove gender bias and inequality within the Code, thus having a positive impact on society as a whole.	<b>Positive</b>

### What are the consumer benefit areas?

- 1) Will this change mean that the energy system can operate more safely and reliably now and in the future in a way that benefits end consumers?
- 2) Will this change lower consumers' bills by controlling, reducing, and optimising spend, for example on balancing and operating the system?
- 3) Will this proposal support:
  - i) new providers and technologies?
  - ii) a move to hydrogen or lower greenhouse gases?
  - iii) the journey toward statutory net-zero targets?
  - iv) decarbonisation?
- 4) Will this change improve the quality of service for some or all end consumers. Improved service quality ultimately benefits the end consumer due to interactions in the value chains across the industry being more seamless, efficient and effective.
- 5) Are there any other identified changes to society, such as jobs or the economy.

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### Implementation Date

The Panel has approved an Implementation Date for P450 of **23 February 2023**, if no objections are notified.

### When would P450 be implemented?

Following the Panel's unanimous agreement to progress P450 as a Fast Track Self Governance Modification and that it should be approved, the Panel's decision along with this Fast Track Self-Governance Modification report was published within 1 Working Day (WD) and issued to the Authority, Transmission Company and each Party in accordance with BSC Section F7.2.2.

The 15 Working Day objection window will commence from this notification, closing on **03 February 2023**. If no objections are raised, P450 would then be implemented on **23 February 2023**.

### What is the Self-Governance Criteria?

A Modification that, if implemented:

(a) does not involve any amendments whether in whole or in part to the EBGL Article 18 terms and conditions; except to the extent required to correct an error in the EBGL Article 18 terms and conditions or as a result of a factual change, including but not limited to:

- (i) correcting minor typographical errors;
  - (ii) correcting formatting and consistency errors, such as paragraph numbering; or
  - (iii) updating out of date references to other documents or paragraphs;
- (b) is unlikely to have a material effect on:
- (i) existing or future electricity consumers; and
  - (ii) competition in the generation, distribution, or supply of electricity or any commercial activities connected with the generation, distribution, or supply of electricity; and
  - (iii) the operation of the national electricity transmission system; and
  - (iv) matters relating to sustainable development, safety or security of supply, or the management of market or network emergencies; and
  - (v) the Code's governance procedures or modification procedures; and

(b) is unlikely to discriminate between different classes of Parties.

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## Panel's views on the Modification

The Panel unanimously agreed that P450 should be raised (in accordance with Section F2.1.1(d)(iv)<sup>2</sup>) and progressed as a Fast Track Self-Governance Modification Proposal. They agreed with Elexon that it met the Fast Track Self-Governance Criteria. Further, the Panel approved P450, as they believed it better facilitated Applicable BSC Objective (d) for the reasons provided in section 3 above.

Regarding the proposed legal text, the Panel discussed whether the term "Chairman" should be amended to "Chairperson" or "Chair". As there is no consistency across other energy codes, the Panel agreed on "Chair" as they typically use this in practice.

The Panel also agreed to change the proposed legal text in Section H3.3.4. The original proposal amended the term "him" to "that employee". The Panel agreed that the term "them" as this is more in keeping with the gender-neutral language used elsewhere in P450 and more in keeping with plain English principles.

Finally, a member of the Panel asked why all numbers except for dates were amended to be written as words. Elexon advised that this is in line with our legal house style.

## Panel's views on Fast Track

The Panel unanimously agreed that P450 meets the Fast Track Self-Governance Criteria and so should be progressed as a Fast Track Self-Governance Modification.

Fast Track Self-Governance Modifications are subject to a 15 Working Day objection period. A Panel member asked whether the appeal window could be extended, as they were concerned some parties may reference the paragraph numbers which are being changed by P450 and so may need some more time. The Modification Secretary confirmed the BSC required objections to be raised within 15WDs.

The Panel also asked whether any of the changes within P450 had an impact on the EBGL Article 18 terms and conditions. Elexon advised that non-material housekeeping changes are exempt from the EBGL change process (in accordance with the Self-Governance Criteria).

## What is the Fast Track Self-Governance Criteria?

A Modification Proposal which:

- (i) if implemented would satisfy the Self-Governance Criteria; and
- (ii) falls within the scope of Section F2.1.1(d)(iv) (without limiting the right of any person specified in paragraph 2.1.1 to propose a Fast Track Self-Governance Modification Proposal) and which is required to correct an error in the Code or as a result of a factual change, including but not limited to:
  - (a) updating names or addresses listed in the Code;
  - (b) correcting minor typographical errors;
  - (c) correcting formatting and consistency errors, such as paragraph numbering; or
  - (d) updating out of date references to other documents or paragraphs.

<sup>2</sup> The Panel may modify the Code "on the recommendation of BSCCo to rectify manifest errors in or to correct minor inconsistencies (or make other minor consequential changes) to the Code" – P450 will rectify manifest errors and correct minor inconsistencies to the BSC.

## 7 Panel's Decisions

The BSC Panel unanimously:

- **AGREED** to **RAISE** P450 in accordance with BSC Section F2.1.1 (d) (iv);
- **AGREED** that P450 **DOES NOT** impact the EBGL Article 18 terms and conditions held within the BSC;
- **AGREED** that P450 should be progressed as a Fast Track Self-Governance Modification;
- **AGREED** that P450:
  - **DOES** better facilitate Applicable BSC Objective (d);
- **AGREED** that P450 should be **approved**;
- **APPROVED** an Implementation Date of:
  - **23 February 2023**, if no objections are notified;
- **APPROVED** the legal text; and
- **NOTED** that Elexon will issue the Fast Track Self-Governance Modification Report (including the BSC legal text), which will then be subject to a 15 Working Day objection period.