

## CP Assessment Report

# Housekeeping CP 'Making the Code Subsidiary Documents (CSDs) gender neutral.'

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### About This Document



Not sure where to start? We suggest reading the following sections:

- Have 5 mins? Read section 1
- Have 15 mins? Read sections 1, 4, 5 and 6
- Have 30 mins? Read all sections
- Have longer? Read all sections and the annexes and attachments
- *You can find the definitions of the terms and acronyms used in this document in the [BSC Glossary](#)*

This document is a Change Proposal (CP) Assessment Report which Elexon will present to the BSC Panel at its meeting on 11 May 2023. Due to the volume affected, Elexon are presenting this to the BSC Panel. The BSC Panel will consider the proposed solution, whether it is suitable as a housekeeping change and if so, make a decision on whether to approve this Housekeeping CP.

There are 7 parts to this document:

- This is the main document. It provides details of the solution, impacts, costs, and proposed implementation approach.
- Attachment A contains the CP proposal form.
- Attachment(s) B-F contain(s) the proposed redlined changes to deliver the Housekeeping CP's solution.



### Committee

BSC Panel

### Recommendation

Approve

### Implementation Date

29 June 2023

(June 2023 Release)



### Contact

Ayo Bammeke

020 7380 4176

[ayo.bammeke@elexon.co.uk](mailto:ayo.bammeke@elexon.co.uk)

[BSC.change@elexon.co.uk](mailto:BSC.change@elexon.co.uk)



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## 1. Summary



### Housekeeping Change

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. Housekeeping CPs do not require a CP Consultation, however market participants can raise an objection to this approach if they believe there will be an impact.

### Why change?

The current versions of the Balancing and Settlement Code (BSC) Code's Subsidiary Documents (CSDs) contain 198 cases of gendered pronouns across 39 documents, such as "he, his, or him". There is a disparity between the Code's supporting documents and the present-day norm for legal drafting, which involves employing gender-neutral language and references.

Additionally, Elexon are using this opportunity to correct some minor inconsistencies that exist between one of the CSDs and the previously implemented [P419 'Extension of P383 to include non-final Demand'](#)<sup>1</sup>.

### Solution

The suggested solution for this Change Proposal entails adding the housekeeping changes as necessary. This will include correcting [BSCP602: SVA Metering System & Asset Metering System Register](#)<sup>2</sup> to reflect the implementation of P419 as well as modifying the CSDs to incorporate gender-neutral language, aligning them with contemporary legal drafting practices.

### Impacts and costs

This is a housekeeping update to correct the CSDs. We therefore do not anticipate that this CP will impact any BSC Party or Party Agent.

### Implementation

We invite the Panel to agree that this CP is a Housekeeping CP as defined in [BSCP40](#)<sup>3</sup>, approve the proposed changes to the CSDs and approve this CP for implementation on 29 June 2023 as part of the standard June 2023 BSC Release. Post being raised on 11 May 2023, the appeals window will last 15 working days up to and including 02 June 2023.

### Recommendation

Our initial recommendation is for Panel to approve this as a Housekeeping CP and allow the redlined text to be carried through. If the Panel agree that this CP should be progressed as housekeeping, we will ask the Panel to approved the redlined changes and the implementation date.

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<sup>1</sup> <https://www.elexon.co.uk/mod-proposal/p419/>

<sup>2</sup> <https://bscdocs.elexon.co.uk/bsc-procedures/bscp602-sva-metering-system-balancing-services-register>

<sup>3</sup> <https://bscdocs.elexon.co.uk/bsc-procedures/bscp-40-change-management>

## 2. Why Change?

### What is the issue?

The Code's Subsidiary Documents (CSD) contain 198 instances of terms used to refer to an individual working within the industry. The issue at present is that these 198 instances all refer to an individual who identifies as male. The specific concern with using masculine gendered pronouns in regulatory or legal text is that it perpetuates gender bias and exclusivity. It can lead to misinterpretation or ambiguity in the application of laws and regulations, which may inadvertently exclude or marginalize individuals based on their gender. Furthermore, it contradicts contemporary legal drafting standards that advocate for inclusivity, precision, and compliance with anti-discrimination laws.

BSCP602 contains a minor inconsistency that means it does not align with P419. This inconsistency was identified in the BSCP602 documentation following on from the implementation of P419 in reference to the requirement to holding a generation licence. Under P419, the requirement to hold a generation licence was removed and this includes unlicensed generators that can declare themselves as Non-Final Demand.

In the initial approved red-lining of the documentation, this reference was removed. However in subsequent updates to the documentation throughout the change this was put back in error and went unnoticed.

A further query was raised in reference to Section 11 of the Connection and Use of System code. This has also been removed.

### 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 \(CUSC\)](#)<sup>4</sup>, [Grid Code](#)<sup>5</sup> and National Electricity Transmission System (NETS) [Security and Quality of Supply Standard \(SQSS\)](#)<sup>6</sup> 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.

This along with update to BSCP602 should be considered to be housekeeping changes to be made to the CSDs.

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<sup>4</sup> <https://www.nationalgrideso.com/industry-information/codes/cusc/modifications/cmp380-making-cusc-gender-neutral>

<sup>5</sup> <https://www.nationalgrideso.com/industry-information/codes/gc/modifications/gc0153-making-grid-code-gender-neutral>

<sup>6</sup> <https://www.nationalgrideso.com/industry-information/codes/sqss/modifications/gsr028-making-sqss-gender-neutral>

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## P450

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This CP follows work undertaken on BSC [Modification P450 'Housekeeping and making the BSC gender neutral'](#)<sup>7</sup> in which the BSC had its gendered language removed.

P450 was raised by the BSC Panel on 12 January 2023 and removed 315 instances of masculine pronouns or terms used in the BSC, removing and replacing these with gender neutral terms, as per modern legal drafting practices. This CP seeks to follow the good work done in P450 and bring the entire BSC and its supporting documents into modern day practices.

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## P419

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P419 was implemented in February 2023. The goal of P419 was to remove the need for a generation license. Under P419, the requirement to hold a generation licence was removed and this includes unlicensed generators that can declare themselves as Non-Final Demand.

Elxon issued communications via Newscast to clarify this to impacted parties and signal the intention to raise a BSC Change Proposal to amend BSCP602 at the next suitable opportunity.

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<sup>7</sup> <https://www.elxon.co.uk/mod-proposal/p450/>

3. Solution

Proposed solution

This CP proposes a total of 198 non-material housekeeping changes to the CSDs. It proposes that all gender-specific references are amended to be gender neutral. When amending gender-specific references, the following technique will be used:

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

Current gender-specific terminology	Gender neutral alternative	Occurrences
He	They	52
Him	Them	6
His	Their	32
Chairman	Chair	99
Manned	Operated	1
Man	Person or Human	5
Men	People	3

For the correction of BSCP602, there are three changes proposed:

1. Removing the requirement for a Generation Licence (from the Declaration form), because that was a requirement under P383, but not P419. This change was actually included in the redlined version of BSCP602 that went to Ofgem with the [P419 Modification Report](#), but an error was made during implementation, resulting in the change being lost.
2. Removing a reference to the Connection and Use of System Code (CUSC), because it's wrongly implying that the term "**SVA Non-Final Demand Facility**" is defined in the CUSC. This error arose because the pre-419 drafting referred to "**SVA Storage Facility**", which was defined in the CUSC. P419 replaced this term with "**SVA Non-Final Demand Facility**", which is defined in the BSC rather than the CUSC, so we should have removed the CUSC reference then.
3. Amending the form to refer to "Export" rather than "Expert" (this is correcting a typo)

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Proposer’s rationale

Drafting legal text in gender-neutral prose is essential for a variety of reasons. Firstly, gender-neutral language promotes inclusivity by considering all individuals, regardless of their gender identity, contributing to a more welcoming and equitable environment. Secondly, it bolsters the clarity and precision of legal documents, eliminating ambiguity and avoiding potential misinterpretation while ensuring applicability to all individuals.

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Adopting gender-neutral prose allows professionals to comply with anti-discrimination laws that exist in many jurisdictions, which both mandate and encourage the use of gender-neutral language in legal texts.

As society becomes more conscious of and sensitive to gender-related issues, using gender-neutral language in legal documents demonstrates the industry's commitment to addressing these matters and adjusting to evolving societal expectations. Lastly, employing gender-neutral language minimizes the possibility of unconscious bias in legal texts, fostering fairness and impartiality in the text's interpretation and application.

Inclusivity is a fundamental aspect of modern society, ensuring that all individuals are treated fairly and with respect, regardless of their gender identity. Utilizing gender-neutral language in legal texts reflects this commitment to equal opportunity by acknowledging and embracing diverse gender identities. In today's increasingly progressive world, adopting gender-neutral language in legal and regulatory documents is not only essential for promoting inclusivity, but it also demonstrates a necessary adaptation to the ever-changing landscape of societal perspectives.

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## Proposed redlining

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Proposed Redlining can be found in attachments B-F. Attachment B contains redlined Codes of Practice 4, 8 and 11. Attachment C contains Redlined BSC Procedures (BSCP) 3, 6, 11, 14, 18, 20, 32, 65, 201, 502, 504, 505, 516, 536, 537, 538, 550 and 602. Attachment D contains redlined NETA Interface Definition and Design (IDD): Part 1. Attachment E contains redlined Business Definition Documents and Supplier Volume Allocation Agency. Attachment F contains redlined Guidance notes.

4. Impacts and Costs

BSC Party & Party Agent impacts and costs

We do not anticipate that this CP will materially impact any BSC Party or Party Agents as we believe this to be a Housekeeping Change and will ask the Panel to approve it as such. As this CP has been proposed as a Housekeeping CP, it does not require a CP Consultation amongst market participants, in accordance with BSCP40 section 3.4. However, if a market participant does believe it is materially impacted by the solution, and wishes to raise an objection to this CP being treated as a Housekeeping CP, it can do so in accordance with BSCP40 section 3.5.

Central impacts and costs

Central impacts

This CP will require a document only Housekeeping update to some of the CSDs. No BSC Central System changes are required, and there will be no impact on BSC Agents.

Document Impacts
<ul style="list-style-type: none"><li>• Codes of Practice 4,8 and 11</li><li>• BSC Procedures (BSCP) 3, 6, 11, 14, 18, 20, 32, 65, 201, 502, 504, 505, 516, 536, 537, 538, 550 and 602</li><li>• Half Hourly Instruction Processing Specification</li><li>• Multiple BM Unit Instruction Processing Specification</li><li>• NHH Instruction Processing Specification</li><li>• SVA Data Catalogue Volume 2</li><li>• Supplier Volume Allocation Agency</li><li>• BSC Change Process Guidance Note</li><li>• Determination of Trading Disputes by the BSC Panel</li><li>• Determining Trading Party Groups</li><li>• EFR and EFR Escalation Process</li><li>• Operational Information Document</li><li>• Panel Elections General Guidance</li><li>• Party Attendance at the Trading Disputes Committee,</li><li>• Securing Access for Technical Assurance Agent (TAA) Inspection Visits</li><li>• TAA Working Instructions</li><li>• Technical Assurance of Metering How to rectify common non-compliances</li><li>• The Balancing and Settlement Code (BSC) Arrangements,</li><li>• UMS Charge Code Form Signals and Miscellaneous.</li><li>• NETA Interface Definition and Design (IDD): Part 1</li></ul>

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Central costs

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The central implementation costs for this Housekeeping CP are expected to be under £7K to make the required document changes.



## 5. Implementation Approach

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### Recommended Implementation Date

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We propose that this CP should be implemented on 29 June 2023 as part of the standard June 2023 BSC Release to ensure the change is implemented at the earliest opportunity.

As a Housekeeping CP, this CP is subject to a 15 Working Day objection window to allow Parties to object to the CP being a Housekeeping Change should they believe so. If no objections are received, the CP will be considered as approved and implemented.

If an objection is received, this CP will be issued for consultation in the June 2023 Change Proposal Circular (CPC) consultation batch, returning to the July Panel meeting for decision as per the normal CP process and targeting implementation in November 2023 instead.

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## 6. Recommendations

We invite the Panel to:

- **AGREE** that this CP is a Housekeeping CP as defined in BSCP40;
- **APPROVE** the proposed changes to the Code Subsidiary Documents;
- **APPROVE** this CP for implementation on 29 June 2023 as part of the standard June 2023 Release; and
- **NOTE** that Elexon will issue the Final CP Report which will then be subject to a 15 Working Day objection period.

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