



Minutes of TDC Meeting 39

19 August 2020 | 10:30 – 12:00 | Teleconference

Status of the Minutes: Final

MEMBERS PRESENT

Name	Role
Elsa Wye	Chair
Wendy Monk	Committee member (Retailer)
Martin Mavin	Committee Member (Wholesaler)
Paul Stelfox	Committee Member (Wholesaler)
Dylan Freeman	Committee Member (Wholesaler)
Peter Strain	Committee Member (Retailer)
Neil Pendle	Committee Member (Retailer)
Patrick McCart	Committee Member (Retailer)
Joe Smith	MOSL (Presenter)
Miles Robinson	MOSL (Observer)

MEMBERS APOLOGIES

Name	Role
Julian Tranter	Committee Member (Wholesaler)



1. Welcome and Introductions

PURPOSE: FOR INFORMATION

- 1.1. The Chair welcomed Members to the Trading Disputes Committee (TDC) meeting.
- 1.2. A member raised a question about the length of time to produce minutes. MOSL confirmed that minutes were agreed to be sent out for review 10 Business Days ahead of the following meeting. A member questioned whether minutes could be provided sooner and MOSL confirmed that with new resources overseeing secretariat duties the following month, it would be reviewed in line with all governance and committees as a whole.
- 1.3 With all Members welcomed, the Chair proceeded with the meeting.

2. Outstanding actions and review of previous meeting minutes

PURPOSE: FOR DECISION

- 2.1. The Chair started the agenda item by asking if Members had any comments on the previous meeting minutes. With no comments from Members, the Chair asked MOSL to provide an update on any outstanding actions.
- 2.2. Action 36_02 – MOSL to produce map for disputes procedure under CPW092 and add to TDC SharePoint. MOSL confirmed that the disputes process map had been updated and uploaded to SharePoint and the action was closed.
- 2.3. Action 38_01 – MOSL to follow up with IT Labs to determine time frame of security of KissFlow. MOSL confirmed that documentation had been received from KissFlow matching the request of IT Labs. MOSL confirmed that the assurance documents were to be sent to IT Labs for final review and the action was left open.
- 2.4. Action 38_02 – MOSL to get in contact with GDPR committee about security of KissFlow. MOSL confirmed that there are currently no meetings scheduled for the GDPR committee, so if no meeting was scheduled by the end of the month, then a separate meeting with the Chair and the Chair of the GDPR committee would be arranged.
- 2.5. Action 38_03 – Review drafting of Schedule 9 Section 1.7 to ensure clarity on the Committee's ability to invite experts to aid in determination. MOSL confirmed that the relevant information is stated within the Market Arrangement Codes, section 2.7.1. The Chair added that the amendments to legal drafting under CPW092 would also account for this further with regards to seeking relevant expertise with regards to credit disputes. Members confirmed they were happy for this action to be closed.
- 2.6. Action 38_04 – To update informal guidance document to detail that parties should look to escalate disputes internally prior to escalating to the Disputes Committee. MOSL provided details of the draft changes to be included to the guidance document. Members confirmed they were happy with the wording and agreed for the action to be closed once the guidance document was updated.
- 2.7. Action 38_05 – MOSL to check the legal drafting for CPW092 to determine whether Trading Parties must go to the Disputes Committee before being able to arbitration. MOSL confirmed that in schedule 9 it is stated that disputing parties must first raise the trading dispute with Disputes Committee prior to proceeding down arbitration routes. Members confirmed they were happy for this action to be closed.
- 2.8. The Chair asked Members if they have any further comments. With no comments from Members, the Chair moved onto the next agenda item.



3. Update on new and open trading disputes

PURPOSE: FOR INFORMATION

- 3.1. MOSL confirmed that there were no new or open trading disputes.
- 3.2. With no additional comments from Members, the Chair moved onto the next agenda item.

4. CPW092: Unified Disputes Process and Committee

PURPOSE: FOR INFORMATION

- 4.1. MOSL informed Members that CPW092: Unified Disputes Process would be going to Panel in August and would be able to provide a more significant update the following month.
- 4.2. The Chair asked Members if they have any questions in relation CPW092. With no additional comments from Members, the Chair moved onto the next agenda item.

5. Alternative Dispute Resolution

PURPOSE: FOR INFORMATION

- 5.1. The Chair opened the agenda item and reminded Members that a link was sent out with regards to the Ofwat Rise Document and has since had a discussion with the Chair of the RWG Complaints Group to understand whether more could be done collaboratively between the RWG complaints group and the Trading Disputes Committee (TDC). The Chair asked for views from Members whether they had any experience with this and to get Members thoughts on whether there was more that the TDC needed to do to work with the RWG Complaints Group for the benefit of customers.
- 5.2. One Member commented that there was a distinct difference between the two processes, one involving a Wholesaler and Retailer and the other involving the end customer. The Member continued to explain that there could be potential scenarios where a dispute from a customer, could be linked to a dispute between a Wholesaler and a Retailer but was not clear on how the two this connection would happen.
- 5.3. Another Member agreed that they were not sure at this stage how the link between the two processes could be made and suggested waiting for the Alternative Disputes Resolution (ADR) process to be amended prior to taking any action.
- 5.4. The Chair reminded Members that within CPW092 there is a detailed process for urgent disputes, so if it was observed that there was a direct customer impact, the process could potentially be accelerated.
- 5.5. Another Member commented that they felt that there could be a link between the two processes, so long as the dispute met the criteria for disputes under CPW092, but did agree with other Members that they felt it would be better to review this after further action had been taken with regards to the ADR process. Another Member agreed and commented that it would be difficult to link the two processes where financial recompense is identified for the customer.



- 5.6. The Chair advised that a line of communication would be kept with the RWG Complaints Group going forwards and this would be continually reviewed. With no additional comments from Members, the Chair moved on to the next agenda item.

6. Any other Business (AOB)

PURPOSE: FOR INFORMATION

- 6.1. The Chair asked whether Members had any items for any other business.
- 6.2. One Member raised a question on whether that there were any outstanding disputes that are not Trading Disputes in Kissflow that the Committee would need to be made aware of. MOSL confirmed one dispute had been raised recently and following approval of CPW092 at Panel, would look to update Members on any outstanding disputes, as opposed to just Trading Disputes.

A39_01

- 6.3. One Member raised that within the Terms of Reference that in voting members that 5 Retailers being 2 drawn from associated and 2 drawn from un-associated granted that there are not many associated Retailers anymore. Members felt that this was a wider issue, as opposed to just an issue with the TDC Terms of Reference and suggested this was part of a wider review. The Chair mentioned that the Panel was initiating a review of governance within the Market and advised that Martin Mavin was a member of both the Panel Governance Steering Group and the TDC, Martin agreed to feed this feed back into the governance steering group

A39_02

- 6.4. With no additional comments from Member, the Chair closed the meeting.

Actions:

Action 39_01: MOSL to add current disputes raised within KissFlow to the agenda.

Action 39_02: MM to feedback to Governance steering group feedback on the pairing of retailers.