

Minutes of Panel Meeting 64

23 February 2022 | 10:30 – 12:30

Videoconference

Status of the Minutes: Final

Attendees:

| | | | | | |
|--------------------|----|---|-----------------|----|---|
| Trisha McAuley OBE | TM | Chair | Charlotte Glass | CG | Panel Member (Associated Retailer) |
| Claire Yeates | CY | Panel Member (Unassociated Retailer) | Elsa Wye | EW | Panel Member (Independent) |
| Pamela Taylor | PT | Panel Member (Independent) Deputy Chair | Adam Boyns | AB | Alternate for Mike Keil (Customer Representative) |
| Trevor Nelson | TN | Panel Member (Unassociated Retailer) | Helyn Mensah | HM | Panel Member (Independent) |
| Nicola Smith | NS | Panel Member (Unassociated Retailer) | Julian Tranter | JT | Alternate Panel Member for Mark Holloway (Wholesaler) |
| John Vinson | JV | Alternate Panel Member for Richard Barton (Associated Retailer) | Adam Richardson | AR | Panel Secretary |
| Dan Mason | DM | Affiliated Panel Member (Ofwat) | Sarah McMath | SM | Affiliated Panel Member (MOSL) |

Other Attendees:

| | | | | | |
|-----------------|----|---------------------------|--------------------|-----|-----------------------|
| Stuart Boyle | SB | MOSL Presenter item 4 & 7 | Abu Rashid | ARa | MOSL Presenter item 5 |
| Antoine Schmidt | AS | Thames Water Observer | Christopher Wright | CW | Castle Water Observer |
| Chris Dawson | DC | MOSL Presenter item 6 | John Gilbert | JG | MOSL Presenter item 6 |
| Sam Mawby | SM | Secretariat | | | |

Apologies:

| | | | | | |
|-------------------|----|--|------------------|----|---------------------------------|
| Mike Keil | MK | Panel Member (Customer Representative) | Mark Holloway | MH | Panel Member (Wholesaler) |
| Richard Barton | RB | Panel Member (Associated Retailer) | | | |

OPEN SESSION

1. Welcome, Introductions and Declarations of Interest

- 1.1. The meeting was confirmed as quorate.
- 1.2. Apologies had been received from RB, MH and MK. JV, JT and AB attended as alternates for RB, MH and MK respectively.
- 1.3. The Chair reminded Panel members that, in line with section 5.7 of the Market Arrangements Code (“MAC”), they were to act impartially and not in the interest or as a representative of any organisation or individual. If Panel members believed they had an actual or perceived conflict they should declare this at the start of the meeting or before an agenda item. Items discussed in closed sessions were confidential and should not be discussed with individuals outside of the Panel or confidential papers shared.
- 1.4. No Panel members declared any conflicts in relation to the meeting agenda items.

2. Minutes and Outstanding Actions

- 2.1. The minutes from Panel 63 (31 January 2022) had been circulated on 11 February for comments. No comments had been received and the minutes were approved for publication.
- 2.2. The Panel agreed that the minutes from this meeting would be approved ex-committee for publication.
- 2.3. The Panel agreed that the following actions could be closed as they had been completed:
A60_01 and A63_01
- 2.4. The Panel agreed that the following actions would remain open:
A39_05, A45_10 and A60_01.¹

¹ The actions would be owned by the Code Change Committee from 1 March 2022

3. Ofwat Update

- 3.1. DM introduced the Ofwat update and noted the decisions that had been published since the last Panel meeting:
- 3.2. [CP0004](#) – Customer Protection Code of Practice Change Proposal relating to ease of access to audio records.
- 3.3. [CPW106](#) – Management of long-term vacant Supply Points. This had been returned for further revision and resubmission by the Code Change Committee or to consider whether there were alternative tools that could be used to address the issue.
- 3.4. The full findings following the [Business Customer Insight Survey 2022](#) had been published as had the updated [Eligibility guidance on whether business customers in England and Wales are eligible to switch their retailer](#).
- 3.5. At the end of February Ofwat anticipated publishing a decision on the temporary uplift to the Retail Exit Code (REC) to reflect excess levels of bad debt as a result of Covid-19.
- 3.6. The Panel:
 - **NOTED** the Ofwat Update

4. Change Report

- 4.1 SB introduced the Change Report which included the amended change plan for '[CPW105: Provisions of Information Obligation](#)'.
- 4.2 SB confirmed to Panel the Ofwat decisions made since December and the rationale behind those decisions, provided an overview of consultation activity and the forward plan for the changes that will be reviewed by the Code Change Committee from March.
- 4.3 The Panel considered the amended change plan for CPW105: Provisions of Information Obligation. This change impacted the responsibilities of the Strategic Panel which it would delegate to the Code Change Committee and therefore had been put on hold pending the appointments of these groups. Now that both groups had been appointed MOSL was proposing to progress this change.
- 4.4 The Panel
 - **NOTED** the Change Report;
 - **APPROVED** (unanimous) the amended plan for CPW105: Provisions of Information Obligation

5. CPW126 'Settling of Post RF Primary Charges' Recommendation Report Addendum

- 5.1 The Panel considered an addendum to the Final Recommendation Report to [CPW126: Settling of Post RF Primary Charges](#). This was required to ensure that the change proposal reflected the revised code principles which were implemented in the Wholesale Retail Code (WRC) on 1 September 2021 and would therefore enable Ofwat to form an opinion to approve or reject CPW126.
- 5.2 ARa outlined the revised rationale and how this aligned to the revised code principles.
- 5.3 The Panel:
 - **NOTED** the updated Final Recommendation Report for CPW126
 - **AGREED** (majority) the revised rationale for how CPW126 furthered the principles of the WRC (10 in favour, 1 against).
- 5.4 The vote against the revised rationale was on the basis that it would not deliver efficiency, customer benefit and equity between retailer and wholesaler.

6. Preview of CPW070d 'Bilaterals Phase 4 (B1/B3/B7)

- 6.1. JG provided an overview of the progress of the Bilaterals programme to date for information, confirming that the programme remained on plan.
- 6.2. JG commented that since the last update release 2.1 had successfully gone live as scheduled on 2 February. On 21 February the B5 (meter repair/replace), F4 (customer enquiries), F5 (customer complaints) and G1 (trade effluent enquiries) processes were released into the pre-production environment. This was well ahead of the 2-month commitment made to trading parties to ensure all had sufficient time for testing and assimilation into systems ahead of go-live on 31 May.
- 6.3. CD provided an overview of the next steps in the Bilaterals programme which will look at B1 (Installation of a meter performed by the Wholesaler), B3 (Meter accuracy test performed by Wholesaler) and B7 (Retailer requested change to size/location of meter performed by Wholesaler).
- 6.4. Panel members were invited to share any final feedback and reflections on the Bilaterals programme:
 - Observations that the programme was very well structured and efficient (Effective steering group, clear governance arrangements, accessible documentation that facilitated decision making and a proactive approach to considering potential issues that Panel might raise)

- Robust governance arrangements in place provided assurance in relation to the scrutiny received.
- Importance of having project updates not only in relation to what is coming next but the impact of what has been implemented to date. This would enable the Strategic Panel and Code Change Committee to gauge the impact on customers and the realisation of customer benefit.
- Importance of continuing to demonstrate the impacts on, and benefits to, the customer
- Opportunity for Strategic Panel to look at further potential bilateral interactions that could maximise the use of the Bilaterals hub.

7. Post Implementation Review CPW077: Trade Effluent Charging Strength Methodology

7.1. SB presented the post implementation review (PIR) for CPW077: [Trade Effluent Charging Strength Methodology](#) and outlined the current process and approach to post implementation reviews.

7.2. The Panel noted the benefits outlined in the post implementation review and made the following observations:

- The introduction of PIRs was a positive step and would assist in the assessment of effectiveness of decision making.
- Opportunity to learn about the change process itself through the PIR in addition to the specific change.
- To explore the potential to apply metrics in the PIR to gauge the viability of the change throughout the process.
- Objective metrics in relation to the PIR could assist with avoiding 'scope creep' in relation to the PIR.
- Opportunity to include an assessment of the change in relation to the objectives and principles.
- Importance of engaging trading parties where appropriate in the PIR to ensure the views of a range of stakeholders are captured and taken account of.
- To consider the scope to conduct a review where Ofwat has rejected a Panel recommendation to inform the approach to future changes where appropriate. (SB confirmed that MOSL keep a log of rejections/send backs to create a knowledge bank to inform the approach to future changes)
- To explore the potential to identify that a change would undergo a PIR at the point of recommendation dependent on the perceived benefit.
- Importance of being clear about the issue the change is intending to address from the start of the process.

7.3 The Panel:

- Noted the post implementation review for CPW077.

8. Committee Reports

- 8.1. The Disputes Committee (DC) Chair advised that the DC had not met in February and noted that to date one active dispute had been escalated.
- 8.2. EW thanked DC members for their valuable contribution. TM added her thanks to EW and to all Panel committee members past and present.

9. MOSL Market Update

- 9.1 The Panel noted the MOSL market update.

10. Panel Achievements and final Reflections

- 10.1. ARa presented an overview of outlining the key Panel activities and achievements since market opening.
- 10.2. AR and TM extended their thanks to all Panel members, past and present.
- 10.3. No additional business had been notified to the Panel Secretariat ahead of the meeting.
- 10.4. As there was no other business, the meeting was closed.