

Annex J: Draft Terms of reference of the Casework Committee of the Water Services Regulation Authority (Ofwat)

Introduction

1. The Board has established a committee called the Casework Committee ('Committee') to make final decisions in strategic cases.

Membership

2. The members of the Committee will comprise of at least two non-executive Board members, and may include executive Board members, Ofwat employees (who are not Board members), and/or no more than two independent external members (where this is legally possible). The independent external members may be defined as individuals or in a more general way (such as simply being a member or employee of a particular organisation). In addition, the independent external members and any Ofwat employee (who is not a Board member) may be defined as a Committee member for the purposes of all, or only some, relevant Committee decisions or all, or only some, types of such decisions.
3. A non-executive Board member will chair the Committee. In the absence of the Committee's non-executive Board member, one of other non-executive Board members will chair the meeting.
4. The Board will appoint the members of the Committee for a term of not more than three years, which is renewable.

Meetings

5. The Chairman of the Committee, or in his absence any member of the Committee, may convene meetings of the Committee as he deems necessary.
6. If any member of the Committee (other than an independent external member or an Ofwat employee who is not a Board member) cannot attend a meeting of the Committee, that member may nominate a substitute member. Any substitute member for a non-executive Board Member must be another non-executive Board Member. A substitute member for an executive Board member may be a non-executive Board Member, an executive Board member (other than the Senior Director, Customers and Casework and the General Counsel,

or a member of the Senior Leadership Team (other than the Senior Director, Customers and Casework and the General Counsel).

7. A meeting of the Committee will be deemed quorate if two of its members (or substitute members), including at least one of the non-executive Board Members (or substitute non-executive Board Members), are present.
8. The Committee may ask any Ofwat employee to attend to assist it with its discussions.
9. The Committee may ask any or all of those asked to attend a Committee meeting who are not members of the Committee to withdraw to facilitate open and frank discussion of particular matters.
10. The Committee will be provided with a secretariat function organised by the Board Secretariat.

Reporting

11. Minutes will be taken of each meeting of the Committee. The Committee will normally formally report back in writing, via its minutes, to the Board after each meeting.
12. In addition, the Chairman of the Committee will report its work to the Board as appropriate.
13. The Committee may decide its own procedures, provided those procedures are not inconsistent with the Board's rules of procedure and with these terms of reference.
14. In line with the procedures followed by Board and its other Committees, the Committee will conduct an annual effectiveness review, which may involve using a short questionnaire. This will form part of the annual reporting to Board.

Responsibilities

15. The responsibilities of the Committee are to make certain final decisions in strategic cases.
16. For the purpose of the Committee's terms of reference, a "strategic" case is one formally labelled as a "strategic case" by the Executive. The Executive will

consult with the Chairman before deciding whether a particular case should be designated as a “strategic” case.

17. For the purposes of the Committee’s terms of reference, a relevant “final decision” is one formally designated as a “final decision” by the Senior Director, Customers and Casework (and the Senior Director, Customers and Casework may decide that there is more than one “final decision” in the same case).
18. For the avoidance of doubt, the Board has delegated to the Committee any decision which might otherwise come to Board under Annex C, section (b) of the Board’s Rules of Procedure, provided that decision falls within the remit of the Committee. However, that does not prejudice the Committee’s discretion to voluntarily refer any such decision back to the Board, where the Committee deems that to be appropriate.