

Governance process as adopted by the Board of RWD 28 March 2019

Process

The following provisions sets out the processes to be followed in order to make amendments to the Scheme Rules.

A. Minor changes:

RWD may make minor/administrative changes to the Scheme Rules provided that the proposed amendment does not affect the Primary Principles.

Note: a proposal to increase a time limit will be treated as a minor change. Any proposal to shorten a time limit will be treated as a change affecting the Primary Principles.

Mechanism:

Minor Changes

1. The proposed minor change to be notified by RWD (with reasons for amendments and proposed date changes to come into effect) to:
 1. companies' lawyers or delegated directors/officers;
 2. the ADR Panel; and
 3. the service provider (which runs the scheme).
2. Parties (companies/Panel/ the service provider) have 15 working days to raise objections.
3. On receipt of an objection to a proposed minor change RWD may:
 1. accept the objection and amend or withdraw the proposed minor change;
or
 2. reject the objection and proceed to make the proposed minor change.
4. Where RWD rejects an objection, it shall notify the party concerned and give reasons for the decision and allow a further 10 working days before implementing the proposed change to allow the party concerned to make further objections. If the party concerned notifies RWD within 5 working days that it is not satisfied with the reasons given and/or raises further objections, RWD will refer the matter to the ADR Panel and the procedure applying to major changes (see Section B) shall apply.
5. Minor changes can be initiated by RWD and/ or by recommendation by the Panel, and/or a company and/or the service provider.

B. Changes affecting Primary Principles

1. RWD shall not make changes to the Scheme Rules in relation to any matter affecting a Primary Principle unless the proposed change or changes have been considered and recommended by the ADR Panel as being necessary for the continued independence and/or effectiveness of the Scheme.

Examples of changes to affecting a Primary Principle include (but are not limited to) the following:

- a. Rule 1.5: “the Scheme is free of charge to customers”
 - b. Rule 2.1: eligibility to use the Scheme
 - c. Rule 3.3: list of type of disputes that can be referred to the Scheme
2. RWD and/or an individual company may make a recommendation to the ADR Panel for a proposed change to a Scheme Rule that affects a Primary Principle.
 3. On receipt of a recommendation from RWD and/or an individual company and/or the service provider the ADR Panel will consider the proposal and will undertake such consultation with interested parties as it considers appropriate.
 4. Having considered any comments and/or objections the ADR Panel will make a recommendation to RWD regarding the proposed change;
 5. Where RWD reject any such recommendation it must publish its reasons on the company’s website and confirm to member companies its reasons for rejection
 6. If, on receipt of a recommendation from RWD and/or an individual company and/or the service provider, the ADR Panel is not minded to agree the proposed amendment it will give reasons to RWD for its rejection.

Note: The Panel may in accordance with its Terms of Reference, make recommendations on its own account to RWD.