Central Arbitration Committee

Annual Report 2013–2014

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Appendices

INVESTORS IN PEOPLE

This report of the activities of the Central Arbitration Committee (CAC) for the period 1 April 2013 to 31 March 2014 was sent by the Chairman of the CAC to the Chair of Acas on 23 June 2014 and was submitted to the Secretary of State for Business, Innovation & Skills on 24 June 2014

Chairman's Review of the Year

Sir Michael Burton
Chairman

After an increase in the number of applications for trade union recognition for two years running, the number fell to 30 in 2013-14. I am not convinced that this tells us anything about the employment relations climate as, since 2000, I have always found myself reporting peaks and troughs. The number of applications is the same as it had been in 2010-11, after which it increased noticeably in the subsequent two years. It is perhaps unlikely that we will repeat the 118 applications we received in 2001-02, when the recognition legislation was still fresh, and it may just be that inconsistency is the nature of the business in which the CAC finds itself.

As is recorded later in this Report, the way in which applications have proceeded is little changed. Most applications are accepted, possibly indicating that trade unions are now fully cognisant of the requirements they need to meet at this stage in the process. The majority of bargaining units are agreed, applications for recognition without a ballot are largely successful and ballot results conform to the established pattern of roughly two thirds of them resulting in recognition. As the first step in a relationship, the dominant tendency is for the parties to agree the method of bargaining, the procedure agreement that determines their negotiating machinery.

Last year I described in some detail the incidence of voluntary agreements, concluded after the statutory process had been invoked, which hid behind our broad category of 'withdrawn' applications. It is one of the original principles of the legislation that the parties should be given the opportunity to agree specific disputed issues during the process or recognition itself, with or without the assistance of Acas or ourselves.

By way of indication that this continues, in the past year 35 recognition cases were closed and, of those, 11 were for the reason that the parties had agreed recognition. That compares with

eight applications for which recognition was declared and a method of bargaining agreed or decided. The statute is therefore still operating in the fashion anticipated.

Another noteworthy factor from the last year, although to describe it as a trend may be overstating its significance, is that the number of disclosure of information complaints rose from six to 11. For legislation that was first introduced in 1977, it is interesting that it still has its uses some 37 years later, with employers and unions encountering the occasional difficulty in their relationships. As always, these complaints are frequently resolved, with the CAC remaining studiously reluctant to issue formal decisions.

Judicial Reviews and Appeals

There have been no appeals in the past year to the EAT against CAC decisions, but one application for judicial review is nearing a conclusion. I mentioned in last year's Report that an application for judicial review had been submitted in respect of the CAC decision in *TUR1/823/(2012) The Pharmacists' Defence Association Union & Boots Management Services Ltd*. The CAC decision was that paragraph 35 of Schedule A1, which stipulates that an existing collective agreement with another trade union may block the CAC from considering an application for recognition, did not render the application inadmissible. Permission was granted by the Administrative Court for the application to proceed to a full hearing, which took place in October 2013. A second CAC decision was issued, that the application for recognition should be accepted, but any further action was stayed, with the agreement of the parties, until the Administrative Court proceedings had concluded. That second decision was not challenged.

The Court's judgment was issued in January 2014 and the Judge's crucial finding was that, in seeking to interpret the statute in a way that was consistent with the Human Rights Act, the CAC had exceeded the permissible range of outcomes stipulated in the precedent House of Lords case. The Judge's final order has not yet been issued as there is to be another hearing to consider whether the Judge should declare the incompatibility of Schedule A1, or one or more of the specific provisions within it, with the Human Rights Act.

I have never taken the narrow view that the only measure of 'success' for the CAC is its ability to withstand challenges in higher courts. As a dispute resolution body with legal powers I have always felt that a broad view of outcomes is required; for example, voluntary agreements are as important as statutory declarations. This case presented the CAC with an unusual set of circumstances and some novel arguments. These are challenges that we may occasionally have to meet and the fact that the Administrative Court may not (at least at first instance) support our interpretation does not undermine the process. In fact, judicial review judgments are useful in establishing legal points and in providing feedback on the quality of decisions.

The Committee and Secretariat

We held a successful AGM in late 2013, after a decision to hold such a meeting (ordinarily) every two years, rather than annually, and I always welcome these opportunities to meet and exchange views with the Deputy Chairmen and Members. The highlight of the meeting was a presentation by Kay Carberry, TUC Deputy General Secretary, with her view of the current employment relations scene and we were very grateful for the insight she provided.

The appointments of two CAC Members came to an end on 31 March 2014. They were Simon Petch and Dennis Scard, both Worker Members. Simon had been a Member since 2000 and Dennis since 2002 and I am most grateful to them for their commitment and support over

those periods. Diana Palmer, an Employer Member since 2000, resigned in 2013 and I am similarly grateful to her for her contribution.

The appointment of one of our Deputy Chairmen, Professor Roy Lewis, also came to an end on 31 March 2014. Roy joined the CAC in 2000 and handled, Bradman-like, 99 cases across all jurisdictions. Those were primarily recognition cases, and included a number of decisions which helped to establish our position in relation to some of the greyer areas in the statute, but also some challenging assignments in relation to the Information and Consultation Regulations and European Works Councils. I have much appreciated the decisive and coherent way he handled CAC applications and his contribution to our policy formulation.

I was greatly saddened to learn of the death, in April 2014, of my predecessor Professor Sir John Wood CBE who was Chairman of the CAC in its previous incarnation from 1976 to 1999. Sir John enjoyed a long association with the employment relations sphere, going back to the 1960s, had a wide portfolio of interests and was a uniquely influential figure particularly in the area of national-level collective bargaining. He must be given great credit for establishing the CAC as a dispute resolution body with legal powers which it used only with reluctance. I have been happy to continue that tradition. I was also sad to hear of the death of one of our former Members, Eamonn Barry, who left the Committee in 2011. Eamonn was always an enthusiastic supporter of the CAC and made telling contributions at our meetings.

I mentioned in last year's Report that there was an ongoing discussion between the Department for Business Innovation and Skills (BIS) over the appointment terms of CAC Deputy Chairmen and Members. The motivation for this was the Government's intention to move away from the automatic renewal of public appointments. My concerns were that this affected the legitimate expectations of those concerned and would lead to the loss of accrued experience, and that the revised policy could be seen as compromising judicial independence. After a lengthy exchange, the Department's final position, which I can support, was to achieve a compromise by way of the introduction of a revised further five year term of appointment for all Deputies and Members with the expectation of one further such reappointment. The only disadvantage of this is that a small number of Members will leave the CAC at an earlier age than will have been the case.

As always in this review, I must offer my thanks to the Chief Executive, Simon Gouldstone, and all the staff in the Secretariat, who continue to work behind the scenes to support the Committee Members and myself, and the parties to our cases. I do not underestimate the contribution they make to ensuring the processes work smoothly for all concerned.

Sir Michael Burton
Chairman

Membership of the Central Arbitration Committee at 31 March 2014

Chairman

Sir Michael Burton

Deputy Chairmen

Christopher Chapman	Arbitrator and Chairman of the Regulatory Committees of the ACCA
Professor Paul Davies QC FBA	Allen & Overy Professor of Corporate Law, University of Oxford
Professor Linda Dickens MBE	Emeritus Professor of Industrial Relations, University of Warwick Arbitrator & Mediator
Professor Lynette Harris	Professor of Human Resources Management, Nottingham Business School, Nottingham Trent University, Arbitrator & Mediator
Professor Roy Lewis	Barrister, Arbitrator & Mediator
Professor Kenneth Miller	Professor of Employment Law, University of Strathclyde
Professor Gillian Morris	Honorary Professor, University College London in the Faculty of Laws, Barrister, Arbitrator & Mediator
Professor John Purcell	Visiting Professor, Bath University Arbitrator & Mediator
Her Honour Judge Stacey	Circuit Judge

Members with experience as representatives of employers

Len Aspell	Director, HSBC Bank Pension Trust (UK) Ltd, Formerly Group Head of Employee Relations, HSBC Group
David Bower	HR Consultant & Former Group Personnel Director, Rover Group Ltd
Mike Cann	Former National Negotiator, Employers' Organisation for Local Government
Maureen Chambers	HR Consultant
David Crowe	Human Resources Consultant

Simon Faiers	Director, Energypeople Former Head of Human Resources, Eastern Group plc
George Getlevog	MD, GHR, HR Consultancy Services Ltd
Rod Hastie	Human Resources & Copyright Consultant
Robert Hill	Former Executive Director of Personnel, Ford Motor Company
Jean Johnson	Former Director of Human Resources, The Law Society
Bill Lockie	Human Resource Advisor, Former Head of Employee Relations and Compensation, HJ Heinz Co Ltd
Arthur Lodge	Former Human Resources Director, Allied Bakeries Ltd
Peter Martin	Employment Relations Consultant
Jackie Patel	Former Human Resources Director, Delta Crompton Cables
Michael Regan	Formerly Senior Vice President of Human Resources, AB Electrolux
Roger Roberts	Employee Relations Consultant, Former Employee Relations Director, Tesco Plc
Maureen Shaw	Former Director of Personnel Services, University of Aberdeen
Michael Shepherd	Human Resource Consultant, Former Sector HR Director, Rexam PLC, Employment Tribunal Member
Bryan Taker	Former Head of Law and Human Resources at Hilton International Plc
Paul Wyatt	Employee Relations Consultant, Former Head of Employee Relations, Reuters Ltd Chair of FalCare Trustee of Cornwall Film Festival

Members with experience as representatives of workers

Chris Ball	Chief Executive, The Age and Employment Network
Sandy Boyle	Former Deputy General Secretary, UNIFI
Virginia Branney	Employment Relations Consultant & Mediator
Dennis Cameron	Former Assistant General Secretary, TSSA
Gail Cartmail	Assistant General Secretary, Unite the Union
David Coats	Research Fellow, The Smith Institute
Paul Gates OBE	Former Deputy General Secretary, Community
Michael J Leahy OBE	Former General Secretary, Community
Bronwyn McKenna	Assistant General Secretary, UNISON
Judy McKnight CBE	Former General Secretary, Napo
Lesley Mercer	Director of Employment Relations & Union Services, CSP
Simon Petch	Former General Secretary, Connect
Robert Purkiss MBE	Employment Tribunal Member, Former Chair of European Monitoring Centre for Racism and Xenophobia, Former National Secretary, TGWU
Dennis Scard	Former General Secretary, Musicians' Union
Keith Sonnet	Former Deputy General Secretary, UNISON
Paul Talbot	Former Community Media and Government Affairs
Gerry Veart	Former National Secretary, GMB
Malcolm Wing	Former UNISON National Secretary, (Negotiations & Services Groups)

Chief Executive's Report

Simon Gouldstone
Chief Executive

Performance

For the first time in three years I have to report a fall in the workload although, as history shows, the level of applications to the CAC has always been subject to a degree of volatility. I am satisfied, however, that we have been able to maintain, and in some respects improve upon, our standard of performance.

The starting point for any assessment of performance is the users' survey; all the parties to our cases, be they employers, trade unions or individual employees, are invited to submit their views, anonymously, once a case has closed. For cases that concluded in 2013-14, all respondents stated that their overall level of satisfaction with the way the CAC handled their case was satisfactory or better. Behind the headline, most users found our written information useful, our staff helpful, the arrangements for, and conduct of, hearings satisfactory and that the CAC took appropriate steps to encourage the parties to reach a voluntary agreement. It is a significant achievement to receive such positive feedback, given that we dealing with complex statutes and a process that can sometimes be confrontational.

We continue to measure the elapsed time for a recognition case, the period between the date an application is received and the date a declaration of recognition (or non-recognition as the case may be) is issued. For 2013-14 the average was 25 weeks compared with last year's figure of 29 weeks. This is within the range we customarily expect but, in view of the lower caseload, it would be misleading to attribute undue weight to this figure.

We still ensure that members of staff are readily available to answer telephone enquiries and, in the past year, we received 247 enquiries relating to all our jurisdictions but primarily trade union recognition.

Development activities

Knowledge-sharing continues to be a significant and continuing activity. We continue to maintain an internal database and an external website, and a secure area of the website for the use of our Deputy Chairmen and Members.

We mentioned last year that 18% of the respondents to our users' survey stated that they had not used the website and, perhaps disappointingly, that figure was unchanged for 2013-14. The content of the web site is currently under review as it will move to the gov.uk platform at some point in 2014-15 and we hope this may contribute to increased access to our information and guidance.

Stakeholders

We have continued to keep in touch with major stakeholders, such as BIS (the Department for Business Innovation and Skills) and in particular also some of the trade unions that most frequently submit applications. For the most part this is by way of informal contact as there have been no issues raised over the CAC's operational performance in the past year.

Public interest

The CAC is committed to openness of information on its activities. The website provides a wide range of information and we update it regularly. We continue to publish all CAC decisions, within a short period after they have been issued to the parties concerned, and have made available, in electronic form, decisions of a more historic interest. We maintain a library of decisions from the CAC and its predecessor bodies, dating back to the Industrial Court in 1919, which members of the public are welcome to consult by appointment.

The CAC remains ready to honour its responsibilities under the Freedom of Information Act and, in the past year, received two requests under that provision. Both were answered within the prescribed timescale.

Administration and accountability

CAC Costs

CAC expenditure in 2013-14 was significantly lower than in 2012-13. Although we continue to be vigilant in controlling costs generally, the reason for the decrease was the declining level of applications. We were, however, able to hold an Annual General Meeting in late 2013. A summary of the CAC's expenditure is given in Appendix 2.

Governance

The CAC's secretariat and other resources are provided by Acas, and the CAC complies with Acas corporate governance requirements. The relationship with Acas is set out in a Memorandum of Understanding, which is refreshed periodically. Although those who work for the CAC are Acas members of staff, the CAC, because it is operationally distinct from Acas, has always secured separately IIP status. I am very pleased to be able to report that our accreditation was renewed in early 2014 for a further three years.

Equality

The CAC has a responsibility to conduct its affairs fully in accordance with the principles of fair and equitable treatment for its members, staff and users. In providing services, we ensure that our policies and practices do not discriminate against any individual or group and, in particular, that we communicate information in a way that meets users' needs. In view of the fact that the CAC is resourced by Acas, the CAC is covered by the Acas Equality and Diversity Policy and aligns itself with Acas's published equality objectives. Those documents are available on the Acas website (acas.org.uk).

Simon Gouldstone
Chief Executive

The CAC's Caseload in 2013-14

Trade Union Recognition

In the year ending 31 March 2014, the CAC received 30 applications for trade union recognition under Part I of the Schedule[1]. This compares with 54 in the previous year and 43 two years ago. There were no applications under Parts II to VI of the Schedule.

It is perhaps difficult to draw authoritative conclusions about trends in the context of a lower caseload but it might be of interest to see how the characteristics of the applications line up against the various yardsticks we have used in previous years. Where employer size is concerned, the proportion of applications involving employers of fewer than 200 workers was 52%; this far exceeds the comparative figure for 2012-13 of 24% and is more in line with the figures for the two years before that of 45% and 46%. The range of employer size was 32 workers to over 21,000. The average size of a bargaining unit was 91 workers, again a stark contrast to last year's figure of 174. The average size of bargaining units has, however, ranged, in the past four years, from 87 workers to 261. The proportion of applications involving a bargaining unit of 100 workers or fewer was 70% compared with 80% in 2012-13. The manufacturing, transport and communication sectors continue to account for the majority of applications for recognition and those sectors, taken together, represented 85% of the applications compared with 41% in 2012-13. That is a significant increase and is perhaps explained by the absence of applications from other sectors, as happened last year, such as companies operating residential care facilities. Applications were received from eight different trade unions compared with nine in the previous year.

In 2013-14, 24 applications were subject to a decision as to whether they should be accepted, the first stage in the statutory process, and, of those, 23 were accepted and one was not. The proportion of applications accepted, at 96%, was well above the historical average of 85%. In the one case in which the application was not accepted, the reason was that there was insufficient evidence that a majority of workers in the bargaining unit would be likely to favour recognition of the union. Nine applications were withdrawn at this stage, three for the reason that the parties had reached a voluntary recognition agreement. Two of the withdrawn applications were later resubmitted.

We described in last year's Report the CAC decision in *TUR1/823/(2012) The Pharmacists' Defence Association Union & Boots Management Services Ltd*. In that case the Company had submitted that there was an existing collective agreement with another trade union in force which, in accordance with paragraph 35 of the Schedule, precluded the CAC from proceeding with the application for recognition. The Panel's decision was that as the existing agreement did not cover the statutory minima of pay, hours and holidays, and in the light of the decision of the European Court of Human Rights in *Demir and Baykara v Turkey [2009] IRLR 766*, the application for recognition was not rendered inadmissible under paragraph 35 of the

1 Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992, inserted by the Employment Relations Act 1999 and amended by the Employment Relations Act 2004

Schedule. The Company subsequently submitted an application for judicial review of that decision; permission to proceed with the application was granted and a hearing took place in the latter part of 2013. At the time of publication of this Report, the Court's final judgment had not been issued.

The second stage in the process requires an agreement, or a decision from the CAC, as to an appropriate bargaining unit. In line with the pattern in recent years, in which agreements on an appropriate unit have exceeded the number of decisions, there were, in 2013-14, 12 agreements and six decisions. At this stage, five applications were withdrawn, three because the parties reached a voluntary agreement on recognition. There were four subsequent decisions that applications were invalid in situations in which the agreed or determined bargaining unit differed from a union's proposed bargaining unit. In those cases, the panel concerned was not satisfied that there was sufficient evidence that a majority of the workers in the respective bargaining units were likely to support recognition of the union concerned for collective bargaining.

The next stage in the process is for the CAC to decide if recognition without a ballot should be declared or a ballot held. There were three decisions, in 2013-14, to declare recognition without a ballot and one decision that a ballot should be held where a trade union had in membership a majority of workers in the bargaining unit. The subsequent ballot in the latter case supported recognition of the trade union. Since the inception of the trade union recognition provisions in 2000, there have now been 153 cases in which a union has claimed majority membership in the agreed or determined bargaining unit. The CAC has declared recognition without a ballot in 118 (77.1%) of those cases.

Four ballots were held, three resulting in recognition and one not. The number of ballots resulting in recognition was higher than the historical average of 63%. The average participation rate in a CAC-commissioned ballot remains at 76%. The CAC was not called upon to adjudicate on any complaints that a party had used an unfair practice during the balloting period. There is a final opportunity at this stage, and before the balloting provisions have been triggered, for the parties to reach a voluntary agreement and, in the past year, that happened on five occasions.

The final stage in the process is for the parties to agree, or the CAC to determine, a method of bargaining. As always, the parties come to agreements in the overwhelming majority of cases; the figures for 2013-14 were eight agreements and one decision.

There were no new applications under Parts II to VI of the Schedule and no applications under those jurisdictions carried forward from 2012-13.

Disclosure of Information

The CAC deals with complaints by trade unions that an employer has failed to disclose information for the purposes of collective bargaining under section 183 of the Trade Union and Labour Relations (Consolidation) Act 1992.

The number of new complaints received from April 2013 to the end of March 2014 was 11 which was higher than the average for the five years from 2009 to 2013 of seven. The CAC also continued action on three cases carried forward from the previous year.

Our approach of encouraging the parties towards the voluntary resolution of disclosure complaints is well established and the parties are always offered the chance to meet informally under the CAC's auspices. Of the eight cases closed by 31 March 2014, four involved informal meetings. In these, the Chairmen of the Panels met the parties to explore ways of resolving the issues of non disclosure. Meetings also provided the opportunity to try to resolve wider issues in the working relationship between parties. Section 183(2) of the Act provides the CAC with a duty to refer complaints to Acas where we are of the opinion that the complaint is reasonably likely to be settled by conciliation. The conduct of disclosure of information cases this year suggests, as in past years, that the CAC working in partnership with Acas to resolve disputes is helpful to the parties. There was Acas involvement in two of the four informal meetings this year.

The overwhelming majority of complaints under the disclosure of information provisions are resolved without the need for a formal determination by the CAC. As in the previous two years, there were no formal hearings in the year to 31 March 2014.

Given the confidential nature of informal meetings it is not possible to publish full details of the issues involved but the following paragraphs give a summary of the types of information requested by trade unions and the collective bargaining purposes for which the requests were made.

- In one case, a trade union sought information on pay with a view to establishing if workers were receiving the correct amount of holiday pay (which was related to average pay). The purpose of the request was to allow the union to represent the relevant workers in collective bargaining. The issue of non-disclosure was resolved between the parties without the need for a meeting.
- In another case, a union requested information on hours worked and earnings, manpower and savings from increased productivity. This was to enable the union to decide what to include in its pay claim. The complaint was also resolved without an informal meeting taking place.

- In two other cases a union sought information to assist in preparing its annual pay claim. The information requested included details of profit margins, wage bills and other payments made to workers and examples of contracts and benefits packages. Both cases were resolved when the employer provided the information that the union had requested with one of the cases involving an informal meeting.
- One complaint followed management proposals to change travel and subsistence and other allowances with the aim to reduce expenditure on such allowances. The trade union requested information on the current spending on the allowances in order to assess the impact of the proposals and to enable it to formulate its own proposals. This complaint was resolved following a CAC hosted informal meeting.
- A union, in another complaint, requested details on staff working overseas. The union held that without the requested information it was unable to negotiate effectively for those staff. In particular, the union wished to assess whether overseas-based posts were accessible to part time staff and whether staff were being correctly graded. This complaint was also resolved after an informal meeting during which the employer agreed to provide specific anonymised information.

The Information and Consultation of Employees Regulations 2004

The CAC received two fresh complaints one of which was concluded by being withdrawn and one by way of a decision. All decisions are available on the CAC website but the issues addressed are summarised below.

IC/46/(2013) Mr S Wright and Rolls Royce Plc

The complaint, under Regulation 22(1) was that the employer had failed to comply with the terms of a Negotiated Agreement. The applicant submitted that the employer had failed to consult employees on proposed restrictions to its Global Travel Policy which had provided for business class travel for flights over seven hours. The Panel concluded that the travel policy was not a "contractual relations arrangement" within the meaning of the Negotiated Agreement. The Panel also found that changes to the policy did not amount to "decisions likely to lead to substantial changes in work organisation", a further criterion in the Negotiated Agreement which determined whether the employer was obliged to inform and consult.

Requests under Regulation 7

The CAC received one further request from employees under Regulation 7 for the establishment of information and consultation arrangements. Under this process, which has been used 19 times since the Regulations came



into effect, employees make the request to the CAC which, in turn, passes on to the employer concerned the number of employees making the request without revealing their names.

Transnational Information and Consultation of Employees Regulations 1999

There were two new complaints both of which were concluded by way of CAC decisions. These are summarised below.

EWC/7/2012 Mr Haines and The British Council

The complaint under Regulation 21(1A) was that the employer had failed to provide information in a timely manner, and failed to provide sufficiently detailed information, in advance of European Works Council meetings. The applicant also submitted that the employer had failed adequately to inform and consult employees about the trial of a system for performance related pay. Although the applicant argued that this could have implications across Europe, the Panel decided that the trial did not constitute a "transnational matter" as it was confined to just one EU Member State, Romania. Therefore, the obligation to inform and consult under Regulation 18A(7) was not realised. The Panel further observed that pay, with the exception of equal pay, was excluded from matters on which the EU could legislate.

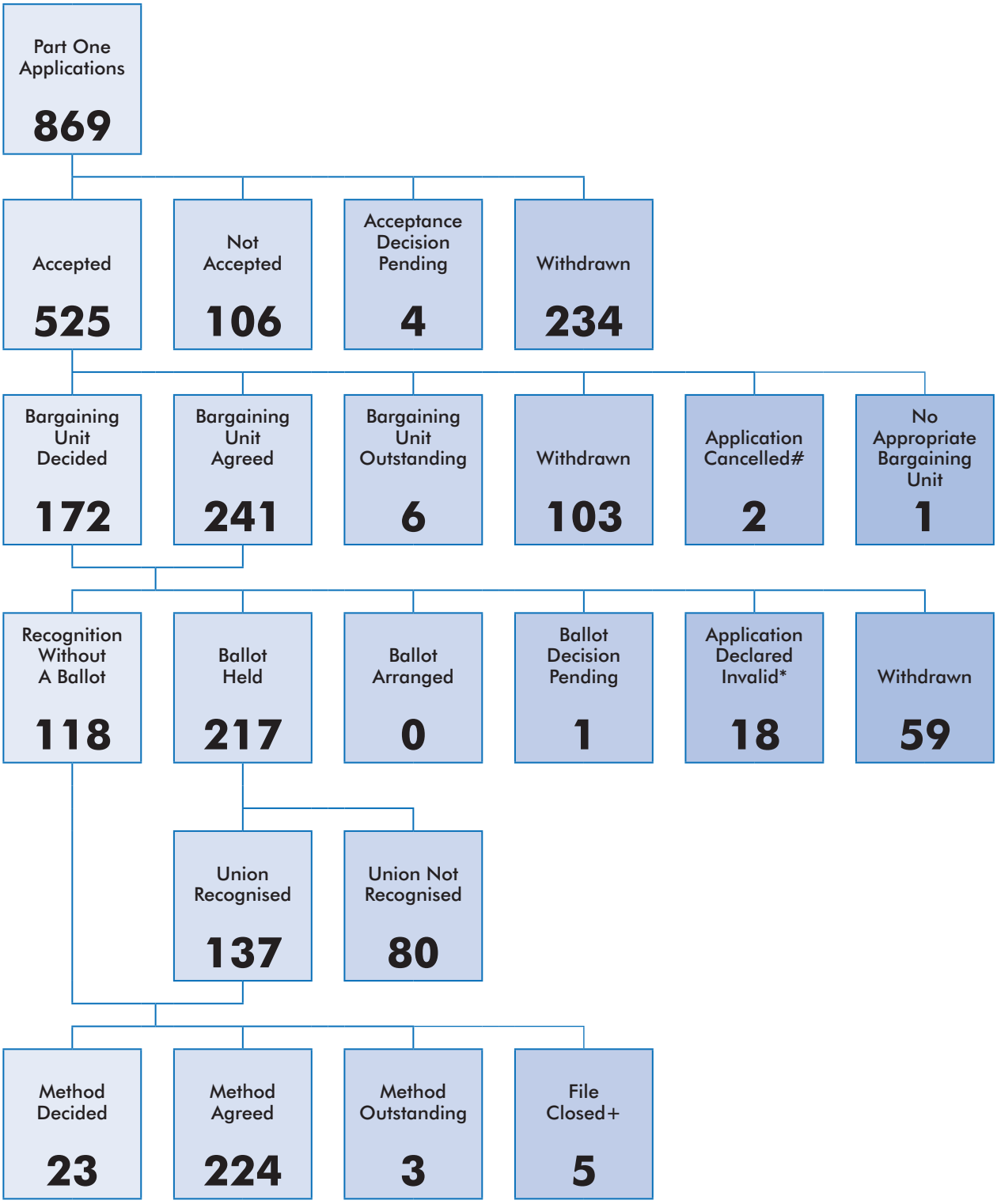
EWC/8/2013 Mr M Morgan & Mr King and SAFRAN Group

The complaint was originally brought under Regulation 18. Mr J Hayward of Unite the Union acted on behalf of the applicants who represented employees at two UK companies within the Safran Group, a French group of companies which had a European Works Council negotiated under French legislation. The complaint centred on documentation from the employer sent to all employees on 11 April 2013 which contained the final arrangements for the ballot to elect UK members of the Safran EWC. Unite submitted that the employer, in those final arrangements, had failed to comply with paragraph 4 of the subsidiary requirements set out in the Schedule to the Regulations by excluding candidates with less that 6 months' service. Further, the employer had not given priority to trade union nominated candidates as stipulated in the Safran EWC agreement. The Panel treated the complaint as one under paragraph 4(3) of the Schedule, that the arrangements for the ballot of UK employees were defective. The Panel concluded that the final arrangements for the ballot were, in fact, published later, on 1 May 2013, whilst paragraph 4(3) stipulates that a complaint can only be made within a 21 day period beginning on the date that the final arrangements are published. Therefore the complaint, dated 15 April 2013, was submitted too early and was dismissed. However, the Panel also provided observations on a number of matters including the operation of the subsidiary requirements where they form part of an agreement and whether consultation on ballot arrangements had been adequate.

Other jurisdictions

There were no applications under the European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009, the European Cooperative Society (Involvement of Employees) Regulations 2006 or the Companies (Cross-Border Mergers) Regulations 2007.

Progress Chart of Applications for Recognition



In accordance with paragraph 51 of Schedule A1 to the 1992 Act

* Application declared to be invalid following a change in the bargaining unit from the unit proposed by the trade union

+ Companies in liquidation

The CAC's Aims

Our role is to promote fair and efficient arrangements in the workplace, by resolving collective disputes (in England, Scotland and Wales) either by voluntary agreement or, if necessary, through adjudication. The areas of dispute with which the CAC currently deals are:

i. applications for the statutory recognition and derecognition of trade unions;

ii. applications for the disclosure of information for collective bargaining;

iii. applications and complaints under the Information and Consultation Regulations;

iv. disputes over the establishment and operation of European Works Councils;

v. complaints under the employee involvement provisions of regulations enacting legislation relating to European companies, cooperative societies and cross-border mergers.

The CAC and its predecessors have also provided voluntary arbitration in collective disputes. This role has not been used for some years.

Our objectives are:

1. To achieve outcomes which are practicable, lawful, impartial, and where possible voluntary.
2. To give a courteous and helpful service to all who approach us.
3. To provide an efficient service, and to supply assistance and decisions as rapidly as is consistent with good standards of accuracy and thoroughness.
4. To provide good value for money to the taxpayer, through effective corporate governance and internal controls.
5. To develop a CAC secretariat with the skills, knowledge and experience to meet operational objectives, valuing diversity and maintaining future capability.

Our performance measures and targets based on these objectives are:

- Proportion of applications for which notice of receipt is given and responses sought within one working day

  Target: 95% – *achieved 97%.*

  There was only one application for which this deadline was not met.

- Proportion of users expressing satisfaction with administration and conduct of the case and/or the procedural guidance provided to them

  Target: 85% – *100% of those who responded to the customer survey, which is sent to all users, rated their level of satisfaction as good or very good.*

- Proportion of written enquiries and complaints responded to within three working days

  Target: 90% – *100% of enquiries and complaints were handled within this timescale.*

- Proportion of Freedom of Information requests replied to within the statutory 20 working days

  There were two requests in 2013-14, one about the terms and conditions of members of staff and one about whether the CAC used any meat products in any catering service it provided. Replies to both requests were provided within the statutory timescale. The issue raised in the second request was not applicable to the CAC.

User Satisfaction

If you are asked for your views on any aspect of our service, we would appreciate your co-operation. But if you have comments, whether of satisfaction, complaint or suggestion, please do not wait to be asked. If you are dissatisfied with any aspect of our service, please let us know so that we can put things right. If you cannot resolve your problem with the person who dealt with you originally, please ask to speak to their manager or, if necessary, the Chief Executive who will investigate your complaint. If you wish to complain in writing, please write to:

Simon Gouldstone
Chief Executive
Central Arbitration Committee
22nd Floor
Euston Tower
286 Euston Road
LONDON
NW1 3JJ

In the event of any complaint, we hope that you will let us try to put things right. But if necessary you can write to your MP, who can tell you how to have your complaint referred to the Parliamentary and Health Service Ombudsman.

Appendix i

Analysis of References to the Committee: 1 April 2013 to 31 March 2014

	Brought forward from 31 March 2013	***Received between 1 April 2013 and 31 March 2014***	***References completed or withdrawn***	***References outstanding at 31 March 2014***
Trade Union and Labour Relations (Consolidation) Act 1992:				
VOLUNTARY ARBITRATION s212	–	–	–	–
DISCLOSURE OF INFORMATION s183	3	11	8	6
TRADE UNION RECOGNITION				
Schedule A1 – Part One	19	30	35	14
Schedule A1 – Part Two	–	–	–	–
Schedule A1 – Part Three	–	–	–	–
Schedule A1 – Part Four	–	–	–	–
Schedule A1 – Part Five	–	–	–	–
Schedule A1 – Part Six	–	–	–	–
The Transnational Information and Consultation of Employees Regulations 1999:	1	1	2	–
The European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009:	–	–	–	–
The Information and Consultation of Employees Regulations 2004:	–	2	2	–
The European Cooperative Society (Involvement of Employees) Regulations 2006:	–	–	–	–
The Companies (Cross-Border Mergers) Regulations 2007:	–	–	–	–
Total:	23	44	47	20

Appendix ii

CAC Resources and Finance: 1 April 2013 to 31 March 2014

CAC Committee		
Committee Members		49
Of which	Chairman and Deputy Chairmen	10
	Employer and Worker Members	39
CAC Secretariat		
Secretariat staff		9
Committee fees, salary costs and casework expenses		£470,677
Other Expenditure		
Accommodation and related costs		£87,949
Other costs		£14,694
Total CAC expenditure from 1 April 2013 to 31 March 2014		£573,320

CAC Expenditure

The CAC's overall expenditure was lower than in 2012-13 which was to be expected in view of the reduced caseload. The only notable item of expenditure related to the Committee's Annual General Meeting in 2013, the first since 2011.

Acas, which provides the CAC with its resources, also apportions to the CAC budget the costs of depreciation and shared services. That apportionment is not included in the above figures but will be included in the Acas Annual Report and Accounts for 2013-14.

Appendix iii

CAC Staff at 31 March 2014 and Contact Details

Chief Executive	**Simon Gouldstone**
Operations Manager	**James Jacob**
Case Managers	**Nigel Cookson** **Adam Goldstein** **Sharmin Khan** **Linda Lehan** **Kate Norgate**
Finance Supervisor & Assistant Case Manager	**Mark Siriwardana**
Case Support and Administration	**Laura Leaumont**

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