Central Arbitration Committee: Application or Complaint under the Information and Consultation of Employees Regulations 2004

THIS FORM IS FOR AN EMPLOYEE OR EMPLOYEES’ REPRESENTATIVE WHO WISHES TO COMPLAIN THAT AN EMPLOYER HAS FAILED TO PROVIDE DATA ON THE NUMBER OF EMPLOYEES EMPLOYED BY THE UNDERTAKING IN THE UNITED KINGDOM OR THAT THE EMPLOYER HAS PROVIDED DATA WHICH IS FALSE OR INCOMPLETE

BEFORE COMPLETING THIS FORM, PLEASE READ THE EXPLANATORY NOTES AT APPENDIX 1

1. **Person making the complaint:**

**Your Name:**

**Are you:** An employee? An employees’ representative?

**Address for correspondence:**

**Telephone:**

**E-Mail:**

1. **Undertaking to whom the complaint applies:**

**Name of undertaking:**

**Name of contact:**

**Address:**

**Telephone:**

**E-Mail:**

1. **What was the date of your written request to the employer?**

***It would be helpful if you attached a copy of the letter to this form***

1. **Did the employer respond? Please answer yes or no.**

***If the employer responded in writing, it would be helpful if you attached a copy of the letter to this form***

1. **Do you wish to complain that the employer failed to provide the data you requested? Please answer yes or no.**
2. **Do you wish to complain that the employer provided data but that it was false or incomplete? Please answer yes or no.**
3. **If the answer to question 6 is YES, please give details of why you consider the data to be false or incomplete**

**Signature:**

**Date:**

**Appendix 1**

## Explanatory notes

**MAKING AN APPLICATION OR COMPLAINT TO THE CAC**

* **Check whether the CAC can deal with your problem**

The Information and Consultation Regulations provide for the CAC to consider applications or complaints from employers, employees and their representatives at several stages in the process of establishing or operating information and consultation arrangements. The full list of applications or complaints is in the CAC *Guide for Employers and Employees* which is available from the CAC at the contact points given at the foot of this page or the CAC website (www.cac.gov.uk).

There is a separate application form for each application or complaint. Please make sure you have the right one.

The Department for Business and Trade (DBT) has also published guidance which is available on the DBT website (www.gov.uk/dbt) and the Regulations can also be downloaded from the website of the Office of Public Sector Information (opsi.gov.uk).

* **Check that you understand the Regulations relevant to your application or complaint**

Appendix 2 to this form contains a summary of the Regulations relevant to this application but it is not an authoritative statement of the law. You may wish to consult the Regulations themselves or the CAC or DBT guidance.

* **Completing the form:**

**Question 1 and 2 on the application form**

Give your own contact details and those of the person to whom you sent the request for data.

**Question 3 and 4 on the application form**

Give the date on which you wrote to the employer and state whether the employer responded.

**Question 5 on the application form**

State whether you wish to complain that the employer did not provide the data you requested.

**Question 6 and 7 on the application form**

Complete these boxes if the employer provided data but you wish to complain that the data was false or incomplete.

* **Please sign and date the form and send it to:**

Central Arbitration Committee

PO Box 80600

London

E15 9JX

Telephone: 0330 109 3610

Email: enquiries@cac.gov.uk

* **What happens next?**

The CAC will copy your form and any attachments to the employer. If you have any supporting information which you regard as confidential, do not send it to the CAC at this stage.

The CAC will ask the employer to complete a response form and this will be copied to you. A CAC Case Manager will then be in touch with you to explain the next steps in the procedure. This may include attending a formal hearing with a CAC Panel.

The *CAC Guide for Employers and Employees* contains a detailed description of the way the CAC handles applications and complaints.

## Further guidance

The [CAC website](http://www.cac.gov.uk) contains a detailed guide to the legislation and the full text of published CAC decisions.

**Appendix 2**

**Summary of the Regulations relevant to this complaint**

(Please see the CAC *Guide for Employers and Employees* for an explanation of the types of complaints and applications that can be submitted to the CAC)

*Regulation 3*: The Regulations came into effect on 6 April 2005 and apply to undertakings in the United Kingdom with at least 150 employees. From 6 April 2007, the Regulations were extended to cover undertakings with 100 employees and, from 6 April 2008, those with 50 employees.

*Regulation 4*: The number of employees is determined by calculating the average number of employees employed in the previous 12 months. If the undertaking has been in existence for less than 12 months, the number is calculated on the number of months the undertaking has been in existence. An employee who works for 75 hours a month or less can be counted as half a full-time employee.

*Regulation 5*: An employee or employees’ representative may request data from the employer for the purposes of calculating the number of people employed by the undertaking in the UK. **The request must be in writing and dated**. The employer must provide data to enable the employee or representative to calculate the number of employees in the undertaking and the number of employees required to meet the threshold described in Regulation 7 below.

*Regulation 6*: An employee or employees’ representative may make a complaint to the CAC that the employer has **failed to provide the data** or that the **data provided is false or incomplete in a material particular**. If the CAC upholds the complaint it can order the employer to disclose specified data within a prescribed timescale. A complaint to the CAC cannot be made earlier than one month after the data was requested.

Regulation 7: An employer must initiate negotiations to establish information and consultation arrangements if a request is made by 2% of the employees in an undertaking. The 2% figure is subject to a minimum of 15 employees and a maximum of 2500.