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

THIS FORM IS FOR AN EMPLOYER OR A PERSON (WHO MAY BE AN EMPLOYEE, AN EMPLOYEES’ REPRESENTATIVE OR AN INFORMATION AND CONSULTATION REPRESENTATIVE) TO APPLY TO THE CAC FOR A DECLARATION AS TO WHETHER THE NATURE OF INFORMATION OR A DOCUMENT AN EMPLOYER HAS FAILED TO DISCLOSE IS SUCH THAT ITS DISCLOSURE WOULD SERIOUSLY HARM THE FUNCTIONING OF, OR WOULD BE PREJUDICIAL TO, THE UNDERTAKING

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

1. **Person making the application:**

**Your name:**

**Please state the capacity in which you are making the application:** Employer? Employee? Employees’ Representative? Information and Consultation Representative?

**Name of undertaking:**

**Address for correspondence:**

**Telephone:**

**E-Mail:**

1. **If you are an employee, employees’ representative or an information and consultation representative, please give details of the undertaking to which the application applies:**

**Name of undertaking:**

**Name of contact:**

**Address:**

**Telephone:**

**E-Mail:**

1. **If you an employer making the application, please give below the details of the employee, employees’ representative or information and consultation representative with whom you are in dispute:**

**Name:**

**Please state the position held by this person:** Employee? Employees’ Representative? Information and Consultation Representative?

**Address for correspondence:**

**Telephone:**

**E-Mail:**

1. **Do you consider that there is a negotiated agreement in place which conforms to the definition in the Regulations? Please answer yes or no.**
2. **What is the date of the agreement?**
3. **If there is no negotiated agreement in place, do you consider that the standard information and consultation provisions apply?**
4. **Give the date on which you believe the standard provisions applied:**
5. **Please give brief details of the information or document the employer has failed to disclose:**
6. **Please explain why you consider, or do not consider, that the nature of the information or document is such that, according to objective criteria, the disclosure of the information or document would seriously harm the functioning of, or would be prejudicial to, the undertaking:**

**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 *A Guide for Employers and Employees to the role of the Central Arbitration Committee* 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, 2 and 3 on the application form**

Applications under this Regulation can be made by an employer, employee, employees’ representative or information and consultation representative. Please complete question 1 as appropriate. If you are an employee or representative, please also fill in question 2. If you are an employer, please also fill in question 3.

**Question 4 and 5 on the application form**

State whether you consider that there is a negotiated agreement in place and the date of that agreement.

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

Alternatively, state whether you consider that the standard provisions apply and the date on which they applied.

**Question 8 and 9 on the application form**

Give details of the information or document the employer has failed to disclose and explain why you believe the information or document should, or should not be, disclosed.

* **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 other party. 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 other party 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.

*A Guide for Employers and Employees to the role of the Central Arbitration Committee* 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 *A Guide for Employers and Employees to the role of the Central Arbitration Committee* for an explanation of the types of complaints and applications that can be submitted to the CAC)

*Regulation 26:* This Regulation provides that an employer is not required to disclose any information or document where the nature of the information or document is such that, according to objective criteria, the disclosure of the information or document would seriously harm the functioning of, or would be prejudicial to, the undertaking.

It applies where action to establish information and consultation arrangements has been initiated under the Regulations which has resulted in a negotiated agreement or circumstances in which the standard information and consultation provisions apply.

Where an employer has not disclosed information or a document, an application can be made to the CAC to declare whether or not the information or document should be disclosed. The application can be made by (a) the employer or (b) an employee, employees’ representative or information and consultation representative. The appropriate person in (b) above will depend on the terms of the negotiated agreement or whether the standard information and consultation provisions apply.

If the CAC declares that information or a document should be disclosed, it can specify the nature of the information/document, the person(s) to whom it should be disclosed, the terms of any disclosure and the date by which it should be disclosed.