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

EMPLOYER RESPONSE FORM

CAC Case Number:

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

1. **Details of the person or undertaking making the response:**

**Your name:**

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

**Name of the undertaking:**

**Address for correspondence:**

**Telephone:**

**E-Mail:**

1. **Do you accept that there is a negotiated agreement in place in the undertaking? Please answer yes or no.**
2. **Do you accept that the Standard information and Consultation Provisions apply to your undertaking? Please answer yes or no.**
3. **If the person making the application has not accurately described the information or document the employer has failed to disclose, please explain what you consider to be that information or document:**
4. **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

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

* **Make sure you understand the application or complaint the employee has made**

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 has been sent to you with this form.

There is a separate application and response form for each application or complaint and the relevant Regulations are summarised at the back of the form. If you need any further information, please contact the CAC Case Manager whose contact details are in the covering letter.

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).

* **Completing the form:**

**Question 1 on the application form**

Please give your contact details as this will help us to ensure there is no delay in contacting you.

**Question 2 and 3 on the application form**

State whether you accept that there is a negotiated agreement in place or that the standard information and provisions apply.

**Question 4 on the application form**

If you consider that the person making the application has not accurately described the information or document the employer has failed to disclose, please state what you consider to be the information or document.

**Question 5 on the application form**

Please explain why, in accordance with the criteria laid down in the Regulations, you believe the information or document should, or should not be, disclosed.

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

Central Arbitration Committee

PO Box 80600

London

E15 9JX

Telephone: 0330 109 3610

Email: [enquiries@cac.gov.uk](mailto:enquiries@cac.gov.uk)

* **What happens next?**

The CAC will copy your form and any attachments to the person who has made the application to the CAC.

The 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 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.