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 undertaking:**

**Name of undertaking:**

**Your name:**

**Your position:**

**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. **Do you accept that the person making the application is a representative under either a negotiated agreement or the Standard information and Consultation Provisions? Please answer yes or no.**
4. **If the answer to question 4 is NO, please explain why:**
5. **Do you accept that you provided information or a document to the person making the application and that you required him/her to hold it in confidence? Please answer yes or no.**
6. **If the answer to question 6 is NO, please explain why:**
7. **If your answer to question 6 is YES, please explain why you believe it was reasonable to require the recipient to hold the information or document in confidence or to restrict disclosure on terms that you specified:**

**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 and 5 on the application form**

State whether you accept that the person making the application is a ‘recipient’ for the purposes of the Regulations and, if not, why not.

**Question 6, 7 and 8 on the application form**

Please explain whether you provided information or a document to the recipient and required him/her to hold it in confidence, and, if so, why you consider that to be reasonable.

* **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

* **What happens next?**

The CAC will copy your form and any attachments to the employee.

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 25:* This Regulation covers a situation where an employer, pursuant to its obligations under the Regulations, provides information or a document to a ‘recipient’ and requires the recipient to hold the information or document in confidence or will only allow disclosure on specific terms. An employer will have an obligation to provide information 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. A ‘recipient’ will therefore be a representative holding a role under a negotiated agreement or an information and consultation representative elected in accordance with the standard information and consultation provisions.

A ‘recipient’ can apply to the CAC for a declaration as to whether it was reasonable for an employer to require the recipient to hold the information or document in confidence or to restrict disclosure on terms stipulated by the employer.

The CAC must decide whether the disclosure of the information or document would, or would be likely to, harm the legitimate interests of the undertaking. The CAC can in consequence declare whether or not the information or document should continue to be held in confidence.