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

THIS FORM IS FOR A RECIPIENT TO WHOM INFORMATION OR A DOCUMENT IS ENTRUSTED TO APPLY TO THE CAC FOR A DECLARATION AS TO WHETHER IT WAS REASONABLE FOR THE EMPLOYER TO REQUIRE THE RECIPIENT TO HOLD THE INFORMATION OR DOCUMENT IN CONFIDENCE

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:**

**Address for correspondence:**

**Telephone:**

**E-Mail:**

1. **Undertaking to which the application applies:**

**Name of undertaking:**

**Name of contact:**

**Address:**

**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 you have been asked to hold in confidence:**
6. **Please explain why you believe it was unreasonable for the employer to require you to hold the information or document in confidence:**

**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 and 2 on the application form**

Give your own details and those of the person who is dealing with the matter on behalf of the employer.

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

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

**Question 5 and 6 on the application form**

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

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

Give details of the information or document you have been required to hold in confidence and why you consider that to be unreasonable.

* **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 or its representative. 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 or representative 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 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.