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

THIS FORM IS FOR AN INFORMATION AND CONSULTATION REPRESENTATIVE, AN EMPLOYEE OR AN EMPLOYEES’ REPRESENTATIVE WHO WISHES TO COMPLAIN TO THE CAC THAT AN EMPLOYER HAS FAILED TO COMPLY WITH THE TERMS OF A NEGOTIATED AGREEMENT OR ONE OR MORE OF THE STANDARD INFORMATION AND CONSULTATION PROVISIONS

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

1. **Person making the complaint:**

**Your name:**

**Are you:** An information and consultation representative? An employee? An employees’ representative?

**Address for correspondence:**

**Telephone:**

**E-Mail:**

1. **Undertaking to which the complaint 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.**

*Note: A negotiated agreement is an agreement reached through negotiations, as provided for in Regulation 14, between the employer and the negotiating representatives following an employee request or an employer notification. The agreement must comply with the requirements of Regulation 16 - these are summarised in paragraph 18 of the CAC Guide.*

1. **What is the date of the agreement?**
2. **If there is no negotiated agreement in place, do you consider that the standard information and consultation provisions apply?**

*Note: The standard provisions come into effect where the employees make a request, or the employer issues a notification and either no negotiations take place or negotiations do take place but do not result in an agreement.*

1. **Give the date on which you believe the standard provisions applied:**
2. **Please explain below why you consider the employer has failed to comply with the terms of the negotiated agreement or one or more of the standard information and consultation provisions:**
3. **What was the date of the employer’s failure to comply with the terms of the negotiated agreement or one or more of the standard information and consultation provisions:**

**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 (see Appendix 2 for further information on what a negotiated agreement is). It would be helpful if you could attach a copy of the 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 (see Appendix 2 for an explanation of the circumstances in which the standard provisions apply).

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

Give details of why you consider the employer has failed to comply with the terms of the negotiated agreement or one or more of the standard information and consultation provisions, and the date on which the employer failed to comply.

* **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 22:* Where (a) a negotiated agreement has been agreed or (b) the Standard Information and Consultation provisions apply; a complaint may be presented to the CAC that an employer has failed to comply with the terms of the negotiated agreement or one or more of the Standard Information and Consultation Provisions. A complaint must be brought within a period of three months commencing with the date of the alleged failure. If the CAC finds the complaint well founded, it will make a declaration to that effect and may make an order requiring the employer to take the steps necessary to comply with the agreement or the standard provisions. If the CAC makes such a declaration, an applicant may make an application to the Employment Appeal Tribunal for a penalty notice.

A negotiated agreement is an agreement reached through negotiations, as provided for in Regulation 14, between the employer and the negotiating representatives following an employee request or an employer notification. The agreement must comply with the requirements of Regulation 16 - these are summarised in paragraph 18 of the CAC *Guide*. The standard information and consultation provisions are reproduced on page 25 of the CAC *Guide*.