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. **If the answer to question 2 is NO, please explain why:**
3. **Do you accept that the Standard information and Consultation Provisions apply to your undertaking? Please answer yes or no.**
4. **If the answer to question 4 is NO, please explain why:**
5. **If either a negotiated agreement is in place or the standard provisions apply, please give your response to the allegation that you failed to comply with the agreement or the standard provisions (as appropriate):**

**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 (within the meaning of the Regulations) in place in the undertaking. If your answer is ‘no’, please explain why and move to question 4.

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

State whether you accept that the standard provisions apply to your undertaking. If your answer is ‘no’, please explain why.

**Question 6 on the application form**

If you accept that there is a negotiated agreement in place or that the standard provisions apply, please give your response to the allegation that you failed to comply with the agreement or with one or more of the standard provisions.

* **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 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.*