Central Arbitration Committee

Annual Report
2014–2015

This report of the activities of the Central Arbitration Committee (CAC) for the period 1 April 2014 to 31 March 2015 was sent by the Chairman of the CAC to the Chair of Acas on 18 June 2015 and was submitted to the Secretary of State for Business, Innovation & Skills on 19 June 2015.

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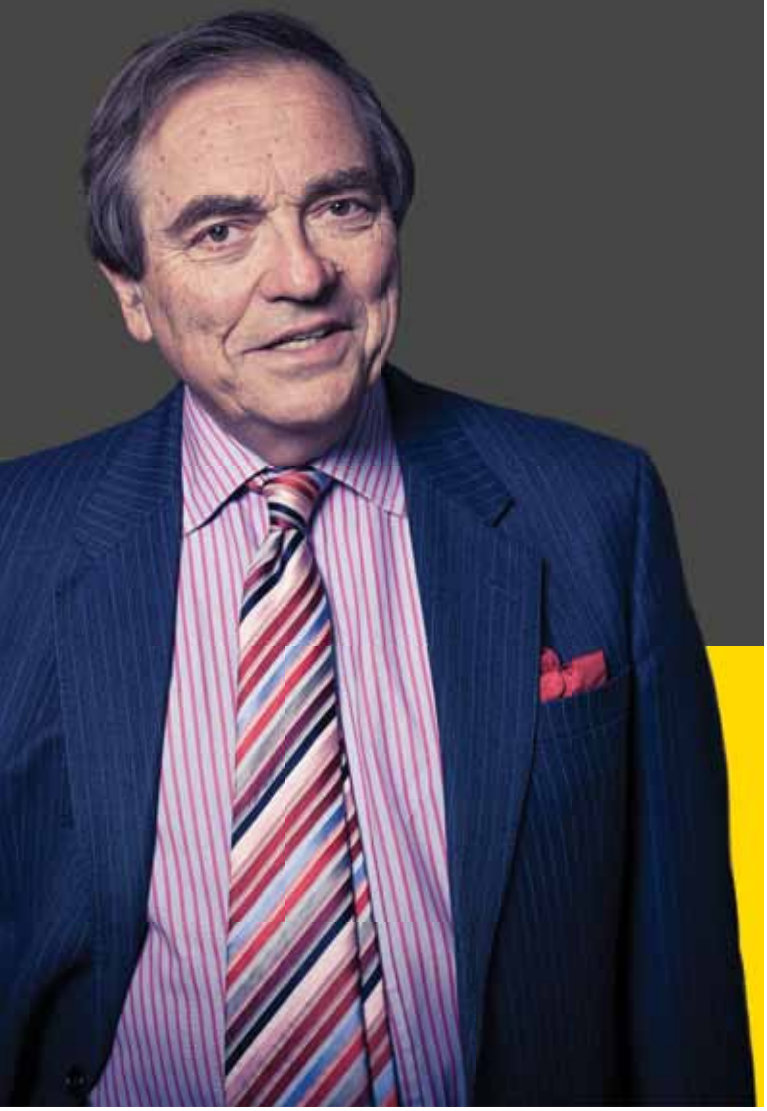
CHAIRMAN'S REVIEW OF THE YEAR

Sir Michael Burton
Chairman



I can begin by reporting a modest increase in the CAC's workload in 2014-15. The number of applications for trade union recognition rose from 30 to 38 and, once the other jurisdictions are taken into account, the total rose from 44 to 51. Applications under the other parts of the recognition legislation, including derecognition, were again notable by their absence. As always, our workload, year on year, is characterised by inconsistency.

As the recognition legislation approaches its fifteenth anniversary, the pattern in which applications have proceeded no longer shows significant changes. The result of the overwhelming majority of applications is acceptance; the occasional case needs a decision under one of the more challenging jurisdictional issues such as whether there is an existing collective agreement in force. Bargaining units are mostly agreed by the parties rather than requiring a decision from the CAC. In the past year recognition without a ballot was granted in all the applications that reached the third stage in the process and where members of the union concerned constituted a majority of workers. Five out of six ballots supported recognition, slightly above the historical average for CAC ballots, and we were required to issue just one decision on a method of bargaining.

I have commented before about the incidence of voluntary agreements, concluded after the statutory process had been invoked, and that this reflects one of the important original principles of the legislation that the parties should be given every opportunity to negotiate their own agreements. I am pleased to be able to report that this pattern continues. Recognition agreements were concluded in 12 of the 38 cases closed in 2014-15. This is in addition to agreements reached on specific issues at different stages in the statutory process, as to which further information is given later in this Report.

The number of disclosure of information complaints fell from 11 to 6 and, unusually, since most are normally resolved by agreement, one complaint was concluded by way of a CAC decision. This rare event is described in greater detail later in this Report. The European Works Council and Information and Consultation Regulations provided, as always, a handful of cases.

Judicial Reviews and Appeals

For the third consecutive report I have to refer to the application for judicial review in respect of the CAC decision in *TUR1/823/(2012) The Pharmacists' Defence Association Union & Boots Management Services Ltd*. The point this had reached last year was that the Administrative Court's first judgment, of January 2014, [[2014] EWHC 65 (Admin)] had been issued. The Judge found that in seeking to interpret the statute in a way that was consistent with the Human Rights Act, the CAC had construed or 'read down' the statutory scheme further than was permissible in the light of the House of Lords precedent relied on. There was to be another hearing to consider whether the Judge should declare the incompatibility of Schedule A1, or one or more of the specific provisions within it, with the Human Rights Act. The Secretary of State then intervened in the proceedings.

The Court's final judgment, of September 2014, [[2014] EWHC 2930 (Admin)] did not change the Judge's view that the CAC decision in favour of the union should be quashed. The Judge decided not to grant a Declaration of Incompatibility, as he concluded that the workers concerned could make an application to the CAC under Part VI of Schedule A1 to seek derecognition of the union that was a party to the collective agreement with Boots. I understand that permission has been granted to proceed to the Court of Appeal; a central point of the Union's appeal is that Part VI is inconsistent with the Human Rights Act, as it limits the right to submit applications for investigation to a worker and not a trade union. This is not scheduled to be heard until late 2015.

There have been relatively few applications for judicial review of CAC decisions since the recognition provisions came into effect in June 2000 and even fewer have had a material impact on the way the CAC has had to interpret the statute. The issue of a fresh application for recognition while there is an existing collective agreement has been one of the areas in the legislation which has led to much dispute and, at the very least, the Administrative Court has now provided a definitive interpretation of the provisions in question. This certainty is welcome, although I would not expect it to impinge upon the vast majority of CAC decisions.

There have been no further applications for judicial review this year.

As is recorded later in this report, an appeal was made to the Employment Appeal Tribunal in respect of a decision under the Information and Consultation Regulations 2004: *IC/47/(2014) Dr Jason Moyer-Lee, Mr Henry Chango and others & Cofely Workplace Ltd*. The CAC decision provides a definition of the term "undertaking" to fill a vacuum in the Regulations. The appeal seeks support for an alternative definition, so, whether or not the CAC decision is endorsed, the EAT may usefully be able to comment on a statutory lacuna.

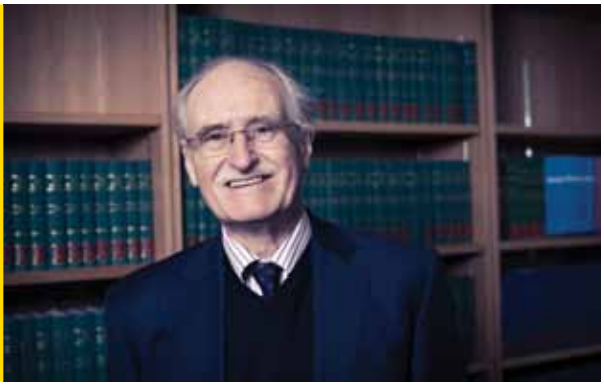
Once the CAC has made a decision for recognition, and, where appropriate, adjudicated upon and specified the method of collective bargaining, pursuant to paragraph 31(3) of Schedule A1 to the 1992 Act, our task is at an end, and any issue as to whether the employer has failed to comply with the specified method, and if so what sanctions should be imposed, is left as a matter for the High Court. Such a dispute is rare, but the High Court has recently ruled on such a dispute in *BALPA v JET2.COM Ltd* [2015] EWHC 1110 (QB), concluding that the employer was not in breach. The CAC welcomes the fact that in the vast majority of cases the collective bargaining methods which it imposes, or which are agreed, as a result of recognition, do not result in further litigation and hopefully contribute in some degree to greater harmony in the workplace than existed prior to the new statutory scheme introduced 15 years ago.

The Committee and Secretariat

The appointments of two CAC Members came to an end on 31 March 2015. They were Chris Ball and Dennis Cameron, both Worker Members. Chris had been a Member since 2005 and Dennis since 2000 and I am most grateful to them for their commitment and support over those periods.

Professor John Purcell

The appointments of two of our Deputy Chairmen, Professor Paul Davies and Professor John Purcell, also came to an end on 31 March 2015. John was a founder member of the reconstituted CAC in 2000 and Paul joined the pioneers a year later. By sheer, but serendipitous, coincidence, each of them handled exactly 100 cases across all jurisdictions. They both chaired panels in cases which developed precedents for different areas in the recognition provisions, and have made an invaluable contribution to the CAC, not only in the way they have handled cases but also in the way they were able to use their respective backgrounds to bring refreshingly divergent perspectives to our committee meetings.



Professor Paul Davies

The Department for Business Innovation and Skills (BIS) decided in the Autumn of 2014 to run a recruitment exercise for Deputy Chairmen and Members to allow the CAC to cover the departures from the Committee over the next few years. I was pleased to see that there was a considerable amount of interest in these positions and, although the exercise regrettably had not been completed at the date of this report, I look forward to welcoming the successful candidates at some point in 2015.

The Committee and I continue to value very highly the contribution made by the staff in the Secretariat, ably and enthusiastically led by the Chief Executive, whose wisdom and experience continues to be of crucial importance. I appreciate they have faced a challenging year in having to support all those associated with CAC applications and deal with the additional work created by Government initiatives such as the digitalisation of services.

I have had the privilege to have been Chairman of the CAC throughout the 15 years of its 'new' existence since 2000, and to have had the benefit not only of such assistance from the Chief Executive and staff but also from the panel of Deputy Chairmen and Members, who have consistently brought vigour, enthusiasm, commitment and independence to resolution of the applications before us, whether by making often difficult decisions or by encouraging and facilitating agreement between the parties.

Sir Michael Burton
Chairman

MEMBERSHIP OF THE CENTRAL ARBITRATION COMMITTEE at 31 March 2015

Chairman

Sir Michael Burton

Deputy Chairmen

Christopher Chapman	Arbitrator and Chairman of the Regulatory Committees of the ACCA
Professor Paul Davies QC FBA	Allen & Overy Professor of Corporate Law, University of Oxford
Professor Linda Dickens MBE	Emeritus Professor of Industrial Relations, University of Warwick Arbitrator & Mediator
Professor Lynette Harris	Emeritus Professor of Human Resources Management, Nottingham Business School, Nottingham Trent University, Arbitrator & Mediator
Professor Kenneth Miller	Professor of Employment Law, University of Strathclyde
Professor Gillian Morris	Honorary Professor, University College London in the Faculty of Laws, Barrister, Arbitrator & Mediator
Professor John Purcell	Visiting Professor, Bath University Arbitrator & Mediator
Her Honour Judge Stacey	Circuit Judge

Members with experience as representatives of employers

Len Aspell	Director, HSBC Bank Pension Trust (UK) Ltd, Formerly Group Head of Employee Relations, HSBC Group
David Bower	HR Consultant & Former Group Personnel Director, Rover Group Ltd
Mike Cann	Former National Negotiator, Employers' Organisation for Local Government
Maureen Chambers	HR Consultant
David Crowe	Human Resources Consultant
Simon Faiers	Director, Energypeople Former Head of Human Resources, Eastern Group plc
George Getlevog	MD, GHR, HR Consultancy Services Ltd

Rod Hastie	Human Resources & Copyright Consultant
Robert Hill	Former Executive Director of Personnel, Ford Motor Company
Jean Johnson	Former Director of Human Resources, The Law Society
Bill Lockie	Human Resource Advisor, Former Head of Employee Relations and Compensation, HJ Heinz Co Ltd
Arthur Lodge	Former Human Resources Director, Allied Bakeries Ltd
Peter Martin	Employment Relations Consultant
Jackie Patel	Former Human Resources Director, Delta Crompton Cables
Michael Regan	Formerly Senior Vice President of Human Resources, AB Electrolux
Roger Roberts	Employee Relations Consultant, Former Employee Relations Director, Tesco Plc
Maureen Shaw	Former Director of Personnel Services, University of Aberdeen
Michael Shepherd	Human Resource Consultant, Former Sector HR Director, Rexam PLC, Employment Tribunal Member
Bryan Taker	Former Head of Law and Human Resources, Hilton International Plc
Paul Wyatt	Employee Relations Consultant, Former Head of Employee Relations, Reuters Ltd, Chair of FalCare, Trustee of Cornwall Film Festival

Members with experience as representatives of workers

Chris Ball	Chief Executive, The Age and Employment Network
Sandy Boyle	Former Deputy General Secretary, UNIFI
Virginia Branney	Employment Relations Consultant & Mediator
Dennis Cameron	Former Assistant General Secretary, TSSA
Gail Cartmail	Assistant General Secretary, Unite the Union
David Coats	Director, Workmatters Consulting, Visiting Professor, Centre for Sustainable Work and Employment Futures, University of Leicester
Paul Gates OBE	Former Deputy General Secretary, Community
Michael J Leahy OBE	Former General Secretary, Community
Bronwyn McKenna	Assistant General Secretary, UNISON
Judy McKnight CBE	Former General Secretary, Napo
Lesley Mercer	Former Director of Employment Relations & Union Services, CSP
Robert Purkiss MBE	Employment Tribunal Member, Former Chair of European Monitoring Centre for Racism and Xenophobia, Former National Secretary, TGWU
Keith Sonnet	Former Deputy General Secretary, UNISON
Paul Talbot	Former Community Media and Government Affairs
Gerry Veart	Former National Secretary, GMB
Malcolm Wing	Former UNISON National Secretary, (Negotiations & Services Groups)

CHIEF EXECUTIVE'S REPORT

Simon Gouldstone
Chief Executive

Performance

There was a modest increase in the number of applications submitted to the CAC in 2014-15 although this was handled without needing to increase the number of staff or to incur a significant increase in expenditure. We continue to monitor our own performance by way of a users' survey; all the parties to our cases, be they employers, trade unions or individual employees, are invited to submit their views, anonymously, once a case has closed. For cases that concluded in 2014-15, 89% of respondents stated that their overall level of satisfaction with the way the CAC handled their case was satisfactory or better. Looking briefly at the specific elements of the survey, most users found our written information useful, our staff helpful, and the arrangements for, and conduct of, hearings satisfactory. It was also noteworthy that over 95% of the respondents said that the way their case was handled encouraged them to consider a voluntary agreement. We are pleased to continue to receive such positive feedback.

A statistic we have published in previous reports is the measurement of the elapsed time for a recognition case, the period between the date an application is received and the date of issue of a declaration of recognition (or non-recognition as the case may be). For 2014-15 the average was 16 weeks compared with last year's figure of 25 weeks. Within this average, the figure for a case involving a ballot was 21 weeks, compared with 23 last year, and for a case in which there was a declaration of recognition without a ballot, the figure was 12 weeks, compared with 27. It would be misleading to suggest that the lower figures for 2014-15 were evidence of an obvious trend but it does perhaps show that the recognition provisions, despite their complexity, do not necessarily have to lead to long drawn-out legal proceedings.

We still ensure that members of staff are readily available to answer telephone enquiries and, in the past year, we received 215 enquiries relating to all our jurisdictions but primarily trade union recognition. We also answered 49 written or e-mail enquiries.

Development activities

Knowledge-sharing continues to be a priority and we devote time and resources to maintaining an internal database and an external website.

There was a significant change in our web site with the move to the *gov.uk* platform. This was part of a government-wide initiative to digitalise services and to gear information provision more closely to user needs. This gave us an opportunity to overhaul the content and, although the information we have provided has remained largely unchanged, the way it can be accessed is radically different. This is very much work-in-progress and we would welcome feedback. Early indications are that over 60% of users find the usefulness of the site satisfactory or better. One indication of some concern to us is that there is still a notable proportion of respondents to our users' survey (those who had actually been parties to CAC applications) who stated that they had not used the website. The new website has only been active for five months so we will be looking at ways of improving access to our information and guidance.

Stakeholders

We have continued to keep in touch with major stakeholders, such as BIS (the Department for Business Innovation and Skills) and some of the trade unions that most frequently submit applications. For the most part this is by way of informal contact as there have been no issues raised over the CAC's operational performance in the past year.

Public interest

The CAC is committed to openness of information on its activities. The website provides a wide range of information and we update it regularly. We continue to publish all CAC decisions, within a short period after they have been issued to the parties concerned, and have made available, in electronic form, decisions of a more historic interest. We maintain a library of decisions from the CAC and its predecessor bodies, dating back to the Industrial Court in 1919, which members of the public are welcome to consult by appointment.

The CAC remains ready to honour its responsibilities under the Freedom of Information Act and, in the past year, received seven requests under that provision. All were answered within the prescribed timescale.

Administration and accountability

CAC Costs

CAC expenditure in 2014-15 was slightly higher than in 2013-14. This was due entirely to an increase in the number of applications and there were no significant unexpected items of expenditure. A summary of the CAC's expenditure is given in Appendix 2.

Governance

The CAC's secretariat and other resources are provided by Acas, and the CAC complies with Acas's corporate governance requirements. The relationship with Acas is set out in a Memorandum of Understanding, which is refreshed periodically. Although those who work for the CAC are Acas members of staff, the CAC, because it is operationally distinct from Acas, has always secured separately Investors in People status. I am very pleased to be able to report that our IIP accreditation was renewed in early 2014 for a further three years.

Equality

The CAC has a responsibility to conduct its affairs fully in accordance with the principles of fair and equitable treatment for its members, staff and users. In providing services, we ensure that our policies and practices do not discriminate against any individual or group and, in particular, that we communicate information in a way that meets users' needs. In view of the fact that the CAC is resourced by Acas, the CAC is covered by the Acas Equality and Diversity Policy and aligns itself with Acas's published equality objectives. Those documents are available on the Acas website (acas.org.uk).

Simon Gouldstone
Chief Executive

THE CAC'S CASELOAD IN 2014-15

Trade Union Recognition

In the year ending 31 March 2015, the CAC received 38 applications for trade union recognition under Part I of the Schedule[1]. This compares with 30 in the previous year and 54 two years ago. There were no applications under Parts II to VI of the Schedule.

There was no obvious reason for this increase and, as we have noted before, the number of applications for trade union recognition has always been volatile. The characteristics of the applications may provide some discussion points even if they prove insufficient evidence of genuine trends. Starting with the size of employers, the proportion of applications involving employers of fewer than 200 workers was 29%; this compares with last year's figure of 52% and 2012-13's figure of 24%. Overall, employer size ranged from 28 workers to over 73,000. The average size of a bargaining unit was 158 workers, a notable increase on last year's figure of 91 and nearer to the previous year's 174. The average size of bargaining units has also always been a changeable figure ranging, in recent years, from 87 workers to 261. The proportion of applications involving a bargaining unit of 100 workers or fewer was 48% compared with 70% in 2013-14. At the risk of drawing conclusions from a relatively small dataset, it could be said that the CAC, compared with 2013-14, has dealt with larger bargaining units and larger employers than in the recent past. The manufacturing, transport and communication sectors continue to account for the majority of applications for recognition and those sectors, taken together, represented 70% of the applications compared with 85% in 2013-14. Applications were received from nine different trade unions compared with eight in the previous year.

In 2014-15, 26 applications were subject to a decision as to whether they should be accepted, the first stage in the statutory process, and, of those, 19 were accepted and seven were not. The proportion of applications accepted, at 73%, was some way below

[1] Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992, inserted by the Employment Relations Act 1999 and amended by the Employment Relations Act 2004

the historical average of 83%. In three cases the reason for non-acceptance was that there was insufficient evidence that a majority of workers in the bargaining unit would be likely to favour recognition of the union, in two cases it was because there was an existing agreement in force with another trade union, in one case the application to the CAC was premature and in the remaining case the description of the proposed bargaining unit in the application did not match that in the written request to the employer. Thirteen applications were withdrawn at this stage, seven for the reason that the parties had reached a voluntary recognition agreement. Five of the withdrawn applications were later resubmitted.

One of the applications which was not accepted was *TUR1/823/(2012) The Pharmacists' Defence Association Union & Boots Management Services Ltd*. We have made reference to this application in the previous two Annual Reports. The CAC's original decision was that the application was not precluded from proceeding, despite there being an existing agreement in force between the employer and another trade union, for the reason that the agreement did not cover the statutory minima of pay, hours and holidays; the CAC decision drew heavily on the decision of the European Court of Human Rights in *Demir and Baykara v Turkey [2009] IRLR 766*. The Company subsequently submitted an application for judicial review of that decision and judgment was issued in September 2014. The judgment was that the CAC, in its application of the Human Rights Act 1998, had gone further than was permissible in the light of *Ghaidan v Godin-Mendoza [2004] 2 AC 557* in effectively changing the substance of a statutory provision by stipulating that an existing collective agreement had to cover the statutory minima. The effect of the judgment was that the PDAU's application to the CAC had to be treated as not having been accepted. The judge made the further observation that it might be open to the workers concerned to submit an application to the CAC under Part VI of the Schedule for derecognition of the non-independent union that was the other party to the agreement with the employer. We understand that permission has been granted to the PDAU to proceed with an application to the Court of Appeal.

The second stage in the process requires an agreement, or a decision from the CAC, as to an appropriate bargaining unit. In line with the pattern in recent years, in which agreements on an appropriate unit have exceeded the number of decisions, there were, in 2014-15, 14 agreements and four decisions. The cumulative position at 31 March 2015 was that about 60% of bargaining units were agreed by the parties. At this stage, three applications were withdrawn, all because the parties reached a voluntary agreement on recognition. There was one subsequent decision that an application was invalid in a situation in which the agreed or determined bargaining unit differed from a union's proposed bargaining unit. In that case, the panel concerned was not satisfied that there was sufficient evidence that a majority of the workers in the changed bargaining unit was likely to support recognition of the union for collective bargaining.

The next stage in the process is for the CAC to decide if recognition without a ballot should be declared or a ballot held. There were eight decisions, in 2014-15, to declare recognition without a ballot where a majority of workers in the bargaining unit were union members. There were no decisions that a ballot should be held in those circumstances. Since the inception of the trade union recognition provisions in 2000, there have now been 161 cases in which a union has claimed majority membership in the agreed or determined bargaining unit. The CAC has declared recognition without a ballot in 126 (78.3%) of those cases.

Six ballots were held, five resulting in recognition and one not. The number of ballots resulting in recognition was somewhat higher than the historical average of 64%. The average participation rate in a CAC-commissioned ballot remains at 76%. The CAC was not called upon to adjudicate on any complaints that a party had used an unfair practice during the balloting period. There is a final opportunity at this stage, and before the balloting provisions have been triggered, for the parties to reach a voluntary agreement and, in the past year, that happened on two occasions.

The final stage in the process is for the parties to agree, or the CAC to determine, a method of bargaining. As always, the parties come to agreements in the overwhelming majority of cases; the figures for 2014-15 were 10 agreements and one decision. The historical average is that a method of bargaining has been agreed in 91% of the cases that reach this stage in the process.

There were no new applications under Parts II to VI of the Schedule and no applications under those jurisdictions carried forward from 2013-14.

Disclosure of Information

The CAC also handles complaints by trade unions that an employer has failed to disclose information for the purposes of collective bargaining under section 183 of the Trade Union and Labour Relations (Consolidation) Act 1992.

The number of new complaints received from April 2014 to the end of March 2015 was six, a decrease on last year's total of 11. The CAC also continued action on six cases carried forward from the previous year. Nine cases were closed which left three outstanding at the end of the year.

Our approach of encouraging the parties towards the voluntary resolution of disclosure complaints is well established and the parties are always offered the chance to meet informally under the CAC's auspices. Even if the CAC does not meet the parties, there is often a discussion between the Case Manager, the employer and the union to establish if there is any scope for resolving the issue voluntarily. Of the nine cases closed by 31 March 2015, two involved informal meetings although there were other cases in which meetings or hearings were scheduled but did not take place.

Section 183(2) of the Act provides the CAC with a duty to refer complaints to Acas where we are of the opinion that the complaint is reasonably likely to be settled by conciliation. Acas's involvement can be triggered in a number of ways: the CAC may take the initiative, the parties may suggest it or Acas itself may see if the parties are receptive particularly if there has been some previous contact. From information of which we are aware, of the nine cases closed in 2014-15 eight were for the reason that the parties reached an agreement. We believe that Acas was involved in seven of those cases. We are not in a position to publish details of disclosure complaints that never enter the public domain but, as always, the principal issue for which information was sought by trade unions was annual pay negotiations.

We have commented in previous Annual Reports that formal decisions on disclosure of information complaints are a rarity. In fact, since 1977 there have been only 77 decisions which represents about 13% of complaints submitted to the CAC.

There was, however, one decision in 2014-15, *DI/7/(2014) Unite the Union & Fujitsu Services Ltd*. The Union is recognised by the Company for collective bargaining but was seeking information about a subsidiary company, Fujitsu Services (Engineering Services) Ltd (FSESL). Under the statute, an employer is required to disclose information which relates to "the employer's undertaking" and the Company's position was that FSESL was not part of its "undertaking" and was in fact a separate undertaking. The Panel's decision was that FSESL was an extension to Fujitsu's business and that a number of factors, such as common members of management, pointed towards a close connection. The Panel was further persuaded that the Union had been impeded by the Company's

unwillingness to disclose information about the terms and conditions of FSESL staff and that it would be in the interests of good industrial relations for the requested information to be disclosed. The full decision is available on our web site.

The Information and Consultation of Employees Regulations 2004

The CAC received four fresh complaints, two of which were concluded by being withdrawn and one by way of a decision. One complaint was outstanding at the end of the year. The decision is available on the CAC website but the issue is summarised below.

IC/47/(2014) Dr Jason Moyer-Lee, Mr Henry Chango and others & Cofely Workplace Ltd

The application, under Regulation 13, was that the employees' request for the establishment of information and consultation arrangements was invalid, for the reason that the request had been made on behalf of the employees at the Company's University of London site rather than all the Company's employees. The Company employs some 9,000 employees across 600 sites in the UK. To satisfy the Regulations' requirements, a request has to be made by 10% of the employees in an employer's "undertaking"; in this case the request had been made by approximately 13% of the employees at the University of London site. The Panel's decision was that the term "undertaking" in the Regulations referred to the Company as a whole and not the one site in question. The Panel noted that there was no definition in the Regulations of the word "undertaking" but, amongst other considerations, it found persuasive the Government's decision, at the time the Regulations were being formulated and in accordance with the choice offered by the European Directive, to adopt the term 'undertaking' rather than 'establishment'. The Panel accordingly decided that the employees' request was invalid. The full decision is available on the CAC web site. We understand that permission has been granted to the Applicants to appeal to the Employment Appeal Tribunal but, at the date of publication of this Report, no judgment had been issued.

Requests under Regulation 7

The CAC received two separate requests, in respect of different employers, from employees under Regulation 7 for the establishment of information and consultation arrangements. Under this process, which has been used 20 times since the Regulations came into effect, employees make the request to the CAC which, in turn, passes on to the employer concerned the number of employees making the request without revealing their names.

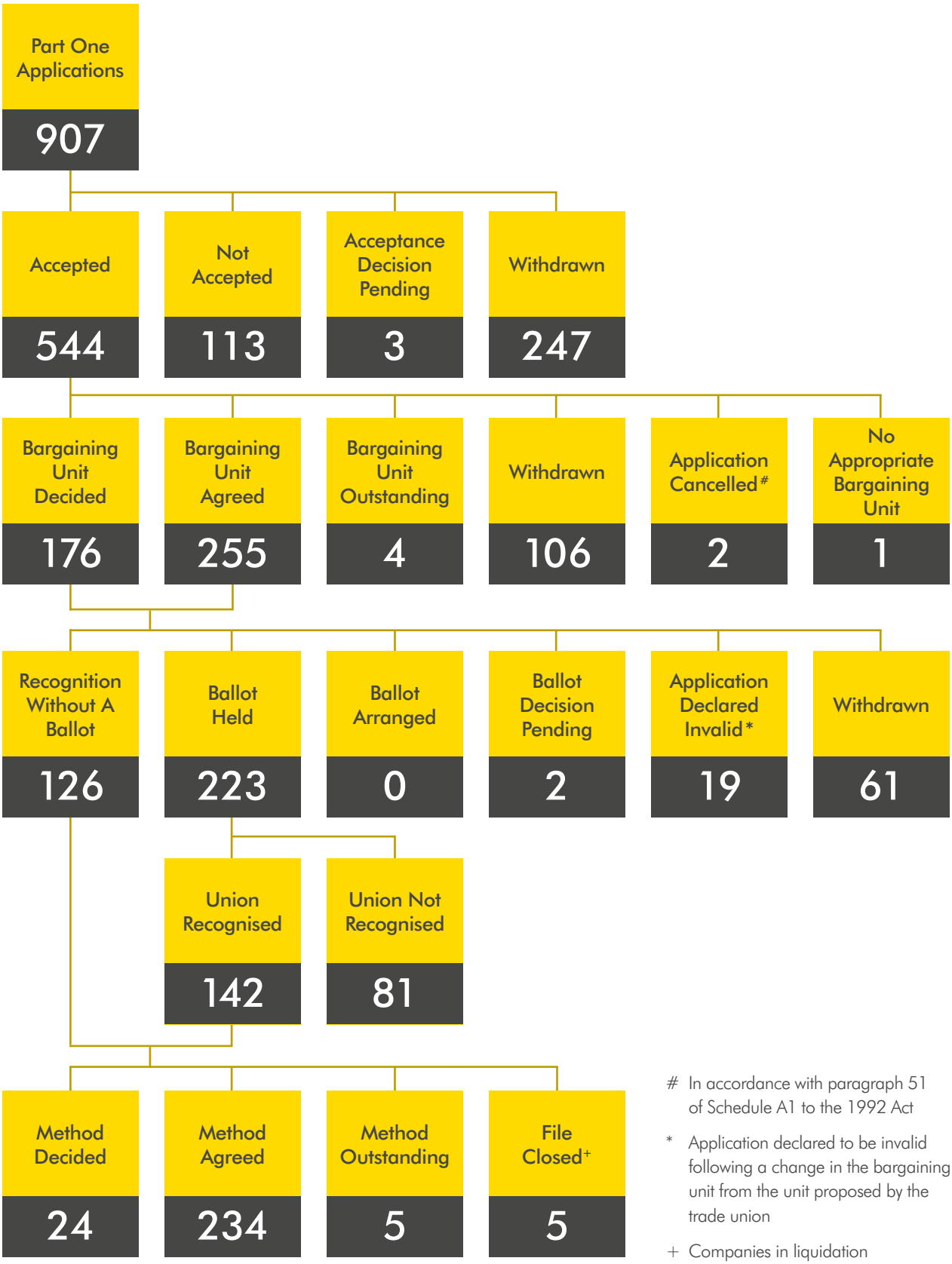
Transnational Information and Consultation of Employees Regulations 1999

There were three new complaints. At 31 March 2015, two had been withdrawn and one was outstanding. There were no CAC decisions in 2014-15.

Other jurisdictions

There were no applications under the European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009, the European Cooperative Society (Involvement of Employees) Regulations 2006 or the Companies (Cross-Border Mergers) Regulations 2007.

PROGRESS CHART OF APPLICATIONS FOR RECOGNITION



\# In accordance with paragraph 51 of Schedule A1 to the 1992 Act

* Application declared to be invalid following a change in the bargaining unit from the unit proposed by the trade union

\+ Companies in liquidation

THE CAC'S AIMS

Our role is to promote fair and efficient arrangements in the workplace, by resolving collective disputes (in England, Scotland and Wales) either by voluntary agreement or, if necessary, through adjudication. The areas of dispute with which the CAC currently deals are:

i. applications for the statutory recognition and derecognition of trade unions;

ii. applications for the disclosure of information for collective bargaining;

iii. applications and complaints under the Information and Consultation Regulations;

iv. disputes over the establishment and operation of European Works Councils;

v. complaints under the employee involvement provisions of regulations enacting legislation relating to European companies, cooperative societies and cross-border mergers.

The CAC and its predecessors have also provided voluntary arbitration in collective disputes. This role has not been used for some years.

Our objectives are:

1. To achieve outcomes which are practicable, lawful, impartial, and where possible voluntary.
2. To give a courteous and helpful service to all who approach us.
3. To provide an efficient service, and to supply assistance and decisions as rapidly as is consistent with good standards of accuracy and thoroughness.
4. To provide good value for money to the taxpayer, through effective corporate governance and internal controls.
5. To develop a CAC secretariat with the skills, knowledge and experience to meet operational objectives, valuing diversity and maintaining future capability.

Our performance measures and targets based on these objectives are:

- Proportion of applications for which notice of receipt is given and responses sought within one working day

  Target: 95% – *achieved 97%.*

  There was only one application for which this deadline was not met.

- Proportion of users expressing satisfaction with administration and conduct of the case and/or the procedural guidance provided to them

  Target: 85% – *88% of those who responded to the customer survey, which is sent to all users, rated their level of satisfaction as good or very good.*

- Proportion of written enquiries and complaints responded to within three working days

  Target: 90% – *The CAC received 49 enquiries in writing or by e-mail and we responded to 100% within this timescale.*

- Proportion of Freedom of Information requests replied to within the statutory 20 working days

  There were seven requests in 2014-15. Four related to the CAC alone and three raised issues which fell within Acas's sphere of responsibility. Replies to all requests were provided within the statutory timescale.

User Satisfaction

If you are asked for your views on any aspect of our service, we would appreciate your co-operation. But if you have comments, whether of satisfaction, complaint or suggestion, please do not wait to be asked. If you are dissatisfied with any aspect of our service, please let us know so that we can put things right. If you cannot resolve your problem with the person who dealt with you originally, please ask to speak to their manager or, if necessary, the Chief Executive who will investigate your complaint. If you wish to complain in writing, please write to:

Simon Gouldstone
Chief Executive
Central Arbitration Committee
22nd Floor
Euston Tower
286 Euston Road
LONDON
NW1 3JJ

In the event of any complaint, we hope that you will let us try to put things right. But if necessary you can write to your MP, who can tell you how to have your complaint referred to the Parliamentary and Health Service Ombudsman.

APPENDIX i

ANALYSIS OF REFERENCES TO THE COMMITTEE: 1 APRIL 2014 TO 31 MARCH 2015

	Brought forward from 31 March 2014	*Received between 1 April 2014 and 31 March 2015*	*References completed or withdrawn*	*References outstanding at 31 March 2015*
Trade Union and Labour Relations (Consolidation) Act 1992:				
VOLUNTARY ARBITRATION s212	–	–	–	–
DISCLOSURE OF INFORMATION s183	6	6	9	3
TRADE UNION RECOGNITION				
Schedule A1 - Part One	14	38	38	14
Schedule A1 - Part Two	–	–	–	–
Schedule A1 - Part Three	–	–	–	–
Schedule A1 - Part Four	–	–	–	–
Schedule A1 - Part Five	–	–	–	–
Schedule A1 - Part Six	–	–	–	–
The Transnational Information and Consultation of Employees Regulations 1999:	–	3	2	1
The European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009:	–	–	–	–
The Information and Consultation of Employees Regulations 2004:	–	4	3	1
The European Cooperative Society (Involvement of Employees) Regulations 2006:	–	–	–	–
The Companies (Cross-Border Mergers) Regulations 2007:	–	–	–	–
Total:	20	51	52	19

APPENDIX ii

CAC RESOURCES AND FINANCE: 1 APRIL 2014 TO 31 MARCH 2015

CAC Committee		
Committee Members		45
Of which	Chairman and Deputy Chairmen	9
	Employer and Worker Members	36
CAC Secretariat		
Secretariat staff		8
Committee fees, salary costs and casework expenses		£460,909
Other Expenditure		
Accommodation and related costs		£101,394
Other costs		£23,723
Total CAC expenditure from 1 April 2014 to 31 March 2015		£586,025

CAC Expenditure

The CAC's overall expenditure showed a modest increase over 2013-14 which was attributable to the higher caseload.

Acas, which provides the CAC with its resources, also apportions to the CAC budget the costs of depreciation and shared services. That apportionment is not included in the above figures but will be included in the Acas Annual Report and Accounts for 2014-15.

APPENDIX iii

CAC STAFF AT 31 MARCH 2015 AND CONTACT DETAILS

Chief Executive	Simon Gouldstone
Operations Manager	James Jacob
Case Managers	Nigel Cookson Sharmin Khan Linda Lehan
Finance Supervisor & Assistant Case Manager	Mark Siriwardana
Case Support and Administration	Laura Leaumont

Central Arbitration Committee
22nd Floor
Euston Tower
286 Euston Road
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