



Members of the Central Arbitration Committee

Information for Applicants

July 2014

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FOREWORD FROM THE MINISTER FOR EMPLOYMENT RELATIONS AND CONSUMER AFFAIRS AND THE CHAIR OF CAC

I am delighted that you are considering applying for a role with the Central Arbitration Committee (CAC) a partner organisation of the Department for Business, Innovation & Skills.

The CAC, as an independent Tribunal, carries out important work to promote fair and efficient arrangements in the workplace. It does this by resolving collective disputes, usually by voluntary agreement or, if necessary, through adjudication. It is crucial that we have the best possible people serving as Members and Deputy Chairs, so again, thank you for your interest.

Applications for trade union recognition provide most of the CAC's workload, together with a small number of complaints about a failure to disclose information for collective bargaining purposes. The CAC also has a statutory responsibility to resolve disputes between employees and employers under the legislation relating to the establishment and operation of Information and Consultation arrangements and European Works Councils.

The CAC's work is carried out by way of three-person panels and this recruitment exercise seeks candidates for both Deputies and Members. These are key roles with a high degree of responsibility for resolving issues which are of fundamental importance to the employees, trade unions and employers concerned. The work is challenging and rewarding but each case does not necessarily follow the same template in the way it proceeds.

If you have the experience and skills we are looking for, I very much hope you will consider applying for these posts. We are particularly interested in hearing from applicants who are under-represented in public appointments, including women, those from minority backgrounds and people who have not served in this way before.

Jo Swinson, Minister for Employment Relations and Consumer Affairs

And

Sir Michael Burton, CAC Chairman

1. INTRODUCTION

The Department for Business, Innovation & Skills (BIS) is the sponsor department for the Central Arbitration Committee (CAC) and is seeking to appoint 5 Deputy Chairs and 16 Members by early 2015. Of the members, we are seeking eight with experience as representatives of employers and eight with experience as representatives of workers.

About the Central Arbitration Committee

The CAC is a permanent adjudicating body in Great Britain for collective employment relations and has its origins in the Industrial Court established in 1919. It is responsible for resolving, through both voluntary means and adjudication, disputes relating to the following issues:

- the recognition and derecognition of trade unions for collective bargaining;
- the disclosure of information to trade unions for collective bargaining purposes;
- the establishment and operation of arrangements under the Information and Consultation Regulations;
- the establishment and operation of European Works Councils; and
- the information and consultation requirements of the European Company Statute, the European Cooperative Society Regulations and the Cross-Border Mergers Regulations.

The CAC retains the statutory power to provide voluntary arbitration in collective disputes but this has not been used for some years.

Our objectives

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 constitution

The CAC's constitution is laid down in the Trade Union and Labour Relations (Consolidation) Act 1992 and it is given some discretion in the way we can approach our responsibilities. Although a body with judicial powers, the CAC will always investigate the possibility of assisting the parties to reach a voluntary agreement prior to issuing a formal decision.

Detailed information on the CAC's responsibilities is available on our web site www.cac.gov.uk

The overall responsibility for the CAC's work rests with the Chairman (currently Sir Michael Burton). The CAC itself comprises three groups: Deputy Chairs; Members with experience as employers' representatives (mainly HR Directors and Employment Relations leaders); and Members with experience as workers' representatives (mainly senior trade union officials). It works through Panels consisting of the Chairman or a Deputy Chair and one member drawn from each of the other two groups.

There are currently 8 Deputy Chairs. Five of the current Deputy Chairs are lawyers, but there is no requirement for a legal qualification for these roles. Three of the Deputy Chairs are Academics. There are 36 Members (16 worker representatives and 20 employer representatives).

For a full list of current members, please visit www.cac.gov.uk

The Secretary of State for Business, Innovation and Skills is responsible for appointing the Chairman, Deputy Chairs and Members of the CAC, and there is a statutory requirement to consult ACAS on these appointments.

The CAC is supported by a Secretariat which, in addition to assisting panels with all aspects of case management, acts as the communication channel between a panel and the parties to a case.

Mission Statement

"The CAC seeks to promote fair and efficient employment relations arrangements in the workplace by resolving collective disputes through practicable, lawful, and impartial adjudication, facilitating, where possible, voluntary outcomes."

2. THE ROLES

Role and Person Specification

Members of the Central Arbitration Committee

CAC applications under all jurisdictions are handled by three-person panels, appointed by the Chairman, consisting of a Deputy Chair and two Members, one with employer experience and one with worker experience.

Deputy Chair

The role of a Deputy Chair is:

1. To lead a panel's consideration of an application and any decisions that needs to be made.
2. To chair formal hearings and informal meetings with the parties to an application.
3. To act impartially and to ensure that the CAC's established policies and practices are followed.
4. To assist the Chairman with policy formulation, including attending biannual meetings of the Deputy Chairs.

The essential competences are as follows:

1. Sound knowledge and understanding of collective employment relations and the legislation relating to it, combined with the ability to bring an independent viewpoint.
2. The ability to analyse and determine complex legal issues and, where appropriate, to implement sound and pragmatic employment relations solutions.
3. The ability to deal successfully with the range of participants in CAC cases and to chair hearings with authority and impartiality.
4. The commitment and organisational ability to manage a caseload effectively and meet time pressures.
5. The ability to present decisions in a clear, accurate and accessible way, both orally and in writing.

Members

The role of a Member is:

1. To apply their employment relations experience to a panel's consideration of an application and to any decisions the panel needs to make.
2. To attend, and contribute fully to, formal hearings with the parties.
3. To act impartially and to ensure that CAC's established policies and practices are followed.
4. To contribute to policy formulation and knowledge-sharing at the CAC's AGM.

The essential competences are as follows:

1. Knowledge and understanding of collective employment relations and the legislation relating to it, particularly those areas for which the CAC has jurisdiction.
2. Demonstrable expertise in areas such as consultation, negotiation and collective bargaining.
3. Relevant recent experience as either:
 - a) a representative of employers, such as a senior HR manager or senior line manager with staffing responsibilities, or
 - b) a representative of workers, perhaps, but not exclusively, as a trade union official.
4. Commitment to working as part of a team to achieve sound and pragmatic employment relations decisions.

Additional skills and competencies for Deputy Chairs and Members

For **both** Deputy Chairs and Members, it is important that successful candidates:

1. have a realistic and practical approach to problem-solving and the ability to resolve conflicting positions and interests;
2. have the ability to determine complex issues, within fixed timeframes, on the basis of evidence with independent balanced judgement;
3. have the ability to demonstrate integrity and make important and difficult objective decisions whilst ensuring judgement is not swayed by personal bias or interests;
4. are able to challenge constructively the opinions of others, work to achieve a shared consensus and accept collective responsibility; and
5. have an appreciation of the obligations involved when serving on a public body and the credibility to do so.

3. TERMS FOR THE APPOINTMENTS

Organisation:	Central Arbitration Committee
Location:	The CAC is based in London but some travel within Great Britain may be necessary.
Length of appointments:	Appointments are for a period of five years with the Secretary of State's discretion to reappoint, once only, for a further five years. No appointments will extend beyond 31 st March following a Member's 70 th birthday.
Time commitment:	The time commitment is driven by the number, and nature, of applications made to the CAC. On average, a Deputy Chair would need to be available three days a month and a Member one day. Some of these time commitments will be for formal meetings and hearings, which normally last no more than one day, but it is important that both Deputy Chairs and Members are in a position to deal with CAC business by way of telephone calls, correspondence and e-mails, often at short notice.
Location:	Hearings and meetings are arranged throughout Great Britain, for the convenience of the parties, and, although geographical considerations will be taken into account in allocating Deputy Chairs and Members to panels, some mobility will be necessary to ensure cases can be disposed of expeditiously.
Remuneration:	<p>The fees for these positions are based on the scales for part-time judicial and tribunal appointments issued from time to time by the Ministry of Justice.</p> <p>The rate for a Deputy Chair is £477 for a seven-hour day and for a Member £271.</p> <p>Travel and subsistence expenses will be reimbursed.</p>

Equal Opportunity & Diversity Information

BIS is committed to providing: equal opportunities for all, irrespective of race, age, disability, gender, marital status, religion, sexual orientation, gender identity and working patterns; and to the principle of public appointments on merit with independent assessments, openness and transparency of process.

Political Activity

Political activity in itself is no bar to appointment. To allow the panel to explore such activity with the candidates in the context of their ability to perform in the role, candidates should declare any significant political activity (which includes holding office, public speaking, making a recordable donation, or candidature for election) which they have undertaken in the last five years. This information will only be provided to the panel for those applicants selected for interview. Details of the successful candidate's declared political activity must be published by appointing Departments when the appointment is publicised.

References

The names of two referees are asked for as part of the application process. Referees must be people who know the applicant in a capacity to comment on their suitability for the post for which they have applied and will be expected to have authoritative and personal knowledge of their achievements. References will be taken on all candidates selected for interview as soon as the interview arrangements have been made. Referees should be advised accordingly.

Data Protection

Department for Business, Innovation and Skills is required by the Commissioner for Public Appointments to retain information, for at least two years, about the people who apply for public appointments, and to make this information available for audit purposes if requested. Applicants are advised that their application form (or CV) and any supporting documents will be retained by BIS for at least 2 years. Information held electronically, including applicants' contact details and the monitoring information provided as part of the application process will also be held for at least 2 years.

Alternative formats

The further particulars and application form are available in alternative formats on request (Braille, large print, tape, CD, etc) to meet the needs of applicants with disabilities.

Guaranteed Interview Scheme for Disabled Persons

BIS operates a guaranteed interview scheme for people with disabilities (as defined by the Disability Discrimination Act 1995) who meet the minimum criteria for these appointments as published in these notes. If you wish to apply for consideration under this scheme, please complete the enclosed form and return it with your application form. In addition, if you require any special arrangements at our interview location, please give details in a covering letter to enable us to make appropriate arrangements.

4. HOW TO APPLY

All applicants are required to provide the following:

- Curriculum vitae (**maximum 3 pages**) with your education and professional qualifications and full employment history.
- A short supporting statement (max 1500 words) – giving evidence and specific examples of your ability to meet the essential competencies and additional skills and competencies outlined in Role and Person Specification.
- A completed equal opportunities monitoring form. This form will not be disclosed to anyone involved in assessing your application.
- A completed online political activity submission that will form part of your online application. This information will only be provided to the panel for those applicants selected for interview. Details of the successful candidate's declared political activity must be published by appointing Departments when the appointment is publicised.
- The names and contact details for two referees. These must be people who know you in a capacity to comment on your suitability for the post and will be expected to have authoritative and personal knowledge of your achievements. References will be taken on all candidates selected for final interview as soon as the interview arrangements have been made. Referees should be advised accordingly

Applications must be submitted only through this website:

www.bisappointments.com

The closing date for applications is: **noon on Friday 19th September 2014**

Provisional Timetable

Advert date: Mid July 2014

Open day: early September – date TBC

Closing date: noon on 19th September 2014

Sifting complete by: end w/c 29th September 2014

Preliminary interviews: w/c 13th /20th /27th October 2014

Short listing completed by: 14th November 2014

Interviews held: From 12th January 2015

Provisional appointment start date: February 2015

Please note: The CAC will be holding an open day in London in early September, where those interested in these roles will have the opportunity to find out more about the work of the CAC, the role and will meet senior individuals and current Deputy Chairs and Members. If you are interested in attending or, in the meantime, require further information about this role please contact Katrina Paget at GatenbySanderson on **0207 426 3994**.

The appointments process

The successful candidate will be chosen by a Selection Panel, chaired by a BIS representative. The selection panel will include:

- Jessica Skilbeck (Panel Chair)
- Sir Michael Burton or Simon Gouldstone (CAC Representative)
- Sarah Veale (TUC Representative)
- Neil Carberry (CBI Representative)
- Rosie Glazebrook (independent panel member)

How we will deal with your application

We will deal with your application as quickly as possible (timings below are indicative). Once you have submitted your application, its receipt will be acknowledged. **If you do not receive an automatic acknowledgement, please contact GatenbySanderson on 020 7426 3994 before the closing deadline;**

- Your application will be assessed only against the essential criteria and additional experience and skills for the post your experience for the post;
- By end of the week commencing 29th September 2014 the panel will aim to have decided the candidates who will be invited for initial interview, taking account of the evidence provided by candidates in their CVs and supporting statement. You will be advised of the outcome of your application by e-mail by GatenbySanderson during the following week;
- If successful, you will be invited to a preliminary interview, conducted by telephone with GatenbySanderson. Interviews will take place week commencing 10th, 20th and 27th October 2014 and will be biographically and competency based, assessing fit against the essential criteria for the role, the understanding of the role and the challenges faced and details of any actual or perceived conflicts of interest;
- By end of the week commencing 10th November 2014 the panel will aim to have decided the candidates who will be invited for final interview, taking account of the evidence provided by candidates in their CVs and supporting statement and through the preliminary interview. You will be advised of the outcome of your application by telephone by GatenbySanderson during the following week.

- Interviews will be held at The Department for Business, Innovation & Skills at 1 Victoria Street, London.
- If invited for interview, the panel will question you about your experience and expertise and ask specific questions to explore whether you meet the specified essential criteria.
- If, in the view of the panel, you have the skills for the post and are one of the appointable candidates, the panel will make a recommendation to the Secretary of State for Business, Innovation and Skills as to your appointment
- If you are successful, you will receive a letter formally appointing you as a Deputy Chair or Member of the Central Arbitration Committee Commission.
- If you are unsuccessful, you will be notified accordingly.
- If your application is unsuccessful and you would like feedback, please contact GatenbySanderson on 0207 426 3994.

OCPA Code of Practice for Ministerial Appointments

CAC appointments are not subject to OCPA rules but the recruitment and appointments process will follow the OCPA principles

The Principles

The Code of Practice describes the principles and essential requirement for making Ministerial appointments to the boards of public bodies or to statutory office (including appointments where Ministers have delegated their powers to others).

Ministerial Responsibilities

The ultimate responsibility for appointments rests with Ministers. In discharging this responsibility Ministers and their Departments must observe three basic principles: merit, fairness and openness.

Merit

The overriding principle is selection on merit. This means providing Ministers with a choice of high quality candidates, drawn from a strong and diverse field, whose skills, experience and qualities have been judged to best meet the needs of the public body or statutory office in question.

Fairness

Selection processes must be objective, impartial and applied consistently to all candidates. Each candidate must be assessed against the same published criteria.

Openness

Information about the requirements of the post and the selection process must be publicly available. Public appointments must be advertised publicly in a way that is designed to attract a strong and diverse field of suitable candidates.

Complaints Procedure

If you feel your application has not been treated in accordance with the Code and you wish to make a complaint, you should contact Mini Krishnan (mini.krishnan@bis.gsi.gov.uk) in the first instance. If you are not satisfied with the response you receive from the Department, the Commissioner will consider complaints where the principle of appointment on merit, through fair and open competition, and the Recruitment Principles, have not been met.