

SCHEDULE

ACAS (FLEXIBLE WORKING) ARBITRATION SCHEME

PART I

INTRODUCTION

1. The ACAS (Flexible Working) Arbitration Scheme (“the Scheme”) is implemented pursuant to section 212A of the Trades Union and Labour Relations (Consolidation) Act 1992⁽¹⁾.

2. The Scheme provides a voluntary alternative, in the form of arbitration, to the employment tribunal for the resolution of disputes arising out of an employee’s application for a change in his terms and conditions of employment made under section 80F of the Employment Rights Act 1996⁽²⁾.

3. Resolution of disputes under the Scheme is intended to be confidential, informal, relatively fast and cost efficient. Procedures under the Scheme are non-legalistic, and far more flexible than the traditional model of the employment tribunal and the courts. For example (as explained in more detail below), the Scheme avoids the use of formal pleadings and formal witness and documentary procedures; strict rules of evidence will not apply. Arbitral decisions (“awards”) will be final, with very limited opportunities for parties to appeal or otherwise challenge the result.

4. The Scheme also caters for requirements imposed as a matter of law (eg, the Human Rights Act 1998⁽³⁾), devolution issues, existing law in the field of arbitration and EC law).

5. The Scheme accommodates certain differences between the law of Scotland and the law of England and Wales relating to arbitrations generally. It does so by providing, to the extent necessary to accommodate those differences, separate provisions applicable to Scottish arbitrations on the one hand and to English or Welsh arbitrations on the other. For convenience, paragraphs that apply only to Scottish arbitrations are marked “S” and paragraphs that apply only to English or Welsh arbitrations are marked “EW”.

(1) 1992 c. 52.

(2) 1996 c. 18. Section 80F was inserted by section 47 of the Employment Act 2002.

(3) 1998 c. 42.