

ACAS ANNUAL REPORT

1. Introduction

Each year ACAS produces a report of the work it has done in furtherance of its aims, including:

- providing advice on good practice in everyday working life
- helping to reduce disputes and manage conflict
- influence employment policy and debate.

Services are provided equally to employers, individuals and trade unions through both their website and helpdesk. While the report gives information about the totality of their services this reps bulletin provides information about the parts dealing with resolving disputes and managing conflicts.

2. Early conciliation cases

Before an employment tribunal (ET) claim can be lodged all potential cases must first go to ACAS for early conciliation – in effect an attempt to settle any claim through agreement between the parties.

ACAS receives around 2,500 early conciliation (EC) referrals each week. For 2018/9 that was over 132,000, an increase of 21 percent on the previous year.

Around 30,500 of those declined to participate in conciliation, while a further 23,000 achieved a formal or informal resolution. Some 33,000 claimants decided to take no further action and around 29,000 submitted ET claims. Of those, a 20,000 were settled and around 9,000 progressed

to an ET. A further bulletin will be issued when the statistics are released about cases in ETs across the country.

3. Group disputes

An important part of ACAS's work is to engage in efforts to resolve issues involving groups of employees – usually represented by their trade union – and their employer. The aim is always to resolve the matters and so to avoid industrial action.

The report highlights that while the number of disputes has declined in recent years, with just over 600 in 2018/19, the complexity of cases has tended to increase. This may, according to ACAS, be due to factors such as multiple parties, increased complexity of business and commercial structures, the continuing impact of economic pressures and general marketplace uncertainty. Private sector organisations accounted for 70 per cent of referrals for this type of intervention, with the public and voluntary sector taking up the remaining 30 per cent.

The most common collective dispute was around pay and pay-related matters.

Increasingly, though, modernisation, focus on efficiencies and changing working practices are featuring in disputes.

Trade union recognition continues to be a cause of collective disputes. ACAS reports that 84 per cent of cases brought to them for arbitration

are either settled or moved towards a settlement.

4. Guidance documents

Reps will be familiar with the ACAS codes of Practice on Dealing with Disciplines and Grievances, and Time off for Trade Union duties.

However, those are merely the start of the helpful guidance available through the ACAS website. Through the years many other documents have been provided for use by trade unions and employers.

This year additions to the range of guidance documents include:

- How to prevent discrimination based on a person's religion and belief
- How to support neurodiversity in the workforce
- Guidance on job references
- How to prevent age discrimination
- Effective use of performance management systems for planning and monitoring training and development.

5. Reps action

Reps can access any and all ACAS guidance documents and Codes of Practice by going to their website at www.acas.org.uk

While the Code of Practice on Disciplines and Grievances must be considered by an ET – and failure to adhere to its principles by either the employee or the employer can result in a financial penalty – that is not generally the case.

However, reps dealing with any member's problem are advised to access the ACAS website when they start to represent a member in any type of case in order to obtain basic, even handed advice and guidance about what expectations are lying on their employer, and therefore what sort

of arguments they can make on the member's behalf.

Further Information

More information on this and other legal matters is available from:

- ❑ Val Stansfield, Employment Rights Adviser at stansfieldv@tssa.org.uk or 020 7529 8046
- ❑ the TSSA Helpdesk – 0800 328 2673

The information given here is for general guidance only and should not be regarded as an authoritative statement of the law.

Full details of the annual report are available on the ACAS website at www.acas.org.uk