

SCHEDULE

ACAS (FLEXIBLE WORKING) ARBITRATION SCHEME

PART XIII

ARRANGEMENTS FOR THE HEARING

Initial arrangements

68. A hearing must be held in every case, notwithstanding any agreement between the parties to a purely written procedure.

69. Once an arbitrator has been appointed by ACAS, a hearing shall be arranged as soon as reasonably practicable by him or her, with the administrative assistance of the ACAS Arbitration Section.

70. The arbitrator shall decide the date and venue for the hearing, in so far as an agreement cannot be reached with all parties within 28 days of the initial notification to ACAS of the Arbitration Agreement.

71. The ACAS Arbitration Section shall contact all parties with details of the date and venue for the hearing.

Expedited hearings

72. On the application of any party, the arbitrator may, at his or her discretion, expedite the hearing.

Venue

73. Hearings may be held in any venue, provided that the hearing will only be held at the Employee's workplace, or a similarly non-neutral venue, if all parties so agree.

74. Where premises have to be hired for a hearing, ACAS shall meet the reasonable costs of so doing.

Assistance

75. Where a party needs the services of an interpreter, signer or communicator at the hearing, ACAS should be so informed well in advance of the hearing. Where an arbitrator agrees that such assistance is required, ACAS shall meet the reasonable costs of providing this.

Travelling expenses / loss of earnings

76. Every party shall meet their own travelling expenses and those of their representatives and witnesses.

77. No loss of earnings are payable by ACAS to anyone involved in the arbitration. However, where an arbitrator upholds a Flexible Working Claim, he or she may include in the calculation of any compensation a sum to cover reasonable travelling expenses and loss of earnings incurred by the Employee personally in attending the hearing.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Applications for postponements of, or different venues for, initial hearings

78. Any application for a postponement of, or a different venue for, an initial hearing must be made in writing, with reasons, to the arbitrator via the ACAS Arbitration Section within 14 days of the date of the letter notifying the hearing arrangements or, where this is not practicable, as soon as is reasonably practicable. Such applications will be determined by the arbitrator without an oral hearing after all parties have received a copy of the application and been given a reasonable opportunity to respond.

79. If the application is rejected, the initial hearing will be held on the original date and/or in the original venue.

80. This provision does not affect the arbitrator's general discretion (set out below) with respect to postponements after an initial hearing has been fixed, or with respect to other aspects of the procedure. In particular, procedural applications may be made to the arbitrator at the hearing itself.