

SCHEDULE

ACAS ARBITRATION SCHEME

VII. ACCESS TO THE SCHEME

Requirements for entry into the Scheme

26. Any agreement to submit a dispute to arbitration under the Scheme must satisfy the following requirements (an “Arbitration Agreement”):

- (i) the agreement of each party (which may be expressed in the same or in separate documents) must be in writing;
- (ii) the agreement must concern an existing dispute;
- (iii) the agreement must not seek to alter or vary any provision of the Scheme;
- (iv) the agreement must have been reached either:
 - (a) where a conciliation officer has taken action under section 18 of the Employment Tribunals Act 1996, or
 - (b) through a compromise agreement, where the conditions regulating such agreements under the Employment Rights Act 1996 are satisfied; and
- (v) the agreement must be accompanied by a completed Waiver Form for each party. Parties applying for English/Welsh arbitrations should complete Appendix A; parties applying for Scottish arbitrations should complete Appendix B.

27. Where an agreement fails to satisfy any one of these requirements or where the parties are unable to agree whether the arbitration should be an English/Welsh arbitration or a Scottish arbitration, no valid reference to the Scheme will have been made, and the parties will have to settle their dispute by other means or have recourse to the employment tribunal.

28. Where:

- (i) a dispute concerning unfair dismissal claims as well as other claims has been referred to the employment tribunal, and
- (ii) the parties have agreed to settle the other claims and refer the unfair dismissal claim to arbitration under the Scheme,

a separate settlement must be reached referring the unfair dismissal claim to arbitration which satisfies all the requirements listed above (although it may form part of one overall settlement document).