

Our Ref FOI HQ 18100

Dear

26 July 2018

Thank you for your request dated 29th June 2018 under the Freedom of Information (Scotland) Act 2002 (FOISA) for:

RFI1 - *I would like to request copies of the terms of reference between SPS the poa prospect and ACAS in relation to ACAS involvement in the VIRA decision making process*

RFI1 Response – In terms of the written framework that the Terms of Reference (TOR) must be within, it is ACAS who guide the framework in that the Arbiter (appointed by ACAS), being an impartial and independent individual, is asked to decide on either the individual/union position or the SPS Management position.

In order that both parties are clear on what the Arbiter is being asked to decide, the parties agree to a TOR. This may be drafted by the parties themselves or with the aid of an ACAS conciliator. Each party provides the Arbiter with a position (the TOR) on which the Arbiter must decide on. The Arbiter must be able to make a decision on the issue. The decision of the Arbiter is final.

RFI2 - *I would like to also request copies of all VIRA paperwork and documents covering the requirement of involvement of ACAS in VIRA including copies of binding final decision documents or proforma*

RFI2 Response - The process where a Failure to Agree (FTA) situation arises would be:

National Dispute

Where National Partners have agreed that the issue has national implications, it will be progressed at a national level. Discussions between management and the appropriate Full Time Official (FTO) will commence and such discussions will result either in resolution, or in a FTA. A VIRA 1 form notifying that an FTA exists will then be completed and lodged with the Employment Relations and Reward (ER&R) Team normally within 24hrs.

Conciliation

Where a VIRA 1 Form has been lodged, it is accepted by all parties to the dispute that the matter will proceed automatically to ACAS for conciliation. The conciliation process will commence within 14 calendar days of ACAS being informed of the FTA. The ER&R Team should be informed of the agreed date for conciliation.

Arbitration

Should conciliation not resolve the issue(s), this will proceed to arbitration. The terms of reference for arbitration must be agreed by the appropriate FTO and SPS Director and will be concluded during conciliation.

The SPS does not hold copies of final decision documents or proforma.

We have now completed our search for the information you request.

If you are unhappy with this response to your request, you may ask us to carry out an internal review, by writing to The Chief Executive, Calton House, 5 Redheughs Rigg, Edinburgh, EH12 9HW. Your

request should explain why you wish a review to be carried out, and should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If you are not satisfied with the result of the review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

Yours sincerely,