



Shropshire Providers
Consortium

Delivering services with added social value



ROOTS HR CIC
Human Resources for social sector employers

TUPE training

Jan Golding Chartered FCIPD
HR Consultant



Aims of the session

At the end of the session delegates will have:

- an understanding of the key provisions of TUPE legislation and its application in the social sector
- an understanding of the overall journey taken by an organisation from contract identification to TUPE transfer and the key points at which decisions are taken, risks are identified and how these can be managed
- a specific understanding of the risks to organisations with a transfer from the public sector, including pension considerations
- an improved ability to make informed decisions on behalf of their organisations, and how to identify and manage risk on behalf of their organisations, where TUPE may apply

Icebreaker



TUPE – legislative overview



- Application
- Definition of an “undertaking”
- Scope of workforce for transfer
- Terms of transfer
- Duty to consult

TUPE – associated costs and risks

Legal compliance

- Automatically unfair dismissal
- Failure to consult
- Joint and several liability

Other factors



TUPE – overview of pensions

If the following schemes were in place immediately prior to the transfer:

- Final salary or money purchase
- Defined contribution
- Public Sector

TUPE – public sector transfers



- Pensions
- Procurement principles
- Equality Act
- Cabinet Office Principles of Good Employment Practice
- T&Cs

TUPE – implications for an organisation



- Strategic direction
- Financial viability
- Model of delivery
- Costs
- Risks

Pre-empting, identifying and managing risk

- Due diligence
- Questioning – when / who
- Identifying measures
- Indemnities

Stage 1 - Pre-tender

- Due diligence
- Is there an undertaking?
- Who is in scope to transfer?
- Costs
- Assessment of risk
- Go / no go decision
- Submission



Stage 2 - Post-tender

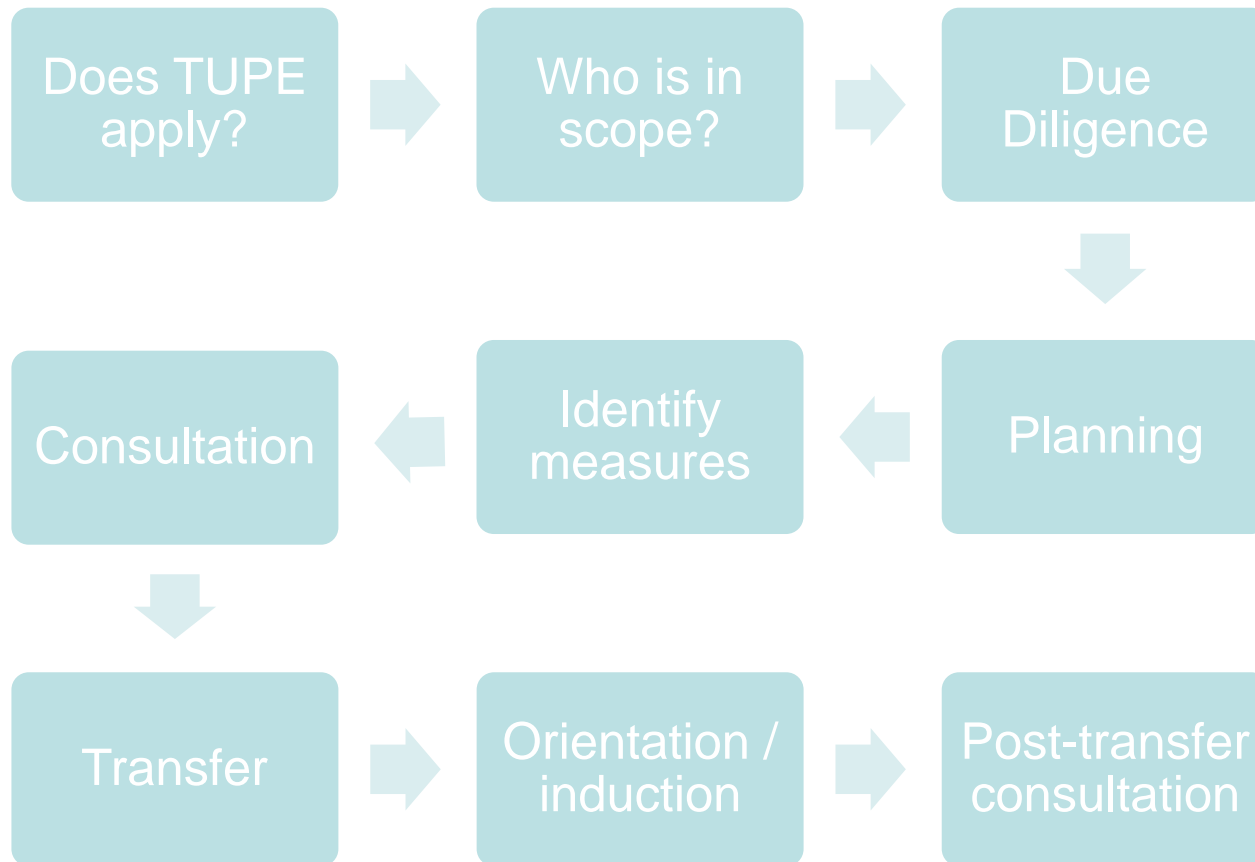
- Due diligence
- Is there an undertaking?
- Who is in scope to transfer?
- Costs
- Assessment of risk
- Planning
- Measures



Break



Example transfer process



Implementation and Integration

- Consultations
 - Letters
 - Personnel files
 - Induction and orientation
 - Restructuring
 - Integration
-
- Stage 4



Case Study

Feedback & Evaluation