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TRIPLE THREAT SECURITY LTD

TUPE POLICY

PURPOSE

This document serves as a checklist, for senior managers, personnel professionals and line managers, sets out key issues to be addressed in handling a TUPE transfer. This document to be used with individual staff TUPE document

HR STRATEGY:

- a mechanism is in place to keep staff fully informed and involved in the process from the outset
- staff are provided with the appropriate advice and assistance at all key stages
- a senior manager is designated as responsible for communication and project management.
- equal opportunities policies and principles are upheld at all stages of the process
- steps are taken to ensure that the change process is as smooth as possible by producing a transition plan or TUPE protocol which sets out responsibilities and key objectives

INFORMING AND CONSULTING TRADE UNIONS:

- notify the trade unions that the service will be subjected to a review
- ensure that the statutory consultation process is planned and managed and that specialist advice is sought, if necessary
- enter into full and proper discussions with the trade unions with a view to achieving consensus about the way the transfer will be carried out, and how its effect on employees will be managed; staff should be told if no 'measures' are to be taken, such as no immediate proposals to make redundancies in the new employment
- full consultation, and, where appropriate, negotiation, with the recognised trade union(s) or if none, other employee representatives to commence as soon as possible

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THE PRELIMINARY PROCESS

- decide, with the employee if possible, whether staff working between two departments will transfer to the new service provider – ‘the percentage test’
- advise staff on ‘non-standard contracts’, such as part-time, temporary and casual, that they too will transfer
- consider staff on career breaks and sabbaticals and whether they will form part of the transfer
- staff on maternity, long-term sick leave and secondment are identified and involved in the process
- where the employee objects to being transferred, advise them of the consequences and obtain the employee’s written objection at the earliest opportunity
- consider professional counselling for staff

DISCLOSURE OF STAFF INFORMATION

- provide information on staff terms and conditions to bidders, subject to the council’s duty of confidentiality under the Data Protection Act
- make sure that staff are aware that the company may propose to disclose anonymised information about them
- advise bidders for the work that they will have to offer a broadly comparable occupational pension.

CONTRACTUAL TERMS

Contractual terms in the main, apply to pay and conditions, including any provisions negotiated at national and local level. Though not defined in TUPE, these could include:

- pay scales and rates and pay intervals
- hours of work
- place of employment
- continuous service
- annual leave entitlements
- sick leave and sick pay schemes
- maternity provisions
- pension arrangements
- part-time or flexible working

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- other time-off arrangements
- disciplinary, grievance and other procedures

TRANSFER CONFIRMATION:

The information to be disclosed to the transferee once it is determined that employees will transfer could include:

- full list of employees to be transferred
- a, sex and identity of each employee
- job/title and job description
- details of untaken leave and any carry-forward arrangements
- remuneration, salary structure and progression and job evaluation and grading schemes in operation
- staff handbooks
- details of bonus schemes or other employee benefits such as car leasing, car allowances, mobile phones, health insurance, gym membership
- employees who are away on sick leave, maternity or paternity leave
- details of any outstanding claims for work-related injury
- details of loans made by the authority, such as car loans season ticket
- sick leave and sick pay schemes
- policies on equal opportunities, health and safety and agreed redundancy policy
- details of recognised trade unions and facilities arrangements

NB: INDEMNITIES ON FUTURE REDUNDACIES:

The company have no legal powers to grant indemnities against the possibility of redundancies after the transfer or on the subsequent re-let of the contract. Any agreed redundancy policy will transfer across to the new employer with the contract of employment.