

A UNISON Guide to the transfer of your employment to North or West Northamptonshire Councils under TUPE in April 2021.

What is TUPE?

TUPE refers to the "Transfer of Undertakings (Protection of Employment) Regulations 2006". The regulations protect the rights of employees when the organisation or service they work for transfers to another employer.

Under the protection of TUPE, staff currently employed by all the Councils in Northamptonshire will have their employment automatically transferred to the new Councils of West Northamptonshire or North Northamptonshire on April 1st 2021.

Terms and Conditions under TUPE;

TUPE means that your contractual terms and conditions will transfer with you. This includes things like your pay, allowances, sick leave, job title and function, and holiday pay. Your pension and your length of service will also transfer. Some arrangements you individually have in place such as reasonable adjustments or arrangements for childcare and flexible working should also continue after transfer.

What will TUPE mean for my job after the transfer;

TUPE legislation means that for an indefinite period your new employer can't make a change to your contractual terms and conditions, if the reason for the change is the transfer itself. This means, for example that the new employer can't change your right to occupational sick pay just because of the transfer. To make any changes they would need to show they have a valid reason (such as an economic, technical or business reason) and they would have to consult staff before any changes are made. If your terms and conditions are changed substantially, before or after the transfer, and we can show that it is because of the transfer UNISON will challenge the change on your behalf and will get legal advice to support this.

Where does UNISON fit in now?

As the Councils in Northamptonshire have a recognition agreement with the trade unions they must formally consult with UNISON before the TUPE happens. This includes consultation on any changes that may happen at the time of transfer. These are called measures. They usually include things like changes to pay dates, and when leave years start. UNISON will also be at the group consultation meetings and as part of the transfer process you will also have the chance to ask for a one to one meeting to discuss your specific circumstances. If you are in UNISON a representative can accompany you at that meeting if you want. Let us know?

Information and Consultation;

Your Employer must provide you with information about the transfer and consult with you about any changes they want to make as part of the transfer (these are called measures). The information must be in writing and include:

- That a transfer is going to take place, approximately when and why.
- Any social, legal or economic implications for example a change of location or the risk of any redundancies.
- Any changes (measures) your old or new employer expect to take which may affect you. These may include things like pay dates. They may not have all this information immediately but they do to let you know in good time so they can consult with you.

Collective consultations;

The employer would usually hold consultation meetings for employees in groups. Because of the pandemic they may now do these remotely on Zoom or Teams. You have the legal right to be consulted and if you are not able to get to these meetings let your employer and UNISON know.

At these meetings you can ask questions about the transfer. If you still have questions which you think haven't been answered let us know?

If you would like UNISON to ask any questions on your behalf let us know?

One to one meetings;

Consultations are usually done collectively, and you should also have the right to one to one meeting. You will have the right to ask for your UNISON representative to be present. We would recommend that you do ask for this. These one to one meetings are important as they are your chance to confirm your contract, length of service and any arrangements that you may have, like reasonable adjustments or flexible working. It is also your chance to ask any questions you may have.

What should I do now?

- As you are going to a new employer it is good to have your own record of your information. We would suggest that you get a file together with your personal information including your contract, length of service, training information and pension information. (You can check your pension information from LGPS) <https://www.yourpension.org.uk/LPFA/In-The-Scheme/My-Pension-Online.aspx>).
- Check that your annual leave and sickness records are correct and that you have copies of them. If you have any concerns with the accuracy of the information and are unable to resolve this, please contact UNISON. If you have any individual arrangements in place such as reasonable adjustments or arrangements for childcare and flexible working, make sure that you have a record of that agreement and why it was made.

- Attend all the consultation meetings you are invited to and ask the questions you want to. If you have any concerns, contact UNISON as we can ask questions on your behalf.
- Ask for a one to one meeting especially if you have any individual arrangements in place such as reasonable adjustments or arrangements for childcare and flexible working, or you have any individual concerns. This means that you can confirm all your personal information with the new employer. It is also another chance for you to ask any questions you may have. You can ask for your union representative to accompany you.

Other questions?

Will I keep my pension?

Your current pension arrangements including eligibility for the Local Government Pension Scheme (LGPS), the NHS Pension Scheme will continue when you transfer to the New Councils. If you are currently 'opted out' of a pension scheme and you want to stay 'opted out' you will have to 'opt out' again.

What if I go for another job in the new Council in the future?

If you go for another job in the new council the new job will have the new terms and conditions of the new employer. UNISON hasn't yet had any confirmation what these will be. UNISON have put in a request for all new staff to be based on the Nationally Agreed Terms and Conditions, including incremental pay, 12 months sick pay and receive the Nationally agreed pay rises.

How will future my pay rises be agreed?

The trade unions have asked that all pay rises for staff in the new councils will be the same as the nationally agreed NJC Pay awards as a minimum for all staff who transfer in from existing Councils. We haven't had an answer to this yet. If your pay is currently negotiated and agreed nationally, this may stop in the future. The Trade unions are concerned that this mean that staff in the new councils will fall behind other councils in the country.

Together we are stronger;

If you have any questions about the TUPE transfer or have any other workplace concerns, please contact your union branch.

UNISON in Northamptonshire have a strong team of UNISON activists if you would like to talk about how you could help just contact the branch. UNISON membership in Northamptonshire is growing which strengthens your voice. If you have any colleagues who are not a member, ask them to join; <https://join.unison.org.uk> . Support our community campaign;

<https://eastmidlands.unison.org.uk/campaigns/northamptonshire-needs-work/>

A county that doesn't work for all is a county that doesn't work.