

Transfer of Undertakings Protection of Employment (TUPE) Policy Statement

Background

TUPE refers to the “Transfer of Undertakings (Protection of Employment) Regulations 2006” as amended by the “Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 and applies to organisations of all sizes to protect employees’ rights when the organisation that they work for transfers to a new employer.

The legislation requires that, in circumstances where TUPE applies, employees from the newly acquired business, service or contract will transfer automatically to the incoming employer. Their terms and conditions of employment (apart from occupational pensions) and continuity of service transfer with them and they also receive certain protections around dismissal and redundancy.

This policy formalises Mick George Ltd’s commitment to best practice, over and above our legal responsibilities, when acting as the ‘incoming employer’ (also known as the ‘new employer’ or the ‘transferee’)

Due Dilligence

Prior to bidding for a business, service or contract Mick George Ltd will always carry out a due diligence exercise to check the financial performance of the business and speak to as many people as possible, determine the level of service and cost expectations of the client and establish if any ‘measures’ (changes to make a service more efficient or affordable) will be required.

We will construct an outline transfer plan to highlight any unknown factors and adapt and update the plan as more information becomes available. We will also consider longer term risks such as the business / contract becoming unprofitable or what disruptions might occur to the overall work performance.

When this information has been collated it will be used to determine whether the transfer is appropriate for Mick George Ltd, considering among other things:

- Do the benefits of proceeding outweigh the risks?
- Will there be sufficient work for two sets of staff?
- What are the actual and potential employment liabilities?
- How will staff be kept motivated and engaged during the transfer?
- How will we ensure that the work is carried out to the required standard?
- How will we maintain Client confidence in our ability to provide excellent services throughout and after the process?
- What terms and conditions are applied to the contract?

Preparing for the transfer

Following notification of a successful bid Mick George Ltd will seek early engagement with the ‘outgoing employer’ (‘transferor’) and set up a channel of communication. We will also identify who in Mick George will manage the transfer and ensure that they have the time and resources to deal with it effectively.

All new staff will be informed / consulted about the transfer. At this stage, if it is acceptable to the outgoing employer, consultations will be carried out on a one to one basis.

We will arrange for the election of employee representatives if appropriate representation is not in place and provide training, if required, and facilities to undertake the role. These representatives may

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then be able to help staff with any questions or worries and contribute to finding solutions for any problems which arise.

We will ensure that there is a free exchange of information between ourselves and the 'outgoing employer' relating to employee liability and due diligence and any 'measures' which may need to be taken in relation to transferring employees.

When we are engaged in 'service provision' transfers we will notify the client of any issues arising with the outgoing employer which may have a negative impact on transfer process.

We will ensure that plans are drawn up for the integration of the new staff to welcome them into the organisation and ensure that telephone and IT systems have been set up and are ready and working for the day of the transfer.

The transfer

On the day of the transfer we will provide a focussed welcome and induction for all new employees to inform them about Mick George Ltd, our culture and how they fit into the organisation. The induction will also cover the rules, policies and standards that are adopted by Mick George.

We will use the induction process to check the new employees understanding of the terms that they were transferred under and discuss and record any issues that they identify within their workplace and any potential solutions that they may suggest.

Where it is not possible to sit down with all new employees on the first day we will ensure that all staff have a one to one at the earliest opportunity.

Post transfer

After the transfer we will hold regular team meetings with new employees while they are still adjusting to the changes to identify any issues and discuss possible solutions.

We will seek to resolve problems before they escalate, establishing an escalation route through our HR department to ensure that more complicated questions are resolved quickly and to ensure consistency of approach.

We will ensure that line managers make reasonable allowances during the period of adjustment and seek to encourage and support the new employees while they are adapting to changes rather than reprimanding them.

We will review any 'measures' previously proposed to ensure that they are still appropriate and that the circumstances around which they were planned are still valid and give full consideration to any suggested alternatives.

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