

Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006 Policy

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1. Introduction

- 1.1. TUPE rules apply to the University as it protects employees' rights when the organisation or service they work for transfers to a new employer. The regulations can apply when an organisation is sold, activities are insourced or outsourced, brought inhouse, transferred or a contract for services is moved from one provider to another.
- 1.2. The regulations impact the employer who is making the transfer (also known as the outgoing employer or the transferor) and the employer who is taking on the transfer (also known as the incoming employer, the new employer or transferee).
- 1.3. This policy sets out the University's approach in conducting a programme resulting in TUPE.

2. Scope

- 2.1. This policy applies to all University employees who have a contract of employment.

3. Procedure

- 3.1. Under the rules of TUPE, Employees will transfer automatically to the incoming employer and their terms and conditions of employment (apart from occupational pensions and criminal liabilities). The new employer, whether this be the University or another institution or service provider, is obliged to honour the contract of employment. This means that existing pay and conditions of service will be maintained.
- 3.2. The date continuous employment started with the University is the one on which any entitlement to statutory employment rights will continue to be based.
- 3.3. Agency staff will not transfer to the incoming employer.
- 3.4. The University will consult and inform those employees affected by the TUPE transfer and any measures that it plans to take, regardless of the numbers that are affected.
- 3.5. Staff will be provided with the following information:
 - The fact that a transfer is happening;
 - When it is expected to happen (date);
 - The reasons for it happening;
 - The legal, social and economic implications of the transfer for the affected employees;
 - The measures which the University intends to take that will affect you, or the fact that there will not be any such measures, if that is the case;
 - The measures which the new employer intends to take that will affect you, or the fact that there will not be any such measures, if that is the case.

4. Consultation

4.1. All consultation will be meaningful. The incoming employer will be invited to visit and speak individually with any transferring employee to talk about their current terms and conditions.

5. Pension Rights

5.1. Pension rights do not automatically transfer with transferring employees. Employees are advised to contact HR to discuss pension options.

6. Due Diligence

6.1. Due diligence and employee liability information will be supplied 28 days before any transfer takes place.

7. Redundancy

7.1. Staff who are made redundant will be provided with the terms of their redundancy compensation. Redundancies will only be made if there is a clear economic, technical or organisational reason.

8. Objecting to the transfer

8.1. Employees have the right to object to the transfer by informing either the transferor or the new employer. Employees should note that the objection will terminate your contract of employment and you will be considered to have resigned, not dismissed and will not be able to claim a redundancy payment.

- **Date Written:** June 2020
- **Author:** HR
- **Version number:** 1
- **Person responsible:** Director of HR
- **Effective from:** June 2020
- **Review date:** June 2022