

Frequently asked questions - TUPE transfer

Dated: April 2024

We understand that you may have lots of questions about the transfer of Range High School and your employment to Southport Learning Trust (SLT). Below are some possible questions you may have and our answers. Hopefully this will reassure you about how this transfer will affect you and what will happen during the process.

We want to provide you with as much information as possible at this time. Range High School, as your employer, will consult with you and your trades unions on the transfer.

1. Q. What is a TUPE transfer?

A. A TUPE transfer is the term used when a service or business transfers from one company to another. TUPE stands for **Transfer of Undertakings (protection of Employment) Regulations** and preserves employees' terms and conditions when a business, undertaking, or part of one, is transferred to a new employer. This means that your contract with Range High School and all the terms set out in your contract will stay the same when you transfer to SLT.

The TUPE Regulations provide employment rights to employees when their employer changes as a result of a transfer of an undertaking.

2. Q. Who will transfer?

A. Those employees who are employed by, and assigned to, Range High School. This includes full time, part time, fixed term (if the expiry date of the contract is after the transfer date). It does not include self-employed contractors or consultants or outsourced services.

3. Q. Will fixed-term contracts be reviewed for potential permanent positions?

If the expiry date of the contract is prior to the transfer date, Range High School will ensure that fixed term employees are made aware of available permanent opportunities prior to the expiry of the contract. Any extensions to, or renewal of, fixed term contracts where the end date extends beyond the transfer date will be protected by TUPE and these employees will transfer. Post transfer, the responsibility for making fixed term employees aware of available vacancies will pass to Southport Learning Trust. Fixed term employees cannot be treated less favourably on the basis of being fixed term and are covered by the Fixed Term Employees (prevention of less favourable treatment) Regulations 2002.

4. Q. Why are you transferring Range High School to SLT?

Frequently asked questions - TUPE transfer

- A. Following a full stakeholder consultation, Range High School submitted an application to the DfE to join Southport Learning Trust which was approved 12th March 2024 and consequently Range High School is being transferred to Southport Learning Trust.

5. Q. What is the role of the trade union?

- A. The trade unions play an important part in the process. They are there to represent your interest and Range High School, as the current employer, is obliged to notify them and consult on any measures proposed by SLT.

6. Q. How does the transfer affect me?

- A. When the transfer takes place, you will immediately become an employee of SLT. It will be as if you had agreed your contract of employment with SLT. You will have the same terms and conditions that you had with Range High School. Your service with Range High School is preserved, as are your terms and conditions of employment (for example holidays, pay, and hours of work) under your contract of employment.

During the process, you have a right to be informed about the transfer and be told about anything different which either Range High School or SLT would like to do that may affect your employment; these are known as measures.

7. Q. Will I get a new contract of employment?

- A. No, your contract will transfer subject to any changes that result from the measures taken. However, we will send you a letter to confirm the transfer to the school once it has gone ahead.

8. Q. Will I retain my terms and conditions?

Range High School employees' period of continuous employment is not broken by this change in employer for staff protected by TUPE. This is stated in your written statement of terms and conditions.

Transferred employees retain all the rights and obligations existing under their current contracts of employment and these are transferred to the new employer. They include pay, working pattern, hours worked, collective agreements, etc.

Frequently asked questions - TUPE transfer

9. Q. What about holidays- will this change?

A. There will be no changes to the number of holiday days you are entitled to

10.Q. Will my hours be changed?

No. You will continue to work the hours you do now as your terms transfer with you. If you would like to request a change in hours once you have transferred, then you can make the request to your line manager through the appropriate procedure who will consider it.

11.Q. Will there be redundancies?

Not at this stage, any changes SLT wish to make following transfer will require full consultation with trades unions in relation to this.

12.Q. What happens if I am off sick or on maternity when the transfer takes place?

A. If you are assigned to the transfer you will still transfer to SLT. Range High School will need to ensure that they keep in contact with you even though you will not be in the school.

13.Q. What about my pension?

A. The current schemes for Teachers, Teacher Pensions Service and support staff - the Local Government Pension Scheme - are the same schemes in place with SLT so your membership will transfer when you transfer to the school.

If you have opted out of the pension scheme prior to the transfer, you will be auto enrolled into the scheme with Southport Learning Trust and will need to opt out again after the transfer if you do not wish to remain in the scheme.

14.Q. What day will we transfer?

A. Your employment will transfer to the school on 1 September 2024 so your employment will finish with Range High School on 31 August 2024.

15.Q. Are you making any changes to our jobs?

A. We have not been made aware of any planned changes after the transfer date. Any proposed changes to the structure after 1 September 2024, affecting current roles, will be in full consultation with the trade unions.

Frequently asked questions - TUPE transfer

16.Q. How will the process affect staff from overseas, particularly regarding visa sponsorship?

Under TUPE requirements, the new employer assumes full responsibility for transferring sponsored workers from the date of transfer. The new employer must, therefore, hold a valid and suitable sponsor licence to employ the sponsored workers or apply for a new licence within 20 working days

17.Q. What about my personal details - what information is shared with Southport Learning Trust?

A. As you are assigned to the transfer, we are legally obliged to provide information about you to SLT that confirms:

- Your name, age and sex
- Your job title and job description
- Your holidays including details of untaken leave
- Your pay and how your pay increases
- Your contract of employment and staff handbook (contractual policies)
- Your sickness record
- Disciplinary and grievances records

18.Q. What if I don't want to transfer?

A. If you have any concerns about the transfer then you should speak to your manager or trade union representative as soon as possible. Hopefully this will reassure you about the transfer and clarify what the impact will be.

However, if you refuse to transfer then your contract with Range High school will come to an end on 31 August 2024 and you will be deemed to have resigned from your post. You will not be entitled to any redundancy payment as there will be no dismissal.

19.Q. Can contract conditions be changed or varied after a TUPE transfer has occurred?

A. Changes cannot be made in connection with the transfer unless those changes are for a legitimate economic, technical and organisational reason (ETO) entailing changes in the workforce.

So for example there may be:

- a reason relating to the profitability or market performance (economic) or the service

Frequently asked questions - TUPE transfer

- a reason relating to the nature of the equipment or production process (technical) which requires changes
- a reason relating to the management or organisational structure of the organisation (organisational) that requires changes

Changes to employment terms arising from changes to structure or roles could be changed where the changes are unconnected with the transfer but will not take place without full consultation with affected employees.

Any changes requested by you such as flexible working arrangements, changes to hours etc may mean you would be subject to Southport Learning Trust terms and conditions and you may be issued with a new contract.

20. Q. What happens to collective agreements when the transfer takes place?

Under the TUPE regulations, collective agreements in place before the transfer will apply. The new employer will take over the employment contracts, based on their existing terms and conditions, including the terms of any collective agreement incorporated into that contract.

21. Q. What happens to my TUPE rights if I accept a promotion?

If you change role post transfer date, you will be subject to the contractual terms currently in place at Southport Learning Trust and TUPE protection will no longer apply.

22. Q. What happens to any Range High School policies that form part of my terms and conditions?

Southport Learning Trust have confirmed that all Range High School policies will apply to transferring employees post transfer. This will only apply on your current terms and conditions. If you change contracts by applying for and accepting a new role you will be subject to SLT policies and terms and conditions.

23. Q. When will I get paid?

A. There will be no changes to your current pay arrangements

24. Q. Will I get a P45?

A. As you will be leaving Range High School and transferring to Southport Learning Trust, a P45 will be produced on 31 August but this is only to inform HMRC that your employer has changed from Range High School to Southport Learning Trust and to make sure your details are entered onto the payroll. You would not normally

Frequently asked questions - TUPE transfer

receive the P45, it will be sent to SLT payroll team/provider. This will not affect your continuous service or your terms and conditions.

25.Q. Who will be my line manager?

A. All staff structures and reporting lines will remain the same as far as possible, however, there may be some reporting changes at senior leadership level in accordance with the structure in place at SLT. You will be kept fully informed as we move through the TUPE transfer process

26.Q. What happens next?

A. There are a number of steps we need to follow before you transfer. We will be working with SLT to ensure everything is done correctly and on time. As your current employer, we are required to speak to you and the trade unions about the transfer and provide all the relevant information. The consultation period closes on 24 May 2024.