

HR Case Study: TUPE

Our HR Consultants are experienced in the management of employee transfers resulting from acquisitions and 'contracting out' exercises under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). We have managed the transfer of more than 2000 staff from one employer to another under these Regulations. Transfers have been managed in both the public and private, some of which have also involved consultation and negotiations with trades unions.

Head-count	TUPE Arrangement
150	Transfer of service contract to FM Industry
120	Local Authority to the private sector (PFI)
40	Transfer of service contract – FM Industry
600	NHS support services to the private sector
80	Business de-merger into new legal entity
80	Defence to the private sector (PFI)
30	Business acquisition – IT Industry
40	Transfer of service contract – FM Industry
550	Government agency to the private sector
250	NHS support services to the private sector
30	Transfer of service contract – FM Industry
130	Transfer of service contract – Distribution Industry
90	Business acquisition – IT Industry

The Requirement

In 2006 we undertook to support a Facilities Management Company to transfer over 150 staff from 18 different employers into one single employer entity. The transfer resulted from the Client being awarded a national contract for maintenance services; previously these services were supplied via locally managed contracts with specialist mechanical and electrical service contractors

Our role in this TUPE transfer was to:

1. Establish contact with 'outgoing' employers to identify those employees affected by the transfer and to determine whether employees would transfer or remain with their existing employers.
2. Request and obtain employee data relating to transferring employees from their employers.
3. Undertake a detailed review on the employee data obtained from 18 'outgoing' employers in order to establish pay rates, terms and conditions of service, employment benefits, pension

provision, bonus schemes arrangements and conditions determined by national pay bodies.



4. Undertake a series of communication and consultation exercises with affected employees; making presentations to employees about TUPE, their new employer, new employment arrangements and the changes anticipated from the introduction of a national service supply arrangement.
5. Engage in 'one to one' meetings with transferring staff as part of the employee consultation and information gathering exercise.
6. Determine and continually monitor the headcount 'shortfall'.
7. Support an external recruitment exercise; advertising, liaison with recruitment consultancies, selection interviews, issuing contracts of employment.
8. Establish new and transferring employees onto the Client's payroll and manage the provision of employee benefit arrangements.
9. Undertake a comparison of employees' terms and conditions of employment as part of the Client's cost identification and change management programme.
10. Support the Client's management team in terms of the practical application of TUPE and provision of employment advice and assistance.