

PROPOSAL TO JOIN CASTLEMAN ACADEMY TRUST

IMPLICATIONS FOR STAFF OF A TRANSFER OF EMPLOYMENT

Frequently Asked Questions

1. What is TUPE?

TUPE stands for *Transfer of Undertakings (Protection of Employees) Regulations 2006*. It is legislation that sets out what must happen in relation to the employment of staff when the core activities (the "Undertakings") of one organisation, like a school, are transferred to another organisation, like an academy trust. The TUPE Regulations sets out that employee terms and conditions such as pay and contractual policies are protected at the point of transfer.

The Regulations require that your current employer must consult with unions, professional associations and staff on the transfer. Part of this consultation process is that the current employer must write a letter, called the Regulation 13 letter, setting out the reasons and implications of the transfer of employment.

2. How will the schools consult with staff, unions and professional associations?

There are two separate consultations with staff.

First, each Governing Body is consulting with staff on the proposal to convert to join Castleman Academy Trust. This consultation will run from Monday, January 20th until Friday, February 28th and you are invited to a staff meeting on Monday, February 3rd at Ferndown Upper School when you will be able to hear more about the proposal and ask questions.

On March 10th, 2020 the Governing Body will then consider a report on the consultation and, if satisfied with the outcome, will proceed to the next stage.

The TUPE consultation process would then commence in late March 2020 led by your current employer, which is Dorset Council for Ferndown First, Middle and Upper Schools and Parley First School and for Corfe Hills School, as an academy, it is the trustees. There would be a TUPE consultation meeting with union and professional association representatives and then a staff TUPE consultation meeting.

Staff will also have the opportunity to meet with union and professional association representatives to discuss the proposed transfer of employment. Staff will also have the opportunity for one-to-one meetings with their Headteacher to discuss any individual concerns or issues.

3. Can the school or Trust alter staff pay and conditions?

When staff are subject to a transfer of employment, they are legally protected to transfer under the same employment terms and conditions.

Because the staff will transfer under TUPE they have the protection that their terms and conditions may never be changed to their detriment if the main reason for the change is the TUPE transfer itself.

Staff will be able to check that their pay and key contractual terms are correct before a transfer takes place, when they are issued with a *Staff Statement of Employment* during the TUPE consultation.

4. How will future pay awards and terms & conditions be decided?

Currently, pay awards and terms and conditions are agreed nationally and locally through negotiations between employer representatives and trade unions for teachers and support staff. These agreements are commonly known for teachers as *School Teachers Pay & Conditions Document (STPCD)* and the *Burgundy Book* and for support staff *National Joint Council pay awards* and the *Green Book*.

Castleman Academy Trust cannot automatically adopt these agreements because it would not be represented at those national negotiations.

Trustees have, however, committed that it will seek to adopt, as a minimum, the national and local agreements for annual pay awards agreed between unions and employers for teachers and support staff respectively. Furthermore, the Trust will consult with staff, unions and professional associations on future

pay awards and changes to other terms and conditions of employment through a *Joint Consultation & Negotiation Committee (JCC)* comprising both Trust and trade union representatives.

5. Will staff be required to work in other Trust schools?

Staff will normally have a contract of employment to work in their current school and this is protected through the transfer of employment, therefore staff will continue to work in their existing school.

However, there are three circumstances where staff may work in another school. First, is when a job at another Castleman Academy Trust school is advertised and an employee applies for and is appointed to that role. Second, when a staff member voluntarily agrees to a secondment or placement. Third, there may be new posts created in the future that are Trust-wide and any staff member appointed to such a post would be expected to work across schools.

6. If the school becomes an academy, who takes responsibility for the pension arrangements of teachers?

The legal agreement that the Castleman Academy Trust has with the Secretary of State makes it a requirement that it offers participation in the Teachers Pension Scheme (TPS) to all teaching staff. So, as teachers working in an academy, you will still be eligible for membership of the TPS.

The TPS runs teacher pensions on behalf of the Department for Education. As your employer, the Trust would be responsible for collecting and paying employer and employee contributions to the TPS and for all other administrative responsibilities set out in the Teachers' Pensions Regulations. The TPS determine the employer and employee pension contributions and the Trust cannot vary or change these. Any future changes will be decided by the TPS not the Trust. Benefits paid to teachers on retirement are not affected by academy status.

7. If the school becomes an academy, who takes responsibility for the pension arrangements of support staff?

The legal agreement that Castleman Academy Trust has with the Secretary of State makes it a requirement that it offers participation in the Local Government Pension Scheme (LGPS) to all support staff. As a member of the support staff working in an academy, you will still be eligible to pay contributions in to the LGPS.

The LGPS runs support staff pensions on behalf of Dorset Council and Bournemouth, Christchurch & Poole Council. As your employer, the Trust would be responsible for collecting and paying employer and employee contributions to the LGPS and for all other administrative responsibilities set out in the LGPS policies. The LGPS determine the employer and employee pension contributions and the Trust cannot vary or change these. Any future changes will be decided by the LGPS not the Trust. Benefits paid to support staff on retirement are not affected by academy status.

8. TUPE protects continuity of Employment, but what happens if I move to another Local Authority maintained school or a different academy?

Continuity of service is protected through the transfer of employment. Castleman Academy Trust will also recognise the continuity of service of new employees joining the Trust.

Currently, there is no legal obligation for a Local Authority or another academy trust to recognise continuity of service of academy trust employees for all aspects of employment. Importantly, however, your previous service will be recognised by any local authority or academy for the purposes of pensions and redundancy payments.

If you were to take a job with a school outside Castleman Academy Trust your continuity of service may be broken. Your new employer may treat you as a new starter for the purposes of enhanced sickness and maternity or paternity benefits, however this will be dependent on the particular trust or academy that you are joining. Before accepting any future offer of employment with an academy or trust, it is recommended that you check that the new employer would recognise your continuity of service.