

Updated 06.11.2020

**Frequently asked questions about TUPE –
For DBMAC school employees transferring to the PFMAC**

- 1. What is a TUPE Transfer?**
TUPE stands for Transfer of Undertakings (Protection of Employment) Regulations 2016, amended in 2014 with Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014. The legislation lays out the rules that employers must follow during TUPE. There are two forms of transfer under TUPE. The first is known as a “business transfer” and the second form is a “service provision change”. These two types of transfer are not necessarily mutually exclusive and could occur at the same time.
- 2. What happens to my terms and conditions?**
Under TUPE regulations you will maintain the terms and conditions you currently have unless the terms and conditions of the new employer are more favourable and changes are then consulted with new employees.
- 3. I am off sick. What will this mean for me?**
Your school will continue to keep you informed and you will transfer to the PFMAC. Your school will look to support you back to work inline with the current absence management process.
- 4. I am pregnant/on maternity leave. What will this mean for me?**
The transfer will not affect your maternity pay and benefits. Your school will continue to keep you up to date on the transfer process and you will transfer to the PFMAC.
- 5. What about pay reviews?**
The DBMAC and PFMAC have chosen to adhere to nationally negotiated pay reviews and locally agreed Oxfordshire Pay policies, presently April for support staff and September for teaching staff. Where an annual review is agreed later than this, it would be back-dated as appropriate to the pay review date.
- 6. What happens if I don't want to Transfer to the new Employer?**

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You would be treated as having resigned and would not transfer to the PFMAC on 1st January 2020. You would need to let your school know in writing, before the transfer date, to avoid being transferred and your last day of service would be the day before transfer.

7. What happens to my pension?

The PFMAC confirms that it will retain the Local Government Pension Scheme (LGPS) and Teachers' Pension Scheme so there will be no change to staff pensions. Your years of service will be respected and there is no change to pension deductions planned as The LGPS/TPS set the employee contributions rate and not the employer. Therefore, there will be no change to your employee pension contribution rate unless the pension provider informs otherwise. If staff are eligible but currently opted-out of the applicable pension scheme, they will be re-enrolled automatically on transfer to the new employer. TP may notify its members (via email) to say that they have left the scheme – this is just a formality as they leave the previous employer and are re-enrolled by the new employer.

You will not need to do anything. The PFMAC will work closely together with your school to gather all this data as part of what is known as “due diligence”. They will inform the relevant pension departments of the change of employer.

8. Will my trade union be recognised?

The PFMAC already recognise trade unions and so this would continue.

9. What happens to my personal file?

Your personal file will physically remain at your school.

10. Will the date that I get paid change?

Your payroll provider remains the same on transfer and you will continue to be paid on the last working day of each month.

11. Will I still have access to my old payslips and P60's?

We would advise that all employees download their historic payslips and P60's before the transfer. *We will confirm with EPM if historical pay data will be available after transfer.*

12. Can an employer change the terms and conditions of transferred employees if a certain amount of time has passed since the TUPE transfer?

No, currently your terms and conditions are protected. They can be renegotiated after one year provided that, overall, the contract is no less favourable to the

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employee. We would consult with any trade unions should any changes to terms and conditions be considered.

13. What happens to the balance of an accrued annual leave when he or she transfers in a TUPE situation?

The PFMAC will honour any accrued leave on transfer.

14. Can I be made to work at other schools in the trust?

No you cannot be made to work at another school in the PFMAC but we envisage there may be development opportunities available whereby you may on occasions be able to share knowledge and experience and in doing so work with other schools in the PFMAC.

15. Will the employee appraisal/performance review change?

The process could change in the future, but we don't see it changing immediately on transfer.

16. I currently use a salary sacrifice childcare voucher scheme. Will this continue when we transfer?

The Government has introduced its own scheme to support parents who pay regular childcare costs to a registered provider. Consequentially, independent childcare voucher provider, such as 'Kiddivouchers', are being phased out and are not allowed to accept new scheme members. When you leave your current employer, you also leave the scheme account associated with it. Unfortunately, this means you will be unable to re-join the voucher/salary sacrifice scheme, but for further information on the Government Scheme, please follow <https://www.gov.uk/tax-free-childcare>.

17. Will anything change with our current Occupational Health Provider (OH) and Employee Assistance Programme (EAP)?

Both the DBMAC and PFMAC have an external agency providing these services for their schools and employees.

Currently, DBMAC schools subscribe to services with PAM/OHIO and this will continue for the duration of the subscription period. PFMAC schools are currently with a different provider, Medigold (OH) with Health Assured (EAP). These services will be reviewed next summer to determine whether they still offer best service and value across the PFMAC.

If you have any specific questions, please email: tupemerger@bgn.oxon.sch.uk before Friday 4th December.

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