

TUPE STAFF CONSULTATION: FREQUENTLY ASKED QUESTIONS

Q. When will the transfer take place?

A. A transfer date of 1st April 2017 has been proposed.

Q. What does this change mean?

A. You will no longer be employed by Portsmouth City Council but will transfer across to the Trust, provisionally known as The De Curci Trust and they will become your new employer.

Q. Will our pensions remain the same?

A. The Trust, provisionally known as The De Curci Trust has confirmed 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.

Q. Will the employer pension contributions remain the same?

A. The Local Government Pension Scheme / Teachers' Pension Scheme set the contributions rate and not the employer and therefore there will be no change to your pension contribution rate unless the pension provider informs otherwise.

Q. Do I need to inform the Local Government Pension Scheme / Teachers' Pensions of the change to my employer?

A. No, you will not need to do anything. The School and Portsmouth City Council have worked closely together 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.

Q. What will happen about deductions that we have made to our salaries such as student loans and union fees?

A. This information is covered under "Due Diligence". However as the school will be retaining the payroll provision at Portsmouth City Council for a while, they already hold this information so will continue making the relevant deductions.

Q. PCC provided a salary sacrifice scheme for Childcare Vouchers, is this something the academy will continue to provide?

A. Yes, the Trust, provisionally known as The De Curci Trust will continue to support this Scheme, however, staff who are not yet registered to the scheme should be aware the Government intend to introduce a new Tax-Free Childcare scheme in 2017 and will close the current Childcare scheme, although existing members will be allowed to remain in the scheme.

Q. PCC provided a travel loan scheme, is this something that the academy will continue to provide?

A. The Trust, provisionally known as The De Curci Trust has confirmed that this will no longer continue.

Q. PCC provided a number of benefits such as discount in local shops is this something that the academy will continue to provide?

A. The Trust, provisionally known as The De Curci Trust has confirmed that it does not offer such discount schemes.

Q. I have two jobs, one with the school and one with the council, will I receive two payslips and will I be issued a new pay number?

A. You would receive a payslip from each employment, so in this case two separate payslips and two pay numbers would apply.

Q. Will I still get a payslip?

A. Yes

Q. When we transfer, if Portsmouth City Council changes their terms and conditions, will our terms and conditions change or is it a snap shot in time?

A. Yes it is a snap shot in time, the terms and conditions that you transfer with will remain the same whilst you remain on your current PCC contract. The reason for this is that PCC will no longer be your employer.

Q. Will my terms and conditions change? What does TUPE stand for?

A. No. The transfer is covered by legislation called 'TUPE'. TUPE stands for The Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014. The purpose of the Regulations is to protect contractual terms and conditions when employees transfer from one business ("the transferor") to another ("the transferee").

This means that your terms and conditions – holiday allowance, occupational sick pay, pay review, and so on – are protected and can only be changed in certain circumstances. It is unlawful to change terms and conditions solely as a result of the transfer and, if the change is for a reason connected with the transfer, then there must be an 'economical, technical or organisational reason' entailing changes in the numbers or functions of the workforce. So the opportunity for the Trust to change your terms and conditions is fairly limited.

Q. What does ETO stand for?

A. Economical, Technological and Organisational. An economical reason might be budget cuts, a technological reason could be computers replacing the activities carried out by staff and an organisational reason might be changes to the working day or week.

Q. What would constitute a change, to put me over to an academy contract. Eg if I changed my hours would I be put on to an academy contract?

A. A move to an academy contract may be as a result of a promotion to a different role or a significant change to duties/hours.

Q. Can the Trust just make changes?

A. No, there is no difference between when you were employed by the local authority to being employed to the Trust; any change would have to go through a consultation period. There also needs to be a reason for the change and this cannot be related to the transfer and must be an ETO reason. They cannot make a change because you have become an academy and they feel like it.

Q. I am pregnant and due to go off before the transfer. What will happen when I come back?

A. There is no difference to if you were coming back to prior to the school converting. The school will still use the maternity policy from the manual of personal practice.

Q. Will you continue to recognise the Manual of Personnel Practice (MPP)?

A. The Trust, provisionally known as The De Curci Trust will recognise those policies which have been confirmed as statutory by PCC but will be amended to reflect Trust processes.

Q. Will you be changing our school day?

A. No, there are currently no plans to formally extend the school day. The Trust is consulting on a measure to include period 6 / after school session for scheduled lessons as there may be lessons outside of the school day, of which there are examples of this already being practice.

Any formal change to extend the school day would be consulted on separately.

Q. Will my pay date be the same (ie the last working day of the month)?

A. Yes

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

A. You would need to provide your written resignation with appropriate notice before the transfer date to avoid transferring to the Trust, provisionally known as The De Curci Trust on 1st April 2017. You would not be compensated for choosing not to transfer and would be treated as having resigned.

Q. In the letter sent to staff it states "Teachers transferring to the Academy will no longer be automatically subject to future teacher's statutory pay and conditions document. Terms and conditions and other non-contractual terms,

of transferring staff and teachers may no longer be, or may only partly be, determined by national and/or collective bargaining machinery after the transfer. This is because the Academy is not part of that machinery and nor is it part of the bargaining machinery of the LA. It is acknowledged that the Recognition Agreement in force at the time of the transfer will transfer." Can you explain?

A. When a school becomes an academy it doesn't have to follow the teachers statutory pay and conditions, however, the Trust, provisionally known as The De Curci Trust has confirmed that it will retain these. Had they decided not to or were contemplating changing this, then it would have been a proposed measure and the Trust would have needed to consult with all employees on that proposed change. This is not the case as the Trust confirmed that it would not be proposing any measures. The Trust and the school did want to be open and transparent with its staff and make sure that they were aware that potentially, for an ETO reason they could decide to no longer - follow the teacher's statutory pay and conditions. The school and the Trust have no way of predicting things in the future and did not want to make promises that it would always retain the same position on the teachers terms and conditions. If this was to happen the school and the Trust would be obliged to follow the relevant processes which would include consultation.

Q. If any terms of my contract change for the next academic year, will these be from 1/4/17 and therefore considered a new Trust contract or would terms and conditions be preserved as adjustment to existing contract?

A. This will depend on the reason for the contract change and will be discussed with the individual allowing sufficient notice prior to any agreed change.

Q. At what point may the Trust decide to change for ETO reasons and adjust my terms and conditions would I be included in the discussion?

A. There is no planned point in time, however, should there be a business need (ie ETO reason) to change conditions, then affected staff would be fully consulted.

Q. Will the Trust continue to support facilities time?

A. The Trust hope to continue to support facilities time. The service level agreement is to be reviewed.

Q. Some schools won't recognise unions after transferring to academy status. Will the Trust, provisionally known as The De Curci Trust automatically recognise unions?

A. A. Yes, the SAT will recognise unions. Union fee deductions will continue (for non-teaching staff) as at present so there should be a seamless transfer.

Q. If a teacher's hours change (e.g from two day pw to 3 days pw) would this constitute a new contract and hence a move to the Trust pay and conditions?

A. Teachers' terms and conditions are determined by the School Teachers' Pay and Conditions document. Whilst the reason for the change would determine whether a new contract was required, it is highly unlikely a change of hours would require a change of contract

Q. Under TUPE - our current transfer of terms and conditions - does this mean (and include) sick pay? And will this be a temporary or permanent measure as we become an academy?

A. All current terms and conditions would continue to apply after the transfer.