



TUPE - Frequently asked questions for employees

The following frequently asked questions will provide important information for any member of staff who is subject to TUPE:

What does TUPE stand for?

TUPE stands for the Transfer of Undertakings (Protection of Employment) Regulations 2006. The Regulations were updated in 2014.

What is the purpose of TUPE?

The purpose of TUPE is to preserve the contracts of employment and rights of the staff where an organisation (or part of it) or a contract to provide services (or part of it) transfers to a new employer. The staff assigned to the organisation or contract transfer automatically to the new employer.

Who is the transferor and who is the transferee?

Under TUPE, the employer who is transferring the employees to the new employer is called the transferor. The new employer is called the transferee.

What happens when a maintained school (transferor) becomes an academy (transferee)?

When an existing school converts to an academy, TUPE will apply and the existing employees will automatically transfer to become employees of the Academy Trust on the same terms and conditions of employment.

Will my existing terms and conditions of employment be protected?

Yes, at the point of transfer your existing terms and conditions of employment are preserved and protected. This includes your continuous service and your accrued pension provision.

What happens if I object to the transfer and do not wish to be subject to TUPE?

In this situation, the employee is deemed to have resigned from their post. It is not a redundancy situation as the job is transferring to a new employer, so the work has not ceased or diminished.

Will my new employer still offer the Teachers' Pension Scheme and the Local Government Pension Scheme?

Yes, Academies are required to continue to offer both the Teachers' Pension Scheme to teachers and the Local Government Pension Scheme to support staff for existing and new employees .

Can my new employer (transferee) change my terms and conditions?

The new employer cannot change your terms and conditions because of the TUPE transfer itself. There must be an economic, technical or organisational reason (known as an ETO reason) entailing changes in the workforce.

How long after the transfer can my employer change my terms and conditions?

There is no time period for implementing changes as changes connected with the transfer are not allowed. When changes are planned, the employer must be able to show that there is another reason for the change that is unrelated to the transfer, for example, organisational change in response to falling pupil numbers.

Following a TUPE transfer, is the transferee (Academy) bound by changes to a collective agreement that are agreed after the transfer between the union and the transferor (Local Authority)?

No. Where the contracts of employment of transferring employees incorporate provisions of a collective agreement, the transferee is bound by the terms and conditions in place at the time of the transfer, but not by any subsequent changes to the collective agreement, or new collective agreements, agreed between the union and the transferor after the transfer, where the transferee does not participate in the negotiations.

How long is the consultation process for TUPE?

There is no specified consultation process under the Regulations. Both the transferor and transferee have a duty to inform and consult with appropriate representatives (recognised Trade Union representatives) on the proposed transfer and measures. There is no prescribed minimum time period for this to take place, the Regulations simply state "long enough before the relevant transfer" to enable the employer to consult. Consultation relates to any measures that are proposed.

What is a measure?

Under TUPE, if there are any changes, actions or arrangements arising from the proposed transfer, they are known as measures. These might be changes to work practices or policies. For example, the Local Authority's Car Lease Scheme may no longer be available to employees transferring to an Academy.

During the TUPE consultation process, employees will be informed of any measures relating to the transfer. The only measure intended for the Elmwood transfer is a change to the pay date.

What happens to information and data held about me on my personal records?

Electronic data will be provided to the new employer (transferee) by the transferor in a document which is called Employee Liability Information. This contains all relevant personal details about each employee which is proposed to transfer. Hard copy personnel records should be transferred to the new employer on transfer.

Will my role be restructured or regraded as part of the transfer?

No. All employee's transfer with their current terms and conditions which include their role and pay.

Will we follow Matrix Academy Trust policies?

It is currently proposed that all Elmwood School policies transfer over and therefore employees will continue to follow policies already adopted.

Who will we receive salary payment from?

Matrix Academy Trust run a monthly end to end payroll service. All employees will have access to an online portal to update their own personal details and download pay slips.

What dates will we receive salary payment?

The Trust makes payment of salary on 28th of each month (or the working day that falls earlier) with the exception of an early payment at Christmas. Below are the pay dates currently for the rest of this year:

- 28th April
- 28th May
- 27th June
- 28th July
- 28th August
- 26th September
- 28th October
- 28th November
- 19th December

What employee benefits do Matrix Academy Trust offer?

All employees have access to a range of benefits including The School's Wellbeing Service, which currently provides confidential and free access to:

- GP Service
- Counselling
- Physiotherapy
- Nurse support
- Support in other areas including bereavement, financial, family and weight management.

Other available benefits include:

- Cycle to Work Scheme
- Tech Scheme
- Reimbursements towards opticians
- Trust sought discounts

If you do have any questions that are not answered, please do not hesitate to contact us. Please email Molly Thomason (HR Director) on mthomason@matrixacademytrust.co.uk