

1. What is TUPE?

TUPE is the acronym that 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. The TUPE Regulations sets out that employee terms and conditions such as pay, pensions and policies are protected at the point of transfer.

The regulations require that your current employer, the London Borough of Newham, 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.

The regulations also require that the future employer, the Learning in Harmony Trust, sets out to the current employer any proposed changes (the “Measures”) that could affect employees. Examples include plans to re-organise staff or introduce new ways of working. The Learning in Harmony Trust is not proposing any Measures that it believes would impact adversely on staff.

2. How will the school consult with staff?

The Governing Board is running two parallel consultations with staff. The first consultation is on the proposal to convert to academy status and join the Learning in Harmony Trust. The second consultation is on the proposed transfer of employment, under TUPE regulations, from the London Borough of Newham to the Learning in Harmony Trust.

We will be holding a staff academy consultation meeting on Wednesday, February 6th at 3:45pm. There will be short presentations from the Governors and Headteacher and from the Learning in Harmony Trust CEO. You will then have the chance to ask questions about the proposal. We will also invite unions and professional associations to attend this meeting.

3. Can the school alter staff pay and conditions?

When a school becomes an academy, staff are legally protected to transfer under the same employment terms and conditions, including pay. Like any employer, the Trust could propose to change terms and conditions in the future. As now, there are clear policies on consultation with staff on any proposed changes and rules on salary protection. 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.

4. Will staff have to work at other schools?

The contract of employment that staff have is to work in their school and this is protected through the transfer of employment. So, staff will continue to work in their school. However, there are three circumstances where staff may work in another school. Firstly, when a job at a Trust school is advertised and an employee applies for and is appointed to that role. Secondly, when a staff member voluntarily agrees as part of their professional development to work temporarily in another school. Thirdly, there may be new posts created in future that are Trust-wide and any staff member appointed to such a post would be expected to work across schools.

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

The Learning in Harmony Trust cannot automatically adopt future national collective agreements on pay and conditions because it will not be represented at those national negotiations. However, the Trust has committed to seek to adopt the national and local agreements for annual pay awards agreed between unions and employers for teachers and support staff respectively. The Learning in Harmony Trust has a union recognition agreement in place and has established a Joint Consultative Committee (JCC) with unions and professional associations, which meets regularly to discuss staff and employment matters. The JCC has agreed the Trust's Pay Policy, which Manor Primary School will adopt.

The Learning in Harmony Trust has also committed that new teaching or support staff employees will be offered terms on the same basis as the equivalent teaching and support staff employees transferred to the Trust.

6. If the school becomes an academy, what are the pension arrangements for teachers?

The legal agreement that the Learning in Harmony 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 are eligible for the TPS, just as if you were employed in a Local Authority maintained school.

The TPS runs teachers' 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, what are the pension arrangements for support staff?

The legal agreement that the Learning in Harmony Trust has with the Secretary of State makes it a requirement that it offer participation in the Local Government Pension Scheme (LGPS) to all support staff. So, as support staff working in an academy, you are eligible for the LGPS, just as if you were employed in a Local Authority maintained school.

The LGPS runs support staff pensions on behalf of the Local Authority. 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?

Before accepting any future offer of employment, you should check that the new employer would recognise your continuity of service. There is the risk that your new employer would treat you as a new starter for the purposes of enhanced sickness and maternity or paternity benefits, unless you negotiate an alternative agreement with them. However, your previous service will be recognised by any local authority or academy for the purposes of pensions and redundancy rights.

The Learning in Harmony Trust recognises the continuity of service of new employees joining the Trust.