

## **Advice**

As the proposal relates to a service being brought in-house, this will create a 'Service Provision Change' under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).

TUPE places an obligation on Nottingham City Council as the transferee to undertake genuine consultation with affected employees and trade unions on any proposed changes to the terms of employees' contracts of employment. These changes must be for an economic, technical or organisational ('ETO') reason and this must be consulted on with affected parties. Nottingham City Council cannot harmonise terms and conditions unless it is for an ETO reason. Therefore it is important for Nottingham City Council to obtain information on incoming employee's terms and conditions in order to identify where potential measures may need to be proposed. All individuals employed by Nottinghamshire County Council should transfer with their existing terms and conditions of employment. This includes their existing salary and any additional costs relating to their salary should also be considered in the budget. Their continuity of service is also preserved.

If the transfer was likely to lead to a restructure or potential redundancies, this should be fed into the consultation process and costs and relevant legal requirements in relation to this should be considered.

An appropriate induction must also be planned to ensure individuals feel welcomed into the organisation and the transition is successful and continuity is provided for service users. There will also need to be a transition period and support and development for the new post holder once they are in post.

TUPE places an obligation on Nottingham City Council as the transferee to engage with Nottinghamshire County Council to undertake genuine consultation with affected employees and trade unions on any proposed changes to the terms of employees' contracts of employment. It is important for Nottingham City Council to obtain information on incoming employee's terms and conditions in order to identify where potential measures may need to be proposed.

Advice provided by Sheila Birch (HR Consultant) on 11 February 2020