

TUPE Frequently Asked Questions (FAQs) for the Newman Catholic Trust

Introduction

These FAQs address common questions concerning TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) as it applies to staff during the Newman Catholic Trust's expansion and when schools convert to join the Trust. Employees and their representatives are encouraged to raise questions throughout the TUPE consultation process.

What is TUPE?

TUPE safeguards your employment rights when your employer changes due to a business transfer. In this case, it applies as the school transitions to an academy trust.

What protections does TUPE offer?

TUPE protects your existing employment terms and conditions, including salary, hours, leave and sick pay entitlements, when you transfer to the new employer (the Newman Catholic Trust). TUPE restricts the Trust from changing your terms and conditions or dismissing you without a valid reason. Additionally, TUPE mandates employers to consult with employee representatives about the transfer.

How does TUPE affect school staff?

Your existing conditions of service will remain unchanged, including those outlined in the School Teachers Pay and Conditions Document (STPCD), the Burgundy Book (teachers' pay and conditions), and the Green Book (support staff pay and conditions).

What happens to my employment contract under TUPE?

In most instances, your employment contract will likely transfer to the Trust under TUPE regulations. This ensures your employment rights and continuity of service are preserved despite the change in employers (from local authority to academy trust).

Can I object to the transfer?

Yes, you have the right to object to the transfer under TUPE. However, this would result in your employment terminating on the transfer date, without redundancy pay or unfair dismissal claims.

Will my terms and conditions change after the transfer?

The Trust has the freedom to choose their pay structures and terms for new hires after the transfer. They can decide to continue using national agreements (Burgundy Book and Green Book) or implement their own terms. However, TUPE prevents them from using the transfer as a reason to modify your existing terms and conditions unless the changes are unrelated to the transfer or have a valid economic or organisational justification. The Trust does work in line with national terms and conditions.

What information and consultation will I receive?

TUPE obliges the trust to provide information regarding the transfer to employees. If there are likely to be changes (measures) affecting staff due to the transfer, the trust must consult with employee representatives (trade unions). While there's no set timeframe, consultations must begin well before the transfer to allow for completion. Staff will also have opportunities for individual discussions.

Is my continuity of employment maintained with a new employer?

Yes, TUPE ensures your total length of service is preserved for all purposes if you're employed by the school when it becomes an academy or joins a Multi-Academy Trust.

Will I get a new contract of employment?

Only if you don't currently have a written contract or your existing one is outdated.

Who will be my employer after the transfer?

You'll be employed by the multi-academy trust. The directors will hold overall responsibility of the Trust. However, each school has its own Local Governing Committee which acts in accordance with the Trust's Scheme of Delegation. Therefore, in the Newman Catholic trust, schools continue to have responsibility for recruiting and employing staff below Vice Principal level.

Do teachers need the same qualifications in academies?

Yes. The Trust is committed to upholding the same high standards as local authority schools and will be subject to Ofsted inspections.

What happens to trade union representation?

The Trust is committed to working with its staff and unions recognised by your current employer. The Trust has a TURA in place and has worked hard to establish strong and transparent relationships with unions. We will continue to determine recognition for the Trust and establish new agreements if needed.