

## **FAQs - Wirral Evolutions TUPE Transfer into Wirral Council**

### **What is TUPE?**

TUPE stands for Transfer of Undertakings (Protection of Employment). It protects employees' rights when they transfer to a new employer.

### **Why is this TUPE transfer happening?**

A TUPE transfer happens when either:

an organisation, or part of it, is transferred from one employer to another.

a service is transferred to a new provider, for example when another company takes over the contract for office cleaning.

A decision was taken in March 2022 that the services provided by Wirral Evolutions would transfer into Wirral Council within 6 months from 1<sup>st</sup> April 2022.

### **Why is WE moving back into the council?**

The decision to bring back in-house the services currently provided through Wirral Evolutions is part of an ongoing monitoring of how the council delivers services. The move reflects changes in the sector and the need to adapt to this. The council-owned arms-length Local Authority Trading Organisation is no longer seen as the best way to meet the needs of the people who use these services or the council.

### **How will this move affect people supported?**

This change will not make any difference to the experience of people we support, which will continue to be delivered to the same high quality.

Transitioning the service to an in-house provision would also provide the Council with more control over how the service is delivered, improve outcomes for people we support and provide greater flexibility on how the service is delivered.

### **Will I be able to give my views about the Wirral Evolutions TUPE transfer?**

Yes, both Wirral Evolutions and Wirral Council will consult with your trade union representatives and also directly with you if you request a 1:1 meeting. The consultation will not discuss whether the transfer will happen or not, but it will include information relating to your terms and conditions and any proposed measures (changes) to working arrangements. You will have the opportunity to give your views, ask questions and make suggestions.

### **What date will the consultation begin?**

The consultation will begin on Monday 20<sup>th</sup> June 2022 when representatives from Wirral Evolutions and Wirral Council will meet with trade union representatives to inform and consult them about the TUPE transfer.

### **How long will the consultation period last?**

The formal consultation with trade union representatives will last for 45 days. Individual meetings with staff will be offered from the week commencing 20<sup>th</sup> June 2022 onwards, although questions with regards to individual circumstances can continue to be answered beyond the formal consultation period.

### **I am not a member of a trade union, how will I receive information and updates?**

Wirral Evolutions and Wirral Council will directly inform you about the TUPE transfer and provide regular updates throughout the consultation period, and you will receive information through normal communications channels i.e. team meetings. You will also have the opportunity to request a 1:1 consultation meeting which would be a meeting specifically for you with representatives from Wirral Evolutions and, if requested, from Wirral Council. In addition to this there will be a dedicated web based portal that you will be given access to and you will be able to submit questions and comments, and receive responses, through this. The address to access the portal is <https://haveyoursay.wirral.gov.uk/wirral-evolutions>

### **What date will the TUPE transfer take place?**

It is anticipated that the transfer will take place in September 2022, the exact date will be confirmed after the consultation period but is believed to be 27<sup>th</sup> September 2022. The Adult Social Care & Public Health Committee held on 3/3/22 stated the intention that those services provided by Wirral Evolutions will be fully transferred back into the Council within six months of 1<sup>st</sup> April 2022.

### **Will all employees of Wirral Evolutions be transferred into Wirral Council?**

All employees of Wirral Evolutions will be part of the TUPE transfer.

### **Will employees still transfer under TUPE if they are on maternity leave or long term sick leave?**

Yes, employees who are currently absent from work for any reason such as maternity leave or long term sick leave will transfer under TUPE in the same way as all other employees.

### **Will I be entitled to a redundancy payment if I do not want to transfer to Wirral Council?**

A TUPE transfer protects employees' rights and ensures continued employment with a new employer. Any individuals who wish to object to the TUPE transfer will be deemed to be resigning from their positions and will begin a notice period accordingly. Employment would end at the date of transfer however no redundancy payment would be payable.

### **How will Wirral Council know the details about my employment?**

Wirral Evolutions will provide Wirral Council with specific information about you and your employment. They will provide this information at least 28 days before the date of transfer to enable your records to be transferred in good time. As Wirral Council is already the payroll provider for Wirral Evolutions, there will be no change to this and pay dates will remain the same.

### **Will my rate of pay stay the same?**

TUPE regulations state that employees will transfer to the new employer on conditions no less favourable than their current ones. It is anticipated that you will be assigned to an equivalent grade and spine point on the Wirral Council pay scale.

### **I have been working for Wirral Evolutions for a number of years, does my employment start again on the date of the TUPE transfer?**

Your employment will be continuous and you will retain your original start date.

### **Will my line manager stay the same?**

It is envisaged that line management arrangements will remain the same however any changes will be discussed with staff directly.

### **What will happen to my outstanding annual leave when I transfer into Wirral Council?**

Your existing contract of employment remains in place so your annual leave balance at the point of transfer will stay the same and any existing agreements to carry over a portion of annual leave will also be transferred.

### **Will I be working in the same physical location?**

It is anticipated that Wirral Evolutions employees who are directly involved in delivering services to people we support will remain in their current locations following the transfer to Wirral Council. Head Office staff will be required to relocate to an appropriate Wirral Council building or may be able to access hybrid working.

### **Will I stay in the same pension scheme?**

Wirral Council will provide a suitable alternative pension scheme which will be the Local Government Pension Scheme (LGPS). All Wirral Council employees are entitled to participate in the scheme and as such you will automatically be enrolled into the LGPS on the date of transfer. Any pension that you have built up with an alternative provider up to the date of transfer will be protected. You can apply to

transfer any existing pensions with alternative providers into LGPS but you must make this request within 1 year of joining LGPS.

**What will happen if I do not want to continue working for Wirral Council after I have transferred?**

If you wish to end your employment after the TUPE transfer date you will need to resign from your position in the usual way and work your contractual notice period leading up to the end of your employment.

**If I do not wish to transfer will EVR/VS be available**

EVR/VS will not be available to staff as part of the TUPE Transfer process. As detailed above, staff who choose not to transfer into Wirral Council will be deemed to be resigning from their positions and will begin a notice period accordingly. Employment would end at the date of transfer.

**Will I be able to keep the same working hours and days?**

Staff who transfer will do so on their existing contracted hours and working patterns

**I am on a temporary contract for twelve months what will happen to me?**

It is proposed that staff currently employed on temporary/fixed term contracts will be made permanent prior to the transfer except where they are covering for a substantive post holder.

**I have been in an acting up role for a number of years/months, will I TUPE into my substantive role or the acting role?**

Staff will TUPE across on existing terms and conditions of employment at the point of transfer. Where acting up arrangements will still be required post transfer, these will remain in place during the transfer.

**I am on a temporary contract supporting as 1:1 which is funded outside of the block contract, will I TUPE in as permanent or temporary?**

Staff who are currently contracted to provide support on a 1:1 basis will transfer in on their existing terms and conditions of employment.

**The council have a different pay structure to Wirral Evolutions, what are the grades etc. and where does my role sit in this?**

The Council's pay structure is different to that of Wirral Evolutions. As outlined above, it is anticipated that staff will be assigned to an equivalent grade and spine point on the Wirral Council pay scale.

### **What will happen to my existing terms and conditions of employment with Wirral Evolutions?**

It is proposed that staff once transferred in would be assigned to Wirral Council terms and conditions of employment which we believe to be generally more favourable. Further detail in relation to proposed terms and conditions will be provided during the Consultation process with the recognised Trade Unions.

### **When we TUPE back in and if there was a subsequent reorganisation or offer of EVRS, will my service at Wirral Council, Wirral Evolutions then back to Wirral Council be continuous?**

Provided there was no break in service, all employment between Wirral Council and Wirral Evolutions would be counted as continuous for the purposes of EVRS.

### **I am currently in an acting up role and I know people have been recruited to backfill me, if they are made permanent in the TUPE and I am not in the acting role what happens to me?**

Staff will transfer into the local authority on their existing terms and conditions of employment. Where acting up arrangements will still be required post transfer, these will remain in place during the transfer.

### **What will happen if I refuse the alternative position if it's not suitable?**

It is anticipated that all affected staff will transfer into an equivalent role within the Council. We do not envisage significant changes to structures or roles. Any issues can be addressed through the consultation process and 1:1s.

### **What are the timescales for the process given we are now a few months on since the decision and nothing has moved forward?**

As outlined above, formal consultation will start on 20<sup>th</sup> June and run for 45 days. During this period, staff briefings, 1:1s, opportunities for feedback, updated FAQs and weekly trade union meetings will take place. Once consultation closes, we will move into the transition phase where employment information is shared between Wirral Evolutions and Wirral Council at least 28 days prior to the transfer and we will keep you updated on progress. It is proposed that transfer will take place by the end of September 2022.

### **What happens to me if I'm in a corporate role with Wirral Evolutions?**

As outlined above, it is anticipated that all affected staff will transfer into an equivalent role within the Council. We do not envisage significant changes to structures or roles.

Further detail in relation to this will be provided during consultation and through the 1:1 process.

**I am not in a pension at the moment. How do I join the LGPS**

You will be automatically entered into the LGPS scheme. If you wish to opt out of the scheme this can be done at any time. Information on this and the form you will need to complete can be found on the Merseyside Pension Fund (MPF) site <https://mpfmembers.org.uk/optout>

**I am currently in the NEST Pension, if I automatically transfer into the LGPS Scheme, what happens to my nest pension pot?**

You will have the option of transferring your NEST benefits into the LGPS. Details of how to do this will be provided by MPF in your welcome letter.

**I have a deferred pension with LGPS. If I am automatically transferred into the LGPS scheme from transfer, what happens to my deferred pension?**

You will have the option of combining this deferred benefit with your new active record. Details of how to do this will be provided by MPF in your welcome letter.

**I am already accessing my LGPS pension whilst employed by Wirral Evolutions. What happens when I transfer into to the local authority?**

The pension benefit will be unaffected and remain in payment.

**I understand that the LGPS Pension Scheme is more favourable than the NEST Pension. What are the employer contribution rates for NEST Pension and LGPS and what benefits would I receive in LGPS?**

The LGPS is a defined benefit (DB) scheme whereas NEST is a defined contribution (DC). As such the LGPS Employer rates are set down by the Scheme Actuaries. The link below is for some short (under 2 minutes) videos that set out the key features and benefits of the LGPS.

<https://mpfmembers.org.uk/videos>

**I have joined Wirral Evolutions on a fixed term contract but haven't been put into the NEST Pension. What needs to happen?**

You will be moved into the LGPS if your contract of employment has more than 3 months remaining.

## What are the employee contribution rates for LGPS Pension Scheme compared to Nest Pension?

The NEST Employee contribution rate is 4% irrespective of how much you earn. The LGPS employee contribution rates vary depending on how much you earn. The table below shows the current rates

Pensionable Pay for an Employment	Main section Gross Contribution	50/50 section Gross Contribution
£0 - £15,000	5.5%	2.75%
£15,001 - £23,600	5.8%	2.90%
£23,601 - £38,300	6.5%	3.25%
£38,301 - £48,500	6.8%	3.40%
£48,501 - £67,900	8.5%	4.25%
£67,901 - £96,200	9.9%	4.95%
£96,201 - £113,400	10.5%	5.25%
£113,401 - £170,100	11.4%	5.70%
£170,101 or more	12.5%	6.25%

If you have a pension question or problem and are a UNISON member, please e-mail UNISON's Pensions Unit for Members at [Pensionsqueriesformembers@unison.co.uk](mailto:Pensionsqueriesformembers@unison.co.uk) quoting your UNISON membership number and copying in your local UNISON Branch.