

Charlotte Keel Medical Practice

TUPE

Frequently Asked Questions

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Introduction

As you will be aware, sadly, BrisDoc has not been awarded the long-term contract to run CKMP; our bid was not successful. The Integrated Care Board (ICB) has selected an organisation called One Medical as the preferred bidder to run the CKMP service from 1st July 2023. BrisDoc will continue to run the service through to 30th June 2023.

We are yet to speak to One Medical directly to understand more about their mobilisation plan but in the weeks ahead look forward to getting to know them better.

In the meantime, we have tried to provide a list of common questions that occur during TUPE transfers.

TUPE

What is a TUPE Transfer?

A TUPE is where either part, or all of an organisation's services, processes, and staff are transferred to a new employer. TUPE stands for Transfer of Undertakings Protection of Employment. TUPE is a regulated process, designed to protect employees' rights, with legal requirements that apply to both the outgoing and the incoming employer.

You can read more about TUPE here: <https://www.acas.org.uk/tupe>

When and how is the TUPE happening?

The Charlotte Keel (CKMP) Transfer is due to happen at midnight on 30th June 2023. As of 1st July, affected employees will have transferred to the new employer, One Medical [One Medical Group](#)

Between now and 30th June, there is much work needed to ensure that the TUPE happens as smoothly as possible for all affected employees and, of course, for our patients.

Through all of this we will be communicating with you as much as possible and putting together a 'team' to manage the process. From your point of view your main contacts will remain the Leadership Team at Charlotte Keel, alongside our Head of People, Mike Duncan, and the Business Partner for Practice Services & Joint Wellbeing Lead, Nicki Clegg.

Who is affected by the TUPE?

Any employee whose employer changes due to TUPE is referred to as **an affected employee**. Under this TUPE affected employees will be transferred to One Medical. In essence, as the CKMP service is transferring across to One Medical, we anticipate that all CKMP staff will be deemed an affected employee

How do I know if I am affected?

We will write to all affected employees to give formal notification of the TUPE. If you receive a letter and believe you should not have, please let Nicki Clegg know as soon as possible. We will then discuss this with you.

If an affected employee is on temporary secondment elsewhere, or absent on maternity leave, long-term sickness absence or similar, they will still transfer and therefore receive a formal notification informing them of this.

Consultation

What is TUPE consultation?

Consultation is an important step in the TUPE process during which we will consult with all affected employees. The purpose of the consultation is to inform you of the transfer and how it will, or will not, affect your employment. Consultation does not cover the merits of the Transfer nor the procurement process nor the outcome that has led to the TUPE.

The consultation is between BrisDoc and affected employees and whilst there is no requirement for One Medical to be involved, we will be inviting them into consultations as soon as possible.

How will I be consulted?

We will consult with all affected employees collectively through elected Employee Representatives. Employee Representatives are similar to union reps and do not need to be in leadership or management positions.

You will be asked to elect three representatives; one for operational and administrative colleagues, one for medical/nursing, and one for GP colleagues. This election will take place as soon as possible.

You will receive, via email, an invitation to nominate another affected employee to represent you, or you can nominate yourself. If there is more than one candidate put forward for each group, there will be a secret ballot to elect the representatives.

A schedule of consultation meetings will be set for the representatives to attend. In addition to these meetings, we may write to you individually or collectively if that is considered a more appropriate way of communicating with you.

Your elected representatives have the same rights as trade union representatives as they act in a similar capacity for the purposes of a TUPE. You can still share any questions with your line manager and with Mike and Nicki in the People team.

What is the consultation period?

There is no TUPE consultation timeline in which affected employees must be consulted, but it must be before the transfer and allow sufficient time for you to raise any concerns with your elected representative.

We will start the formal consultation as early as possible, even if it falls before the election of your representatives.

Terms & Conditions

What happens to my terms and conditions?

Under TUPE regulations One Medical is obliged to honour your contract of employment, so you will transfer to One Medical on the terms and conditions you currently have with BrisDoc.

However, if the terms and conditions of One Medical are more favourable, you can elect to be employed under their terms and conditions.

If One Medical were to propose changes to your terms and conditions, this must be for a good business reason and through full consultation with yourself. Further details concerning changes to terms and conditions after TUPE can be found on the ACAS website: [Changing your employment contract after a TUPE transfer: Your TUPE rights – employee advice - Acas](#)

What happens to my hours, shift patterns, flexible working arrangements?

All of these are covered by your current terms and conditions and are therefore protected under TUPE regulations

What happens to my pay?

Your current pay level is protected under the TUPE regulations.

Your payroll details will be transferred to One Medical and you will be advised of the pay date if this is different to your current pay date.

What happens to my pension?

NHS Pension -

Pension accrued under the NHS Pension scheme with BrisDoc is protected. We believe One Medical will be eligible to offer NHS Pension. If not then under TUPE regulations they must offer a comparable scheme. However One Medical may have a more favourable pension scheme for you.

NEST Pension

One Medical will either continue to contribute to the NEST pension or offer a reasonable alternative.

We will request details of One Medical's pension scheme as soon as we are able to.

Will the job I am doing now be the same in the new service?

In principle yes, as your job description forms part of your terms and conditions of employment and it is therefore protected. However, in reality One Medical may have a need to change your job in some way. If they do, they cannot do it without consulting you first and have a business reason for doing so.

Will I still be eligible for bonus payments or paid training time?

All bonuses paid as an employee of BrisDoc are discretionary and non-contractual. This means they do not transfer with you and One Medical is not required to continue bonus payments. If One Medical has bonus schemes, you will be informed of this in the consultation period by One Medical.

The same applies to paid overtime time for statutory and mandatory training. As this is not contractual the new employee will apply their own policy and is not required to honour BrisDoc's policy.

Employment

What happens to the service I have built up BrisDoc at the date of transfer?

The transfer does not break your service or continuous employment. The date your continuous employment started with BrisDoc is the one on which entitlement to statutory employment rights is based.

Can I be dismissed because of the Transfer?

No, you cannot be dismissed because of the transfer, as you are protected under TUPE Transfer rules. Any dismissal that is connected to the transfer would be automatically treated as "unfair".

There is no "rule of thumb" used by the courts or specified in the Regulations to define a period of time after which it is safe to assume that the transfer did not impact directly or indirectly on the employer's actions.

Can I be made redundant after the Transfer?

Yes, it is possible that you can be made redundant. For this not to be unfair One Medical needs to have an economic, technical or organisation reason entailing changes in the workforce. If you're made redundant after the TUPE transfer, One Medical is responsible for any redundancy pay. Your redundancy pay must be based on your length of service ('period of continuous employment'). This includes the time you worked for BrisDoc before you transferred.

Again we will be contacting One Medical as soon as possible to ask about their plans for the workforce.

What happens if I do not want to transfer to One Medical?

If you do not want to transfer, you can request redeployment within BrisDoc. Redeployment will be considered if a suitable vacancy exists. If no suitable vacancy exists the only other alternative is to resign.

GDPR

What information must be given to One Medical?

TUPE requires that the following information (known as 'employer liability information') be given to One Medical at least 28 days before the transfer takes place:

- Your name and age
- Information contained in your Terms and Conditions of employment (your contract), such as pay, hours of work, holidays etc
- Details of any disciplinary action taken against you in the last two years
- Details of any grievance action raised by you in the last two years
- Details of any legal action (before the court or employment tribunal) brought against BrisDoc by you in the last two years and information about any potential legal action

What other information about me will be shared?

In addition to the above, your new employer will ask for information about you so they can manage you within their workforce processes. This includes information related to your pay and pension, such as bank details, NI number etc. They will want your professional registration details, your personal contact details, including home address, next of kin and emergency contacts, and they will want your training records, and your equality information.

One Medical may ask BrisDoc for all of this additional information or they may ask you directly. If they ask BrisDoc, we will inform you through your elected representatives.

How do I know the information about me is correct?

The majority of the additional information is within your personnel file or held on RotaMaster. If required by your new employer, this additional information will be transferred across to them at the time of the transfer at the latest. It is advisable, therefore, to check your personal details on RotaMaster and if anything is incorrect to let the People Team know. The People team will check your personnel file to ensure that there is no information retained that is spent and/or not relevant for the transfer. If you wish to see your personnel file ahead of the transfer, please email workforcesupport@brisdock.org using the subject title **TUPE Personnel File**. We will need time to get all of the information together so the deadline for checking your personnel file is Friday 26th May.

Support

What support do I have access to?

We recognise and empathise with every colleague this TUPE is impacting. The nature of TUPE is that there is a high level of uncertainty, but for many it is the feeling of loss that is hardest to deal with.

If you are struggling with anything, please reach out. Your manager, Caroline, any of the CKMP leadership team and Mike and Nicki in the People team are all here to support you as best we can. You also have access to our 24/7 confidential Employee Assistance Programme, which is just a telephone call away if you need to offload some emotions, or you may want to speak to a counsellor, via freephone: 0800 083 3375.

What will One Medical be like?

At the time of writing, we do not know how One Medical will work with you. We do not know their culture, their plans, nor their expectations. But we will engage with them as soon as possible; we will invite them to meet you as soon as it is appropriate, we will ask them to give you as much information as early as possible about who they are and how they see the future of CKMP.

What do I do when I have other questions?

Your elected representative will collate your questions and forward them on to the most appropriate person for response. However, please do continue to speak to your manager or the People team if there is anything that is concerning you that you do not feel is appropriate for passing to your representatives.

Where can I check out my rights under TUPE?

The Govt.'s TUPE information pages <https://www.gov.uk/transfers-takeovers> are useful but the best reference source for understanding your rights under TUPE is ACAS: you can speak to an Acas advisor via their helpline 0300 123 1100 or access information via their website:

<https://www.acas.org.uk/employee-rights-during-a-tupe-transfer>

Next Steps

1. Week commencing 3rd April you will receive a letter to inform you of the procurement decision and the start of the TUPE process.
2. A team will be organised and a plan drawn up over the next couple of weeks to manage the transfer from BrisDoc's side which will include how to support all of you through this unsettling time.
3. We will reach out to One Medical and initiate information sharing so we can start to answer questions you have about your future and their plans for the Practice.
4. Your Employee Representatives will be elected and the consultation process will start from 1st May.
5. We will create a web page to hold FAQs and project time lines and actions and any information One Medical wish to share ahead of the transfer.
6. Consultation process will consist of scheduled meetings with One Medical, Employee Reps, and BrisDoc project team. Open forums and drop-in sessions will also be scheduled.
7. All employee information will be transferred to One Medical by 2nd June.
8. Employment with One Medical will start on 1st July.