



Joint North Yorkshire branches

LGR Update



Updates on Local Government Reorganisation from the joint North Yorkshire local government branches; Craven branch, Harrogate branch, North Yorkshire branch, Ryedale branch and Scarborough branch



Issue 4



20 December 2021

Merry Christmas!

As another year draws to a close, we wanted to wish you and your family a very merry Christmas, and best wishes for the New Year.

We know this past year has been another hugely challenging year for our members who work in local government across North Yorkshire. We had hoped we had turned a corner with Covid, but the short-term is not looking great. We know that our members have been on the frontline for the Covid response for nearly two years now and you will be feeling tired and worn out. Let's hope that we do turn that corner soon.

Work on LGR has picked up significantly in recent weeks. The various HR work streams that we reported on previously have now all met and we have UNISON representatives attending all the relevant groups. We are meeting together monthly to share updates with each other and to make sure our priorities are front and foremost in the minds of the various council management teams:

- **Protect jobs**
- **Level-up pay, terms and conditions**
- **Minimise disruption to staff and services**

We reported in the last update that the draft Order has been published, which sets out the continuing council model. This is expected to be approved by Parliament early in the New Year.

The 'continuing council' model means that the new council will, in effect, be based on NYCC. Existing district and borough council staff will transfer to the new council on their existing terms and conditions under something called TUPE. We have devoted the second page of this update to explain more about TUPE and what it means for you.

Please don't forget to return your ballot paper for the strike action ballot on local government pay. If you haven't received your ballot paper please call 0800 0857 857 before 10 January.

We hope these regular updates are useful, informative and reassuring. Please have a safe and peaceful Christmas. Thanks for all that you do on behalf of our communities, and thanks for being a UNISON member.

Best wishes

Andy, David, Neil, Serena and Wendy.

Which branch?

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TUPE: what on earth does that mean?

You may have heard of TUPE before. You may have been through a 'TUPE transfer' yourself. But, many of you may not be familiar with this term. There are also a lot of myths out there about TUPE.

So, what does it mean?

TUPE is short-hand for a piece of legislation called the Transfer of Undertakings (Protection of Employment) Regulations 2006.

What does TUPE do?

The law was introduced by the then Labour government to safeguard jobs and employment rights when an employer changes. Sometimes this is where a service, or part of an organisation is 'contracted out', or where an organisation is merged or taken over. Many of our members will have experienced this where councils and schools have contracted out some services such as school meals or leisure services. Sadly, the Conservative-led government in 2014 watered down the protections of TUPE especially when public sector jobs are transferred to the private sector, but this won't impact on you as part of LGR.

What happens under TUPE?

When an employer changes and the services continue, the law says that all relevant employees must be allowed to transfer to the new employer and that they transfer on their existing terms and conditions. On the day that the employer changes (so in the case of LGR, on 1 April 2023) all the relevant staff transfer to the new employer without any changes to their terms and conditions. There are some exclusions, such as pensions, but these exceptions won't apply with LGR.

Can changes be made before transfer?

TUPE stops an employer from making changes

to terms and conditions before a transfer if the reason for the changes relates to the transfer. But, an employer can make changes that are necessary due to other reasons. In respect of LGR we are not expecting any councils to make changes to terms and conditions before the transfer and in any case such changes would have to be negotiated through UNISON.

Can changes be made after the transfer?

Again, TUPE prevents the new employer from changing terms and conditions as a result of the transfer. But, the new employer can seek to negotiate changes where they have other justifiable reasons. The new council will formally recognise UNISON so any future changes to terms and conditions would have to be negotiated through UNISON, and our objective is to level-up across all the councils. This is no different to how changes are negotiated now at your current employer.

How long does TUPE last?

Many people think TUPE runs out after a year, or after two years. It doesn't. Protections under TUPE do not run out at all.

So, what will happen to me?

With the exception of the Chief Executives, all employees at the district and borough councils will transfer to the new council on 1 April 2023; on your terms and conditions that exist at the time. Any future changes would be negotiated with UNISON, so it is really important that everyone is a member so everyone has a voice in any future discussions and negotiations.

Can I refuse to transfer?

Yes, but you would not be entitled to redundancy pay as your job will transfer to the new council. You would technically be resigning.

**A very Happy Christmas to all our members and their families,
and best wishes for the New Year**