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The London Borough of Barnet
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Private & Confidential

John Burgess, UNISON
Paul Coles, GMB
London Borough of Barnet

BY HAND

25th September 2013

Dear John and Paul

Letter from the Authority to union representatives pursuant to TUPE Regulation 13(2)(c)

Following our TUPE consultation meetings with you since 5 August 2013 on joint employment, I can confirm the following measures the Authority is taking in relation to the DRS transferring staff to RE (Regional Enterprise) Limited on 1 October 2013.

The council has identified a number of transferring roles as those where employees undertake duties as part of their job which the Authority is unable to delegate to RE (Regional Enterprise) Ltd. This means that, following the transfer of those employees to RE (Regional Enterprise) Ltd, the Authority would not have the appropriate staff to carry out non-delegable statutory powers.

In order to find a solution, the Authority has agreed that immediately following those particular employees' transfer to RE (Regional Enterprise) Ltd, the Authority will be added to their contract of employment as a joint employer with RE (Regional Enterprise) Ltd.

The contract of employment would then be what is known as a joint contract of employment with one contract and two employers also known as a "tripartite contract", with both RE (Regional Enterprise) Ltd and the Authority as employers.

This is a measure which we believe to be in the interests of the affected employees, as well as in the interests of the Authority and RE (Regional Enterprise) Ltd. It would enable the employees in question to continue their work in the same way as they work at

present. They would have the benefit of continuous employment with the Authority, should they leave RE (Regional Enterprise) Ltd to take up employment with another local authority under the Modifications Order, following the gap in Authority service of less than 7 days. Furthermore, in the event of any potential future restructuring exercise, any employee who was employed jointly would be entitled to be considered for redeployment by both RE (Regional Enterprise) Ltd and the Authority.

In relation to the carrying out of that element of their job which the Authority cannot delegate to the JV, the employees will be deemed to be employees of the Authority. They will be managed by, and report to, the Authority, and in this regard their manager will either be an employee who has not transferred to RE (Regional Enterprise) Ltd in the case of Assistant Directors, or who has transferred, but is also employed jointly, and acting as an employee of the Authority in relation to those specific functions.

For all other purposes, RE (Regional Enterprise) Ltd will have been appointed by the Authority to act as the employer in the joint employment arrangement, including all day-to-day management including responsibility for salaries and pension contributions.

Insofar as pension arrangements are concerned, the employees who are jointly employed will be in the same position as the other transferring employees, having continued membership of the Barnet LGPS. They will be able to retain membership of the London Borough of Barnet fund of the Local Government Pension Scheme (the Fund). RE (Regional Enterprise) Ltd will participate in the Fund as a transferee admission body. Following the company name change on 20 September 2013, the Pension Fund Committee will now be informed that Capita (BDRS) Limited has been renamed as RE (Regional Enterprise) Limited.

Staff who will be on the joint employment contract were given a personalised letter on 23 September along with Appendix A and a role-specific Schedule A. The schedule will be added to the employees' existing contracts of employment, which will transfer to RE (Regional Enterprise) Ltd, and which will be signed by RE, the Authority and each employee. The Schedule A is a list of the particular functions for which the employee is employed by the Council attached to each contract of employment.

We have fulfilled our inform and consult obligations under TUPE by way of the following activities, including three Staff Workshops in July 2013 on the Practical Applications of Joint Employment.

The following documents have been shared and discussed with the unions and put on the intranet for staff (a full list will be provided in the Authority's final inform and consult letter to the unions):

Published on the intranet on 6 August
Joint Employment Clauses

Published on the intranet on Monday 9 September

Response to Unison Questions
DRS Scheme of Delegation
Draft Joint Employment Appendix A to existing employment contract
Draft Joint Employment Schedule A to existing employment contract, by role
List of Joint Employment roles showing those on short and long list
Revised Joint Employment Plan of Activity
Output Specs
Answers to Unions Questions
Mapping of JE Contract Roles back to the Authority

Published on the intranet on Friday 13 September

13 combined Appendix and Schedule A; these are generic to a number of roles each.

Also attached was the cover letter that went out with these to staff and the Principles for Confirming Joint Employment Roles.

Published on the intranet on Monday 16 September

Existing role profiles for Joint Employment roles

Published on the intranet on Wednesday 18 September

Questions from Unions, staff and Managers.
Updated Principles of confirming JE roles

We have taken into account your feedback and that of staff. As a result, we have changed the Schedule As and answered questions. We have answered the questions the unions have raised up to the point of writing this letter.

This letter has been written to conclude the TUPE consultation process. This letter along with my letter of 6 August 2013 details the final proposed measures and agreed changes.

Yours sincerely



Jennifer Burt

DRS Programme Lead and HR Lead

