

CAPITA SYMONDS

03rd July 2013

Jennifer Burt

Programme Director

The London Borough of Barnet

North London Business Park

Oakleigh Road South,

London

N11 1NP

Dear Jennifer

Regulation 13 – Proposed Measures in respect of employees transferring from The London Borough of Barnet (LBB) to Capita (BDRS) Limited on 1st October 2013

As required under TUPE Regulation 13, I am writing to advise you of the draft proposed measures that will occur in connection with the transfer to Capita (BDRS) Ltd. At this stage, the measures outlined below are subject to consultation with recognised trade union representatives and therefore it is an interim measures statement.

Capita (BDRS) Ltd

Both Capita Symonds Limited and LBB are establishing a Joint Venture Company which will be the vehicle for delivery of the DRS Services, which is currently called Capita (BDRS) Limited as an interim measure. It is intended that all existing in-scope LBB employees will transfer under TUPE to Capita (BDRS) Ltd.

Capita Symonds will have the majority share of this company and act as the lead organisation for the day to day management of Capita (BDRS) Ltd, save for the specific arrangements for the "Joint Employees" referred to later in this document. It is intended that Capita (BDRS) will engage with the transferring employees with regards to the re-naming of the company. Once the name has been finalised as a result of this activity, Capita (BDRS) Ltd will be formally changed and communicated.

Please note for the avoidance of doubt Capita Symonds Limited is in the process of changing the legal entity name, therefore with effect from 1st October 2013 any reference to Capita Symonds Limited will be replaced by Capita Property & Infrastructure Ltd.

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Terms and Conditions & Policies and Procedures

Capita Symonds are fully committed to the requirements of the contract that state that for the first 12 months there will not be any changes to individual contractual terms and conditions of employment. In the interest of supporting employee integration into Capita (BDRS) Ltd, we would like to enter consultation discussions surrounding the migration of non-contractual policies as outlined in the LBB Policy matrix to Capita (BDRS) Ltd Policies.

Any proposed exceptions will be detailed in the Terms and Conditions Matrix, which will be used during the consultation period.

After October 2014 Capita (BDRS) Ltd commit to fully consult with the recognised Trade Union Representatives should there be any proposed changes to contractual terms and conditions of employment.

Payroll

Capita (BDRS) Ltd propose that when the employee payroll moves to Capita on transfer staff will be paid on the 27th of each month or the preceding working day where this is a weekend or Bank Holiday and circa 20th in December. Capita (BDRS) Ltd commits not to put any employee at a financial detriment through this measure and have practices in place to support employees.

Proposed Structure

Upon transfer Capita (BDRS) Ltd will undertake a review of the existing DRS services and the organisational structure. Once this review has been completed it is anticipated that we may develop proposals in relation to a business restructure. We are unable to confirm the full details of any proposals at present, due to the fact that Capita (BDRS) Ltd does not have full details of the transferring population & the existing organisational structure. However it is likely that following transfer and the completion of a full business review, the existing service clusters will be consolidated and two new service clusters developed in order to facilitate growth within the Joint Venture.

We anticipate a full review commencing soon after transfer with any subsequent proposals being developed within the first 12 months of the contract. Should any proposals be developed in this regard, Capita (BDRS) Ltd is fully committed to following a full and meaningful consultation process with Trade Union Representatives and final decisions will only be made after the consultation process has been concluded.

Joint Employees

It is proposed that there will be specific measures in relation to the "Joint Employees", who perform both statutory & non-statutory duties within their roles. Due to the explicit legislation in this area relating to the employment status of these individuals whilst performing statutory duties, they will be required to be employed by LBB during the execution of the statutory functions and employed by Capita (BDRS) Ltd for the performance of non-statutory duties. It is therefore proposed that they will have joint-employment status. Due to the specialist nature of this situation, Capita Symonds & LBB are currently working through the practicalities of this model and therefore future measures will be confirmed in respect of the Joint Employees once both parties have had further discussions.

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Verification Letters

At the conclusion of the staff consultation, Capita (BDRS) Ltd will write to each employee detailing their own individual terms and conditions of employment that will transfer to Capita (BDRS) Ltd on the 1st October 2013. These statements will also detail any non transferring terms and conditions and alternative arrangements.

Please note that this letter has been produced in order to support the TUPE consultation and is based on the current level of detail to date. At the end of the TUPE consultation period Capita (BDRS) Ltd will issue a final letter of proposed measures detailing final changes

I trust that this is sufficiently detailed for The London Borough of Barnet and request that you inform the affected employees in compliance with regulation TUPE Regulations 13(2) (d).

We have attached a copy of 'Your Guide to Capita' which includes the Employee Handbook, which contains details of the Capita policies and procedures.

Yours sincerely

Claire Thompson

HR Manager

Capita Plc

