



One Barnet Human Resources
The London Borough of Barnet
North London Business Park
Oakleigh Road South
London N11 1NP

Private & Confidential

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

BY HAND

6th August 2013

Dear John and Paul,

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

A number of the transferring employees undertake duties as part of their job which the Authority is unable to delegate to Capita (BDRS) Ltd, because this is not permitted under the law. This means that following the transfer of those employees to Capita (BDRS) Ltd they would be unable to undertake those particular elements of their job.

In order to overcome this problem, the Authority has agreed that immediately following those particular employees' transfer to Capita (BDRS), the Authority will be added to their contract of employment as a joint employer.

The contract of employment would then be what is known as a joint contract of employment, with both Capita (BDRS) 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 Capita (BDRS) 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 Capita (BDRS) Ltd to take up employment with another local authority. 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 Capita (BDRS) Ltd and the Authority.

In relation to the carrying out of that element of their job which the Authority can not 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 Capita (BDRS) Ltd, 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, Capita (BDRS) Ltd will have been appointed by the Authority to act as the employer in the joint employment arrangement, including taking 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). Capita (BDRS) Ltd will participate in the Fund as a transferee admission body.

The way in which the joint employment arrangement will be implemented will be through a schedule to the employees' existing contracts of employment, which will of course have transferred Capita (BDRS) Ltd, and which will be signed by the JV, the Authority and each employee. There will be a list of the particular functions for which the employee is employed by the Council attached to each contract of employment.

Regards



Jennifer Burt

Programme Manager & HR Lead – Transition and Mobilisation