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**INFORMATION ON THE CRC PARENT COMPANY/SUB-**

**CONTRACTOR TO NPS/DYNAMIC FRAMEWORK PROVIDER**

**STAFF TRANSFERS DUE TO TAKE PLACE ON 26 JUNE 2021**

1. **INTRODUCTION**

UNISON provides the following information for members who work for CRC parent companies, sub-contractors, or supply chain.

CRC parent company, CRC sub-contractor or CRC supply chain employees, may transfer to the National Probation Service (NPS), or a Dynamic Framework Provider (DFP) on 26 June 2021 if their work is in scope of the transfer.

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1. **THE TRANSFER PROCESS**

All CRC parent company, sub-contractor or supply chain staff assigned to the NPS, or a DFP, will transfer via means of a Statutory Transfer Order based on the principles of the Transfer of Undertakings (Protection of Employment) Regulations (TUPE), unless staff object to the transfer.

UNISON strongly advises members that they **should not object** to the transfer, because to do so will terminate the employee’s contract with no redress for unfair dismissal etc.

HMPPS has provided guidance to CRC parent companies for them to undertake the same transfer assignment process for their own staff, sub-contractor, or supply chain, staff which the CRCs are carrying out for their directly employed staff. This process will determine whether staff are in scope of transfer to either the NPS, or a DFP.

Here are the key elements of the transfer process:

1. The Transfer of Undertakings (Protection of Employment) Regulations (TUPE) is a law designed to protect the rights of employees when a business transfers from one owner to another.
2. TUPE protects your employment rights when you transfer to your new employer.
3. If you are involved in a transfer that is covered by TUPE, you are guaranteed that your job and employment terms and conditions transfer to the new employer
4. The proposed statutory transfer orders replicate TUPE protections. UNISON will be asking to see a copy of the proposed transfer orders.
5. The CRC parent company/sub-contractor/supply chain to NPS or DFP transfer is also underpinned by the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector (COSOP), which protects any existing members of public sector pension schemes who are among transferring staff.
6. Under TUPE, NPS, or the DFPs, will be required to consult with you over any measures the new employer intends to put in place after the transfer, e.g. change of pay date. Measures consultation cannot alter your contractual terms and conditions, only employment procedures.
7. Where UNISON is officially recognised by a CRC parent company/sub-contractor/supply chain, we will be included in the consultation. Where we are not recognised, we can still advise and guide you if you have any questions on what is being proposed.
8. **DFP CONTRACT WINNERS**

You can find a full list of all the DFP contract winners declared to date here: <https://www.unison.org.uk/content/uploads/2021/03/Dynamic-Framework-Contracts-Winning-Bids.docx>

The outcome of the Women’s Services DFP contracts have yet to be announced.

1. **FUTURE OF PAY AND CONDITIONS**

UNISON expects that your terms and conditions will be harmonised at some point following the transfer to NPS, or DFP, terms and conditions. However, this will not happen on day 1 of the transfer and will require negotiation with the trade unions, and the agreement of the staff involved. UNISON will work with ex-CRC parent company members to ensure that you get the best deal as soon as possible following the transfer.

1. **PENSIONS**

* CRC parent company, sub-contractor or supply chain staff who transfer to the NPS will be auto enrolled into the Local Government Pension Scheme upon transfer, as this is the default pension scheme for new entrants. NPS may seek to exclude very highly paid employees from this provision.
* COSOP requires the DFPs to continue to offer transferring staff who are already in a public sector pension scheme continued membership of either the Local Government Pension Scheme, or the Civil Service Pension Scheme as appropriate.
* Staff who were not already in a public sector pension scheme will be auto enrolled into the DFP’s own pension scheme.

1. **UNISON IN NPS AND THE DFPs**

UNISON has members among the CRC parent company staff/sub-contractor staff due to transfer to the NPS or DFPs.

* UNISON is one of the three unions officially recognised for collective bargaining by the NPS
* We are in discussion with the DFPs to seek trade union recognition going forward. Some of the DFPs are existing CRC parent companies which already recognise UNISON, and we are in talks with the others.

We will continue looking after your interests following the transfers.

1. **Join UNISON Now**

If you work for a CRC, CRC parent company or CRC supply chain company and are not already in a trade union join UNISON now for advice, support and protection before, during and after your transfer on 26 June. Joining is easy, visit <https://join.unison.org.uk/> or call free on 0800 171 2194