

The University branches of UCU, UNISON and UNITE have very serious concerns about the proposed TUPE and have several questions which require urgent review and response:

1. We note that there was “Significant support from EB and Council. EB approved the approach and Council discussed and support the way forward at their away day”. To aid transparency and instil confidence that the TUPE process is being completed with proper University governance, please can the:

Executive Board provide details of what they agreed at their meeting in September 2021 (or on any other occasion during which the proposal was discussed)? University Council provide details of what they agreed at their meeting in November 2021 (or on any other occasion during which the proposal was discussed).

The details covered in the September 2021 Executive Board meeting has been provided in the information shared at the consultation launch meeting. With regards to the details shared with University Council, this information has also been provided in information shared at the consultation launch meeting. All University Council minutes are published on the University external web pages <https://www.surrey.ac.uk/about/governance/council-minutes>.

We understand that some of the commercially sensitive detail may need to be redacted but expect the overall proposal, direction of travel and the current and future scope of the TUPE arrangements to be shared.

TUPE is a statutory requirement where there has been a transfer of an undertaking, as defined in the legislation. Its application is not subject to university governance and applies automatically. It imposes obligations on an employer to inform and consult. The purpose of consultation is not to discuss the fact that the transfer is happening, but to discuss any changes such as:

- location of work
- the date an employee is paid
- hours of work

This information has been provided in the FAQs and the one to one individual consultation meetings.

2. What future plans exist for other members of University staff (ie those not in scope for 1st February 2022) to be TUPE'd into Cervus Plus?

No firm decisions have been taken on this yet. Affected employees will be informed and consulted at the appropriate time. The transfer dates have changed from 1st February 2022 to 1st March 2022 for Health and Safety and Internal Audit, and 1st May 2022 for Information Governance, a further communications update was sent out to all impacted staff on 12 January 2022.

3. If/when other staff are TUPE'd into Cervus Plus, will there be a full consultation process for those staff with potentially different terms and conditions agreed? If not, why are these staff not being consulted now?

Yes. See 2 above. Consultation will commence long enough before a relevant transfer to enable the employer of any affected employees to consult with the appropriate representatives of any affected employees.

4. How can the TUPE consultation period be considered 'reasonable' when the time provided has been minimal and majorly disrupted by the Christmas and New Year University shut down?

The University took into account the closure and Christmas period and have provided 33 working days during which staff have had full opportunity to engage in the consultation process. During this timeframe, a series of individual consultation meetings have been held with all staff, as well as regular two-way communication to enable staff to have their questions addressed via the leadership team. It has now been proposed to move the transfer date from 1st February 2022 to 1st March 2022 for Health and Safety and Internal Audit, and 1st May 2022 for Information Governance. An email has been sent on 12 January 2022 to all staff currently in scope to advise of this next transfer date and the consultation period has also been extended for a further 2 weeks until 31 January 2022.

5. Given the minimal time period for the consultation and the lack of provision of:
- a. the business case
 - b. modelling and projected viability of Cervus Plus
 - c. contracts of employment

how does the University expect staff to transfer on 1st February 2022 into what can reasonably be described as a void?

Please see answers above.

6. Please provide details of how much:
- a. Cervus Plus will be paying third party companies for the provision of IT, HR and payroll services.
 - b. The University will save by not providing IT, HR and payroll services to those members of staff in the scope of this TUPE.

This is Cervus Plus commercial information and not relevant to the TUPE consultation.

7. If the value of 7b is not greater than the value of 7a (above) please explain how the additional running costs for essentially the same service, make financial sense. We would expect these figures to be presented in a fully costed business plan.

This question concerns the decision behind the transfer and not the transfer itself.

8. How can the University reconcile the basic pension provision (with no accompanying death in service benefit) being offered to Cervus Plus employees with the statement on SurreyNet from the Chief People Officer posted on 14 December 2021:

"Pensions: We continue to support colleagues in building their pensions, by providing access to established schemes **and offering competitive contributions.**" (our emphasis in **bold type**)

Why has provision for death in service benefit not been made (we understand that this is not covered by TUPE)?

We have responded to this and confirmed we will put in place a death in service benefit and provide matched pension contributions up to 9%.

9. Please provide a copy of the Equality Impact Assessment for this TUPE. If an Equality Impact Assessment has not been completed, please explain why not.

A copy of the Equality Impact Assessment that has been completed for this TUPE has been provided previously.

10. To ensure adequate business continuity, especially in the areas of health and safety and information governance, what contingency plans exist to ameliorate the possibility that staff leave either prior to, or very shortly after, moving over to Cervus Plus on 1st February 2022?

This is no different than if anyone left during the course of their employment. Cervus Plus LLP would have to employ interim support/ re-recruit.

11. University staff currently enjoy a number of staff discounts, such as on the membership fees at SSP and on evening language classes:

- a. Will Cervus Plus staff retain their entitlement to existing University discounts?
- b. Once any existing membership has expired, will University staff discounts continue to be offered to Cervus Plus employees (who were TUPE'd into Cervus Plus)?

The staff discounts that University employees are entitled to are non-contractual, therefore can be reviewed or amended at any time without consultation and is not covered under TUPE regulations. Cervus Plus Consulting LLP will explore and agree their own suite of staff benefits, and staff will not retain their entitlement to existing University discounts.

12. The University has a suite of policies that enhance the staff employment experience:

- a. Which University policies will apply to Cervus Plus staff? If some will not apply:
- a. Will Cervus Plus develop its own policies?
- b. When will these be available to view?

As outlined with the University Staff Handbook, employment policies and procedures do not form part of an employee's terms and conditions and therefore are not contractual.

Cervus Plus Consulting LLP will develop its own policies in line with any other business and these will be available to all staff in due course.

13. Where the University has a responsibility to third parties to nominate people into certain roles, can Cervus Plus employees fulfil those roles given that Cervus Plus is a separate legal entity and their employee will not be a member of University of Surrey staff? For example, the DPO?

Yes they can. Many organisations use external DPOs etc

14. The University has declared on many occasions, over many years, to attach a high priority to improving/maintaining staff welfare. Being part of a TUPE transfer is a potentially stressful experience:

- a. Will Cervus Plus staff have access to the Centre for Wellbeing (CWB)?
- b. If not, what wellbeing services will be provided for Cervus Plus employees?
- c. And, if not, when will details of the wellbeing provision for Cervus Plus employees be made available?

The Centre for Wellbeing will be available for staff to access up until the point of the transfer. Cervus is considering its programmes in this area.

15. Will Cervus Plus staff be entitled to attend University groups/talks/webinars?

The expectation is that Cervus Plus Consulting LLP will have the freedom to source their own services for learning and development, talks and webinars for staff. University events and webinars are often

made available to wider audiences (such as industry partners, members of the public and prospective staff/students) and this will remain open to Cervus Plus employees.

16. What holiday entitlements will be given to new employees of Cervus Plus? Will there be closure dates in line with the University?

Annual leave entitlement is protected under TUPE requirements and staff will continue to receive the full 25 days per year (plus 7 closure days and bank holidays). Cervus Plus will determine the most appropriate closure dates, which may or may not align with the University.

17. Will Cervus Plus have its own infrastructure? For example, will Cervus Plus have its own servers to enable confidential services to be provided to third parties with a clear distinction that services are provided by Cervus Plus staff and not University staff?

Yes

18. Why is it considered necessary to have the “Ability to set our own pay and reward policy”?

It is natural in a consulting environment to set pay and reward and have the ability to reward all colleagues if the business is successful e.g. through bonuses.

19. The proposal notes that Cervus Plus will “Look to provide services to other HEIs over the years to come”. Please be more specific about the timeframe. Does this mean within 2-3 years, 5 years or longer? What percentage of the Cervus Plus output is anticipated to be geared towards services to other HEIs?

We can't be more specific as it will be subject to the market but the initial focus for the first 12 months will be ensuring Cervus Plus LLP establishes itself and delivers to the University of Surrey before proactively looking for others.

20. The proposal notes that “Risk Assurance will move first but other parts of the Uni may join over time”. Please list the areas of the University where a similar approach may be considered within the next 5 years (into Cervus Plus or other outside bodies).

Plans are not sufficiently well developed at this stage to consult upon.

21. Please confirm that Cervus Plus will recognise UCU, UNISON and Unite.

The Unions will continue to be recognised for the purposes of collective bargaining in line with TUPE requirements.