



ADVANCE

LONDON
26 APRIL 2012
1 NOVEMBER 2012
MANCHESTER
18 MAY 2012
17 OCTOBER 2012

“Excellent, met my needs and I feel well equipped to manage our TUPE situations”

Elim Housing

“Excellent. Great to have discussion and real life examples/situations”

IBM

TUPE TACTICS

HR PROFESSIONALS AND IN-HOUSE LAWYERS MUST ENSURE THEY FULLY UNDERSTAND THE TUPE REGULATIONS AND HOW THEY IMPACT ON OUTSOURCING AND BUSINESS TRANSFERS.

There are many challenges that those dealing with outsourcing and business transfers face and this course will look at these challenges in detail.

This course covers in detail TUPE law and reflects on the changes made to the regulations in recent years. The course also looks at the practical issues such regulations throw up, and addresses the need to ensure that you are protecting your business accordingly.

KEY TOPICS TO BE COVERED:

- When does TUPE apply?
- Who and what transfers
- Consultation and information
- Pre and post-transfer redundancy
- Variation of contract
- Recent cases – lessons learnt
- HR issues in TUPE transfers
- Commercial and practical considerations
- Case studies

WHO SHOULD ATTEND?

Human resource professionals, personnel directors and managers, industrial relations advisers, general managers, employee relations advisers and in-house lawyers.

SPEAKERS

Jonathan Hearn
Legal Director, DLA Piper

Jonathan Exten-Wright
Partner, DLA Piper

Mary Clarke Partner, DLA Piper

Mike Burns Partner, DLA Piper

Vincent Reston Consultant, DLA Piper



ENQUIRIES HOTLINE 0161 235 4545
WWW.DLAPIPER.COM/ADVANCE



IN-HOUSE TRAINING

As well as being the leading provider of public employment law training, Advance can deliver bespoke courses for your organisation following consultation about your actual training needs. In-house training is not only more cost effective to your organisation, it enables flexibility in terms of date, location and exact subject matter. The training is tailor-made to your organisation, using your own policies and basing case studies on situations relevant to your organisation and focusing on your key areas of concern. Since most of our trainers are practising lawyers, a key benefit unique to Advance is on-the-spot legal knowledge. In-house training assignments might be a one-day workshop focusing on a specific area of employment law through to multi-day delivery when we may provide an intensive course covering points of law and case law for board members and senior HR Managers and then provide cascade training on a more practical basis to line managers and other employees to give them the ability to understand new procedures, when to use them and the legal rationale behind them.

1 PHONE US WITH YOUR REQUIREMENTS

Call Anna Juniper on 020 7796 6632 or Rachel Cook on 0161 235 4562. We will discuss with you what type of training you require, how we could best deliver such training in your organisation, a price and how to proceed.

2 RECEIVE A TAILOR-MADE PROGRAMME

Anna or Rachel will then decide upon an appropriate trainer for your needs taking into account your organisation and the type of training you need. They will then work with this trainer to draft a programme specifically tailored for you along with a detailed proposal. You are not obliged at this stage to proceed with the training.

3 DECIDE TO PROCEED

If you wish to proceed we will prepare the supporting coursebook and materials and the precise content of the programme based on your company's policies, procedures and development requirements. You can have as much or as little input at this stage as you choose.

Organisations we have trained include: G4S Securicor, Nationwide Building Society, Mitsubishi, Anglia Ruskin University, South Lakeland District Council, Proctor and Gamble, Thames Valley Police, Thames Valley Housing, NFU Mutual, Learning and Skills Council, Gateshead Council, South Yorkshire Police, Mitsui, DWP Child Support Agency, MOD, Writtle College and Johnson Matthey.

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TUPE remains one of the most difficult pieces of legislation to interpret, affecting not only personnel and HR professionals, but also financial and commercial directors and in-house legal counsel. This one-day course is a 'must' for any organisation involved, or considering involvement, in outsourcing mergers or acquisitions. To know how the regulations should be interpreted, taking into account the very latest rulings and legislation, is essential as failure to comply can be extremely costly and have a devastating effect on workforce morale.

TUPE is of key importance to the public sector and those involved in public sector outsourcing. With the withdrawal of the Code of Practice in Workforce Matters in Public Sector Service Contracts (commonly referred to as the Two-Tier Code), the Coalition Government hopes to encourage SMEs, mutuals, co-operatives, charities and social enterprises to enter the public sector market. This area will be addressed in the programme content, although, for those who have a particular interest, the subject is explored fully in our course, **TUPE Transfers Involving The Public Sector** (16/02/2012 and 14/11/2012 – Manchester. 28/02/2012 and 30/11/2012 – London).

The course covers the basics of TUPE law, gives an update on the new regulations, and examines recent case law, as this continues to affect how TUPE regulations are interpreted. It also looks in detail at the tactics adopted by various parties involved in TUPE transfers. In recent years we have seen significant numbers of reported cases coming through under the TUPE regulations. Below are just some of the cases reported that are important to be aware of and which the trainer will highlight in order to consider their implications:

- *Oakland v Wellwood (Yorkshire) Limited*
- *Alemo-Herron v Parkwood Leisure Limited*
- *Cleasprings Management v Ankers*
- *Royal Mail Group Ltd v Communication Workers Union*
- *Klarenberg v Ferrotron Technologies GmbH*
- *OCS Group UK Limited v Jones*
- *Metropolitan Resources Ltd v Churchill Dulwich Ltd*
- *Tapere v South London and Maudsley Trust*
- *Guttridge v Sodexo*

Key sessions include

- How to prepare for the issues likely to arise when involved in competitive tendering and outsourcing, mergers and acquisitions
- What to do when the outsourced contract ends
- The Government's "Six Principles of Good Employment Practice in Procurement"

DLA PIPER – THE FIRM

Employment, Pensions and Benefits Group

DLA Piper's Employment, Pensions and Benefits group is a market leading global practice with a strong reputation for delivering solutions-based advice and supporting clients in the day-to-day management of their people legal issues and risk. It includes over 250 specialist lawyers, 100 of which are in the UK, working globally on a strategic and operational level on both contentious and non-contentious matters across the private and public sectors.

The group advises on all areas of employment, trade union and employee relations, discrimination and diversity management, pensions, employee benefits and reward legal issues.

Our Pensions and Benefits team is a leading scheme advisory practice dealing with all aspects of pension scheme regulation, management and restructuring. We have acted on some of the largest scheme mergers in the UK. We advise on reward structures and have the added benefit of an in-house benchmarking capability.

PROGRAMME

TUPE: when it applies

- Acquired Rights Directive
- Who is protected?
- What is an "undertaking"?
- Commercial and non-commercial ventures

TUPE: Who and What Transfers

- Who is "assigned"?
- Which employees transfer?
- Right to object
- Pensions
- Transferor's and transferee's liabilities
- Constructive dismissal
- Consultation

Overview of TUPE Regulations

- Explanation of how these impact on your business
- Understand the requirements of the Regulations

Unfair Dismissal

- Who can bring a claim?
- Automatic unfairness
- Economic technical or organisational (ETO) defence

Consultation and Information

- Latest developments on collective consultation
- Duty to disclose information
- Penalties of failing to consult
- Conducting an election

Pre and Post Transfer Redundancy

- Who is liable?
- Changing work practices and job descriptions
- Changing locations
- Fair selection criteria

Variation of Contract

- Constructive dismissal
- Reorganisation
- Agreed variations
- Are all variations void?
- The new ETO mechanism

Acquired Rights Directive

- Amending the Directive
- Implications
- The two-tier workforce code

HR Issues for TUPE Transfers

- TUPE checklist
- How to improve profitability
- Public v private culture
- How effective communication can aid morale
- Contract retention
- Pension consultation
- Union issues
- Motivating staff

Commercial and Practical Issues

- Business transfers and outsourcing
- Striking the right bargain, risk and price
- Warranties and indemnities
- Staff transfer agreements
- Data protection issues in business transfers

Case Studies

Throughout the day there will be hands-on practical examples of TUPE issues and situations. These will be led by the course leader giving delegates the opportunity to put into practice knowledge they have learnt throughout the day.

TRAINERS

Jonathan Hearn

Legal Director, DLA Piper

Jonathan works in all areas of employment law advising employers on transactions and HR policy, running litigation and leading in-house training programmes. He has acted in numerous outsourcing projects, for customers, contractors and project companies, from invitation to tender.

Jonathan's work in these and other TUPE transactions has involved representation, negotiation, the drafting of contractual terms and specific advice about the rules and tactics of collective consultation. He is also one of our most experienced employment law trainers.

Jonathan Exten-Wright

Partner, Employment Law, DLA Piper

Jonathan practises in all areas of employment, but has particular experience in sales of businesses and the contracting-outsourcing field. He was part of the TUPE forum, in dialogue with the DTI over the new proposals. He is also the author of FT Management Briefing 'Assessing the Organisational Impact of Employment Law Change'.

"Very informative,
good pace"

Astrazeneca

Mary Clarke

Partner, Employment Law, DLA Piper

Mary qualified in 1985 and since 1990 she has specialised in contentious and non-contentious employment law. She has handled boardroom disputes including senior terminations and complex tribunal disputes such as disability, race and sex discrimination claims within high-profile public and private organisations. Mary speaks regularly at seminars and conferences on employment law issues.

Mike Burns

Partner, Manchester

Mike has experience of dealing with the impact of TUPE on all types of commercial transactions such as acquisitions and disposals, insolvency purchases and outsourcing (acting for both contractors and clients). He has advised on all stages from effective due diligence at the beginning of a project, consultation with trade union or employee representatives and dealing with any collective or individual claims post completion. He is a regular speaker at training events.

Vincent Reston

Consultant, DLA Piper

Vincent qualified as a lawyer in 1987 and was an Associate with DLA Piper from 1996 until 2006. He now works as a consultant and is a regular trainer for Advance external and in-house training courses.

COURSEBOOK FOR SALE

Our coursebooks are prepared for each programme and are praised for the quality and the practical information they contain. Copies can be purchased for £150 including postage and packaging. To order please complete back page. Your book will be mailed on receipt of payment and after the programme has taken place.

ABOUT ADVANCE

We provide training courses and conferences for a large number of delegates each year; many of whom return over and over again. Our training programmes help senior executives and operational managers increase their understanding of how legislation and regulation affects the way they manage their business. Our seminar style programmes are interactive, covering the practical impacts of current and future legislation and case decisions. Our courses are led by experienced lecturers who are at the front line both as practising lawyers and HR professionals.

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EASY WAYS TO BOOK

FAX 0161 235 4505

PHONE ENQUIRIES / CREDIT CARD BOOKINGS

Call **Rachel Cook** on **0161 235 4545** or, alternatively, call National Number **08700 111 111** and ask for Advance.

NOTE To confirm your booking, please complete this form and send it to the postal address below.

POST Please send this booking form or a photocopy, together with your cheque or purchase order number, to **Rachel Cook** at Advance 101 Barbirolli Square, Manchester M2 3DL.

EMAIL advance@dlapiper.com

DX 14304 Manchester

DATES AND VENUES

LONDON 26 April 2012, 1 November 2012

DLA Piper Offices, 3 Noble Street, London EC2V 7EE

Tel: 08700 111 111 Fax: 020 7796 6666 Email: info@dlapiper.com

Nearest Tube: St Paul's, Bank or Moorgate

MANCHESTER 18 May 2012, 17 October 2012

DLA Piper Offices, 101 Barbirolli Square, Manchester M2 3DL

Tel 0161 235 4562 Fax 0161 235 4505

If you do not receive joining instructions confirming timings and venue one week prior to the conference, please contact us.

FEES The delegate fee includes a comprehensive course book, lunch and refreshment breaks.

1ST DELEGATE	£489.00 (PLUS £97.80 VAT)	£586.80
2ND DELEGATE	£350.00 (PLUS £70.00 VAT)	£420.00
3RD DELEGATE	£300.00 (PLUS £60.00 VAT)	£360.00

EARLY BOOKING DISCOUNTS

A discount is available for bookings received 2 months prior to the date of the course.

1ST DELEGATE	£469.00 (PLUS £93.80 VAT)	£562.80
2ND DELEGATE	£335.00 (PLUS £67.00 VAT)	£402.00
3RD DELEGATE	£235.00 (PLUS £47.00 VAT)	£282.00

Unless by prior agreement, payments have to be made before the programme takes place. Bookings will be acknowledged with a VAT receipt and joining instructions.

NOTES

CONTINUING PROFESSIONAL DEVELOPMENT This programme is suitable for HR and Personnel Professional Development and under Law Society rules, qualifies for 6 CPD hours.

CANCELLATIONS, SUBSTITUTIONS AND TRANSFERS If you are not able to attend, you may send a substitute. However, a refund cannot be made for cancellations received less than 20 working days before the course is scheduled to take place. There is a fee to cover travel and administration expenses for delegates transferring to another programme and for cancellations received more than 20 working days before the course start date.

DATABASE Your details will be held on the DLA Piper database. If you would like to be removed please contact Advance 101 Barbirolli Square, Manchester M2 3DL.

There may be occasions when changes in programme content, speakers, timing and location have to be made for reasons outside our control. We maintain the right to decline bookings if they are not in line with course training objectives.

CONFERENCE DATES Please tick one. (Please photocopy this form for additional delegates.)

- 26 April 2012, London 18 May 2012, Manchester
 1 November 2012, London 17 October 2012, Manchester
 I am unable to attend but would like to purchase the documentation for £150

DELEGATE INFORMATION

DELEGATE 1 Title _____ First name _____ Last name _____
 Position _____
 Company or organisation _____
 Address _____

 _____ Postcode _____
 Tel _____ Fax _____

Email

Please indicate any dietary or other special needs

DELEGATE 2 Title _____ First name _____ Last name _____
 Position _____
 Company or organisation _____
 Address _____

 _____ Postcode _____
 Tel _____ Fax _____

Email

Please indicate any dietary or other special needs

DELEGATE 3 Title _____ First name _____ Last name _____
 Position _____
 Company or organisation _____
 Address _____

 _____ Postcode _____
 Tel _____ Fax _____

Email

Please indicate any dietary or other special needs

Please tick here if you do not want to receive mailings from other organisations

PAYMENT METHOD Please choose 1, 2, 3 or 4


1 Cheque. Make cheques payable to DLA Piper

Enclosed is my cheque for £ _____

2 Invoice

My purchase order number is (if applicable) _____

3 Credit card Please tick one

Card no. _____ Expiry date _____ Security code _____

Account name _____

Cardholder's address (if different from that above) _____

Postcode _____

4 Bankers draft

I wish to pay by bankers transfer, and will also send a copy of this form to **Rachel Cook** at Advance 101 Barbirolli Square, Manchester M2 3DL.

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