

UPDATE ON PHASE ONE FLEXIBLE NEW DEAL AND TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT) REGULATIONS 2006 (TUPE)

In the Phase One flexible New Deal Provision Specification and Supporting Information document (Annex 5), we advised suppliers of the likelihood that Transfer of Undertakings (Protection of Employment) Regulations 2006 would apply and there was a possibility that DWP staff currently working in areas of work covered by new contracts would transfer with their work (subject to the provisions of TUPE) when the transfer of work takes place.

Following legal advice, we can now confirm TUPE is in scope for the transfer of work from Jobcentre Plus to the new supplier. However, Jobcentre Plus will redeploy all existing New Deal staff prior to start of the new contracts. Therefore, there will be no compulsory transfer of any DWP staff to successful suppliers of Phase One flexible New Deal contracts in October 2009.

Suppliers are advised the likelihood that TUPE will apply to staff employed by external suppliers of the current New Deal programmes, and the new supplier will be required to comply with Transfer of Undertakings (Protection of Employment) Regulations 2006). DWP will facilitate the flow of information requirements between suppliers. However, Suppliers are strongly recommended to seek their own legal advice on this.