

The CIPFA Procurement & Commissioning Network

Managing TUPE Pitfalls in Tenders, Outsourcing & when Setting up Trading Companies 27 September 2019 (Birmingham), 1 October 2019 (London) & 2 October 2019 (Leeds)

This event from CIPFA Networks will help practitioners understand the often complex and tricky situation relating to TUPE, when involved in tenders and outsourcing services. Failure by the authority to correctly apply the TUPE Regulations could be very costly with joint and several liability. The event will be practically focused and will help to answer routine queries about the application of TUPE in tenders, which often creates many challenges; for example how to deal with an incumbent provider, providing TUPE information in procurement documents, whether the 'percentage test' applies, how to evaluate TUPE information and influencing the 'Measures Letter'.

09.30 – 10.00	Registration and Refreshments
10.00 – 10.05	Welcome, Introductions and Overview of the Day
10.05 – 11.15	<p>TUPE – Avoiding the Pitfalls</p> <p>The application of TUPE in a public procurement, outsourcing or setting up alternative service delivery vehicles is a challenging and complex issue. It requires practitioners to have a practical understanding to ensure that the authority achieves its objectives. This session will cover practical TUPE issues, which often arise, including:</p> <ul style="list-style-type: none"> ▪ When does TUPE apply? ▪ Commissioning and transferring services to a new provider ▪ Service provision changes – since 2006 ▪ The main effects of TUPE ▪ Issues when re-tendering contracts ▪ Relying on express clauses, TUPE Regulation or chance! ▪ Duty to consult and inform ▪ Content of the 'measures letter' ▪ Assignment to organised grouping
11.15 – 11.30	Refreshments
11.30 – 12.40	<p>TUPE – How it Applies to the Procurement Process</p> <p>The TUPE session will continue with further content and then an open discussion to specific day-to-day scenarios and practical issues faced by authorities in tenders:</p> <ul style="list-style-type: none"> ▪ What issues can TUPE create? ▪ Staff and percentage of time clarification ▪ Potential impact of Brexit on TUPE ▪ Tender Documents and TUPE ▪ Evaluating TUPE issues ▪ Application of TUPE to framework agreements and call-offs ▪ TUPE and GDPR
12.40 – 13.15	Lunch
13.15 – 14.45	<p>TUPE and Tender Documents</p> <p>This session will cover key points to include in tender documents, tender evaluation and dealing with TUPE information, followed by practical group work exercises. The session will also cover common issues for the commissioner, the incumbent provider and the new provider.</p>
14.45 – 15.00	Refreshments
15.00 – 15.25	<p>Plenary Session</p> <p>This session will round-up key points raised during the day and offer a final opportunity for delegates to ask specific questions. It will also cover how to win the hearts and minds of staff transferring and consider the wider commercial drivers for having a clear and robust transfer implementation plan.</p>
15.25 – 15.30	Summary and Close

How will you benefit?

- Understand your obligations under TUPE to ensure compliant tender responses
- Learn how to package your procurement documents with information relating to TUPE
- Understand which staff are protected by TUPE in differing real life scenarios in the context of restructuring public services
- Learn what will happen in the event incorrect information is supplied by the incumbent provider, and the potential impact on tender prices.

Bookings

Please book early to avoid disappointment: www.cipfa.org/procurement

Members of the CPCN can attend the workshops for free using pre-paid places. Please enquire about membership by contacting Mohamed Hans.

Enquiries

If you have any questions regarding the programme, please do not hesitate to contact Mohamed Hans: **E:** Mohamed.Hans@cipfa.org **M:** 07717 345188. If you have any questions about bookings, please do not hesitate to contact Jennifer Walton: **E:** Jennifer.walton@cipfa.org **T:** 01244 394629

CIPFA Sustainability Policy

CIPFA is delivering all of our training courses, workshops and seminars in accordance with our sustainability strategy.

We do not provide hardcopy course materials to delegates and these are now distributed by email. We are striving to reduce our carbon footprint in every way that we can, and we hope that we can count on your support.

We reserve the right to alter the timing or content of sessions where circumstances require