Full HR records are needed in order to comply with the increasing expectations on employers to prevent illegal working, protect private data, accommodate disabilities and conduct fair background checks. However, the old employer in a transfer is required to provide the new employer with only a limited range of employee data pre-transfer and nothing thereafter. Can new employers rely on checks carried out by the old employer? Is the old employer permitted, obliged or prohibited from disclosing employee information? What about diversity information, reasonable adjustments, absence and parental leave records?

It is too early to be certain about the impact of the 2014 legislative changes but recent case-law has clarified issues including identifying who is ‘the client’ and who falls within an ‘organised grouping’. This course will highlight current concerns, provide opinion on risk mitigation and illustrate solutions devised for our clients.
TUPE update
Key risks, controls and case-law

Who should attend?
This course assumes that delegates have knowledge of the TUPE Regulations. It is aimed at in-house lawyers, managers and HR practitioners and consultants, and those with responsibility for outsourcing issues. **It is not suitable for those who are completely new to TUPE.**

Themes covered include:
- the practical impact of the 2014 changes
- ‘Service Provision changes’: when do activities remain the same?
- overlapping consultation processes
- whether, and to what extent, collective agreements can be varied/transferred
- how a post-transfer change in work location is now handled
- the ability to effect pre-transfer dismissals
- post-transfer contractual changes: what is/isn’t achievable
- definition of an ETO reason
- major cases in the pipeline and possible consequences.

Why choose this course?
- led by lawyers who have guided clients through some of the largest and most complex TUPE transactions across all sectors
- direct, straightforward, and focused on the key issues
- limited to a maximum of 20 delegates
- backed by purpose-written course materials
- interactive, with questions taken as they arise
- opinionated and unequivocal.

Course materials
Delegates will receive detailed course notes describing the recent developments and key cases.

In-house training
Eversheds provides public and in-house training services across the UK and in Europe. For further information contact: **Tracy Luke** on +44 29 2047 7565 or tracyluke@eversheds.com or **Nicholas Edwards** on +44 20 7919 4697 or nicholasedwards@eversheds.com

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After years during which the application of the TUPE Regulations grew wider, recent changes and case-law developments have reversed that trend. Employers now have more opportunity to take pro-active steps to determine their preferred ‘TUPE outcome’. This course covers ways of minimising legal risk and cost, with case study illustrations.
Programme

09:00–09:30 registration and coffee

Recent changes
- developing law under the 2014 changes
- TUPE and EU reform?

Access and use of employee data/records
- immigration checks and the crackdown on illegal working: can a new employer rely on the old employer’s checks?
- data protection obligations and a more assertive ICO: use of new employees’ data?
- criminal records information: what can/must the old employer disclose?
- health, well-being and diversity data including reasonable adjustments, absence and shared parental leave records.

Recurring issues
- transfers abroad: is it a redundancy or a liability and who picks up the liabilities in practice?
- determining when TUPE will and will not apply: limits of the service provision change test, international outsourcing and off-shoring, and intra-group transfers
- changes envisioned after the transfer: where does the liability fall?
- dealing with overlapping consultation under TUPE, s188 and pension consultation
- pensions and TUPE transfers: GPPs, Beckmann issues and automatic enrolment.

Case-law update 2015/16, including
- Eville & Jones UK -v- Grants Veterinary Services Ltd: costs arising from deficient employee liability information
- Jinks -v- LB Havering: meaning of ‘client’ and ‘contractor’ in service provision changes
- Jakowlew -v- Nestor Primecare Services Ltd: when does an employee remain assigned to an ‘organised grouping’?
- Ottimo Property Services Ltd -v- Duncan: service provision change can involve more than one client
- LB Hillingdon -v- Gormanley: contractual duties, organisation structure and assignment.

16:30 close

Speakers
Each course will be led by two TUPE specialists who are experienced trainers.

Delegate feedback from our 2015 updates

“Very detailed and thorough. Good content at the right level.”
First Great Western

“Good refresher and case-law update.”
Siemens

“Good session and well delivered.”
Land Securities

“Enjoyed sharing experiences of others outside my industry.”
Hilton Worldwide

“Helped further my understanding of how the Regs are being implemented/perceived in practice.”
BIS

“Good practical advice around some of more complex areas of TUPE.”
Adecco Group

“Covered topics I had not even considered.”
Oliver
TUPE update

£499 +VAT per delegate. Discounts available for online and multiple bookings.

Please photocopy this form for multiple bookings.

- Birmingham  04 February  2016  - London  02 March  2016

First delegate name (Mr/Mrs/Ms/Miss/Other): ..............................................................

Position: .....................................................................................................................

Second delegate name: .............................................................................................

Organisation: ..............................................................................................................

Address: .....................................................................................................................

Postcode: .....................................................................................................................

Tel: ..............................................................................................................................

Fax: ............................................................................................................................

E-mail: .........................................................................................................................

Please let us know if you have any specific access or other requirements:

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Cancellation policy
Any cancellation must be notified at least two weeks prior to the seminar date otherwise you will be charged for the place. Alternatively a substitute can attend at no extra cost.

Payment details
Please tick one. Whenever possible payment should be received 7 days prior to the date of the course.

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Booking conditions
It is a condition of attendance that the course fee has been pre-paid. Your booking will be confirmed in writing within five working days of our receiving your completed booking form. If you do not receive confirmation within ten days, please telephone us on +44 113 200 4040.

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