

Personnel Committee

01 January 2025



Reading
Borough Council
Working better with you

Title	Implications of BFfC TUPE on RBC HR Policies
Purpose of the report	To note the report for information
Report status	Public report
Executive Director/ Statutory Officer Commissioning Report	Darren Carter
Report author	Kathryn Cook
Lead Councillor	Councillor Ellie Emberson
Council priority	Ensure Reading Borough Council is fit for the future
Recommendations	1. That the implications of the TUPE of BFfC back to RBC on 1 October in respect of HR Policies be noted.

1. Executive Summary

- 1.1. Children's Services in Reading have been delivered by Brighter Futures for Children Limited ('BFfC') since 1 December 2018. On 28 January 2025, Council decided to bring Children's Services back in-house by autumn 2025. The transition date for staff and services has been set as 1 October 2025. BFfC staff will transfer from BFfC to RBC via TUPE (Transfer of Undertakings (Protection of Employment)).
- 1.2. A TUPE consultation was run for all RBC and BFfC staff between 5 June 2025 and 7 July 2025. The high-level proposal for the transition of policies was included within the BFfC consultation document, stating that RBC corporate and HR policies, would, by default, replace BFfC policies.

2. Policy Context

- 2.1. Good employment policies should support a culture based on trust, fairness, and inclusion. They can also speed the decision-making process by ensuring that clear guidance is readily available to cover a range of employment issues. Further, they can assist in avoiding employment tribunal claims by providing guidance for managers that reflects accurately current employment law and good practice. It is therefore important that employment policies are clear, easy to understand and through regular review remain current.
- 2.2. On 28 January 2025, Council decided to bring delivery of Children's services back-in house by autumn 2025. The transition of policies is part of this wider transition programme.
- 2.3. Formal consultation is legally required as part of TUPE. The high-level proposal for policy transition was set out in the BFfC TUPE consultation document. The detail for the proposal has been worked through, leading to the below planned changes to policies. This detail, specifically any differences in policies for staff, will be communicated to BFfC staff as part of the consultation outcome, transition preparation, and RBC induction.

- 2.4. The proposals for policy transition were approved in June 2025 by the BFfC Contract Transition programme board. The board has Executive Director representation from both RBC and BFfC.

3. The Proposal

- 3.1. To facilitate the TUPE of BFfC staff to RBC, all policies needed to be reviewed and matched, and any gaps addressed. All BFfC and RBC policies have been matched and compared to ensure that at transition staff can be informed of any differences, and any gaps in provision of policies can be addressed. Since the creation of the Company, unless otherwise required, BFfC have mirrored RBCs HR Policies and therefore there were very few meaningful differences found between BFfC and RBC HR & Corporate policies.
- 3.2. Personnel Committee is asked to note the following outcomes of the review of HR Policies:
- 3.2.1. All current BFfC HR Policies will be replaced by the equivalent RBC policy, except where there is a contractual element, e.g. annual leave, which will be protected and remain for BFfC staff after TUPE as required by law.
- 3.2.2. Where there is no equivalent RBC HR Policy, the BFfC policy will either cease, or consideration will be given to it being adopted by RBC. It is anticipated that RBC will adopt or update the following policies:

RBC Fostering Friendly Policy (adopted from BFfC by RBC following Personnel Committee on 13 March 2025). This will be adapted slightly to clarify the Child Placement leave entitlements upon the placement of a new foster child.

BFfC Reimbursement of Statutory Fees. This policy will continue to apply to BFfC staff and RBC will look to review the equivalent policy for RBC staff.

- 3.2.3. Personnel Committee will wish to note that some RBC HR policies give BFfC new entitlements and/or requirements they did not previously have, e.g. Buying Annual Leave Policy, Volunteering Policy, Working Abroad Policy, Transgender Policy, Workload Policy. BFfC staff will be able to take advantage of these Policies from the date of transfer.
- 3.3. All of the above implications and changes will be communicated to staff as part of the transition communications and induction plan. The intranet will also be updated to reflect any changes to policies.

4. Contribution to Strategic Aims

- 4.1. The changes to HR policies are part of the BFfC Contract Transition Programme. Both of these will help to ensure that the Council can meet its Corporate Plan priority, specifically ensuring that the Council is fit for the future.

5. Environmental and Climate Implications

- 5.1. There are no environmental or climate implications from this report.

6. Community Engagement

- 6.1. The Joint Trade Unions were consulted on the drafting of the BFfC TUPE consultation document. An extract from the document is below:

“4.2.6. Policies

- 4.2.6.1. BFfC Corporate policies will be replaced by the equivalent RBC policy (training /comms will be provided on any differences).

4.2.6.2. BFfC HR policies will be replaced by the equivalent RBC policy save where there is a contractual element i.e. sick pay, annual leave entitlement, this will be protected and remain.

4.2.6.3. BFfC Operational policies will be replaced by the equivalent RBC policy (training/comms will be provided on any differences) however where there is not an equivalent RBC policy, the BFfC policy will be reviewed and may be adopted by RBC (following the usual RBC process) and rebranded to RBC in due course.”

6.2. All BFfC staff were invited to respond to TUPE consultation between 5 June 2025 and 7 July 2025. As of 2 July, no queries had been raised with regards to the policy proposals.

7. Equality Implications

7.1. Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to -

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2. An Equality Impact Assessment (EqIA) is not relevant to this report.

8. Other Relevant Considerations

8.1. None

9. Legal Implications

9.1. We have sought advice from Legal Services who have advised that there are no legal considerations to be taken into account with these changes. Changes to policies are not contractual, but as part of TUPE staff must, and will, be informed of any changes.

10. Financial Implications

10.1 No significant financial implications are anticipated

11. Timetable for Implementation

BFfC Programme Board review & agree policy transition actions	June 2025
Personnel Committee to note the proposed changes to HR Policies	17 July 2025
BFfC TUPE to RBC	1 October 2025

12. Background Papers

12.1. There are none.

Appendices

None