

**Important advice:
Legal Redress for Community NSPCC members on
the "old terms and conditions" of employment**

Changes to Terms and Conditions of Employment

At the JNC Meeting on 26th September Community advised that the NSPCC should be including the union, and consulting on any policy changes at a draft stage. The last HR Bulletin "The NSPCC and Me" confirmed to staff in September that the review process is ongoing.

Community advised that we have issues in relation to the new Terms and Conditions which are being issued in relation to those staff who are being asked to join the Pay and Reward Strategy and also to staff where contracts are being issued following redeployment. These are not Section 1 compliant under the Employment Rights Act 1996, in its current format it doesn't discharge the Society's responsibilities.

Community advised that in the older versions of the contract it is clear that the Employment Manual is expressly incorporated.

Alistair Milne advised that the Society's advice was that this was not the case.

Community recognised the Society's position but made the point that we are of the belief that such fundamental changes are likely to constitute a dismissal entitling those staff to make a claim to the Employment Tribunal which could, if held in our members favour, make a basic award calculated as per the redundancy formula. Community confirmed our intention to discuss the matter with our solicitors in October, and made a request for dialogue on this issue.

Legal Opinion

Following the JNC we met with Community's solicitors. By this time the NSPCC had inserted a new clause on the front of the Employment Manual



The Union for NSPCC & Childline



"This Manual contains lots of useful information about working for the Society and is therefore a useful reference source for staff. However, this Employment Manual does not form part of an individual's terms and conditions of employment and its content may be changed from time to time"

Our solicitors' view is that such a whole recharacterisation of rights i.e. by removing the contractual status of the Employment Manual, constitutes a dismissal in law (although you remain in employment) for **all staff who remain on the old terms and conditions:**

- *those staff who are either on protected terms and conditions, or*
- *those staff who have refused to opt into the pay and reward strategy,*
- *those staff who were opted into the Pay and Reward Strategy by default, but who were not issued with new contracts removing the contractual status of the Employment Manual*

We have always made it clear to NSPCC management that Community seeks a true and meaningful partnership on behalf of our members. Furthermore, Community is committed to defending our NSPCC members' rights.

Employment Tribunal Claims

Community will instruct our solicitors to make a complaint to the Employment Tribunal for unfair dismissal on behalf of every NSPCC member, who wishes to do so and who remains on the old terms and conditions. We understand that a significant number of members are still on the old terms. If successful the Tribunal can make a basic award for compensation based on your age and length of service.

There are strict prescribed time limits for lodging the claim on this basis please complete and return the attached pro-forma **not later than Monday 12th December 2011**. If you miss the deadline for making a claim you will be time barred. Community advises our members to preserve your right to bring a claim.

We have made it clear to NSPCC management that we remain open to meaningful negotiation on this matter and Community will continue in this spirit.

NORTHERN IRELAND MEETING - Saturday 10th December 2011

At the UCATT Offices, Cathedral House, 23-31 Waring Street, BELFAST BT1 2DX, starting at 11:00 a.m. The agenda will be focussing on both the contract issues in this newsletter and also how the Union is organised and supports its members in Northern Ireland (you can bring the proforma contained in this newsletter with you if that is more convenient).

It is only Community that can give you an effective strong voice in the workplace, the more members the stronger your voice!

Encourage your colleagues to join Community today by contacting nspcc@community-tu.org calling our Member Service Centre on 0800 389 6332 or by joining online at online www.community-tu.org



Employment Tribunal Template



National Insurance Number:

Membership No.

Title Miss/Mrs/Ms/Mr

First name

Family Name/Surname

Date of birth

Address:

Number/name

Street

Town/City

County

Postcode

Phone number including area code

Landline

Mobile

Email:

Name of your Employer or Company you are claiming against:

NSPCC

Weston House,
42 Curtain Road,
London
EC2A 3NH

Please give the full address and postcode of the location that you work at:

Number/name

Street

Town/City

County

Postcode

Employment Details

Start date (to the nearest month)

Is your employment continuing Y/N *delete as appropriate*

If your employment has ceased
please give the date when it ended or will end

Please give your job title, and the department in which you work/ed

How many hours did/do you work each week

How much were you paid including overtime, bonuses etc)

Before tax

After tax

Is this weekly/monthly *delete as appropriate*

If your employment has ended did you work or were you paid for a period of notice Y/N

Are you owed any outstanding wages, if so how much?

Are you owed any outstanding holiday pay, if so how much?

If yes, how many weeks' notice did you work, or were you paid for weeks

Were you in your employer's pension scheme Y/N

If you receive/d any other benefits e.g. company car, health insurance etc. from your employer please give details

If you have left employment have you got another job Y/N

If yes, please give the date when you started work and details of your new earnings.

Details of any additional Respondent's e.g. named individuals – in discrimination claims, or additional company or organisation – where there has been a transfer.

Name of company/individual

Number/name

Street

Town/City

County

Postcode

Phone number

Do you have a written contract y/n -

If yes please provide a copy, and if issued a copy of your employee handbook, your pay slips, and any correspondence relating to your claim.

Please return this completed form, and the information requested above marked for the attention of Mark Jones to

Community, Member Service Centre, Carpet Weavers' Hall, 2 Callows Lane, Kidderminster, Worcestershire DY10 2JG.

This information must be received by us as soon as possible. We will need time to assess and prepare your case ahead of the expiry of the 90 day deadline.

Failure to provide this information by Monday 12th December may mean we are unable to assist you.

If you have any difficulty completing this form please contact the Members' Service Centre on 0800 389 6332.

You have a duty to try and mitigate your losses by actively seeking work if you are able to do so.

Please keep a detailed record of all jobs applied for, copies of any adverts, correspondence, and any costs incurred as a result of seeking employment.