

Dimensions Somerset SEV Limited

1430 Arlington Park
Theale
RG7 4SA

25 January 2017

Private and Confidential

Ms. Sari Brice – HR Lead
Somerset County Council
County Hall
Taunton
Somerset
TA1 4DY

SENT BY EMAIL ONLY

Dear Ms. Brice

**RE: Transfer of Learning Disability Provider Services (Somerset County Council) to
Dimensions Somerset SEV Limited**

Further to recent meetings with the Unions at which a request has been made for the ETO reasons for the proposed changes outlined in the measures letter previously issued, I thought it prudent to set this out in writing.

The transfer of staff from Somerset County Council to the newly formed Somerset Social Enterprise is covered by the Transfer of Undertakings (Protection of Employment) Regulations 2006. That means that there are certain additional requirements for a redundancy or change to terms and conditions to be lawful. Such steps will only be possible if there is an economic, technical or organisational reason entailing a change in the workforce.

An economic, technical or organisational reason is likely to include:

- a) a reason relating to the profitability or market performance of the transferee's business (i.e. an economic reason);
- b) a reason relating to the nature of the equipment or production processes which the transferee operates (i.e. a technical reason); or
- c) a reason relating to the management or organisational structure of the transferee's business (i.e. an organisational reason).

A changes in the workforce could include a change in:

- (a) The location within the meaning of section 139 of ERA 1996;
- (b) The number of employees;
- (c) The functions performed by employees.

Dimensions Somerset SEV Limited

A company limited by guarantee in England and Wales registered no.10257343

Registered office: 1430 Arlington Park, Theale RG7 4SA

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We believe that in order to achieve the agreed objectives of efficiency and modernisation, to ensure that the Social Enterprise is financially suitable for the future, the three core areas of change (terms and conditions, management restructure and transformation of day services) are necessary but these are intertwined. We cannot achieve the overall objective without these core areas and if, for any reason, we had to change the proposals in one area, this would directly impact on the others.

We are therefore confident that the proposals meet the ETO test.

I trust that this helps to clarify our position in respect of the ETO.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Best', with a large, sweeping flourish extending upwards and to the right.

Mr. Chris Best MCIPD

HR Director – Somerset SEV Ltd

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