

Members' Briefing **REVENUE AND CUSTOMS GROUP**

To: **All Members**

cc: **Branch Secretaries, Group Executive Committee, Equality Chairs, VOAC** (for info)

Can this Briefing be circulated via HMRC IT systems: **NO**

Website: **YES**

Action to be taken: **For the attention of all members**

Date: **26 April 2022**

Ref: **R&C/MB/019/22**

CDIO/RCDTS: TUPE Consultation Update

- ***PCS will be involved in all insourcing TUPE consultations in both HMRC and RCDTS***
- ***HMRC prevents use of departmental system to inform RCDTS and CDIO members that PCS will be involved in the TUPE consultation***

PCS in RCDTS have been verbally informed that we will be involved in all TUPE consultations which involve staff moving into HMRC under the Technology Sourcing Programme (TSP). This means that PCS will be consulted by both RCDTS and the wider HMRC regarding the TUPE transfer.

PCS' position vindicated

For months now, PCS has argued that those former Cap Gemini members who transferred into RCDTS on IMAGE terms, also transferred with collective bargaining rights; and as the TUPE transfer will involve this group of members, PCS has to be involved.

Throughout that time, there has been resistance from RCDTS; whilst HMRC (the department which wholly owns RCDTS, whose senior staff act as Directors of RCDTS, and from whose property RCDTS operates) has continued with its somewhat fanciful claim that RCDTS is somehow a completely separate organisation.

Now RCDTS have had to accept that our claim is a legitimate one, and we have been informed that the union will be consulted regarding the TUPE transfer into HMRC. PCS are sure members in RCDTS will be relieved that their independent trade union will be making sure that the TUPE process is followed correctly; and that their terms and conditions are properly protected, in accordance with their rights.

The alternative would have been for RCDTS members to have had to rely on RCDTS' puppet "employee forum" – a body totally beholden to the employer for its very existence.

We have yet to receive any formal notification or details of when TUPE consultation will commence, but when we do, we will keep members fully informed.

'An entirely separate organisation' steps-in

PCS were advised by RCDTS that we would be consulted over the TUPE transfer just before Easter, and we had prepared our Members' Briefing accordingly. After a brief exchange with RCDTS regarding a request to provide a small degree of clarification, RCDTS were content that the briefing was factually correct, and indicated they were content for the material to be circulated.

Of course, RCDTS staff are based in HMRC buildings and have HMRC email addresses, so despite the fact that RCDTS were content for the Members' Briefing to be circulated, we provided a courtesy copy of the briefing to HMRC and indicated that we planned to circulate it using the departmental system.

Remarkably, HMRC, that 'entirely separate organisation', has now blocked the use of HMRC's system to circulate the confirmation that PCS will be consulted by both RCDTS and HMRC. This was on the spurious grounds that the briefing "relates directly to a small number of members in RCDTS and is not a HMRC issue". We say "spurious" because, as HMRC are fully aware, the planned in-sourcing of RCDTS staff into HMRC will affect CDIO staff as well – clearly making it an "HMRC issue". Not to mention the fact that the Technology Sourcing Programme (under which RCDTS is being broken-up) is an HMRC programme.

So why have HMRC, the "entirely separate organisation" stepped-in to block the distribution of what is a relatively upbeat message about wider union consultation? One thing is for sure: HMRC stepping-in to prevent the message getting out, will put to bed once and for all, any lingering fantasy that RCDTS has ever been in any practical sense, free of HMRC's control.

Join PCS today

If you've read this briefing and you aren't yet a member of PCS, then [join today](#). If you work for RCDTS and CDIO, it will be particularly important to make sure your voice is heard through an organisation that is independent of the employer's control.

Get involved!

If you haven't already done so, let PCS have your personal/non-work email address and your mobile phone number. We'll only use it to keep you informed about PCS matters. You can update your details securely online by registering for [PCS Digital](#) or by contacting your local PCS rep, and asking them to enter your details securely on the PCS Organising App.

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