

WILTSHIRE COUNCIL

STAFFING POLICY COMMITTEE

9 January 2013

Transfer of Undertakings & Protection (TUPE) Guidance for Managers

Purpose of Report

1. This report presents the guidance for managers dealing with TUPE transfers for approval by Staffing Policy Committee.

Background

2. Service reviews are continuously occurring and some of these have the potential to involve TUPE transfers. TUPE is not a straight forward concept and can be difficult to follow.
3. These guidelines have been produced to assist managers in handling the process and to be aware of the different stages that need to be covered.

Main Considerations for the Council

4. Information is given on the 3 areas where TUPE may apply:
 - contracting out - where the council is transferring out a service;
 - contracting in - where the council is bringing a service back in-house;
 - contractor to contractor - where the contract is awarded to a new contractor.
5. The guidance explains the key stages to be followed and points to be aware of.
6. There is a toolkit at the back of the guidance which explains in more detail the legal definitions of TUPE and the importance of informing and consulting with the unions.

Consultation

7. The policy was approved by JCC on 20 December 2012 following consultation with HR, union representatives and other key stakeholders.

Environmental Impact of the Proposal

8. None

Equalities Impact of the Proposal

9. No negative impacts have been identified.

Risk Assessment

10. Risk assessment for specific service reviews are considered in the business report presented to cabinet/CLT by the relevant Service Director.

Financial Implications

11. For each TUPE transfer a business report with financial information and costs will have been prepared by the relevant Service Director for consideration by either cabinet or CLT depending on the scale of the transfer.

Options considered

12. None

Recommendation

13. That Staffing Policy Committee approve the guidance as presented.

**Barry Pirie
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The following unpublished documents have been relied on in the preparation of this report: None