

APPENDIX 3

Workforce Matters in Local Authority Service Contracts

On 13th March 2003, the ODPM issued a statement on Staff Transfers in the Public Sector along with a Code of Practice. Tower Hamlets has embraced this and reviewed its contract letting procedures to ensure full compliance with the requirements under the new code of practice. The Council's policy requires companies bidding for contracts to indicate whether TUPE applies in light of their tender and proposals for performance of the services.

Where TUPE applies to a Contract, then the Instructions to Firms Tendering obligate the successful contractor to comply with the ODPM Guidance. The contract conditions also obligate the contractor to supply information in order for the Council to monitor the Contract, which would include the Contractor providing documentation to showing that it is complying with the ODPM Guidance.

In addition, the Council requests (in the form of a Method Statement) how contractors will ensure that they will comply with the Guidance. The Method Statement forms part of the contractual terms and conditions so that if the Contractor fails to comply, then the Council could take legal action against the Contractor for breach.