

To Mr. Mike Hill, Cabinet Member for Community Services.

By: Victoria Pomery, Director Turner Contemporary

Subject: Approval of the TUPE transfer of KCC staff to Turner Contemporary on 1st April 2010

Classification: Unrestricted

Summary: This report seeks approval to TUPE transfer the existing KCC staff to the Turner Contemporary Trust from 1 April 2010

1.0 Background

- 1.1 Work on the Turner Contemporary gallery is progressing well and preparation for the future operation of the organisation is underway.
- 1.2 Turner Contemporary ('the Trust'), a charitable company limited by guarantee, has been established. The Trust is fully operational and is working towards the transfer of operational responsibility from KCC on 1 April 2010.

2.0 TUPE Process

- 2.1 The existing KCC Turner Contemporary staff, of which there are 6, will transfer their employment to the Trust from 1 April 2010.
- 2.2 A formal consultation process with staff commenced on Wednesday 16th December. The consultation, supported by KCC personnel, covered all TUPE arrangements and the implications for the affected staff. Under TUPE regulations, staff have their terms and conditions of employment protected at the point of transfer. The Union, Unison, was informed of the TUPE consultation.
- 2.3 The consultation period remains open and will enable the Director of Turner Contemporary to communicate any matters arising with staff.
- 2.4 Upon completion of the decision-making process and on 1 April 2010, the TUPE process will be completed and the formal transfer of staff to the Trust will be made.

3.0 Resource Implications

- 3.1 KCC will enter into a Grant Agreement (decision number 09/01360) with the Trust from 1 April 2010. The KCC grant to the Trust is KCC's annual contribution to the operational expenditure of the Trust, which includes all staffing costs.

4.0 Conclusion

- 4.1 The TUPE transfer of the existing Turner Contemporary staff to the Trust is part of the transitional process of establishing Turner Contemporary as an independent charity responsible for the future operation of the gallery. The TUPE transfer from 1 April 2010, marks the formal transfer of operational responsibility from KCC to the Trust.

5. Recommendation

- 5.1 The Cabinet Member for Community Services is asked to approve the TUPE transfer of the existing KCC staff to the Turner Contemporary Trust on 1st April 2010.

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