TUPE transfer plan checklist for the new employer

This transfer plan checklist is to be used by the new employer (the employer taking on an organisation or service under TUPE).

You can adapt the checklist to meet your needs, although by law certain steps must be followed. It's a good idea to follow all the steps and use this checklist alongside [Acas’s advice on handling a TUPE transfer](https://www.acas.org.uk/tupe).

Remember to communicate with your staff and their representatives throughout the transfer.

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TUPE transfer plan checklist

Consider the transfer

* Check if TUPE applies to the transfer.
* Identify who will transfer (in a service provision change this includes who is part of the organised grouping of employees).
* Identify all benefits and risks the transfer could bring and what it might achieve for the company and affected employees.
* Check if the old employer is insolvent or in administration and how that might affect your decision.
* Consider whether any changes in working practices (‘measures’) may be needed to make the service work efficiently.
* Assess whether there could be a risk of redundancies after the transfer and include this in the decision-making process.
* Ask for any due diligence information from the old employer.
* Get warranties and indemnities from the old employer.
* Calculate all the running costs and liabilities.
* Decide if any assets or equipment will transfer.
* Decide if a change in location might be needed.
* Find out if equipment will need to be sourced and put in place for transferring employees.
* Consider setting aside a contingency fund for unexpected additional expenditure.
* Develop a timeframe for conducting the transfer.
* Inform any recognised trade union or elected representatives about the possibility of a transfer.
* If there is no recognised trade union or authorised employee representatives, arrange an election of employee representatives with your affected employees to inform and consult on the possible transfer. [This is a mandatory step].
* Consider how you’ll keep staff informed about any transfer plans.
* Consider how you’ll manage the transfer and keep staff motivated if your bid is successful.
* Decide whether to submit a bid for the contract or organisation based on all the information provided.

Prepare for the transfer

Employee liability information (ELI)

* Identify and agree which employees are to transfer.
* Request and check the employee liability information (ELI) from the old employer.
* Check warranties and indemnities provided by the old employer are correct.
* Consider asking the old employer if you can visit their workplace or organisation and speak individually with transferring employees about the transfer and their current terms and conditions.
* Where possible, check that the information received from the transferring employees matches the employee liability information (ELI) supplied by the old employer.
* Check and resolve any inconsistencies with the old employer.

Inform and consult about the transfer

These steps are mandatory.

* Identify and agree which employees are to transfer.
* Consider asking the old employer for permission to inform and consult with their recognised trade union or elected representatives about the transfer.
* Inform and consult with existing affected employees about the transfer, including those who may be away from work on holiday, sickness or parental leave and those who are not transferring but whose work may be affected.
* If there is no recognised trade union or authorised employee representatives, arrange an election of employee representatives with your affected employees to inform and consult on the transfer.
* Give new employee representatives paid time off for representation duties and TUPE training.
* If you’re a microbusiness with 10 or fewer employees, you must inform and consult directly with affected employees if there are no trade union representatives or elected representatives.
* Inform the old employer about any changes in working practices which you’re considering for the affected employees who will be transferring to your organisation.
* Consult with employee representatives about how good relationships can be maintained after the transfer.

Transfer of terms and conditions

* Assume all employee terms and conditions transfer unless you get different legal advice.
* In the rare event that it’s impossible to continue offering some terms and conditions to transferring employees, for example bonuses offered in shares with the old organisation, you should discuss with the old employer how to provide an equivalent alternative.
* Prepare payroll and HR systems for the transferring employees.
* Check pension requirements and seek advice where appropriate, and/or set up new pension arrangements.

Post-transfer redundancies

* Decide if there will be sufficient work after the transfer for all affected employees. If you identify a potential risk of redundancy, consider ways to minimise the impact of this.
* If necessary, prepare for potential post-transfer redundancies, and if there are 20 or more redundancies proposed, ask the old employer for permission to begin pre-transfer consultation if appropriate.

Planning induction for transferring employees

* Prepare an induction package for the transferring employees and a full briefing about their role including who their line manager will be.
* Make sure employees are aware of any changes (‘measures’) you’re proposing to make
* Appoint staff to act as mentors to help the new employees settle in and answer questions.
* Identify any initial training needs for the transferring employees and organise any necessary training.
* Ensure that all working areas and equipment are ready and working for the day of the transfer.
* Check if there are any reasonable adjustments needed for any of the transferring employees.

Communicating with staff and customers

* Plan communication messages, question and answer briefing sheets, for existing employees and transferring employees for the day of the transfer.
* Inform customers about the transfer and any impact this may have on the services they receive.

The transfer day

* Welcome the new employees into the organisation and introduce them to any new team members and their line manager.
* Check that all expected employees have arrived for work and are welcomed into the new company.
* Meet or talk with all affected employees to find out if there are any problems.
* Begin the induction process and ensure that mentors are available to answer questions.
* Provide training for any new equipment, and check that new employees have all they need to carry out their work.
* Let the transferring employees know who to contact about any concerns with their terms and conditions transferring across and resolve any issues at an early stage.

After the transfer

* Within 60 days of the transfer, confirm that transferred employees have the right to work in the UK.
* Continue to consult with representatives and affected employees where potential redundancies are proposed.
* Continue to consult with representatives and affected employees about any changes in working practices (‘measures’).
* If there’s any risk of making redundancies, you must select employees in a fair way and not disadvantage the staff who’ve transferred over employees who’ve worked there longer.
* Continue to communicate with affected employees to make sure they remain motivated, feel supported and have the resources they need to do their job and settle successfully into the organisation.
* Check that all employees are able to carry out their work and meet business needs so that the organisation or service continues to perform to the same standard as before the transfer.