TUPE transfer plan checklist for the old employer

This transfer plan checklist is to be used by the old employer (the employer transferring their organisation or service).

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 whether TUPE will apply to the transfer.
* Identify who will transfer – in a service provision change this includes who is part of the organised grouping of employees carrying out work for the ‘client’ (the organisation receiving the services).
* Identify all benefits and risks the transfer could bring and what it might achieve for the organisation and affected employees.
* Consider how you’ll keep staff informed about any transfer plans.
* Consider how you’ll manage the transfer and keep staff motivated.
* Consider how you’ll retain knowledge and skills with remaining staff.
* Consider whether any changes in working practices (‘measures’) may be needed after 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.
* Decide whether any assets or equipment will transfer.
* Provide any due diligence information requested from the employer potentially taking on the transfer in a way that complies with data protection law.
* Provide any warranties and indemnities.
* Develop a timeframe for the transfer.

## Prepare for the transfer

* Provide the new employer with employee liability information (ELI) and make sure it’s accurate and provided on time.
* Check and resolve any ELI inconsistencies with the new employer.
* Agree with the new employer if they’ll meet with the transferring employees and their representatives before the transfer.
* Agree with the new employer if transferring employees can visit their premises to see what it’s like.
* Inform any customers about the transfer and any impact it may have.
* Plan communication messages for affected employees for the transfer day.
* Make sure knowledge and skills are transferred to the remaining employees before the transfer day, for example through any relevant training.

## Inform and consult about the transfer

* Identify and agree which employees will 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 have fewer than 50 employees in your organisation or fewer than 10 employees transferring – you must inform and consult directly with affected employees if there are no trade union representatives or elected representatives.
* Consult with employee representatives about how to maintain good relationships after the transfer.

## The transfer day

* Liaise with the new employer to make sure the employees have successfully transferred.
* Be available to support remaining employees in adjusting to their job without the transferred employees.

## After the transfer

* Continue to consult with representatives and affected employees on any proposed ‘measures’ (changes in working practices).
* If there’s any risk of making redundancies, you must select employees in a fair way.
* Check remaining employees are able to deliver their work and meet business needs.
* Continue to communicate with remaining employees to make sure they remain motivated, feel supported and have the resources they need to perform in their role.