

When to inform and consult

There's no fixed length of time for employers to inform and consult employees and their representatives in a TUPE transfer.

By law, an employer must allow enough time to inform and fully consult before the transfer.

They should start the process as early as possible. This will help them make sure they:

- meet consultation requirements
- allow enough time to include anything agreed with employees or their representatives

The time this takes depends on:

- the size of the organisation
- how many employees are affected
- the complexity of any changes
- whether employee representatives need to be elected

When considering a transfer

Both the old and new employer should consider informing employees and representatives about a potential transfer. They should do this before making any decisions.

Although it's not legally required at this stage, it can help to avoid rumours and concern among employees.

When employers must give notice of TUPE

Employers must give notice of a TUPE transfer. But there is no fixed time period for this.

Employees' contracts do not end when they transfer. So employers do not need to give the same notice period as other situations. For example, dismissals.

When preparing for the transfer

Once the old and new employer start preparing for the transfer, they must:

- inform and consult representatives or employees depending on the size of the organisation or transfer – [find out more about who to consult with](#)
- arrange employee representative elections, if needed
- identify who will transfer
- answer questions, concerns and feedback

It's good practice for the old employer to also speak regularly with the employees who are not transferring or affected.

They might be concerned about:

- job security
- how the work will get done
- what affect the transfer will have on the organisation

[Find out more about what to inform and consult about](#)

After the transfer

On the transfer date, transferring employees will move from the old employer to the new employer.

Employers no longer need to inform and consult, unless they plan to make redundancies. For this, they must hold a [redundancy consultation process](#).

Both old and new employers should keep talking to employees and their representatives about the transfer. This will help:

- new employees to settle in
- reassure all employees, not just those who transferred
- create good working relationships between new and existing employees

The new employer might consider changing contracts of employees who have transferred to their organisation. There are things they must consider if the main reason for the change is the transfer. [Find out more about changing a contract after a TUPE transfer](#).