



Employment Rights Act Made Simple: TUPE Transfers, Redundancies & Collective Consultations

Date: 20th May 2026

Run Time: Approximately 40 minutes

This session will start shortly (11:00)

The detail contained within this webinar is based on GB & Northern Ireland employment legislation.

Members in the jurisdictions of the Republic of Ireland, Jersey, Guernsey and Isle of Man are asked to please contact the Advice Service to obtain the information relevant to your jurisdiction.

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Agenda

- Understanding the new Direct Consultation threshold
- How the Act now counts redundancies across your entire business.
- Breakdown of the increased Protective Award.
- Essential updates for your employment contracts, TUPE policies and redundancy policies.

Hard hitting reality

- 2026 is going to be a busy year for employment law changes
- Changes will affect over 28 areas of employee management
- 173 separate pieces of law to be written/amended
- Laws will be spread over next 2 years
- Vast majority of changes will affect every employer in the UK regardless of size

Please put your questions in the chat!



The biggest changes

- Statutory sick pay expansion – April 2026
- Family Leave/Payments – 6th April 2026
- Introduction of Fair Work Agency – April 2026
- Requirement to inform of right to join a union – October 2026
- Increased harassment obligations – October 2026
- Unfair dismissal protection – 1 January 2027
- More red tape on flexible working refusals – 2027

What is TUPE?

- TUPE stands for Transfer of Undertakings (Protection of Employment).
- Protects an employees' rights during a business transfer or a change in service provision.
- Contracts, rights, and obligations transfer automatically to the new employer
- Business Transfers: When the whole or part of a business or undertaking is sold or transferred as a going concern to another employer.
- Service Provision Changes: Situations where services are outsourced, insourced, or transferred between contractors.

Identifying A Relevant Transfer – Standard Transfers

- What type of business or undertaking is being transferred?
- Are buildings and moveable property being transferred?
- Are intangible assets being included in the transfer?
- Will the majority of employees and customers transfer?
- Is there similarity between the activities carried out before and after the transfer?
- Is the business suspended temporarily, and if so, for how long?

Identifying A Relevant Transfer – Service Provision Changes

- Services previously undertaken in-house are outsourced to a contractor.
- Services carried out by one contractor cease and are allocated to another.
- Activities performed by a contractor are brought back in-house.
- A service provision change will only trigger TUPE if there is an organised group of employees whose principal purpose is the activities being transferred.
- The activities or services must remain fundamentally the same post-transfer.

What is a Redundancy?

- Happens when:
 - An employer needs fewer employees to do certain types of work
 - A business (or part of it) closes, either completely or at a specific location.
- It's not about an individual employee but about the role or job no longer being needed.
- E.g - If a company introduces new technology that replaces a job, or if it loses a major client, it might not need as many employees and could consider redundancies.

Common Triggers For Redundancy

- Economic Factors: The need to reduce costs due to financial difficulties.
- Technological Changes: Introduction of new technology leading to changes in working methods.
- Organisational Changes: Reorganisation of work functions or business restructuring.
- Loss of Contracts or Funding: A significant downturn in trade or loss of business contracts.
- Relocation: Moving business operations to another location.
- Insolvency: Business becomes financially non-viable.

How are they connected?

- Both involve significant changes to employees' employment status or terms and conditions during organisational changes.
- Redundancies may arise in connection with a TUPE transfer
- Redundancies must be handled carefully to avoid breaching TUPE obligations.
- Proper handling of TUPE and redundancies can support smoother transitions during organisational changes

High Risk Landscape

- TUPE (Transfer of Undertakings Protection of Employment) and redundancy are often regarded as two of the most complex and potentially high-risk areas of employment law:
- Complexity of Regulations
- Automatic Transfer of Liabilities
- Risks of Non-Compliance
- Employee Objections and Dismissals
- Financial Exposure
- Risk of Discrimination Claims
- Employee Relations Impact

Recent & Upcoming Changes

Changes to Consultation for Small Transfers

- From 1 July 2024
- The requirement to elect employee representatives for TUPE consultation has been relaxed in specific situations.
- Employers can consult directly with employees instead of electing representatives if:
 - The employer has fewer than 50 employees, or
 - The transfer affects fewer than 10 employees
- This applies only if there are no existing representatives in place and no election process has been initiated by the employer.

Increased Protective Awards for Non-Compliance

- From April 2026
- Maximum protective award for failures in collective redundancy consultation will increase from **90 days' pay to 180 days' pay.**
- Applicable when an employer fails to comply with the Code of Practice on Dismissal and Re-engagement

What Does This Mean For Employers?

- Change significantly increases the **financial risk** for employers who fail to meet their collective consultation obligations
- Pay used for calculations is based on the employee's actual weekly pay and is not capped, further increasing the potential liability.
- If multiple employees are affected, the cost can be substantial, as the award applies to each employee individually.
- Employees are now more incentivised to pursue claims due to the higher awards available.

What is Collective Consultation?

- Currently, employers must conduct a collective consultations when they propose to dismiss 20 or more employees at a single establishment within 90 days or less
- If fewer than 20 redundancies are proposed, consultation can be done individually with affected employees.
- If 20 or more redundancies are proposed at one establishment, employers must conduct collective consultation with appropriate representatives

Collective Consolation Notification

- For 20–99 redundancies, consultation must begin at least 30 days before the first dismissal takes effect.
- For 100 or more redundancies, consultation must begin at least 45 days before the first dismissal.
- Employers must notify the **Secretary of State for Business and Trade** via the **HR1 Form** at least 30 days before the first dismissal for 20–99 redundancies, or 45 days for 100+ redundancies.
- From **1 December 2025**, HR1 Forms must be submitted digitally—paper submissions are no longer accepted.

Changes to Collective Consultation - 2027

- The Act will alter the definition of 'establishment' so that collective consultation will be triggered across the business as a whole rather than at individual workplace units.
- Redundancies will be calculated based on the number of employees impacted across all locations, rather than separately at each branch or office
- Prevents employers from circumventing collective consultation obligations by splitting redundancies across multiple sites.
- The new rules will introduce an additional threshold, ensuring collective consultation applies even when redundancies are distributed across multiple locations.

Further Employment Rights Act Proposed Changes

- Proposals to Simplify the TUPE Process By:
 - Clarifying TUPE's Application to Employees Only
 - Preventing Contract Splitting Between Multiple Employers

Preparing for Change

Updating Documents

- Update policies to align with the new definition of "establishment" (effective in 2027) to ensure collective consultation obligations are triggered across all business locations.
- Reflect changes to the protective award, increasing to 180 days' pay from April 2026.
- Review and document fair selection criteria for redundancies to ensure transparency and compliance.
- Ensure procedures are in place to submit the HR1 form electronically to the Secretary of State for collective redundancies (20+ employees).

Summary

- TUPE and redundancies are closely related within employment law because both involve significant changes to employees' employment status or terms and conditions.
- TUPE and redundancy are often regarded as two of the most complex and potentially high-risk areas of employment law
- From April 2026, Maximum protective award for failures in collective redundancy consultation will increase from 90 days' pay to 180 days' pay.
- The Act will alter the definition of 'establishment' so that collective consultation will be triggered across the business as a whole rather than at individual workplace units.
- The new rules will introduce an additional threshold, ensuring collective consultation applies even when redundancies are distributed across multiple locations.

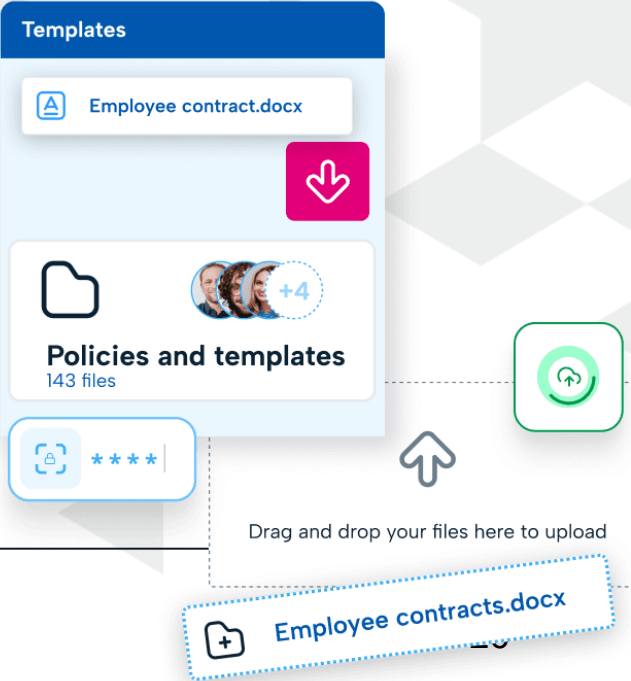
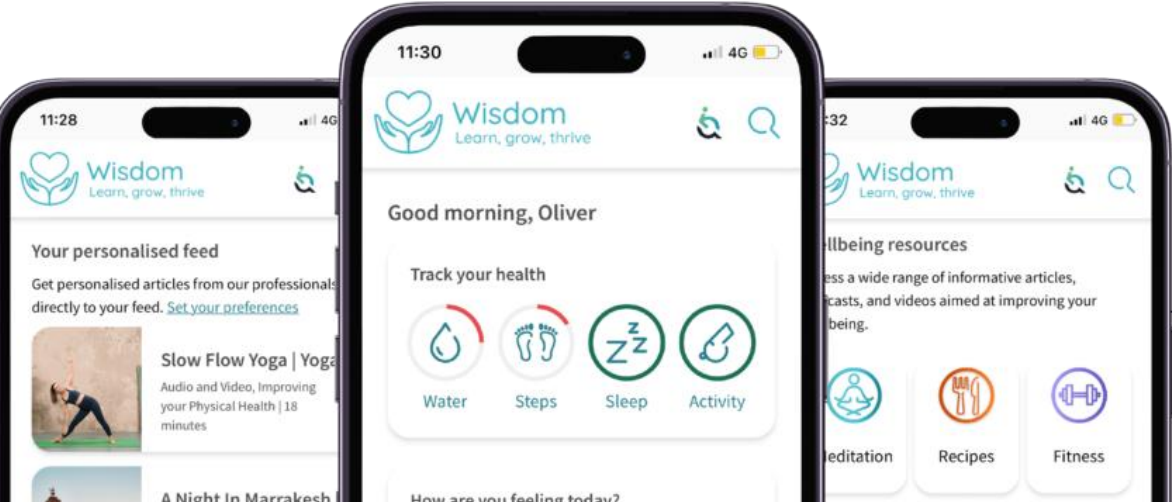
Additional Support Resources Reminder

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Thank you!

Any questions



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