

TUPE

doesn't apply to us.

we don't want to take it.

? What's TUPE?

*Heard in cleaning contract
handovers everywhere*



THE PLAIN-ENGLISH
TUPE GUIDE
FOR ANYONE
SWITCHING
SUPPLIERS

Switching Cleaning Companies? Here's What You Need to Know About TUPE

Here's something that surprises a lot of the businesses we speak to: when you change your cleaning company, employment law gets involved.

Not your employment law, you're not hiring anyone. But the cleaners who look after your building? Their jobs are protected by a piece of legislation called TUPE, and it kicks in the moment you decide to switch providers.

Most people have either never heard of TUPE, or assume it only applies to big corporate takeovers and mergers. In fact, one of the most common situations where TUPE applies in the UK is exactly this one: a business changing its cleaning contractor.

The good news? TUPE is nothing to be afraid of. Handled properly, it makes switching smoother, not harder. But it does get used, and misused, in ways that can catch you out if you don't know the basics.

So, let's clear it up.

WHAT IS TUPE, IN PLAIN ENGLISH?

TUPE

TUPE stands for the Transfer of Undertakings (Protection of Employment) Regulations. It's the law that protects employees when the business or service they work on changes hands.

In the cleaning industry, that means this: if a team of cleaners is dedicated to your site, and you switch from Cleaning Company A to Cleaning Company B, those cleaners have the legal right to transfer to Company B, on the same pay and the same terms and conditions they had before.

Their jobs don't disappear because you changed supplier. The new company steps into the old company's shoes as their employer, and their employment simply carries on.

That doesn't mean everything stays frozen exactly as it was, though. As the incoming employer, we're able to implement what TUPE calls 'measures', proposed changes to the current set-up, such as new working practices, revised schedules, or updated ways of delivering the service. These are set out and consulted on with the transferring staff before the transfer happens, and it's exactly how we build our own standards, processes, and quality expectations into a contract from day one, rather than simply inheriting whatever was there before.

This is called a service provision change, and it's one of the main situations TUPE was designed for.

"But I'm just the client, why does this affect me?"

Fair question. You don't employ the cleaners, and TUPE doesn't create any employment obligations for you as the client. The legal duties sit with the outgoing and incoming cleaning companies.

But it affects you in some important ways:

IT SHAPES THE TIMELINE

A proper TUPE transfer involves an exchange of employee information, consultation with the affected staff, and a formal handover process. The outgoing employer must provide what's known as Employee Liability Information at least 28 days before the transfer. So if you're planning a switch, it pays to build a sensible lead time into your plans rather than expecting a new provider to start next Monday.

IT SHAPES THE PRICING

Because the incoming company inherits the existing team on their existing pay, they can't simply price the contract using a cheaper workforce. Any quote you receive from a reputable provider will be built around the reality of the staff who transfer. If a quote looks suspiciously low, it's worth asking whether TUPE has actually been factored in, because if it hasn't, that's a problem waiting to happen (and it usually surfaces as a price increase prior to the contract starting, or a dispute a few months in).

ONE THING THAT REALLY HELPS HERE

Before you start obtaining quotes, gather together what you can about your current contractual arrangement, the number of cleaners on site, the hours each of them works, and any other details of the service you're paying for. Having this information to hand from the outset means prospective providers can price accurately first time, rather than quoting blind and adjusting later once the TUPE information arrives.

The myths your outgoing provider might tell you

When a cleaning company senses a client is thinking of leaving, TUPE sometimes gets weaponised. Here are the lines we hear most often, and the truth behind them.

**"You can't switch –
you'll be stuck with the same cleaners anyway"**

Partly true, mostly misleading. Yes, the existing team usually transfers. But in most cases, the cleaners were never the problem, the management of them was. Poor supervision, missed audits, no cover for absence, no communication. The same team under better management, with proper training, equipment, and support, often performs completely differently. The transfer changes who manages the service, and that's usually exactly what needed to change.

**"Our staff are too expensive,
no one else will take them on"**

The incoming provider doesn't get a choice about taking them on; that's the whole point of TUPE. And any experienced cleaning company will have priced hundreds of contracts with transferring staff. If the current wage costs genuinely are high, a good provider will show you transparently how that flows through to the price, not use it as a reason you can't leave.

**"TUPE makes switching too complicated
to bother with"**

TUPE transfers happen across the service sector and cleaning industry every single week. For an experienced provider, it's a well-worn process: request the employee information, check it carefully, consult with the staff, reassure them about their terms, and manage the handover date. Complicated for you? It shouldn't be. Your involvement is largely limited to giving notice to your current provider and agreeing a start date with the new one.

What about the cleaners themselves?

It's worth remembering there are real people at the centre of this. For the cleaners, a change of contract can be a worrying time, new uniforms, new managers, new ways of working, and a nagging fear about their jobs.

TUPE exists to take that fear away. Their pay can't be cut, their length of service carries over in full, and their terms can't be worsened simply because the contract has changed hands.

Some practical changes, to hours or working patterns, for example, can be made where they're needed to run the service properly, but only through the formal 'measures' process, with proper consultation before the transfer, never by the back door.

And if a cleaner were dismissed simply because of the transfer, it would automatically count as unfair dismissal.

A good incoming provider will meet the transferring team early, explain what's happening, listen to their concerns, and make them feel wanted rather than inherited. In our experience, cleaners who've been through a well-managed transfer often say the same thing afterwards: nothing about their job got worse, and quite a lot got better.

That matters to you as the client too, because a settled, motivated team looks after your building far better than an anxious one.

A SETTLED, MOTIVATED TEAM LOOKS AFTER YOUR BUILDING FAR BETTER THAN AN ANXIOUS ONE.

What does a well-managed transfer look like

If you're switching providers, here's roughly how the process should run:

If a prospective provider can't walk you through this process confidently, that tells you something.

1

YOU GIVE NOTICE

to your current provider in line with your contract terms.

2

EMPLOYEE INFORMATION IS EXCHANGED.

The outgoing company (**TRANSFEROR**) must provide the incoming company (**TRANSFeree**) with details of the transferring staff - names, terms and conditions, pay, hours, and any live disciplinary or grievance matters, at least 28 days before the transfer.

3

BOTH EMPLOYERS INFORM AND CONSULT

with the affected cleaners about what is happening and how it affects them.

4

ANY MEASURES ARE ISSUED.

If the incoming provider intends to make changes to the current set-up, working practices, schedules, standards, or processes, these are formally set out and consulted on before the transfer, so everyone knows exactly what will change and what will stay the same.

5

THE INCOMING PROVIDER PREPARES -

inductions, training plans, uniforms, equipment, and site documentation, so day one runs smoothly.

6

TRANSFER DAY ARRIVES -

and for you, ideally, nothing visibly changes except the standard of service.

7

THE TEAM IS MONITORED AND SUPPORTED.

A good provider doesn't just inherit the cleaners and hope for the best. Transferring staff should always be retrained to the new company's own standards and processes of work, then monitored to make sure they're meeting expectations, with refresher training or formal reviews where they aren't.

Questions to ask any cleaning company you are considering

a short checklist worth keeping

1

How many TUPE transfers have you managed in the last couple of years?

2

How do you handle the consultation with transferring staff?

3

Has your quote been priced on the assumption that the current team transfers?

4

What happens if the employee information from the outgoing provider is incomplete or inaccurate?

5

How will you support and train the transferring team in your ways of working?

THE BOTTOM LINE

TUPE should never be the reason you stay with a cleaning company that isn't delivering.

It protects the cleaners, which is right but it doesn't protect a poor provider from losing your business.

If you're getting missed cleans, patchy communication, or standards that have quietly slipped, the law is not the thing standing in your way.

Handled by an experienced incoming contractor, a TUPE transfer is a structured, well-trodden process that usually leaves the cleaning team happier and your building cleaner.

The answers will quickly separate the companies who treat TUPE as routine good practice from those who see it as an inconvenience.

Ready for a smoother transfer and a better service?

At Bowdraper, we've handled hundreds of TUPE transfers over our 49 years in the cleaning industry, right across our regions -

The West Midlands and East Midlands, including Coventry, Birmingham, Milton Keynes, Stoke-on-Trent, Northamptonshire, Staffordshire, Warwickshire, Leicestershire, Nottinghamshire, Derbyshire and Shropshire, as well as Cheshire, Greater Manchester and Liverpool.

For our team, TUPE isn't a hurdle, it's a routine part of taking on a new contract, and we're more than happy to manage the whole process for you, from requesting the employee information to welcoming your cleaning team on day one.

So if TUPE has been the thing holding you back from switching, consider that box ticked.

Get in touch today for a smoother transfer, and a better service on the other side of it.

TUPE ISN'T A HURDLE. IT'S A ROUTINE PART OF A WELL-MANAGED CONTRACT HANDOVER.

Frequently Asked Questions

Does TUPE apply when we change our cleaning company?

In most cases, yes. If there's a dedicated team of cleaners whose main job is looking after your site, TUPE will almost certainly apply when you switch providers, bring cleaning in-house, or outsource it for the first time.

Do we, as the client, have any legal obligations under TUPE?

No. The legal duties fall on the outgoing and incoming employers. Your role is limited to giving proper notice under your current contract and allowing enough lead time for the transfer to be managed correctly.

Can the new company pay the cleaners less to give us a cheaper price?

No. The transferring staff keep their existing pay and terms, and any change made because of the transfer is unlawful. Be wary of any quote that seems to ignore this it's usually a sign of trouble down the line.

Will the switch disrupt our cleaning service?

It shouldn't. A well-managed transfer means the team carries on working with barely a visible join, the change happens behind the scenes, in who employs, manages, trains, and supports them.

What are 'measures' under TUPE?

Measures are any changes the incoming employer intends to make in connection with the transfer, things like new working practices, revised schedules, different supervision arrangements, or updated standards and processes. They must be set out and consulted on with the transferring staff before the transfer takes place.

Measures are a normal, healthy part of the process: they're how a new provider builds its own standards into the contract rather than simply carrying on with whatever wasn't working before.

Will we be stuck with the same cleaners if we switch?

The existing team will usually transfer, yes, but under new management, with new training, supervision, and standards. In most cases, that's exactly what transforms the service. And if genuine performance issues exist, the new employer can still manage them fairly through normal processes.

How much notice do we need to give?

Check your current contract for the notice period you've agreed. On top of that, allow time for the TUPE process itself, the outgoing employer must provide employee information at least 28 days before the transfer, so a switch typically needs a lead time of several weeks to run smoothly.

Our current provider says TUPE means we can't leave. Is that true?

No. TUPE protects the cleaners' jobs; it doesn't tie you to a supplier. You're free to switch providers whenever your contract allows, TUPE simply governs what happens to the staff when you do.

THE END OF THE GUIDE - AND THE START OF A SMOOTHER SWITCH

