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Employment Law

Redundancy Checklist



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**FOR FURTHER ADVICE OR
INFORMATION, PLEASE CALL
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We have a broad experience of employment law that includes not only litigation at Employment Tribunal, but also providing advice to clients regarding non-contentious issues (such as Contracts of Employment, Directors Service Contracts and redundancy/dismissal procedures) which may help to avoid or limit disputes in the future.

Our employment law solicitors, based in Sheffield, provide advice and representation to either employers or employees on the following issues:

- Redundancy
- Dismissal
- Grievance and disciplinary hearings
- Settlement Agreements
- Maternity issues
- Privacy at work
- TUPE - Transfer of Undertakings (Protection of Employment) Regulations

Our Services

- Divorce & Family
- Elderly & Vulnerable Clients
- Residential Conveyancing
- Will, Trust & Inheritance Disputes
- Wills & Probate
- Business & Corporate Law
- Commercial Property
- Employment Law
- Intellectual Property
- Litigation & Dispute Resolution

Is there a genuine redundancy situation? Do you have any alternative?

- Is your business closing?
- Are you looking to reduce the number of employees in order to cut costs?
- Have your circumstances changed?
- Have you considered any alternatives to redundancy, such as short-time working or temporary lay-offs?

What redundancy payment will you have to make?

- Any employee who has at least two years' continuous service is entitled to redundancy pay.
- Check how much your employees would be entitled to receive.

Have you consulted with your employees about proposed redundancies?

- You have a duty to act fairly and reasonably in handling redundancies and informing and consulting affected employees individually.
- If you are making 20 or more employees redundant over a period of 90 days or less you will need to engage in collective consultation and notify the Secretary of State.

Have you devised a fair, objective, selection criteria?

- First you must identify the appropriate pool from which the redundancy selection exercise will take place.
- You must have a defined, objective criteria that can be applied and verified independently.
- Consider how many redundancies are being proposed.
- Selection criteria can include:
 - Attendance record.
 - Disciplinary record
 - Skills
 - Standard of work

NOTE: It is unlawful to select an employee for redundancy on grounds relating to: maternity rights; trade union membership; part-time and fixed term-working; asserting a statutory employment right; or protected characteristics (e.g. race, age, gender, disability, maternity & pregnancy, sexual orientation, religion/belief, gender reassignment or marriage/civil partnership).

Help your employees find other work

- Employees have the right to a reasonable amount of time off work to look for another job or to arrange training if they have been continuously employed for at least two years.

First meeting

- Hold a meeting with the employees who might be made redundant and explain the reasons for making the redundancies, together with how many jobs are at risk.
- Take a note of the meeting.

First letter

- Follow up the first meeting in writing and include a copy of the selection criteria.

Scoring

- You will need to score each employee in the selection pool, using your selection criteria.

Second letter

- Write to those employees that have been provisionally selected for redundancy, inviting them to a meeting to discuss their provisional selection.
- Explain to the employee that no final decision has been made at this stage, and that a further meeting will be arranged if their selection for redundancy is confirmed.

Individual consultation

- Consult with each employee individually about their scores, the proposal to select them for redundancy and the terms of the redundancy.
- Consider any comments from the employee, particularly in relation to their scores.
- Consider and discuss details of any other positions within your organisation which may be suitable.
- Invite the employee to make suggestions as to how their redundancy can be avoided, consider any proposals made, and provide feedback on these suggestions to the employee.

Meeting with employee to confirm outcome

- Where you have decided to make an employee redundant, invite them to a further meeting to confirm the outcome and discuss the redundancy package.
- Take a detailed note of meeting.

Dismissal letter

- Write to the employee confirming the decision to dismiss them as redundant and specify the termination date and confirm the redundancy payment and how it has been calculated.
- Confirm that the employee has the right of appeal.
- Explain how to appeal and the relevant time limit.

ACAS Resources

- Further information and guidance on managing redundancy, including a redundancy pay calculator can be found on the ACAS website:
<https://www.acas.org.uk/manage-staff-redundancies/work-out-redundancy-pay>