

## **REDUNDANCY PROCESS EXAMPLE - STAND-ALONE SHORT-SERVICE**

### **(AN ABBREVIATED REDUNDANCY PROCESS)**

*PLEASE NOTE:* This is only an outline and example. It should not be used as a form. A separate minute of the hearing must be taken.

*This process can only be used if your employee has under 2 years' (or, more accurately, 103 weeks') service, is the only person in the organisation/group performing this role and there is no serious risk of a discrimination claim (which there might be if, for example, the individual is the only person of that sex, race, age, sexual orientation or religion in the relevant group or is pregnant or has previously brought a claim or a grievance for discrimination).*

See **Dismissing Short-Serving Employees – Redundancy [3 RED FS]** for information about what needs to be considered **before** following this procedure. **Always speak to your advisers before using this procedure to check it is suitable.**

**NB:** In Great Britain, any employees with 2 years' service or more will be able to bring an unfair dismissal claim if they feel they have **NOT** been treated fairly. This process is **NOT** appropriate for anyone who has over 2 years' service. **Please speak to your adviser if this process is being undertaken outside Great Britain.**

You will need to speak to your advisers between each meeting to ensure that nothing has been raised that will affect the use of this abbreviated redundancy process.

In a normal redundancy situation, your obligations are:

1. To give adequate advance warning;
2. To consult with the staff to attempt to resolve the situation and avoid the need for redundancies (usually 10-14 days would be considered a reasonable time to complete a fair process but will depend on circumstances);
3. To be fair and reasonable, and follow a proper process;
4. To give the right to be accompanied at all formal meetings;
5. To consider, discuss and offer any suitable alternative employment if available; and
6. To make an appropriate redundancy payment subject to the statutory requirements if no alternative/higher contractual entitlement exists.

Where the employee has under two years' service and where there is no serious risk of an unlawful discrimination claim these matters are less of an issue, but it is still good practice to follow a reasonable process. However, if there are no protected issues at all, it may be possible to jump straight to stage 2 (Dismissal Meeting) of this process. **Please speak to your advisers before doing so.**

If this employee is not the only person in your business who does this job or if there are others who do a very similar job, this abbreviated process may not be appropriate – [please speak to your advisers](#).

Where the employee has under two years' service they will not be entitled to a statutory redundancy payment, but there may be a contractual entitlement to a redundancy payment.

### **ADVANCE WARNING –ANNOUNCEMENT MEETING AND WRITTEN CONFIRMATION**

**INDIVIDUAL ANNOUNCEMENT MEETING:** When holding a meeting with the employee in question, no notice is required. Merely ask to speak to the employee in private. Inform the employee of the reason for the potential redundancy of their position in as much detail as possible and explain that unfortunately their position is 'at risk' of redundancy. Explain that you will hold a further meeting in the next few days to discuss in more detail.

Usually this initial meeting is a shock to the employee and not much more is said.

Have someone take minutes and make a note of everything that is said so it can be addressed in consultation.

#### **Follow up from Announcement Meeting:**

1. [Contact your advisers to discuss how the meeting went and if you are a Full-Service\\* client, also email the notes;](#)
2. Write to the employee confirming the reasons for the potential redundancy (an 'at risk'/warning letter) and formally inviting them to the next meeting giving at least 24/48 hours' notice and the right to be accompanied by a co-worker or an accredited trade union representative. [Your advisers will be able to provide an appropriate template letter \(Redundancy warning and invite to consultation – Stand-alone short-service \[3.2 RED LTR\]\) or, if you are a Full-Service\\* client, can assist you in the preparation of the announcement and letter.](#)

### **DISMISSAL MEETING**

Sum up the process so far. If you have held an announcement meeting previously, explain that at the last meeting you notified the employee that they were at risk of redundancy. If no announcement meeting has been held, inform employee of the reason for the potential redundancy of their position in as much detail as possible and explain that unfortunately their position is 'at risk' of redundancy. Ask the employee whether they have any suggestions which might help to avoid the redundancy situation. Discuss all options as objectively as possible.

Are there any suitable alternative employment within the business? This can include anywhere in any wider group business.

If there are suitable alternatives, discuss whether the employee wishes to move into one of these positions to avoid redundancy.

If there are no suitable alternatives, explain this. Explain that due to their having less than 2 years' service they are not entitled to a statutory redundancy payment but that they are entitled to notice.

**Termination:** If there are no suitable alternatives or if the employee has refused an alternative then you can inform the employee that unfortunately their position is redundant and they are being given notice of termination of employment.

**Notice:** Depending on the terms of their contract of employment, you may decide to terminate the employment immediately and make a payment in lieu of notice or you may require them to work some or all of the notice period and/or remain at home for some or all of the notice period ("garden leave").

Explain you will confirm the redundancy in writing and that they have a right of appeal against the decision.

#### **Follow up from Final Meeting:**

1. Contact your advisers to discuss how the meeting went and if you are a Full-Service client, also email the notes;
2. Issue dismissal letter with right of appeal. Your advisers will be able to provide an appropriate template letter (Dismissal letter – Stand-alone short-serving [3.3 RED LTR]) or, if you are a Full-Service client, can assist you draft such a letter.

*\*Full-Service means clients who have a contract with WorkNest covering the full service to include reviewing minutes of meetings, correspondence from employees, detailed documentation and drafting letters on a bespoke basis. If you are unsure about what level of legal service your contract with WorkNest covers, please contact your advisers or the CX team on 01244 687 603.*

*This document was prepared by the Employment Law team of WorkNest. It is intended only as a general document and as a guide in relation to its subject matter and has not been bespoke drafted for you or the specific circumstances in which you are looking to use it. It is not to be regarded as a substitute for consultation with one of your advisers, since every case will ultimately turn on its own particular facts and circumstances. We will always ask you what you want to achieve and can advise on best practice or more commercial options. If you do not consult with us, do not follow our advice, or decide to take a commercial option, there is a risk that your insurance position will be affected (if cover has been taken) and we will not be liable in any way. If in any doubt as to how to use this document or for legal advice please contact your advisers on their usual number.*