



Dismissing employees – how to get it right

Employment Tribunal statistics show that there were 47,900 unfair dismissal claims made in the year to 31 March 2011. Compensation for unfair dismissal could amount to as much as £68,400 on top of any basic award. An Employment Tribunal can increase an award where the dismissal was procedurally unfair by up to 25%. Take advice at an early stage – it's time well spent!

How to avoid a claim

Employees with less than 51 weeks service do not have protection against unfair dismissal. They do however have the right not to be discriminated against – so don't assume short service means no risk.

Once an employee is at or in excess of 51 weeks continuous service, employers need to rely on one of the permitted reasons for the dismissal to be fair. The permitted reasons are:

- Conduct;
- Capability;
- Redundancy;
- SOSR (some other substantial reason); or
- Breach of law.

In addition a fair procedure must be followed. The procedure recommended varies according to the reason for the dismissal.

Key factors affecting your ability to fairly dismiss are:

- Clear policies e.g. disciplinary, grievance, IT and internet, managing absence, bribery etc;
- Having a permitted reason;
- Following an appropriate process;

- The approach to consultation; and
- Clarity in the documentation.

We can help

We can assist your business to put in place the required policies to ensure any dismissals you make are fair. We can also advise on individual circumstances and on the most effective process to achieve your aims. We appreciate that sometimes this may mean taking a commercial view on how best to proceed and our advice is tailored to suit individual business needs.

We offer flexibility on pricing including fixed fees for standard policies. To supplement our advice we offer an insurance product which can cover the costs of defending any claims you may face or compensation awarded (subject to terms and conditions).

For further advice please contact:

Sara Barrett

t: 0161 234 8848 m: 07971 102331

e: sarabarrett@georgedavies.co.uk

Deborah Coyne

t: 0161 234 8816

e: deborahcoyne@georgedavies.co.uk

