

MANAGING YOUR EMPLOYEES

Guide 3.7 : Letting your Employees Go

It's never great when you're considering ending your employee's employment, and it's not a decision to be taken lightly. Dismissing someone will always include the risk of them taking you to Court.

Legal Reasons for Dismissal

If you are thinking of letting one of your employees go, it must be for one of the five reasons below. If not, there is a real risk that the dismissal will be legally unfair.

Conduct

See guide 3.5 Managing Your Employees – Dealing with Disciplinary

Capability

See guide 3.6 Managing Your Employees – Dealing with Poor Performance

Redundancy

Legal Restriction

For example, they do not have the right to work in the UK, see guide 2.6 Employing Your New Starter – Right to Work Checklist

Some Other Substantial Reason

Don't be fooled by that last one – it is NOT a catch all for anything that doesn't fit in the other categories but it can be used, with caution, where the employment relationship has fundamentally broken down.

The Need for Fair Process

In order for any dismissal to be legal, there has to be a fair reason (ie, one of the five reasons listed above) and also a fair process. As a minimum, it is essential that you invite them to a meeting with a right to be accompanied, give them an opportunity to respond to your claims and provide an explanation and, if you do dismiss, give them a right to appeal.

Even if your reason for thinking of dismissal does fit into one of the categories above, it's always wise to take HR advice before taking steps to let one of your employees go.

For HR support, please contact Colden HR on [0121 284 0852](tel:01212840852)
or email enquiries@coldenhr.co.uk and quote your NCASS membership number.