

Redundancy

Are you considering making staff redundant?

Yes

Is there:

- An actual or intended closure of the whole business?;
- An actual or intended closure of the business at a particular workplace?;
- A reduction (or anticipated reduction) in the need for employees to carry out work of a particular kind?

No

Dismissal(s) outside of the scope of the redundancy legislation (s139 Employment Rights Act 1996) [link](#)

Try to avoid compulsory redundancies by considering alternatives [Acas link](#)

Have you considered Government financial support schemes ?

Financial support for businesses during coronavirus (COVID-19) [link](#)

Support finder tool by nation [link](#)

Caution – if at a later date but still within period of 90 days or less a risk of further redundancies is identified meaning total potential redundancies is 20+ employees, collective consultation and HR1 form **will** apply for **all** employees impacted during this period - s188. Trade Union and Labour Relations (Consolidation) Act 1992 [link](#)

Failure to adequately collectively consult could lead to a fine, tribunal award and the dismissal being deemed unfair.

Still good practice to fully consult with employees and their representatives in the same way (see process for 20+). During the consultation period you must let employees know in writing the information set out under "Prepare for the Consultation" [Acas guidance link](#)

Duty to collectively consult does not arise.

Less than 20 employees

How many staff do you anticipate will be affected by the proposed change? If you have multiple locations, will the number affected be across the organisation, or at specific locations as this may affect your legal obligations. For more information [Acas link](#) [Scotland support services PACE link](#)

Make a redundancy plan, working with TU/ staff representatives. Focus on ways in which redundancy can be avoided.
Plans must not be finalised at this stage.

20 or more employees within 90 days, one establishment

A collective redundancy situation arises where an employer proposes to dismiss, by reason of redundancy, 20 or more employees at one establishment within **any period of 90 days or less**, [Acas guidance link](#).

Collective Consultation Time limits: 20-99 employees **must be** at least 30 days before first redundancy. 100+ employees **must be** at least 45 days

Failure to adequately collectively consult could result in a protective award claim.

REQUIREMENT: Notify the Redundancy Payments Service (RPS) before a consultation starts, [HR1 form link](#). Failure to comply with the statutory notification requirements may result in prosecution and a fine

Consult with TU representatives or elected employee representatives. Where there is no TU, the employer must seek to elect an employee representative group (appendix 4) [Acas link](#). If they are unable to do so then they may consult directly with employees

Write to representatives explaining their duties in accordance with s188 TULCRA [link](#).

Provide information to representatives or staff about the planned redundancies, giving representatives or staff enough time to consider them [link](#), Govt information [link](#)

Acas senior advisers can provide impartial advice to employers on all these issues. Contact our Customer Services Team on **0300 123 1150** or complete our [online enquiry form](#)

Ongoing support to remaining staff

Arrange payments, dismissal effective from the date in which notice expires

Ongoing support to affected and remaining staff

If 2 years service, including notice period, you **must** allow staff a reasonable amount of paid time off to look for another job or to do training [link](#)

Issue redundancy **notices** once the consultation is complete. [Acas information link](#)
Payments: calculate statutory redundancy entitlement using the gov.uk redundancy calculator [link](#)

Redundancy rights [link](#) and consider "suitable alternative employment". For more information [link](#)

Individual consultation - usually after consultation with representatives but can overlap if needed [link](#).

Selecting employees for redundancy [link](#), **remain vigilant to discrimination risks** [link](#) & set up an appeal process

Seek to agree selection criteria with employees ensuring they are non-discriminatory [link](#)
N.B additional protection is also applied to **Reservists** [link](#). Where their role has been made redundant, on demobilisation you must consider if it is reasonable/practicable to find an alternative role.