

# 12CP

## BARRISTERS

### EMPLOYMENT

FACT 5

#### FAIR DISMISSAL

A fair procedure in almost all dismissal cases, including redundancy cases, will involve a number of formal steps which have been approved in ACAS Code ([www.ACAS.org.uk](http://www.ACAS.org.uk)) and through case-law, and which include:

- ⇒ the employer notifying the employee in writing that a possible dismissal is contemplated, and the reasons for this;
- ⇒ the employer inviting the employee to a formal meeting to discuss the matter with the decision maker before any decision is made;
- ⇒ at the meeting the employee should be allowed to be accompanied by a friend or colleague but not a lawyer, and a written note should be kept of the discussion;
- ⇒ the employee must know the case against him and be able to challenge the evidence;
- ⇒ the employer must listen to and take account of any mitigating/aggravating factors;
- ⇒ the employer must give consideration to what penalty any alleged misconduct warrants
- ⇒ if the decision is to dismiss, then this decision and the reasons for it and the dismissal itself should be notified by the employer to the employee in writing, and an appeal against the decision offered, on the basis that any such appeal should be notified within 14 days;