

## Select employees for redundancy

### 4. Select employees for redundancy

You must select employees for redundancy in a fair way and not discriminate against any individuals or groups.

It's a good idea to use selection criteria to help you choose which employees to make redundant.

You should base the criteria on:

- standard of work
- skills, qualifications or experience
- attendance record (do not include absence relating to disability or maternity)
- disciplinary record

You must not select staff because of their:

- age
- disability
- gender reassignment
- race
- sex
- sexual orientation
- religion or belief
- marriage or civil partnership status
- pregnancy or maternity leave
- family related leave – for example parental, paternity or adoption leave
- role as an employee or trade union representative
- membership of a trade union
- part-time or fixed-term employee status
- pay and working hours, including the Working Time Regulations, annual leave and the National Minimum Wage

Make sure your criteria does not indirectly discriminate against any of these groups. For example if you use flexible working as a criteria you could be discriminating against women. You would need to show that flexible working is no longer possible after your business has changed.

### Agree criteria with staff

You should consult employees to identify and agree selection criteria. For

example you could sit down with employees to work out the skills and experience needed for your business in the future.

The more open and collaborative your selection process is the more your employees will trust that it is fair.

## Select staff in a fair way

It's a good idea to score employees against all the agreed selection criteria. This will help you avoid relying on one particular criteria and can lower the risk of discriminating against employees.

It will also help you:

- be objective when selecting employees
- easily share with staff how the selection process works
- explain your decisions at tribunals

## Ask staff to reapply for their jobs

You can ask staff to reapply for their jobs to help you decide who to select. You should still use criteria when you interview staff to make sure you're selecting people in a fair way.

## How to score employees

You can decide how much you want to score each criteria. You should also provide written evidence to support your score.

You don't have to use the points system used in this guide, it's just an example. The 'standard of work' criteria could look like:

Criteria: standard of work	Score	Evidence
Outstanding	15	
Exceeds objectives for the role	12	
Meets all objectives for the role	9	
Meets some objectives of the role	6	
Fails to meet objectives for the role	3	

## Decide which criteria are most important

You can adjust the points you give for each criteria. For example if it's agreed that 'attendance record' is less important you can allocate fewer points. This creates a 'weighting' which allows you to be more flexible in how you score staff.

Apply the selection criteria to the group of employees at risk of redundancy. This is sometimes known as the 'pool of selection'.

## **Set up an appeals process**

You should set up an appeals process for employees who feel they have been unfairly selected. This can reduce the chances of someone making a claim against you to an employment tribunal.

You should explain in your redundancy plans how someone can appeal. You might meet with staff face-to-face to listen to their concerns or ask them to write a letter or email explaining why they do not agree with your decision.