

# Dismissals and length of service



As a result of the pandemic, I'm assisting companies with lots of changes, restructuring, and unfortunately the process of parting company with staff.

It is always difficult when deciding which roles need to go and more often than not this is when businesses get into difficulties.

I have heard it so many times before from a manager, well Joe Bloggs is useless, let's get rid of him. One of my first questions is, what is the employee's length of service. Has the employee reached the qualifying two-year period and therefore protected from unfair dismissal. The normal scenario is, the manager has not managed the poor performer and allowed the employee to reach that key 2-year mark.

So what is the 2-year mark?

Employers have the ability to let staff go without following a process if they've been with the company for under two years. The only requirement is that you pay their notice period, unless dismissal is for gross misconduct plus any accrued and unused leave.

However, once you've gone over two years continuous service, no matter what contract they are on, if you want to part company, you've got three options:

- Performance disciplinarys (assuming you have something to discipline them on)
- Restructuring of the whole department to lose their job (bit extreme)
- Settlement Agreement (effective but expensive)

It is much easier to terminate an employee at any point before the 2 years. Saying that, you should be aware though that all staff are protected from discrimination, at every stage of the employment journey.

For employees that aren't meeting the standards or don't have the ability, you can just give notice.

The deadline to decide is obviously before they reach that point, taking into account any notice periods. It could save you a lot of hassle and a fair amount of money!



## About JT HR Consultancy

At JT HRConsultancy Ltd, I provide a specialist HR service to companies needing support, whether it be recruitment, employee relations, employment law advice, contract or policy amendments or restructuring your business during these difficult times.

Your company may not possess all the necessary skills and knowledge of an HR professional to deal effectively with employee relation issues or restructuring. By ignoring your HR responsibilities and employment law could lead to unpleasant consequences and potential costly tribunals.

My clients hire me because I understand their business and provide a personalised, consistent and tailored HR service. With over 20 years' experience, I have worked in Technology, Logistics, Manufacturing, Recruitment, Commercial Cleaning, Charity and Consultancy Services as well as other industries.

Please get in touch so we can set up a quick no-obligation chat.