

## Your rights during redundancy

### 1 . When redundancy can happen

Redundancy is usually a type of dismissal when a role is no longer needed. Your employer should only consider making redundancies if part or all of the organisation is:

- closing, or has already closed
- changing the types or number of roles needed to do certain work
- changing location

If you're dismissed for another reason, for example because of your performance or conduct, it's not redundancy.

In this case, before dismissing you, your employer must follow either a:

- [disciplinary procedure](#)
- [capability procedure](#)

Your employer might try and look at other options before deciding on redundancies, for example changing working hours, offering voluntary redundancy or moving employees into different roles.

Before your employer selects anyone for redundancy, they might need to follow a consultation and selection process.

[Find out more about how your employer must consult](#)

### What an employer should tell employees

Your employer should tell all employees as soon as possible that they are considering making redundancies. They should explain:

- which roles are at risk of redundancy
- why the redundancies are needed
- how many redundancies they're considering
- what happens next, including how everyone will be consulted

If you are at risk of redundancy, the employer should also confirm in writing, for example in a letter or email:

- whether you have other options, such as voluntary redundancy or suitable alternative employment
- the outline of their consultation plans

### Your redundancy rights if there is a TUPE transfer

You have your usual employee rights to a fair redundancy process in a TUPE transfer when you transfer from your current employer to a new employer. TUPE means Transfer of Undertakings (Protection of Employment).

If there are redundancies after a TUPE transfer, consultation can start before the transfer and continue after. Your employer should not select employees for redundancy before the transfer takes place.

[Find out more about your redundancy rights under TUPE](#)

## 2. Volunteering for redundancy

When your employer is planning to make redundancies, you can choose to put yourself forward for redundancy before being selected. This is called 'voluntary redundancy'.

This can be done by either:

- your employer asking for volunteers
- you offering ('volunteering') to be made redundant

To volunteer for redundancy, you can ask your employer. It's a good idea to put it in writing. You should follow your employer's policy or procedure for voluntary redundancy, if they have one.

Your employer does not have to agree to make you redundant as they will be considering the needs of the business as a whole. For example, if you're highly skilled and experienced in your role, they might need to keep you on.

Your employer does not have to offer voluntary redundancy to everyone. But if you feel they stopped you volunteering because of your sex, age, disability or another 'protected characteristic', it could be discrimination.

[Find out more about discrimination](#)

## 3. How your employer must consult

If your employer is proposing to make 20 or more redundancies, they must hold [collective consultation](#).

If your employer is proposing to make fewer than 20 redundancies, they should consult with you individually.

If you have any questions about redundancy consultations, you can [contact the Acas helpline](#).

[Find out more about when consultation is legally required](#)

## What to discuss at the consultation

The consultation is a chance for your employer to talk about the changes they're proposing and why you're at risk of redundancy.

You can ask them questions and make suggestions on how redundancies could be reduced or avoided altogether.

You could discuss:

- ways to avoid or reduce redundancies
- how people will be selected for redundancy
- any issues you have with the process
- time off to look for a new job or training
- how the organisation can restructure or plan for the future

## What your employer should do

Your employer should hold a genuine and meaningful consultation with you. This means they must:

- listen to your ideas
- try to come to an agreement with you

They do not have to agree to any ideas you suggest, but they should seriously consider them.

## If there are fewer than 20 redundancies

Your employer should consult you individually before finalising any redundancies.

By law there are no rules about how long individual consultation lasts. But you should check if your employer has a policy or agreement about this. You do not need to reach an agreement with your employer before individual consultation ends.

During individual consultation, your employer should hold a meeting with you in private at least once.

Check your employment contract as it might include additional consultation rights.

You can ask your employer if you can bring someone with you to your meeting. Your employer might not agree to this, but you could explain why a companion might help you. For example, they could:

- give you support
- be a neutral person to observe
- speak for you if needed

## If there are 20 or more redundancies

By law, employers must hold [collective consultation](#) where all of the following apply:

- they're proposing 20 or more redundancies
- the redundancies are in one establishment – not necessarily in the organisation as a whole, which may be much larger
- they propose to make the redundancies within 90 days

Employers should also consult with employees individually.

Your employer must also consult:

- recognised trade union representatives
- employee representatives, if there's no recognised trade union

## If employee representatives are needed

There may be employee representatives already in place, for example as part of an [information and consultation agreement](#).

If there are no employee representatives in place, your employer must arrange to elect them. If you're affected by the redundancy, you have the right to vote for employee representatives or stand for election yourself.

## What happens in collective consultation

In a collective consultation, your employer must tell you in writing:

- why they need to make redundancies
- which jobs are at risk
- the number of roles affected
- how they propose to select employees for redundancy
- how they propose to carry out redundancies
- how they'll calculate redundancy pay
- details of any agency workers they're using

## What trade union or employee representatives can do

Trade union or employee representatives represent you in the collective consultation with your employer.

They do this by:

- telling you about the redundancy proposals and sharing information
- asking you for your views, suggestions and any questions you may have
- talking to other representatives and working out a collective staff response
- meeting with your employer to discuss the staff response
- engaging in open discussions to solve problems and reach agreements
- telling you the outcome of the consultation

[Find out more about collective consultation](#)

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## 4. How you're selected

Your employer might group together similar roles in a 'selection pool' to make sure you're selected in a fair way.

They might also use agreed criteria to choose who to make redundant from the selection pool.

## Using selection criteria

Criteria should be as objective and measurable as possible. This means the selection criteria should:

- be fair
- be based on facts that can be measured
- not be affected by personal opinions

Examples of selection criteria could include:

- standard of work or performance
- skills, qualifications or experience
- attendance record, which must be accurate and not include absences related to disability, pregnancy or maternity
- disciplinary record

## Following the law

It's against discrimination law (Equality Act 2010) to select anyone because of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

It's also against other areas of employment law to select anyone because of:

- maternity leave, paternity leave, adoption leave, ordinary parental leave, shared parental leave, parental bereavement leave, time off for dependants and carer's leave
- having a role as an employee representative or trade union representative
- membership of a trade union
- a part-time or fixed-term contract
- [working time regulations](#) – for example if you've raised concerns about holiday entitlement or rest breaks
- concerns you've raised about not being paid the [National Minimum Wage](#)
- concerns you've raised about [whistleblowing](#)

Your employer must also not use criteria that indirectly discriminate against you. For example, if they use flexible working as one of the criteria, this could be sex discrimination. This is because women are more likely to have caring responsibilities that make it hard to change their working hours. They would need to show that flexible working is no longer possible after the organisation has changed.

[Find out more about discrimination](#)

## 5. When you're given notice

If you're being made redundant, your employer must:

- tell you how long your notice period is – whether it's statutory or contractual
- keep paying you until the end of your notice period

You'll usually carry on working until the end of your notice period. How much notice you get depends on how long you've worked for the employer.

It's a good idea to talk with your employer if there's any part of your redundancy notice you're not sure about. For example, you could ask them to put in writing:

- the length of your notice period
- the date your notice period starts
- if you can leave before the end of your notice period
- if you need to take any unused holiday before you leave
- if you'll still get contractual benefits, for example a fuel card or mobile phone, during your notice period

Find out more about:

- [notice periods](#)
- [final pay when someone leaves a job](#)

## If your employer withdraws your notice

Once your employer has given you notice of redundancy, including the date your employment will end, they cannot withdraw it unless you agree.

### If you agree

If you agree, you will continue working. You will not get redundancy pay, but you will keep your continuity of employment.

### If you do not agree

If you do not agree and you leave at the end of your notice period, it could affect your entitlement to redundancy pay.

You might not get redundancy pay if your employer is offering for you to stay in the same job on the same terms and conditions.

This could be because:

- there is no longer a redundancy situation
- you're unreasonably refusing suitable employment

If your employer is offering you a different job, whether you're entitled to redundancy pay will depend on whether the job is [suitable alternative employment](#).

## If you want to leave early

If you've been given notice of redundancy, including your dismissal date, you might want to leave early. For example, if you've already found another job.

To leave early and still get your redundancy pay, you need to give 'counter-notice' during the 'obligatory period'.

'Counter-notice' means giving your own notice to end employment, which is different from the notice your employer has given you. You must give notice in writing, for example in a letter or email. You should give as much notice as possible.

The 'obligatory period' is the period equal to your normal [notice period](#), counting back from your dismissal date.

### Example of giving counter-notice

An employer is making some employees redundant. They give everyone 12 weeks' notice in writing, stating their date of dismissal.

Sam is entitled to 12 weeks' notice because they've worked for the employer for over 12 years. Their obligatory period is the whole of their notice period. They can give counter-notice at any time during the 12 week period.

Pat is entitled to 3 weeks' notice because they've worked for the employer for 3 and a half years. Their obligatory period is the last 3 weeks before their dismissal date. They must give counter-notice in those 3 weeks to protect their right to redundancy pay.

Jo has only worked for the employer for 2 years, but their contract says they're entitled to 1 month's notice. Their obligatory period is the last month before their dismissal date. They must give counter-notice in that month to protect their right to redundancy pay.

### If your employer does not want you to leave early

Your employer can give further notice in writing that states:

- they require you to withdraw your counter-notice
- they will not give you redundancy pay if you leave early

If you still decide to leave early, your employer might say that you have resigned and are not entitled to redundancy pay.

If this happens, you can [make a claim to an employment tribunal](#). The tribunal judge would decide if your employer should pay all, part or none of the redundancy pay.

Related content

[Podcast – redundancy and your rights](#)

## 6. Redundancy pay

You have the right to statutory redundancy pay if you're an employee and have continuously worked for your employer for 2 years or more.

If you're not sure if you're legally classed as an employee, it's a good idea to talk to your employer and [check your employment status](#).

You will not qualify for statutory redundancy pay if you work in the following types of work:

- armed forces
- crown servants
- domestic service, where you're a member of your employer's immediate family
- police

## Working out redundancy pay

How much redundancy pay you get depends on:

- your age
- how long you've worked for your employer

You might get more than the minimum amount the law says you should get ('statutory'), if it's in your contract.

Up to £30,000 of redundancy pay is tax free.

You may not be eligible for statutory redundancy pay if your employer offers you a [suitable alternative job](#) and you turn it down.

Redundancy pay is based on:

- your weekly pay before tax (gross pay)
- the years you've worked for your employer ('continuous employment')
- your age

Weekly pay should also include:

- 'guaranteed overtime' agreed in your contract – this is overtime your employer must offer and you must work
- any bonuses or commission

If your weekly pay varies, your redundancy pay will be based on your average hourly rate over a 12-week period.

[Find out how to work out average pay for bonuses and commission on GOV.UK](#)

## If you're aged 17 to 21

Your employer must give you half a week's pay for each full year you've worked.

## If you're aged 22 to 40

Your employer must give you:

- 1 week's pay for each full year you worked from age 22
- half a week's pay for each full year you worked before that

## If you're aged 41 or over

Your employer must give you:

- 1.5 week's pay for each full year you worked from age 41
- 1 week's pay for each full year you worked when you were between 22 and 40
- half a week's pay for each year you worked when you were between 17 and 21

Your employer must tell you in writing how your redundancy pay has been worked out.

[Use the redundancy pay calculator on GOV.UK](#). You'll need to know your weekly pay (before tax and other deductions) to use the calculator.

If you have questions about your redundancy pay, you can [contact the Acas helpline](#).

## Working out redundancy pay when you are paid in lieu of notice

'Payment in lieu of notice' (PILON) is when you stop work straight away but still get paid for your notice period.

When working out redundancy pay, your employer must calculate how long you have worked for them based on the 'relevant date'. If you have been given PILON, the relevant date is the date your employment would have ended if you had worked all of the statutory notice period.

This might mean you have worked for your employer for another year for redundancy pay calculations.

If you have a contractual notice period and you're taking PILON, the relevant date is worked out differently.

### Example of calculating redundancy pay when you have been given payment in lieu of notice

If you have worked for your employer for 8 years and 11 months you would be entitled to 8 weeks' statutory notice. If your employer pays you in lieu of notice they would have to add those 8 weeks to the amount of time you have worked for them when calculating your redundancy pay. This means you would have worked for your employer for 9 years and 1 month. You must get redundancy pay for 9 years of work, not 8 years of work.

## If you have contractual notice

It might be written in your contract that you get more than the statutory notice period. This can be called 'enhanced' or 'contractual' notice.

If you have a contractual notice period and you're taking PILON, the relevant date is worked out differently.



To work out your relevant date:

1. work out how many weeks the statutory notice would have been
2. add those weeks to your actual leaving date

## Limits on redundancy pay

There are limits to how much redundancy pay you can get. You can only get it for up to 20 years of work.

For example, if you've worked for your employer for 22 years without a break you'll only get redundancy pay for 20 of those years.

The maximum weekly amount used to calculate redundancy pay is £700 – even if your wage is more per week.

The maximum statutory redundancy pay you can get in total is £21,000.

## When you'll get paid

Your employer should tell you when you'll get your redundancy pay – this should be on or before your final pay date.

You and your employer can agree to a different date, which should be put in writing.

They should also tell you how you'll get paid, for example in your monthly pay or in separate payments.

## If your employer does not pay you

If you do not get your redundancy pay you should:

- write to your employer as soon as you can
- tell them what you are entitled to and include any evidence – for example payslips or a letter with your start date
- ask your employer to make the redundancy payment and specify a date for this – you should allow the employer a reasonable amount of time to make the payment

If you still do not get paid, you can make a claim to an employment tribunal. There are strict time limits for making a claim. You have either:

- 6 months minus 1 day from the date your job ends – for a statutory redundancy pay claim
- 3 months minus 1 day from the date your job ends – for a contractual redundancy pay claim

[Find out more about making a claim to an employment tribunal](#)

## If your employer is insolvent

If your employer is insolvent, you can apply for redundancy pay from the government's Redundancy Payments Service (RPS).

[Find out about your rights if your employer is insolvent on GOV.UK](#)

If your employer is no longer trading but has not registered as insolvent, you might be able to either:

- make a claim to an employment tribunal
- contact the Redundancy Payment Service if your employer registers as insolvent later

To talk through your options, you can [contact the Acas helpline](#).

Related content

## 7. Suitable alternative employment

You might be able to take another role with your employer if you're legally classed as an employee. This is called 'suitable alternative employment'.

If there's a suitable alternative role, your employer must offer it to you or someone else who is being made redundant. If they do not, you could make a claim to an employment tribunal for [unfair dismissal](#).

You should not have to apply for the role.

If more than one employee is interested in the same role, your employer must:

- first offer the role to any employees who are pregnant or taking maternity, shared parental or adoption leave – they have special [redundancy protection](#)
- follow a fair process for all other employees, for example holding interviews for the role

Your employer should offer the alternative role before your current role ends.

You do not have to take the job if you do not think it's suitable. Whether a job is suitable usually depends on:

- how much you'll be paid and what benefits you'll get, for example pension
- where the job is – it may be further for you to travel
- how similar the role is to your current job
- what terms you're being offered
- your skills and abilities in relation to the role

### When the alternative role starts

The alternative role must start within 4 weeks of your current role ending. If not, you'll still qualify as redundant and should get redundancy pay.

### Trial period

You have the right to a 4-week trial period in an alternative role. This should start after you've worked your notice period and your previous contract has ended.

It's a good idea to get the dates for the trial period in writing. If you need longer to train for a job, get your employer's agreement in writing with a clear end date. This avoids any confusion or disputes if the trial does not work out.

If you are in the new role beyond the 4-week trial you will lose the right to redundancy. This is unless you agreed a longer trial period with your employer.

If the new role is unsuitable, you may leave at any time in the 4-week trial without having to give additional notice.

If your employer offers you more than one job, you can try each for 4 weeks.

### Turning down the job

If you think the job is not suitable, you need to tell your employer in writing. If you do not, you could lose your right to redundancy pay.

You need to have a good reason why it's not suitable, for example:

- the job is on lower pay
- health issues stop you from doing the job
- you have difficulty getting there, for example because of a longer journey, higher cost or lack of public transport
- it would cause disruption to your family life

Your contract could say you have to work anywhere your employer asks you to (a 'mobility clause'). This might mean that turning down a job because of its location could risk your right to redundancy pay.

### **If your employer does not agree**

If your employer does not accept your reasons for turning down the job, they could refuse to pay your redundancy pay.

You should try and reach an agreement by raising it informally first. You can do this by [talking to your employer](#).

If you've already tried to resolve things informally, you can [raise a grievance](#). This is where you make a formal complaint to your employer.

Related content

[Podcast – redundancy and your rights](#)

## **8. Appealing a redundancy**

If you think you were selected unfairly or there was a problem in the redundancy process, your employer should offer you the chance to appeal.

### **How to appeal**

You should talk to your employer first and check if they have an appeals process you can follow.

Even if there's no appeals process, you can still write to your employer with the reasons you think the redundancy is unfair.

You should appeal in writing to your employer within a reasonable timescale of being told you'll be made redundant. For example, 5 days could be reasonable.

[Use our redundancy appeal letter template](#)

It's a good idea to get help from employee representatives, such as a trade union, who may be able to accompany you to any meetings with your employer.

You can ask your employer if a senior member of staff who was not involved in the redundancy selection process can handle the appeal.

### **At the appeal meeting**

Your employer should arrange a meeting as soon as possible to discuss your appeal.

You should ask if you can have someone you work with or a trade union representative to accompany you at the meeting. It can help to have a neutral person to offer you support and take notes.

At the meeting, explain your reasons for thinking the redundancy process or how you were selected for redundancy was unfair.

## What happens next

Your employer will consider your appeal and will tell you if they accept or reject it. They should put this in writing.

### If they accept your appeal

If you're still on your notice period they can offer you your job back. This means your employment contract will be the same as before you were selected for redundancy.

If you've finished your notice period they can put you back on your previous employment contract. They should treat you as having worked continuously from the date they originally hired you. You must be paid for the time you were not at work.

You'll need to pay back any redundancy pay.

### If they reject your appeal

If you're due redundancy notice and pay these will continue as planned.

## Making a claim to an employment tribunal

You might be able to make a claim to an employment tribunal for unfair dismissal if you feel:

- you were unfairly selected
- your employer did not follow a fair process
- your employer did not hold genuine and meaningful consultation before making redundancies
- your employer failed to consider alternatives to redundancy
- there was a suitable alternative role available that your employer failed to offer you

Find out more about:

- [unfair dismissal](#)
- [making a claim to an employment tribunal](#)

Related content

[/how-to-raise-a-problem-at-work](#)

## 9. Finding a job with a new employer

If you've been made redundant, your employer must allow you a reasonable amount of time off during your notice period to:

- look for another job
- do training

This applies if you have continuously worked for your employer for 2 years or more, including the notice period.

Your employer does not have to pay more than 40% of a week's pay for time off to look for work or training during the notice period.

This applies even if you take more than 40% of a week off.

Your contract might say that your employer pays more than this. If it's not in the contract, your employer can choose to pay more. Either way, they should treat everyone the same.

## Example of paid time off

Robyn has been selected for redundancy. Their normal pay is £500 for a 5-day working week.

They take 5 days off to apply for new jobs during their notice period.

Robyn is paid £200 for this time off. This is 40% of their weekly pay.

## Organisations that can help

There are government organisations that can help you find work or gain new skills to get a new job after redundancy.

### England

The Jobcentre Plus Rapid Response Service can help you:

- find work
- write or update your CV
- get training or new skills

[Find out more about the Rapid Response Service on GOV.UK](#)

### Scotland

Partnership Action for Continuing Employment (PACE) is a Scottish government service that supports those dealing with redundancy.

You can get free, confidential advice from career experts.

[Find out more on the PACE website](#)

### Wales

ReAct+ is a Welsh Government programme that provides tailored support to get people back into employment.

[Find out more about ReAct+ from the Welsh Government](#)