

Appealing a dismissal

Appealing a dismissal means asking your employer to overturn or change the decision to dismiss you. It should be handled in the same way as any other appeal.

If your appeal is not successful

If your appeal against the dismissal is not successful, the dismissal remains in place and takes effect from the original date you were dismissed.

If your appeal is successful

If your appeal against the dismissal is successful, you will usually be automatically reinstated. This means you're given your job back.

If you're reinstated, the original decision to dismiss you is overturned. This means the dismissal is considered to have never happened. This is known as a 'vanishing dismissal'.

If this happens, your employer will usually have to treat you as having been employed the entire time. They should:

- check you are paid for any wages lost since the original dismissal date
- confirm your length of service has no breaks in it

Being reinstated can have an effect on the legal claims available to you. For example, it is unlikely that making a claim to an employment tribunal for unfair dismissal would be successful.

If you do not want your job back

Before appealing a dismissal, you should consider if you would like your job back. This is because if the appeal is successful, you will usually be automatically reinstated.

If you do not want your job back, you should:

- check if your employment contract gives other options after an appeal – for example, it might say that your employer needs you to agree to the appeal outcome before making any changes
- consider a different way for questioning your employer's handling of your dismissal – for example, [raising a grievance](#)

If you've already raised an appeal and decide you do not want to be reinstated, it is possible to withdraw it. You must do this before the appeal decision is made.

In this situation you should make it very clear that you're withdrawing your appeal. It's a good idea to put this in writing to your employer.

Get more advice and support

If you need more advice on appealing a dismissal, you can:

- speak to a trade union representative, if you have one
- [contact the Acas helpline](#)
- [get legal advice](#)