

## Dismissal or redundancy

When someone with [the legal status of employee](#) is dismissed or made redundant, an employer must give them at least the statutory notice period.

Someone is not likely to be an employee if they're:

- an agency worker
- a casual worker
- on a zero-hours contract

The statutory notice period is the legal minimum notice period if an employee has worked for an employer for at least a month. It is an agreed amount of time they have to work for their employer after their redundancy or dismissal is confirmed.

If they have worked for the employer for:

- 1 month to 2 years – statutory notice is 1 week
- 2 to 12 years – statutory notice is 1 week for each full year they have worked
- 12 years or more – statutory notice is 12 weeks

For example, if an employee has worked for their employer for 4 years and 9 months, they're entitled to a statutory notice period of 4 weeks.

## Contractual notice

The employer may give more notice than the statutory minimum, but they cannot give the employee less. This is called 'contractual' notice.

Contractual notice periods might be in:

- the employee's contract
- the written statement of employment particulars
- a staff policy

An employee should talk to their employer if they're not sure how much notice they'll get.

[Find out more about employees' rights during redundancy](#)

## Possible exceptions to the statutory notice period

There are exceptions to the rules on notice period and pay.

### Gross misconduct

If the employer believes the employee has done something serious enough to justify dismissing them for [gross misconduct](#), the employee would not be entitled to the statutory notice period or any payment for it.

## **An agreement between the employer and employee**

The employer and employee can agree to reduce the notice period, if it works for both of them.

For example, an employee might prefer to give up some of their notice period and pay, so they can start a job earlier somewhere else. If an employer and employee have an agreement like this, it should be put into writing, like in an email.

[Find out more about when an employee is not required to work their notice period](#)

## **What to do if an employer does not give correct notice**

If an employee thinks an employer has not given them the correct notice period, they should raise this with the employer. It's usually best to raise the problem informally first. Find out more about [raising a problem at work](#).

If they've tried all options to resolve the issue, they might be able to make a claim for [wrongful dismissal](#) to:

- [an employment tribunal](#)
- county court in England and Wales
- sheriff court in Scotland

[Read about pay during the notice period](#)