

Dismissals

1 . What dismissal is

A dismissal is when an employer ends an employee's contract. It usually means the same as being sacked or fired.

It's important that an employer uses a fair and reasonable procedure to decide whether to dismiss someone.

For a dismissal to be fair, the employer must:

- have a valid reason – read about [types of dismissal and reasons to dismiss someone fairly](#)
- make a decision that's balanced, consistent and as fair as possible

The employer should follow a full and fair procedure, usually in line with the [Acas Code of Practice on disciplinary and grievance procedures](#).

The procedure an employer follows will be taken into account if an employee claims for unfair dismissal and the case reaches an employment tribunal.

Giving the reasons for dismissal

If an employer dismisses an employee, they should tell them:

- why they have been dismissed
- when their employment contract will end
- their notice period, if there is one
- their right to appeal the decision

It's a good idea to put it in writing, for example in a letter or email.

When an employer must put the reasons in writing

Regardless of how long someone's been employed, an employer must put the reasons in writing for:

- pregnant employees
- employees on maternity or adoption leave

Other employees have the right to ask their employer for a written statement giving the reasons for their dismissal if they have:

- the [legal status of employee](#)
- been employed for 2 years

If an employee asks, their employer must give them the reasons in writing within 14 days.

If an employee believes the dismissal is unfair

An employee can appeal against a dismissal.

The employer must follow a fair and reasonable procedure. Otherwise the employee might be able to make a claim for unfair dismissal, even if the reason for dismissal was valid.

If an employee gets their job back after appealing a dismissal, this is known as a 'vanishing dismissal'. This means they cannot make a claim to an employment tribunal for unfair dismissal.

[Find out what employees can do if they think a dismissal is unfair](#)

Telling other people at work

Employers should respect the confidentiality of the person who's been dismissed. For example, when they tell the people they worked with and clients that the employee has left. Any outcome of a disciplinary procedure should remain confidential.

[Find out more about talking to staff after a disciplinary procedure](#)

Settlement agreements

A settlement agreement is sometimes used to end an employment relationship when both sides agree it's no longer working. This can include some dismissal situations.

If someone signs a settlement agreement, they cannot make an unfair dismissal claim to an employment tribunal.

[Find out more about settlement agreements](#)

If you're thinking about using a settlement agreement, you should [get legal advice](#).

2. Types of dismissal

By law (Employment Rights Act 1996), the following are potential reasons to dismiss someone fairly:

- misconduct – when the employee has done something that's inappropriate or not acceptable
- capability – when the employee is not able to do the job or does not have the right qualifications
- redundancy – when the job is no longer needed
- a legal reason – when the employee cannot do their job legally, for example a lorry driver who's banned from driving
- 'some other substantial reason' – a term used for a wide variety of other situations

Examples of other substantial reasons are:

- a fixed-term contract ending
- third party pressure, for example if a client refuses to work with an employee
- an employee refusing to agree to new terms and conditions of employment

Gross misconduct

Gross misconduct is when an employee has done something that's very serious or has very serious effects.

Examples could include:

- fraud
- physical violence
- 'gross negligence' – when there's a serious lack of care to their duties or other people
- serious insubordination – for example refusing to take reasonable orders from a supervisor

An organisation might have its own policy or rules with other examples of gross misconduct.

Gross misconduct will usually only be relevant in dismissals related to conduct (an employee's behaviour at work).

An employer should follow a fair and reasonable procedure if someone is accused of gross misconduct. The procedure should be in line with the [Acas Code of Practice on disciplinary and grievance procedures](#).

Redundancy

Redundancy is usually a type of dismissal when a role is no longer needed. Employers 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

In this case, the employer must follow a full redundancy process.

If an employer has concerns about an employee's conduct or capability, they should:

- take steps to [improve the employee's performance problems](#) first, if it's a capability issue
- follow a [disciplinary procedure](#) if these steps do not work or if it's a conduct issue

Find out more about:

- [checking whether redundancies are needed – for employers](#)
- [redundancy rights for employees](#)

Dismissal because of long-term illness

Dismissal should be a last resort. The employer should firstly support the employee and help them get back to work. This could include making any [reasonable adjustments](#) if they have a disability (this includes some long-term health conditions).

For example, an employer may be able to dismiss someone fairly if:

- they have considered all other options
- it's not possible for the employee to do their job
- the employee's inability to work has a significant impact on the business

Dismissal because of long-term illness would usually be a capability issue. This means it would depend on whether or not the employee is able to do their job.

Employers should investigate fully and must have a valid reason for dismissal. The employee could make a claim to an employment tribunal if they think they've been unfairly dismissed.

Dismissing someone because they're disabled, including some long-term health conditions, could be discrimination.

[Find out more about disability discrimination](#)

3. Dismissals with and without notice

When an employer dismisses an employee, they should give them notice of when their job will end.

[Find out more about notice periods](#)

Notice pay

Most of the time, the person who's been dismissed is entitled to the same pay they'd normally get if they work their notice period.

The employee's final pay might be different from their usual monthly or weekly pay because of things like:

- how much holiday they have taken
- money being deducted for training courses
- being off work

Their employer might need to pay other outstanding money, for example bonuses or for overtime.

[Find out more about final pay when someone leaves a job](#)

Dismissal without notice for gross misconduct

An employer can dismiss an employee without giving notice if it's because of gross misconduct. This is when an employee has done something that's very serious or has very serious effects.

The employer should always follow a fair procedure.

When an employee is dismissed for gross misconduct, they:

- leave immediately
- do not have a notice period
- do not get paid notice pay

There are some things the employer must still pay them for. These include:

- any work they have not been paid for yet
- any 'accrued' holiday entitlement – this means any holiday they have built up but not used by the date they leave
- any expenses they are owed

The employer might also need to pay them for other work benefits, unless their contract says something different.

4. Unfair dismissal

It's important to understand what unfair dismissal is by law. This is because different rights might apply depending on the circumstances.

It might be unfair dismissal if an employee worked for their employer for at least 2 years and any of the following apply:

- there was no [fair reason](#) for the dismissal
- the reason was not enough to justify dismissing them
- the employer did not follow a fair procedure

The fair procedure should follow the [Acas Code of Practice on disciplinary and grievance procedures](#), if it's to do with:

- 'misconduct' – when the employee has done something that's inappropriate or not acceptable
- 'capability' – when the employee is not able to do the job or does not have the right qualifications

If the dismissal is for another reason, the employer should still follow a fair procedure.

Important: Protection from unfair dismissal will become a right after 6 months of being in a job. This is part of the government's [Employment Rights Act 2025](#). This change will happen in January 2027 and is not yet law.

Dismissal before someone has worked 2 years

If someone is dismissed before they have worked for their employer for 2 years, they will need to check what rights are available to them. This is sometimes known as 'short service dismissal'.

Depending on the reason for the dismissal, one of the following might apply:

- automatically unfair dismissal
- wrongful dismissal

Appealing a dismissal

If an employee thinks their dismissal was unfair and wants to challenge it, they can appeal through their employer's appeal process. The employer should tell them how to appeal.

Being able to appeal a dismissal is also part of the Acas Code of Practice.

The employee may want to speak to their trade union if they have one or [get legal advice](#).

[Find out more about appealing a dismissal](#)

Automatically unfair reasons

Some things are 'automatically unfair' if they're the main reason for dismissing an employee.

These include:

- [making a flexible working request](#)
- being pregnant or on maternity leave
- wanting to take family leave, for example parental, paternity or adoption leave
- taking [time off for dependants](#)
- being a trade union member or representative
- taking part in official industrial action – for example [going on strike](#)
- asking for a legal right – for example to be paid the National Minimum Wage
- doing jury service

- being involved in [whistleblowing](#)
- taking action, or proposing to take action, over a health and safety issue

An employee does not need 2 years' service to claim automatically unfair dismissal.

Unfair dismissal because of a health and safety issue

If someone is dismissed or experiences detriment related to health and safety, they should [raise it with their employer](#).

If this does not resolve the problem, they could consider making a claim to an employment tribunal.

[Find out more about protection from dismissal and detriment](#)

Unfair dismissal because of industrial action

Employees cannot be dismissed for taking part in industrial action if:

- it's called as a result of a properly organised ballot
- it's about a dispute between them and their employer – for example about terms and conditions
- the employer receives a legally required, detailed notice about the industrial action at least 7 days before it begins

Non-union members have the same rights as union members not to be dismissed if they take part in legal, official industrial action.

Constructive dismissal

If an employee feels they have no choice but to resign because of something serious their employer has done, they might be able to claim for 'constructive dismissal'.

The legal term is 'constructive unfair dismissal'.

[Find out more about constructive dismissal](#)

Making a claim to an employment tribunal

If the employee has tried to appeal and wants to take it further, they might want to make a claim to an employment tribunal.

An employee usually has the right to make an unfair dismissal claim to an employment tribunal if they have:

- the [legal status of employee](#)
- worked for their employer for 2 years

An employee does not need 2 years' service to claim automatically unfair dismissal. They might have the right to make a claim if they've been dismissed for 'automatically unfair' reasons.

In some cases, an employee can apply for [interim relief](#) alongside their main employment tribunal claim. This applies in specific situations involving automatically unfair dismissal.

If someone thinks they've been discriminated against

If someone thinks they've been unfairly dismissed because of race, sex or another 'protected characteristic', this could be discrimination. They could make a claim to an employment tribunal for both discrimination and unfair dismissal.

For the discrimination claim, they do not need to have worked for their employer for 2 years.

[Find out more about discrimination and the law](#)

Dismissal due to political opinion

If an employee is dismissed because of their political opinion or affiliation, they might be able to claim unfair dismissal. They do not need to have worked for their employer for 2 years.

Employees dismissed due to political opinion cannot make a claim for discrimination. This is because political opinion is not a protected characteristic under the Equality Act 2010.

When to make a claim

There are strict time limits for making a claim to an employment tribunal. Someone has 3 months minus 1 day from the date their employment ended.

In almost all cases, the date someone's employment ends is either:

- the last day of their notice period
- the day they were dismissed if the employer did not give notice

Find out more about:

- making a claim to an [employment tribunal](#)
- [employment tribunal time limits](#)

Wrongful dismissal

A 'wrongful dismissal' is when an employer has breached an employee's contract. It's usually to do with notice or notice pay.

Examples of wrongful dismissal can include:

- dismissing an employee without giving them a notice period or notice pay
- not giving someone the full notice period they're entitled to
- failing to follow a contractually binding disciplinary or redundancy procedure

If an employee wants to make a claim for wrongful dismissal, it does not matter how long they've worked for their employer.

Contact the Acas helpline

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

Related content

[/discipline-and-grievance](#)

[/appealing-a-disciplinary-or-grievance-outcome](#)

5. Constructive dismissal

If an employee feels they have no choice but to resign because of something their employer has done, they might be able to claim for 'constructive dismissal'.

The legal term is 'constructive unfair dismissal'.

What constructive dismissal is

An employee can make a constructive dismissal claim if they resign because they think their employer has seriously breached their employment contract.

Examples could include:

- regularly not being paid the agreed amount without a good reason
- being bullied or discriminated against
- raising a grievance that the employer refuses to look into
- making unreasonable changes to working patterns or place of work without agreement

It could be because of one serious incident or a series of things.

If you're in this situation

Resigning is a big step to take, and a constructive dismissal claim can be difficult to win at an employment tribunal.

You can raise a problem informally 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.

If you're going to resign, you should [get legal advice](#) first.

Settlement agreements

A settlement agreement is sometimes used to end an employment relationship when both sides agree it's no longer working. This can include some dismissal situations.

If you sign a settlement agreement, you cannot make a constructive dismissal claim to an employment tribunal.

[Find out more about settlement agreements](#)

If you resign

In your resignation letter you should explain clearly your reasons for leaving.

If there's been a serious breach of contract you may want to leave your job straight away instead of working your notice period.

Doing this could be a breach of your employment contract but it can be justified sometimes. You should [get legal advice](#).

Making a constructive dismissal claim

You usually have the right to make a constructive dismissal claim to an employment tribunal if you have:

- the [legal status of employee](#)
- worked for your employer for 2 years

In some situations, you might be able to claim constructive dismissal with less than 2 years' service. These include when the reason for resigning was related to:

- pregnancy, childbirth or maternity leave
- health and safety
- whistleblowing
- asserting your rights under the [Working Time Regulations](#)
- asserting your right to the [National Minimum Wage](#)

There are strict time limits for making a claim to an employment tribunal. In most cases, you have 3 months minus 1 day from either:

- the last day of your notice period
- the day you resigned, if you did not give your employer notice

Find out more about:

- making a claim to an [employment tribunal](#)
- [employment tribunal time limits](#)

6. Following a fair procedure

The Acas Code of Practice mainly applies to those with the [legal status of employee](#).

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

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

However, to keep good working relationships, employers should follow the same fair procedure for anyone with the [legal status of worker](#).

If an employer dismisses a worker, it is good practice to tell them:

- why they have been dismissed
- when their employment will end
- they have a right to appeal the decision

It's a good idea to put the dismissal in writing, for example in a letter or email.

Dismissal because of long-term illness

If a worker has a long-term illness, dismissal should be a last resort. The employer should support the worker and help them return to work. This could include making reasonable adjustments if the worker has a disability.

Dismissing someone because they have a disability could be discrimination. This includes some long-term health conditions.

[Find out more about disability discrimination](#)

If a worker thinks they've been discriminated against

If a worker thinks they have been unfairly dismissed because of a [protected characteristic](#), this could be discrimination. They could make a claim to an employment tribunal.

[Find out more about discrimination and the law](#)