

Dismissals

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](#).