

Step 9 Offer an appeals process

Redundancy, including the appeal process, only 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

It's good practice to offer employees the chance to appeal if they:

- feel they were selected unfairly for redundancy
- believe this process was not followed properly

This should be set out in your [redundancy plan](#). It might also be written in contracts or your redundancy policy.

An appeals process can help to:

- give you early warning the redundancy selection process might have been unfair and the chance to correct it
- deal with and resolve an employee's complaint, avoiding an employment tribunal claim
- show a tribunal that you have followed a fair process

If an employee is successful in an appeal, it's likely to mean another employee will have to be made redundant in their place. This could be a very difficult situation, especially if the employee was previously told they were safe from redundancy. You should:

- prepare for how to handle the situation sensitively with the employees affected
- keep communication clear and open
- offer support

How an employee can appeal

If an employee thinks they've been unfairly selected or there was a problem in the redundancy process, you should give them the chance to appeal. This should be within a reasonable timescale of receiving their redundancy notice. For example, 5 days could be reasonable.

The employee should tell you in writing the reasons for their appeal.

The appeal meeting

When you receive an appeal, you should send a meeting invitation to the employee as soon as possible.

It's a good idea to allow them to be accompanied at the meeting by a work colleague or union representative.

A companion can be helpful, as they can:

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

Where possible, arrange for a senior manager who has not been involved in the redundancy decision-making to lead the appeal meeting. In organisations where this is not possible, the person leading the appeal meeting should be as impartial as possible.

You could also consider using an independent consultant to help when making a decision.

Making an appeal decision

You should consider the appeal without unreasonable delay and make a decision to either refuse or agree to ('uphold') the appeal. You should put your decision in writing to the employee.

If you uphold the appeal

If it's clear the employee was selected unfairly, but you still need to make a role redundant, you will need to handle the situation very carefully. It could mean the end of employment for another employee who had been told their job is safe.

It's important to:

- communicate clearly and openly with your employees
- correct any issues with the process
- make sure you carry out a fair selection process

If you have found there were serious issues, you may need to go through the whole redundancy process again.

If you uphold an appeal during the redundancy notice period

If the employee's redundancy notice period has not yet ended and you uphold the appeal, their employment contract should continue.

This should be as though the employee had not been selected for redundancy in the first place.

If the employee's redundancy notice period has ended

If the employee's redundancy notice period has already ended, and you uphold the appeal, you should 'reinstatement' them. This means putting them back in their role.

Their length of service ('period of continuous employment') will apply from when you first employed them.

You must pay any arrears of wages. This means paying them for the time between the end of the notice period and the time you reinstate them.

If you've already made a redundancy payment

If you uphold an appeal after making a redundancy payment to your employee, you should make it clear that this means they'll need to return the payment.

If you have any questions about how appeals can affect redundancy pay, you can [contact the Acas helpline](#).

If you refuse the appeal

If you decide to refuse the appeal, the employee's redundancy dismissal, pay and notice continues as before.

Related content

[Redundancy appeal letter template](#)