

Useful tips for dismissing short-service employees

1. Have clear procedures in place

As outlined above, it's not necessary to have separate procedures in place for short and long serving employees but it's always advisable that the procedures make reference to the fact that the company may adopt a shortened version of the process, or no process, where an individual has less than two years' service.

2. Always double check the start date

It's not unheard of for employers to miscalculate length of service or not consider that the employee is approaching the two year mark. Notice periods can be added on in some cases so it's always important to check and double check. If an individual is very close to the two year mark then the safest approach is to treat them as if they have already reached this.

3. Treat each case on its own merits

Unfortunately, it's not possible to adopt a blanket approach for all short serving employees because the circumstances of each case will be different. In some cases for instance, it would be sensible to follow a more robust process when there are further risks associated with a potential disability.

4. Utilise probationary periods

Probationary periods are an excellent way of establishing if the employee is right for the business and vice versa. It's important to use this time to identify any training needs and it's often the case that where things aren't working out, it becomes clear at an early stage. If it becomes clear part way through an individual's probationary period that they are for example, underperforming, the employer shouldn't wait until the end of this period to address the issues. In some cases, things may improve but if not, a dismissal can feel more reasonable from the employee's perspective if this is during their probationary period and can make it easier to address for the employer.

The length of the probationary period will usually vary depending on the nature of the role but it's advisable to have a minimum of 6 months to give both parties enough time to determine if the fit is right for the business.

5. Consider how the dismissal would look in the eyes of an Employment Tribunal

When dismissing an employee with less than two years' service, they cannot claim unfair dismissal but as outlined within the article there are other claims that they could potentially bring such as wrongful dismissal, breach of contract and discrimination. It's therefore always important to consider what information or evidence you would be able to produce to demonstrate the reason for the dismissal if required. In the absence of any evidence, it would be difficult to defend a potential discrimination claim so this is always worth keeping in mind.