

Step 3: Select employees for redundancy

You must select employees for redundancy in a fair way and not discriminate against any individuals or groups.

Setting up a selection pool

You should set up a 'selection pool' if you're planning to make one or more employees redundant. There may be exceptions to this if you've employed someone to carry out a very specific role.

A selection pool is a way of grouping employees who are at risk of redundancy. The pool helps make sure employees are selected for redundancy in a fair way.

A selection pool should include:

- employees doing the same or similar role who are at risk of redundancy
- employees with the same or similar skills in other roles who are at risk of redundancy

You must make sure all employees at risk of redundancy in these groups are included in the selection pool. You must not discriminate against any particular group.

If you have a recognised trade union, you should check and follow any agreements you may have with them about how selection pools are set up.

Select from the pool of employees

It's a good idea to use selection criteria to help you choose which employees to make redundant.

You should base the criteria on:

- standard of work
- skills, qualifications or experience
- attendance record, which must be accurate and not include absences relating to disability, pregnancy or maternity
- disciplinary record

You must not select employees based on:

- age
- disability
- gender reassignment
- marriage or civil partnership status
- pregnancy or maternity leave – see [the Acas guide to redundancy for employees who are pregnant or on maternity leave](#) (PDF, 299KB, 13 pages)
- race
- religion or belief
- sex
- sexual orientation

- family related leave – for example parental, paternity or adoption leave
- their role as an employee or trade union representative
- membership of a trade union
- part-time or fixed-term employee status
- pay and working hours, for example because they've refused to give up rest breaks or asked for National Minimum Wage or holiday entitlements
- concerns they've raised about [whistleblowing](#)

It's also important you do not discriminate. For example, if you use flexible working as a criteria, you could be discriminating against women. You would need to show that flexible working is no longer possible after your business has changed.

During the coronavirus (COVID-19) pandemic, you must not select employees for redundancy just because they've been advised to stay at home by their doctor. This could be disability discrimination.

Consult employees or their representatives

You should consult employees or their representatives to identify and agree selection criteria. For example, you could talk with employees to work out the skills and experience needed for your business in the future.

If you've set up a selection pool, you should also explain your reasons for putting particular roles in the pool.

The more open and collaborative your selection process is, the more your employees will trust that it's fair.

Select employees in a fair way

It's a good idea to score employees against all the agreed selection criteria. This will help you avoid relying on one particular criteria and can lower the risk of discriminating against employees.

It will also help you:

- be objective when selecting employees
- easily share with staff how the selection process works
- explain your decisions at [employment tribunals](#)

Ask employees to reapply for their jobs

You can ask employees to reapply for their jobs to help you decide who to select. You should still use criteria when you interview to make sure you're selecting people in a fair way.

How to score employees

You can decide how much you want to score each criteria. You should also provide written evidence to support your score.

You do not have to use the points system used in this guide, it's just an example. The 'standard of work' criteria could look like:

Criteria: standard of work	Score	Evidence
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Outstanding	15	
Exceeds objectives for the role	12	
Meets all objectives for the role	9	
Meets some objectives of the role	6	
Fails to meet objectives for the role	3	

Decide which criteria are most important

You can adjust the points you give for each criteria. For example if it's agreed that 'attendance record' is less important you can allocate fewer points. This creates a 'weighting' which allows you to be more flexible in how you score employees.

If you've set up a selection pool, you should apply the selection criteria to the pool.

Set up an appeals process

You should set up an appeals process for employees who feel they have been unfairly selected. This can reduce the chances of someone making a claim against you to an employment tribunal.

You should explain in your redundancy plans how someone can appeal. You might meet with employees face-to-face to listen to their concerns or ask them to write a letter or email explaining why they do not agree with your decision.

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