

Legal UPDATE

The Employment Appeal Tribunal (EAT) has ruled (*Pinewood Repro Ltd. v Page*) that for consultation during a redundancy selection process to be fair, an employee must be provided with sufficient information to be able to challenge his or her selection for redundancy.



Mr Page had worked for Pinewood Repro Ltd. for 23 years. The company suffered a loss of business which made redundancies necessary. To this end, a point scoring matrix system was agreed with the trade union. After a preliminary grading had been carried out, Mr Page was informed that it was most likely that he would be selected for redundancy.

He produced a list of questions, seeking an explanation as to why he had been chosen, and was given the scoring sheets for the whole department but no justification for the marks awarded. He then raised specific queries regarding the scores he had received for his ability, skill and experience and also his flexibility, to which the response was 'We believe that the scores given by the assessors are reasonable and appropriate'.

Mr Page appealed against the decision to make him redundant and again sought an explanation of his scores, but no further information was provided.

The Employment Tribunal (ET) found that he had been unfairly dismissed. In such circumstances it is necessary for an employer to provide an explanation of why an individual has received the scores he has so that he can take his arguments forward. Pinewood had failed to do this.

The EAT upheld the ET's decision. Whilst it is not the ET's role to examine under a microscope the marking system used in a redundancy process, it must decide whether an employee has been given a fair and proper opportunity to understand fully the matters about which he is being consulted and to express his views accordingly. This may well include being given sufficient information to be able to challenge the scores given to him in the completion of a redundancy exercise.



Contact Michael Davey for advice on any Redundancy matters.

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