

# Facilities Management from A to Z



Based on The FM Lexicon by Martin Pickard  
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## **U**nfair Dismissal

The sheer number of people employed in the delivery of facilities services means that a Facility Manager must be well versed in people management skills and techniques and in the various elements of employment law that a good employer needs to know. As a manager of large teams, it is inevitable that the FM will find themselves involved in a dismissal situation either as line manager or in some other influential role.

If that dismissal is for a reason other than one allowed by law, without following a fair procedure, it may lead to a claim for unfair dismissal. For example, dismissing someone without giving the proper period of notice could lead to a wrongful dismissal claim. If the dismissal is for a discriminatory reason there could also be a discrimination claim.

Compensation for a successful unfair dismissal claim can be substantial, especially where discrimination has been proven, although awards in most cases are quite modest. Regardless of whether a claim succeeds, the management time and legal costs spent in defending it may be significant, and are not usually recoverable.

In order to avoid such claims, the FM must ensure that they have a fair reason for the dismissal, that they always follow a fair procedure without discrimination, and that they always act fairly and reasonably in compliance with the terms of the employment contract particularly as regards the employee's notice period.

There are five potentially fair reasons for dismissal. These are misconduct, lack of ability, redundancy, illegality or some other substantial reason such as a failure to agree to changes to terms and conditions, pressure from third parties such as clients, or business reorganisations that fall short of a genuine redundancy situation.

Before 6 April 2011, retirement was a fair reason for dismissal but following changes to the law any dismissal based on age now has to fall within one of the reasons above and would also have to be justified under discrimination law.

Even if there is a potentially fair reason for dismissing a staff member, a facility manager must still follow an appropriate fair procedure before deciding whether to dismiss. It is important to give the employee sufficient information about the reasons for their possible dismissal, a reasonable period of time to consider that information, and the opportunity to respond before reaching a final decision. It is also usual to give a right of appeal.

*The Advisory, Conciliation and Arbitration Service has a whole section on its website dedicated to fair and unfair dismissals. [www.acas.org.uk](http://www.acas.org.uk)*