

Case study:

Mitigating Employment Tribunal Risk Following a Redundancy Process

Overview

Hunter Adams was engaged to support a client following a redundancy process that had been concluded without HR advice being taken. Concerns raised by the employee highlighted significant procedural risks, including a high potential for a discrimination claim. By providing expert guidance, implementing a robust appeal process, and helping the organisation address shortcomings in its original approach, Hunter Adams significantly reduced legal and reputational risk while improving the client's understanding of employment best practice.

The Challenge

The client sought support after receiving a detailed email from an employee raising concerns about their redundancy and the process that had been followed.

The redundancy had been affected without the organisation seeking HR advice, and the decision taken was based largely on the employee's length of service.

What was received as a request for advice on responding to employee concerns, was quickly established to be a far more serious situation, with significant procedural and discrimination risks identified.

Without intervention, the organisation faced the possibility of a costly and time-consuming Employment Tribunal claim, which would have been difficult to robustly defend.

The Underlying Complexity

A detailed review of the circumstances revealed that the core issue was a misunderstanding of redundancy obligations and risk.

The client believed employees with less than two years' service could be selected for redundancy without the need for a formal process, consultation, or objective selection criteria

Compounding the issue, the employee was particularly vulnerable:

- They had challenging personal circumstances.
- They were the oldest employee within the affected group.
- They had medical conditions that could potentially be considered disabilities.

The original process lacked pooling and objective assessment, meaningful consultation, supporting evidence, and appropriate communication. This created significant exposure to potential claims relating to age, sex, and disability discrimination.

The Approach

Hunter Adams immediately treated the employee concerns as a formal appeal, despite the organisation not having offered an appeal process.

The approach focused on both mitigating risk and ensuring the employee received a fair and respectful review of the decision.

Key actions included:

- Conducting a detailed review of the original redundancy process.
- Identifying legal and employee relations risks.
- Advising the client on the weaknesses in their approach.
- Designing a robust and objective redundancy scoring matrix.
- Supporting managers with pooling, scoring and calibration exercises.
- Guiding the appeal manager through a comprehensive investigation process.
- Facilitating additional consultation meetings with the employee.
- Preparing and reviewing all employee communications and documentation.

While the original redundancy decision remained under review, the process itself was rebuilt to ensure it was transparent, evidence-based, and defensible.

Overcoming Challenges

One of the biggest challenges was helping the client recognise that the process they had followed exposed the organisation to significant risk. The engagement required careful stakeholder management and constructive challenge.

This was achieved through:

- **Clear and factual advice**, focused on risks rather than blame.
- **Calm, non-judgemental support**, helping the client understand the legal and practical realities
- **Detailed guidance for managers**, ensuring support and consistency throughout the appeal process.
- **Careful document review**, helping ensure communication was factual, respectful, and professionally worded.

By building trust and focusing on solutions, the client quickly became engaged in addressing the issues identified.

The Outcome

With Hunter Adams' support, the organisation conducted a thorough appeal process that reviewed the original decision and addressed the employee's concerns in detail.

This included:

- Retrospective implementation of a structured and objective selection process.
- Additional consultation with the employee.
- Full review of the evidence and rationale behind the redundancy decision.
- Improved communication and transparency throughout the process.

Although the final redundancy outcome was unchanged, the process was significantly strengthened and properly documented.

The Impact

The intervention delivered important outcomes for both the organisation and its people:

- **Significant reduction in legal and tribunal risk**
- **Creation of a documented and defensible process**
- **Improved understanding of employment law and employee relations obligations**
- **Enhanced confidence among leaders when managing sensitive people matters**
- **A more respectful and transparent employee experience**

Importantly, no Employment Tribunal claim was lodged following the appeal process.

The engagement also strengthened the client's trust in Hunter Adams, resulting in an ongoing advisory relationship despite the organisation subsequently building internal HR capability.

Key Lessons

This engagement highlights several important lessons for employers:

- **Seek advice before taking action, not afterwards.**
- **Length of service alone does not remove employment-related risks.**
- **Fair, meaningful consultation is critical during organisational change.**
- **Respectful communication can significantly reduce employee relations and reputational risks**
- **Well-documented processes provide both protection and clarity.**

Organisations that invest in expert guidance early can avoid unnecessary cost, disruption, and risk.

Why Hunter Adams

This project demonstrates Hunter Adams' ability to step into highly sensitive people situations and provide practical, commercially focused solutions.

By combining employment law knowledge, employee relations expertise, and pragmatic stakeholder management, Hunter Adams helped the client navigate a challenging situation, minimise risk, and build stronger people management practices for the future.

Facing a complex employee relations issue or organisational change programme?

Partner with Hunter Adams for expert, practical advice that protects your business, supports your people, and helps you make confident decisions.

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