**Redundancy selection matrix**

Use this redundancy selection matrix to assess employees' value to the organisation when considering making redundancies from a pool of employees. The scores arrived at will form the basis of management decisions as to whom to select for redundancy.

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| **Redundancy selection matrix** |
| Name of employee | Job title |
| Department | Length of service |
| Name(s) of manager(s) making assessment |
| Criteria | Score (1-10) | Weighting (1-5) | Total score |
| Knowledge (eg of job, customers, the organisation) |   |   |   |
| Skills |   |   |   |
| Breadth and depth of relevant experience |   |   |   |
| Versatility (in terms of ability/willingness to perform different functions/duties) |   |   |   |
| Relevant qualifications/training |   |   |   |
| Job performance |   |   |   |
| Attendance |   |   |   |
| Timekeeping |   |   |   |
| Disciplinary record |   |   |   |
| Total score |
| Manager's signature | Date |
| Approval of senior manager | Date |
| **Notes**The range of 1-10 for employees' point scores should be applied as follows:10 = highest (eg the employee's skills are exceptionally relevant and useful to the organisation)1 = lowest (eg the employee does not have suitable or adequate skills to do the job)The organisation treats personal data collected for the purposes of dealing with potential or actual redundancies in accordance with its [data protection policy](https://www.xperthr.co.uk/policies-and-documents/data-protection-policy/162690/). Information about how your data is used and the basis for processing your data is provided in [the organisation's [employee privacy notice](https://www.xperthr.co.uk/policies-and-documents/employee-privacy-notice/162693/)]. |

Law relating to this document

Leading statutory authority

Employment Rights Act 1996
Equality Act 2010
Data Protection Act 2018
General Data Protection Regulation (2016/679 EU)

Employers should establish the criteria for selection for redundancy with care, and ensure that they avoid any grounds that will be automatically unfair in law. Automatically unfair reasons for redundancy selection include reasons associated with an employee's trade union membership or activities, health and safety activities, pregnancy and maternity leave, making a protected disclosure (whistleblowing), assertion of a statutory right and (for shop workers and betting workers) refusal to work on a Sunday. Further, any criteria that place an individual at a disadvantage because of sex, race, disability, age, religion or belief, sexual orientation, marital or civil partnership status, pregnancy or maternity or gender reassignment will breach the Equality Act 2010.

A dismissal for redundancy may be unfair under the general test of fairness in s.98(4) of the Employment Rights Act 1996 as a result of the application of unfair redundancy selection criteria or if the criteria have not been applied fairly, objectively and consistently.

Under the Equality Act 2010, redundancy selection processes should be free of age discrimination. For example, selecting employees for redundancy on a "last in first out" (LIFO) basis is likely to be indirectly discriminatory as the practice puts younger employees at a particular disadvantage.

However, selecting employees for redundancy on a LIFO basis may be justifiable where it constitutes a proportionate means of achieving a legitimate aim. The employer may wish to reward loyalty and, used as one of several criteria or a deciding factor when other factors are not decisive, LIFO may be a proportionate means of achieving this aim. The use of LIFO may also be justified where there is a limited availability of other criteria. Generally, it is inadvisable for an employer to adopt LIFO as the only criterion, if there are other factors that can be taken into account.

If attendance is to be used as one of the criteria for selection for redundancy, absences on maternity leave and any absences due to a pregnancy-related condition should not be taken into account in allocating points. Further, absence for parental leave, paternity leave, adoption leave or acting as a trade union or employee representative should not be taken into account. The employer should not use selection criteria based on being a part-time or fixed-term employee, trade union membership or any of the protected characteristics under the Equality Act 2010.

Employers should take care when assessing an employee with a physical or mental disability. For example, consideration should be given as to whether or not it would be reasonable to exclude absences or performance problems when allocating points for "attendance" and "job performance" respectively.

The General Data Protection Regulation (GDPR), which is in force from 25 May 2018, requires employers to comply with principles for processing personal data, including being transparent by providing information to employees about personal data that they hold and how it is used. Employers must protect against unauthorised access and disclosure of personal data.

There are special rules for employers to bear in mind when processing data related to an employee's health, which is one of the "special categories" of data under the GDPR. The Data Protection Act 2018 allows an employer to process special categories of data where the processing is necessary for performing obligations or exercising rights under employment law, provided that the employer has an [appropriate policy document](https://www.xperthr.co.uk/policies-and-documents/policy-on-processing-special-category-personal-data-and-criminal-records-data/163520/) in place. See [How to > How to determine the legal grounds for processing employee data under the General Data Protection Regulation (GDPR) > Special categories of personal data and criminal records data](https://www.xperthr.co.uk/how-to/how-to-determine-the-legal-grounds-for-processing-employee-data-under-the-general-data-protection-regulation-gdpr-/162821/#special-categories-of-personal-data-and-criminal-records-data)) for more details.

**Relevant case law**

[*Wrexham Golf Club Co Ltd v Ingham EAT/0190/12*](https://www.xperthr.co.uk/law-reports/case/Wrexham-Golf-Club-Co-Ltd-v-Ingham-EAT019012/5482/). The Employment Appeal Tribunal (EAT) held that, where the employer put an employee into a redundancy "pool of one" and did not consider the possibility of putting a wider pool of employees at risk of redundancy, the employment tribunal did not properly consider whether or not restricting the pool to one fell within the "range of reasonable responses".

[*Capita Hartshead Ltd v Byard [2012] IRLR 814 EAT*](https://www.xperthr.co.uk/law-reports/case/Capita-Hartshead-Ltd-v-Byard-2012-IRLR-814-EAT/5397/). The EAT held that the employer's decision to restrict a redundancy selection to one employee when there were other employees doing the same job who could have been put in a redundancy selection pool made his dismissal unfair.

[*Lancaster v TBWA Manchester EAT/0460/10*](https://www.xperthr.co.uk/law-reports/case/Lancaster-v-TBWA-Manchester-EAT046010/5271/). The EAT held that it was not a reasonable adjustment for the subjective redundancy selection criteria by which a disabled employee who was at risk of redundancy was judged to be removed from the process.

[*Eversheds Legal Services Ltd v de Belin [2011] IRLR 448 EAT*](https://www.xperthr.co.uk/law-reports/case/Eversheds-Legal-Services-Ltd-v-de-Belin-2011-IRLR-448-EAT/5183/). The EAT held that "special treatment" afforded to women in connection with pregnancy or childbirth under the Sex Discrimination Act 1975 must constitute a proportionate means of achieving the legitimate aim of compensating her for the disadvantages occasioned by pregnancy or maternity leave. This case involves the employer giving a preferential score in one area to an employee who was on maternity leave that proved decisive in a redundancy selection process.

[*First Scottish Searching Services Ltd v McDine and another EATS/0051/10*](https://www.xperthr.co.uk/law-reports/case/First-Scottish-Searching-Services-Ltd-v-McDine-and-another-EATS005110/5211/). The EAT held that the employment tribunal was wrong to find that the absence of a system of moderating two sets of redundancy scores following a TUPE transfer rendered the selection process unfair.

[*Mayor and Burgesses of the London Borough of Tower Hamlets v Wooster EAT/0441/08*](https://www.xperthr.co.uk/law-reports/case/Mayor-and-Burgesses-of-the-London-Borough-of-Tower-Hamlets-v-Wooster-EAT044108/4874/). The EAT held that an employer committed direct age discrimination against an employee when it made him redundant at the age of 49 in order to avoid paying an early retirement pension that he would be entitled to if he left employment when he was aged 50 or over.

[*Lomond Motors Ltd v Clark EATS/0019/09*](https://www.xperthr.co.uk/law-reports/case/Lomond-Motors-Ltd-v-Clark-EATS001909/4869/). The EAT held that an employer's choice of who to include in a redundancy selection pool was within the range of reasonable responses because it was based on genuine, sound business reasons. Employers should be afforded a good deal of flexibility in the determination of the pool of selection for redundancy.

[*Rolls-Royce Plc v Unite the Union [2009] IRLR 576 CA*](https://www.xperthr.co.uk/law-reports/case/Rolls-Royce-plc-v-Unite-2009-EWCA-Civ-387-CA/4806/). The Court of Appeal upheld a High Court decision that two collective agreements giving points for length of service in the redundancy selection process are lawful under the age discrimination legislation. This case was considered under repealed provisions in the Employment Equality (Age) Regulations 2006 (SI 2006/1031) that are now contained in the Equality Act 2010.