7. Unfair dismissal

This chapter focuses on unfair dismissal, beginning with a consideration of the necessary procedures for a fair dismissal and the vital role of the ACAS Code of Practice. It continues by looking at the statutory definition of ‘dismissal’ and then tackles the central question of what the statute means by ‘fair’ and ‘unfair’. The wisdom and legitimacy of the ‘band of reasonable responses’ test are questioned. Particular cases—including incapability, misconduct (including the relevance of human rights protections and of online misconduct), and redundancy and reorganization—are dealt with in detail, as are automatically unfair dismissals that exist to give extra protection to certain employees. The chapter concludes with the complex law on remedies if a dismissal is unfair.
7. Unfair dismissal