

MONEY OFFICE POLITICS

How to handle being shown the door



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Whether you fight your corner or seek to reach a deal, it's important to know your options.

Here is a scenario: out of the blue, your newly-appointed boss gives you a "below expectations" rating at your mid-year appraisal. "Why the change from exceeds to below in the space of six months?" you cry. A pause – and from the other side of the desk comes a rambling (and, to you, smarmy) critique of your communication and management skills.

In many cases, employers have genuine performance concerns that need to be addressed. However, this is not always so. Occasionally, particularly when a new manager arrives with his old team in tow, you could be forgiven for thinking that there is something more sinister in the air. And if your worst fears are true and the knives are out, what could happen next?



Sometimes a "below expectations" performance review won't be what it appears

UNDER ATTACK

Your employer may try and use the “below expectations” rating as a catalyst for instigating a formal performance process against you. The process could include inviting you to disciplinary meetings, issuing warnings, and providing you with an opportunity to “improve.” It might take some time but, unless you’re superhuman, if your employer really wants to find some fault with your work, they can probably do so.

Alternatively, your employer could try and suggest that there is a business need to either restructure the business or simply to reduce headcount. Suppose you are doing a specific/unique role, your position might conveniently cease to exist within the new structure. Should, for example, your role be broadly the same as others, and your employer intends to reduce numbers, you may find yourself being selected for redundancy against your peers. Your employer would (no doubt) consult with you and, at least theoretically, search for reasonable alternative roles.

REACH A DEAL

Sometimes it is possible to have an off-the-record chat and thrash out a deal. Your employer may agree to pay you some extra cash on condition that you leave and don’t bring any employment claims. The parties would then normally enter into a settlement agreement – and it is a requirement that you obtain legal advice before entering into such an agreement. This allows you to assess your options carefully, and to obtain important information. For example, you need to be aware that the first £30,000 of a termination or compensation payment can often, depending on the circumstances, be paid tax-free.

FIGHT YOUR CORNER

If you fight your corner but are still shown the door, you could consider whether you have a claim for unfair dismissal. Generally, you would need to have had at least two years’ service to be able to bring the claim. Any such claim must usually be filed (with the requisite fee) at the Employment Tribunal within three months from when the employment ends. The maximum compensation award is the lower of 52 weeks’ pay or £76,574.

There could be other options to look at too. I suggest that, when you come out of that mid-year appraisal meeting, you mop your brow, pause for breath (don’t have a gin) and, if you think something’s awry, call your lawyer!

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