


Employer redundancy guide: Sourcing alternative employment

19 June 2025  Lydia Pincott

A useful reminder of the lengths an employer must go to in order to carry out a fair redundancy dismissal was provided by the Employment Appeal Tribunal recently in the case of [Hendy Group Ltd v Mr D Kennedy](#).

Most employers already know that a fair redundancy dismissal requires them to act reasonably which includes making genuine efforts to find alternative employment within their organisation or business. The fairness of a redundancy dismissal hinges not just on the redundancy itself but also on other factors, such as how the employer handles the process of seeking alternative roles for the employee.

The case

Mr Kennedy had been employed in the motor trade, including in sales for over 30 years, most recently by Hendy Group. Since 2015, he had been a trainer in Hendy Group's Training Academy.

In 2020, a redundancy situation arose within the training team. Mr Hendy accepted that a genuine redundancy situation existed and that he was fairly selected for redundancy from his role based on the criteria used. However, he contended that his dismissal was unfair because the company had failed to adequately consider or assist him in finding alternative employment within it.

The Employment Appeal Tribunal upheld the Employment Tribunal's decision that Mr Hendy's dismissal for redundancy was unfair. It was found that there had been a failure to take reasonable steps to assist Mr Hendy in finding alternative employment within the company for the following reasons which we have framed to [support employers](#) in the future.

Proactive engagement and support

A passive approach will not suffice. Simply informing an employee that they could apply for other positions advertised internally is insufficient. An employer should do more than by engaging in the search and application process alongside with the employee.

Accessibility

An employee who is at risk of redundancy or who is under notice of redundancy from their role should be allowed access to their employer's systems (emails, intranet, internal jobsite, etc.) so that they are not hindered in their attempts to identify and apply for internal positions in order to avoid redundancy.

Fair and transparent communication

An employer should make it known to its managers that an employee is at risk of redundancy to enable them to give thought to whether they have a role for the at-risk employee. In addition, communication with the employee should be through an effective route (e.g. Hendy Group sent emails to Mr Kennedy's work email address having stopped his access to it earlier).

Consideration of individual circumstances

Consideration of an employee's wider skills and experience from their working life and not just the role from which they are being made redundant should be taken into consideration by an employer when searching for an alternative role (e.g. Mr Kennedy's 30 years' experience in the motor trade industry could have been beneficial in other roles within the company).

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