



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART IX

#### TERMINATION OF EMPLOYMENT

##### *Written statement of reasons for dismissal*

#### **92 Right to written statement of reasons for dismissal.**

- (1) An employee is entitled to be provided by his employer with a written statement giving particulars of the reasons for the employee's dismissal—
  - (a) if the employee is given by the employer notice of termination of his contract of employment,
  - (b) if the employee's contract of employment is terminated by the employer without notice, or
  - [<sup>F1</sup>(c) if the employee is employed under a limited-term contract and the contract terminates by virtue of the limiting event without being renewed under the same contract.]
- (2) Subject to [<sup>F2</sup>subsections (4) and (4A)] , an employee is entitled to a written statement under this section only if he makes a request for one; and a statement shall be provided within fourteen days of such a request.
- (3) Subject to [<sup>F3</sup>subsections (4) and (4A)] , an employee is not entitled to a written statement under this section unless on the effective date of termination he has been, or will have been, continuously employed for a period of not less than [<sup>F4</sup>two years] ending with that date.
- (4) An employee is entitled to a written statement under this section without having to request it and irrespective of whether she has been continuously employed for any period if she is dismissed—
  - (a) at any time while she is pregnant, or
  - (b) after childbirth in circumstances in which her [<sup>F5</sup>ordinary or additional maternity leave period] ends by reason of the dismissal.

*Status: Point in time view as at 06/08/2022.*

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- [<sup>F6</sup>(4A) An employee who is dismissed while absent from work during an ordinary or additional adoption leave period is entitled to a written statement under this section without having to request it and irrespective of whether he has been continuously employed for any period if he is dismissed in circumstances in which that period ends by reason of the dismissal.]
- (5) A written statement under this section is admissible in evidence in any proceedings.
- (6) Subject to subsection (7), in this section “the effective date of termination”—
- (a) in relation to an employee whose contract of employment is terminated by notice, means the date on which the notice expires,
  - (b) in relation to an employee whose contract of employment is terminated without notice, means the date on which the termination takes effect, and
- [<sup>F7</sup>(c) in relation to an employee who is employed under a limited-term contract which terminates by virtue of the limiting event without being renewed under the same contract, means the date on which the termination takes effect.]
- (7) Where—
- (a) the contract of employment is terminated by the employer, and
  - (b) the notice required by section 86 to be given by an employer would, if duly given on the material date, expire on a date later than the effective date of termination (as defined by subsection (6)),
- the later date is the effective date of termination.
- (8) In subsection (7)(b) “the material date” means—
- (a) the date when notice of termination was given by the employer, or
  - (b) where no notice was given, the date when the contract of employment was terminated by the employer.

#### Textual Amendments

- F1** S. 92(1)(c) substituted (1.10.2002) by The Fixed-term [Employees \(Prevention of Less Favourable Treatment\) Regulations 2002](#) (S.I. 2002/2034), reg. 11, **Sch. 2 Pt. 1 para. 3(5)** (with regs. 13-20 and subject to transitional provisions in [Sch. 2 Pt. 2](#))
- F2** Words in s. 92(2) substituted (8.12.2002) by [Employment Act 2002](#) (c. 22), s. 53, **Sch. 7 para. 31**; S.I. 2002/2866, **art. 2(2)**, [Sch. 1 Pt. 2](#)
- F3** Words in s. 92(3) substituted (8.12.2002) by [Employment Act 2002](#) (c. 22), s. 53, **Sch. 7 para. 31**; S.I. 2002/2866, **art. 2(2)**, [Sch. 1 Pt. 2](#)
- F4** Words in s. 92(3) substituted (6.4.2012) by [The Unfair Dismissal and Statement of Reasons for Dismissal \(Variation of Qualifying Period\) Order 2012](#) (S.I. 2012/989), arts. 1, 2 (with art. 4)
- F5** Words in s. 92(4)(b) substituted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 12**; S.I. 1999/2830, **art. 2(2)**, **Sch. 1 Pt. II** (with [Sch. 3](#) paras. 10, 11)
- F6** S. 92(4A) inserted (8.12.2002) by [Employment Act 2002](#) (c. 22), s. 53, **Sch. 7 para. 31**; S.I. 2002/2866, **art. 2(2)**, [Sch. 1 Pt. 2](#)
- F7** S. 92(6)(c) substituted (6.4.2005) by [Employment Relations Act 2004](#) (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 28**; S.I. 2005/872, **arts. 4, 5**, [Sch.](#) (subject to arts. 6-12)

#### Modifications etc. (not altering text)

- C1** S. 92 modified (E.W.) (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.**
- C2** S. 92 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order 2006](#) (S.I. 2006/1073), **arts. 1(1), 3**, {[Sch.](#) }

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- C3** S. 92 modified (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003 \(S.I. 2003/1964\)](#), art. 3, **Sch.**
- C4** S. 92 modified (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003 \(S.I. 2003/1964\)](#), art. 4(a)
- C5** S. 92 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order 2006 \(S.I. 2006/1073\)](#), arts. 1(1), 4(a)

### 93 Complaints to [<sup>F8</sup>employment tribunal].

- (1) A complaint may be presented to an [<sup>F8</sup>employment tribunal] by an employee on the ground that—
  - (a) the employer unreasonably failed to provide a written statement under section 92, or
  - (b) the particulars of reasons given in purported compliance with that section are inadequate or untrue.
- (2) Where an [<sup>F8</sup>employment tribunal] finds a complaint under this section well-founded, the tribunal—
  - (a) may make a declaration as to what it finds the employer's reasons were for dismissing the employee, and
  - (b) shall make an award that the employer pay to the employee a sum equal to the amount of two weeks' pay.
- (3) An [<sup>F8</sup>employment tribunal] shall not consider a complaint under this section relating to the reasons for a dismissal unless it is presented to the tribunal at such a time that the tribunal would, in accordance with section 111, consider a complaint of unfair dismissal in respect of that dismissal presented at the same time.

#### Textual Amendments

- F8** Words in s. 93(1)-(3) and sidenote to s. 93 substituted (1.8.1998) by [1998 c. 8, s. 1\(2\)\(a\)](#) (with s. 16(2)); [S.I. 1998/1658](#), art. 2(1), **Sch. 1**

#### Modifications etc. (not altering text)

- C6** Ss. 66-68, 70-71, 92-93, Pt. X (ss. 94-134) modified (E.W.) (2.3.1998) by [S.I. 1998/218](#), art. 3, **Sch.** (which S.I. was revoked (1.9.1999) by [S.I. 1999/2256](#), art. 1(2))
- C7** S. 93 modified (E.W.) (1.9.1999) by [S.I. 1999/2256](#), art. 3, **Sch.**
- C8** S. 93 modified (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003 \(S.I. 2003/1964\)](#), art. 3, **Sch.**
- C9** S. 93 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order 2006 \(S.I. 2006/1073\)](#), arts. 1(1), 3, {Sch. }

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