**Template Letter: Ending full or flexible furlough under the Extended CJRS where employee is at risk of redundancy**

***BEFORE USING THIS LETTER, PLEASE NOTE: This template letter is intended for use to end full or flexible furlough arrangements when the Coronavirus Job Retention Scheme (‘the Extended CJRS’) comes to an end on 30 September 2021, where the employee is at risk of redundancy. It is based on the official guidance available as at 7 September 2021. This letter is intended to be given to employees who are on full or flexible furlough, but who are currently being consulted about their proposed redundancy. It should be used alongside the necessary communications about the redundancy which form part of your redundancy consultation and is intended to be given to the employee after the redundancy consultation process has begun. Writing to furloughed employees who are at risk of redundancy as well as to furloughed employees who are not at risk of redundancy about the end of furlough avoids giving the impression that you have made final decisions in your redundancy process. For more support, our downloadable Covid-19 Redundancy toolkits, are available at*** [***https://www.makeuk.org/services/hr-and-legal/redundancies-in-the-context-of-covid-19/redundancy-toolkits***](https://www.makeuk.org/services/hr-and-legal/redundancies-in-the-context-of-covid-19/redundancy-toolkits)***. These are free for subscribers to our HR & legal services and are available for purchase by non-members. If you have employees who are returning from furlough and who are not at risk of redundancy, you should use the Make UK Template letter*** ***‘Ending full or flexible furlough under the Extended CJRS’*. *Members can also contact their adviser or the helpline for support on implementing redundancies. Wording in this template letter in square brackets will require tailoring to reflect the Company’s approach. We have included some brief drafting notes in red text for your information, which should be removed prior to sending this letter to employees.***

Dear[Employee Name]

**END OF FURLOUGH**

In view of the impact of Covid-19 on the Company, it was necessary to place you on [Furlough Leave/Flexible Furlough] under the Coronavirus Job Retention Scheme (‘the Extended CJRS’) Extended CJRS from [date]. As you know, the Extended CJRS comes to an end on 30 September but, unfortunately, the ongoing impact of the pandemic means that we are currently consulting with you about proposed redundancies.

[FOR EMPLOYEES ON FULL FURLOUGH: As agreed in our letter of [date], during your Furlough Leave you have not carried out any work for us and your normal entitlement to pay under your terms and conditions of employment has been suspended with us instead paying you 80% of your pay up to a maximum of £2,500 per month, calculated in accordance with the terms of the Extended CJRS (your ‘Furlough Pay’).]

[FOR EMPLOYEES ON FLEXIBLE FURLOUGH: As agreed in our letter of [date], during your Flexible Furlough, you have not been required to work the full amount of your usual hours. You were paid as normal for the hours that you worked (your ‘Furlough Working Hours’). For your Furloughed Hours, your normal entitlement to pay under your terms and conditions of employment was suspended, with your Furlough Pay for those hours calculated in accordance with the terms of the Extended CJRS as 80% of your pay, up to the applicable limits under the Extended CJRS for Furloughed Hours.]

*NOTE: We have assumed above that you did not top up the employee’s pay during their Furlough Leave/Furloughed Hours above the amount that you were required to pay them under the terms of the Extended CJRS. If you did top up pay, you will need to tailor the wording of this letter relating to furlough pay accordingly*

Your period of furlough will end on 30 September 2021. However, what this means for you depends on the outcome of the current redundancy consultation:

* [If the consultation process is still ongoing after 30 September 2021 (when the Extended CJRS comes to an end), / The consultation process will still be ongoing after 30 September 2021 (when the Extended CJRS comes to an end), so] your [Furlough Leave/Flexible Furlough] will end and you will revert to your underlying terms of employment with effect from 1 October 2021, including reverting to your normal, pre-furlough pay. During the consultation period, you will [not be required to work/be required to work reduced hours as follows: *insert details*].If you are not made redundant, or if you are offered an alternative role, after consultation is complete, you will return to work on an agreed date.

*NOTE: If consultation is still ongoing after the Extended CJRS comes to an end on 30 September 2021, the employee will revert to their underlying terms of employment. This means that they will be entitled to be paid their normal pay, even if you have no work (or less work) for them to do. Although you may be tempted to rush your redundancy process in order to minimise the cost of the employee's pay where you do not have work for them to do, you will need to complete consultation properly in order to minimise the risk of unfair dismissal claims. Since it is not always possible to predict exactly when consultation will end, it will usually be advisable to include the above bullet point. We also recommend that your redundancy consultation process covers what will happen to their pay from 1 October 2021 and whether they will be required to carry out any work while the consultation process continues.*

* If you are not selected for redundancy, you will resume work on the terms and conditions of employment that applied before your [Furlough Leave/Flexible Furlough] began] from [1 October 2021/a date that we agree with you], [except in relation to the potential changes to terms or working arrangements that we have raised in [the Company’s announcement] [consultation meetings] [our discussions with you] [our letter] of [date]].
* If you are selected for redundancy, you will be informed of your termination date and provided with information about notice pay and redundancy pay during the redundancy consultation process.

If you have any queries or concerns, please contact [name/position] on [contact details].

Kind regards

[Name, position]

***Disclaimer****: This letter and its drafting notes are based on the Government guidance available as at 7 September 2021. They do not constitute specific legal advice and should not be relied upon as such.*