

## Becoming an Employer

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# 1. Introduction

**This Factsheet applies to any employer who is taking on someone with the employment status of employee. This is someone who works under an employment contract.**

**The rules are different if you want to take on someone with another type of employment status, such as agency staff, freelancers, consultants and contractors, and you should seek guidance regarding your responsibilities for these types of arrangement.**

If you are preparing to employ your first staff member, congratulations on reaching this important milestone for your organisation! If you are already employing a small team, you might just want confirmation that nothing has been overlooked.

Considering all your responsibilities as an employer can feel daunting and it can be difficult to know where to begin. However, it is essential to be compliant with employment law, and to keep up to date and informed.

Many new employers are often unaware of their obligations towards their employees. Unfortunately, in some cases, they often only find out their obligations the tough way: when a situation is handled incorrectly, employee rights are overlooked or, in the worst-case scenario, they are facing a potentially expensive tribunal claim.

Looking after your staff team, and ensuring they have all they are entitled to, has benefits for everyone!

- Increased productivity
- Enhanced efficiency and performance
- Lower staff turnover
- Enhanced morale and overall staff wellbeing
- Peace of mind that you are doing everything possible to be the best employer that you can be

This HR Guide to Becoming an Employer provides an overview of key considerations for hiring and managing employees. It also serves as a helpful refresher and checklist for more experienced employers.



There are also many useful sources of information available for both new and existing employers to help with employing staff. A number of key websites and resources are listed in Section 16 below.

## 2. Recruitment

For many the recruitment process will be the first step in becoming an employer.

Any new employer wants to ensure that they recruit the best candidates, with all the necessary experience and abilities to be effective in their roles. Successful and fair recruitment is much easier with some basic, but well-structured, systems in place.

Acas have useful guidance on recruiting staff which can be accessed on their website. [How employers should recruit - Recruitment - Acas](#)

There are a number of key points they advise employers to bear in mind during recruitment including:

- Carefully considering the required number of new staff and agreeing upon the necessary skills needed for the roles
- Advertising vacancies and new roles in a way that does not discriminate
- Ensuring that the selection of applicants for interviews, as well as the final selection of successful candidates, is carried out impartially and without discrimination
- Arranging a well-structured induction to help new employees adjust smoothly to the organisation. Employers aim for new team members to reach their full potential quickly and remain committed to the organisation for the long term!

Employers should establish clear and fair processes for each of the following stages of recruitment:



Assessment of staffing needs



Advertising and attracting applicants



Handling applications



Choosing candidates for interview or (short-listing)



Deciding on the best candidate for the role (through interview and/or assessment)



Making a job offer

### **Probationary period**

Employers will also need to consider the **probationary period** at the start of employment. This is often for a six-month period but can vary depending on the role and needs of the organisation. The probationary period is important because it enables:

- Both parties to assess whether the job and individual are a good fit for each other
- The employer to see whether the new recruit is performing well within the reality of the role
- The employee to decide if they are happy with the role and organisation

Details of the probationary period should be included within the offer letter and Written Statement of Terms and Conditions of Employment. Notice required by either side during the probationary period can be very short, sometimes only a week. However, it should be remembered that some of a new recruit's employment rights start from their first day.

### **IMPORTANT TO NOTE!**

The Employment Rights Act 2025 (ERA) received Royal Assent on 18 December 2025 and establishes a framework for several major employment law reforms that will be phased in over the next two years.



One of the most important changes will be the reduction of the qualifying period for unfair dismissal protection from 2 years to 6 months. This change is due to come into effect from 1 January 2027, but it will impact on employees who join the workforce from July 2026 onward. This will put an increased importance on ensuring that the probationary period is used effectively so that any issues are dealt with carefully within the first six months. Therefore, employers are encouraged to consider their employment contracts and policies now to ensure their probationary process is up-to-date and suitably robust for them to make decisions within that six-month period.

## **Discrimination law and recruitment**

There are no set recruitment procedures that need to be followed by law, and so employers can design their own processes for hiring new staff.

However, there are other laws that apply throughout the whole recruitment process, including important legislation regarding discrimination called the Equality Act 2010. Employers must follow the law on discrimination when:

- Advertising
- Interviewing
- Selecting new staff

Employers have a responsibility to ensure that no unlawful discrimination occurs on the grounds of age, disability, gender reassignment, marriage and civil partnership, maternity, pregnancy, race, religion or belief, sex or sexual orientation. These are known as **protected characteristics**. Please also see Section 12 – Equality and discrimination.

In recruitment, discrimination could happen through:

- The process for selecting the successful candidate
- The terms under which you offer the job
- Not offering someone the job

Therefore, it is crucial that fair and transparent processes are adapted.

**Acas have a wide range of free, downloadable tools and templates to help employers who are ‘Hiring Someone’. This includes job descriptions, person specification, application and equality and**



**diversity forms, and letters and checklists.** [Hiring someone | Acas](#)

### **When you can ask about protected characteristics**

You may be able to ask questions about protected characteristics in the following circumstances during recruitment:

- For equality and diversity monitoring
- To make reasonable adjustments
- To use 'positive action during recruitment'
- If there's a disability exception
- If there's an occupational requirement
- If you need to be a certain age by law to do the job

Employers need to follow the law in these circumstances and should seek advice where necessary.

### **Equality and diversity monitoring**

You can ask job applicants or new starters to complete an [equality and diversity monitoring form](#). However, to avoid discrimination, you must:

- Ensure the forms are completed anonymously
- Keep the information on this form separate from the application form
- Make sure that anyone involved in interviewing does not have access to the information

See Section 4 for pre-employment checks

See Section 9 for more information on the written statement of employment particulars

See Section 12 for further guidance on equality and discrimination

See Section 13 below for more on induction and settling new staff into the organisation

## **3. Deciding what to pay**

When deciding a new employee's terms and conditions, and for the purposes of advertising the job, an important decision will need to be made regarding salary.

Firstly, it is important to ensure the employee is being paid at least the minimum wage rate required by law. As an employer you come across



two different rates:

- National Minimum Wage
- Real Living Wage

What is the difference between the two?

**National Minimum Wage** – this is the statutory minimum wage and sets a legal lower limit on hourly pay for workers. All employers need to pay this, regardless of the size of the organisation. The minimum wage a worker should get depends on their age, and whether they are an apprentice. The rate updates in April each year.

**Real Living Wage** – is a voluntary rate which is higher than the National Minimum Wage and is for workers age 21 and over. The Living Wage Foundation's calculation of the Real Living Wage considers typical living costs. The Real Living Wage rates are not prescribed by law. Employers that commit to them are choosing to set a higher standard of pay that reflects living costs more closely than the legal minimum. Manchester Community Central supports Real Living Wage.

The role, or roles, being created may require a salary higher than the minimum wage. In this case employers may need to carry out research to check what the **current market rate** is for similar jobs. This can be done by researching similar positions being advertised locally and nationally, or by accessing salary surveys. Employers may also be able to speak to other organisations they have contact with in the local area to share pay information.

However, any final salary decisions will be dependent on several factors including:

- Organisational size
- The specific role and responsibilities
- The budget available

#### 4. Pre-employment checks

The following checks will be covered in this section:

- **Pre-employment health checks**
- **References**
- **Checking a job applicant's right to work in the UK**

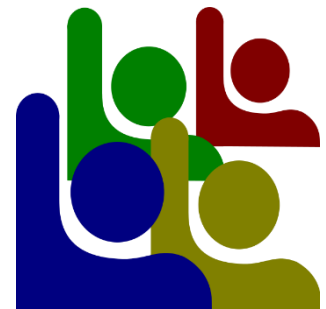


- **DBS checks**
- **Automatic disqualification of trustees and people in senior positions**

Carrying out pre-employment checks, or ‘vetting’, applicants is an essential part of the recruitment process. Once an employer has selected someone suitable for a role, they need to find out if applicants might bring the organisation into disrepute, or cause difficulties with colleagues, managers, customers or suppliers. The employer must show due diligence to establish relevant information about the applicants that that could cause future problems for the organisation.

However, it is crucial that employers adopt vetting practices that are both legal and ethical. The Chartered Institute of Personnel and Development advises that, in conducting pre-employment checks, employers should seek to:

- Ensure non-discrimination and compliance with data protection regulations
- Rely on fact, not opinion
- Ensure relevance to the post to be filled
- Be transparent and open to candidates about the checking process



There are several different pre-employment checks which may apply to potential applicants, and these are all covered below:

- Pre-employment health checks
- References
- Checking an applicant’s right to work in the UK
- DBS (criminal record) checks

### **Pre-employment health checks**

The Equality Act 2010 generally prohibits employers from asking applicants questions about their health or sickness record before a job offer is made.

**The exception to this is when questions relate to an essential aspect of the role.**

So, for example, eye tests for a commercial vehicle driver. Or sometimes



the employer's when insurers may require a health check.

In these cases, the details must be made clear in the offer letter, and the employer must obtain the employee's permission to access their medical records.

Employers should ensure that checks don't discriminate against certain groups or discourage applicants from applying.

Employers should also be mindful that they still have a responsibility to make **reasonable adjustments** for disabled job applicants to overcome any disadvantages they may experience during the recruitment process and to consider whether the applicant can perform the role if reasonable adjustments were made. This is not prevented by the Equality Act 2010.

**If an employer discriminates against a candidate because of a disability that doesn't stop them from doing the job, then they are at risk of being prosecuted.**

## References

Taking up references can be an important part of the pre-employment checking process for many employers, and it is important to establish a clear process and be aware of best practice in this area.

Employers should state on the application form exactly when in the recruitment process references will be requested and shouldn't approach a current employer unless the candidate has given express permission.

## **What type of information can a reference ask for?**

If references are sought, they will be most effective if the reference request includes:

- Structured, relevant questions to gain accurate information about the candidate's abilities
- A job description so that the person providing the reference understands the role

However, in recent years, many employers have chosen to take a more cautious approach to providing references and will now only give a **factual reference**. This will usually just state:



- Start date of employment
- Job title
- Salary

Therefore, employers should be prepared to only receive limited information, and a simple request form confirming dates, employment, capacity and particular skills may be satisfactory for many roles.

Employers should never ask for personal information or expect the referee to speculate about the applicant. The reference should always be about the candidate's abilities and aptitude for the job.

### **Do employers need to provide a reference if requested?**

- There is **no legal obligation for employers to provide a reference** at all
- Any they do provide should be **true, accurate and fair**

References should always offer **facts not opinions**, and any mention of negative issues, such as gross misconduct or events giving rise to a disciplinary process, should be reported in a way which is truthful and correct.

**What happens if a reference isn't received?** In the past job offers were often conditional and dependant on satisfactory references being received. However, employers are now advised to be cautious about this approach.

Employers should remember that a referee may simply fail to provide a reference as there is no legal requirement to do so. This would not be the fault of the employee.

So employers need to decide their policy in the case of non-supply of a reference. It is advisable to:

- Talk to the employee in the first instance to fully understand the situation
- Considering requesting an alternative reference if possible
- Use the probationary period effectively

**What happens if the reference isn't satisfactory?** It can be very



concerning to receive a poor reference, especially after weeks of careful recruitment.

However, this doesn't mean you have to abandon your plans. In fact, you shouldn't automatically reject a candidate solely because they received an unsatisfactory reference.

Instead, you should:

- Consider how serious the content of the reference is and act accordingly
- Take a step back, examine the reference objectively and consider any possible contributing factors
- Consider whether the reference is referring to a single incident, or overall conduct/performance
- Think about whether it would be useful to contact the person who providing the reference to clarify matters and obtain further details
- Talk to the employee and find out more about the situation. There may have been issues with the relationship between the two parties. Or they may admit it's factual and explain the action they have taken since to address the issue.
- Consider the second reference (if you have managed to obtain one) and how that compares. You may even consider requesting a third from elsewhere.

It is important not to end the hiring process immediately but instead proceed carefully and ensure the candidate has a chance to respond. Consider that the referee may have wrongly indicated that the applicant is unsuitable. If the offer is withdrawn on those grounds, the organisation could face legal action by the applicant.

**Can you ask for proof of qualifications?** If qualifications, training, or licences are relevant to the job, it is reasonable to request proof from candidates. The candidate may be asked to bring evidence of qualifications to the interview. If checks on such qualifications are to be made it is good employment practice to make sure the applicant knows, and they are aware that copies of any relevant documents will be held on their HR file.

## **Checking a job applicant's right to work in the UK**



## All employers in the UK have a responsibility to prevent illegal working.

Employers must check that a job applicant is allowed to work in the UK before they employ them. This can be done by conducting right to work checks to make sure the individual is not disqualified from carrying out the work in question due to their immigration status.

### Employers may face a civil penalty if they hire an illegal worker without conducting a proper right to work check.

However, if they do carry out the correct checks, then they establish what is known as a **statutory excuse**. A statutory excuse is an employer's defence against a civil penalty. This means that employers who have properly conducted the required checks will not face a civil penalty if it turns out they hired someone ineligible to work due to immigration status.

Employers can check the applicant's right to work in the UK by either:

- 1. Carrying out a manual right to work check** – Checking the applicant's original documents from a list of acceptable documents. When checking original documents employers must ask to see the original documentation and confirm that the paperwork is correct with the applicant present. The employer must then take copies of the documents and record the date that the checks were made.
- 2. Using the on-line right to work checking service** – Checking the applicant's right to work online using a share code provided by the employee. Eligible individuals can obtain a share code by checking their right to work status on the government's online portal. Once they have done so, they can generate the code which they can then share with their employer. The employer will also be able to check the types of work the job applicant is allowed to do and how long they can work in the UK for, if there's a time limit. The online service makes the checks simpler and more streamlined for employers and provides greater security than a manual check as there is no longer a need to rely on physical documents, reducing the risk of forged documents being presented. Please note that British and Irish Citizens cannot an online share code, and so their original documents will need to be checked instead.



**3. Using an identity service provider that offers Identity Document Validation Technology (IDVT).** This is only for British and Irish Citizens who hold a valid passport.

Employers must keep evidence of right to work checks which they must store securely for the duration of employment and for two years afterwards.

Employers can find out more about checking a job applicant's right to work on GOV.UK: [Checking a job applicant's right to work - GOV.UK](#)

### **Hiring from outside the UK**

Employers will need to apply for a sponsor licence to employ someone from outside the UK.

A sponsor licence gives the employer permission to sponsor foreign workers to come and work in the UK. The organisation must be eligible and the jobs available must be suitable for sponsorship.

Understanding the rules and responsibilities that come with sponsorship is essential.

Guidance and advice can be found on GOV.UK: [UK visa sponsorship for employers: Overview - GOV.UK](#)

### **DBS Checks**

The Rehabilitation of Offenders Act (ROA) 1974 was brought in to support people who have been convicted of a criminal offence, but have not offended again for a number of years and wish to turn their lives around. This legislation enables them to **gain employment and be reintegrated into society.**

Under the Act convictions become **spent** after a specified rehabilitation period.

A spent conviction is a criminal conviction that has completed its rehabilitation period, meaning the individual is not legally required to disclose it to employers, except in certain circumstances.

**Many employers report very positive experiences of recruiting people**



**with criminal records, and ex-offenders make valuable and reliable employees.** However, employers need to be vigilant when recruiting people to work in certain **regulated activities**.

A **regulated activity** in the UK refers to work that involves close contact with vulnerable individuals such as children or adults at risk. It is an offence for an employer to knowingly allow a person to engage in regulated activity with the group with which they are **barred** from working.

Therefore, new employers should decide their **policy on employing ex-offenders** to ensure they are:

- Recruiting safely and fairly
- Assessing and managing risk
- Implementing safeguards

**This should involve requesting a criminal record check as part of the recruitment process.**

**The Disclosure and Barring Service (DBS) helps employers with recruitment involving sensitive roles to prevent unsuitable people working with children or vulnerable groups.** Checks may also be necessary for roles which involve a greater deal of trust such as lawyers and regulated financial roles. **These types of job role are deemed exempt from the ROA.**



Disclosure &  
Barring Service

The DBS can carry out **three levels of checks** on employees – **plus basic checks** – and employers will need to determine which level of check the post is eligible for.

1. **Basic Disclosures (Basic Checks)** are the lowest level of screening and can be obtained by anyone over the age of 16 living and working in England and Wales. Basic Disclosures contain details of **only unspent cautions or convictions**. Unspent convictions are those that have not yet reached the end of their rehabilitation period, meaning they must be disclosed when applying for jobs.



## **A Basic Check should not be confused with a Standard Disclosure**

(Standard DBS check) which can only be carried out on job roles which are **exempt from the ROA**, meaning that spent convictions cannot be ignored.

- 2. Standard disclosures (Standard DBS checks)** contain **details of all convictions, cautions, reprimands and final warnings which are not protected. Protected offences** are certain old or minor offences which may not be disclosed on DBS certificates. Certain offences, known as **specified offences**, will always be disclosed on a Standard or Enhanced DBS certificate and are usually of a serious violent or sexual nature, or are relevant for safeguarding children and vulnerable adults. **Filtering** is the term used to describe the process that identifies which criminal records will be disclosed. Standard Disclosures are available for all jobs and activities listed in the ROA Exceptions Order.
- 3. Enhanced disclosures (Enhanced DBS checks)** contain details of **all convictions, cautions, reprimands and final warnings which are not protected and may also include information held by local police that may be relevant to the role.** Enhanced Disclosures are only available for certain jobs and activities listed in both the ROA Exceptions Order and the Police Act 1997 (Criminal Records) Regulations.
- 4. Enhanced disclosures with children's and/or adults' barred list check(s)** include the **same criminal record information as Enhanced Disclosures, but also detail whether the person is barred from working with either children or vulnerable adults or both.** To be eligible to request a check of the children's or adults' barred lists, the position must be eligible for an Enhanced Disclosure and specifically listed in the Police Act 1997 (Criminal Records) regulations as **eligible to check against the appropriate barred list(s).**

**Individuals can apply for a Basic Check online themselves.** They can apply directly to DBS and will need only personal details and ID. Alternatively employers can get a Basic Check for an employee via a



**Responsible Organisation (RO).** An RO is an organisation registered with the DBS to submit basic checks through a web service.

**Job applicants cannot carry out a standard or enhanced check on themselves.**

Instead applications have to be made by the employer through a service known as an **Umbrella Body** or Registered Body. Employers cannot apply to the DBS directly which is why Umbrella Bodies exist to act as an intermediary to process DBS checks. The Umbrella Body will complete all the necessary administration on behalf of the employer before submitting the application over to the DBS. Once the police have completed their checks the certificate will be sent directly to the individual who must then hand it to the employer. It is important to check it is a genuine certificate.

DBS charges a fee to process applications and the Umbrella Body will charge an admin fee. The process usually takes around 14 days.

GOV.UK provides useful information for employers on carrying out DBS checks: [Check someone's criminal record as an employer: Checks you can make on someone's record - GOV.UK](#)

**Automatic disqualification of trustees and people in senior positions**

There are rules which disqualify some people from being a senior manager of a charity [or being a trustee]. 'Disqualified' means that a person can't be employed in, hold or stay in, a charity trustee position or senior manager position (this includes temporary roles) unless the Charity Commission has removed (or 'waived') the disqualification.

**Employers should be aware that his type of employment check can apply to existing staff who already hold a position, as well as new employees being recruited into a role.**

You can seek more information and guidance at GOV.UK: [Automatic disqualification rules for charity trustees and charity senior positions - GOV.UK](#)



## 5. Insurance

### Employer Liability Insurance

It is compulsory to hold employer liability insurance and employers need insurance in place as soon as they start employing people. This applies even if staff are temporary or part-time.

This insurance covers situations where a claim is brought against the organisation because an employee has become ill or injured or died because of the **employer's negligence (failure to take reasonable care)** or **failure to comply with health and safety** or other relevant legislation.

The policy must cover the employer for at least £5 million and come from an authorised insurer. Employers can check to see if their insurer is authorised by contacting the Financial Conduct Authority. Employers can be fined £2,500 for every day they are not properly insured.

**Employers need to display their insurance certificate or make it available electronically.** They must also keep copies of these certificates for 40 years. Employers can also be fined £1,000 if they do not display their certificate or refuse to make it available to inspectors when they ask.

It might also be sensible to consider other kinds of insurance such as:

### Professional Indemnity Insurance

Professional Indemnity Insurance protects employees and the organisation in the event of a loss or problem due to incorrect information or advice being given out. It is important to have this in place if employees are involved in activities such as advice giving or advocacy.

### Public Liability Insurance

Public Liability Insurance offers protection if a legal claim is made against the organisation for loss or damage caused by the organisation's activities. This is important if the organisation is involved in activities where a client/service user or member of the public could become ill or injured (for example, food poisoning at a lunch club) or could experience property damage.



## 6. Registering as an employer

Employers will need to register as an employer with HMRC when they start employing staff. This needs to be done before the first pay day and can take up to two weeks to process. It isn't possible to register any earlier than two months before people start to be paid. Potential employers can check whether they need to [register as an employer via gov.uk](https://www.gov.uk/register-as-an-employer), and will usually be able to register online.

## 7. Workplace pension schemes

Under the Pensions Act 2008, every employer in the UK – even if they only employ one person – must put certain staff into a **workplace pension scheme** and contribute towards it. This is called **automatic enrolment**.

Workplace pensions are also known as occupational, company or work-based pensions. Workplace pensions were introduced as a way for employees to save for their retirement and are arranged by employers rather than by the government or directly by the employee.

**Automatic enrolment** means that all employers must automatically enrol eligible workers into a qualifying workplace pension scheme (unless the worker chooses to opt out).



- A percentage of the employee's pay is put into their pension scheme automatically every payday.
- Employers must also contribute to the pension scheme if the employee meets certain criteria (such as being age 22 and over and earning £10,000 a year or more).

Employers need to deduct contributions from their staff's salaries and pay these, plus the employer contribution, over to the scheme on time and accurately.

The amount an employer must contribute to the pension scheme is determined by the scheme's rules. However, if an employer is using the



scheme for automatic enrolment there are **minimum contributions** that they must pay.

**The minimum contributions are currently a total contribution of 8%**

- 3% employer contribution
- 5% employee contribution

Pension contributions are usually expressed as a fixed sum or a percentage of earnings.

Check the pension scheme you're using to find out what counts as **qualifying earnings**.

Under most schemes, it's the employee's total earnings between £6,240 and £50,270 a year before tax.

Employers are required to write to employees once they are enrolled in the scheme and provide certain information about the pension scheme and contributions.

Pension contributions and benefits are influenced by HMRC limits and vary from time to time. [Further details and the latest figures are available from HMRC](#)

Other sources of information include:

[The Pensions Regulator](#) who offers information for employers

[The Department for Work and Pension](#)

[The Chartered Institute of Payroll Professionals](#)

## 8. Employee rights and the law

Any new employer needs to have a good understanding of:

- Essential employment law
- Employee rights
- Responsibilities as an employer

Employers who are unaware of their employees' legal rights may face various problems including:

- Ineffective management
- Disgruntled workforce
- Low employee morale
- Lack of motivation amongst staff



- High absence levels
- Increased staff turnover
- In turn this can all lead to the **risk of employment tribunal claims.**

## However, this doesn't have to be the case!

Gaining an understanding of employment legislation can seem like a very daunting task for new employers. However, there are a number of places where organisations can access clear and useful information including:

- [Employing people - GOV.UK](#) provides clear and easy-to-understand information on employing people, and covers all the issues new employers need to be aware of
- [Hiring someone | Acas](#) offers information for both employers and employees. Their website has a vast array of guidance including downloadable booklets, templates, forms and checklists.
- [Advice | Acas](#) also has certain information and advice especially for small organisations who are taking on employees for the first time. They have organised their expertise and knowledge into manageable step-by-step guides, so employers can build their understanding on the basics a bit at a time.

New employers need to ensure they have researched and understood the following before taking on employees: *(tick once completed)*

- Know the law in the following areas:
  - Unfair Dismissal
  - Notice periods
  - Wages
  - Holiday Entitlement
  - Sickness Absence
  - Flexible Working
  - Time off for Dependents
  - Family Friendly Rights including Maternity/Paternity/Adoption/Shared Parental Leave/Unpaid Parental Leave/Neonatal Leave/Parental Bereavement Leave

(Some of the rules regarding parental rights can seem complex but it's useful to just have a basic overview. GOV.UK is a useful source of information here for both employers and employees)



- Sorting out an employment contract (written statement)
- Paying the right rates (minimum wage)
- Recruiting the right people
- Setting boundaries and clear rules
- Having disciplinary and grievance procedures in place
- Being aware of the right to be accompanied
- Arranging training and induction
- Understanding attendance management
- Avoiding discrimination
- Ongoing employee communication

**Acas advises new employers to:**

- 1. Know the law and how it relates to your workplace**
- 2. Stay compliant**
- 3. Stay informed**

## **9. Issuing a written statement of employment**

All employees have an employment contract with their employer.



**As soon as someone accepts a job offer a contract is formed. This is the case even if you haven't yet provided a written contract.**

A contract is an agreement that sets out:

- Employment conditions
- Employee Rights
- Employee Responsibilities
- Duties

These are called the **terms** of the contract.

Employees and employers must adhere to a contract until:

- It ends by either of the parties giving notice
- Employment is terminated because the employee is dismissed
- The terms are changed by agreement between the employee and employer



If the terms aren't adhered to, this is known as a **breach**.

### **What is a 'written statement of employment particulars'?**

Contract terms can be verbally agreed or written in an offer letter. However, an employer must give employees a **written statement of employment particulars** if their employment lasts at least a month or more. This is what most people will know as an employment contract. It is a summary of the basic terms and conditions that apply to the job, and provides good written evidence of the terms of the employment contract.

**Employees and workers are entitled to receive a written statement before or on their start date (only limited information can be provided after this point).**

A written statement can be made up of more than one document. However, certain information must be included in one single document known as the **principal statement**.

If the written terms refer to other documents, it's important for an employer to state what they are and where to find them.

**A template of a written statement of particulars can be downloaded at [Written statement template: employee | Acas](#)**

**Information which must be provided in a single document is as follows:** (*tick to ensure the information is provided*)

- The employee or worker's name
- The organisation's name and address
- Job title or a brief description of work
- Start date of employment or engagement
- If a previous job counts towards a period of continuous employment, the date the period started (for employees only)
- Probationary period including conditions and duration
- How much and how often an employee will get paid
- Hours of work (including normal working hours, days of week and whether hours/days are variable (and, if so, how they vary))
- Holiday entitlement (and if that includes public holidays) and holiday pay (including an explanation of how its calculated if the employee or worker leaves)



- Benefits (including non-contractual benefits such as company car schemes)
- Where an employee will be working (including addresses) and whether they might have to relocate
- If an employee works in different places, where these will be
- If applicable: Details of non-permanent employment or engagement (e.g. period of fixed-term contract)
- Length of notice of termination required from both sides
- If the employee or worker is required to work outside the UK for over a month: arrangements for working outside the UK (including period, currency of pay, additional pay and benefits and return terms)
- Any compulsory training which the employer requires the worker to complete
- Any training which the employer requires but does not pay for

The following information which can be provided in a separate document: (*tick to ensure the information is provided*)

- Sick leave and pay (can be provided in the principal document or a separate document)
- Any other paid leave (can be provided in the principal document or a separate document)
- Pension and pension schemes (this can be provided within 2 months)
- Details of any collective agreements directly affecting terms (this can be provided within 2 months)
- Any other training entitlement (this can be provided within 2 months)
- Disciplinary and grievance procedures (this can be provided within 2 months)

Employers should also provide the following written information so everyone's rights and responsibilities are clear:

- The job offer
- How the employee will be paid (for example, pay will go straight into the employee's bank account)
- The standards of behaviour it expects from its employees and what happens if these are not met



Any change to terms and conditions must be agreed with the employee. Acas provides the following guidance on what an employer needs to do if they want to make a change to an employment contract: [Changes to employment contracts | Acas](#)

## 10. Policies and procedures

**Policies and procedures are guidelines and processes that explain how an organisation operates.**

As a new employer it may feel unnecessary to have an enormous Employee Handbook containing a whole raft of procedures, especially if they only have one or two staff. It is true that many policies and procedures won't be needed in the early days of becoming an employer, and these can perhaps be put on hold for consideration in the future.

However, even with a very small staff team, it is advisable to have following as a bare minimum:

- Absence reporting and sick pay policy
- Disciplinary procedure
- Grievance procedure
- Equal opportunity policy
- Data protection
- IT and computer use policy
- Safeguarding (where applicable)
- If you have five employees, it is a **legal requirement** that you have an up to date health and safety policy (please see Section 11 below)

It is also suggested that new employers consider having the following policies in place also:

- Holiday entitlement
- Bullying and harassment
- Family Friendly – including maternity/adoption/paternity
- Whistleblowing
- Confidentiality
- Expenses
- Social Media

Some employers may feel that a redundancy policy is useful to have in



place. This isn't compulsory but would provide a clear process to follow if a potential redundancy situation arises.

## 11. Health and safety

It is vital that all employers are aware of the health and safety issues which apply to all employees, and also to visitors to their premises.

**Employers with five or more employees are legally required to have a health and safety policy in place.**

Employers should visit the [Health and Safety Executive's \(HSE\) website](#) for a full range of information to help employers of all sizes manage their health and safety.



HSE provide guidance on all areas of health and safety including:

- Deciding who will help with health and safety duties
- Managing risks
- Being aware of any law that applies to the organisation and type of work carried out
- Consulting employees
- Providing training and information
- Providing the right workplace facilities
- Writing a health and safety policy
- Displaying a health and safety poster
- Dealing with accidents, first aid and ill health
- Getting the right insurance

**HSE provides a range of resources and information especially for employers who are new to health and safety.**

## 12. Equality and discrimination

All employees, and recruitment candidates, are entitled not to be discriminated against, or treated unfavourably, because of a **protected characteristic**. Protected characteristics are the 9 characteristics protected by law (Equality Act 2010). They are:



- [Race](#)
- Sex
- [Disability](#)
- [Sexual orientation](#)
- [Religion or belief](#)
- [Age](#)
- Marital status or civil partnership
- [Pregnancy/maternity](#)
- [Gender reassignment](#)

**Employers should note that the employee, or candidate, does not have to possess that protected characteristic.** They are also protected from discrimination if they are associated with someone who has a protected characteristic, for example a family member or friend, or if they have complained about discrimination or supported someone else's claim.

**Direct discrimination** is when someone is put at a disadvantage or treated less favourably because of a protected characteristic.

**Indirect discrimination** is when a working practice, policy or rule is the same for everyone but has a worse effect on someone because of a protected characteristic.

**As an employer or manager, you should do all you can to try to prevent and stop bullying, harassment, discrimination and victimisation at work. Employers also need to be aware that:**

- Candidates and employees are also protected from less favourable treatment for membership (or non-membership) of a [trade union](#)
- Both male and female workers should receive equal pay for work of equal value
- Part-timers are entitled to what a full-time person would earn, on a pro rata basis
- Those on fixed-term contracts are also entitled to receive the same benefits (or an overall package which is no less favourable) on a pro-rata basis as comparable full-time staff
- As an employer you are also required to make reasonable adjustments in the workplace for employees with a disability



For further information on all of the above, and how employers can improve equality, diversity and inclusion in the workplace, it is useful to visit [Acas' website](#). Acas provide a range of helpful guides, templates and tools covering this topic, including an Equality policy template.

### 13. Induction

The first day arrives, and the new employee finally commences employment! It is a great achievement to reach this point.

There are still crucial steps to take that will ensure that the new employee feels welcome and settles smoothly into their role. Failure to do so can create a number of problems including:

- Creating a poor first impression of the employer and the organisation
- Fostering negative feelings of disappointment and resentment which can remain throughout the employee's time with the organisation
- Reduction in productivity and effectiveness
- High turnover of staff – eight out of ten staff who leave organisations are new employees

**Acas point out that making the effort early in the employment relationship reaps big rewards. Employers who get the settling in process right often succeed in creating a positive sense of loyalty and attachment in new staff.**

Employers should prepare for a new employee's arrival by planning an **induction programme**.

**Induction refers to the process where employees adjust to their jobs and working environment. A carefully planned programme can make employees feel welcome and ready to work.**

This can involve a range of activities including:

- Familiarising new staff with the building and facilities
- Meeting colleagues and starting new working relationships
- Specific training essential to the role
- Learning about the new organisation and its ways of working



The induction programme needs to be thorough, but not overwhelming, and it should never divert the new employee from the essential process of integrating into their team and settling into their role.

The specific details of the induction programme, and the length of the process, will depend on the job, the individual and the organisation. It will need to be tailored to the specific circumstances, and a one size fits all approach is unlikely to be successful.

However, most induction programmes usually share some common elements, which are usually spread over the first weeks and months of employment.

Useful suggestions for consideration in the induction programme are:

### **Pre-employment**

- Joining instructions
- Proof of the legal right to work in the UK and other necessary pre-employment checks (if required, and not already done during recruitment)
- New starter forms (enabling the set-up of bank account details and eligible benefits from day one)
- Terms and conditions of employment
- Company literature or other media

### **First day**

- Meeting with the new manager and colleagues
- Becoming familiar with the building and working environment
- Escorted tour of the building and highlighting useful facilities
- Meeting with their assigned 'buddy' or mentor
- Sharing useful background information about the organisation, and providing an organisational chart or contact list
- Pressing paperwork such as issuing security passes and ensuring finance have the employee's correct details etc
- Vital health and safety information – including emergency exits, evacuation procedures, fire drills, first aid, accident reporting and specific hazards to the role



## The first week

- A more in-depth look at how the organisation works – including history, aims and objectives, culture, values and further details of the services/products provided
- Understanding of the IT and telephone systems
- Looking more closely at the employee's role
- Discussing the future, including training and development opportunities, and how performance will be assessed
- Ensuring the employee understands the terms and conditions of their employment contracts, explaining the detail of matters such as working hours, probationary periods and notice periods
- Discussion around salary, benefits and expenses
- Discussing standards of acceptable behaviour and essential policies and rules. This should include areas such as smoking breaks, use of IT and social media, dress codes, parking, rest breaks, booking time off etc.
- Key policies to cover in the first week should include discipline, grievance, performance management, absence management, equality and diversity, IT, health and safety
- Information regarding compliance – security, confidentiality, GDPR and the Data Protection Act 2018 (DPA 2018)

## In the following weeks and months

- Meeting and spending on-to-one time with key colleagues in other teams or other sites/buildings
- Ensuring they understand other policies and procedures not covered in the first week
- Checking they are settling in or have any concerns
- Assessing training needs
- Establishing regular supervision sessions (see Section 14 on Communication below)

## At six months

It could now be time for the organisation to make a probationary decision as mentioned in Section 2 above. However, any performance issues or concerns should have already been discussed with the employee during the probationary period. At this point new objectives and training needs could be established.



It is advisable for employers to put an induction timetable together, containing relevant points from the information above. This can also include a tick list that should be completed and dated as each element of the programme takes place.

## 14. Communication

Once the new employee has settled into the organisation it is vital that a successful employee-employer relationship is maintained, and employee communication plays an essential role in this.

Communication should be on-going throughout the employment relationship and should be systematic and regular. It can take many different forms including both one-to-one and group meetings, handbooks, newsletters, bulletins, notices and letters.

Communication:

- Contributes towards giving employees a sense of control over their work
- Improves employee engagements and increases job satisfaction
- Enables employees to carry out their roles to the best of their abilities
- Increases levels of commitment to the organisation
- Helps develop trust
- Improves organisational performance

Managers need to communicate information to employees about:

- Contractual terms and conditions of employment
- Key procedures, including disciplinary and grievance
- The job, duties and obligations
- Performance within the role
- The products and/or services offered by the organisation
- The organisation's performance, progress and prospects
- Changes to any of the above issues

However, communication is a **two-way process** which requires information to also flow upwards from employees. It is important that employees have an opportunity to:

- Make their views known to management on issues that affect



them

- Raise any concerns
- Discuss their role and responsibilities

Therefore, employers should ensure that there is provision for communicating this information. Employees' views should be genuinely considered before decisions are made.

## Supervision

Supervision is a **scheduled one-to-one meeting between a line manager (supervisor) and employee (supervisee)** to focus on **organisational, professional, and personal objectives**. Supervision forms a key part of individual performance management and development and is one of the most effective methods of communication in the workplace.

Supervision involves **regular, planned, individual meetings held in a private space**. Even when supervisees and supervisors work closely together, it does not remove the need for dedicated one-to-one time together on a regular basis.

Supervision has so many benefits and ensures that:

- Employees are clear on their responsibilities and what is expected of them
- Areas of work, with appropriate timescales, can be agreed
- Targets and objectives can be monitored
- Employees can receive feedback about their performance
- Employees feel motivated and valued
- Difficulties or challenges can be identified and resolved
- Staff development can be supported and training identified
- Health and well-being at work issues are addressed
- Sickness and absence levels can be discussed if necessary
- Annual leave and other time off can be discussed and agreed
- Employees work in an anti-discriminatory way, and in line with good practice

Supervision meetings should be arranged on a regular basis but are **usually held every 4-6 weeks**.

The supervisor should make a record of the discussion. A short summary,



and the decisions or action points arising from it, should be sufficient in most cases. Employers may find it useful to design a supervision record form to help structure the meetings and keep a written record.

## 15. Record keeping

All employers, regardless of their size, will need to collect and retain certain data relating to each employee.

These records are likely to cover a wide range of data that arises naturally throughout the lifecycle of a person's employment, starting with their job application and proof of right to work in the UK. This information will make up the individual's HR records.

### Why do records need to be kept?

- **Legal requirements as an employer**
- **Operational needs of the business and workforce**

Common examples of information kept within HR records includes:

- Information relating to recruitment
- Right to work checks
- Employee contact details and next of kin
- Any health information the employer needs to be aware of
- Paye and payroll records
- Hours worked (including toil and flexible working records)
- Holiday entitlement
- Any other benefits to which they are entitled
- [Sick leave](#) and sick pay
- Various types of family friendly leave/caring responsibilities
- Annual appraisal
- Training and career development
- Details of any disciplinary or [grievance](#) matters
- Accident reports

As an employer it is necessary to request, process, store and retain employee data. However, in the UK, there are strict rules covering the protection of personal data.

The main piece of UK legislation governing data protection is the Data



Protection Act 2018 (DPA) which incorporates the UK General Data Protection Regulation (GDPR). The DPA and GDPR contain important rights for individuals concerning the processing of their personal data, covering both electronic and hard copy records.

As a responsible employer it is important that you understand the rules regarding data protection including your responsibilities and liabilities as a **data controller**. Further guidance is available from GOV.UK at [Data protection and your business: Overview - GOV.UK](#)

## 16. Information and resources

**Further information and guidance for new employers can be obtained from:**

1. **Acas** – [Acas | Making working life better for everyone in Britain](#)

Help for small firms: [Advice | Acas](#)

Recruiting an employee: a step-by-step guide: [Hiring someone | Acas](#)

2. **GOV.UK** – [Welcome to GOV.UK](#)

Right to Work in the UK: [Check if a document allows someone to work in the UK - GOV.UK](#)

Guide for new employers: [Get ready to employ someone for the first time: step by step - GOV.UK](#)

Employing People: [Employing people - GOV.UK](#)

Interactive template for a written statement of employment particulars: [Employment contracts: Written statement of employment particulars - GOV.UK](#)

3. **Home Office Employer Enquiry helpline** – advice on right to work in the UK

Telephone: 0300 123 5434 [Use the Employer Checking Service - GOV.UK](#)

4. **HSE (Health and Safety Executive)** – [HSE: Information about health and safety at work](#)

Writing a health and safety Policy: [Prepare a health and safety policy - HSE](#)

5. **Equality Act 2010**

[Equality Act 2010: guidance - GOV.UK](#)

[What is the Equality Act? | EHRC](#)



**This guide was updated by Clare Cooper in December 2025 using the following sources:**

- 1. CIPD**
- 2. Acas**
- 3. GOV.UK**
- 4. HMRC**
- 5. Business HR Solutions**
- 6. Personnel Today**
- 7. My HR Dept**
- 8. HSE**
- 9. Davidson Morris (Lawyers specialising in employment and immigration law)**
- 10. Lewis Silken (Global HR Lawyers)**

