



Becoming an employer

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1. Introduction

Employing people seems a perfectly straightforward matter: hire them, then set them to work, but is it so easy? (Acas 2018)

Many new employers are often unaware of their obligations towards their employees. Unfortunately, in some cases, they often only find out 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.

Becoming a new employer can seem daunting, and the many employer responsibilities and employee rights can seem over-whelming. However, it is essential to be compliant with employment law, and to keep up to date and informed.

Research has shown that looking after the staff team, and ensuring they have all they are entitled to, will lead to increased productivity and effectiveness. At the same time this will give organisations the peace of mind that they are doing everything possible to be the best employer that they can be, even at the early stages of taking on workers.

There are many useful sources of information available for both new and existing employers to help with employing staff and managing people. A number of key websites and resources are listed in Section 18 below.

This HR guide on Becoming an Employer will summarise the main areas to be aware of and the key items that all employers should have in place. This guide may even be useful for more established employers as a useful refresher and checklist.

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. There are a number of key points they advise employers to consider during recruitment including:

- Ensuring that the number of new staff has been carefully worked out, and the skills that are needed have been considered and agreed
- Making sure that vacancies and new roles are advertised without discriminating
- Being careful to ensure that selection of applicants for interview, and the selection of the successful candidates, is done fairly without discriminating





- Organising a carefully-planned programme to settle the new employee/s into the organisation. Employers want new staff to become as effective as possible as quickly as possible, and also to then stay with the organisation!

Employers will need to have well-structured processes in place for the following stages of the recruitment process:

- Assessment of staffing needs
- Advertising and attracting applicants
- Handling applications
- Selecting candidates for interview or assessment (short-listing)
- Deciding on the best candidate
- Offering the job

Employers will also need to decide whether they want to include a probationary period at the start of employment. This is usually for a six month period, but can be shorter. The probationary period allows both employer and employee to assess whether the job and individual are a good fit for each other. The employer can see whether the new recruit is performing well within the reality of the role, and the new employee can decide if they are happy with the role and organisation.

Notice required by either side during this 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.

Details of the probationary period should be included within the offer letter and the employee's Written Statement of Terms and Conditions of Employment. At the end of the probationary period, if the employer is still unsure whether the employee is suitable for the job, it can extend the probationary period if the employment contract permits and/or the employee agrees.

Organisations should be aware they have a responsibility to ensure that no unlawful discrimination occurs at any stage in the recruitment process 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', and employees are protected under the Equality Act 2010 from discrimination on the grounds of these characteristics. Please also see Section 14 – Equality and Discrimination.

Acas have a wide range of free, downloadable tools and 'Hiring Staff' templates to help employers with recruitment, including job descriptions, person specification, application and equality and diversity forms, and letters and checklists.

See Section 11 for more information on the Written Statement of Employment Particulars. See Section 15 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.

Employers will need to ensure that the rate they are paying meets the minimum wage rate current at the time. The National Minimum Wage is the minimum pay per hour that almost all workers are entitled to. 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 or not they are an apprentice. The rate updates in April each year.

The National Living Wage is higher than the National Minimum Wage, and is for workers age 25 and over.

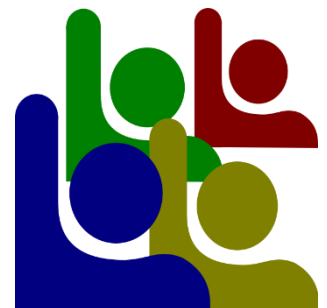
The role, or roles, being created may require a salary higher than the minimum wage. In this case employers may need to carry out research to check what the current market rate is for similar jobs. This can be done by researching similar positions being advertised locally and nationally, or by accessing 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 a number of factors including organisational size, the specific role and responsibilities and the budget available.

4. Pre-employment checks

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 GDPR and the Data Protection Act 2018 (DPA 2018)
- Rely on fact, not opinion
- Ensure relevance to the post to be filled
- Understand the candidate thoroughly
- Be transparent and open to candidates about the checking process



There are a number of different pre-employment checks which may apply to potential applicants. Pre-employment health checks and references will be covered in this section. Checking an applicant's right to work in the UK and DBS checks will be covered separately in Sections 5 and 6 below.



Pre-employment health checks

The Equality Act 2010 generally prohibits employers from asking applicants questions about their health before a job offer is made. This means that employers can't ask potential employees about their sickness record or health during the recruitment process.

The exception to this is when questions relate to an essential aspect of the role, such as eye tests for a commercial vehicle driver, or when insurers may require it. In these cases 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.

An employer who discriminates against a candidate because of a disability that doesn't stop them from doing the job can be prosecuted.

References

Taking 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.

If references are sought they will be most effective if a job description is included along with structured, relevant questions that will enable the new employer to gain accurate further information about the candidate's abilities.

However, many employers now have a very cautious approach to providing references and will choose only to give a factual reference stating dates of employment, job title and 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.

There is no legal obligation for employers to provide a reference at all, but 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.

Job offers can often be conditional and may depend on satisfactory references being received. However Acas now advise against this. Prospective employers should remember a referee may simply fail to provide a reference as there is no legal requirement to do so. Or the referee may wrongly indicate the applicant is unsuitable in which case, if the offer is withdrawn on those grounds, the organisation could face legal action by the applicant. Employers need to decide their policy in the case of non-supply of a reference. Acas suggest that an initial probationary period might be an acceptable way of proceeding.

The holding of particular qualifications, training or licences may be important to the job, and it is reasonable to ask candidates for proof. The candidate may be asked to bring documentary 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 personnel file.

Please see Sections 5 and 6 below for further information on pre-employment checks relating to right to work in the UK and DBS checks.

5. Checking a job applicant's right to work

Check they have the right to work in the UK

Employers must check that a job applicant is allowed to work in the UK before they employ them. When making a job offer an employer must ask for proof that the person has the right to work in the UK. Employers can be fined up to £20,000 if they do not check this.

Employers can either:

- Carry out a manual right to work check – checking the applicant's original documents from a list of acceptable documents
- Use the on-line right to work checking service – check the applicant's right to work online using a share code provided by the employee

When checking original documents employers must ask to see the original documentation and confirm that the paperwork is correct with the applicant present.

It is important to ensure that the documents belong to the person presenting them by checking names, date of birth and photos. The documents need to be original, still valid and



should not have been changed or tampered with in any way. The employer must then take copies of the documents and record the date that the checks were made.

Alternatively employers can check details of a job applicant's right to work in the UK online at: www.gov.uk/view-right-to-work

To do this the employer will need the job applicant's date of birth and right to work 'share code'. 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 code only remains valid for 30 days, after which time it will lapse and a new code will be required. 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 employer must check that the photograph on the online right to work check is of the individual presenting themselves for work.

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

The online Right to Work Checking 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.

Employers can find out more about checking a job applicant's right to work on GOV.UK: www.gov.uk/check-job-applicant-right-to-work

Hiring from outside the UK

The way employers hire someone from outside the UK changed on 1 January 2021, when the Brexit transition period ended. Employers should plan ahead if they want to offer a job to someone from outside the UK. It may take longer than it used to.

There is now a new points-based immigration system which applies to people arriving in the UK from 1 January 2021. This means that:

- Employers will need a sponsor licence to hire most employees and workers from outside the UK
- Any person that an employer recruits from outside the UK will need to meet certain requirements

Employers do not need a licence to sponsor people in some groups, including:

- Irish citizens
- Anyone with settled or pre-settled status under the EU Settlement Scheme (see 'Employing EU, EEA or Swiss citizens' below)
- Anyone with indefinite leave to remain in the UK



Employers need a separate sponsor licence for each person they want to hire. The type of sponsor licence depends on a number of things, including whether the position is temporary or permanent.

Non-UK residents wishing to come to the UK to work after 1 January 2021 – including EU nationals (though with the exception of Irish citizens) – will need permission in advance from UK Visas and Immigration (UKVI). For new arrivals wanting to undertake work in the UK after this date, they will need to apply to UKVI for a points-based work visa.

The main work visa routes are the skilled worker route and the intracompany transfer route. Both require sponsorship by a licenced employer.

EU citizens applying for a skilled worker visa need to show they have a job offer from an approved employer sponsor to be able to apply.

Employers can find out more about UK visa sponsorship on GOV.UK: www.gov.uk/uk-visa-sponsorship-employers

Employing EU, EEA or Swiss citizens from 1 July 2021

After 30 June 2021, with the exception of Irish citizens who will continue to have the right to work as they do now, all EU citizens wanting to secure work in the UK will be required to have status either:

- Under the EU Settlement Scheme, or
- A valid work visa under the new system

This means that after this date any prospective employers of an EU citizen will be required to conduct a manual or online right to work check under the new rules. As such, employers will either need to see an individual's status under the EU Settlement Scheme or proof of an appropriate work-based visa under the points-based system.

New point based immigration system – Freedom of movement between the UK and EU has ended and the UK has introduced an immigration system that treats all applicants equally, regardless of where they come from.

Under this new system, all non-UK residents, whether they are nationals of an EU or non-EU country, will be subject to the same requirement to apply for permission to come to the UK to live and work. The new immigration rules will apply to foreign nationals arriving in the UK from 1 January 2021.

This means that anyone coming to the UK to work after this date, excluding Irish citizens, will need to apply and pay for a visa in advance. The requirements are different for each visa.



Employers planning to recruit EU national workers from 2021 will need to apply to the Home Office for a valid sponsor licence. (See ‘Hiring from outside the UK’ above) Even with a sponsor licence in place employers must, however, still carry out a right to work check prior to the start of employment to ensure the employee has a valid visa in place.

EU Settlement Scheme – However, the new system does not apply to EU, EEA or Swiss citizens that are already employed in the UK, and employers are not required to retrospectively check the status of any EU, EEA, or Swiss citizens they employed before 1 July 2021. EU, EEA or Swiss citizens and their family members who lived in the UK by 31 December 2020 will be able to apply to the EU Settlement Scheme. The scheme will enable them to continue living and working in the UK with lawful status from 1 July 2021.

Employers will not need a sponsor licence to hire such UK resident EU workers who have an existing right to work in the UK.

From 1 July 2021 EU, EEA and Swiss citizens will no longer be able to use their passport or national identity card to prove their right to work. Instead individuals who have applied to the EU settlement Scheme will be required to prove their right to work via an online share code, or by providing original documents from a list of acceptable documents (as discussed in the ‘Check they have the right to work in the UK’ section above). Under the EU Settlement Scheme, EU citizens will not receive a physical document confirming their status, instead their status will be held in digital format.

Irish citizens can continue to use their passport or passport card to prove their right to work.

Those with indefinite leave to remain, are not affected.

EU, EEA and Swiss citizens who arrived in the UK after the 31 December 2020 will be required to hold a visa to live and work in the UK. If an employer is intending to hire someone to come to the UK, they will need to be a licensed sponsor.

Find out more about employing EU citizens on GOV.UK: www.gov.uk/guidance/employing-eu-citizens-in-the-uk

6. DBS Checks

The Rehabilitation of Offenders Act (ROA) 1974 was brought in to support people who have been convicted of a criminal offence, and who have not offended again for a number of years, to enable them to gain employment and be reintegrated into society. Under the Act convictions become ‘spent’ or ignored after a specified rehabilitation period, and means that previous convictions can only be disclosed 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. It is an offence for an



employer to knowingly allow a barred 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 may 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 roles 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.

Basic Disclosures (Basic Checks) are available for roles that are covered by the Rehabilitation of Offenders Act 1974; which is actually most roles. Basic Disclosures contain details of only 'unspent' cautions or convictions. They are available only from Disclosure Scotland who delivers a specific service for employers in England and Wales. A Basic Disclosure should not be confused with a Standard Disclosure (Standard DBS check), which can only be carried out on roles which are 'exempt' from the ROA.

Standard disclosures (Standard DBS checks) contain details of all convictions, cautions, reprimands and final warnings which are not 'protected' and are therefore eligible for filtering. Standard Disclosures are available for jobs and activities listed in the Exceptions Order.

Enhanced disclosures (Enhanced DBS checks) contain details of all convictions, cautions, reprimands and final warnings which are not 'protected', and may also include 'other relevant information' (police intelligence) which a chief police officer of the force that holds the information reasonably believes to be relevant to the role applied for and, therefore, ought to be included. Enhanced Disclosures are only available for certain jobs and activities listed in both the ROA Exceptions Order and also the Police Act 1997 (Criminal Records) Regulations.

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 also specifically listed in the Police Act 1997 (Criminal Records) regulations as eligible to check against the appropriate barred list(s).

Applications for Disclosures have to be made by the employer either directly, if they are a Registered Body, or through a Registered Body acting as Umbrella Body. The certificate is sent directly to the individual who must then hand it to the employer. DBS charges a fee to process applications for these checks.

7. Employer liability insurance

It is compulsory to hold employer liability insurance, so employers need insurance in place as soon as they start employing people.

Employer Liability Insurance will help employers to pay compensation if an employee is injured or becomes ill because of the work they do.

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.

8. Registering as an employer

Employers normally need to register as an employer with HMRC when they start employing staff. This needs to be done before the first payday, 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.

9. 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% with at least 3% employer contribution.

Pension contributions are usually expressed as a fixed sum or a percentage of earnings. Employers will need to decide what elements of staff pay are used to calculate pension contributions, subject to any overriding legislative requirements.

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. Total earnings include:

- salary or wages
- bonuses and commission
- overtime
- statutory sick pay
- statutory maternity, paternity or adoption pay

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

Every 3 years after the first member of staff commences employment the employer must automatically re-enrol staff into the pension scheme if they:

- left the pension scheme more than 12 months before the re-enrolment date
- are still in the pension scheme but pay below the minimum contributions level

Employers must write to eligible staff within 6 weeks after your re-enrolment date to tell them you have put them back into your pension scheme.

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 offer information for employers
- The Department for Work and Pension
- The Chartered Institute of Payroll Professionals

10. Employee rights and the law

Any new employer should ensure that they have a good understanding of essential employment law, and that they are fully aware of employee rights and their responsibilities as an employer. If employers don't know the legal rights of their employees this can lead to numerous problems including low employee morale and motivation, high absence and turnover and generally ineffective management. In turn this can lead to a high level of dismissals and also the risk of employment tribunal claims.

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 useful information including:

- Gov.uk provides clear and easy-to-understand information on employing people, and covers all the issues new employers need to be aware of
- Acas offers information for both employers and employees. Their website has a vast array of guidance including downloadable booklets, templates, forms and checklists.
- 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.

As a minimum 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
 - Maternity/Paternity/Adoption/Shared Parental Leave (Some of the rules here can seem complex but it's useful to 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.....

- **Know the law and how it relates to your workplace**
- **Stay compliant and stay informed**

11. 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. An employment contract doesn't have to be written down.

A contract is an agreement that sets out an employee's:

- Employment conditions
- Rights
- 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

Contract terms could be verbally agreed or written in an offer letter. However, an employer must give employees a 'written statement of employment particulars' if their employment contract lasts at least a month or more. This isn't an 'employment contract' because legally the contract is much broader than the written terms of employment. Instead the written statement 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.

Prior to April 2020 written statements only needed to be provided to employees. Now both employees and workers have this right.

The right to a written statement is also now a 'day one' right. This means that 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'.

Information which must be provided in a single document must include at least:

(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)
- Any probationary period which starts at the beginning of the engagement, 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)
- Any other benefits (including non-contractual benefits such as childcare vouchers or 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 part of any training entitlement 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)

If the written terms refer to other documents it's important for an employer to state:

- what they are
- where to find them

A template of a written statement of particulars to can be downloaded at gov.uk

As well as the written statement 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

Acas provides the following guidance on what an employer needs to do if they want to make a change to an employment contract: www.acas.org.uk/changing-an-employment-contract

12. Policies and procedures

For many new employers it may feel unnecessary to have an enormous Employee Handbook containing a whole raft of procedures and policies, 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 maybe 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
- 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 13 below)

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

- Bullying and harassment policy
- Maternity, adoption and paternity leave policy
- Whistleblowing policy



13. Health and safety

It is vital that all employers are aware of the health and safety issues which apply to all workers and also visitors to their premises. This even applies to organisations who may not yet have employed any staff.

If an employer has five or more staff then they must, by law, 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.

14. Equality and discrimination

All employees, and recruitment candidates, are entitled not to be discriminated against, or treated unfavourably, because of a 'protected characteristic' including race, sex, disability, sexual orientation, religion or belief, age, marital status or civil partnership, pregnancy/maternity or gender reassignment.

Employers should note that the employee, or candidate, does not have to possess that protected characteristic him/herself.

As an employer or manager, you should do all you can to try to prevent and stop bullying, harassment, discrimination and victimisation at work.

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, and part-time workers 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 the [Acas website](#). Acas provide a range of helpful guides, templates and tools covering this topic, including an Equality policy template.

15. Induction

The first day arrives, and the new employee finally commences employment! It is a great achievement to reach this point, but now isn't the time to sit back and let the new employee just get on with it!

It is extremely important that the employer has spent the time preparing for how the new recruit will be welcomed to the organisation and settled into their role. Failure to do this 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 on 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.

Many employers 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. This can involve a range of activities from familiarising new staff with the building and facilities, meeting colleagues and starting new working relationships, specific training essential to the role and learning about the new organisation and its ways of working.

Every organisation, whatever its size, should have a well-considered induction programme. It 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 of 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 of 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 have an understanding of other policies and procedures not covered in the first week
- Checking they are settling in or have any concerns
- Assessing training needs

At six months

It could now be time for the organisation to make a probationary decision, although any performance issues or concerns should have already been discussed during the probationary period. At this point new objectives and training needs could be established.

Please note – 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.

16. 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.

17. Automatic disqualification of trustees and people in senior positions

This information has been written by Sandy Adirondack (Governance and legal information for voluntary organisations) www.sandy-a.co.uk

The final provision of the Charities (Protection and Social Investment) Act 2016 comes into effect on 1 August 2018, automatically disqualifying certain people from serving as charity trustees or in some senior positions in charities in England and Wales – regardless of whether the charity is registered with the Charity Commission. There are steps that need to be undertaken by all charities, their trustees and senior managers.

The existing provisions remain in place. But from 1 August 2018, this list of circumstances triggering automatic disqualification is widened. In addition, and very significantly, anyone who would be automatically disqualified from serving as charity trustee is automatically also disqualified from **holding an office or employment in the charity with senior management functions**, unless the Charity Commission grants a waiver. These changes are in s.9 of the 2016 Act, which amends s.178 of the Charities Act 2011 and inserts a new s.178A.

Senior management positions are defined as:

- the most senior executive position in a charity, with overall responsibility for the day to day management and control of the charity and accountable directly to the trustees; and
- where control of the charity's finances has been delegated, the person (other than the most senior executive) with overall responsibility for day to day management and control of the charity's finance; and is accountable only to the chief executive (or similar) or the trustees.



The designation is based on the **functions** actually carried out by the person, not their title – so someone could be called coordinator, convenor, general secretary, administrator, development worker or anything else and still hold the most senior position.

The new disqualification rule does not apply to all senior managers – only to the most senior manager or equivalent, and – if it is a different person – the most senior person who controls the finances. The Commission's guidance refers to such positions as **restricted**. The holder of a restricted position may be an employee, volunteer, consultant or similar.

Where a senior management position is job-shared, or in flat hierarchies where there are several people in senior management positions, each directly accountable to the trustees rather than to another staff member, each of those positions would be restricted.

In addition, if a person has been disqualified as a trustee, and they are involved in controlling or managing a corporate trustee which is itself the trustee of a charity, they will not be able to be involved in decisions about the charity's administration. A corporate trustee is an incorporated body, such as a registered company or a local authority, which serves as a trustee.

Additional circumstances leading to automatic disqualification from 1 August 2018 are:

- an unspent conviction for specified offences under counter-terrorism legislation, money laundering legislation or the Bribery Act 2010; offences of misconduct in public office, perjury or perverting the course of justice; or attempting, aiding or abetting these offences
- contempt of court
- being designated under terrorist asset-freezing legislation
- being on the sex offenders register

Waivers from disqualification

Since 1 February 2018, a current or potential trustee or senior manager who will be caught by the new provisions has been able to apply to the Charity Commission for a waiver from disqualification. Trustees caught by the earlier provisions, from 1992, have always been able to apply. When considering waiver applications the Commission's general view is that the disqualification should apply, but there are some circumstances where it will agree to waive the disqualification if it is in the interests of the charity to do so. For further information read the guidance from on how the Charity Commission assesses waiver applications and makes a decision.

18. Information and resources

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

1. **HMRC** – www.gov.uk
Becoming an Employer:
www.hmrc.gov.uk/courses/syob3/new_employer/HTML/new_employer_menu.html
Right to Work in the UK: www.gov.uk/legal-right-work-uk



2. **Acas** – www.acas.org.uk
Guide for new employers: www.acas.org.uk/index.aspx?articleid=2949
Help for small firms: www.acas.org.uk/index.aspx?articleid=4231
Recruiting an employee: a step-by-step guide:
www.acas.org.uk/index.aspx?articleid=4216
3. **GOV.UK** – www.gov.uk
Employing People: www.gov.uk/browse/employing-people
Interactive template for a written statement of employment particulars:
www.gov.uk/government/publications/employment-particulars-written-statement-form
4. **Home Office Employer Enquiry helpline** – advice on right to work in the UK
Telephone: 0300 123 5434
5. **HSE (Health and Safety Executive)** – www.hse.gov.uk/index.htm
Writing a health and safety Policy: www.hse.gov.uk/simple-health-safety/write.htm
6. **Equality Act 2010**
www.gov.uk/guidance/equality-act-2010-guidance
www.equalityhumanrights.com/en/equality-act-2010/what-equality-act
7. **Care Quality Commission** - www.cqc.org.uk

This guide was updated by Clare Cooper in June 2021 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)

Resources from Sandy Adirondack (Governance and legal information for voluntary organisations) www.sandy-a.co.uk

1. **The Charities (Protection and Social Investment) Act 2016**, along with very clear and helpful explanatory notes: www.legislation.gov.uk/ukpga/2016/4/contents
2. **Charity automatic disqualification rules: Prepare for changes to the law**, Charity Commission news release, 25/6/2018: www.gov.uk/government/news/charity-automatic-disqualification-rules-you-can-now-apply-for-a-waiver Brief summary of key actions for charities, trustees and senior managers
3. **Automatic disqualification rule change**, Stone King solicitors, March 2018: www.stoneking.co.uk/literature/other-articles/automatic-disqualification-rule-change. A useful 3-page overview
4. **Automatic disqualification rule changes: guidance for charities**, Charity Commission guidance, updated May 2018 (most recent as of June 2018):



www.gov.uk/guidance/automatic-disqualification-rule-changes-guidance-for-charities. Explains the changes and how to prepare for them. Includes, in the current automatic disqualification rules section, a very useful 4-page PDF with details of the current and forthcoming criteria; and in the Preparing for the rule changes section,

links to sample declarations for current or potential trustees and senior managers. These declarations are to be used in addition to, not instead of, the existing basic trustee declaration of eligibility

5. **Automatic disqualification rules for charity trustees and charity senior positions**, Charity Commission guidance, updated May 2018: www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions. Guidance for individuals about the rules, clarifying what is a senior management position, what to do if you become disqualified and how to apply for a waiver. Includes, in the How to apply for a waiver section, a link to apply for a waiver
6. **Our guidance for charities: Leading charities with conviction** and **Our guidance for individuals: Leading charities with conviction**, wonderfully titled guidance from Unlock, a charity supporting people with criminal records, about the new rules: www.unlock.org.uk/projects/changes-charity-rules/
7. **How the Charity Commission assesses waiver applications and makes a decision**, Charity Commission, January 2018: www.gov.uk/government/publications/how-the-charity-commission-assesses-waiver-applications-and-makes-a-decision

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