



Providing an overview to an employers' employment law obligations

the HR information required
to support small to medium sized businesses

HR Guide

Our HR Guide is a very quick summary of the main points of employment law. This pdf document is intended to provide an overview and is not intended to be a complete guide to an employers' employment law obligations.

Subscribe to www.HRGuide.co.uk to get access to a complete suite of HR Policies, Forms, Template Letters and HR How to Guides on every aspect of people management.

Contents

1. Recruitment Guidelines
2. Employee Induction
3. Contracts of Employment
4. Managing Maternity, Paternity and Adoption leave plus Managing Sickness Absence
5. Managing Poor Performance

1. Recruitment Guidelines

Hiring the best person for the job requires planning, preparation, organisation and working through a carefully thought-out and practical process.

This checklist gives a brief overview of the steps to follow in recruiting a candidate who should prove to be the correct choice. It is a template an employer can adapt or develop to meet its needs. It is best used in conjunction with our Recruitment HR How to Guide – Happy Reading

Step 1 - Identify staff needed: where, why and plan for the future

Step 2 - Prepare

Compile documents for the vacancy:

- Job description
- Person specification
- Job application form
- Equality & diversity monitoring form
- Job offer letter template /Written Statement of Terms and Conditions of Employment
- Information about the employer

Download our sample job descriptions, person specification template, sample application form plus Offer Letter Template and sample Contracts of Employment at www.hrguide.co.uk

Step 3 - Advertise

Before drawing up the job ad, decide factors such as how candidates should apply, who will sift applications and the rate of pay. Then, choose where to advertise in at least two different channels. Compile the job ad, carefully ensuring the wording is not discriminatory.

Use our online recruitment portal to manage your recruitment (see HRGuide.co.uk)

Step 4 - Handle applications

Provide a 'Hard Copy' or an online 'application pack' to applicants – this would usually include:

- application form
- job description
- person specification
- equality & diversity monitoring form
- information pack about organisation

Step 5 - Run the Selection Process

- Using the job description, person specification and application forms, at least two people trained for the task should objectively draw up a shortlist of candidates for interview and/or further assessment
- Invite shortlisted candidates for interview/ assessment, and ask whether they need any 'reasonable adjustments', often called 'access requirements', for any part of the recruitment process
- Get ready for the interviews, to be conducted by more than one person trained for the task:
 - plan questions to probe skills and qualities essential for the job
 - decide how candidates' answers will be scored
 - anticipate candidates' questions and have the info ready
 - plan any selection tests/ presentations etc and how they will be scored
 - book a private room which will not be interrupted by telephone calls or visitors
- Conduct the interview:
 - welcome the candidate and give them a little time to get their own materials to hand
 - briefly outline the job and the organisation, then move to the first question
 - ask questions which cannot be answered 'yes' or 'no'. They usually begin with 'what', 'why', 'when' or 'how'
 - listen and make brief notes on key points
 - check the candidate is familiar with the terms and conditions of the job, and finds them acceptable
 - keep to the time frame for the interview, but allow for the candidate's questions
 - tell the candidate when they can expect to hear from the organisation
 - explain that a job offer to the successful candidate will be subject to pre-employment checks
 - do not ask for personal information or personal views irrelevant to the job, or potentially discriminatory questions
 - do not ask health-related questions before making a job offer, part from in circumstances allowed in law
 - Select the best candidate for the job using the scoring method decided at the start of Step 5

Step 6 - Complete Final Details

- Send the successful candidate a job offer letter and explain pre-employment checks will have to be made
- Make pre-employment checks such as the candidate's right to work in the UK and references. See our HRGuide Template, Outline of a Pre-Employment Checklist
- Resolve any employment contract queries
- Before the recruit starts their new job:
 - give them their Written Statement of Terms and Conditions of Employment to avoid disagreements or misunderstandings
 - remind them where to find out about the organisation's procedures and policies
- Write to unsuccessful candidates and give carefully considered feedback if requested

2. Employee Induction

Once you have recruited a new employee it is essential they get a thorough induction to ensure they understand the Company, their Function, their role and the rules and procedures the Company operates by.

This checklist should ensure that both the new employee and their line manager know what has or has not been covered at any given time.

They both need a copy which should be kept up to date, so they can follow what is happening. It can also act as a reminder of anything that needs particular attention.

While a checklist is helpful, it should not turn the induction into a tick-box exercise. It should be the responsibility of both management and the new starter to ensure all items are properly covered.

Employee Induction template Checklist

Name of employee:

Job title:

Start Date:

Date induction completed: (Line Manager and new starter signature)

Line Manager Name:

First day	Carried out by	Date	Notes
Welcomed by			
Show new employee where they will be working			
Introduce them to their line manager, colleagues, including their 'buddy' and senior managers			
Show new employee rest of organisation including facilities			
Deal with any key matters such as their P45, National Insurance number and security card			
Outline health & safety			
First week	Carried out by	Date	Notes
Introduction to the company			
1. Who's who, how it works and what it produces			
2. Future plans and developments			
3. Brief history			
New employee's job			
<ul style="list-style-type: none"> Explain it fully, how it fits in the organisation and work practices Outline expected performance and how it will be assessed Training Possible opportunities for future development 			
New employee's terms and conditions of employment			
Run through...			
<ul style="list-style-type: none"> them to ensure they understand and have them in writing This includes details of any probationary period ... and hours, breaks, holidays and when they will get paid Pension information 			

First week	Carried out by	Date	Notes
Rules and Policies			
The organisation's important rules on:			
<ul style="list-style-type: none"> job performance discipline absence, including because of illness and sick pay complaints against staff, such as bullying and harassment Other important rules such as use of the company internet, email and phones Periods of notice Maternity/paternity/parental leave/shared parental provisions Details such as dress code, parking, smoking and the canteen Complete documentation on new employee's appointment for their personnel file to be kept securely 			
Also say where more details can be found			
Health & Safety			
Detailed training on health & safety in the organisation			
First month	Carried out by	Date	Notes
The organisation's commitment to being an equal opportunities employer			
Details of any employee representation, including any trade union membership			
Towards the end of four weeks, an informal meeting with the line manager to assess how the new starter is adjusting to their role, and whether they have any particular coaching or training needs, or other concerns			
At three months	Carried out by	Date	Notes
Review with the line manager how the new starter is settling in and performing			
This is also an opportunity to pinpoint any development needs, set timescales for achieving them and adjust work targets if required			
At six months	Carried out by	Date	Notes
If the new employee is on probation, then it's decision time – will they stay or go?			
If they're staying, it's time for the line manager to look to the next six months, any new work objectives, and any experience, coaching or training needs			
At 12 months	Carried out by	Date	Notes
Ask the employee for feedback on their induction – what worked well?			
What could be improved?			

3. Contracts of Employment

What an employment contract is

An employment contract is a legal relationship between an employer and an employee.

What an employer must provide in writing

By law, an employer must provide anyone who is classed as an employee with the terms of their employment in writing (a 'written statement of employment particulars').

This document must contain a summary of the main terms of employment which includes:

- the employer's name
- the employee or worker's name
- the start date (the day the employee or worker starts work)
- the date that 'continuous employment' (working for the same employer without a significant break) started for an employee
- job title, or a brief description of the job
- the employer's address
- the places or addresses where the employee or worker will work
- pay, including how often and when (for example, £1,000 per month, paid on the last Friday of the calendar month)
- working hours, including which days the employee or worker must work and if and how their hours or days can change
- holiday and holiday pay, including an explanation of how its calculated if the employee or worker leaves
- the amount of sick leave and pay (if this information is not included in the document, the employer must state where to find it)
- any other paid leave (if this information is not included in the document, the employer must state where to find it)
- any other benefits, including non-contractual benefits such as childcare vouchers or company car schemes
- the notice period either side must give when employment ends
- how long the job is expected to last (if it's temporary or fixed term)
- any probation period, including its conditions and how long it is
- if the employee will work abroad, and any terms that apply
- training that must be completed by the employee or worker, including training the employer does not pay for

Terms that can be provided later

Employers can provide some terms in instalments.

Instalments do not have to be given at the same time but must be provided no later than 2 months after the beginning of the employment.

The terms that can be given in instalments are:

- pension arrangements (if this information is not included in the document, the employer must state where the employee can find it)
- any terms and conditions that apply to other employees too (known as 'collective agreements')
- details of any training provided by the employer that is not compulsory (if this information is not included in the document, the employer must state where to find it)
- disciplinary rules and disciplinary and grievance procedures

Download our Sample Contracts of Employment and HR How to Guide to develop your own bespoke Contracts

4. Managing Maternity, Paternity and Adoption leave plus Managing Sickness Absence

Download our HR How to Guide on all these topics in order to successfully manage your employees

5. Managing Poor Performance

A disciplinary procedure is a formal way for an employer to deal with an employee's:

- unacceptable or improper behaviour ('misconduct')
- performance ('capability')

Before starting a disciplinary procedure, the employer should first see whether the problem can be resolved in an informal way. This can often be the quickest and easiest solution.

The employer could try solving the issue with their employee by:

- privately talking with them and any other staff involved
- listening to their point of view
- agreeing improvements to be made
- setting up a training or development plan if it is a performance issue

Dealing with capability issues

Capability or performance is about an employee's ability to do the job and is based on:

- support, training and encouragement to improve

Whether the employer deals with the issue under a capability or disciplinary procedure, they must do so fairly.

What counts as misconduct

Misconduct is when an employee's inappropriate behaviour or action breaks workplace rules.

Some misconduct examples include:

- bullying, harassment, refusing to do work ('insubordination')
- being absent without permission (some people call it absent without leave or 'AWOL')

When there is gross misconduct

Some acts count as 'gross misconduct' because they are very serious or have very serious effects.

If an employer finds there has been gross misconduct, they should still carry out an investigation and the full disciplinary procedure. They might then decide on dismissal without notice or payment in lieu of notice.

Examples of gross misconduct in the workplace could include:

- fraud or physical violence
- serious lack of care to their duties or other people ('gross negligence')
- serious insubordination, for example refusing to take reasonable orders from a supervisor

Following a fair procedure

If the employer has considered trying to resolve the issue informally but feels they need to start a disciplinary procedure, they must tell the employee straight away.

This should be done in writing and should include:

- sufficient information about the alleged misconduct or poor performance
- possible consequences, for example a written warning

The employee should have this information in time to prepare for a disciplinary meeting. The employer must make sure they follow a full and fair procedure throughout. This is for the protection of the employee, the employer and their business.

Download our HR How to Guide on Managing Disciplinary in order to successfully manage instances of Poor Performance.



The subscription based online HR service for
small to medium sized businesses

Email: enquiries@hrguide.co.uk

MyHRGuide

Waterhouse Business Centre, 2 Cromar Way,
Chelmsford, Essex. CM1 2QE

Office: +44 (0) 3300 580788 / **Web:** www.hrguide.co.uk