

Hiring and Employing Staff

Introduction

When your business needs to take on a new member of staff it's important to understand your legal obligations as an employer, and to make sure your recruitment processes are fair.

In this guide, we look at the main stages of recruiting a new employee. Employment legislation is complicated, so it's a good idea to get professional advice when necessary.

The main stages of recruitment

Write a job description

This should include:

- Job title.
- The main purpose of the job.
- Responsibilities and tasks.

Write a person specification

Think about the skills, experience and personal qualities that are essential to carry out the job, and those that are 'desirable' but not essential.

Decide how applicants should provide information about themselves

For instance, you could ask applicants for:

- A completed application form.
- A CV.
- A covering letter.
- The names and addresses of two individuals who can supply references.

Write a job advert

Your job advert should contain the following information:

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- The location of the job.
- Description of your business.
- Job title and a summary of responsibilities.
- Summary of required skills, qualifications and experience.
- How to request further information and apply for the job.

Make an application pack

This should include the job description, person specification, application form (if you are using one) as well as some information about your business.

Advertise the job and shortlist and interview applicants

As best practice, you should involve another person in shortlisting and interviewing applicants to make sure that the assessment is objective, consistent and fair.

Make a verbal job offer

When you have selected the applicant that you would like to recruit, you can make a verbal job offer. You should make it clear that the offer is subject to any pre-employment checks you need to carry out.

Carry out legally required checks

- For all jobs, you must carry out a 'right to work check' to make sure that the candidate would not be working in the UK illegally.
- For some jobs, such as working with children or in healthcare, a criminal record check may also be required.

Take up references, if these are required

Make sure you have the applicant's permission before taking up references. Remember that the information you get from references is confidential and shouldn't be discussed with other employees.

Send the successful applicant a written job offer

If all checks are satisfactory, you should send a written offer to the successful applicant. This is an important document, and you should word it carefully to include:

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- The title of the job.
- Terms such as salary, hours, benefits, pension arrangements, holiday entitlement and place of employment.
- Start date.
- What the applicant needs to do to accept the offer or turn it down.

Send rejection letters to unsuccessful interviewees

When you have made a job offer and it is accepted, you should send rejection letters to the unsuccessful interviewees.

Key legal aspects of recruitment

Avoid discrimination

Under the Equality Act 2010, you must not discriminate against employees or job applicants on any of the following grounds:

- Gender.
- Race.
- Age.
- Marital status or whether they are in a civil partnership.
- Being pregnant or having a child.
- Disability.
- Religion or lack of religion.
- Gender reassignment.
- Sexual orientation.

Keep all application forms and letters of rejection on file for six months after the recruitment process has ended. This way you can provide evidence, if necessary, that your recruitment process was not discriminatory.

Comply with data protection regulations

- You should give job applicants clear information about what personal data you collect from them and what the purpose for collecting it is.

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- Make sure that you only collect personal data that is necessary for the stated purpose, and that you do not use it for any other purpose.
- Make sure that you do not keep it for longer than necessary.
- Allow employees and job applicants to view the personal data that you hold about them on request, and to correct it or have it erased in certain circumstances.
- Make sure that personal data is stored securely.

Your obligations as an employer

Once you have recruited your new member of staff, there are other tasks you'll need to think about:

- Make sure you have employers' liability insurance, as this is a legal requirement.
- If you are a first-time employer, you will need to register as an employer with HMRC and set up a payroll.
- You will need to provide an auto-enrolment pension scheme for employees aged between 22 and the state pension age if they earn more than a minimum amount set by the government each year.
- Arrange an induction for your new employee.
- Provide health and safety training.
- Give your new employee a written statement of employment particulars on or before their first day at work.
- Make sure that you never discriminate against employees on grounds such as sex, race, age or disability.
- You must comply with employment laws covering issues such as paid holiday, rest breaks, sick pay and the minimum wage.

Hints and tips

- [Acas provide templates](#) for writing job descriptions, person specifications, application forms and job offer letters.
- It's important to keep up to date with legislation relating to recruitment. Your local [Jobcentre Plus](#) or [Acas](#) office can provide further information.

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- If you expect applicants to have particular skills, such as typing or bookkeeping, consider arranging a suitable test before or after the interview. Let the applicant know in advance about any tests.

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