

# **Just Employment**

## **A Guide to Employing Staff in Faith-based Projects** (July 2025)

## Contents

### **Section 1 Introduction and welcome**

Christian and Faith Ethos  
Ethos Statement  
What type of Worker do we need?

### **Section 2 Recruitment**

Job Description  
Person Specification  
Occupational Requirements  
Advertisement  
Application Pack  
Selection process  
Interviews  
References  
DBS Disclosures  
UK Border Agency Guidance  
Selection of Successful Candidate  
Job Offer  
Recruitment Paperwork

### **Section 3 Documentation**

Written particulars  
Contract of Employment  
Probationary period  
Confirmation of Position

### **Section 4 Pay and Reward**

Payment information  
National Minimum Wage  
Holiday Entitlements  
Expenses  
Pension arrangements

### **Section 5 Performance Management**

Work-life balance  
Staff retention  
Coaching & Supervision  
Review / Appraisal  
Training  
Absence Management

## Contents

### **Section 6 Dismissal and Redundancy**

- Dismissal procedures
- Redundancy
- Ending a Fixed Term Contract

### **Section 7 Policies**

- Disciplinary, Grievance and Appeal Procedures
- Mediation
- Capability Policy
- Complaints procedure
- Whistle blowing Policy
- Equal Opportunities Policy
- Health & Safety
- Protection of Children and Adults who are Vulnerable
- Lone Working
- Working Time Regulations
- Maternity Leave
- Paternity Leave
- Adoption Leave
- Neonatal Care Leave
- Parental Leave
- Right to time off for emergencies
- Right to join a Trade Union
- Smoking Policies
- Age Discrimination

### **Section 8 Volunteers**

- Recruiting
- Volunteer Agreement
- Training
- Expenses
- Performance issues

### **Section 9 Health and Safety**

- Office Health and Safety
- Display Screen Equipment guidelines
- Manual Handling
- Risk Assessment

### **Section 10 Useful Contacts and Addresses**

## Suggested Documents available on the website

- Employment document - checklist
- Application Form
- Equal Opportunities Monitoring Form
- Recruitment Background Information
- Job Description
- Person Specification
- Advertisement
- Interview Questions
- Unsuccessful applicant letter
- Invitation to interview letter
- Unsuccessful interviewee letter
- Job Offer letter
- Reference Request Form
- Contract of Employment
- Sessional Worker / Zero Hours Contract of Employment
- Amendment to Contract of Employment letter
- Expenses Claim Form
- Payroll Information Form
- Review / Appraisal documents
- Holiday record card
- Return to Work after sickness absence Interview Form
- Sickness record card
- At risk of redundancy letter
- Notice of redundancy letter
- Statutory Redundancy Calculation statement
- Disciplinary Hearing letters
- Capability Policy & Procedure
- Complaints Policy & Procedure
- Disciplinary and Appeal Policy & Procedure
- Equal Opportunities Policy
- Grievance and Appeal Policy & Procedure
- Health & Safety Policy
- Absence Management Policy
- Letters acknowledging maternity / adoption leave
- Lone Worker Policy
- Protection of Children and Adults who are Vulnerable Policy
- Whistleblowing Policy
- Volunteer Agreement
- Volunteer Expenses Claim Form
- Frequently asked questions

# Section 1 - Introduction

## Introduction and welcome

### **Welcome to *Just employment***

***Just employment*** is all about helping projects and churches employ both paid staff and appoint volunteers with a duty of care that embraces both the employers' legal obligations, and the moral and ethical standards expected of the faith / third sector.

It is a resource that was originally developed by the Church Urban Fund in collaboration with the Dioceses of Chester, Liverpool and Manchester. It is designed to help and support you and has been updated by the Diocese of Chester with support from the Diocese of Carlisle. For a comprehensive introduction to the site content and ethos please see section 1.

1. **The first step** in employment or developing volunteering is to ensure that your project understands why a job of work needs doing, what the expectations of the role are, and how it "fits" into the running of the organisation. This should be developed in advance of using this web resource.
2. **The next stage** is usually securing funding, although this resource does not assist with that process. However, you will usually need job descriptions, policies and contracts of employment to support funding applications.
3. **Recruitment of staff** is fully covered in section 2
4. **Replacement of staff** is fully covered in section 2
5. **Pay and performance issues and management** for both existing and new staff are found in section 4 and section 5
6. **When things go wrong or projects have finished** and dismissal or redundancy has to be considered section 6 will help, together with the policies in section 7
7. **Volunteers** are included in section 8 and has a link to the ***Faithfully Volunteering*** best practice guide.
8. **Health and safety** advice is found in section 9
9. **Useful contacts** are found in section 10

### **Navigation**

The ***Just employment*** document is extensive with a comprehensive range of resources. No project will use all of the options at any one time; it is a buffet rather than a set menu!

**And finally** seek help where necessary. The Diocesan staff will be pleased to provide help and support. Please see the website for contact details.

# Section 1 - Introduction

## **Christian and Faith Ethos**

It is important that all those working within the project support the ethos of the organisation. Some projects may find it useful to prepare an Ethos statement, which will define the basis of the project.

It may be that some project workers will not need to be members of a faith, and whilst you will want to respect their right to express different religious opinions, they should respect the ethos of your project and do nothing that would undermine it. You will probably want to include in your documentation that a breach of your ethos may result in the disciplinary procedure being invoked.

You may decide that there is an Occupational Requirement that the post holder is a member of the faith - more information on this is included later in this document.

## **Ethos Statement**

Faith organisations will find it helpful to write an Ethos statement showing the principles to which the organisation and its members hold. This will prevent issues and misunderstanding occurring which may result in disunity and claims against the employer. The Ethos statement should be agreed by the Trustees.

Christian organisations of an evangelical tradition will often adhere to the Evangelical Alliance Basis of Faith and adopt it as their Ethos Statement or amend it accordingly. The Evangelical Alliance Basis of Faith is available on their website: <http://www.eauk.org/about/basis-of-faith.cfm>

## **What type of Worker do we need?**

There are various types of workers that can be employed, so the first task is to decide what exactly you will require the worker to achieve. You may decide that the project would be best fulfilled by a volunteer rather than a paid worker. Perhaps an audit of your present work in the required project area will help you to see what gaps remain as well as areas that you may like to improve and build upon.

## Section 1 - Introduction

Some questions to consider are:

- Do you want work with the under 5 year olds?
- Do you want work with the 5 to 11 year olds?
- Do you want work with the 11 to 18 year olds?
- Do you want work with the over 18 year olds?
- Do you want a specialised area of work – if so what?
- Do you want someone to work Full Time?
- Do you want someone to work Part Time?
- Do you have the funding?
- If funding is available, how long is this available for?
- Do you want to appoint someone for a fixed period of time?
- Will the position be a permanent appointment?
- Is there any accommodation / housing available?
- What other benefits may you want to offer?
- Do you intend to offer access to a pension scheme? Which pensions schemes can you access?

Staff from your local diocese or project area may be available to help you think through the answers to these questions as well as to consider the likely cost of the type of worker you choose. When determining the cost of a worker thought will need to be given to the calculation of the gross cost of employment which will include the costs of National Insurance contributions, pension, supervision, office space and equipment, lighting and heating and so on.

A checklist is available in this document which may be helpful in making these decisions.

## Section 2 - Recruitment

### **Recruitment**

Once the Parochial Church Council (PCC), Management Committee and Trustees have authorised the appointment of a Worker and the funding has been secured, you will need to begin the recruitment process.

Thinking through the process is really important. It must be transparent and objective and should follow best practice guidelines. You will become an employer and will have the associated responsibility to meet legal requirements, including Equal Opportunities requirements. You should not become frightened to embark on this journey, but it is a significant process to recruit the appropriate person with the skills and knowledge to undertake your crucial piece of work.

It is a good idea to have in mind a timescale as to when you would like the worker to commence employment in your project, bearing in mind that the whole recruitment process will take approximately 3 to 4 months. You may require the worker to live within your project area or parish so you will also need to determine when the accommodation / house (if there is one) will be available, especially if it is occupied or rented, or in need of refurbishment and decorating. Care should be taken in making this decision as you may not find someone with the skills you require in the local area and insisting that someone lives within the area may reduce the number of applicants. Indeed, for some posts, for example a drugs worker, it may be beneficial for the worker to live away from the area as consideration should be given to the safety of the worker, any conflict in their role and the boundaries under which they will operate. You will also need to consider the personal circumstances of the worker and what you will do if these change. However, for some posts it will be essential that the worker is a member of the community in which they work.

There are limitations in seeking to recruit someone known to you – a preferred candidate or someone from a local network. If your project claims to be an Equal Opportunities employer, it will need to advertise the position to allow candidates the opportunity to apply. You will also need to consider the possible problems you will encounter if your preferred candidate is unsuccessful, especially if they have previously performed the role as a volunteer for a period of time.

There is a good deal of legislation which relates to employment which begins with the recruitment process. This will be referred to at each stage in this guide. However, as the legislation is always subject to change, further up to date information will be provided from time to time.

## Section 2 - Recruitment

### Job Description

The purpose of the job description is to provide details of the aim of the job and the main duties that will be required to fulfill the role. It should provide answers to the questions:

- What is the job for?
- What does it contribute to the organisation's aims and activities?
- How and where does it fit into the organisation?
- What are the job's main duties and responsibilities and / or accountabilities?

The format of the job description will vary according to the complexity of the job. However, it should always include at least the following information:

- Job title
- Reporting relationships
- Overall purpose (job profile)
- Duties
- Salary grade and pension
- Location

It is worth remembering that the job title should describe the function of the actual job and whether or not it is a managerial position. Those contacting from outside the organisation should understand what the job entails from the job title.

The overall purpose of the job (job profile) should answer the question "why does the job exist?" It is helpful to construct the sentence using:

A verb to highlight the principal activity or activities the job involves –

- To plan
- To supply
- To develop
- To provide
- To advise

Who will benefit from the work?

- A group of people, for example, older people, youth or children
- People with particular needs, for example, mental health, substance abuse
- A particular issue, for example, homelessness, housing conditions and environmental issues
- A particular neighbourhood

## Section 2 - Recruitment

The purpose of the activity –

- To reduce isolation and encourage the development of relationships in the wider community
- To plan and deliver a holiday club for school age children
- To improve parenting skills
- To enhance the well-being of individuals

The job description should not form part of the Contract of Employment (words to this effect should be included at the bottom of the job description) as the duties should be amended and updated regularly as the role develops. An ideal opportunity to update the job description (in agreement with the post holder) is at a review / appraisal discussion when the objectives for the forthcoming year are agreed. The list of duties should be amended to reflect the tasks required to fulfill the objectives set.

Although the job description will be periodically reviewed and updated it is likely that circumstances will occur from time to time in which the employee will be required to perform a duty (or duties) which are not included in the current Job Description. To avoid any misunderstanding (or possible disputes) a statement should be included along the following lines:

“such other duties as the management may from time to time reasonably require”.

Where the majority of the duties are to be performed by a person of a particular faith, for example, a practicing Christian, there may be an Occupational Requirement for the post holder to be a Christian. See the section on Occupational Requirements which follows.

Where there is a vacancy for an existing post, the Job Description should be re-written to reflect any changes that have taken place, or are to take place, for the job holder.

Finally, the job description should be dated. This will show that it is up to date for the job role.

A sample job description is available in this document.

### **Person Specification**

The purpose of the person specification is to decide what knowledge, skills and attributes the successful candidate will need to possess. You may wish to include a section on work related circumstances where you specify details around patterns of working.

## Section 2 - Recruitment

It is usual to separate these into two sections: essential (where the post holder must possess a certain level of knowledge or skill) and desirable (where it would be an advantage for the post holder to have these skills or knowledge, but where they are not fully necessary).

Knowledge may include the necessary qualifications required to fulfil the post, and whether any previous experience is required. Care must be taken to ensure that the length of previous experience requested is absolutely essential and does not breach the Equality Act by precluding younger people. For example, by asking for 5 years' experience you may exclude younger workers with the necessary skills and qualifications. Knowledge may also include areas of legislation or theological understanding, depending upon the position.

Skills may include computer skills, administrative skills, interpersonal skills, and communication skills. For example, it may be desirable for the job holder to have a working knowledge of PowerPoint software to produce PowerPoint presentations.

Finally, consider what attributes or behaviours (e.g. a good listener) you would like to be evident in the post holder.

A sample person specification is available in this document.

### **Occupational Requirements**

The Equality Act 2010 allows for a job to have an established Occupational Requirement for the post holder to belong to a particular faith or religious tradition where the duties of the post require it. The organisation will need to show that requiring a person of the particular faith is a "proportionate means" of achieving a "legitimate aim". For most faith-based organisations the legitimate aim would be to maintain the organisation's ethos.

Where the majority of the duties are to be performed by a person of a particular faith, for example, a practicing Christian, the Occupational Requirement for the post holder to be a Christian may be a "proportionate means". However, this must be considered objectively, and thought must be given as to whether it would be more appropriate to separate out the Christian (faith) elements of the job and allow these to be performed by another person. In order for an Occupational Requirement to exist, the Christian (faith) element of the role must be "determining and proportionate". In such cases, the list of duties on the job description will reflect this; they will usually make up in excess of 50% of the list of duties. Where a decision has been made that a job must be performed by a

## Section 2 - Recruitment

Christian, the job description should show this. The wording "An Occupational Requirement exists for the post-holder to be a practicing Christian in accordance with the Equality Act 2010" should be included on the Job Description. This statement should also be included in the job advertisement and on the recruitment documentation.

### Advertisement

When writing the advertisement, it is important to ensure that it is not discriminatory in any way. The advert should be eye-catching and appealing to the type of person that you are hoping to attract. It can be useful to look through the job papers and magazines to get an idea of what other adverts are being placed. Adverts are usually kept short due to the costs of printing. More information can be included if the advert is to be placed online or digitally. A sample advert is available in this document.

If, when preparing the Job Description and Person Specification, an Occupational Requirement has been established for the post holder to be a practising Christian, the advertisement must include this fact. Placing the following wording in the advert should suffice:

*"An Occupational Requirement exists for the post-holder to be a Christian in accordance with the Equality Act 2010".*

Similarly, if the post holder will have contact with children or adults who are vulnerable, an enhanced Disclosure and Barring Service check will be required. The advertisement must also contain this requirement. Suitable wording could be:

*"An enhanced DBS Disclosure will be required for the successful applicant".*

Unless an Occupational Requirement has been established, the advert should be placed in the non-faith press as well as the faith press. Advertising can be expensive so it is worth considering all the possible options, for example, a local Church magazine may be circulated throughout the local area, clergy mailings will be received by every parish in the relevant Diocese, a church's own website could place an advertisement without cost and the Diocese may be able to advertise the vacancy free of charge (subject to meeting requirements). The greater the circulation of the publication, the greater the pool of potential candidates you will attract.

Some possible places to advertise are:

Pathways – <https://pathways.churchofengland.org/en/jobs>

Church Times – [www.churchtimes.co.uk](http://www.churchtimes.co.uk) – 0207 359 4570 (Advertising 0207 776 1010)

## Section 2 - Recruitment

Christian Vocations – <https://globalconnections.org.uk/> - 01926 487755

Third Sector – [www.thirdsector.co.uk](http://www.thirdsector.co.uk) – 0208 267 8021

National Newspaper – The Guardian – <https://jobs.theguardian.com/> 0203 353 3400  
<https://recruiters.theguardian.com/> (there is a different focus for advertisements on each day for national newspapers so you will need to check with the newspaper)

Local Newspaper

Local job centre

Big Issue

Specialist magazines and papers, for example a Youth Worker magazine

When deciding on the closing date for applications to be received you will need to bear in mind the printing dates of the publication(s) where the advert has been placed. Some have a surprisingly long lead time, and you don't want to waste the money paid for the advert(s) by not giving sufficient time for application packs to be posted out or downloaded, completed by the applicant and returned by post or email to the project committee. Adverts usually include the date that interviews will take place. This can be a useful addition if the interviewing panel have limited time available for conducting the interviews but is likely to preclude any candidates who will not be available on that date.

A suggested advertisement is available in this document.

### **Application Pack**

The information included in an application pack will vary widely depending on the job being advertised. Many organisations consider an application pack to be a form of advertising as the quality of the application pack contents will reflect the organisation. However, this needs to be weighed against the available budget. This should also be able to be downloaded from the website or sent by email.

The bare minimum to include in an application pack is an application form, a job description and a person specification.

It is preferable to send an application form rather than accepting a curriculum vitae (CV) as information can be omitted from a CV whereas it is necessary to answer all the questions on the application form. It is also easier to compare applications during the selection process when they are all made in the same form. Applicants will often send a CV in addition to the application form so that they can provide additional information. Application forms may be completed electronically.

## Section 2 - Recruitment

Care must be taken in the designing of the application form to ensure that any discriminatory or unnecessary information is not collected. For example, it is not necessary to know a person's age when considering them for a position – their ability to undertake the role is of greater importance. Asking for a date of birth will fall foul of the Equality Act 2010. A sample form is available in this document.

It would also be useful to include information relating to the project in the application pack. For example, details of the work that is presently being carried out together with any marketing literature available. For church-based projects a current copy of a Parish Magazine can provide a useful insight into parish life!

Information on the salary and benefits package will also help a prospective candidate decide whether or not they would like to apply for the position.

A monitoring form may also be included to ensure that the advert is reaching all parts of the population. This information must be separated from the application form and not taken into consideration during the selection process. A sample form is available in this document.

A covering letter thanking the person for their enquiry will also provide a useful place to include any additional information, including the date that the interviews will take place.

Finally, don't forget to state the date by which all completed applications must be received, together with details of where the completed application form should be returned!

### **Selection Process**

Once the closing date has passed, all the completed applications should be given due consideration. A small panel of people (to reduce subjectivity) should gather to read through the applications and determine whether all the essential areas of the person specification have been met. It is useful to draw up a table listing the essential and desirable skills specified on the job specification along the top and list the names of the candidates along the side. It is then simple to tick the boxes as you read through the application forms. Those selected for interview should meet all the essential criteria. Depending on the quality and quantity of the applications received, the desirable criteria should also be evaluated. This table should be kept for a period of 6 months (before shredding) from the date of appointment to the position in order that you have the

## Section 2 - Recruitment

evidence of the criteria used for selection should you receive any claims for discrimination in your selection process.

Candidates should only be invited to an interview if there is a confidence that the person meets the requirements for the post. You will also need to undertake a check to fulfil the requirements of UK Visas and Immigration, in ensuring that the candidates have the right to work in the UK. In the first round of interviews, you should only interview people from within the European Economic Area (EEA) or those from outside that already have an established right to work in the UK.

Once the decision has been made, letters or emails should be sent out to the candidates who have been selected for an interview. Consideration should be given as to whether the project intends to pay travel expenses for the candidates and if so the details of the intended payment should be notified to them.

It is a requirement of the Equality Act that interviews are accessible for candidates so you will need to check in advance whether there are any special requirements to be made, for example, wheelchair access, large print documents etc.

It is useful to ask the interviewees to prepare a presentation for the interview in order to gain an insight into their knowledge. For example, asking the candidates to prepare a 10-minute presentation on how the worker would undertake the role, if successful, may be very valuable in assisting with the final selection.

Finally, letters or emails should also be sent to the unsuccessful candidates, thanking them for their applications and interest in the position.

Sample letters are available in this document.

### **Interviews**

The interviews should be conducted by a small panel of people who have knowledge and understanding of the project and its purpose and perhaps will be working with the newly appointed person. Panel members should include some of the following:

- The person who will be responsible for the management of the worker
- A member of the management committee
- A significant partner or stakeholder
- A member of the Parochial Church Council, trustees, elders etc.
- A representative of the user group

## Section 2 - Recruitment

It could also include:

- A worker from a similar charity or project who may be happy to assist with your interviewing process
- A representative of the local community.

The panel should be made up of 3 or 4 people. However, others may be involved in the process by taking the interviewees for a mini tour around the community or taking part in an informal lunch.

A list of questions should be drawn up prior to the interviews taking place. Think about what information you want to obtain from the candidates about their skills, knowledge and experience relating to the person specification and write the questions accordingly. It is important to ensure that all the candidates are given the same opportunity so each candidate must be asked the same questions (apart from additional probing questions in response to an answer given to a question – perhaps seeking some clarification). The questions should be divided between the interview panel so that each person has some questions to ask. One of the interviewing panel should be allocated to take notes. The questions should only relate to the person's ability to do the job – details of their home life, age, marital status, etc. are irrelevant and must not be asked as they will certainly be deemed to be discriminatory.

Sample interview questions are available in this document.

The interviews should be held in a quiet room where you will be confident that you will not be disturbed. Ensure that there is not a telephone that will ring during the interview and switch all mobile phones to silent or off! If the interviews will be held in a room generally used by others it would be worth placing a notice on the door stating that interviews are taking place and should not be disturbed.

Consider the layout of the room. It provides a friendlier atmosphere to sit around a low coffee table in a circle rather than have the interview panel sitting behind a desk with the interviewee sitting opposite.

Ensure that a jug of water and glasses are available. An interviewee can become very dry in the mouth when nervous and the interviewers will also be grateful for a drink during the lengthy interviewing process!

You will also need to be certain that any special requirements requested by the interviewee (in accordance with the Equality Act) have been met.

## Section 2 - Recruitment

Ensure that when the interviews are arranged there is sufficient time allowed for each interview (usually about 45 minutes) as well as a small gap between each interview (perhaps an hour apart). Remember to allow yourselves a break for lunch! This will allow you to prepare for the following interview as well as giving a little spare time in case the interview takes slightly longer than expected. It is important to be prompt with the interview times; as well as giving a professional impression to the interviewees, it is unfair to keep a nervous candidate waiting!

It is usual and helpful to give the candidate a tour of the facilities (the project, area, accommodation, office etc) immediately prior to the interview taking place. This will allow the candidate to ask any relevant questions during the interview itself.

The interview should start with a welcome. The interviewers should introduce themselves to the candidate and thank them for attending. Once the candidate has been put at ease the opportunity should be taken to explain a little about the job available. It is then the appropriate time for the candidate to give their presentation. Once the presentation is over and any questions relating to the presentation have been answered, the candidate will be able to relax a little for the remaining questions. Always leave sufficient time at the end of the interview to answer any questions that the candidate may have.

It is helpful to confirm the terms and conditions of employment (hours of work, pay, pension, accommodation etc) before the end of the interview. This will assist the candidate to decide whether or not they may wish to accept the position should it later be offered to them.

Finish the interview by telling the candidate when you hope to make a decision and by when they can expect to have heard an answer from you.

If any interview expenses have been agreed, ensure that they are paid or the necessary information obtained from the candidate before they leave.

Once all the interviews are completed the interview panel should retire to discuss the performance of the candidates and agree whether an appointment is to be made. Referral should be made to the notes made by the interview panel member(s) for any clarification.

A verbal, conditional job offer may be made to the successful candidate, subject to "references being received which are satisfactory to the organisation" and subject to receipt of an acceptable DBS check, where appropriate. Any verbal job offer should be followed up by a written offer.

## Section 2 - Recruitment

### **Selection of Successful Candidate**

In order to undertake the selection process, you will need to decide on the method of selection to be used: either by taking notes or by scoring the candidates against the person specification. This decision will need to be made prior to the interviews taking place.

After the interviews have been completed the interview panel should discuss the suitability of the applicants. A decision will need to be reached objectively and in regard to the person specification.

Where it is proving difficult to make a final decision, it may be helpful to request that one or two candidates return for a second interview to ensure that the correct decision is being made. However, you need to be clear about what further information is required and what you intend to achieve in the second interview. The purpose should be to clarify the interviewee's ability in a certain area of the work required in the person specification and not another general interview.

Remember that if a suitable candidate is not apparent, it is preferable to start the recruitment process again by re-advertising the post than employing an unsuitable person - however keen a project may be to appoint to a position quickly!

### **References**

Letters or emails should be sent to the referees as soon as a conditional offer of employment has been made to a candidate. The candidate's permission should be sought prior to these requests being made. Some organisations prefer to request references before the interviews are conducted. However, it should be noted that many candidates do not wish their current employer to be aware that they have a job interview and may be reluctant to allow reference requests to be made until a conditional offer of employment has been made.

You should always request a reference from their current or most recent employer. Some employers will only confirm the dates that the employee worked for them and the job title of the employee. This practice is carried out for legal reasons and should not necessarily be considered to reflect the performance of the employee.

## Section 2 - Recruitment

It is usual practice to enclose a stamped addressed envelope when requesting a reference. This is not only polite, but it also ensures that the completed reference (which may be confidential in nature) is received directly by the person who requires it.

Where a reference is received verbally it should always be followed up in writing.

Should a candidate be given a conditional offer (subject to references being received which are satisfactory to the organisation) they may start prior to receipt of the references. In the unusual situation where an unsatisfactory reference is received, the employment may be terminated as the condition of the job offer would not have been met.

### **DBS Disclosure**

Where the employment involves working with children and/or adults who are vulnerable an enhanced Disclosure and Barring Service check will need to be obtained. The application should be completed by the employee as soon as possible since it can take several weeks for the DBS check to be received. Thirtyone:eight - <https://thirtyoneeight.org/> - can provide help and advice on DBS checks as can umbrella bodies for faith traditions.

Where a DBS Disclosure is necessary for the employment, the Contract of Employment should include a clause to this effect. For further information please see the sample Contract of Employment available in this document.

### **UK Visas and Immigration**

The Immigration, Asylum and Nationality Act 2006 sets out the law on the prevention of illegal working.

The onus is on the employer to ensure that the prospective employee has permission to work in the United Kingdom.

There is UK Visas and Immigration guidance on how to be certain that the employee has this permission, whilst ensuring that your recruitment practices do not discriminate against individuals on racial grounds.

## Section 2 - Recruitment

You are required to check and keep a copy of the documents to obtain the statutory defence against conviction for employing an illegal worker. You should ask all your potential employees to provide one of the original documents included in List A (below) or a combination of documents as listed in List B (below and overleaf).

This information is subject to potential change once Brexit is completed.

### List A

- A passport showing that the holder is a British Citizen, or a citizen of the United Kingdom and Colonies having the right of abode in the UK.
- A passport or national identity card showing that the holder is a national of a European Economic Area (EEA) country or Switzerland. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to a national from a European Economic Area country or Switzerland.
- A permanent residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the family member of a national from a European Economic Area country or Switzerland.
- A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

Once you have checked one of these documents there is no need to ask for any further documents contained in List B.

### List B

You will need to see two documents from the combination list below:

#### Combination

- A document giving the person's permanent National Insurance Number and name. This could be a P45, P60, National Insurance card, or a letter from a government agency.

Plus one of the following documents:

- An Immigration Status Document (ISD) issued by the Home Office, the Border and Immigration Agency, or UK Visas and Immigration to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK;
- A full birth certificate issued in the UK, which includes the name(s) of at least one of the holder's parents;
- A full adoption certificate issued in the UK which includes the name(s) of at least one of the holder's adoptive parents;

## Section 2 - Recruitment

Continued...

- A birth certificate issued in the Channel Islands, the Isle of Man or the Republic of Ireland;
- An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland;
- A certificate of registration or naturalisation stating that the holder is a British Citizen;
- A letter issued by the Home Office, the Border and Immigration Agency, or UK Visas and Immigration to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK.

Please note that if an employer checks an original document (e.g. a biometric residence permit) or a combination of two original documents specified in List B, the employer must carry out a follow-up check at least once every 12 months after the date of the pre-employment check. Therefore, a note should be made of the date of the pre-employment check or the previous follow-up check in order to do so.

The employer must carry out a follow-up check because a document or combination of documents specified in List B will indicate that there is a time limit on the employee's legal right to work in the UK and you will need to ensure that the employee has retained that right. The employer will not be required to carry out a further follow-up check if the employee has presented an original document or a combination of two original documents specified in List A for a follow-up check.

Further information can be obtained from the guidance available on the UK Visas and Immigration website: <https://www.gov.uk/government/organisations/uk-visas-and-immigration>

### **Job Offer**

Once a decision has been made as to which candidate to employ a telephone call should be made to the candidate offering them the position subject to references being received which are satisfactory to the organisation. A provisional start date should be agreed if possible.

A job offer letter should then be sent, together with two copies of the Contract of Employment. The prospective employee should sign both copies, retaining one copy for their records and returning the second copy of the Contract to accept the terms and conditions.

## Section 2 - Recruitment

If a start date has not yet been agreed a letter may be sent offering the job (subject to references being received which are satisfactory to the organisation). The prospective employee should be requested to sign and return a copy of the offer to accept the terms and conditions.

If references have not already been received, the requests should now be sent after obtaining the prospective employee's consent to do so.

### **Recruitment Paperwork**

All the recruitment paperwork, including the completed application forms, selection information, copies of letters and interview notes should be kept securely (locked in a cabinet) for a period of 6 months after the appointment has been made. This will ensure that you have any necessary documentation should a claim be made against you for discrimination.

It should be noted that discrimination claims may be made to a tribunal by an applicant for up to 3 months after the time when the alleged discrimination occurred.

Once the 6 months has passed the paperwork for the unsuccessful candidates should be shredded in order to comply with the General Data Protection Regulation (GDPR).

### Recruitment Checklist

- ☐ Has committee authorisation been received?
- ☐ Has funding been agreed?
- ☐ Have advertising budget / costs been agreed?
- ☐ Has a Job Description been prepared?
- ☐ Has a Person Specification been prepared?
- ☐ Where will the advertisement be placed?
- ☐ Who will be on the interview panel?
- ☐ Has an interview date been agreed?
- ☐ Will the role require a DBS Enhanced Disclosure?

## Section 3 - Documentation

### Documentation

It is essential that the necessary paperwork is completed in order to comply with employment legislation. Where a written contract does not exist, the employee is protected under a verbal contract by statutory legislation. However, it is fair and proper that the terms and conditions of the employment are set out in writing; this will also offer protection to both the employer and the employee.

### Written particulars

Employees have the right to a written statement of the particulars of their employment (the terms and conditions) within two months of their employment. Some of the particulars must be contained within one document with others being permitted in a separate document.

The following information is required to be produced in one document:

- Name of employer
- Name of employee
- Date when employment began
- Date when continuous employment began
- Scale or rate of salary (or pay) or the method of calculating pay (perhaps if hourly paid)
- Intervals at which remuneration will be paid
- Details relating to hours of work (which will include normal hours of work)
- Holiday entitlement (with details regarding accruing holiday pay, for example on termination of employment)
- Job title or brief job description (although the full list of duties is not appropriate as it is better if these are not contractual)
- Normal place of work

The information which may be provided in a separate document is as follows:

- Terms relating to sickness absence and sick pay
- Details of pension and pension scheme
- Period of notice which each party must give to terminate the employment
- The termination date of a fixed term contract or the likely length of a temporary contract

## Section 3 - Documentation

- Details of any collective agreements which may affect the terms and conditions of the employment
- Details of the disciplinary and grievance policy and procedures, including details of the name of the person(s) to whom the employee can raise a grievance or appeal if they are dissatisfied with any disciplinary decision

In practice the first list may be provided in the offer letter to the employee with the full details being included in the Contract of Employment.

### **Contract of Employment**

The Contract of Employment provides the legal basis for the terms of employment. It is a matter of fairness and justice that an employee knows under what terms they may accept the appointment.

There should be two copies provided of the Contract of Employment each signed by both parties: the employer retains one copy, and the employee retains the other.

Any changes made to the Contract of Employment should be made with the agreement of both parties and should be confirmed in writing. The letter will then form a codicil to the Contract of Employment and should be attached to it.

When a Contract of Employment has not been issued, a verbal contract exists. The terms and conditions will be those which have applied to the period of employment and become terms provided by custom and practice. However, although the employee has statutory rights in such a situation, the employer has less protection and should negotiate with the employee to produce a written contract, which will encapture the terms of the employment.

A sample Contract of Employment and amendment letter is available in this document.

Sessional Workers and workers employed to work a variable number of hours per week should be issued with a Zero Hours Contract of Employment. A suggested Sessional Worker / Zero Hours Contract of Employment is available in this document.

## Section 3 - Documentation

### **Probationary period**

It is usual for the first weeks or months of the employment to be regarded as probationary. The actual length of the probationary period will be noted in the Contract of Employment. Three or six months is a typical period, depending upon the type of position. Generally: the more senior the position, the longer the length of the probationary period.

A reduced period of notice will be required to terminate the contract during the probationary period – typically one or two weeks.

The purpose of the probationary period is to ensure that both the employer and employee are happy with the appointment. Therefore, it is vital that the performance of the employee is monitored carefully and closely during the probationary period by the designated line manager. It is helpful to both the employee and employer if targets for achievement during the probationary period are set within the first two weeks of the commencement of the employment. Regular review sessions should take place. Any performance concerns should be discussed with the employee and noted on the personnel file.

An employee should be fully aware of any performance issues and opportunity given for the employee to improve. In the unlikely situation when performance does not meet the required standards the contract may be terminated. It should be noted that in the event of a contract termination, an employee does have the right of appeal. An evaluation should take place prior to the post being re-advertised to ensure that the fault does not lie in the recruitment process.

### **Confirmation of Position**

Once the probationary period has been successfully completed, a letter should be sent to the employee informing them of this and confirming their position.

## Section 4 – Pay and Reward

### Pay and Reward

When looking at the level of pay and reward it is important to consider the entire remuneration package as a whole. This will include salary, pension, holiday entitlement, flexible working hours, time off for appointments, compassionate leave, life assurance, provision of equipment, car / car allowance, subsistence allowance and training provision. Often charitable organisations have provided increased intangible benefits to balance their inability to pay the market rate of pay.

Consideration should be given as to whether the level of pay is sufficient:

- To attract suitable employees
- To retain satisfactory employees
- To reward employees for their loyalty, effort, experience and achievement.

There will be several influences on the pay level:

- Minimum – to fulfil legal obligation in relation to the National Living Wage.
- Competitive – it will be necessary to pay the local market rate for a specific type of work in order to attract the calibre of candidates.
- Equitable – to provide a fair rate of pay for an employee in a particular type of work.
- Motivational – to provide an incentive for the employee.
- Cost-of-living – to keep pace with inflation.
- Incremental increases.

Where funding has been obtained for an appointment it will be necessary to consider the cost of the appointment over the project period to ensure that there are sufficient funds to pay for a cost-of-living increase throughout the duration of the project, the approximate cost of paying expenses, any training needs, the cost of non-managerial supervision and equipment costs as well as considering the “on-costs” of employment which include employers’ National Insurance payments, pension costs, provision for redundancy payments etc.

The level of pay can be determined by considering the duties in the Job description and the calibre of candidate required to match the person specification. The evaluation of the job role will determine the level of reward. It is also useful to look at advertisements for similar roles as this will provide information regarding the local market rate paid for similar work. Where possible the pay rate should be linked to a professional scale, such as the NJC (National Joint Council Salaries Agreement - used by Local Authorities' Administrative, Professional, Technical and Clerical Services) and JNC (the Joint Negotiating Committee for Youth and Community Workers) pay scales. These are

## Section 4 – Pay and Reward

published pay scales used by both the public and voluntary sectors and are generally available on the internet.

### **Payment Information**

The level and method of payment will be included in the employee's Contract of Employment.

However, some further information will be needed in order that you can make the payments to your employee. You will need their full name and address, National Insurance number and tax details, which are usually provided on their P45 if they have been in previous employment. A completed HMRC starter checklist is also required. Additionally, you will need the details of the bank account into which payment will be made.

Many payroll software packages also require information relating to the marital status of the employee which may be necessary for tax purposes.

A sample Payroll Information Form is available in this document.

Some agencies may operate a computerised payroll service for projects. HMRC offers free payroll software for employers with 9 or fewer employees. These services will take away some of the potential problems relating to the calculation of tax and national insurance as well as student loan deductions and statutory payments such as Statutory Sick Pay, Statutory Maternity Pay, Statutory Adoption Pay and Statutory Paternity Pay. However, whether or not you use a payroll agency, the legal responsibilities of the employer remain with the project.

### **National Minimum Wage and National Living Wage Rates**

Workers must be at least school leaving age to get the National Minimum Wage and must be 21 or over to get the National Living Wage. These rates apply to all "workers" (that is anyone whose work is determined by a contract).

The rates are set by the government and change annually on 1<sup>st</sup> April. The rates are split into age bands. Although this does not fall foul of the Equality Act, some employers prefer to pay all their employees the adult rate (National Living Wage).

## Section 4 – Pay and Reward

The current rates can be found at <https://www.gov.uk/national-minimum-wage-rates> and are:

| <b>from</b>           | <b>April 2024</b> | <b>April 2025</b> |
|-----------------------|-------------------|-------------------|
| Under 18              | £6.40             | £7.55             |
| 18- to 20-year-olds   | £8.60             | £10.00            |
| 21-year-olds and over | £11.44            | £12.21            |

The current rate of accommodation offset from April 2025 is £74.62 per week (£10.66 per day). This is applicable where an employee is provided with accommodation and their pay is reduced in order to offset the cost of the accommodation.

Where accommodation is offered to volunteers, legal advice should be obtained from a solicitor.

The Diocese recommends a minimum hourly payment of the Real Living Wage (Living Wage Foundation) rate which is currently £12.60 per hour. New rates are announced annually in October/November and employees should receive the new rate by 1 May the following year. (For 2024/25 the rate will be £12.60 per hour and should be implemented by 1 May 2025. The 2025/6 rate will be announced in late October/early November 2025 for implementation by 1 May 2026).

### **Holiday Entitlements**

Statutory holiday entitlements are laid out under the Working Time Regulations. The statutory entitlement with effect from 1<sup>st</sup> October 2008 is 5.6 weeks which equates to 28 days and includes the statutory public holidays (8 days a year in England).

For example, a part time worker who works 3 days per week will, from October 2008, be entitled to 5.6 weeks (annual entitlement) x 3 (number of days worked per week) = a total of 17 days holiday per year.

Provided that 28 days' holiday is taken every leave year, any additional contractual holiday entitlement may be carried over if agreed between the employee and the employer.

Holiday dates should be agreed well in advance between the employer and employee. Employees do not have the right to choose holiday dates without due consideration to workers, employers, etc.

## Section 4 – Pay and Reward

### **Expenses**

It should be agreed with the employee in advance what expenses will be paid. The reimbursement of expenses should be made by the completion of an Expenses Claim Form, with receipts attached, which should be authorised by the employee's manager. This will provide the necessary audit trail.

Mileage expenses should be reimbursed at an agreed rate, not exceeding that provided by HMRC.

A sample Expenses Claim Form is available in this document.

### **Pension Arrangements**

The government would like all employees to have access to a pension scheme.

All employers must offer a workplace pension scheme by law and automatically enrol eligible employees.

The Pensions Act came into effect in October 2012, bringing the introduction of Auto-Enrolment. The rules require employees to make a contribution to a pension and the government will oblige all employers to pay a minimum contribution into a pension plan for all eligible staff.

Employers with 5 or more staff no longer have to choose a stakeholder pension scheme as they are now required to enrol staff into a scheme suitable for auto-enrolment.

Stakeholder pensions did not require the employer to make any contribution towards the employee's pension but to administer the scheme on behalf of the employee.

Organisations with existing stakeholder schemes may be able to use them. However, you will need to check with the provider that it meets the criteria for auto-enrolment.

Auto-Enrolment applies to all employees aged between 22 and the State Pension Age who have one month of service with an employer and earn a minimum of £10,000 (figure may change annually) in any year, although employees earning less than this amount may request to opt in).

## Section 4 – Pay and Reward

The minimum contribution levels are:

|          |                              |
|----------|------------------------------|
| Employee | 5% (including 1% tax relief) |
| Employer | 3%                           |

(8% in total).

Employees may opt out of the auto-enrolment scheme but will be re-enrolled automatically every three years. Employers will receive hefty financial penalties for encouraging employees to opt out.

Further details are available from:

The Pension Regulator - <http://www.thepensionsregulator.gov.uk/>

HMRC - <https://www.gov.uk/workplace-pensions>

The government has established the National Employment Savings Trust (NEST) which is, in effect, a default national pension plan into which employees and employers can make their contribution - <https://www.nestpensions.org.uk/schemeweb/nest/employers.html>

Employers can offer an alternative pension plan in place of NEST provided their plan meets minimum requirements.

## Section 5 – Performance Management

### **Performance Management**

Once the employee is in place it will be necessary to evaluate the performance of the employee in order to focus on the expected and actual contribution.

It is helpful to both the employee and the employer to know and understand what expectations exist relating to a particular job role in order that they can endeavour to achieve them. The capacity to meet these expectations will depend upon factors such as:

- The capability of the employee
- The level of management support available
- The processes, systems and resources available to the employee.

In order to ensure that the employee can perform at an optimum level there will need to be regular meetings between the manager and employee in the form of regular review or appraisal, feedback and coaching.

### **Work-life balance**

An efficient and effective employee will require a sensible balance between the time spent on their work activities and the demands of their home life. An unrealistic and unachievable workload will cause stress on the employee as well as a failure in the employer's duty of care.

Regular meetings with the employee will ensure that this balance is being achieved.

An enthusiastic and committed employee can soon overwork themselves by striving to achieve results. This can be especially evident in faith-based roles where the employee is keen to work for God. However, a stressed and ill employee will not be able to achieve much.

Where an employee is a lone worker, it is important to monitor their working hours – not just to comply with working time regulations, but also to ensure that they are safe. A manager should be responsible for knowing where the worker is. The Suzy Lamplugh Trust can provide information on this aspect.

## Section 5 – Performance Management

### **Staff Retention**

Regular feedback and recognition of achievements form essential elements in the retention, performance and satisfaction of employees. It is a costly process to recruit an employee, so it is sensible to ensure that the organisation is able to retain employees. Two-way communication between the employer and employee will bring any issues to light at an early opportunity.

### **Coaching & Supervision**

Coaching is usually carried out on a one-to-one basis and can be a less formal process than a review or appraisal. It is seen as a vehicle to achieve effective individual development.

The role of the coach is that of a facilitator, to encourage the individual to identify solutions and establish ownership of an issue in order to make an improvement. The coach may need to assist the individual to find a solution but should not merely “tell” the individual what they should do! The coach may be a professional person but should be someone with a knowledge of the work of the project.

The coach may need to:

- Give the individual constructive advice and feedback
- Provide support and a listening ear
- Give the individual the freedom to try something, and the courage to fail
- Facilitate development and set agreed objectives
- Challenge and demand excellence.

The coaching process will be a circular process of plan, do and review.

It is helpful for the development of the employee to conduct regular coaching sessions. The sessions may consider work-related performance issues as well as behavioural issues and should help to achieve increased performance and job satisfaction for the employee.

Although the coaching process can be time consuming it should be seen by both parties as a good investment of their time.

The cost of professional supervision will have been included in the employment costs of the worker. A professional person will meet with the employee to discuss their progress

## Section 5 – Performance Management

and workload as well as providing guidance on professional standards. This is particularly important where the employee is providing such professional services as counselling as the supervision will ensure that the employee remains within professional boundaries as well as providing a confidential opportunity for the employee to “offload”.

### **Review / Appraisal**

The review or appraisal process will give an opportunity to consider the employee’s performance in the job role, to identify objectives and priorities for the short and longer-term future and agree any development or training needs required to achieve these.

This process is usually carried out annually with regular, less formal one-to-one coaching sessions at more frequent intervals to keep a check on the progress made to achieve the goals and re-evaluate any areas as necessary.

The review process will provide feedback to the employee, provide the motivation to achieve future goals and provide the strategy for improving performance. It should lead to a higher level of job satisfaction for the employee.

A good review process will encourage self-review by the employee as well as the employee being reviewed by their manager (the reviewer). Sometimes feedback is obtained from others with whom the employee has contact within the performance of their job. The reviews should be exchanged prior to the review meeting taking place which will allow both the reviewer and reviewee (employee) to consider the information and prepare for the meeting. This may be particularly helpful where the employee and employer have different ideas as to the priorities of the role or the direction in which the role should progress. The goals or objectives for the coming period should be agreed. There should be no more than about 5 objectives and these should include the immediate, short-term and longer-term aspects of the role. Personal development may be included as well as the more-measurable objectives to be achieved.

The review is also the opportunity to update the job description (with the agreement of the employee) and ensure that it reflects any changes in the direction of the job. Once agreed the new job description should be dated and issued to the employee with a copy retained on their personnel file.

It should be noted that the review is not the vehicle for dealing with poor performance issues – these should be dealt with as they occur and not left to an annual review. In essence there should not be any surprises for the employee at their review meeting.

## Section 5 – Performance Management

A sample review scheme is available in this document.

### **Training**

It is important for the employee to receive adequate training to allow them to perform their role well. Training in new skills will provide development opportunities for the employee as well as being of benefit to their employer. It may assist to retain a good employee.

Some training opportunities can be expensive, although there are some charitable trusts and government bodies which may provide funding.

Training needs may be identified during the appraisal process when it may become clear which new skills, or improved skills, will be necessary to fulfil the role during the forthcoming period. However, some training needs may be mandatory, for example, to adhere to legislative requirements relating to Health and Safety, First Aid and Food Hygiene. Such training needs should be given priority.

There are numerous methods of training that can be provided which don't necessarily incur the level of expense that attending a day conference or course may incur. Additionally, different individuals prefer to learn in different ways and so consideration should also be given to the specific preferences of the individual. Some types of training methods include:

- Study course
- Conference
- Reading
- Searching the internet
- Sitting alongside a person to learn a new skill
- Job shadowing

Many of these will only incur time costs; others will have expensive fees.

Where an employee is offered an expensive training programme, it may be worthwhile to agree with the employee that the training will be provided but that the employer reserves the right to recover a proportion of the training costs should the employee leave the organisation within a certain period (perhaps one year) after completing the training or qualification. This will ensure that the organisation receives a suitable return

## Section 5 – Performance Management

on the investment of the training programme. Part-time workers should not be prejudiced when an employer offers training.

### **Absence Management**

It is important to keep accurate records of absence. Holiday absences should be logged to ensure that the employee is managing their time off wisely as well as the employer adhering to the Working Time Regulations. A suggested holiday record card is available in this document.

Sickness absence records should also be kept as these records will be needed if the employee becomes eligible for any statutory benefits, such as Statutory Sick Pay or Employment Support Allowance. A suggested sickness record card is available in this document.

When an employee is unable to work due to sickness, they should notify their employer on the first day of absence within one hour of being due to start work. They should inform the employer of the likely duration of the absence and agree to make contact again should they not be well enough to return to work. They should update the employer on a regular basis in order that the employer can arrange alternative cover for any urgent work.

Employees can self-certify for a period up to 7 days in a row. This includes non-working days, such as weekends and bank holidays. Once beyond this, if the employee is still ill and taking sick leave, they must provide proof of illness and furnish their employer with a doctor's 'fit note' (sometimes called a 'sick note').

On the employee's return to work a meeting should be held with the employer and their manager. A discussion should take place so that the employer can be sure that the employee is well enough to return to their job including making any necessary adjustments, whether these need to be temporary or permanent. This will also fulfil the employer's Health and Safety obligations and reduces the risk of any potential claims for stress. It will help to identify where the Equality Act applies.

A return-to-work interview template form is available in this document.

Intermittent, regular, short-term absence is usually more disruptive to an organisation than a single, long period of absence. Thus, it is important to complete a return-to-work interview after each spell of absence.

## Section 6 – Dismissal and Redundancies

### Dismissal and Redundancy

#### Dismissal procedures

There are dismissal procedures which are included in the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice. Generally, the process is as follows:

- Establish the facts
- Notify the employee in writing
- Hold a meeting
- Allow the employee to be accompanied
- Decide action
- Inform the employee of the result
- Provide employee with the opportunity to appeal.

Further details can be found in the sections on redundancy and disciplinary, grievance and appeal procedures.

#### Redundancy

There are guidelines for making employees redundant and, indeed, for determining whether or not a redundancy situation exists. ACAS has advice and guidance available on its website: <https://www.acas.org.uk/redundancy>

Best practice suggests that the following steps are taken:

- Write to the employee notifying them of the reason for the redundancy and invite them to a meeting to discuss it.
- Hold a meeting with the employee to discuss the redundancy – at which the employee has the right to be accompanied. Notify the employee of the decision and the right to appeal.
- Hold an appeal meeting (if employee wishes to appeal) at which the employee has the right to be accompanied – and inform the employee of the final decision.

## Section 6 – Dismissal and Redundancies

### Reasons for Redundancy

For entitlement to redundancy payments, under the Employment Rights Act 1996, redundancy arises when employees are dismissed because:

- the employer has ceased, or intends to cease, to carry on the project for the purposes of which the employee was so employed; or
- the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- the requirements of the project for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish; or
- the requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

### General Information on Redundancies

- If you have less than 20 employees there is no formal consultation period
- If an employee has less than 2 years' service, there is no entitlement to redundancy pay
- The redundancy process does not apply where employees are on a Fixed-Term contract of less than 2 years – but also see section on ending a fixed-term contract
- Employers need to “warn and consult” employees about impending redundancies
- Employers must take reasonable steps to re-deploy
- Where less than 20 employees are being made redundant the employer is required to give individual notice of dismissal, but it is best practice to consult for a period of 30 days
- The employer must disclose the reason for redundancies and the number of proposed redundancies
- The employer needs to inform employees of the proposed method of calculating redundancy pay (i.e. statutory or enhanced)
- The employer must give statutory or contractual notice of termination of the contract of employment (due to redundancy) – whichever notice period is longer. The statutory notice is 1 weeks' notice for service up to 2 years, for service of 2 – 12 years, 1 weeks' notice is required for every year of completed service up to a maximum of 12 weeks
- The employer can agree with the employee to give pay in lieu of notice, if preferred
- During the notice period, employees have the right to “reasonable” time off with pay to attend interviews, look for new employment and attend training

## Section 6 – Dismissal and Redundancies

- If the employee is offered re-engagement (alternative work) there is a right to a 4-week trial period in the new post
- “Bumping” is a term used to consider who else may be made redundant, for example, it may not necessarily be the person doing the particular job that is to be redundant. However, employers should take care with deciding on who should be included in the selection pool e.g. look beyond one department / division, look at all workers with same skills
- Employers must have a “fair and reasonable” selection process: appropriate pool; selection criteria; who will carry out selection exercise?
- With regard to the selection pool: is there any agreed procedure / policy; type of work that the employees in the pool are carrying out; any other groups of workers doing similar work; check whether any of the jobs are interchangeable and look across divisions and departments
- Selection criteria: this must be applied fairly and objectively (the first in, first out criteria should not be used as this would fall foul of age discrimination legislation, similarly, care should be taken when using absence figures due to Equality legislation, but punctuality can be considered); there should be individual consultation (even for less than 20 employees) that is proper and genuine; employees may be accompanied to redundancy consultation meetings; explain why job is “at risk” of redundancy; if a matrix being used for selection you should show the matrix to the employees and explain how you will use it; discuss possibility of alternative work / solutions; employees have right to appeal against selection for redundancy; inform employee of (only) their own matrix score
- Redundancy pay is calculated on the basis of a week’s pay and is capped at £719 (w.e.f. 06/04/2025). This amount usually changes annually.

### **Ready Reckoner for Redundancy pay**

The information needed to calculate statutory redundancy pay is as follows:

- Start date of employee
- Date of birth
- Amount of weekly pay (or salary divided by 52)

Redundancy pay is based on age and number of completed years of service:

Under 22 years of age – ½ week’s pay per completed year of service

22-40 years of age – 1 week’s pay per completed year of service

41 years of age + – 1½ weeks’ pay per completed year of service

Each employee is entitled to a redundancy calculation statement.

## Section 6 – Dismissal and Redundancies

An online calculator is available at: <https://www.gov.uk/calculate-your-redundancy-pay>

A sample “at risk of redundancy” letter and redundancy calculation statement are available in this document.

### **Ending a Fixed Term Contract**

The Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 gives employees the right to have their contracts automatically converted to indefinite ones after four years.

An employer may have to make a redundancy payment to a fixed-term employee equivalent to that payable to a permanent employee when a fixed-term contract expires unless the employer can objectively justify the difference in treatment. A justification by an employer of the need to save costs is not considered to be a sufficient reason.

Therefore, if a permanent employee would receive a redundancy payment on termination of their employment by reason of redundancy, then a fixed-term employee probably should too, although this law does seem to be confusing when it can be argued that the definition of a fixed-term contract would have no expectation of the employment continuing.

However, it should be accepted that the employer would increase their risk should a redundancy payment not be given to a fixed-term employee.

## Section 7 - Policies

### **Policies**

It is essential for each project to have some policies and procedures which set out in writing the expectations of both the employer and the employee. Some policies are statutory, for example the Disciplinary, Grievance and Appeal policy, whilst others, for example the Capability policy, are a useful addition.

### **Disciplinary, Grievance and Appeal Procedures**

Disciplinary, Grievance and Appeal policy and procedures are an essential document relating to employment. The basis for these policies is provided in the ACAS Code of Practice.

### **Disciplinary**

ACAS explains that disciplinary rules and procedures help to promote orderly employment relations as well as fairness and consistency in the treatment of individuals.

Employers are expected to follow the ACAS Code of Practice if they are contemplating dismissing an employee or imposing some other disciplinary penalty that is not suspension on full pay or a warning. If an employee is dismissed without the employer following the correct procedure, and makes a claim to an employment tribunal, providing that they have the necessary qualifying service, the dismissal will automatically be ruled to be unfair.

Organisations must follow these procedures regardless of the size of the employer's organisation.

The ACAS website has a Code of Practice which is available at <https://www.acas.org.uk/acas-code-of-practice-for-disciplinary-and-grievance-procedures/html>

Disciplinary actions should take the following steps:

- Establish the facts before taking action
- Deal with minor cases of misconduct or unsatisfactory performance informally
- For more serious cases follow formal procedures, including informing the employee of the alleged misconduct or unsatisfactory performance
- Invite the employee to a meeting and inform them of their right to be accompanied

## Section 7 - Policies

- Where performance is unsatisfactory, explain to the employee the improvement that is required, the support that will be given and when and how it will be reviewed
- If you give a warning, tell the employee why and how they need to change, the consequences of failing to improve and that they have a right to appeal
- If dismissing an employee, tell them why, when their contract will end and that they can appeal
- Before dismissing or taking disciplinary action other than issuing a warning, always follow the organisation's disciplinary procedure
- When dealing with absences from work, find out the reasons for the absence before deciding on what action to take
- If the employee wishes to appeal invite them to a meeting and inform the employee of their right to be accompanied
- Where possible arrange for the appeal to be dealt with by a more senior manager not involved with the earlier decision
- Inform the employee about the appeal decision and the reason for it
- Keep written records for future reference.

A suggested Disciplinary and Appeal Policy & Procedure and supporting letters are included in this document.

The ACAS link is: <https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>

### **Grievances**

Grievances are concerns, problems and complaints that employees raise with their employers. Grievance procedures allow employers to deal with grievances fairly, consistently and speedily.

Grievances should take the following steps:

- Many grievances can be settled informally with the line manager
- Employees should raise grievances with management
- Invite the employee to a meeting and inform them about the right to be accompanied
- Give the employee an opportunity to have their say at the meeting
- Write with a response within a reasonable time and inform the employee about their right to appeal
- If possible, a more senior manager should handle the appeal
- Tell the employee that they have the right to be accompanied

## Section 7 - Policies

- The person hearing the appeal should write to the employee after the appeal telling them the decision and that this is the final stage of the grievance procedure
- Written records should be kept for future reference.

A suggested Grievance and Appeal Policy & Procedure is available in this document. A new suggested Grievance policy incorporating the new ACAS Code of Practice is available via the ACAS website at <https://www.acas.org.uk/discipline-and-grievance>

### **Mediation**

The new ACAS Code of Practice brought into effect in April 2009 recommends an independent third party or mediator as a means of solving disciplinary and grievance issues. Mediation is a voluntary process where the mediator helps two or more people in a dispute to attempt to reach an agreement.

### **Capability Policy**

A capability policy deals with situations where the employee seems unable to do what is required of them and that their performance is unsatisfactory. Some people are sometimes unsure as to whether to start a disciplinary procedure or a capability procedure. Essentially, the disciplinary procedure is a more formal procedure and is used when it is felt that the employee “won’t” do what is required; the capability procedure is less formal and is used where it is felt that the employee “can’t” perform to the required standard.

An employee should be given opportunity to improve their performance, and any necessary training should be provided to assist the employee in achieving this.

A suggested Capability Policy & Procedure is available in this document.

### **Complaints Procedure**

It is useful to have a complaints procedure for when someone wishes to make a complaint about an employee, a volunteer or a member of the management committee. This may be a project user who wishes to complain about the work of the project worker. Following a formal procedure for this will ensure that complaints are dealt with consistently and

## Section 7 - Policies

fairly as well as giving the complainant confidence in the fact that their complaint is being taken seriously.

A suggested Complaints Policy & Procedure is available in this document.

### **Whistle-blowing Policy**

Whistleblowing is the term used to describe a situation where an employee perceives a wrongdoing at work and reports it to an outsider. The Public Interest Disclosure Act 1998 contains employment guarantees for employees who have made a protected disclosure so that they may not be dismissed or suffer a detriment for making the disclosure. The types of disclosure covered by the Act concern criminal offences, failure to comply with legal obligations, miscarriages of justice, health and safety risks and environmental damage.

A suggested Whistle-blowing Policy is available in this document.

### **Equal Opportunities Policy**

It is unlawful for organisations to take into account a person's race, gender, age, marital status, colour, ethnic origin, nationality, disability, religion (subject to the information discussed earlier in this document relating to Occupational Requirements) and sexual orientation. Taking such things into account amounts to discrimination.

The Equality and Human Rights Commission have produced the guide: Employment: Code of Practice and Employment: Code of Practice (supplement document) available from: <https://www.equalityhumanrights.com/equality/equality-act-2010/codes-practice/employment-code-practice>

A suggested Equal Opportunities Policy is available in this document.

## Section 7 - Policies

### **Health and Safety**

Health and Safety issues are covered by several Acts.

Health and Safety policies are a statutory requirement for all employers with 5 or more employees.

See Section 9 of this document for further information.

A suggested Health and Safety Policy is available in this document. Your insurance company may also provide further Health & Safety information.

### **Protection of Children and Adults who are Vulnerable**

Where the work of the project involves children and vulnerable adults, an Enhanced Disclosure and Barring Service (DBS) check must be obtained for the worker.

Details of the practices that the worker should put in place are included in the suggested Protection of Children & Adults who are Vulnerable Policy available in this document.

### **Lone Working**

A policy showing the rules for a worker who will carry out their duties alone is a helpful addition to the list of policies. It will aim to protect the worker.

A suggested Lone Worker Policy is available in this document.

### **Working Time Regulations**

The Working Time Regulations 1998 introduced a maximum working week of 48 hours (averaged over a 17-week period). They provide restrictions on the maximum length of shifts and provide for rest periods, work breaks and statutory annual leave (see section on holidays).

Workers may voluntarily opt out of the 48 hours cap, but the holiday entitlement must be taken off – a worker cannot be paid in lieu of the statutory holiday entitlement. It is expected that forthcoming changes in legislation will remove the voluntary opt out.

## Section 7 - Policies

Details of the number of hours worked by an employee must be recorded and kept for a period of 2 years.

Different rest breaks are required for young workers. A young worker is defined as someone over the compulsory school leaving age and under the age of 18.

### **Rest breaks**

Where an adult worker's daily working time is more than 6 hours, there is an entitlement to a rest break of not less than 20 minutes.

Where a young person's working time is more than 4 ½ hours, there is an entitlement to a rest break of not less than 30 minutes.

### **Daily rest**

An adult is entitled to at least 11 consecutive hours' rest in each 24-hour period.

A young worker is entitled to at least 12 consecutive hours' rest in each 24-hour period.

### **Weekly rest**

An adult worker is entitled to an uninterrupted rest period of:

- 24 hours in each 7-day period;
- two periods of 24 hours in every 14-day period; or
- 48 hours in every 2-week period.

A young worker is entitled to an uninterrupted rest period of not less than 48 hours in every 7-day period.

## Section 7 - Policies

### **Maternity Leave**

#### **Ordinary Maternity Leave**

All pregnant employees are entitled to at least 26 weeks' ordinary maternity leave. This applies regardless of the length of service. Holiday entitlement continues to accrue during ordinary maternity leave, although leave cannot be taken during this time.

#### **Additional Maternity Leave**

All pregnant employees can take additional maternity leave. This leave starts immediately after ordinary maternity leave and continues for a further 26 weeks.

#### **Compulsory Maternity Leave**

An employee may not work for her employer immediately after childbirth. This period of compulsory maternity leave lasts for two weeks from the date of childbirth.

#### **Statutory Maternity Pay**

All employees who are pregnant or who have just given birth are entitled to a maximum of 39 weeks' Statutory Maternity Pay (SMP) if:

- They have worked for their employer for a continuous period of at least 26 weeks ending with the qualifying week – that is, the 15<sup>th</sup> week before the expected week of childbirth; and
- Their average weekly earnings in the eight weeks up to and including the qualifying week (or the equivalent period for monthly paid staff) have been at least equal to the lower earnings limit for National Insurance contributions (although they do not actually have to have paid any contributions).

Employees must also have given the appropriate notification to their employer.

The employee will qualify for SMP if she leaves work after the start of the 15<sup>th</sup> week before her baby is due. However, she will still be entitled to 39 weeks' SMP if she works until the date her baby is born.

The first six weeks of SMP are paid at 90% of the employee's average weekly earnings.

## Section 7 - Policies

The remaining weeks are paid at the lesser of the SMP standard rate or 90% of the woman's weekly earnings. The current standard rate of SMP is £187.18 per week (correct as of April 2025) and usually increases every April). SMP is paid whether or not the employee intends to return to work for her employer. See <https://www.gov.uk/maternity-pay-leave>

### **Notification to start Maternity Leave**

To take advantage of the right to maternity leave an employee must notify her employer no later than the end of the 15<sup>th</sup> week before the week her baby is due or as soon as reasonably practicable:

- That she is pregnant;
- When the expected week of childbirth will be, by means of a medical certificate (Mat B1);
- When she intends to start her maternity leave (in writing).

The maternity leave can start no earlier than the 11<sup>th</sup> week before the Expected Week of Childbirth.

Employees can change their start leave date with 28 days' notice. They can also change their return-to-work date providing 56 days' notice is given (provided that the employer has notified her of the date that her leave should end).

The employer will notify the employee of the end date of her leave within 28 days of receiving the notification.

### **Start of Maternity Leave before the notified date**

An employee cannot normally start her maternity leave unless she has given her employer the required notice, except in the following circumstances:

- If the employee gives birth before the date she has notified, or before she has notified a date, her maternity leave period starts automatically on the day after the date of birth. She must notify her employer as soon as is reasonably practicable of the date of birth.
- If the employee is absent from work due to a pregnancy-related reason after the beginning of the fourth week before the Expected Week of Childbirth but before the date she has notified, her maternity leave period begins automatically on the day after the first day of her absence. She must notify her employer that she is

## Section 7 - Policies

absent from work wholly or partly because of pregnancy and of the date on which her absence for that reason began as soon as is reasonably practicable.

Employees may wish to use the maternity leave plan on the Government's interactive website <https://www.gov.uk/pay-leave-for-parents>

### **Keeping in Touch days**

Employees can work up to 10 days during their maternity leave (also during adoption or additional paternity leave). These days are known as Keeping in Touch (KIT) days and are optional and must be agreed between the employer and employee.

The employee's right to maternity leave and pay is not affected by KIT days and so the work and pay that an employee receives in respect of KIT days must be agreed in advance.

The usual arrangement for payment for KIT days appears to be that during these days the employees should be paid at their normal rate as they are carrying out work for their employer under their contract. Even if they are simply attending a training day this still falls under their contract of employment. (Indeed, an employee who did not receive their normal rate may be able to claim breach of contract unless she agreed to accept a reduced amount).

### **Return to Work after Maternity Leave**

The employer will notify the employee of the date that her leave will end.

If the employee intends to return to work before the end of her additional maternity leave period, she must give her employer at least 56 days' notice of her date of return.

An employee does not have to give her employer advance notice if she intends to return to work immediately after the end of her additional maternity leave period (the date notified by the employer).

An employee must give the normal contractual notice if she doesn't intend to return to work after her maternity leave.

## Section 7 - Policies

An employee who returns to work after ordinary maternity leave is entitled to return to the same job on the same terms and conditions as if she has not been absent (unless a redundancy situation has arisen).

An employee who returns to work after additional maternity leave is also entitled to return to the same job on the same terms and conditions as if she has not been absent (unless a redundancy situation has arisen). However, if there is some reason other than redundancy why it is not reasonably practicable for her employer to take her back in her original job, she is entitled to be offered suitable alternative work.

Employees who wish to vary their working pattern on return from maternity leave have the right to request a flexible working pattern.

A suggested letter acknowledging maternity leave is available in this document.

## Section 7 - Policies

### **Paternity Leave**

#### **The right to Paternity Leave**

The right to Paternity Leave allows an eligible employee to take paid leave to care for his/her baby or to support the mother following birth or adoption. S/he can take either one week's or two consecutive weeks' paternity leave and during this time may be entitled to Statutory Paternity Pay (SPP).

Paternity Leave can only be taken to care for a new baby or to support the mother of the baby – not for any other purpose.

There is no right to time off to attend antenatal care appointments.

#### **Who is eligible for Paternity Leave?**

An employee is eligible for Paternity Leave if he has, or expects to have, responsibility for his/her baby's upbringing and is either or both:

- The biological father of his baby
- The mother's husband/wife or partner.

In addition, he must:

- Have worked continuously for the same employer for twenty-six weeks ending with the fifteenth week before the baby is due, and from the fifteenth week before the baby is due up to the date of birth
- Be taking the time off either to support the mother or to care for the new baby.

A partner is defined as someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative.

Either parent may take Paternity Leave following the Adoption of a child, for example, the father may take Adoption Leave and the mother may take Paternity Leave.

#### **Statutory Paternity Pay**

Eligible employees earning above the Lower Earnings Limit are eligible to receive Statutory Paternity Pay for the duration of their paternity leave. The current rate of Statutory Paternity Pay is £187.18 per week (correct as of April 2025) or 90% of the

## Section 7 - Policies

average weekly earnings (whichever is lower). The rate is usually revised in April each year. See <https://www.gov.uk/paternity-pay-leave/pay>

### **When can leave be taken?**

Leave cannot be taken before the birth of the baby. An employee can choose to start the leave:

- On the date of the baby's birth (whether this is earlier or later than expected)
- On a date falling a certain number of days after the birth of the baby as notified by the employee to the employer
- On a chosen date which falls after the first day of the expected week of childbirth as notified to the employer.

If the employee specifies the date of birth as the day s/he wishes to start his/her leave and s/he is at work on that day, his/her leave will begin on the next day.

Leave must be completed within 56 days of the actual date of the baby's birth. However, where the baby is born earlier than expected, leave can be taken between the date of the baby's birth and 56 days from the first day of the expected week of birth.

### **Notification required for Paternity Leave**

To qualify for Paternity Leave, an employee must tell his/her employer that s/he intends to take paternity leave by the end of the fifteenth week before the week his/her baby is due or, if this isn't possible, as soon as is reasonably practicable.

To qualify for SPP the employee must give at least 28 days' notice to the employer, although this notice will be taken when the employee gives notification for Paternity Leave by the fifteenth week before the baby is due.

The employee must confirm the actual date of the baby's birth to the employer as soon as is reasonably practicable.

### **Multiple births**

In the case of a multiple birth, the employee is entitled to the same entitlement of paternity leave and pay as if there were one baby.

## Section 7 - Policies

### **Shared Parental Leave**

Employees and their partners may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if having a baby or adopting a child.

Up to 50 weeks of leave and up to 37 weeks of pay can be shared between the partners. This must be shared in the first year after the child is born or placed with the family.

SPL can be taken in blocks separated by periods of work or taken all in one go. Shared parental leave and pay may also be taken together or staggered.

#### **For SPL to start**

The mother or person getting adoption leave must have either returned to work, ending any maternity or adoption leave, or have given their employer 'binding notice' of the date when they plan to end their leave.

#### **For ShPP to start**

The mother (or person getting adoption pay) must give their employer binding notice of the date when they plan to end any maternity or adoption pay.

Once it's ended, maternity or adoption pay cannot be restarted.

#### **What you can get**

If eligible and maternity or adoption leave and pay have ended early:

SPL - the remainder of the 52 weeks of maternity or adoption leave

ShPP - the rest of the 39 weeks of maternity or adoption pay

### **Statutory Shared Parental Pay**

ShPP is paid at the lesser of £187.18 a week or 90% of your average weekly earnings. This rate is correct as at April 2025 and usually revised in April each year.

## Section 7 - Policies

Further details are available from: <https://www.gov.uk/shared-parental-leave-and-pay-employer-guide>

### **Adoption Leave**

This information is provided for those situations where a child is matched and placed within the UK. Different measures apply where a child is adopted from overseas.

Adoption leave and pay are available to individuals who adopt and for one member of a couple where a couple adopts jointly (the couple must choose which partner takes adoption leave).

The partner of a couple who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay.

### **Eligibility for Adoption Leave and Pay**

To qualify for adoption leave, an employee must:

- Be newly matched with a child for adoption by an adoption agency
- Have worked continuously for their employer for 26 weeks ending with the week in which they are notified of being matched with a child for adoption.

The notification requirements must also be met.

To qualify for Statutory Adoption Pay the employee must also have average weekly earnings at or above the Lower Earnings Limit for National Insurance which applied at the end of the matching week.

### **Length of Adoption Leave**

Those adopting are entitled to up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave.

Ordinary Adoption Leave is paid at the standard rate of Statutory Adoption Pay. Additional Adoption Leave is usually unpaid.

They can choose to start their leave:

- From the date of the child's placement (whether this is earlier or later than expected), or

## Section 7 - Policies

- From a fixed date which can be up to 14 days before the expected date of placement and no later than the expected date of placement.

Leave can start on any day of the week.

Only one period of leave is available irrespective of the number of children placed for adoption as part of the same arrangement.

### **Statutory Adoption Pay**

This is paid for up to 39 weeks. The weekly amount is 90% of your average weekly earnings for the first 6 weeks, then £187.18 or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks. This rate is correct as of April 2025 and usually changes in April each year. See <https://www.gov.uk/adoption-pay-leave/pay>

### **Notice of Intention to take Adoption Leave**

Employees are required to inform their employers of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. They need to tell their employers:

- When the child is expected to be placed with them, and
- When they want their adoption leave to start.

Adopters can change their mind about the date they want their leave to start providing they tell their employer within 28 days if the date of placement changes.

### **Matching Certificate**

Employees will need to give the employer documentary evidence of their entitlement to adoption leave and pay. Employees should request this evidence from their adoption agency, which may be provided in the form of a matching certificate which includes basic information on matching and expected placement dates.

## Section 7 - Policies

### **Return to Work after Adoption Leave**

Adopters who intend to return to work at the end of their full adoption leave entitlement do not need to give any further notification to their employers.

Adopters who want to return to work before the end of their adoption leave period, must give their employer 56 days' notice of the date they intend to return.

After ordinary adoption leave you have the right to return to the same job. After additional adoption leave you have the right to return to the same job, or to another suitable job if that is not reasonably practicable.

A suggested letter acknowledging adoption leave is available in this document.

### **Neonatal Care Leave**

The Neonatal Care (Leave and Pay) Act 2023 came into effect on 6 April 2025.

Employees may be able to get paid time off work if their newborn baby is premature or sick and needs neonatal care.

'Neonatal care' is the name given to care for newborn babies which starts in the first 28 days after birth. This may be for:

- hospital care
- medical care after leaving hospital - this must be under a consultant, and include ongoing visits or checks arranged by the hospital where your baby was treated
- palliative or end of life care

Employees may be able to get:

- Neonatal Care Leave
- Statutory Neonatal Care Pay

The baby must be in care for at least 7 consecutive days.

Employees can get one week's leave for every 7 full and continuous days that their baby is in neonatal care. Parents will be able to take a minimum of 1 week, and a maximum of 12 weeks' leave, depending on how long their baby is getting neonatal care.

## Section 7 - Policies

Neonatal Care Pay and Leave is additional to other parental pay and leave entitlements. If an employee is already on maternity leave or adoption leave, Neonatal Care Leave must be taken at the end of that entitlement.

### **Statutory Neonatal Care Pay**

If an employee claims Neonatal Care Leave, they may also be able to claim Statutory Neonatal Care Pay if they're eligible.

To get Statutory Neonatal Care Pay, the employee must have been continuously employed by the employer for at least 26 weeks up to the end of what's called the 'qualifying week'.

If the parent gets Maternity or Paternity Pay, the 'qualifying week' is the 15th week before the baby is due. If they get Statutory Adoption Pay, it's the week they were told they'd been matched with the baby for adoption.

Otherwise, the 'qualifying week' is the week immediately before the baby enters neonatal care.

They must also:

- continue to be employed up to the week before you want the pay to start
- earn on average £125 a week (before tax) or more, over an 8-week period

The employee will get either £187.18 a week or 90% of their average weekly earnings (whichever is lower).

For further information, see <https://www.gov.uk/neonatal-care-pay-leave>

### **Parental Leave**

- Employee needs one years' continuous service to be eligible
- Parental leave is unpaid
- Right to 18 weeks of parental leave for each child born or adopted. Must be taken up to the child's 18<sup>th</sup> birthday.
- Leave must be taken in blocks of one week or two weeks, rather than individual days, unless your employer agrees otherwise or if your child is disabled.
- Maximum of 4 weeks per year for each child

## Section 7 - Policies

- 21 days' notice must be given (in writing)
- Employer can postpone the leave for up to 6 months for business reasons

A year is a 12-month period starting on the date on which the employee first became entitled to parental leave in relation to the child, and each 12-month period starts thereafter on that anniversary.

For example:

- If your employee worked for you and had already been working for you for at least a year, at the time of the child's birth, the period of entitlement starts on the child's date of birth, and every 12-month period would then start annually on the child's birthday.
- If the employee worked elsewhere when the child was born, and they started employment with you sometime further down the line, then they need to have worked for you for a year before they are entitled to take any parental leave, so their entitlement would start on the first anniversary of their first day of work, and each 12-month period would be in relation to this date.

Parental leave can carry over from a previous job and applies to each child, not to an individual's job. Therefore, for example: An employee is entitled to 18 weeks. If they've used 10 with a previous employer, they can use up to 8 weeks with their new employer, if they're eligible.

See also <https://www.gov.uk/parental-leave> <https://www.acas.org.uk/parental-leave>  
<https://www.acas.org.uk/time-off-for-care-and-support>

### **Right to Time off for Emergencies**

In an emergency there is a right to time off work to care for someone depending on you. The leave is unpaid.

### **Depending on you**

A person depending on you is defined as your husband, wife or partner, child or parent, or someone living as part of your family, and any others who rely on you solely in an emergency.

## Section 7 - Policies

### **An emergency**

An emergency is when someone who depends on you:

- Is ill or injured and needs your help to make longer-term care arrangements
- Is involved in an accident or assaulted
- Needs you to deal with an unexpected disruption or breakdown in care, such as a childminder or nurse failing to turn up
- Goes into labour
- Needs you to deal with an incident involving your child during school hours e.g. suspension from school.

You can also take time off if a dependant dies and you need to make funeral arrangements or attend the funeral.

### **How much time can be taken?**

You may take as long as it takes to deal with the immediate emergency. For example, if your child falls ill you can take enough time to deal with their initial needs, such as taking them to the doctor and arranging for their care. You will need to make alternative arrangements (request holiday entitlement or request unpaid leave) if you want to stay off work longer to care for them yourself.

This right does not include the right to attend appointments such as dental appointments. However, it is a matter of goodwill and best practice that time off be given for such appointments.

### **Right to Join a Trade Union**

Employees have a statutory right to join a trade union whether or not the trade union is recognised by the employer.

Further information is available from ACAS whose contact details are included in Section 10 of this document.

## Section 7 - Policies

### **Smoking Policies**

A smoke-free law came into effect in England on 1<sup>st</sup> July 2007 and applies to virtually all “enclosed” and “substantially enclosed” public places and workplaces. This includes both permanent structures and temporary ones, such as tents and marquees. Indoor smoking rooms in public places and workplaces are not permitted.

There is also a requirement for no-smoking signs (of a specified size and with specified wording) to be displayed.

Further information can be obtained from [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk)

### **Age Discrimination**

Age discrimination legislation contained within the Equality Act provides that employees may not be discriminated against by reason of their age.

Organisations are no longer permitted to have a Normal Retirement Age (unless it can be objectively justified as a proportionate means of achieving a legitimate aim).

Discussions may be had with all employees (preferably during the annual review process) to determine their aspirations for the next 5 years. This should capture the intentions of employees to retire without falling foul of discrimination legislation.

Age discrimination legislation also affects other areas of employment. It should be ensured that any benefits offered to employees do not discriminate on grounds of age, for example, it has been suggested that benefits requiring more than 5 years’ service to acquire would be discriminatory. Employers may, however, give benefits which will reward the loyalty of their employees.

Care must also be taken not to discriminate against younger workers by requiring unnecessary lengths of experience for particular positions.

<https://www.ageuk.org.uk/information-advice/work-learning/discrimination-rights/ageism/ageism-at-work/>

<https://www.gov.uk/guidance/equality-act-2010-guidance>

<https://www.gov.uk/employer-preventing-discrimination/recruitment>

## Section 8 - Volunteers

### **Volunteers**

Volunteers play an essential part in the operation of many charities and projects. However, care should be taken to ensure that there is no contractual obligation implied and that volunteers receive reimbursement of expenses only.

### **Recruiting**

Volunteers should be interviewed to check that they have the appropriate skills and knowledge to fulfil the voluntary tasks for which they are applying.

Where a volunteer's role will involve contact with children or adults who are vulnerable an Enhanced DBS (Disclosure and Barring Service) check will be required.

It should be noted that volunteers may only receive training which is necessary for them to fulfil their voluntary tasks. Any general training that they receive may be considered a benefit, thus changing the status of a volunteer to that of a worker.

Potential volunteers have been known to bring claims against employers for failing to recruit them to a voluntary position, especially where appealing training and / or qualifications have been promised at the recruitment stage. You should always be on your guard to ensure that the role is truly a voluntary role and that there is no expectation that employment may follow. For local advice, contact your local volunteer bureau or Council for Voluntary Services.

### **Volunteer Agreement**

It is useful to have an agreement with the volunteer which will state the expectations of both the organisation and the volunteer. This is especially helpful if a period of training is required which will create a significant cost to the organisation.

However, care should be exercised in ensuring that the language used in the agreement is not contractual in its implications. An agreement should show mutual hopes rather than mutual obligations.

A suggested Volunteer Agreement is available in this document.

## Section 8 - Volunteers

### Training

The organisation should provide training for the volunteer that is necessary for them to undertake their role. However, it should not allow a volunteer to consider the training as a reward in return for their volunteering as this would be deemed to be a “consideration” given in return for work which would create a contract between the organisation and the volunteer (which would entitle the volunteer to claim the National Minimum Wage for all the hours that they have “worked”).

Training is more likely to be treated as a “consideration” if it is not necessary for the volunteer’s role or if the organisation emphasises the tangible benefit of the training, for example, stating that the experience and training given to them will assist them in obtaining paid employment.

### Expenses

It is vital that volunteers are reimbursed for their genuine out-of-pocket expenses rather than receiving any payment given in return for work. Reimbursement is not taxable, does not create a contractual or employment relationship, and will not affect state benefits.

#### **What is a genuine reimbursement of expenses?**

Reimbursement means repayment or refund of money which the individual has actually spent. It will not be considered as remuneration provided that:

- The expenditure was genuinely incurred
- The expenditure was necessary for the work
- It was wholly for the work
- It is adequately documented
- It was reimbursement of the type of expenditure allowed free of tax by HM Revenue & Customs.

The following are allowed by HMRC as reimbursable expenses provided that the volunteer receives no other payment or remuneration from the organisation:

- The actual cost incurred for fares for travel between home and the place of volunteering, or between places of volunteering
- A mileage allowance at the HMRC agreed rate or less, for genuine car use between home and the place of volunteering, or between places of volunteering
- Actual cost incurred for specialist clothing required for the voluntary work, for example uniforms or clothing required for health and safety purposes

## Section 8 - Volunteers

- Actual cost incurred in the purchase of materials or services required to do the voluntary work
- Actual cost of meals taken during the time of volunteering
- Actual cost of crèche or childminding fees or other dependent care costs incurred in order to be available for volunteering

Payments greater than the costs actually incurred are not genuine reimbursements and will not be treated as such by HM Revenue & Customs. It is good practice to have limits on the maximum amounts that will be reimbursed for meals, childcare and other expenses.

Reimbursement should be made by a claim with the volunteer's signature obtained. The receipts should be attached to the claim form. A suggested Volunteer's Expenses Claim Form is available in this document.

### **Performance issues**

A volunteer should have informal meetings with the person who supervises or manages them in order to ensure that their performance meets satisfactory standards. Records may be kept, especially where performance issues have arisen.

Volunteers should not be bound by the Disciplinary and Grievance procedures as this would have contractual implications.

When a volunteer agreement is ended by the organisation, care should be taken to avoid the use of contractual language.

Further information can be obtained from the Parish Resources website:

<https://parishresources.org.uk/people/working-with-volunteers/>

## Section 9 – Health & Safety

### Health & Safety

Health and Safety issues are covered by several Acts.

Health and Safety policies are a statutory requirement for all employers with 5 or more employees. The policy needs to identify responsibilities for health and safety and should:

- Reflect the buildings, equipment and substances used in the organisation
- Address particular hazards
- Indicate arrangements for emergencies
- Clarify how safety is communicated to visitors (if appropriate)
- Register the checks that are required.

The Health and Safety Commission issue guidance and a code of practice on health and safety and it is enforced by the Health and Safety Executive. Further information is available on their websites.

### Office Health and Safety

An employer should attend to the following areas:

- Managing health and safety (e.g. assessing risks)
- Workplace health and safety and welfare (e.g. working environment and housekeeping)
- Provision and use of work equipment (e.g. tools to be suitable for their purpose)
- Manual handling (e.g. avoiding or assessing needs and methods)
- Protective equipment (e.g. ensuring it is properly used)
- Display screen equipment (e.g. satisfying certain minimum requirements for computers).

### Display Screen Equipment guidelines

The Display Screen Equipment Directive has led to VDU (visual display unit) Regulations in the UK. These Regulations cover all workers who habitually use display screen equipment as a significant part of their normal work. The main requirements include:

- Risk assessment of individual workstations, especially with regard to visual fatigue, musco-skeletal problems etc
- Work-station design to conform to minimum ergonomic standards (that is, designing the equipment around the person)

## Section 9 – Health & Safety

- Provision of adequate rest breaks from work at the screen
- Access to eye tests at the employer's expense
- Provision of adequate information and training.

### **Manual Handling**

The regulations require employers to consider the risks from manual handling operations to the health and safety of their employees.

They are required to:

- Avoid manual handling operations where possible
- Assess and reduce the risks of the remaining operations
- Provide mechanical aids and / or personal protective equipment
- Provide information and training

### **Risk Assessment**

There is a requirement to carry out risk assessments for the type of work that the employee will do. Information and templates are available from the Health and Safety Executive website.

A suggested Health and Safety Policy is available in this document.

Further Health & Safety guidance and documents should be available from your insurance company.

## Section 10 – Useful Contacts and Addresses

### **ACAS (Advisory Conciliation and Arbitration Service)**

Euston Tower  
286 Euston Road  
London  
NW1 3JJ  
Tel: 020 7210 3613  
Helpline: 0300 123 1100/0845 747 4747  
[www.acas.org.uk](http://www.acas.org.uk)

### **The Charity Commission**

PO Box 1227  
Liverpool  
L69 3UG  
Tel: 0300 066 9197/0845 300 0218  
<https://www.gov.uk/government/organisations/charity-commission>

### **Chartered Institute of Personnel and Development (CIPD)**

CIPD Enterprises  
151 The Broadway  
London  
SW19 1JQ  
Tel: 020 8612 6200  
[www.cipd.co.uk](http://www.cipd.co.uk)

### **ThirtyOne:Eight (formerly Churches' Child Protection Advisory Service - CCPAS)**

PO Box 133  
Swanley  
Kent  
BR8 7UQ  
Tel: 0303 003 1111  
<https://thirtyoneeight.org/>

## Section 10 – Useful Contacts and Addresses

### **Department for Business, Energy & Industrial Strategy**

(formerly the Department for Business, Innovation and Skills)

1 Victoria Street

London

SW1H 0ET

Tel: 020 7215 5000

<https://www.gov.uk/government/organisations/department-for-business-innovation-skills>

### **Directory of Social Change**

352 Holloway Road

London

N7 6PA

Tel: 0207 697 4200

[www.dsc.org.uk](http://www.dsc.org.uk)

### **Equalities and Human Rights Commission**

Arndale House

The Arndale Centre

Manchester

M4 3AQ

Tel: 0161 829 8100

Advice Line 0808 800 0082

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **Health & Safety Executive**

Redgrave Court

Merton Road

Bootle

Merseyside

L20 7HS

HSE Infoline: 0845 345 0055

[www.hse.gov.uk](http://www.hse.gov.uk)

## Section 10 – Useful Contacts and Addresses

### **Information Commissioner's Office**

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Helpline no: 0303 123 1113  
<https://ico.org.uk/>

### **HM Revenue & Customs**

<https://www.gov.uk/government/organisations/hm-revenue-customs>  
<https://www.gov.uk/browse/employing-people>

### **Learn Direct**

FREEPOST learndirect  
Tel: 01202 006 464  
<https://www.learndirect.com/>

### **Smokefree England**

<https://www.smokefreeengland.co.uk/>

### **The National Council for Voluntary Organisations (NCVO)**

Society Building  
8 All Saints Street  
London  
N1 9RL  
Help desk: 0800 2798 798  
<https://www.ncvo.org.uk/>

## Section 10 – Useful Contacts and Addresses

### **The Suzy Lamplugh Trust**

The Foundry  
17-19 Oval Way  
London  
SE11 5RR  
Tel: 020 7091 0014  
[www.suzylamplugh.org](http://www.suzylamplugh.org)

### **Direct Gov**

<http://www.direct.gov.uk/en/Employment/index.htm>

### **Trades Union Congress**

Congress House  
Great Russell Street  
London  
WC1B 3LS  
Tel: 020 7636 4030  
[www.tuc.org.uk](http://www.tuc.org.uk)

### **Unite the Union**

Unite House  
128 Theobalds Road  
Holborn  
London  
WC1X 8TN  
Tel: 020 7611 2500  
<http://www.unitetheunion.org/>