

A new shape of lawyer

I've been running my business on my own for the last few years but I am now so busy that I am thinking about taking on my first employee. What sort of things do I need to bear in mind?



Simon Crack

Firstly, you need to ensure that you check that any individual you are planning to hire has the right to work in the UK. Failing to carry out the essential immigration checks could have serious consequences for your business. You should also take up references and consider whether you need to carry out a DBS check (criminal record check) or get evidence of qualifications.

You must, by law, provide the employee with a written statement of particulars within two months of starting work. In essence this is a list of the main terms and conditions of employment such as the employee's start date, pay day, rate of pay, holiday entitlement, notice requirements and how they can raise a grievance.

In practice, it is better to incorporate the relevant details into a carefully drafted, clearly written contract of employment. This will give you much more protection and flexibility than the simple statement of particulars – examples include clauses to protect confidential information and customer lists, to allow you to deduct money to recoup accidental overpayments, and to alter duties or working hours as the needs of the business change.

You'll need to make sure that you are paying them at or above the National Minimum Wage. The rate depends on their age, so make sure you are applying the right rate.

There are other practicalities to sort out including HMRC registration, pension auto-enrolment and Employers Liability insurance.

You won't need a Health & Safety policy until you have five employees, but you'll still need to carry out risk assessments.

There's quite a lot to do, but once you've done it, it's much easier when you take on employee number two!

For further advice on these issues please call our employment team on **01904 528 200** and speak to Jo Yeates or David Scott.