



Being a Good Employer

Becoming an employer for the first time can be both exciting and daunting. You have a lot to think about and it can feel a little overwhelming at times. It's good to be concerned though. It means that you are more likely to take steps to make sure that you are doing things correctly. With a bit of thought and planning there is every chance that the experience will be a rewarding and satisfying one for the Management Committee or Board, and for the employees.

The employer / employee relationship is governed by three main elements:

- The Law: Statutory rights and obligations set out in UK employment law, often driven by European law (although this will change when the UK leaves Europe).
- The contract: Contractual agreement between the parties setting out the terms and conditions of the relationship. This becomes legally binding once agreed, so it's important to get it right.
- Good practice: "How we do things round here" - Policies, procedures and actual practices

Based on the above elements, this briefing sheet sets out the main things that you need to think about, decide on, and do when you employ paid staff.

Before you take on staff

Legal structure

You may already be registered as a charity, (if you are a Church of Scotland based project, your own church will have charitable status) but are you incorporated? Becoming incorporated means that the organisation has its' own separate identity (literally, a body) in the eyes of the law. Incorporation offers protection to the people making the governing decisions as any claims (e.g. from disgruntled employees) will be against the organisation and not the individual committee members. A common form of incorporation for small charities is to become a SCIO ([Scottish Charitable Incorporated Organisation](#)) but it's important to take advice on what may be the best legal structure for you, as each comes with responsibilities as well as protection. If you are a **Go For It** funded project and wish to change your status to become a SCIO, we will request copies of key documents in the process.

Job Description and Person Specification

Think carefully about what the job title will be and what you want the employee to do. Describe the job and context in a short narrative and then list the tasks / responsibilities. Make sure it's not too detailed or too vague. Ideally it should be between one and two pages long.

Having described the job, you should also describe the person who would be the ideal fit. Write down the skills, qualities, experience and any qualifications that the person would need in order to do the job. It is useful to designate each as being either essential or else desirable. If you call it

essential, you are saying that without this they will not even be considered for the role. Be realistic. Ideally there should be no more than 10 - 12 criteria and preferably less as you will be looking for evidence of each during the selection process.



Be careful to make sure that the person specification or other parts of your recruitment process does not directly or indirectly discriminate on the grounds of age, race or nationality, disability, sex, sexual orientation, transgender status, religion or belief or marriage or civil partnership status. These are known as 'protected characteristics' under the [Equality Act 2010](#). There are some limited circumstances in which it would be lawful to restrict recruitment to particular groups on the grounds that a genuine [occupational requirement \(OR\)](#) applies. For example it may be possible to specify that applicants be of a particular religion but do take advice before applying any occupational requirements.

Terms and conditions of employment

You will need to decide on what to put in the contract of employment. For example

- **Pay:** How much will you pay? Will it be a fixed rate or a scale? How often and by what method will payment be made? Pay must be no less than the National Minimum Wage or National Living Wage
- **Hours:** What will the working hours be? Will these be set or flexible?
- **Contract dates:** Will it be ongoing employment or a fixed term contract?
- **Paid holidays:** How many paid holidays will you give? The law requires you give no less than 5.6 weeks (28 days) per annum, which can be inclusive of any paid public holidays that you give. You can choose to be more generous.
- **Sick pay:** You must give Statutory Sick Pay to eligible staff, but you may choose to enhance this. What sick pay will you offer?
- **Pension:** Employers are required to automatically enrol eligible staff into a work pension scheme and make an employer contribution. What pension scheme will you use? You will also have other duties in relation to workplace pensions.

Those are just some of the key things on which you will need to make decisions.

Advertising and Recruitment

How will you fill the post? It is best practice (except in limited circumstances) to openly advertise a vacancy to ensure that you are getting the widest choice of potentially suitable candidates.

Projects funded by **Go For It** will be expected to evidence this. Will you devise your own application form or accept CVs? Who will do the shortlisting and interviews? When you are shortlisting do make sure that you note reasons for interviewing or not interviewing candidates. A scoring system can be useful for this.

Interview questions should seek evidence on how the candidate meets the person specification.

Confirming the appointment may be conditional on

- [Evidence of entitlement to work in the UK](#). All would-be employees must show this and you must take and retain copies of the documents.
- Suitable references
- Disclosures / [Protection of Vulnerable Groups Scheme](#) membership.

Management Structure and roles

You may have been used to doing everything yourselves as a group of volunteers but once you employ staff it's important to have clear roles in order to let them get on with the job you have employed them to do. Do you have a clear management and decision-making structure? It's best to designate one person from the Committee to have a line manager role for staff, to ensure that the employee is not getting instructions (sometimes conflicting) from various committee members. The line manager will support and supervise the employee/s, making sure that they are carrying out the job to the satisfaction of the committee and that they have the support and resources to do so.



It is often the case that for **Go For It** funded projects, the Kirk Session of the church in which they operate, will have this management role but nevertheless the above general principles would still apply.

It can be useful to also designate two or three committee or *Kirk Session* members to form a Staffing or Personnel sub group. This group will have an agreed delegated role and decision making powers in dealing with employee-related issues and will form an additional layer of management, useful in dealing with any grievance or disciplinary issues that may arise.

Policies and Procedures

Having written policies and procedures is generally not required by statute. However it is advisable to have a few key ones, as they can help ensure good practice and will be useful in helping you comply with your responsibilities as an employer, and in some cases may be required by funders or sector-specific regulators such as the Care Inspectorate.

You will at minimum need to devise policies on Discipline and Grievances. A written [Health and Safety Policy](#) is required if you have 5 or more staff. Other useful policies include Equal Opportunities, Sickness Absence Management, Recruitment and Selection, Family Leave, Data Protection, Whistleblowing, and Performance Management, but there are many others you may wish or be required to develop too, such as Child Protection.

If you are using sample or template policies do make sure that you carefully adapt them to suit your own organisation.

Do specify on your policies and procedures that they are not part of the contract of employment. This means that it will be easier to make changes to them as required.

Other important things

- [Employers Liability Insurance](#). You must have this in place before employing any paid staff, regardless of how many hours that they work.
- Payroll: [Register](#) as an employer with HM Revenue & Customs (HMRC) using the online tax registration service. You will need to decide who will process your payroll as you will need to deduct tax and NI, and give employees a [payslip](#).

- Equipment. It may seem obvious, but remember they will need things like a desk / chair / phone / computer / email account / toilets / kettle etc

When the employee starts work

Contract of employment

You must, by law, issue a [Written Statement of Particulars of Employment](#) to anyone who will work for you for a month or more. This document must be given within 2 months of them starting work, but it's recommended to give them it right away so that both parties are clear on the terms being agreed. The Written Statement is not technically a contract, but it contains a lot of detail that you would want to include in a contract, so it's worthwhile to state in it that it IS a contract of employment. You can download a [template](#) here but it is worthwhile getting advice when devising a contract. Once accepted, it cannot be changed without agreement of both parties so do make sure that the contents are correct and suitable.

Induction

Plan how you are going to help the employee to settle in and work effectively as quickly as possible. It can be useful to write a checklist of things to cover including facilities, [Health and Safety](#) issues, key contact people etc. You may wish to discuss particular policies and procedures to make sure that they know them.

Managing Performance

[Managing performance](#) is all about getting the best out of people. The designated line manager should meet with the employee at agreed regular intervals. These Support and Supervision meetings provide an opportunity to review progress, give feedback, agree short term plans and objectives and deal with any issues early. It is also useful to have an agreed procedure in place to use if the employee is not performing well.

You may also wish to have an annual Appraisal meeting. This takes an overview of the previous year and the coming year, agrees longer term objectives, highlights successes, agrees and plans for training and development needs.

Ongoing, you will want to set up a culture and processes that ensure that staff feel [engaged](#) with the organisation and their role within it. This flows from good leadership, trust, empowerment and listening.

Review policies and procedures

Policies and procedures can go out of date. It's useful to review them from time to time, especially in response to changes in the law or where they have proven to be ineffective or unsuitable.

Resources

- The Church of Scotland Law Department can offer a [wide range of support](#) to **Go For It** Funded projects and potential applicants.
Contact: Jennifer Campbell - jcampbell@churchofscotland.org.uk
- [GCVS Employers' Advice Service](#) produced this briefing paper for us. They offer advice, support and training on all aspects of being an employer. Contact Linden Stables, EAS Manager, on 0141 354 6515 or email linden.stables@gcvs.org.uk
- [acas](#) provides information, guidance notes and help for employers
- [Gov.uk](#) has information on employing people