

Broadcast

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Is your organisation compliant with current legislation and best practice?

Here we have outlined some of the key factors you should consider implementing within your business.

Data protection

Under the Data Protection (Charges and Information) Regulations 2018, organisations that process personal data need to pay a data protection fee to the Information Commissioner's Office unless they are exempt. Check if you need to pay a fee here: www.ico.org.uk/for-organisations/data-protection-fee/self-assessment/

Employers' liability insurance

This is a legal requirement under the Employers' Liability Act 1969. It's there to protect employees if they get injured or become ill as a result of working. It covers damages, compensation costs and legal fees that a current or ex-employee is entitled to as a result of illness or injury which may have been caused whilst working.

Recruitment

Unsuccessful candidates can make claims to Employment Tribunals if they believe they have been discriminated against during a recruitment process. Ensure that your selection procedures are objective and that you retain recruitment related documents for 6 months to be able to defend any potential claims.

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Right to work in the UK checks

These checks are a legal requirement. For British and Irish Citizens, employers must carry out right to work checks by physically meeting new employees or by using ID validation technology to check hiring documents. For individuals who are not British or Irish citizens employers can access the online Right to Work Checking Service. For some businesses, using government-certified Identity Service Providers (IDSPs) to oversee digital right to work checks could be an option to help with this process. www.gov.uk/check-job-applicant-right-to-work

Disclosure and barring service (DBS) checks

If a DBS check is relevant to the type of work that an employee will be doing, ensure the job offer/contract of employment is conditional upon receipt of a satisfactory check and consider whether the employee should be allowed to start work before the check is completed. Be clear who pays for the check – employers who foot the bill may wish to draft their documents to facilitate recouping the fee if the employee does not stay in the job for a minimum period.

www.gov.uk/government/organisations/disclosure-and-barring-service

Terms & conditions of employment

It is a legal requirement for employers to issue principal terms and conditions of employment on or before the first day of employment. Employers should consider having any existing contracts/statements reviewed every 2 years to ensure they are compliant with current legislation. Employers must comply with the Pensions Act 2008 in terms of minimum employer and employee contributions.

Holidays

Employers must meet the statutory minimum requirements (5.6 weeks paid leave per annum) in line with Working Time legislation. Any 'rules' around holidays can be positioned to give a business maximum protection, flexibility, and minimise costs on termination.

Company rules

Ensure these are communicated in writing to, and acknowledged by, employees. Review any policies, procedures or employee handbooks regularly to keep up to date with current legislation and best practice.

Health & safety

By law, employers are required to have a Health & Safety policy setting out how health and safety will be managed, who does what, when and how. For organisations with more than 5 employees, this must be in writing. www.hse.gov.uk/simple-health-safety/index.htm

Sickness absence

Employers must comply with their obligations in terms of statutory sickness payments and should be aware when a 'Fit Note' from a healthcare professional is required. Best practice is to have accurate recording/tracking systems in place to capture dates/reasons and established 'trigger points' at which action may be taken. www.gov.uk/employers-sick-pay

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Disciplinary & grievance procedures

Every employer must have them, or state that they follow the relevant Acas Code of Practice. Where possible, ensure the most senior manager(s) are not involved at an early stage of these procedures as they may be required for Appeals. When it comes to unacceptable performance/conduct, it is best to deal with issues as they arise or as soon as they become evident. Not taking action can be seen as condoning behaviour and can undermine any attempt to deal with the issue(s) on a formal basis at a later date. www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures

Termination of employment

Ensure you have a fair and lawful reason for dismissal (i.e. Conduct, Capability, Redundancy, Statutory Illegality, or Some other Substantial Reason), and that a reasonable procedure is followed to avoid costly claims of unfair dismissal and/or discrimination.

For further information on any of the above, call us on **01753 888 211** or email info@nhllp.com
We would be happy to help.