

Employment Guidance

Human Resources Toolkit

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Our Vision Prayer

Heavenly Father, we embrace Your call for us to make disciples, to be witnesses, to grow leaders and inspire children and young people. Give us eyes to see Your vision, ears to hear the prompting of Your Spirit and courage to follow in the footsteps of your Son, our Lord and Saviour Jesus Christ.

Amen

Introduction

Welcome to the Blackburn Diocese Human Resources Toolkit. The purpose of the toolkit is to guide you through typical aspects of the employee life cycle. This guidance should be used in conjunction with the downloadable templates which you can request for free from the diocesan HR team.

This section covers **employment**. Whether you are employing someone for the first time, or have years of experience, this toolkit will help ensure that you employ **safely, legally**, and following **best practice** with confidence.

If you need further assistance with the employment process, please contact the diocesan HR team.

Important pre-employment reminders

- **Right to work** - You must check that job applicants are allowed to work in the UK before you employ them. (You can be fined up to £20,000 if you cannot show evidence that you checked an employee's right to work in the UK). For example, you can check a passport in person and photocopy this. If the person is not from the UK, you should ask for a 'share code' as well as their ID documents. For further guidance, please see: <https://www.gov.uk/check-job-applicant-right-to-work>
- **DBS (where applicable)** - If the role requires the employee to work with children and/or vulnerable adults, a DBS check must be conducted. You need to see the outcome of this prior to commencement of employment. Please see: <https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers>. Make sure that your future employee had also completed a **confidential declaration** form.
- **References** - You should contact the referees provided by the candidate to check suitability for the role they applied to. Make sure that you get permission from the candidate prior to asking for the reference. In many circumstances, a referee is their current employer and you should provide them with the opportunity to inform them before you make contact. Please refer to **section 8** of the CoE Safer Recruitment guidance for specific requirements for obtaining a reference: <https://www.churchofengland.org/safeguarding/safeguarding-e-manual/safer-recruitment-and-people-management-guidance/section-8-pre-appointment-checks>
- **Contract of Employment** - Providing the new employee with a Contract of Employment prior to their start date is best practice. This ensures they agree with the terms and conditions before their first day.

A downloadable reference request form and a Contract of Employment checklist is available for you to use for free. Please contact the diocesan HR team to gain access to the recruitment pack.

Becoming an Employer

There are a some essential steps that must be followed when becoming an employer:

Notifying HMRC - You must register as an employer with HMRC so that you can pay your employee, pay tax and your national insurance contributions. You must register before the first pay day (it can take up to 30 days to get the employee PAYE Number)

To register and for further details this follow this link: <https://www.gov.uk/register-employer>

To speak to someone at the HMRC for any guidance or queries:
<https://www.gov.uk/government/organisations/hm-revenue-customs/contact/employer-enquiries>

Employer's Liability Insurance - You must get Employers' Liability (EL) insurance as soon as you become an employer - your policy must cover you for at least £5 million and come from an authorised insurer. Please note that you can be fined up to £2500 every day you are not properly insured. For further information visit: <https://www.gov.uk/employers-liability-insurance>

Payroll and Pension

To pay your employees, you will need to choose how to run your payroll. You may want to run the payroll yourself, or choose to pay a payroll provider to do it for you. To help you make your decision and for further information please visit the following site: <https://www.gov.uk/pay-for-employers/choose-payroll>

Please be aware that you must be aware of an individual's **employment status**. Do not get caught out by using invoices and treating somebody as 'self-employed' to avoid using payroll. Just because someone says they are self-employed, doesn't mean that they are. You should use the following links to check status:

<https://www.gov.uk/government/collections/employed-or-self-employed>

<https://www.gov.uk/guidance/check-employment-status-for-tax>

There is a legal obligation for UK employers to automatically enrol eligible employees onto a workplace pension scheme. You will need to select which scheme to use. You will also need to make eligible employees aware that they have been automatically enrolled and they have the right to opt-out if they want to. Make sure to read this page: <https://www.gov.uk/employers-workplace-pensions-rules>

Check out the Stewardship website, a payroll bureau for churches and Christian organisations:

<https://www.stewardship.org.uk/payroll-bureau>

Employment Policies

In order for line managers to manage their staff effectively, it is important that the employer sets out clear expectations within policy and procedure documents right from the start. This will also help maintain consistency in approaching certain situations especially when an employer has multiple employees.

You can choose to produce policies yourself, however you will need to make sure that you keep up to date with employment legislation changes. Acas are a useful source for producing essential policies: <https://www.acas.org.uk/templates-for-employers>

Alternatively, you can contact the diocesan HR team to access our downloadable employment policy and procedure template suite. These templates are designed to be easy to edit into your own context. We are also happy to advise you on enhancing your current policies. As the employer, you will remain responsible for making sure that you are compliant with UK law.

Useful websites:

<https://ecclesiastical.com/risk-management/people-on-church-premises/>

<https://www.hse.gov.uk/simple-health-safety/assets/docs/policy-statement-template.pdf>

Employment Records and Retention

Employers are encouraged to use both electronic and physical data security methods for storing data relating to employees. Employers should regularly review the length of time and purpose of retaining any personal data. It's good practice to have a document retention policy that is communicated to all staff so that they understand the different retention periods.

Statutory retention periods:

- **Accident records/reports for any reportable work accident, death or injury** - At least 4 years from date the report was made
- **Accounting records** - 3 years for private companies, 6 years for public limited companies.
- **First aid training** - 6 years after employment
- **Fire warden training** - 6 years after employment
- **Health and Safety representatives and employees' training** - 5 years after employment
- **Immigration checks** - for the duration of employment and then 2 years after the termination of employment
- **Income tax and NI returns, income tax records and correspondence with HMRC** - Not less than 3 years after the end of the relevant financial year
- **Medical records** - 40 years from the date of the last entry
- **National minimum wage records** - 6 years after the end of the pay reference period following the one that the records cover.
- **Payroll wage/salary records (also overtime, bonuses, expenses, benefits in kind)** - At least 3 years after the end of the tax year to which they relate. However, given their potential relevance to pay disputes seven years after employment ends may be justified.
- **Retirement Benefits Schemes** - 6 years from the end of the scheme year in which the event took place
- **Statutory Maternity Pay records including Mat B1s, dates of maternity leave, certificates showing the expected week of confinement (also shared parental, paternity and adoption pay records)** - 3 years after the end of the tax year in which the maternity period ends
- **Subject access request** - The ICO recommend the requested information is retained for a minimum of six months after any internal review provided it is clear that no further action will take place. However, if further action seems likely, a year or longer may be advisable.
- **Whistleblowing documents** - 6 months following the outcome (if a substantiated investigation). If unsubstantiated, personal data should be removed immediately.
- **Working time records including overtime, annual holiday, time off for dependents, opt outs etc** - 2 years from date on which they were made. Records in relation to hours worked should currently be kept for 3 years, beginning with the day on which the pay reference period ends.



Employment Records and Retention

Recommended (non-statutory) retention periods:

- **Actuarial valuation reports** - permanently
- **Assessments under health and safety regulations and safety representatives and committee records (including previous COVID-19 risk assessments)** - permanently
- **Bank details** - Bank details should be deleted as soon after the end of employment as possible once final payments have been made.
- **Flexible working requests** - 8 months following any appeal. This is because a further request cannot be made for 12 months following a request plus allowing for a 6 month tribunal limitation period on top.
- **Parental leave** - 18 years from the birth of the child.
- **Pension records** - 12 years after the benefit ceases.
- **Pension scheme investment policies** - 12 years from the ending of any benefit payable under the policy.
- **Personnel files and training records (including disciplinary records)** - 6 to 7 years after employment ceases but may be unreasonable to refer to expired warnings after two years have elapsed.
- **Recruitment documentation including application forms, CVs and interview notes (for unsuccessful candidates), equal opportunities monitoring forms, assessment exercises or tests** - at least 6 months to a year after notifying the candidate of the outcome of the recruitment exercise. Because of the time limits in the Equality Act, documentation relating to advertising job applications should be at least 6 months. A year may be more advisable as the time limits for bringing claims can be extended. Successful job applicants' documents will transfer to the personnel file.
- **Redundancy details, calculations of payments, refunds, notification to the Secretary of State** - 6 years from the date of redundancy.
- **Right to work in the UK checks** - Home Office recommended practice is 3 years after employment ends.
- **Senior executives' records (senior management team or equivalents)** - Some records may need permanent retention, however personal records should be retained for the same period as other employees.
- **Statutory Sick Pay (SSP) records, calculations, certificates, self-certificates, occupational health reports** - The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55) abolished the specific statutory retention period, therefore employers must keep sickness records to best suit their business needs, with a likely period being three months as a minimum up to six years from the end of employment. For personal injury claims, the limitation is 3 years.
- **Termination of employment, for example early retirement, severance or death in service** - At least 6 years although the ICO's retention schedule suggests until employee reaches age 100.
- **Terms and conditions including offers, written particulars, contracts and variations** - while employment continues and review 6 years after employment ceases or the terms are superseded. 7 years may be justified to allow for potential extensions to claim periods.

Additional Links:

Information Commissioners Office (ico) guidance on data retention: <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/retention-and-destruction-of-information/>

Health & Safety Executive: <https://www.hse.gov.uk/>

Flexible Working Regulations 2014: <https://www.legislation.gov.uk/ukxi/2014/1398>

Further Guidance in the HR Toolkit:

Recruitment Guidance

Line Management Guidance (*coming soon*)