

Key Considerations When Recruiting Employees

Providing the key documents and information at an early stage can help your solicitor understand the parties' rights, the effect on the business and the most appropriate route towards resolution.



The Requirements of the Role

Identify the skills, experience and responsibilities genuinely required for the position. Job descriptions and selection criteria should focus on the role rather than assumptions about the type of person who may perform it.



Employment Status

Decide whether the individual will be an employee, worker or genuinely self-employed contractor. The proposed label should reflect how the relationship will operate in practice.



Objective Selection Criteria

Establish how applications, interviews and assessments will be scored. Clear criteria can help decision-makers compare candidates consistently and explain the reasons for their selection.



Discrimination Risks

Review job adverts, application questions and selection criteria for potentially discriminatory requirements. Employers can discriminate unintentionally where a rule or practice places people with a protected characteristic at a particular disadvantage.



Reasonable Adjustments

Give candidates an opportunity to request adjustments to applications, interviews or assessment exercises. Disabled job applicants are entitled to reasonable adjustments where they would otherwise be placed at a disadvantage.



Candidate Information

Decide what personal information is genuinely required and explain how it will be used. Vetting and background checks should be relevant and proportionate to the risks associated with the role.



Interview Questions

Prepare questions in advance and ensure they relate to the role. Questions about health, family plans or other protected characteristics can create discrimination risks and are restricted in particular circumstances.



Pre-Employment Checks

Identify which checks are legally required or appropriate for the position. Employers must carry out a compliant right-to-work check before employing an individual in the UK.



The Job Offer

Decide whether the offer will be conditional on references, right-to-work evidence or other checks. Conditions should be stated clearly so that both parties understand what must happen before the appointment is confirmed.



Employment Terms

Agree the salary, hours, location, benefits, probation period, notice and other important terms before the employee starts. Employees and workers must receive the principal written statement of employment particulars on or before their first day.



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