Issuing Employment Documentation

Employers Guidelines

Each employee will need the following employment documents:

Form for Existing Employees *– one copy*

This form explains why you are issuing new employment documentation and has a section for your employees to sign to confirm they have read and understood the new Employee Handbook. The employer should complete the date section at the bottom of this form. This should be the latest date they want the employee to return their signed documents to the employer. The employee should return one completed and signed copy of this form to the employer.

Induction Checklist *– one copy*

This form has a section for any new employees to sign to confirm they have read and understood the new Employee Handbook and also ensure they have provided all of the relevant information and have had all relevant procedures explained to them.

Statement of Main Terms of Employment [SMT] *- two copies*

Each employee should be issued two copies of their SMT with all details completed by the employer e.g. job title and salary/wage, before their start date or on their first day at the latest. The employer should sign and date the end section of both copies. This can either be sent via email or post to be signed and returned before the employee’s start date or alternatively time should be set aside for this on their first day. The employee should return one signed copy of their SMT to the employer.

**Apprenticeship Agreement – two copies**

The Apprenticeship Agreement that we have prepared for you should not be issued to any existing apprentices without prior discussion with our advice department (0844 892 2772).

**All Apprenticeship Agreements in Wales; or those in England where a ‘framework’ is used because no ‘standard’ yet exists**

There are certain elements that must be present in this type of Apprenticeship Agreement for it to maintain its legal standing. The presence of these will ensure that it is an Apprenticeship Agreement and not a contract of apprenticeship. In addition to the usual information required for a statement of main terms, you must ensure that the following is correctly inserted:

* A statement of the skill/trade/occupation that the individual is receiving training in e.g. painter and decorator;
* The name of the relevant qualifying apprenticeship framework e.g. Construction Building (England).

You will need to contact the training provider for the details of the apprenticeship framework and ensure that this is entered correctly into the contract.  Failure to include these in the Agreement may severely restrict your management options relating to the individual.  Should you require any assistance when gaining this information, please contact the 24 hour advice service for further assistance.

**Apprenticeship Agreements in England where a ‘standard’ exists**

The required elements for this Agreement differ from the previous type (above). In addition to the usual information required for a statement of main terms, you must ensure that the following is correctly inserted:

* The length of the apprenticeship;
* The length of the off-the-job training to be provided as part of the apprenticeship. This cannot be less than 20% of their normal working hours.

Each new apprentice should be issued two copies of their Apprenticeship Agreement, before their start date or on their first day at the latest, with all details completed by the employer e.g. job title, salary/wage, statement of occupation, name of apprenticeship framework. The employer should sign and date the end section of both copies. The apprentice should return one signed copy of their Apprenticeship Agreement to the employer.

**Off-the-job training**

Off-the job training must be provided for all apprentices, regardless of the type of contract they are given and its length must be no less than 20% of their normal working hours.

However, the requirement to insert the length of the off-the-job training applies only to an agreement given to an apprentice where a ‘standard’ exists.

In England, for full-time apprentices starting their apprenticeships between 1 August 2022 and 31 July 2024 at least 20% of a 30-hour week must be spent on off-the-job training (even where the apprentice works more than 30 hours per week). This equates to an average of 6 hours off-the-job training per week over the planned duration of the apprenticeship practical period. The minimum requirement for a part-time apprentice working less than 30 hours per week remains unchanged at 20% of their normal working hours over an extended duration.

Deductions from Pay Agreement *- two copies*

The deductions agreement reflects clauses in the Employee Handbook where we reference a potential deduction from an employee’s pay. Employees must provide express written permission for such deductions. The employee should return one signed copy of their Deductions from Pay Agreement to the employer.

Employee Handbook *- one copy*

The employee should be given access to a copy of the Employee Handbook (either a copy kept in the workplace or an accessible electronic copy). It is recommended to have a digital version of the Employee Handbook in a central location and ensure all employees are made aware of how to access it. This is so that the employee always has access to the most up to date version of the Handbook if updates are made further down the line. If you have BrightHR you have the facility to upload your Employee Handbook and set read receipts to review who has seen and accepted the document.

Restrictive Covenant (if applicable) *- two copies*

Where employees have not previously been subjected to restrictive covenants, please seek advice from us prior to implementing the Restrictive Covenant Agreement for the first time. Consideration should also be provided in relation to the restrictive covenant. At the start of employment, the consideration will take the form of the employee’s offer of employment and will be reflected in the salary/benefits. However, if introduced to existing employees during the employment relationship then some form of consideration should be provided, this can for example be an additional benefit, salary increment or job promotion. The employee should return one signed copy of their Restrictive Covenant to the employer.

Here’s a short video to explain what you need to know about: [Restrictive Covenants](https://vimeo.com/819857411/5a1c9a3f6a?share=copy)

For general advice on restrictive covenants, contact our Solicitors Team. Alternatively, our Group law firm, Irwell Law can provide representation on a range of civil, commercial or regulatory matters. For more information, email info@irwell-law.com, telephone on 0800 023 2129 or visit their website: <https://www.irwell-law.com/>

48 Hour Opt Out Agreement (if applicable) *– two copies*

Employees can voluntarily opt-out of the maximum 48 hour working week provided by the Working Time Regulations. Where applicable, the employee should return one signed copy of their 48 Hour Opt Out Agreement to the employer.

Training Agreement (if applicable) *– two copies*

The Training Agreement should be issued to the employee before the specific training takes place – not as a blanket agreement to cover all training. The Training Agreement should include details of the actual cost of training and the start and end date that the training is due to take place. The cost included in the Training Agreement should not include the employee’s wages for the time spent training. The employee should return one signed and dated copy of their Training Agreement to the employer, and this should be saved on the employee’s personnel file.

Here’s a short video to explain what you need to know about: [Training Agreement](https://vimeo.com/819857731/94795e5b80?share=copy)

For general advice on Training Agreements, contact our Solicitors Team. Alternatively, our Group law firm, Irwell Law can provide representation on a range of civil, commercial or regulatory matters. For more information, email info@irwell-law.com, telephone on 0800 023 2129 or visit their website: <https://www.irwell-law.com/>

Vehicle Rules (if applicable) *– two copies*

If applicable (and where the Vehicle Rules are **not** incorporated into the Employee Handbook), the employee should return one signed copy of the Vehicle Rules to the employer.

The management guide which contains important updates, can be found in the HR document library under HR policies and guides.

Your employment documentation is stored in your online portal.

Need Further Advice?

**T: 0844 892 2772 E: advice@peninsula-uk.com W: peninsula-uk.com**