

9. How to Make an Offer of Employment

1 PREPARING TO MAKE AN OFFER OF EMPLOYMENT

Before you make an offer of employment it is important to check:

- You have all of the information you need from your preferred candidate, for example, an up to date CV, personal details such as address and date of birth.
- You are clear on the offer you are going to make, especially the job title, level of salary and other benefits attached to the role.
- Whether there is any other information you need to provide to the candidate at this stage to ensure they are in a position to make the right decision, such as working arrangements or requirement for travel.

2 MAKING A VERBAL OFFER

The first step in making an offer of employment is to make a verbal offer. Make sure you put enough time aside to call the candidate so that you can have a phone conversation and answer questions if necessary.

Hopefully they will have been thinking about the role and whether they would accept if offered the position.

You should be prepared for a range of reactions. There are a number of reasons why a candidate may not immediately say yes;

- It could be, particularly if it has been a few days since the interview, and if you haven't met the timescale mentioned at interview, that they thought they had been unsuccessful.
- It may be they felt they hadn't performed as well as they could have done and didn't expect to be offered the role.
- It could be that they are in an environment where they are unable to talk.
- It may be that they have reflected following the interview and have decided they are no longer interested in the role.

3 REACTION TO VERBAL OFFER

Ask the candidate how they felt the interview went and check they are still interested in the position. You can follow the steps below to guide you:

- Start the conversation by checking they are able to talk.
- Thank them for coming to the interview; you need to continue from where you left off at the end of the interview so renew the relationship you started to develop by discussing what the job and the company have to offer.
- Make a positive statement about how impressed you were with their interview performance. You want them to feel wanted and valued and that you believe they are the right person for the role.
- Gauge their reaction, then tell them you would like to conditionally offer them the role.
- Don't rush a candidate into making a decision. They will need time to understand the offer in full and reflect upon it.

4 CONDITIONS OF AN OFFER OF EMPLOYMENT

It is important to outline what it is you are offering and to be clear whether this is a conditional offer based on the applicant meeting certain requirements. The advantage of making a conditional job offer is that you can withdraw the offer if the conditions are not satisfied, without breaching the contract.

Eligibility to work in the UK

The Immigration, Asylum and Nationality Act 2006 makes it a criminal offence for an employer to employ an illegal immigrant. Employers who fail to comply with these regulations and 'knowingly or recklessly' employ someone who has not been granted leave to enter or remain in the UK or who does not have permission to work in the UK may be faced with up to £20,000 in fines.

To determine whether or not a candidate has the right to work in the UK, you should:

- ask them to produce original documents showing they have the right to work in the UK;
- check that the documents do relate to them;
- keep a copy of the documents;
- ask the candidate to sign the copy and sign and date it yourself.

To avoid a potential discrimination claim on the basis of race your process of checking eligibility must be applied to all potential employees; the same documents should be requested from all candidates.

References

If you are making an offer of employment subject to satisfactory references, you should take up references straight away. If an applicant's references prove to be unsatisfactory you can withdraw a conditional offer of employment.

Qualifications

Verification of qualifications can also form part of the condition of appointment if this is within your policy. If this is the case ideally you will have asked candidates to bring evidence of qualifications along with them at the interview stage. If this has not been completed satisfactorily at the interview, this should be completed at this stage. If it becomes apparent that the qualifications held by the candidate are not as stated in their application then discuss this with them and determine what action to take.

Medical conditions

Under the Equality Act 2010 it is illegal to ask prospective employees any questions about their health at the interview stage, unless this can be justified on the basis that the question is specifically related to the role.

You can ask health-related questions after making a conditional offer of employment. If, however, you then fail to make "reasonable adjustments" to accommodate a disability, or you withdraw the offer after learning of a medical condition that does not specifically prohibit that person from doing the job in question, you could face a discrimination claim. If a candidate does reveal a medical condition at this stage, you should work with them to understand how this may impact on their ability to carry out the full duties of the role and determine what reasonable adjustments can be made to enable them to do so.

Security and other clearances

Depending on the nature of the role and your organisation you may require other clearances, such as security vetting in Financial Services or DBS checks where the role holder is carrying out work related to children or vulnerable adults. You can only apply for checks in relation to specific roles so it is important to check that this is the case.

5 WHAT WILL HAPPEN NEXT?

It is important to explain the next steps of the process. If the offer is conditional on any checks or taking up references you need to let the candidate know what this will involve.

You will need to send the candidate the formal offer in writing along with any necessary forms. Let the candidate know what they will receive and when. Stress the importance of returning information as soon as possible. You can discuss a provisional start date at this point, but it is often not possible to set a start date at this point as there are normally a number of things that need to happen before you can.

The Employment Rights Act 2008 states that all new employees (whose employment is for one month or longer) must be provided with a written statement setting out the main terms (or ‘particulars’) of their employment within two months of starting work. It is best practice to issue the written particulars in a contract of employment as soon as possible.

6 REJECTING CANDIDATES

Make sure you get back to all candidates who have applied for a role and attended an interview with you. You could telephone candidates or write to them. It is good practice to cover the following:

- Thank the candidate for taking the time to attend an interview.
- That you regret to inform the candidate that they have been unsuccessful in their interview for the position.
- Without going into too much detail, let them know why they were unsuccessful. For example, ‘unfortunately we felt that your knowledge and experience were not at a level which we require for the role.’
- It is good practice to avoid making personal comments.
- Thank them again for coming to the interview.
- Wish them well for the future.

You are aiming to leave the candidate with a positive impression of your business, as they may apply for a job with you again in the future. Also, candidates can sometimes become customers of your business.

7 NEXT STEPS

- When making a conditional offer you need to give the candidate all of the information they need to make a considered decision. Make the salary offer after careful consideration and know how much flexibility you have to negotiate.
- Mention the main terms and conditions and other benefits, for example, bonus arrangements, pension provision, holiday entitlement and private medical insurance.
- It is important to answer any questions the candidate may have. They may have a number of questions or points for clarification. This is all part of the decision-making process.

8 FACTSHEETS & TEMPLATES TO HELP

- How to conduct a telephone interview
- How to conduct a face to face interview
- How to review candidates and make a hiring decision
- Contract of employment
- How to prepare for your new employee

9 FOR MORE ADVICE AND INFORMATION

ACAS - (Advisory, Conciliation and Arbitration Service) free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law. www.acas.org.uk

Achieve in Bath & North East Somerset - free recruitment support, advice and help. Matching job seekers, employers and course providers to help employers recruit, train and retain employees. www.achieveinbathnes.co.uk

Future Bright - free help & support for businesses and employees to realise their full potential. Provide access to training and development, workshops and networking. HR support to promote career progression and best practice to attract and retain staff. www.futurebright.org.uk

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