



# Recruitment Guide

## Help for Managers

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## Introduction

This recruitment guide has been put together to help clients of Net Recruiting.

It is unlikely to be relevant to clients with an in-house HR Department, but may be useful for other organisations.

It is not an explanation of the Net Recruiting service - that is available separately on our website.

Please note that explanations about relevant legislation are to the best of our understanding, but are inevitably a simplification. If you choose to use this guide, it is on the express understanding that you will not rely on it for the purposes of interpreting any legal or tax issues. If you need legal advice, your options include:

Consult an appropriate lawyer - ideally in individual who is a member of the Association of Employment Lawyers.

Check the freely available information from the government website -

[www.dti.gov.uk/employment/index.html](http://www.dti.gov.uk/employment/index.html)

Or you can check with our parent company, HR Consulting Associates – [www.hr-consulting.co.uk](http://www.hr-consulting.co.uk)

## Why have a recruitment policy

These notes have been put together to assist managers who are recruiting, by whatever channel. We have to be sensitive to some of the legal issues - all businesses are vulnerable to legal challenges when recruiting. This particularly applies to sex, race, age and disability discrimination.

This policy does not cover detailed recruitment methods but consider:

- A policy to escalate recruitment methods:
  - Internal advertising/staff introduction schemes.
  - Internet recruitment advertising.
  - Retained recruitment agency.
  - For a senior and niche position, headhunting.

This is the approach taken by most leading employers – it optimises cost \* results.

The cost of press advertising, including professional journals, varies enormously. For a junior position local newspapers could be more economical than Internet recruitment. A significant display advertisement in a national could be more than using a recruitment agency.

Of course there are many other recruitment channels - local radio, walk in interviews, milk round, whatever.

- If there is not a job description & person specification, write one – model later in these notes. It is very difficult to design an effective advertising campaign, brief an applicant, carry out an effective interview, without having carefully thought through requirements.
- Interview results should be recorded on a candidate assessment form (example appended).
- **Keep records of unsuccessful applicants for at least three months.** If they have not been interviewed, keep an annotated copy of the person specification with the application form. If they have been interviewed, keep the candidate assessment form. This is all necessary in case there are subsequent complaints!
- Use the standard letters which cover:
  - Initial inquiries
  - Invitations to interview

- Rejections
- References
- Job offers

The reason is simply that it is very tempting and easy to start including with an offer letter or e-mail terms or commitments that become unintentionally contractually binding.

This all presupposes you also have a satisfactory and up-to-date contract of employment. Examples are not included within this guide - contracts need to be carefully drafted in the context of an employer's business. We can provide advice if needed.

## Legal concerns

### Sex discrimination

It is illegal to treat applicants for employment differently, where that different treatment comparatively disadvantages men or women. Direct discrimination - choosing a man rather than a woman for no reason other than gender preference - is easy to recognise and manifestly wrong.

Indirect discrimination is a far more significant problem. This occurs when job requirements are less likely to be met by a woman (or a man) and cannot be objectively justified. Any less favourable treatment of a woman based on maternity or pregnancy will be sex discrimination.

Sex discrimination also includes marital status.

Just always make sure that anything noted as a job requirement could be met just as well by a woman as by a man.

### Race discrimination

For the purposes of this Guide, the principles of race discrimination can be taken as the same as sex discrimination.

### Disability discrimination

Disability is, for the purposes of UK employment law, people who:

***“Have a long-term (lasting or expected to last at least 12 months) physical (visible or non-visible) or sensory disability/medical condition, learning difficulty, or mental health problem, and consider themselves to be disadvantaged in their daily life”.***

It is nothing to do with being "registered disabled", which no longer exists. There is a legal requirement on employers to take such steps as they reasonably can to adjust the workplace, the work itself, and the recruitment methods so as to overcome the disadvantage that would otherwise be experienced by the disabled person.

If you have an applicant with a disability, and their qualifications and experience meet the job requirements, ask them for their views on whether the recruitment process could be adjusted to minimise any disadvantage to them. If you ever find yourself with a problem related to a disabled applicant or employee, and you do not have internal HR expertise, take advice.

### Age discrimination

Is what it says! It applies equally to "young and old", excepting that there is a default retirement age of 65 unless you have contractual arrangements for a higher retirement age. It is potentially lawful to consider age as a factor in deciding whether or not to recruit if the individual is within six months of 65 or your contractual retirement age if higher. But take advice. Useful link - [www.ageconcern.org.uk/AgeConcern/Documents/Your\\_Rights\\_Mini-guide.pdf](http://www.ageconcern.org.uk/AgeConcern/Documents/Your_Rights_Mini-guide.pdf)

### Other unlawful discrimination in recruitment

Sexual orientation, religion or belief, membership or otherwise of a trade union. And, in Northern Ireland, political affiliation.

## Diversity

It is illegal to discriminate at the point of recruitment. It is not illegal to take "positive action" up to but not beyond the application stage. Positive action would include using recruitment channels are particularly targeted certain groups of workers for instance, there are excellent Internet recruitment site focused on older workers.

## Equal pay, part time & fixed term workers

If there is a difference in pay between a man and a woman doing similar work, then this is illegal unless it is justifiable based on an objective reason.

It is illegal to give pay and conditions to part time staff, or those working on a temporary or fixed term, that are less favourable than those given to permanent full-time staff in equivalent roles. Where it is impractical to provide a benefit to a temporary or part-time employee on grounds of costs/administration, they should be given pro rata cash compensation. He or

**In summary, make sure male and female staff are paid the same if they are doing the same job and have the same abilities or qualifications.**

## References

An employer is potentially liable to both an employee and another employer if a misleading reference is given. In the context of recruitment, request written references, but do not be surprised if some other employers will only provide factual information, e.g. dates of employment, last job.

## Right to work

If you employ someone who does not have a right to work in the European Union, then you are committing a criminal offence! The law changed in 2004.

For all new starters you are must check their passport – take a copy of:

- the front cover and any page containing:
- the holder's personal details including nationality;
- the holder's photograph and/or signature;
- the date of expiry;
- for potential employees who do not have a right to work by virtue of citizenship of an EU country (plus Iceland, Norway, Liechtenstein = European Economic Area, "EEA", and Switzerland), endorsements in the passport showing a right to work in the UK.

If they do not have a passport, then check (original documents) BOTH:

- A document showing a UK National Insurance Number, and:
- A full UK birth certificate

In the case of citizens of EU "accession" countries (recently joined the EU), whilst there is a "right to work" in the UK, there is also a need to register under the Workers Registration Scheme (WRS). The countries concerned are:

Czech Republic  
Estonia  
Hungary  
Latvia  
Lithuania  
Poland  
Slovakia  
Slovenia

A WRS application form is available at

[http://www.workingintheuk.gov.uk/working\\_in\\_the\\_uk/en/documents/all\\_forms.html#WRS](http://www.workingintheuk.gov.uk/working_in_the_uk/en/documents/all_forms.html#WRS)

Whilst it is the employee who must complete it – within 28 days of starting work and the employer must check this has happened – the document is complex and a reasonable employer should assist the employee complete it, and pay the £50 fee.

Potential employees who do not have a right to work as above fall within work permit rules. There are various types of work permit, most applied for by the employer and specific to the employment.

If considering employment of someone needing a work permit, first check at

<http://www.ukba.homeoffice.gov.uk/workingintheuk/>

This is reasonably complicated following the fundamental changes to a “points based” system in 2008. If you need help, we can recommend a specialist organisation who will manage the process for you.

Right to work – summary

If you are looking at a passport which clearly belongs to the potential employee (picture, age etc) and shows them to be either (a) an EEA or Swiss citizen or (b) has entry clearance that clearly gives right to work (not just an entry visa), no problem. Just take copies of all relevant documents. If from one of the 8 EU accession states, make sure the individual registers under the WRS - keep a copy of their application.

If a non-EEA person enrolled on a UK course, fine subject to hours (above). Get proof of them being enrolled from the college.

Otherwise, it is likely you will need to apply for a work permit. This is quite a complex area – usually best handled by one of the many work permit advisory firms.

### Data protection

Do remember that recruitment records, including interview notes, can be obtained by candidates. Although at the point this Guide is written it is unclear as to whether these records are necessarily disclosable under the Data Protection Act, an applicant making a claim to an employment tribunal can certainly obtain an order requiring disclosure. Just make sure that notes kept about applicants are ones you would be comfortable defending!

### Avoiding legal problems

Employment law is complicated and frequently changing. The risks in recruitment, summarised above, can have unlimited financial penalties. Costs of defending actions are high and seldom recoverable even if winning. There is usually adverse local publicity in discrimination cases.

This Guide, along with your contracts, attempts to minimise legal risks.

If you ever do hit a problem or have concerns about an employment law issue, it is better to take advice early rather than after things have gone severely wrong!

## Starting Recruitment

### Authority levels

Any organisation should be very clear about who has authority to make job offers. In any recruitment process, unless for junior casual or temporary employees, it is usually sensible to involve more than one manager in the process. A second opinion makes for a safer process and is a positive message to the applicant.

### Preparation

Before any recruitment action starts, make sure you have a job description and person specification for the role. Model documents are appended to this Guide.

### Recruitment channels

The preferred options are in order:

**Previous applicants and staff introductions.** You may have records of applicants interested in joining. It is usually sensible that all vacancies, unless subject to some confidentiality concern, should be communicated to all employees within your organisation. They might be personally interested, but could also be invited to recommend anyone they know. You could consider offering an introduction bonus of say £750 (sadly taxable) paid to a current employee successfully introducing a new employee. The bonus could be paid when the new employee has worked with you for three months.

**Advertising.** Internet advertising is usually cheaper and as effective as print media. You can place such advertising yourself, but this does have some disadvantages. It is likely there will be a significant response from applicants who are unsuitable, unqualified or do not have a right to work in the UK. As soon as an end-employer places an Internet advertisement, there is a very high likelihood that there will be many phone calls from recruitment agencies saying they can do better. And some of the very best Internet channels are small niche sites - you may not know of them.

If you use a specialist advertising agency to manage your Internet advertising, just make sure that they are delivering a professional service in terms of legal/ethical treatment of candidates, and considered advice in terms of your particular advertisement and appropriate Internet channels. It is a world where someone can use automated posting software to place your vacancy on a free or very cheap site, hence at negligible cost, but is it really adding value. And your Internet recruiting agency is representing you - a sloppy and unprofessional service does nothing for your reputation.

**Recruitment Agencies.** Recruitment agencies are expensive but necessary. They can be used if other channels are unlikely to produce results, or have failed to do so. It is important that:

- The agency should thoroughly screen/interview applicants. Not just send through CVs.
- Terms should be that payment is only made on successful appointment. In return the agency will probably want "exclusive" terms, which is fair for say 4 weeks.
- Please resist the temptation to place Internet advertising when an agency has been briefed to handle your assignment. There is a very high likelihood that they will also place in Internet advertisement, resulting in you competing with yourself and all sorts of tangles with candidates.

## Selection

### Information from candidates

Ideally all applicants should complete your application form. If they want to send a CV this can accompany the application form. There are some specific legal reasons for preferring an application form, in essence

- An employee can be held accountable for what they say in an application form but not in a CV.
- It is a safer process in terms of objectivity and consistency.

If you are using Internet recruitment channels, consider having a specific electronic application form that asks applicants to complete key information, for instance specific examples of achievements and knowledge against the main job requirements. This can be extremely useful.

But, if you refer not to burden an applicant (who has a comprehensive CV) with completing an application form, it does not matter too much.

### Screening & interviewing

The key requirement is to be able to demonstrate a consistent approach.

You are recommended to use a consistent candidate assessment form whether for screening or interviewing.

The assessment form simply takes the key person requirements from the job description.

Assessment forms should be kept for six months even if there is no possibility of future interest in the candidate.

Standard letters are appended covering invitation for interview, outright rejection and 'held' for the future.

Interviews should be structured around, and recorded on, the assessment form. Please try to avoid the temptation to keep other notes - think of the assessment form as a document you would be very happy to defend at an employment tribunal!

The essence of effective selection interviewing is to remember that you are:

- **Selling the job and your organisation.** This applies just as much if you realise the applicant is unsuitable - they will tell others about you.
- **Collecting facts** (rather than opinions or impressions) to substantiate the decision whether to employ or not. That is why the assessment form is structured around recording evidence relevant to each requirement noted on the person specification.

Effective interview questions fall into two categories:

- **"Closed" questions.** These have a precise answer, e.g. **"the role requires regular late evening work - how would you get to work"**. A particularly useful closed question is **"can you give me an example of when you did/how you handled .....**". Try to prepare precise questions to give you clear answers on the key requirements from the person specification.
- **"Open" questions.** These encourage the applicant to express opinions or to show knowledge rather than giving a quantifiable answer. Example: **"why do you think a customer might choose this business"**. You might be trying to learn whether the candidate understands the market. Those are legitimate areas to explore, if they are objectively relevant to job requirements. A good test for relevance is whether what you are asking is covered in the job description or person specification.

Ineffective and dangerous interview questions include:

- Questions that are not relevant to the job. Do not ask anything if you would not be prepared to justify why you need the information. Especially dangerous questions are those that are potentially discriminatory. If a job does require the jobholder to be on 24-hour call, by all means ask if that causes potential difficulty in terms of any domestic or personal responsibilities. If you only ask the question of mothers, then you are discriminating.

The simple answer is to prepare relevant questions to obtain the information that is objectively needed. **Ask the same questions of each applicant**, and keep the record of the assessment form.

## References

References should be taken up for any person you employ. All you should ever expect from the last employer is confirmation of working dates, last role, absence record and (if the person has already left), their reason for leaving. You might receive more, hence the scope of the appended reference request letter. It is still helpful to know that the record you have been given is factually true.

If you already know the person well, of course you may decide not to bother about references.

The difficulty about references is "when". If the job is offered subject to receipt of satisfactory references, and then the offer is withdrawn, this is highly likely to result in time-consuming aggravation! If someone starts, and then there is a bad reference, the manager has a different problem.

Do not take up references without the express agreement of the applicant. The preferred approach is:

- If someone is likely to be offered a job, call them, say that they are one of the final candidates, and that you would now like to take up references. Then call the nominated referees. A phone call is usually more useful in terms of open information than sending a letter. Appended is a standard reference request letter that can also be used as a checklist for a telephone reference.
- In the (unlikely) event that the reference is unsatisfactory, simply reject the candidate without giving an unsatisfactory reference as the reason.

Often it will be necessary to take a different approach. If the referees will not give a verbal reference, write (see model letter attached). If it is imperative that the employee starts work prior to receipt of references, they should still be obtained. In the event that they are unsatisfactory, the options are either:

- If the reason for the unsatisfactory reference is factual and serious, e.g. previously dismissed for gross misconduct, then it is appropriate to terminate the employment.
- If the reason is opinion rather than fact, then it is better to carefully monitor conduct and performance rather than dismiss.

Employers are so sensitive about risks of giving unsatisfactory references that it is comparatively unlikely this issue will occur.

## Offers and rejections

Offers are made by sending:

- Offer letter
- Two copies of the contract of employment

"Rejections fall into two categories:

- You would not employ them - "rejection".
- You would employ them for an appropriate future vacancy - "retain".

Model letters are appended. It is an appropriate courtesy to let applicants know quickly whether or not they have been successful.

## Records

It is important to keep records of the recruitment process in case of any queries or problems in the future. Being cynical, you are just ensuring there is paper trail to defend yourself. Claims of discrimination in recruitment normally have to be made within three months of the "event", but they can be special circumstances where a longer time period is allowable. Hence emphasising six months for retaining documents.

### Rejected applicants

Keep application forms/CVs, the annotated person specification used for screening, candidate assessment form, job description (if non-standard) and copy letters for at least six months.

### Retained applicants

Keep the same information as for rejected applicants. Periodically (suggested each half-year) contact anyone on the "retained" list to determine whether they are still interested.

### Rejected offers

If a candidate turns down an offer of employment, apply the same standards as for rejected applicants.

### Accepted offers

All papers including the application form, any CV, person specification and candidate assessment form should be held on the personnel file.

### Confidentiality

Physical candidate records should be kept locked, and where held electronically not accessible by staff other than those having a legitimate (recruitment/records) reason to access this information.

Records no longer required must be treated as confidential waste – shredded.

## Appendices

### Candidate information pack

Consider using this where you are, for instance, advertising a role and have a number of applicants.

It should contain, ideally a company folder:

- Covering letter (see model letters)
- Application form (if appropriate level of job)
- Job description

The equivalent should be provided electronically and using Internet recruitment channels.

# Application Form

For office use only

Ref:

**Thank you for taking the time to make an application to .....**

**Position applied for:**

## Personal Details

Surname

Forenames

Title (Mr, Mrs, Ms)

Address

Telephone (inc. STD Code):

Mobile 'phone:

## Employment History (Most recent job first)

Dates	Name / location of employer	Job title & brief description of duties

**Education and Professional Qualifications**

Dates	Name of school, college or university	Subject / Qualification
Additional training or skills (for example, foreign language)		

**Referees.** Please give details of two referees: one must be either your present employer or your last employer if not currently employed

Name	Name
Address	Address
Tel. No	Tel. No
Position	Position

**Other Information**

Current notice period (where applicable)	
Do you have a UK driving licence	
Are you entitled to work in the European Union	
How did you hear about this opportunity	
Do you consider that you have a disability. People with disabilities, as defined by the Disability Discrimination Act, are considered to be individuals who have a long-term (lasting or expected to last at least 12 months) physical (visible or non-visible) or sensory disability / medical condition, learning difficulty, or mental health problem, and consider themselves to be disadvantaged in their daily life. If you have a disability, we will endeavour to adjust the selection process and if necessary the work itself to accommodate your situation.	

**Applicant's Declaration**

I declare that the information I have given is true and correct. I understand that providing false information could lead to the termination of employment. I agree ..... can hold and process the personal information I have provided for the purposes of my employment application and any resulting employment.	
Signed	Date

***Your Organisation***

# Job Description and Person Specification

**Job title:**

**Department:**

**Overall purpose of post:**

**Reports to:**

**Manages:**

---

**Background context:**

---

**Main duties:**

---

**Performance measures:**

Required qualifications

Required experience

Special requirements (e.g. languages, extensive travel)

Personal skills

Desirable but not essential attributes

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**Date job description revised:**

**Agreed by:**

**Your Organisation**

# Candidate Assessment

Is this screening (from CV or phone interview)

or interview record

**Job Title**

**Applicant Name**

**Assessor**

**Date**

Score: 1 = No Evidence, 2 = Little Evidence, 3 = Adequate Evidence, 4 = Good Evidence, 5 = Excellent match

Requirement (take from job spec)	Evidence/Comments	Score
Required qualifications # # # # #		
Required experience # # # # # #		
Special requirements (e.g. languages, extensive travel) # #		
Personal skills # # # # # # #		



## Offer pack

This contains:

- Offer letter
- Two copies of contract of employment

## Model letters

### Candidate pack - initial enquiry

Example (if using Internet recruitment, equivalent can be sent electronically)

Dear .....,

Thank you very much for your interest in joining .....

I have pleasure in enclosing:

- An application form.
- An information sheet about .....
- A job description for the position for which you applying.

Could you please return the application form as soon as possible. If you have a CV, please send this as well as the application form.

I look forward to hearing from you.

Yours sincerely

Example

Dear .....

Thank you very much for sending us your recent application. I am impressed by your qualifications and experience and would like to invite you for an interview, the details of which I have listed below.

Position applied for:	
Time and date:	
Where (map enclosed):	
You will be interviewed by:	
When you arrive ask for:	
Approximate duration of the interview:	

Please telephone me on ..... to confirm that you can attend this interview, or to arrange an alternative time if the date and time detailed above is inconvenient for you.

**[OPTION]** I noted on your application form that you consider yourself to have a disability. When you call me we can discuss whether it would be helpful to make any adjustments to the selection process so that you are not disadvantaged.

I look forward to meeting you.

Yours sincerely

## Outright rejection without interview

Example

Dear .....

Thank you very much for the recent job application. We appreciate the time and effort you put into this.

We receive many applications, both to our advertisements and from individuals contacting us directly. This means there is a lot of competition for jobs with ....., and we look for individuals with directly relevant experience and qualifications.

In this particular instance we have received a number of applications from candidates that more closely meet our requirements and I am sorry to say that we will not be taking your own application any further.

I hope this is not too great a disappointment to you. Thank you for taking the time to apply to ..... and I would like to take the opportunity to wish you every success in your future career.

Yours sincerely

## Rejection, but keep on file - with or without interview

### Example

Dear .....

**[OPTION - NO INTERVIEW]** Thank you very much for the recent job application. We appreciate the time and effort you put into this.

**[OPTION - AFTER INTERVIEW]** Thank you very much for attending the recent interview. I very much enjoyed meeting you and was impressed by the amount of time and effort that you put into your preparation.

We have received a number of applications from very talented individuals, and deciding who is best suited to the immediate job opportunity has been a very difficult decision. In this instance there are other candidates who better meet our current requirements, and I am sorry to tell you that we will not be offering you a position at this time.

However, I was much impressed by you. If the right opportunity comes up I believe you could be an excellent employee for .....

Accordingly I should like to keep your papers on file and call you if another relevant vacancy emerges. I appreciate that your circumstances may change which would mean that you are not available at a later point in time. We will check with you in a few months time to see if you still want us to keep your information.

## Rejection after interview – not retained for future

Example

Dear.....

Thank you very much for attending the recent interview. I very much enjoyed meeting you and was impressed by the amount of time and effort that you put into your preparation.

We have had a number of applications from very talented individuals, and it has been a difficult task deciding who was best suited to the immediate job opportunity.

I am sorry to say that after careful consideration we have decided that other candidates are better suited to this vacancy, and that we will not be taking your own application any further.

Thank you for taking the time to apply and I would like to take the opportunity to wish you every success in your future career.

Yours sincerely

## Holding letter

This should only be used as a last resort, i.e. you are so inundated with responses that you need a reasonable time to sort through them all. You should aim NOT to use this, rather respond to people within a sensible timeframe

Dear .....

Thank you very much for your recent application **[OPTION]** interview.

We always try to handle applications for employment very promptly. Unfortunately, in this situation it is going to be another .... days before we can tell you what will happen next.

Thank you for your patience.

Yours sincerely

## Employment Reference Request [FROM EX EMPLOYER]

Strictly confidential

XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX

Dear [     ]

..... has made an application for employment with us, given you as a referee and given us permission to approach you for a reference. The position **[he/she]** has applied for is ..... A job description is attached.

I would be very grateful if you could provide the following information:

Dates of employment with you.
Last job title.
Last basic salary.
Would you reemploy if were there a suitable vacancy?
Were there any material problems with absence or timekeeping?
Were there any formal disciplinary actions during the employment with you?
Were there more than 10 days' sickness absence in the last 12 months? (If so please give details / reasons for absence)
What are your views of <b>[his/her]</b> skills in the context of the role for which <b>[he/she]</b> has applied

Thank you very much for your help. Your comments will be treated with utmost confidentiality. I enclose a self addressed envelope, but do call me if you would prefer to give a verbal reference. My telephone number is **[ xxxx xxxxxxx ]**. Thank you in advance for your help.

Yours sincerely

Dear.....

Further to your recent interview, I am delighted to offer you the position of .....  
with .....

I very much hope that you will decide to accept, and that your career with us will be happy  
and fulfilling.

I am enclosing two copies of your contract of employment. You should sign one and bring it  
with you on your first day with us. The other copy is for you to keep. We will also need from  
you (on your first day):

- Your bank or building society details.
- Your P45 tax document from your last employer. If you do not have this, bring  
another tax document that shows your tax reference and National Insurance number.
- We have a legal obligation to check that all employees have a right to work within the  
UK. Could you bring with you your passport. If you do not have one, let me know –  
there are other documents that can be used.

This offer is subject to:

- You confirming your acceptance within 7 days – a phone call is fine.
- You being able to start work with us on or before .....
- [OPTION – if not already received verbally] Receipt of a satisfactory reference from  
your last employer – could you please let me have a contact name, address and  
phone number.

If you have any questions about the terms of the offer or anything else about working for us,  
just call me and ask. If I am not immediately available, leave your number and a time when  
it is convenient for me to call you back.

All new employees have comprehensive induction training to help them learn more about  
....., their role, and to meet new colleagues. This will be arranged for you, and I hope  
you will find it interesting and useful.

I think that you have all the talents to be an excellent member of our team, and I look forward  
to working with you.

Yours sincerely