

## Hiring a nanny/staff for your home

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Hiring a nanny, housekeeper or driver can be daunting the first time. There are 10 key things that you need to consider when employing them for the first time.

### 1. Recruitment process

The recruitment process is very important; both to ensure that you retain the right candidate to match your needs and that you don't leave yourself open to any liability. It's important to scope out the role so that you are clear on the duties and what is offered in return. This will typically cover the duties for the children and for the household/wider family (e.g. cooking, ironing). You may want the nanny to come on holiday with you, to have a clean driving licence and to converse with the children in a preferred language.

You may need to make adjustments to your process to support a potential hire who has a disability. Applicants can bring discrimination claims and so you need to be very careful that you don't discriminate in the job specification or in your interview questions. You need to be particularly careful not to ask applicants about their health unless it is relevant to their ability to do the job.

It is important to keep a paper trail of the recruitment process and to make it clear that the candidate consents to you dealing with their application (data).

### 2. References & DBS check

It's important to have checked the person you are welcoming in to your home is who they said they are and has



the experience they have portrayed. You can get a sense from the interview and the agency providing them may have checked the qualifications which will help.

It is also sensible to make any job offer subject to receiving two references that are satisfactory to you and to a DBS check. Be sure to contact and ask questions of the family they have worked for before. The candidate cannot obtain their own DBS check, so you will need to [apply for a DBS check on GOV.UK](#).

### 3. Immigration checks

Before they start work for you, you must ensure that any person you intend to employ has the legal right to work in the UK. You'll need the job applicant's date of birth and their right to work share code. [Check whether someone is eligible to work in the UK](#) on GOV.UK.

### 4. Insurance

You will need to obtain employer's liability (EL) insurance as soon as you become an employer. EL insurance will help you pay compensation if an employee is injured or becomes ill because of the work they do for you.

Your policy must cover you for at least £5 million and come from an insurer authorised by the Financial Conduct Authority (FCA). You can be fined £2,500 every day you are not properly insured. You need to display your EL certificate where the employee works. You can also be fined £1,000 if you don't display the certificate or if you refuse to make it available to inspectors when they ask.

### 5. HMRC

You need to [register with HMRC as an employer](#). You must do this before the first pay day and it can take up to 30 working days to get the employer PAYE reference number. You cannot register more than 2 months before you start making payments. Most employers can register online using HMRC's online tax registration service.

### 6. National Minimum Wage

You must pay your worker at least the National Minimum Wage (NMW). The NMW rate changes annually. The current rates from 1 April 2024 are:

Age	Rate
<b>National Living Wage (now for all adults 21+)</b>	<b>£11.44 per hour</b>
<b>18 – 20 Year Old Rate</b>	<b>£8.60 per hour</b>
<b>16 – 17 Year Old Rate</b>	<b>£6.40 per hour</b>
<b>Apprentice Rate</b>	<b>£6.40 per hour</b>

**You need to keep records proving that you are paying the minimum wage. Most employers rely on their payroll records. All records must be kept for a minimum of 3 years. HM Revenue & Customs (HMRC) officers**



**have the right to carry out checks at any time and ask to see payment records, although this is rare. The failure to pay the appropriate rate can result in both civil and criminal sanctions being imposed.**

## 7. Pensions

Employers have to provide eligible staff (known as jobholders) with access to a qualifying pension scheme. To be eligible, the employee will be between 22 and the state pension age, earn £10,000 a year or more and normally work in the UK. Employers should enrol the employee in the scheme once they become eligible and notify the employee within 6 weeks. You must also make contributions to that scheme, unless the employee has opted out. The current contribution is 3% of pensionable salary.

## 8. The job offer

When you have selected the applicant you wish to offer a job to, you can set out your offer in writing. You may wish to consider whether to set a time limit for acceptance of the offer and you should make the offer conditional upon provision of satisfactory references/DBS check and confirmation that the employee is free to work in the UK or has an appropriate work permit or immigration approval to work.

## 9. Terms and conditions of employment

Before their first day, you need to send details of the job (including terms and conditions) in writing to your employee. This can be in a contract or a written statement of terms but by law it must set out:

- The names of the employer and employee;
- The date the employment starts and the date the employee's period of continuous employment began;
- How long a job is expected to last if it is a fixed term contract;
- Pay (or method of calculating it) and interval of payment;
- Hours of work;
- Holiday entitlement and holiday pay;
- The employee's job title or a brief description of the work;
- Place of work;
- Sick pay;
- The period of notice they must provide and you must provide;
- The days of week that the worker is required to work, whether hours may be variable and details of how they may vary;
- Any other paid leave to which the worker is entitled (e.g. maternity, paternity leaves);
- Details of all remuneration and benefits;
- Any probationary period including conditions and duration;
- Any training entitlement provided by the employer including whether training is mandatory and/or must be paid for by the worker;
- The pension arrangements;
  - whether any collective agreement applies (which is rare); and
  - how any disciplinary matter or grievance will be dealt with.

It is a good idea to obtain advice on the drafting of your employment contracts so that you include additional protections and deal with whether they live in. For more senior employees, or those who have access to confidential information about your family or its business, you should include restrictive covenant and confidentiality clauses.

## 10. Health & safety and other policies and procedures

You need to take reasonable steps to provide a safe workplace and your new employee has a duty to act in a way that keeps them and your children safe. It's sensible to have rules around this and if you have 5 or more employees you should have a health & safety policy.

It is also advisable to put in place policies dealing with your approach to:

- Disciplinary and grievance matters
- Behaviour (harassment, bribery and whistleblowing) and
- Privacy (what is and isn't private and how you will use their data)

You may also want to:

- review their performance at the end of probation and periodically, discuss what will happen if they are absent and what training you will want them to complete.

## How we can help

If you have any questions or want to prepare a contract, please contact our expert [employment team](#).



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