



SMITH PARTNERSHIP®

Solicitors

The Care Team



Management of staff within a care home

James Johnson, Employment
james.johnson@smithpartnership.co.uk

The key to establishing good working practices in relation to the management of staff within a care home is, in our experience, to ensure that the documentation your staff are working under are up-to-date and compliant with employment legislation.

Accordingly, we advise all employers to implement, and update regularly, detailed contracts of employment and employee handbooks. Handbooks in particular provide an opportunity for care sector employers to set out in writing the standards of performance and behaviour expected of their staff members, and in turn help the home to ensure that the National Minimum Care Standards are met.

Since October 2004, an employer failing to provide their employees with fully compliant “written employment particulars” can be subject to penalties of up to four weeks’ pay for each affected employee by the Employment Tribunals. Despite this, it was recently estimated that almost half of UK employers fail to ensure that the appropriate up-to-date documentation is in place.

Employers must provide each employee with “written employment particulars” within two months of their employment commencing. The particulars which are required to be given to the employee include job titles, pay details, place of work, pension information, holiday and sickness pay arrangements. In addition, employers must set out within the written particulars the details of how disciplinary and grievance matters will be dealt with. A failure to adopt the proper procedures for disciplinary and grievance matters can be devastating for small businesses, with Employment Tribunals readily making findings of automatic unfair dismissal and increasing awards by up to 50%.

It is therefore advisable for care homes of all sizes to review their current documentation and ensure that they meet the stringent rules now in place in respect of both new and existing employees. Care must also be taken when drafting contracts and handbooks so that they are legally compliant but also provide the home with flexibility and efficacy in the management of its staff.

Contact Smith Partnership

Celtic House,
Heritage Gate,
Friary Street,
Derby DE1 1LS

Tel: 01332 225225
Fax: 01332 225444
Web: www.smithpartnership.co.uk

