

Common myths when employing someone for the first time

Taking someone on as an employee might be easier than you think. Here are some examples of common misconceptions surrounding the process of employment.

Registering with HMRC is complex and time-consuming

To make the process of registration as quick as possible, have the following information to hand:

Your name, your business name, business partner's name, company name, charity name or organisation name – as appropriate

- Business or home address, including postcode - as appropriate
- Business or home telephone number
- A contact email address
- A contact telephone number
- A name and address to send correspondence to
- The date of your first payday or, if earlier, the first date you made payments of expenses and/or provided benefits to your employees.

You register with HMRC by telephone or email by following this link to [how to register as an employer](#).

Employers cannot specify the kind of worker they want in a job advert due to discrimination laws

This is not true – you can include a ‘person specification’ which includes detail of what knowledge, experience and skills you would like the successful applicant to have. Drawing up a person specification will allow you to identify the ideal person to fill the job. It is important that the skills and knowledge included in the specification are relevant to the job you are hiring for.

I will have to select a less appropriate candidate to comply with anti-discrimination laws

So long as you select someone you genuinely believe is the most competent, you are behaving in accordance with anti-discrimination laws. Keep any notes from the interview/recruitment process to protect yourself against discrimination claims.

There is nothing in writing, so there is no employment contract at all

Verbal agreements are also binding.

At a later stage, you will need to issue a 'written statement of particulars' which acts as evidence of a contract. You must issue this within the first two months of your new employee starting. You can create one by using this guidance on how to [create a written statement of employment](#).

Once I commit to employing someone, it will be impossible to dismiss them if they are not suitable for the job

You may dismiss an employee so long as you have a fair reason for doing so and as long as you act reasonably during the dismissal procedure. You can only be taken to a tribunal for unfair dismissal two years after your employee's start date for employees who started on or after 6 April 2012.

Legally, 'fair reasons' for dismissing an employee include:

- Problems with the conduct of your employee
- Problems with the capability of your employee in terms of poor performance or prolonged absence not related to illness.
- A need to make redundancies
- Statutory requirement preventing the continuation of employment (for example: a driver losing their driving license)
- 'Some other' substantial reason.

For further information on the definition of 'reasonableness' and of what other 'substantial reasons' might exist in the dismissal of an employee, view the guidance on [dismissing fairly](#).

I will have to spend lots of money for someone else to set up my payroll

To pay your employee for the first time, you can calculate and set up your own payroll. HMRC has an online tool which guides you through the process so you can pay your employee whilst complying with your legal obligations.

See the guidance on [operating in-house payroll using free HMRC software](#).

It is not possible to dismiss someone during the probation period; I have to wait until the probation has ended

Dismissal can take place during a probation period provided you don't discriminate against someone on the basis of their:

- Age
- Disability
- Gender reassignment
- Marital Status
- Race
- Religious/belief
- Sex
- Sexual orientation

However, it is generally wise to first investigate why the person is not living up to expectations and try to find a resolution to the situation.

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