**How to make a job offer**

# Preparing to make an offer

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

* That you have all of the information you need from your preferred candidate such as: an up to date CV or company application form, personal details (address, date of birth etc.), and the names and addresses of those who can be contacted for references.
* There are no areas you need to follow up on, before making the offer such as: anything that was left unclear from the interview (levels of qualifications or employment dates).
* That you are clear on the offer you are going to make. This includes: the job title, level of salary you can offer and any other benefits that are attached to the role such as: bonus arrangements, or company car entitlement.
* Whether there’s 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, requirement for travel or constraints on taking annual leave.

Don’t put too much weight on their first reaction and equally don’t just rush straight in to making your offer – test the water before you outline your offer. Ask them how they felt the interview went and check they are still interested. You can follow the steps below to guide you:

1. It is best to start the conversation by checking they are able to talk.
2. Thank them for coming to the interview; you will 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 and the candidate’s motivation to come to work for you.
3. Make a positive statement about how impressed you were with their interview performance for example, how well they responded to a particular area of questioning or the knowledge they demonstrated. You want them to feel not only wanted and valued but to believe they are the right person for the role and your first choice.
4. Check they are still interested in the role by asking how they felt the interview went, whether they have had any thoughts or reflections since the interview and by clearly enquiring 'are you still interested in the role?'
5. Pause to gauge their reaction (bearing in mind there may be various reasons as to why they may not seem immediately enthusiastic) then tell them you would like to conditionally offer them the role. This should give you a clearer idea of what the candidate is thinking and gives the candidate the opportunity to think and assimilate what you have said.

Don’t rush candidates into making a decision. See below for more information on explaining next steps.

# 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 detailed conversation and answer any questions if necessary.

You will have taken some time to determine that this is the person you want to offer the role to but for the candidate this is the first time they are hearing it. Hopefully they will have been thinking about the role and whether they would accept, if offered the position, but until you actually make the offer they won’t have been in a position to make their final decision.

This means you should be prepared for a range of reactions. There are a number of reasons why a candidate may not immediately say yes, so don’t be surprised if they don’t seem as delighted as you hoped:

* 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 (e.g. at their current role) and show their true reaction.
* It may also be that they have reflected following the interview and have decided they are no longer interested in the role.

# Conditions of an offer of employment

It is important when making the offer 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.

It is worth bearing in mind that an offer does not need to be made in writing for a contract to be formed; once the following five conditions are in place a contract exists, along with all the legal rights and obligations that follow:

* An unconditional offer
* An unconditional acceptance
* An intention to form a legally binding agreement – accepted to be the intention if the offer is made and accepted
* Consideration – payment or payment in kind
* Certainty – key terms are clear.

# Conditional requirements: Right to Work

The Immigration, Asylum and Nationality Act 2006 makes it a criminal offence for an employer to employ an illegal immigrant. Therefore, a condition of employment should be immigration clearance and the verification of work permit status. It is too late to request this information at a new employee's induction or first day.

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, not just those you think may not have the right to work in the UK. Ideally you should have a standard letter to send to candidates explaining what evidence is required.

# Conditional requirements: references

If an offer has been made subject to satisfactory references, you should take up references straight away. You may also wish to make use of the model documents included on the hub, when checking references.

If an applicant’s references prove to be unsatisfactory you can make use of this template letter to withdraw a conditional offer of employment.

# Conditional requirements: DBS and vetting

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.

**What if the candidate is found to have a criminal record?**

You should have a policy in place to ensure that appropriate decisions are made in the event of the candidate being found to have a criminal record. You should ensure that you:

* Act in line with your policy on employing ex-offenders. You may wish to refer to the template policy on employing ex-offenders available on the hub.
* Consider the nature of any conviction highlighted and whether it is relevant to the role offered. It may have no relevance and therefore no bearing on the decision to employ, for example involvement in a fight as a young offender.
* Keep a record of all decisions in case of future disputes.

If you decide the conviction is not relevant to the role, inform the applicant by telephone and follow this up in writing.

If you decide to withdraw the offer inform the candidate by telephone and with sensitivity. Explain why you have made the decision not to employ and the relevance of the conviction to the role.

Confirm the decision to the candidate in writing, giving them the opportunity to appeal the decision.

# Conditional requirements: qualifications

Verification of qualifications can also form part of the condition of appointment if this is within your organisation’s 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 because the candidate forgot to bring them or has not been able to find original certificates, 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 you should discuss this with them and determine what action to take. If the qualifications are required for the role then you may decide to withdraw the offer, if a particular qualification is not required for the role then you will need to judge whether this is an integrity issue – whether the candidate made an error or deliberately intended to mislead/over inflate qualifications in order to secure the role.

# Salary and Benefits

When making a conditional offer you need to give the candidate all of the information they need to make a considered decision. Salary will be important as the candidate will need to make a judgement as to whether it is financially worthwhile to make the move. Make the salary offer after careful consideration and know how much flexibility you have to negotiate (see below for more information on negotiating).

Mention the main terms and conditions and any benefits, particularly those which are above the average and could encourage the candidate to take the job.

# Negotiating

You need to be prepared for the candidate to query the salary or other terms and conditions being offered. If you are unable to increase the salary offered or change any of the terms and conditions you should say so straight away so as not to give the candidate false hope.

If you are able and willing to increase your offer and you believe they are the very best candidate then it would be sensible to do so but you need to consider whether it is the right thing to do based on their knowledge, skills and experience, comparability with other employees, issues in relation to equal pay and opportunity for the candidate to have salary progression in the future.

# Explain the next steps

It is important to explain the next steps of the process at this time. If the offer is conditional on any checks or clearances then you make sure the candidate is clear about this. If you will now be starting the checking process or taking up references you need to let the candidate know what this will involve.

If forms need to be sent to the candidate let them know what they will receive and when. Stress the importance of returning information as soon as possible.

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 do so, including ensuring you have all the clearances in place, while the candidate will need receive formal confirmation of the offer before they can agree a start date. You can discuss a provisional start date based on clearances being received but you should not formally agree anything at this stage. Be aware that many candidates will not resign until they are informed by you that the conditions have all been met so you need to move very quickly in obtaining clearances.

# Allowing the candidate time to consider

It may be that your candidate accepts the role straight away but it could be that they may ask for time to consider.

This needs to be handled carefully; you should agree a timeframe of two or three days or over the weekend (depending on when you make the offer). It is important not to let the candidate sense any scepticism or negatively you may feel about this.

Having agreed a time period for the candidate to consider, you need to be proactive and contact them if they don’t call you to give their answer.

If you do have a second choice candidate, you need to keep them warm at this time. If you have said you will get back to them by a certain date, contact them to let them know you have not finalised your decision and that they are still being considered.

# Putting the offer in writing

Once you have made the offer verbally and it has been accepted, you should follow up in writing, outlining your offer, relevant terms and conditions and the next steps.

The offer letter should outline the following details and make clear what conditions the offer is subject to:

* Place of work
* Job title
* Hours of work
* Pay (details of salary, pay intervals and method of payment)
* Holidays and public holiday entitlements
* Benefits
* Details of probationary period (if applicable)
* Sickness procedures and sick pay details
* Notice periods
* Subject to eligibility to work in the UK, receipt of satisfactory references, DBS checks etc. as appropriate.

Where the employment is not intended to be permanent, you should outline the period for which it is expected to continue or, if it is for a fixed term, the date when it is to end.

It is important at this stage to put in writing any conditions of the offer to ensure the individual is absolutely clear. It may be that you need them to complete additional paperwork – this should be attached with the offer letter. Ask for written acceptance of the offer by asking them to sign and return a copy of the letter.

# Issuing the contract of employment and confirming the start date

Once you have received acceptance of the conditional offer and all required clearances are in place, you are in a position to agree a start date and to issue the contract of employment.

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. Best practice is to issue the written particulars as soon as possible.

The particulars of the written statement should include:

* Name of the employer
* Name of the employee
* Place of work
* Date employment began and date continuous employment began
* Job title or brief job description
* Expected hours of work (making reference to any opt-out clause in consideration of the Working Time Directive regulations)
* Remuneration details and intervals at which remuneration is paid together with method of payment
* Holidays and public holiday entitlements.
* Employees also have the right to receive other documentation which can be included within the statement of particulars or provided to them separately:
* Benefits
* Details of probationary period if applicable
* Sickness procedures and sick pay details
* Notice periods for both employee and employer
* Duration of the contract if it is temporary
* Details of any collective agreements applicable to the role.

These may be available on the intranet or in an employee handbook which is issued on commencement of employment.

# Signing the contract

When you issue the contract of employment you should send two copies and request that the individual signs and returns one copy as soon as possible. There is no legal deadline by which the employee has to sign and return a contract for it to be accepted. The contract has already been formed when the offer was accepted and by starting work for you the new employee can be deemed to have accepted the contract and its terms.

# Stay in touch before their start date

To effectively manage the hiring process it is important to keep in regular contact with your perspective employee, keeping them up to date with progress on clearance checks and ensuring they provide information required by you. It is also important to start making arrangements for your new employee to start; ensuring everything is in place for their first day and that they are clear what is expected of them on that day.