



Multiple Sclerosis Society

How to recruit and manage branch based employees

Branch committees who want to provide major services to people affected by MS often think of taking on paid staff to enable a safe, reliable and consistent service to be provided.

However, you need to weigh the benefits of having paid staff against the large and long term commitment needed from your committee to recruit, and more importantly, manage a member of staff.

It is easy for a well managed employee relationship to deteriorate when volunteers move on and this can jeopardise the services provided to people affected by MS, put the committee under a lot of stress and strain and open your branch and the Society up to expensive employment tribunal claims.

Below is an example, based on a real branch situation, which illustrates the potential problems.

When things go wrong: a case study

A branch run shop operated successfully for a number of years; it was opened originally by a group of volunteers with a good range of relevant skills and they had a very competent shop manager. The shop was an excellent source of income and very effectively raised the profile of MS in a deprived part of the city.

The original volunteers and manager moved on for a variety of reasons and after a while problems started to be noticed.

The new shop manager had been recruited informally and had a deteriorating relationship with the branch secretary (who was also the line manager). The secretary did not have time to carry out supervision sessions on a regular basis.

Eventually, the shop manager was suspended due to allegations of financial irregularities. Following an investigation, a disciplinary hearing took place and there was strong evidence of incompetence. However, because he had not been managed consistently, the panel decided it was not reasonable to dismiss him. Instead he was issued a final written warning and a plan was put together to help him improve.

The manager then resigned and made a claim to the employment tribunal (ET) for unfair constructive dismissal. The tribunal had to be prepared for, which involved considerable HR staff time and solicitors' costs. Eventually the claim was settled before the ET hearing for a small compensation payment.

The shop is now run by an entirely new group of volunteers very successfully, without any paid staff.

As the MS Society is one charity, all paid staff are employees of the Society and so must be recruited and managed in accordance with the Society's policies and procedures. In following the Society's policies you will also ensure you are not breaking employment law.

Your local staff member (Area Development Officer or Local Support Development Officer) is the main support to your branch and must always be involved at the earliest stages of discussions about paid staff.

Who is this guide for?

It's for **MS Society branches** considering employing paid staff. Branches are groups of volunteers that provide local contact, services and support to everyone affected by multiple sclerosis (MS) in their geographical area.

This **How to guide** is intended to help you work through the decision about whether to take on paid staff and then introduces the processes involved in recruiting and managing them.

This **How to guide** will ensure your branch is able to:

- identify the different types of contracts and which contractual practices are unlawful or poor practice
- identify the potential consequences of getting the management of paid staff wrong, to the branch and to the Society as a whole
- minimise the risks connected with recruiting and managing employees
- meet all of your line management responsibilities, following MS Society policies and procedures
- sustain all the costs of managing staff on a long term basis
- make use of the support and guidance offered to you by the Society

Must I do these things?

Where the word 'must' is used in this guide, it means a specific requirement you must comply with. Where the words 'may', 'should', or 'you are recommended to' are used, these indicate good practice – in other words, a suggested best approach.

You can find a list of all 'must dos' relating to employing and managing branch-based staff in **appendix 2**, at the end of this guide. If you are not meeting a particular 'must' requirement, please contact your local staff member who can give you support.

Where to find documents signposted in this guide

This **How to guide** signposts you to a range of more detailed resources.

These can be found on the MS Society intranet under **My MS Society**, which your committee can access once the decision has been made to take on an employee and the relevant IT access has been put in place.

In the meantime, please contact your local staff member who will be able to send you the documents referred to.

Top tip You can find contact details for staff referred to in **appendix 1**, at the end of this guide.

Types of paid staff

Branches tend to consider using paid staff to deliver services such as a day centre, drop in centre, physiotherapy or exercises classes. The benefits of using paid staff are that they can be held accountable for the consistent, reliable and safe provision of the service, relieving the committee and other volunteers of a large commitment.

To ensure the Society complies with charity law, paid staff are not allowed to replace volunteer roles or be on the branch committee and must not be allowed to vote on branch matters on behalf of the membership.

Your branch committee must include the formal volunteer officer roles of chair, secretary and treasurer and two other committee members at a minimum, all elected by the membership. If your branch support team has undergone MS support training, your lead support volunteer will no longer need to be elected, but still needs to be a volunteer, as they retain committee voting rights.

There are a number of contractual options for paid staff and some to be avoided!

Employment contracts

An employment contract may be appropriate for a service which needs to be run continuously and/or which involves a range of responsibilities and tasks that are more difficult for a group of volunteers to manage effectively.

Of course, in considering taking on an employee you must ensure you comply with employment law, the Equality Act and tax and national insurance (NI) regulations.

All employees must be paid through the **MS Society payroll system**.

Fixed term contracts

If your branch is uncertain of the way a project or service may develop, or of your future financial situation, a fixed term employment contract may be appropriate. A fixed term contract gives employees all the same rights under employment law and it is illegal for them to be treated less favourably than a comparable permanent member of staff.

At the end of the fixed term, you must give the employee notice that their employment will end.

Top tip You can find out more about the **Equality Act** by visiting the Equality and Human Rights Commission web site:
<http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/equality-act-guidance-downloads/>

Freelance/self employed contracts of service

This type of contract is most appropriate for the provision of a professional service, such as physiotherapy provided on a sessional basis. This can be occasional or on a regular basis, such as once per week for a set number of weeks.

In this situation, your branch pays the agreed fee for the service and the freelancer is responsible for their tax and NI payments. It is very important that you check that the person offering the service is genuinely self employed otherwise the branch may find it is liable for tax and NI payments. To do this you must ask your provider to complete our **self employment questionnaire**, which you can get by contacting HR or your local staff member.

Honoraria

An honorarium is a payment given for professional services that are provided without charge or for a nominally payment. An example would be of an honorarium paid to a professional researcher for speaking at a conference. The researcher is employed elsewhere and is not a volunteer, but is given a token payment in recognition of the service provided.

Honorariums are not usually appropriate for the provision of branch services.

Cash in hand arrangements

When you want to have someone carry out a very small task for you that does not involve many hours of work, it can seem easiest to have an informal arrangement and pay them cash in hand. Paying anyone cash in hand is illegal and puts the branch and the Society as a whole at risk of large fines and negative publicity for illegal employment practice. No branch must ever set up such an arrangement.

Payments to volunteers

Similarly, it may seem easier to pay one volunteer to carry out a regular task, rather than relying on a rota of volunteers. However if you were to make such payments, you could be creating an employment contract, with all the commitments that involves.

Volunteers must only be paid for any expenses that they have actually incurred as a direct result of their volunteer role.

This guide focuses on setting up **employment contracts**.

Top tip Your local staff member (ADO or LSDO) is the main support to branches and must always be involved at the earliest stages of discussions about paid staff.

Your responsibilities

When considering taking on an employee there are a whole range of issues you need to consider, and requirements your committee must be able to put into place. You can find a checklist in **appendix 3** at the end of this guide which brings this all together.

Making your business case

Any branch considering taking on an employee must make a **business case** to convince both the committee and the Society of the validity and sustainability of the proposal.

Your business case should include the rationale for the paid post and clear information that shows your branch can sustain the employment of a member of staff, cover all costs and ensure they are actively supported and managed. Your local staff member can help your committee develop your business case.

Your business case must be sent, with a **recruitment authorisation form** (RAF) to your LSDO or ADO who will seek the agreement of the Nation Director or Director of Operations (as appropriate).

Once agreed, the RAF must go to HR to be circulated for approval. Branch RAFs must be signed off by the CEO, Head of Corporate Services and Head of HR. You should allow at least four weeks for this. This procedure is followed for all new or replacement posts as a check on recruitment.

Costs

Your branch committee must have a fundraising plan to meet ongoing and future cost of employing a staff member, such as their salary (including annual increases such as increment points and cost of living rises), and 'on costs' (tax and NI) on a long term basis.

There are other costs your branch must also be able to cover. These include:

- the costs of IT hardware and a broadband connection to be used by the employee and the branch staff manager volunteer
- other regular commitments, such as employee travel expenses
- employee benefits, such as pension contributions and occupational sick pay
- contingency costs to cover potential redundancy payments or maternity, paternity and adoption leave

Other costs, such as the employee wellbeing programme (EWP), recruitment costs and learning and development are met by the Society centrally. For full details, see **appendix 4**.

Management responsibilities

Your branch must have a volunteer with the relevant skills and the time to manage a member of staff. This **branch staff manager volunteer** does not have to be a member of your committee, but they must report to, and be accountable to your committee.

The **branch staff manager volunteer** is responsible for supporting and supervising the employee. This includes:

- organising and carrying out a new employee's induction
- setting probationary objectives and carrying out reviews at the mid and end point of the probationary period
- recommending that the employee is confirmed in post (or not) at the end of the probationary period
- setting performance objectives
- carrying out regular supervision sessions (known as 1:1s) and making notes of all meetings
- giving feedback, support and guidance
- carrying out their performance and development reviews, mid way and at the end of the year (known as PDRs)
- identifying any learning and development needs and ensuring they are met
- liaising with local staff and HR as appropriate
- dealing with any performance problems as soon as they arise and where necessary following the Society's disciplinary or capability policies

You can find details of the support and guidance provided by the Society in the next section of this guide.

Top tip You can find a branch staff manager volunteer role description at the back of this guide.

Your **branch committee** is responsible for supporting the branch staff manager volunteer. This includes:

- requiring regular reports and making time to discuss the work and progress of the employee
- maintaining clear boundaries between the committee and the employee, so that they do not end up with multiple managers

Succession planning

Your committee must also put in place plans to cover the role of the branch staff manager volunteer in the future. Consider what would happen if your current branch staff manager volunteer were to resign for any reason. What would you do? How would this role be covered?

Support from the Society

Induction for branch staff manager volunteers

Your local member of staff will meet with the branch staff manager volunteer to discuss their role and responsibilities and to introduce the Society's induction programme and other resources and support.

Training for branch staff manager volunteers

Branch staff manager volunteers will be invited to management updates and training provided by the Society.

IT support and phones

Employees and branch staff manager volunteers will be given MS Society email addresses and access to the Society's intranet via our Citrix system. The intranet is our main channel of communication and gives access to all the Society's policies and to comprehensive written guidance.

Your branch must not provide or pay for broadband connections for volunteers to use at home as this will attract a tax liability. The branch staff manager volunteer should use the same PC and broadband connection as the paid staff member, which will be in agreed 'business premises'.

The branch staff manager volunteer can use their own broadband at home to connect to Citrix if they have access and wish to.

If your branch does not have premises, the paid staff member will be considered **home based** and receive the standard ICT, broadband allowance and home office set up. These costs must be covered by the branch.

All phone costs must be met by the branch.

Policies and guidance

The main policies that you must follow include:

- Recruitment and selection
- Induction and probation
- Performance management
- Learning and development
- Disciplinary
- Capability
- Health and safety
- Dignity at work
- Sickness absence

Top tip You can obtain detailed written guidance to complement and support all our policies from the intranet, from your local member of staff or HR.

Support from local staff and HR

Your local staff member (ADO or LSDO) provides the first line of support for branches on employment issues. The local operational manager will be consulted and may provide support if the issue is more difficult.

HR will be involved when the issue involves formal procedures, legal requirements or specialist HR knowledge.

Any proposed action that involves the **informal stages** of an HR policy should be copied to an HR manager for information or input.

Any proposed action that may involve **formal procedures** must be discussed and agreed with an HR manager **in advance**.

Top tip We suggest that you set up the relevant IT and select a branch staff manager volunteer once a decision to have an employee is made, but **before** starting the recruitment process. This will mean that the branch staff manager volunteer has access to the MS Society intranet and can lead the recruitment process.

Planning your recruitment

Once your RAF has been signed off, you can plan your recruitment. Your local staff member and HR will support you in this.

An HR assistant will contact you to agree your recruitment plan. They will agree the most appropriate place to advertise with you and will manage the process including:

- placing your adverts
- managing all application requests
- making up short listing packs for the panel
- inviting candidates for interview
- writing to unsuccessful candidates
- requesting references
- writing offer letters and drawing up contracts

Your ADO or LSDO may be able to help with the interview questions and any additional tests that may be appropriate, and can be on your selection panel.

Making your decision

You must follow the Society's **recruitment and selection policy**. This will ensure you have a rigorous process that enables you to select the best candidate for the post, and do not break the law.

For example, asking inappropriate questions (such as about family commitments) or using inappropriate criteria for your decision (such as the candidate's age or race) is against the law.

As well as the recruitment and selection policy there is comprehensive guidance available.

Performance management

The Society's policies and procedures, supervision, appraisal systems and management guidance are all designed to support managers to manage their staff positively and effectively, and in so doing, minimise performance problems.

Where there are problems with performance, the Society expects managers to be proactive and will support them in dealing with problems swiftly, fairly and effectively.

Consistency of standards and expectations are vital, while recognising that staff in different roles, and with differing levels of competence, confidence or motivation will need to be managed in different ways.

Line managers should ensure that the people they manage:

- know and understand what is expected of them
- have work allocated to them appropriately
- have the skills and ability to deliver on these expectations
- are supported by the organisation to develop their capacity to meet these expectations
- are given feedback on their performance
- are encouraged to give feedback to their manager

Top tip Our **performance management** and **learning and development** policies are relevant here. You can find guidance to help you implement these policies on the intranet, or from your local staff member or HR.

When things go wrong

Employment tribunal claims

Occasionally, things go wrong and if not handled properly can result in an employment tribunal (ET) claim and potential compensation payment.

You will be best protected from such a claim if you follow the Society's policies and guidance and always seek support immediately from your local staff, who will contact HR for advice.

Should a claim be made, it would be against the Society as the employer, however your branch staff manager volunteer and branch committee would be centrally involved and would have to appear at the tribunal as key witnesses.

In such a situation, HR will provide detailed legal advice, which you must follow. Some cases may be resolved with a compromise agreement, which involves legal advice paid for by the employer and a payment to the employee, rather than the tribunal going ahead. Compromise agreement payments will usually come from your branch funds, with legal fees covered by the Society.

If a claim is made and settled before the tribunal hearing, or a compensation claim is awarded by the tribunal against the Society, all costs will normally be covered by the Society.

However, should your branch staff manager volunteer or branch committee fail to follow the Society's policies or HR and legal advice, your branch **will** be considered liable for any settlement or compensation claim ordered by a tribunal, and all legal fees.

Appendix 1: Sources of support

Your local staff member

Your local staff member (LSDO or ADO) is there to work alongside you. If you need contact details for your local staff member, please contact the following people:

Development Team (Northern Ireland)

NIDevelopmentTeam@mssociety.org.uk

Tel: 028 9080 2802

Volunteering Development Manager (Scotland)

vdm@mssocietyscotland.org.uk

Tel: 0131 335 4074

Volunteering (England and Wales)

volunteering@mssociety.org.uk

Tel: 0208 438 0944

Other useful contacts

HR

hr@mssociety.org.uk

Tel: 0208 438 0700

The MS Helpline

The MS Helpline offers emotional support and information to anyone affected by MS in the UK. You should give the helpline contact details to anyone you think could benefit:

- Freephone helpline 0808 800 8000
- Helpline email service: helpline@mssociety.org.uk

Our volunteer website

Whatever you do as an MS Society volunteer, you'll find the latest news and information to help you carry out your role on our volunteer website, www.volunteers.mssociety.org.uk.

Making it work – committee handbook

<http://volunteers.mssociety.org.uk/resources/154>

Treasurers' handbook

<http://volunteers.mssociety.org.uk/resources/65>

MS Society offices

MS National Centre

372 Edgware Road, London, NW2 6ND

info@mssociety.org.uk

Tel: 0208 438 0700

MS Society Scotland

Ratho Park, 88 Glasgow Road, Ratho Station, Newbridge, EH28 8PP

enquiries@mssocietyscotland.org.uk

Tel: 0131 335 4050

MS Society Cymru

Temple Court, Cathedral Road, Cardiff, CF11 9HA

mscymru@mssociety.org.uk

Tel: 029 20 786 676

MS Society Northern Ireland

The Resource Centre, 34 Annadale Avenue, Belfast, BT7 3JJ

nireception@mssociety.org.uk

Tel: 028 9080 2802

Multiple Sclerosis Society

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Appendix 2: Must I do these things?

Where the word 'must' is used in this **How to guide**, it means a specific requirement that you must comply with if you manage a paid staff member or are planning to recruit one. This appendix lists all the 'musts' in this guide. It is intended as a quick reference guide – but not as a replacement for following the guidance in this **How to guide** as a whole.

If you are not meeting a particular 'must' requirement for recruiting and managing paid staff, you must speak to your local staff member, who can support you.

Introduction

- As the MS Society is one charity, all paid staff are employees of the Society and so must be recruited and managed in accordance with the Society's policies and procedures.
- Local staff (ADO or LSDO) are the main support to branches and must always be involved at the earliest stages of discussions about paid staff.

Types of paid staff

- Paid staff are not allowed to replace volunteer roles or be on the branch committee and must not be allowed to vote on branch matters on behalf of the membership.
- Your branch committee must include the formal volunteer officer roles of chair, secretary and treasurer and two other committee members at a minimum, all elected by the membership. If your branch support team has undergone MS support training, your lead support volunteer will no longer need to be elected, but still needs to be a volunteer, as they retain committee voting rights.
- In considering taking on an employee you must ensure you comply with employment law, the Equality Act and tax and National Insurance (NI) regulations.
- All employees must be paid through the MS Society payroll system.
- At the end of a fixed term contract, the employee must be given notice that their employment will end.
- You must ensure all potential freelance or self-employed contractors complete our self employment questionnaire and you must submit it to HR for approval before engaging their services.
- No branch must ever pay anyone cash in hand. It is illegal and puts the branch and the Society as a whole at risk of large fines and negative publicity for illegal employment practice.
- Volunteers must only be paid for any expenses that they have actually incurred as a direct result of their volunteer role.

Your responsibilities

- Any branch considering taking on an employee must make a business case to convince both the committee and the Society of the validity and sustainability of the proposal.
- Your business case must be sent with a recruitment authorisation form (RAF) to your LSDO or ADO who will seek the agreement of the Nation Director or Director of Operations (as appropriate).
- Once agreed, the RAF must go to HR to be circulated for approval. Branch RAFs must be signed off by the CEO, Head of Corporate Services and Head of HR.
- Your committee must have a fundraising plan to meet ongoing and future cost of employing a staff member.
- Your branch must have a volunteer with the relevant skills and the time to manage their member of staff. This branch staff manager volunteer does not have to be a member of your committee, but they must report to, and be accountable to your committee.
- Your committee must put in place plans to cover the role of the branch staff manager volunteer in the future.

Support from the MS Society

- Your branch must not provide or pay for broadband connections for volunteers to use at home as this will attract a tax liability.
- If your branch does not have premises, the paid staff member will be considered home based and receive the standard ICT, broadband allowance and home office set up. These costs must be covered by your branch.
- All phone costs must be met by your branch.
- The main policies your branch must follow include:
 - Recruitment and selection
 - Induction and probation
 - Performance management
 - Learning and development
 - Disciplinary
 - Capability
 - Health and safety
 - Dignity at work
 - Sickness absence
- Any proposed action that may involve formal procedures of an HR policy must be discussed and agreed with an HR manager in advance.

Planning your recruitment

- You must follow the Society's recruitment and selection policy. This will ensure you have a rigorous process that enables you to select the best candidate for the post, and do not break the law.

When things go wrong

- Should an employment tribunal claim be made, HR will provide detailed legal advice, which your branch must follow.
- Should your branch staff manager volunteer or branch committee fail to follow the Society's policies or HR and legal advice, your branch will be considered liable for any settlement or compensation claim ordered by a tribunal and all legal fees.

Appendix 3: Considering taking on an employee

Things you need to consider about taking on an employee.

Your branch committee must:	Done	Comments
Consider all of the options		
Prepare your business case		
Demonstrate you have sufficient funds to cover all the immediate costs of employment and a contingency fund.		
Have a fundraising plan in place to meet ongoing and future costs		
Recruit a suitable branch staff manager volunteer to take on line management responsibilities		
Have in place ideas for succession planning		
Agree the role of the committee in relation to the employee and the branch staff manager volunteer		
Complete and submit a recruitment authorisation form (RAF)		

Appendix 4: Employment costs

The split between central and local (branch or department) budgets.

Cost	Central budget	Branch/dept budget
Recruitment costs – including adverts and candidate travel expenses	X	
Induction costs – including travel to MS National Centre or national office		X
Pay - including annual pay increments, cost of living rises and one off non consolidated payments		X
National Insurance		X
ICT - including PC, phone and broadband connection		X
Home based staff – including cost of home office equipment and travel and subsistence expenses		X
Annual leave - England and Wales - 27 days + 8 bank holidays Northern Ireland - 23 days + 12 bank holidays Scotland - 25 days + 10 bank holidays (+ cost of cover, if appropriate)		X
Payroll administration	X	
Employers pension contribution 6%		X
Give As You Earn (GAYE)	X	
Life assurance	X	

Occupational sick pay Max, after 5 years service 26 weeks full pay and 26 week half pay NB: average sick leave is circa 8 days per year per employee		X
Employee wellbeing programme (EWP)	X	
Season ticket loan	X	
Emergency loans	X	
Eye care vouchers	X	
Child care vouchers		X
Maternity, paternity and adoption leave		X
Parental leave		X
Redundancy - Statutory redundancy pay only, dependant on age and length of service. Max 20 years service @ £450pw		X
Car allowance		X
Learning and development	X	
Support for professional qualifications	X	
Attendance at the annual staff conference - including travel and overnight costs, as appropriate		X



Multiple Sclerosis Society

Branch staff manager volunteer

Purpose of the role:

To line manage branch based employees. Following MS Society policies, you will ensure that employees are guided, supported and supervised to enable them to do their best.

Tasks and responsibilities:

- Organising/carrying out a new employee's induction.
- Setting probationary objectives and carrying out reviews at the mid and end point of the probationary period.
- Recommending that the employee is confirmed in post (or not) at the end of the probationary period.
- Setting performance objectives.
- Carrying out regular supervision sessions (known as 1:1s) and making notes of all meetings.
- Giving feedback, support and guidance.
- Carrying out their performance and development reviews, mid way and at the end of the year.
- Identifying any learning and development needs and ensuring they are met.
- Liaising with local staff and HR as appropriate.
- Dealing with any performance problems as soon as they arise and where necessary following the Society's disciplinary or capability policies.

Skills and qualities:

- Excellent interpersonal skills.
- Ability to set performance objectives.
- Ability to give positive and negative feedback.
- A good understanding of the role of the employee.
- Planning and organisational skills.
- Basic IT skills: ability to send an email with attachments, open, change and save Word documents and search the internet.
- A commitment to working within the Society's policies and procedures is essential.
- Line management experience would be desirable.

Training and support:

- You will be provided with an induction pack for this role.
- You will be supported by your LSDO or ADO and by HR policies and guidance.
- You will be offered the opportunity to attend MS Society management training, as appropriate.

Time commitment:

This will vary but may be up to 2 days per month. This will be greater when supporting a new employee and if the employee has any performance problems.