

DOCSHOP - CONTRACTS

We set out below a brief description of the contents of each template. Each template comes with drafting notes to allow you to tailor it to the particular needs of your business.

If you require specific advice on implementing any employment documents within your business, this is charged for separately. Please call us on **0845 607 7823** to discuss your requirements further.

Written Statement of Particulars

After starting employment, most employees are entitled to a written statement of particulars of certain aspects of their contract of employment. That statement must usually be provided within two months of the employment start date and must contain certain prescribed information. This template meets the relevant legal requirements and the accompanying guidance note gives further detail on those requirements.

It is important to note that a written statement of particulars is not itself a contract of employment but merely evidence of the contract's terms. Our template written statement can, however, be used as a stand-alone contract by employers who wish to issue a very basic contract and we include appropriate optional wording to enable employers to do so.

Many employers choose to issue employees with a contract of employment which satisfies the requirements of the written statement but goes beyond those basic requirements. You can find more detail on our template contracts of employment below this entry on written statements.

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Parties

Date of Commencement

Job Title and Duties

Place of Work

Includes optional provisions on working outside the UK and travel outside the UK

Remuneration

Includes optional provisions on bonuses and payment of expenses

Hours of Work

Includes optional provisions on overtime

Holidays and Holiday Pay

Entitlement – Notice – Pro-rating – Deductions – No Carry Over – Holiday Pay - Termination

Absence from Work

Reporting obligation – Self-certification – Medical certification – Medical examination - Statutory Sick Pay

Pension

Includes a number of alternatives depending upon the type of pension scheme in operation (defined contribution or defined benefit occupational scheme, group personal scheme, personal scheme, stakeholder scheme, no entitlement); fully updated to deal with new auto-enrolment regime

Termination of Employment

Probationary Period and Notice during that Period – Employer and Employee Notice – Includes optional provisions dealing with payment in lieu of notice, fixed term employment and lay-off

Collective Agreements

Overseas Employment

Delete as appropriate

Grievance Procedure

Refers to separate grievance procedure: this is available for purchase separately

Disciplinary Rules and Procedure

Refers to separate disciplinary rules and procedure: these are available for purchase separately

Contract for a Junior Employee

Many employers choose to issue employees with a more wide-ranging contract of employment which incorporates the requirements of the written statement of particulars but goes beyond those requirements. This popular template enables employers to do just that: it contains more detailed versions of those provisions included in the template written statement together with additional drafting options. It also includes additional provisions as set out below.

This template is a basic form contract suitable for a junior employee and does not include certain provisions such as restrictive covenants and provisions dealing with car/car allowance. A basic provision dealing with ownership of intellectual property rights is included.

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A more detailed version of the provisions in the Written Statement of Particulars with additional drafting options **PLUS** the following additional provisions:-

Probationary Period

Extension of Probationary Period – Termination during Probationary Period

Reimbursement of Expenses

Benefits

Optional clauses dealing with: Life Assurance – Private Medical Insurance – Personal Accident Insurance - Permanent Health Insurance

Confidential Information

Includes a basic provision on ownership of intellectual property created by the employee

Company Records and Other Property

Data Protection

Interception of Communications

Standard clauses including those dealing with immigration, notices, variation, non-waiver, assignment, entire agreement, rights of third parties, applicable law.

Contract for a Senior Employee

Based on the Contract for a Junior Employee but much more detailed and wide-ranging in scope. This template is suitable for a senior employee who is not a director.

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A more detailed version of the provisions in the Contract for a Junior Employee with further additional drafting options **PLUS** the following additional provisions:

Optional wording around payment of bonus

It is essential that the contract and the terms of any bonus scheme are consistent. The accompanying Guidance Note outlines the issues that employers need to be aware of around payment of bonuses.

Restrictions on Other Activities

Imposes restraints on employee's outside activities whilst employed by the company and requires disclosure of other such activities

Car/Car Allowance

Intellectual Property

Covers ownership of IP rights by, and assignment of those rights to, the Company, waiver of moral rights, power of attorney to enable Company to ensure ownership passes

Corporate Reconstruction/Amalgamation

Post-Termination Restrictions including Garden Leave

A detailed set of clauses with multiple drafting options designed to protect the employer from competition after the employee's employment is terminated – the accompanying guidance note sets out the various ways in which the employer can aim to protect its interests in this notoriously complex area of the law

Appointment of Attorney

Contains a power of attorney to enable the employer to appoint a director to execute documents on behalf of the employee in certain circumstances.

Executive Service Agreement

This template is based on the Contract for a Senior Employee with additional provisions appropriate to the employee's position as a director within the Company as follows:-

- obligation to comply with the Articles of Association of the Company/any Group Company
- obligation to comply with any statutory, fiduciary or common-law duties as a director
- obligation to accept Company/Group Company appointments upon request
- provision dealing with payment of director's fees
- optional provision of director's and officer's liability insurance
- additional termination events relating to removal, resignation or retirement from office and prohibition from service as a director
- resignation from office and transfer of shares on termination of employment

This template also contains optional drafting suitable for directors of listed companies around compliance with the UK Listing Rules (including the Model Code), the Disclosure and Transparency Rules and the UK Corporate Governance Code.

This template does not include provisions relating to the making of certain payments to the executive on termination of employment e.g. phased payments in lieu of notice, liquidated damages clauses and change of control (or "golden parachute") clauses. Please give us a call if you would like us to draft bespoke provisions of this nature. These would be charged for separately and we would be happy to quote you a fixed fee for this work.

Consultancy Contract

This popular template is suitable for a genuine consultancy arrangement with an individual or a company where the consultant is taxed as a self-employed person. As with our other templates, this template comes with a guidance note which contains a brief description of the applicable law (including the law around self-employed status) and explains the purpose of each clause.

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Definitions and interpretation

Services

Nature of the Services, including intended duration – Provision of Additional Services

Fees and Deductions

Specifies fee amount, frequency of payment and contents of invoice to be submitted and includes optional provision allowing for deductions for failure to perform the Services

Expenses

Specifies who is to be responsible for expenses incurred in carrying out the Services and (where appropriate) conditions attaching to payment of expenses

Work Location

Includes a provision allowing Company to specify any facilities (e.g. office space, secretarial/admin/IT services) to be made available to the Consultant during the consultancy arrangement and on what terms

Other Activities

Terms on which Consultant may be employed or engaged in other business

Intellectual Property

Covers ownership of IP rights by, and assignment of those rights to, the Company, indemnity for IP infringement by Consultant, power of attorney to enable Company to ensure ownership passes

Confidentiality

Status and Authority of Consultant

Confirms Consultant's status as an independent contractor, deals with Consultant's responsibility for payment of all taxes and contains an obligation on Consultant not to represent him/herself as an employee, director or agent of the Company

Indemnity

Covers Company in respect of any tax liability incurred by or on account of the Consultant – Allows deductions from fees in respect of any such liability – Additional indemnity in respect of Consultant's acts, omissions, negligence, breach of duty

Insurance

Obligation to take out and maintain appropriate insurance, abide by terms of insurance policies

Termination

Specifies the grounds on which the Agreement may be terminated by the Company and the Consultant, including early termination by the Company

Return of Company property

Restrictions

Includes post-termination restrictions on competition, solicitation of employees, customers and/or suppliers

Data Protection

Consent to processing of personal and sensitive personal data

Standard clauses dealing with notices, variation, assignment, entire agreement, rights of third parties, applicable law