

a statement to the worker. You should check if they have done this.

The right to a written statement will not apply to genuine self-employed contractors, such as associates. It does however make good business sense to record your commercial arrangements with self-employed individuals in a written contract for services on or before the start date.

Additionally, existing employees and workers in your practice who do not currently have a statement are entitled to request one and you must comply with this request within one month. In preparation for any such requests, you should carry out an audit of your current workforce and check who may not have received a statement.

Statements should be given on or before the start date

The majority of the terms should be given before employment starts or by the first day of employment at the latest. Note that, as with the current system, some minor terms can be given up to two months later.

Additional information

In addition to the current prescribed terms, the statement will also need to contain information regarding:

- The days of the week the employee/worker is required to work
- Whether the hours of work may be variable and, if so, how they are varied
- Entitlement to other types of paid leave, such as maternity or paternity leave
- Any additional remuneration and/or benefits available
- Probationary periods (if relevant).

What should I do to prepare?

Be ready for requests from existing staff for a statement: Carry out an audit of your current workforce and check who may not have received a statement.

Check that your statements contain the additional information: Review your current statement or contact templates and update them in readiness for any new employees or workers after 6 April 2020. It is not necessary

to update contracts or statements for all existing employees, although as mentioned above if an existing employee or worker without a statement requests one, you should provide it within one month and it must meet the new requirements.

Ensure that statements are given on or before day 1: Review your current recruitment processes to ensure that it is possible to issue the statement or contract before or on the first day of work. Practice managers or staff responsible for HR matters should ensure they understand the new legislation.

Consider the employment status of new staff members: Determine whether a job applicant is an employee or worker and tailor the statement accordingly. This is important as some of the terms will not apply to workers, such as maternity leave or pay or disciplinary procedures. Care should be taken to ensure that such terms should not be included in worker statements.

<https://doi.org/10.1038/s41404-020-0324-9>

Legislation bulletin:

Working out holiday pay for staff with variable work hours

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If a member of staff works different hours each week, presently you work out holiday pay by averaging out the 12 weeks worked prior to the holiday.

This calculation will change from and including 6 April 2020. If hours worked vary, then you average out the hours worked in the previous 52 weeks. This is likely to help workers on seasonal or variable-hours contracts who might take holiday after

working less hours.

The principle is that staff should not receive less than their average pay when they go on holiday. All staff receive paid holiday unless they are completely self-employed. Holiday entitlement is a minimum of 28 days.

Many workers at dental practices have a fixed rate of pay and fixed hours, so this calculation does not apply to them, but do remember that staff who work overtime have hours that vary. Most staff get the same pay rate but ignore weeks where they get no pay.

If staff have not yet worked for a year, but for example 26 weeks, use this period. You total the number of hours worked over the year divided by 52 weeks to give you the

average weekly hours. This is then multiplied by the average weekly pay rate.

Don't try to calculate hours on a monthly basis because the number of hours in each month vary depending on the month. Strictly speaking you shouldn't use a year but the previous 52 complete weeks (a year is not 52 complete weeks). A complete or whole week for this purpose, starts on a Sunday and ends on a Saturday.

<https://doi.org/10.1038/s41404-020-0324-9>

