

**Off Payroll Working (also known as IR35)**

1. **Introduction**

Traditionally, businesses have been able to engage contractors using personal services companies (e.g. their own limited company or other intermediaries) without having to give too much thought to the contractor’s status for tax purposes. This has now changed under the IR35 reforms. The reforms switch the responsibility for determining a contractor’s status and, if appropriate, operating PAYE and National Insurance contributions (NICs) from the personal services company to the end-user’s business i.e. the Trust.

The new rules relating to IR35 came into effect from 6th April 2021 for ‘off-payroll workers’, who treat themselves as being self-employed. The new rules have been put in place to help the HMRC tackle tax avoidance through off payroll working.

1. **What does this mean for schools?**

The school/Trust is required to assess whether the contractor is employed or self-employed for tax purposes.  We must take reasonable care in making the assessment and confirm the assessment together with reasons in a Status Determination Statement (template provided in Appendix A).

The school/Trust must provide the Status Determination Statement to the contractor before making the first payment to them. If there is an agency in the chain, the statement must also be provided to the agency. In practice, contractors accepting a new assignment are likely to want to know in advance whether they will be assessed as within the scope of IR35.

The Trust is required to have a dispute resolution process to enable a contractor to challenge the assessment. The dispute resolution process is detailed in section 7 and a template provided as Appendix B. HMRC may review the assessment, so it is important that the Status Determination Statement sets out in sufficient detail the basis on which the decision is made, showing that reasonable care has been taken.

If the assessment concludes that the contractor is out of scope of IR35, or self-employed, the contractor can continue to be paid by invoice without any additional Tax and NIC implications.

If, however, the contractor is assessed as within IR35, and therefore ‘employed’, the school/Trust payer is responsible for operating PAYE and deducting employee NICs on the fees it pays to the contractor (excluding VAT). The school/Trust must also pay employer NICs and the apprenticeship levy. If the worker continues to be paid by invoice this is considered as off payroll working.

Off payroll working will be subject to external audit to ensure that it is appropriately accounted for and reported.

If we fail to administer these arrangements correctly penalties could be applied and we will also become responsible for paying the income tax and NICs for the contractor that is deemed as an employee.

In the Lighthouse Schools Partnership all assignments identified as employed will be given a contract of employment and paid via the payroll. The Trust will not continue to pay those identified as employed as off payroll workers, via invoices, beyond any initial period required to establish the arrangements.

1. **Which contractors do the IR35 reforms affect?**

In a school setting, contractors can include individuals working in a variety of roles, for example: peripatetic music teachers, sports coaches, IT or PR professionals.

IR35 is focused on the provision of labour rather than services. Fully outsourced services are therefore out of scope. For example, if a company fully outsources its IT helpdesk or catering services to a third party, it does not need to determine whether IR35 applies to any contractors working for that third-party service provider.

We have provided some case study examples where IR35 assessments have been made in Appendix C.

1. **How to carry out the status determination**

The law requires the school/Trust to exercise “reasonable care” in making the status determination. The obligation is to assess what the contractor’s status for tax purposes would have been if they had been engaged directly by the school/Trust.

This involves taking account of several factors, including:

* Control and working arrangements – how much control does the school/Trust have over the contractor’s hours and place of work? Can we direct how the work is done or is it highly skilled/specialised? Can we move the contractor to different projects?
* Substitution – can the contractor send a substitute? Have they ever done this? Can we reject the substitute?
* Mutuality of obligation – is there a binding commitment on the contractor or the school/Trust to provide/offer work?
* Integration into the school/Trust – how involved is the contractor in the school/Trust and its management? How would they introduce themselves to customers – as working for the school/Trust or for themselves?
* Carrying on business on their own account – does the contractor take any significant financial risk? Do they need to make significant investments in equipment or tools?
* Other factors – for example, does the school/Trust impose restrictions on what other work the contractor can do? Does the contract take up the majority of the contractor’s time? Have they previously worked for the school/Trust?

The Status Determination Statement will only be valid if it includes the reasons for the determination. It must be provided to the contractor, and any agency with which the school/Trust contracts, before the contractor is paid.

The status determination assessment needs to be repeated if the contractor’s assignment ends and restarts, or if the circumstances change.

1. **HRMC’s CEST tool for making a status determination**

The HMRC has created a Check Employment Status for Tax online tool (CEST). The tool is designed to assess whether a contractor would be an employee for tax purposes if they were hired directly.

The school/Trust is not obliged to use the CEST, but it highlights the main issues that HMRC are concerned about when considering status for tax purposes. It also has the advantage that, so long as the school/Trust enters the information correctly and keeps it up-to-date, HMRC is bound by the result. Note, however, that the school/Trust must take responsibility for making the assessment. A CEST assessment that is carried out by the contractor personally is not binding on HMRC.  Therefore, the person carrying out the determination should be the person who engages the contractor and understands the details of what the contractor is being asked to carry out for the school or Trust.

In the Lighthouse Schools Partnership we will use the HMRC’s CEST tool to inform our Status Declaration Statement and it can be accessed using this link: <https://www.gov.uk/guidance/check-employment-status-for-tax>.

1. **What is the process for dealing with Off Payroll Working (IR35) in the Lighthouse Schools Partnership**

In the Lighthouse Schools Partnership we will use the HMRC’s CEST tool to make the status determination.

We will not allow any off payroll working (where the status determination is employed, following any dispute resolution process, but the employee continues to be paid by invoice and the Trust makes arrangements to pay the employers and employee tax, NICs and apprenticeship levy). The only exception to this will be in this interim period while we identify the appropriate status for existing arrangements and then establish new operating arrangements).

If someone is determined as an employee, via the status determination, they will be given a contract of employment and paid via the payroll process.

Further details about the processes are detailed below:

* 1. **New assignment**

Each time a school is considering the provision of a new assignment, the member of staff that is arranging for the work to be completed must complete the HMRC’s CEST tool and follow the New Assignment Checklist provided at Appendix D.

The school should email the HMRC CEST tool outcome, the completed new assignment checklist and the Status Declaration Statement to lspfinance@lsp.org.uk. Please send as an encrypted email (before sending in outlook select options, then click encrypt).

If the outcome of the Status Declaration Statement is self-employed, a number of additional documents also need to be completed. This includes:

* + 1. Self-Employment declaration Form (Appendix F)
		2. Company Information Form (Appendix G)
		3. Service Level Agreement (Example template provided as Appendix H)

Please be aware that some of the information of the Company Information Form will need to be updated on a periodic basis e.g. details of insurance cover.

* 1. **An existing assignment**

All existing arrangements where a service is delivered by a self-employed person need to be reviewed to ensure that they are compliant with the new Off Payroll Working requirements.

To carry out this review schools/Central Team will need to:

* + 1. Identify any assignments that need to be reviewed in light the Off Payroll Working requirements. This will include services paid by email or via staff expenses.

		Over the next few weeks the Central Finance Team will be producing lists for schools to help them with this identification. The list will include a list of regular staff expense payments (not made through payroll) and a list of suppliers trading under their own name. These lists will provide a good indication of arrangements which could be subject to the Off Payroll Working requirements. In the meantime, schools should use their local knowledge to identify any potential arrangements.

We previously asked you, as an interim measure, to compile a list of such arrangements and send them to the Central Team. This is no longer required and instead you should follow the steps below.

* + 1. For each existing assignment identified, the member of staff that is responsible for the assignment must complete the HMRC’s CEST tool and follow the Existing Assignment Checklist provided at Appendix E.
		2. Email the HMRC CEST tool outcome, the completed Existing Assignment Checklist and the Status Declaration Statement to lspfinance@lsp.org.uk. Please send as an encrypted email (before sending in outlook select options, then click encrypt).
		3. Inform the worker/contractor of the outcome of the assessment. A template letter is provided as Appendix I.

If the outcome of the Status Declaration Statement is self-employed, a number of additional documents also need to be completed. This includes:

* + 1. Self-Employment declaration Form (Appendix F)
		2. Company Information Form (Appendix G)
		3. Service Level Agreement (Example template provided as Appendix H)

Please be aware that some of the information of the Company Information Form will need to be updated on a periodic basis e.g. details of insurance cover.

If the outcome of the Status Declaration Statement is employed, a range of documentation will need to be completed in order to establish the employment arrangements.

It is recognised that this process may take some time to complete. In order to ensure that individuals receive timely payment for their assignment, the Central Team will continue to pay invoices once the school has submitted the HMRC CEST tool outcome, the Existing Assignment Checklist (completed as far as possible) and the Status Declaration Statement.

This arrangement can continue for a maximum of two months from the Status Declaration Statement issue date. This is to provide time for the employment arrangements to be established. During this period the school will incur the cost of the invoice plus the additional employers and employees tax and NICs which will be calculated by FS4S. In order to facilitate this the Off Payroll Worker Interim Starter Form (Appendix J) needs to be completed and provided to the Central Team.

The Off Payroll Worker costs, including the original invoice will be charged to new nominal codes for Off Payroll Working as detailed below:

2780 Off Payroll Working Basic

2785 Off Payroll Working NICs & Tax

2790 Off Payroll Working Pension

The Central Team will be monitoring paylists received from schools to identify potential Off Payroll Working payments included within them. If a potential Off Payroll Working payment is identified the Central Team will contact the school and withhold payment until HMRC CEST tool outcome, the completed Existing Assignment Checklist and the Status Declaration Statement has been received. Once this documentation has been received the Central Team will process invoices for payment for a maximum of two months from the Status Declaration Statement issue date. As detailed above, this is to enable time for either the employment or contractor arrangements to be established. During this period the school will incur the cost of the invoice plus the additional employers and employees tax and NICs which will be calculated by FS4S.

1. **Dispute resolution process**

The legislation imposes certain minimum requirements upon the school/Trust to:

* Consider the representations made to it
* Respond within 45 days of being advised of a challenge to the status decision
* Inform the worker/contractor and confirm that the original Status Determination Schedule is correct giving reasons why; or
* Issue a new Status Determination Schedule with a new decision to the relevant parties, again giving reasons why.

If a new Status Determination Schedule is issued, the school/Trust must ensure it took reasonable care to arrive at that decision.

If the school/Trust fails to respond within 45 days then it assumes responsibility as the employer for the purposes of tax and NIC (along with the associated responsibilities and liabilities).

The 45-day time limit within which to respond begins from the date a disagreement is received. But please note that a disagreement may be made verbally. It does not have to be in writing (although it should include explanation).

While the school/Trust will automatically assume the mantle of employer if it fails to respond to a disagreement within the 45-day time limit, this isn’t a permanent status. If the school/Trust provides a response after the 45-day limit, then at the point at which it provides the response (and issues an updated Status Determination Schedule if applicable) the status determination will be implemented.

Where a response to a disagreement results in the provision of a new Status Determination Schedule, the school/Trust can confirm a date of applicability - i.e. it can confirm that the new status will apply from a specific date.

If a disagreement is notified to the school/Trust after the final contract payment has been made, the school/Trust is under no obligation to respond.

Schools/the Central Team should complete the Off Payroll Working Dispute Resolution Form (Appendix B) in all cases.

Appendix A



**Off-payroll working (IR35) Status Determination Statement**

To be completed by the member of staff that is responsible for the assignment

|  |
| --- |
| Details of the individual providing the service |
| Name of individual providing the service: |  |
| Individuals company trading name (if different): |  |
| Individuals/company registered company number: |  |
| Individuals home address: |  |
| Individuals/company trading address (if different):  |  |
| Name, role and contact details of company contact (if different): |  |
| Assignment to which this status determination statement relates |
| Name of individual providing the service (Off-payroll worker): |  |
| Assignment description: |  |
| School/Central Team: |  |
| Name of member of staff responsible for the assignment: |  |
| Status determination |
| The off-payroll rules **do** apply to the Assignment, i.e. the Assignment is **'Inside IR35'** – please check the box |[ ]
| The off-payroll rules **do not** apply to the Assignment, i.e. the Assignment **is 'Outside IR35'** – please check the box |[ ]
| The School's/Trust's reasons for this status determination are: | This must include how the status determination decision was made, e.g. it could include a date stamped PDF of the results from HMRC CEST tool |
| If the Contractor believes that this status determination decision is incorrect, the Contractor must follow the Trust's dispute procedure with immediate effect. |
| Signature:  |  |
| Name: |  |
| Position: |  |
| Date of status determination statement: |  |

Appendix B



**Off payroll working (IR35) Dispute Resolution Form**

To be completed by the member of staff that is arranging for the work to be completed before the work commences.

|  |
| --- |
| Assignment to which dispute applies |
| School: |  |
| Name of member of staff responsible for assignment: |  |
| Name of member of considering the dispute (this will normally be the member of staff responsible for assignment): |  |
| Name of worker/contractor raising the dispute: |  |
| Description of the assignment: |  |
| What status was generated by the Status Declaration Statement? | Choose an item.  |
| Date dispute notified: |  |
| Method of notification: |  |
| Grounds for dispute: |  |
| Date before which dispute must be resolved (no more than 45 days from initial notification): |  |
| Response to grounds for dispute from member of staff responsible |
| Is the dispute upheld or rejected | Choose an item. |
| Reasons for upholding or rejecting dispute |  |
| Signature:  |  |
| Name: |  |
| Position: |  |
| Date: |  |
| Review of dispute outcome |
| Review of dispute outcome by Headteacher or Chair of Governors (if Headteacher considered the dispute) | Choose an item. |
| Date worker/contractor informed of outcome of dispute |  |
| Signature:  |  |
| Name: |  |
| Position: |  |
| Date: |  |
| Review of dispute outcome by Central Team (CFOO or Head of HR) | Choose an item. |
| Signature:  |  |
| Name: |  |
| Position: |  |
| Date: |  |
| Confirmation of Status Declaration Statement following dispute consideration | Choose an item. |
| Date worker/contractor informed of outcome of dispute |  |

Appendix C



**Off Payroll Working (IR35)**

**Case Study Examples**

|  |  |
| --- | --- |
| **Example 1**: | Individual A is supporting a pupil with high-level needs on a 1:1 basis |
| Individual A is registered as self-employed, but works part-time hours, 5 mornings a week for the school until further notice. They invoice the school for their time.If A is sick, and unable to work, the school finds cover to support the pupil. All of the work takes place at the school, using school equipment and the planning and resources are provided by the class teacher. Although the work does not stop the worker from doing similar work for other organisations, they are representing the school whilst carrying out this work for the school. There is currently no written contract for service in place.The school must look at their contractor workforce including Individual A, to identify whether the off payroll working rules (IR35) apply to A. As the school employs all other 1:1 support undertaking a similar role in the school, it is not surprising that the HMRC tool determines that A should be treated as employed for tax purposes for this work. The school should discuss the outcome with A and agree to move the contract of service to a contract of employment with immediate effect. Payments made via invoice since 6th April 2021 will need to be discussed with the Finance Team for income tax and employee National Insurance contributions to be deducted and paid to HMRC via FS4S. |

|  |  |
| --- | --- |
| **Example 2:** | **Individual B is providing 1:1 tutoring for pupils on a self-employed basis** |
| Individual B is employed as a part-time teacher in a school, but also works as a 1:1 tutor providing Covid catch-up sessions for pupils on a self-employed basis, funded by the school. Individual B also provides private tutoring to students, funded by parents. Individual B does not work for any other school, and provides the school funded and privately funded 1:1 tutoring sessions remotely. This is a similar example to Example 1. In both cases, the worker would introduce themselves to pupils or parents/carers as working for the school, and although the work does not preclude the worker from carrying out similar work for other schools, the HMRC tool determines the worker to be employed for tax purposes, whilst carrying out the tutoring on behalf of the school. The school should discuss the outcome with B and agree to move the contract of service to a contract of employment for the tutoring funded by the school with immediate effect. Payments made via invoice since 6th April 2021 will need to be discussed with the Finance Team for income tax and employee National Insurance contributions to be deducted and paid to HMRC via FS4S. |

|  |  |
| --- | --- |
| **Example 3:** | **Individual C provides sports coaching to pupils at the school** |
| Individual C is employed by a company that the school has contracted with to provide sports coaching. As individual C is an employee of the sports coaching company this arrangement is not subject to IR35 and can continue to be paid via invoice without there being an additional income tax or national insurance contributions.If C is unable to undertake the work, the company will send a substitute, without getting any form of permission or selection by the school. The HMRC tool does not need to be completed in this example as the individual providing the services is employed by the school’s contractor. |

|  |  |
| --- | --- |
| **Example 4:** | **Individual D is providing staff coaching on a self-employed basis** |
| Individual D is self-employed and provides coaching and mentoring to members of staff.The school has identified a specific piece of work to be undertaken but individual D decides how that work is done. D works for lots of other schools/clients, usually for short term project-based assignments.D provides their own materials and equipment to deliver the work.The HMRC tool determines that D should be treated as self-employed for tax purposes for this work.Individual D can continue to be paid via invoice without there being an additional income tax or national insurance implications, subject to the completion of the required documentation. |

Appendix D



**New Assignment Checklist for Off payroll working (IR35)**

To be completed by the member of staff that is arranging for the work to be completed before the work commences.

|  |
| --- |
| Assignment to which this checklist applies |
| School: |  |
| Name of member of staff responsible: |  |
| Description of the assignment: |  |
| What status determination was generated by the HMRC CEST tool? (Please attach a copy) | Choose an item. |
| If HMRC CEST determination is employed please complete section 1 of the checklist | If HMRC CEST determination is self-employed please complete section 2 of the checklist |
| Checklist to be completed when assignment is approved (before identifying who will undertake the work) |
| Section 1 – Status determination employed  |
| To be completed when assignment is approved (before identifying the individual that will undertake the work)  |
| Job title and description prepared (in conjunction with the Central HR Team) | Choose an item. |
| Determine length of assignment if fixed term  | Choose an item. |
| Determine number of hours per week to deliver assignment within budget | Choose an item. |
| Determine appropriate conditions of employment (teaching or support) | Choose an item. |
| If support, determine number of working weeks to deliver assignment within budget | Choose an item. |
| Determine appropriate salary level (in conjunction with the Central HR Team) | Choose an item. |
| Appropriate, fair and transparent recruitment process agreed | Choose an item. |
| Completed by: |  |
| Date: |  |
| To be completed when recruitment is complete  |
| Normal recruitment and new starter process followed | Choose an item. |
| Completed by: |  |
| Date: |  |
| Section 2 – Status determination self-employed  |
| To be completed when assignment is approved (before identifying the contractor that will undertake the work)  |
| Draft Service Level Agreement/Contract produced | Choose an item. |
| Appropriate procurement agreed | Choose an item. |
| Completed by: |  |
| Date: |  |
| To be completed when procurement process is complete  |
| Contractor completes self-employed Declaration Form | Choose an item. |
| Contractor completes Company Information Form | Choose an item. |
| Service Level Agreement/Contract finalised | Choose an item. |
| Completed by: |  |
| Date: |  |

Appendix E



**Existing Assignment Checklist for Off payroll working (IR35)**

To be completed by the member of staff responsible for the assignment.

|  |
| --- |
| Assignment to which this checklist applies |
| School: |  |
| Name of member of staff responsible: |  |
| Description of the assignment: |  |
| Name of worker/contractor: |  |
| What status determination was generated by the HMRC CEST tool? (Please attach a copy) | Choose an item. |
| If HMRC CEST determination is employed please complete section 1 of the checklist | If HMRC CEST determination is self- employed please complete section 2 of the checklist |
| Checklist to be completed when assignment is identified as a potential Off Payroll Working arrangement |
| Section 1 – Status determination employed  |
| HMRC CEST assessment shared and agreed with the individual delivering the services  | Choose an item. |
| Status Determination Statement completed | Choose an item. |
| Letter informing of determination outcome sent | Choose an item. |
| If HMRC CEST assessment not agreed with the individual, dispute resolution process completed | Choose an item. |
| Invoices to continue to be paid until employment arrangements confirmed – max period 2 months (please note in this circumstance employers and employees tax and NIC costs will be charge to the school/Central Team in addition to the cost of the invoice) | Choose an item. |
| If invoices continue to be paid for interim period, interim starter form completed | Choose an item. |
| Job title and description prepared (in conjunction with the Central HR Team) | Choose an item. |
| Determine length of assignment if fixed term  | Choose an item. |
| Determine number of hours per week to deliver assignment within budget | Choose an item. |
| Determine appropriate conditions of employment (teaching or support) | Choose an item. |
| If support, determine number of working weeks to deliver assignment within budget | Choose an item. |
| Determine appropriate salary level (in conjunction with the Central HR Team) | Choose an item. |
| New starter form completed | Choose an item. |
| Completed by: |  |
| Date: |  |
| Section 2 – Status determination self-employed  |
| HMRC CEST assessment shared and agreed with the individual delivering the services  | Choose an item. |
| If HMRC CEST assessment not agreed with the individual, dispute resolution process completed | Choose an item. |
| Status Determination Statement completed | Choose an item. |
| Contractor completes self-employed Declaration Form | Choose an item. |
| Contractor completes Company Information Form | Choose an item. |
| Service Level Agreement/Contract agreed and signed | Choose an item. |
| Completed by: |  |
| Date: |  |

Appendix F



**Declaration for Contracting the Services of a Self-Employed Worker**

The declaration form regarding self-employed worker must be signed by the supported person representing Lighthouse Schools Partnership and the self-employed worker and returned to the Lighthouse Schools Partnership for assurance purposes.

It is essential that self-employed workers provide proof that they are registered as self-employed for tax and insurance purposes.

Name ………………………………………………………………………………… DIRECT PAYMENT RECIPIENT

(please use block letters)

or

Name………………………………………………………………………………… LEGAL REPRESENTATIVE

(please use block letters)

On behalf of Lighthouse Schools Partnership it is understand it is my responsibility to ensure I contract only with persons who meet the HMRC criteria and I have the following paperwork in place:

* A copy of the Service Agreement or Service Provision Contract (terms and conditions) detailing how much the worker is charging, responsibility for their own training and equipment;
* A copy of how and when they will invoice and terms of payment;
* A written statement /evidence from HMRC; Employment Status Indicator (ESI) confirming the worker is registered as a self-employed worker, detailing the registration terms;
* A copy of their Unique Tax Reference Number (UTR)
* Evidence that they take responsibility for paying their tax and national insurance contributions;
* A copy of the appropriate liability insurance and indemnity cover documents;

Only once the proposed self-employed worker has shared relevant documents with Lighthouse Schools Partnership, can the contractual agreement commence.

Details of the self-employed worker contracting with Lighthouse Schools Partnership:

Name (Capitals)……………………………………………………………………………………………………

Job Title…………………………………………………………………………………………………………………

Self-employed worker registration details……………………………………………………………..their status

Address…………………………………………………….………………………………………………………………………………………

…………………………………………………………………………………………………………………………………………………………

…………………………………………………………………………………………………………………………………………………………

Signature………………………………………..…………………………………………………………. (self-employed worker)

Date………………………………………………..

Signature……………………………………………………………………………………………...(Direct Payment Recipient)

Date………….……………………………………

Signature………………………………………………………………………….(Legal representative-where applicable)

Date……………………………………………….

When the services of a self-employed worker are to be utilised and funded by direct payment, please send a copy of the Employment Status Indicator (ESI), Unique Tax Reference Number (UTR) and liability insurance to Lighthouse Schools Partnership who will keep a copy for record purposes.

Lighthouse Schools Partnership will not release money into the designated bank account until the documentation is received.

This form and documentary evidence should be returned to:

Lighthouse Schools Partnerships c/o school in which services relate:-

School Name………………………………………………………………………………………………………………………………….

Contact Person ……………………………………………………………………………………………………………………………..

Address………………………………………………………………………………………………………………………………………..

…………………………………………………………………………………………………………………………………………………….

Postcode……………………………………………………………. To be returned by……………………………………………date

Appendix G



**COMPANY INFORMATION FORM**

|  |  |
| --- | --- |
| School/Central Team: |  |
| Company Name:   |   |
| Registered Address:   |   |
| Company Number:   |   |
| Company Type: (e.g LTD/at PLC)  |   |
| VAT Registration No.:  |   |
| Unique S/E Tax Reference:  |   |
| Company Directors:   |   |
| Does Company or Directors have CCJs: |   |
| Others with Significant Control:  |   |
| Annual Turnover (most recently completed financial year)  |  £ |
| Number of Schools currently supported Nationally  |   |
| Number of Schools currently supported Locally   | * North Somerset =
* Bath & North East Somerset =
* South Gloucestershire =
* Bristol =
* Somerset =
 |
| Number of staff fully employed: (not including Sub-Contractors or zero hour contracts)  |   |
| Details of Liability Insurance  |   |
| Please provide 3 Reference Schools   | 1. 2. 3.  |
| Do all staff hold an enhanced DBS check?  |   |
| Are all staff Safeguarding trained?  |   |
| Please confirm you agree to LSP undertaking background checks/searches  |   |

Appendix H



**Service Level Agreement**

This is a Service Level Agreement (SLA) between [School] and [Contractor’s name, postal address]. This document identifies the services to be provided between MM/DD/YY to MM/DD/YYYY.

Signatories:

|  |  |
| --- | --- |
| On behalf of the Contractor: |  |
| Print name: |  |
| Position: |  |
| Date: |  |
| On behalf of the School |  |
| Print name: |  |
| Position: |  |
| Date: |  |

1. **Contractual Parameters**

This section specifies the contractual parameters of this agreement:

1. Modifications, amendments & extension of this SLA must be agreed by both signatory parties.
2. [School] reserve the right to terminate this agreement for whatever reason giving xxxxx notice (*LSP suggest 48 hours*)
3. The Contractor will indemnify LSP against all losses as a direct result of contractor negligence
4. The Contractor will indemnify LSP against all losses as a direct result of contractor failing to comply with GDPR/Data Protection
5. The Contractor will not sub-contract any elements of the goods and services provided without prior written consent

1. **Details of Goods &/or Services to be provided**
2. **Responsibilities**

[School] responsibilities:

* [School] shall inform the Contractor of changing business requirements that may necessitate a review, modification, or amendment of the SLA.

Contractor responsibilities

* The Contractor will inform [School] regarding any issue, disruption or delay of provision of this service as necessary, E.g. due to staff absence.
* The Contractor will hold an Enhanced DBS check *(school to see evidence)*
* The Contractor will have undertaken safeguarding training if appropriate to the role *(school to see evidence)*
* The Contractor will have public liability insurance *(school to see evidence)*
* The Contractor will have Professional Indemnity Insurance *(school to see evidence)*
* The contractor will act in accordance with GDPR regulations

1. **Financials**

* The fees for the products/services outlined within this agreement are [     ]
* Payment terms will be [     ]
* VAT registration details (if applicable) [    ]
* Bank details [       ]

Appendix I

Template assessment outcome letter

[date]

PRIVATE & CONFIDENTIAL

[Name]

[Company name]

[Company Address]

Dear [Contractor]

Re: IR35 Status Determination

Further to the status determination that the [School/Trust] has carried out in respect of the [details of the type of work] commencing on [start date of contract] and ending on [end date of contract], I can confirm that your status has been confirmed as [an employee / an off payroll contractor]. Attached is the Status Determination Statement as confirmation of this.

What does this mean for you?

[Employee]

As you have been determined as an employee you will be provided with a contract of employment and will be paid via payroll. Please speak to the [school Business Manager / your line manager] who will be able to provide you with your contract along with the new starter forms.]

OR

[Off Payroll Contractor]

As you have been determined as an off payroll contractor you will need to provide the school with the completed documents, as follows:

* Self-Employment Declaration Form (attached)
* Company Information form (attached)
* Service Level Agreement (attached)
* Proof of Enhanced DBS Disclosure
* Risk Assessment related to the activity
* [list other documents]

Once the school has received and verified these documents invoices will be accepted by the school for payment, in line with the Service Level Agreement. Please note that even if you have been determined as an off payroll contractor, invoices will not be paid until you have completed the required documents.

What if you disagree with the status determination?

If you dispute the determination assessment, please provide me with the following details:

* The details of the IR35 determination that you disagree with.
* Specific reasons why you believe you should be working outside IR35.

The school will provide you with a response within 45 days of receiving notification that you disagree with your employment status determination. During this time the school will need to continue to apply the rules in line with your original determination.

If you have any questions in the meantime, please do not hesitate to contact me.

Yours sincerely,

[Name of appropriate member of staff]

[Job title]

Appendix J

### A picture containing text, clipart  Description automatically generated Logo, company name  Description automatically generated

### Off Payroll Worker Interim Starter Form

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|

|  |
| --- |
| **(FS4S Use Only)** |
| FS4S Payroll Ref No: |  | Start Date: |
| Processed by HR: |  | Date: | Processed Payroll |  | Date: |
| Processed by Finance: |  | Date:  |  |  |

If the outcome of the Status Declaration Statement is employed, a range of documentation will need to be completed in order to establish the appropriate employment arrangements. It is recognised that this process may take some time to complete. In order to ensure that you receive timely payment for your assignment, the Trust will continue to pay your invoices while this process is undertaken. In doing so the school/cost will incur the employment costs associated with your assignment which will be calculated by our payroll provider FS4S. This is classed as Off Payroll Working. To facilitate this please complete this Off Payroll Worker interim Starter Form This arrangement can continue for a maximum of two months from the issue date of your Status Determination Statement. This is to provide time for your employment arrangements to be established. Please fully complete this form and return to the School as soon as possible to ensure you are paid on time. If you have any queries or need help completing this form, please contact your Admin Officer/ Bursar/Business Manager.*\*****Please note mandatory fields (This form cannot be processed without this information)*** |
| \*Surname |  | \*Title |  |
| \*Forename(s) |  | Gender |  |
| \*NI Number |  | \*Date of Birth |  |
| \*Address(incl. Post Code) |  |
| \*Daytime Contact No. |  |
| \*E-Mail Address For Remittance |  |
| Off Payroll Worker Signature |  |
| Date |  |