Human Resources

9th Floor, The Cube

199 Wharfside Street

Birmingham B1 1BN

Telephone: 0300 470 3000

www.highwaysengland.co.uk/

5 February 2019

Dear Ms Humphrey

**RE: Freedom of Information Request CRS ref: 768,394**

I am writing to confirm that we have now completed our search for the information, which you requested on 13 January 2019.

A copy of your request and our response is given below:

*Following the introduction of the off-payroll working in the public-sector reforms in April 2017, could Highway England please confirm whether or not it is their responsibility to assess whether the rules apply under each of the following scenarios:*

*(a) a person providing employment services directly to Highways England via their own limited company*

*(b) a person providing employment services to a private company leading a framework contract for Highways England (for example working on the NRTS commission)*

*(c) a person providing employment services via a subsidiary company of the company leading a framework contract Highways England*

*(d) a person providing employment services through their own limited company via a subsidiary company of the company leading a framework contract for Highways England*

**Our** **Response:**

We have in place processes that enable compliance with the HMRC IR35 regulations around off-payroll workers (<https://www.gov.uk/guidance/off-payroll-working-in-the-public-sector-reform-of-intermediaries-legislation>).

We have specific responsibility for compliance in scenario (a); scenarios (b), (c) and (d) would arise where Highways England contract with third party suppliers – the responsibility for compliance with the intermediaries’ legislation would rest with that third-party supplier for any workers they engage.

If you are unhappy with the way we have handled your request you may ask for an internal review within 2 months of the date of this response for Freedom of Information requests and within 40 days for Environmental Information Regulations requests.

Our internal review process is available at: <https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy, please phone the Information Line on 0300 123 5000; or e-mail [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk). You should contact me if you wish to complain.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote reference number **768,394** in any future communications.

Yours Sincerely,

***Highways England One HR Team***