

## Intranet guidance

### Supplier setup/amendment request

#### Employment status

The Council has a contract to supply agency workers through a managed service provider, currently this is Reed Specialist Recruitment Ltd. When an agency worker is engaged through Reed the employment status of the individual is clear so there is no need to take any further action. In circumstance where the council engages someone to carry out work on its behalf and this is not by recruiting to an established vacant post or via Reed or a recognised procurement process, the employment status of the individual may be unclear. In such circumstances a process must be followed to determine the employment status of the individual. This is important to ensure that the council fulfils its responsibilities under HMRC regulations to make appropriate deductions of tax and national insurance contributions. If you need to check the employment status of an individual who is undertaking work for the council you must use the HMRC employment status tool. Please read the attached guidance for more information and a link to the HMRC tool.

## Oct 2017 Agency worker Newsletter

### IR35 (Intermediaries Legislation) - the hiring process

Workers hired through our Managed Service Provider (MSP) are usually via PAYE, Umbrella or Personal Services companies. Where it is deemed a worker's role is subject to IR35 rules, Her Majesty's Revenues and Customs (HMRC) require the council to ensure appropriate deductions of tax and national insurance are made **at source**.

To help you ensure you satisfy HMRC's IR35 rules for your agency workers:

- For any role covering an established vacancy and not requiring an Officer Decision Record (ODR), HR has determined this is deemed to be inside IR35. This means you do not need to do an IR35 assessment.
- For any role requiring an ODR, you do need to do an IR35 assessment so you can establish if that role is inside or outside of the IR35 rules!

#### Handy Hints

- The IR35 tool is based on the role - NOT the worker to be hired
- ODR's must include standard HR implications advising managers of the need to do a tool
- Reed can't allow a worker to start unless an IR35 assessment has been done on the role
- Your HR Service Delivery teams can advise on the IR35 process
- HR will keep a record of job based IR35 tools to refer back to when needed (e.g. where there are no changes to a role already assessed for IR35) so please ensure you send HR a copy

## May 2018 Agency worker Newsletter

### Hiring an agency worker

In line with the Hiring and Managing Agency Worker Policy, the hiring process for any agency worker should ideally go as follows:

- Workforce planning to see what resources may be needed, when and possible solutions
- Discussing workforce needs with HR
- Considering alternative options to hiring an agency worker

If it's agreed an agency worker is the best option, there must then be:

- A set of deliverables or job description for the role. If the job role is not already on system we (and Reed) use this information to benchmark rates with the market to agree an appropriate pay rate.
- Job description is graded but if using deliverables this must include the equivalent level/grade for the duties, (this has no bearing on the market rate but is a legislative requirement).
- Either an ODR to cover the role the agency worker will be doing or a vacancy they are to cover.
- A completed [IR35 assessment \(done by the manager\)](#) - the completed assessment must be emailed to HR for consideration and to share with Reed before the worker is hired.

**NB.** The IR35 assessment must be based on the role (**not the worker**) taking into account what will be required of the agency worker to undertake the role.