

Contracting with Self-Employed Workers

From time to time NHS organisations may need to secure the use of self-employed workers to ensure adequate service provision. These individuals may either be engaged directly or via a personal service company or agency.

Where an engagement is more than six months in duration and for a daily rate of £220 or more all NHS organisations are required to comply with specific HM Treasury guidance. This provides that the organisation must have the contractual right to seek assurance of the income tax and NIC obligations of the worker and to terminate the contract if that assurance is not provided.

It is vital that the correct contractual documentation is put in place from the outset. This will:

- Reduce the risk of employment status claims by clearly setting out the relationship between the NHS organisation and the individual;
- Clarify the individual's duties and obligations, including importantly their obligation of confidentiality;
- Ensure compliance with HMT guidance where engagements are for more than 6 months in duration and for a daily rate of £220 or more;
- Provide clear termination provisions.

At Bevan Brittan we can support you by:

- preparing bespoke contracts for services where the NHS organisation contracts directly with the individual or via their personal service company;
- Advise on varying existing contracts for services to ensure compliance with HMT guidance;
- Review and advise on agency terms and conditions;
- Advise on variations to Header Contracts/ Framework Agreements with supplier agencies to ensure compliance with HMT guidance.

For more information please get in touch




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They tick all the boxes. They have the expertise and effective communication, and they deal with matters quickly and efficiently.

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