



Onshore Employment Intermediaries- False Self-employment Legislation

While the government have stated that they “strongly support enterprise and those who chose to work for themselves”, the detail of the above legislation means that HMRC will assume the existence of direct supervision or control when working through an intermediary unless you are able to provide evidence to the contrary. In this case an intermediary can be an agency and/or an umbrella company.

Your Pay Ltd. are prepared to pay operatives who are genuinely self-employed, if we are able to obtain the necessary evidence – as dictated by the legislation -from their agency that they do not fall within scope of the legislation.

3 Steps to Compliant Self-employment.

In order that we can compliantly pay a self employed operative under the Onshore Intermediaries legislation, we will require:

- 1) Confirmation that the agency contract with the end hirer does not give the end hirer the right to directly control or supervise the contractor
- 2) Confirmation from the agency that they have evidence from the end hirer that control or supervision will not take place
- 3) That the worker qualifies as self-employed under our revised Qualification Questionnaire.

In the absence of any of the above elements, we will not be able to pay the operative as self- employed and will offer them Umbrella employment if their circumstances are appropriate.

Not sure where you stand?

Let Your Pay carry out a free compliance review. Contact the Business Development team on