

Self-employment advice and guidance template

This template details what information and documents should be obtained if you are looking into using the services of a self-employed PA. We highly recommend that you use our Advice Service to discuss this subject and/or read our Factsheet to ensure the PA is self-employed, as the information below are indicators only. What matters are the details of the relationship between you and your PA. Getting it wrong can put you at financial risk of being fined and/or you could end up in Court at an Employment Tribunal.

Step 1 - Is the PA registered with HMRC as a self-employed worker?

Your PA will need to be registered with HMRC for Tax and National Insurance purposes. The PA receives a UTR (Unique Tax Reference) when they have registered for Self-Assessment or set up as a Limited Company. Be aware that registering as self-employed with HMRC does not make the person automatically self-employed while working for you. Please have your PA sign below to confirm they have registered and received their Unique Tax Code Reference from HMRC and are declaring their own tax.

Name of DP Recipient:	
Name of PA:	
Signature of PA:	
Date:	

Step 2 - HMRC 'Check Employment Status for Tax' (CEST) Tool

You should complete the HMRC Check Employment Status for Tax (CEST) Tool. This needs to be completed by the Engager or their Authorised Representative - if the indicator has been completed by or on behalf of a worker the result is only indicative and HMRC will not be bound by it.

To access this tool visit <https://www.gov.uk/guidance/check-employment-status-for-tax>

Completed by: (Engager or Representative)	
Date of result:	
Copy on file:	

Ensure you keep a copy of the result or proof of the answers provided and the resulting decision is sent into Independent Lives with the above completed and signed.

Allocated advisers name:

Advice and guidance has been provided on the above steps and the services the PA will be providing have been discussed. This has indicated that the role meets the criteria of self-employment.

Signed _____

Step 3 - Contract for Services

The self-employed PA has to offer you a Contract for Services, agreeing with you the Terms and Conditions of his/her service. Check if the following is included and clarify if missing - Rates of pay, hours of work, cancellation periods, notice period of absences, cover arrangements, invoicing practice, payment details, how to solve disputes and complaints etc.

Contract for Services received from the Worker and held on file:		Date:
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Step 4 - Has the PA got Public Liability Insurance?

Seek proof of the worker's Public Liability Insurance - make a note of the Insurer, Policy Number and Renewal Date. Make a diary note to follow it up at the point of Renewal. Or simply ask for an up-to-date copy.

Copy on file:	
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Step 5 - Is the PA registered with CQC?

As indicated by the Care Quality Commission (CQC) if the worker will be carrying out a 'regulated activity' and are acting as an agency, they must contact the CQC [Care Quality Commission \(cqc.org.uk\)](https://www.cqc.org.uk) directly to discuss their potential requirement for registration. Self-employed PAs with an agreement to work directly for an individual and who are paid directly by them, do not need to be CQC registered. Ask the worker to provide confirmation that they are registered or exempt from registration. If already registered, make a note of the registration number and date or ask for a copy of their registration document.

Registration number:	
Copy on file:	

Step 6 - Will the PA invoice you and how much?

The PA must invoice you. Clarify how often and when. Clarify how much you will be invoiced per hour and check if you can meet these charges from your funding. How do they wish to be paid? Remember, you need an audit trail for your funding. Money can be paid by cheque or bank transfer but not cash.

Step 7 - Can the PA provide a copy of their DBS check?

It is recommended that you view a copy of the worker's latest DBS check.

Certificate Number:	
Date viewed:	

Step 8 - Can the PA provide Business References?

It is recommended that you obtain references from previous engagers/other clients.

Ask the PA to provide written references or for referee contact details.

Date of when references received:	
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