

## Self-employment advice and guidance template

This template details what information and documents should be obtained if you are engaging the services of a self-employed PA. We highly recommend that you refer to Independent Lives Advice Service to support with this subject and/or read Independent Lives [self-employment factsheet 7.2](#) 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. There is a risk of fines from HMRC, or an employment tribunal if the employment status of your PA is incorrect.

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

The PA needs to be registered with HMRC for Tax and National Insurance purposes. The PA receives a UTR (Unique Tax Reference). Please note that just because they have registered 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 with the PA - 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 should provide you with a Contract of their services, agreeing with you the Terms and Conditions of their service. Check if the following are 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?

The PA must have their own Public Liability Insurance - ask for a copy of the certificate.

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

Is the PA acting as an agency and carrying out a '[regulated activity](#)' ? if so they must contact the CQC [Care Quality Commission \(cqc.org.uk\)](http://cqc.org.uk) directly to discuss their potential requirement for registration. Generally Self-employed PAs who 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 are 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 for services they have provided. Clarify with them how often, when and how much you will be invoiced per hour and check if you can afford these charges from your funding. How do they wish to be paid? Remember, you need an audit trail by your funder. Money can be paid by cheque or bank transfer but not by cash.

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

It is recommended that you view a copy of the PAs 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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