##

## APPENDIX B In Scope of IR35

|  |  |
| --- | --- |
| <<insert date>> | Lincolnshire County Council County OfficesNewlandLincoln LN1 1YL  |

Dear T*emporary Worker,*

**RE: IR35 new statutory duty for public sector bodies**

I am writing to let you know about the change of law from 6th April 2017 which means that, under the revised statutory Regulation IR35, the Council as the employer may be required by HMRC to withhold Pay As You Earn and national insurance contributions on any payments we make to temporary workers acting through a personal services company (PSC).

Some temporary workers are currently engaged via employment agencies who already make those deductions. However, in your case, as the deductions are not being taken by a third party, we believe we are responsible to make the deductions.

We have come to this conclusion having discussed your working arrangements and compared this to the HMRC IR35 guidelines and online tool.

If you are not in agreement with this position, please inform the hiring manager who will need to complete a full assessment with you*.* The link to the service, which will give you the view of HM Revenue and Customs (HMRC) on whether the [**intermediaries legislation (known as IR35)**](https://www.gov.uk/guidance/ir35-find-out-if-it-applies) applies to an engagement and a worker should pay tax **[through PAYE](https://www.gov.uk/employment-status/selfemployed-contractor)** for an engagement can be found here [**https://www.gov.uk/guidance/check-employment-status-for-tax**](https://www.gov.uk/guidance/check-employment-status-for-tax).

**Next steps:** You will need to supply the hiring manager with:

* Tax Code
* National Insurance Number
* Date of Birth
* Personal Address
* P45 from previous employments if available
* The bank account details in to which payments will be made (if we do not already have these.)
* Company name
* Company number
* Company's address
* Registered company address (if different from above)

This will enable the hiring manager to set you up on Business World On! to make tax and National Insurance deductions from payments after 6th April 2017. Please note where you are paid by invoice the relevant deductions will be taken before paying the invoice.

If you have any questions about IR35 or about this decision please contact the hiring manager to discuss.

Yours sincerely

On behalf of Executive Director for << insert Director Area>>