Status Determination Statement

Unless your organisation is classed as a small company under the Companies Act 2006*, under the changes in legislation you as the Client must determine whether the proposed role falls inside or outside of IR35 legislation. This determination may impact the pool of candidates available for the role and the costs involved. If the determination is inside IR35, potential contractors must agree to either Off-Payroll rules applying or working via an Umbrella company. Tax & NICs must be applied to the contractor's payments which will have an impact on charge rates. Please record your determination for this assignment here (please tick one box only):

Client Name (Company)

Title of Role being assessed

Proposed start date (MMYY)

Determination conducted by:

Name Job Title

IR35 Determination:

Inside scope ☐ Outside scope ☐ Designated Small Company* ☐

If Small Company, please skip the next question and date and sign below.

Please state the reasons for your determination in the box below. Please ensure you consider carefully Substitution, Control, Mutuality of Obligation 'MOO'. Assignments must fail all these criteria for the assignment to fall inside IR35. Please also consider Integration and Financial Risk. If the Contractor is registered as an Officer on Companies House they are automatically classed as inside IR35. For further assistance in reaching a determination please see the notes overleaf.

We confirm that reasonable care has been taken in reaching this determination.

Signed Date

* To classify your organisation must satisfy at least 2 of the following conditions in your last financial year: Turnover less than £10.2m; Balance sheet total less than £5.1m; Not more than 50 employees.

Assistance with Reaching a Determination

We would advise you to seek guidance from your legal advisors on assessing the role. If you have no advisor available, Eton Bridge Partners are working with IR35 experts Brookson Legal who can provide expert advice should you need it. If you would like them to carry out the assessment for you, they charge a nominal fee of £250 per assessment or £150 per assessment for more than 4 assessments, plus providing valuable knowledge that would enable you to perform your own assessments in future. Please contact them directly if you wish to use this service here.

Online tools do not tend to be reliable. If you can prove you have taken reasonable care in making your assessment, then HMRC are unlikely to take an aggressive stance in the event of an incorrect determination.

If reaching a determination yourself, please address each of the following key points. Please note that the answer to one or more questions within each key criteria below must be 'no' to be inside:

Substitution - is there a requirement for a personal service of the contractor?

- Would the contractor be permitted to supply an alternative individual on behalf of their limited company to provide the services?
- Has the contractor ever exercised their right to provide a substitute?

Control – contractor's freedom to decide what, where, when and how

- Can the contractor decide where they work from day-to-day?
- Does the contractor have the freedom to decide when they work?
- Does the contractor work without direct supervision?
- Can the contractor decide how to do the work without their method having to be checked by the client?

Mutuality of Obligations (a.k.a. "MOO") – acceptance and refusal of tasks

- Is the contractor working towards pre-defined deliverables or on a specific scope of work?
- Is the contractor free to refuse tasks which arise and fall outside the scope of the agreed contract? Similarly, can they refuse future assignments?

We would recommend you also consider the following factors:

Integration – is the contractor treated as an external workforce?

- Is the contractor discounted from any employment benefits? Sick pay, holiday pay etc.
- Is the contractor discounted from any company benefits, or employee activities and facilities? Bonus, subsidised facilities, team-building etc.
- Are the internal disciplinary and grievance procedures non-applicable?
- Has the contractor been discounted from any training provision (other than mandatory induction training)?
- Is the contractor excluded from any supervisory or management responsibilities?
- Does the contractor work apart from any employees who are carrying out the same or a similar role?
- Is the contractor excluded from being offered their role on a permanent basis?

Financial Risk – the costs and losses that the contractor's business is exposed to

- Does the contractor provide any of their own equipment?
- Is the contractor required to provide their own insurances?
- Must the contractor rectify defective work in their own time and at their own cost?
- Is the contractor free to work with other clients whilst also working on this assignment?