



UNIVERSITY OF ST ANDREWS

HUMAN RESOURCES

GUIDELINES FOR GOOD PRACTICE OF EMPLOYMENT STATUS OF INDIVIDUALS PROVIDING SERVICES TO THE UNIVERSITY

1. Introduction

This procedure provides guidance for the payment of Self Employed individuals, visiting lecturers, vocational scholarships, and University staff providing services not related to their employment and any payments that are to be processed through Accounts Payable or Salaries and that do not fall under the criteria of University staff.

It should be noted that Managers/Heads of School/Units/PI's who are requesting University staff to provide services for the University and are not registered with HMRC as 'self employed' should consult the Framework team ext 1650/1670 to seek advice on the rate they wish to be applied. This process must be adhered to before the task is carried out otherwise payment cannot be guaranteed.

The following guidelines are to provide support and advice concerning the employment status of current and future workers providing services to the University and to assist Schools and Units in developing good practice and minimising the risk of contravening HMRC regulations. Therefore Schools and Units must consider this when raising any form of paperwork in regard to services provided to the University. If the fee is not submitted on the appropriate form then it will inevitably delay the payment.

Issues for Consideration

1. If HMRC become aware that the University should have paid tax and National Insurance for an individual who they would consider to be an employee but the University has treated them as self employed or not deducted the appropriate rates of tax and National Insurance the University would be liable for:
 - Any unpaid tax or NI implications it should have paid on behalf of the worker
 - Interest on the unpaid tax and NI
 - Financial penalties

2. The University may be taken to tribunal or court by an individual if they have been classed as self employed by the University and should have been treated as an employee for employment rights (such as annual leave, sick leave etc)
3. An employment contract is considered as a 'contract of service' in which a worker will personally provide work or services for the University. A 'contract of services' is when a company or a self employed individual or consultant undertakes to provide services for another organisation.

If an individual wishes to claim expenses then they must adhere to the University policy for staff which can be found at

The key tests of employment vs. self employment are

- Whether the worker is performing services as a person in business on his/her own account
- The extent to which the worker is under the direction and control of the University in the manner in which he/she works
- Whether the worker has the right to provide a substitute and if this right is limited
- The mutuality of obligation between the University and the worker in offering and accepting work
- Whether the worker or the University provides teaching materials and bears the cost of running the course
- To what extent the worker determines the course curriculum and the subject taught
- Whether the worker or the University retains the relevant property rights of the course content and associated subject matter.

Remember individuals can be self employed in all other aspects but may be classed as an employee of the University dependent on the criteria met.

The self employed/employed questionnaire can be found at the following link –

[Fees Questionnaire](#)

The following are examples of services provided to the University and how they should be dealt with. **However it must be noted that the following is an indicative but not exhaustive list and if there is doubt Schools/Units must contact Salaries at the earliest opportunity in order to establish a particular person's employment status. If this procedure is not adhered to the Salaries Office will apply the appropriate deductions at the time they receive the documentation.**

External Examiners

These individuals should be dealt with by the Salaries Office for all fees and expenses.

Postgraduate External Examiners fees and expenses are non – taxable

Undergraduate External Examiners fees are taxable and expenses are non-taxable.

The appropriate form can be found at the link below.

[External Examiners Personal Details form - Taught Postgraduate and Undergraduate](#)
[External Examiners Expenses and Fees for Research Postgraduate](#)
[External Examiners Expenses Form](#)

Visiting Academics

Visiting Academics – this is in relation to ad-hoc/one of duties such as ‘collaboration’ (i.e. Not lecturing/teaching) these individuals should be dealt with by the Salaries office for all payments and expenses. The appropriate form can be found at the link below.

[Visiting Academics Payment Instruction Form](#)

Consultancy payments

Payments can be made to individuals who are providing specialist or marketable expertise to the University. These individuals should be dealt with by the Salaries office. The appropriate form can be found at the link below –

[Consultancy Payment Instructions](#)

Music Tuition/ Music Concerts

Any paperwork regarding any form of work carried out by musicians or entertainers must be passed to the Salaries Office for approval of employment status. In most cases the individual will be classed as self employed and will therefore not be deducted tax or National Insurance. The appropriate form for instruction of payment is attached below.

[Fees Personal Details](#)

Honorariums

Honorariums are normally a voluntary fee paid for a service which is usually free. All honorarium payments must be paid through the Salaries Office as they are subject to Tax and National Insurance deductions. The appropriate form can be found at the following link –

[Honorarium Payment Instructions](#)

Royalties

Royalties are payment to the holder of a patent/ copyright or resource for the right to use their property. All royalties must be paid through the Salaries Office as these payments are taxable to the individual. All paperwork should be attached to the request for payment. The appropriate form can be found at the following link –

[Royalties Payment Instructions](#)

Vacational Scholarships

Vacational Scholarships can be defined by the following:-

- Student is registered for a degree course
- The Student is here to observe and receive instruction
- The award is not an offer of employment
- The student is not supplementing the technical strength of the lab
- The student is here to be educated and trained not to work

These must be dealt with by the Salaries Office. The Vacation Scholarship request must be completed and all criteria adhered to. If this procedure is not followed the payment will **not** be made and all paperwork will be returned to the appropriate school/unit. The request for payment form can be on the link below.

[Vacational Scholarship Payment Instructions](#)

The rate of payment should not exceed the amounts shown below

Maximum rate £

Yearly	Monthly
15,480	1290.00

Individuals must be registered as full-time students. The rates must be inclusive of lodging or subsistence allowances.

Services provided by University employees

If a member of staff provides a service which they are not employed to do under their contract of employment, they must complete a self employed questionnaire, a personal details form and a brief description of the service or work involved so that the Salaries Office can ascertain whether the payment should be deemed as taxable and NI'able. The links to these documents are below.

[Fees Personal Details](#)

[Fees Questionnaire](#)

If a member of staff carries out duties that are considered additional duties, such as overtime this must be paid through Salaries on the appropriate time sheet.

Any other services provided by an individual

Any paperwork that is submitted for payment that is not mentioned above must be approved by the Salaries office. Once approval has been given the Personal Details form, Self/Employed questionnaire) which can be found at the following links -

[Fees Personal Details](#)

[Fees Questionnaire](#)

and an invoice (which must be on appropriate headed paper must be submitted to the Salaries Office for payment.)

Human Resources

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