

Hiring Contingent Labour – Process & Guidance

PROCESS

ACTIONS

GUIDANCE

Job Description & Requisition

1. Please refer to the ordering and payment process on the Procurement website. [How to Buy | The University of Edinburgh People and Money User Training Guides | The University of Edinburgh](#)
2. The [Job Catalogue](#) helps you find the most appropriate job profile.

Hiring contingent labour, particularly for longer term assignments, must be considered carefully. Please discuss options with your HR team before proceeding. Initial consideration must be given to the scope and duration of the assignment as well as value for money. Contingent labour must only be used if a permanent hire, a fixed term contract or using the Talent Register is not appropriate. In order to ensure that the University adheres to employment law practice please familiarise yourself with the University's [Contingent Labour Hiring Policy](#).



Status Determination

1. Based on your proposed requirements and the role specification, please complete an [Employment Status Questionnaire](#). The form will be sent to the Tax Team for review and consideration.
2. The Tax Team will provide an outcome confirming either that “the intermediaries legislation applies” or “the intermediaries legislation does not apply” to the engagement. A response will be provided within two working days. Wherever possible, the decision will be made in conjunction with HMRC’s online tool Check of Employment Status for Tax (CEST). A pdf copy of the decision or HMRC CEST test result will be provided.

The scope of the assignment must be assessed against [IR35 guidance \(link to Payroll Policy page 3\)](#) and a Status Determination reached to confirm if the assignment sits under the control of the Hirer. This Status Determination will influence if the agency can provide an Agency Worker or a Contractor to undertake the assignment. Ultimate responsibility for determining the status of a temporary worker lies with the University as the end user. An incorrect Status Determination may leave the University exposed to tax liabilities in the supply chain.

Hiring Contingent Labour – Process & Guidance

3. The decision / test result must then be attached to the Requisition on People & Money in order to give the appropriate statutory notification to each Agency.



Appointing an Agency

The University works under the Scottish Government Framework Agreement for the provision of temporary personnel. Charge rates are pre-agreed. Vacancies must be awarded to the 1st ranked supplier in the applicable supplier list. Where the 1st ranked supplier is unable to fill the requirement, the vacancy must then be issued to the 2nd supplier and so on. Only when the supplier is unable to fill the vacancy should the next ranking supplier be awarded the vacancy. Under no circumstances should contractual terms be agreed with an Agency or any candidate submissions accepted from an Agency outside the framework. In some circumstances it may be relevant to arrange a mini competition. Please discuss this option with your finance and HR contacts prior to award.



Selection & Hire

1. Agency Workers must be engaged on the equivalent of the first point on the [pay scale](#). Contractors must be paid on an equivalent daily rate.
2. Agencies should ideally be given at least one week to source suitable candidates for your assignment.
3. Due to the specialist nature of these roles and the time required to source quality candidates, it is recommended that hiring managers request a short list of 3 candidates

The University's statutory obligation is to assess the role and notify the Framework agency suppliers.

When an assignment falls within the intermediaries (IR35) legislation and the successful candidate/worker is an IR35/intermediary supplier (i.e. the worker provides their services to the agency via an intermediary), the framework agency (not the University) is responsible for operating PAYE (tax) and employee/employer (NIC) at source on the payments it makes to the worker's intermediary for the work the candidate undertakes for the University.

A daily rate Contractor provides interim cover (typically months) for a specific project or acting cover within a professional function. The Contractor is responsible for their own tax and NIC contributions.

The University's policy is not to engage Agency Workers for longer than 12 weeks. However, in some circumstances and in agreement with your HR team, assignments may be extended beyond this period if it makes commercial sense.

Hiring Contingent Labour – Process & Guidance

and conduct an informal meeting (10-15 minutes) to determine the best individual. No formal interview or testing must be conducted.

1. On receipt of CVs please provide prompt feedback to the agency on each candidate. This helps the agency refine their search to meet your needs.
2. CVs provided by the agency must be kept only for as long as needed and must thereafter be destroyed in line with [GDPR requirements](#).



Onboarding

1. To arrange login ID, access to computer services, a University card, etc., the [Visitor Registration System \(VRS\)](#) can support you.
2. An induction is required for all Agency Workers and Contractors. The length and detail will vary depending on the role and how the individual is engaged with the University.
3. The hiring manager is responsible for ensuring hours worked are receipted on People & Money, using timesheets for this purpose.



Hiring Contingent Labour – Process & Guidance

Assignment Review

1. If the Agency Worker or Contractor is not suitable for the tasks as agreed with the agency, contact the agency immediately to arrange a suitable replacement.
2. A review must be timetabled before the end of the assignment period. If the assignment will end as anticipated please contact the agency to confirm termination of the Agency Worker or Contractor.
3. If it is anticipated that the assignment will be extended beyond the original duration further approval to extend the [requisition](#) may be required from Finance.
4. A new review date must be set before the end of the extended assignment period.

The University's policy is not to engage Agency Workers for longer than 12 weeks. If the assignment requires to be extended the hiring manager must contact HR to discuss the anticipated duration of the extension and the impact on worker rights. As a guide, if the assignment will continue for a further 12+ weeks it may be appropriate to reconsider a FTC or a permanent hire. Any extensions must also be timetabled for review before expiry to ensure compliance with employment law and procurement procedures.