# **Overview for staff: Recruiting Interim Staff**

Legislative changes came into effect on 6th April 2017 for off-payroll working in the public sector (also known as **IR35 or intermediaries legislation**).  Higher Education Institutions are included in the definition of Public Sector.

Where the rules apply, people who work in the public sector through an intermediary, typically a Personal Service Company (PSC) will pay employment taxes in a similar way to employees. Temporary and Interim workers may be affected by the IR35 legislation if they work for a client through an intermediary. The intermediaries can be their own limited company, a service or PSC or a partnership.

Specific rules apply where the worker’s intermediary contracts with an agency to supply their services to a public sector client.

Prior to raising an official order with an agreed preferred framework supplier(s), we must assess whether the IR35 legislation will apply to the proposed assignment and notify each framework supplier of our decision:

1. Based on your proposed requirements and the role specification, please complete an Employment Status Questionnaire via the link below and submit (the form will be sent to the Tax Team for review and consideration). [Employment Status Questionnaire - Interim Professional/IT Staff Services Framework](https://www.edweb.ed.ac.uk/finance/about/sections/vat-tax/direct-taxes-information)
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.
3. The decision / test result must then be attached to the Annex A of the Order Form (for Interim Professional and Interim IT staff services), in order to give the appropriate statutory notification to each recruitment agency (framework supplier).

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.

Our statutory obligation is to assess the role and notify the Framework agency suppliers.

An order form should be completed for engaging with the suppliers. This should be used for direct award or conducting a mini-competition. The order form template for Interim Professional or IT Staff is available on the Agency Workers and Interim Staff webpage.

[Guidance for recruiting Agency Workers and Interim Staff](https://www.edweb.ed.ac.uk/human-resources/recruitment-guidance/sourcing-advertising/agency-workers-interim-contractors)

**LEGISLATION**

**Interim Professional Staff suppliers**

1. ASA Recruitment: scotgov@asarecruitment.co.uk
2. Harvey Nash: scotlandpublicsector@HarveyNash.com
3. Venesky-Brown Recruitment: professionalservices@venesky-brown.co.uk
4. Pertemps: alan.paterson@pertemps.co.uk

A daily rate 'Contractor' provides interim cover (typically months) for a specific project or acting cover within a professional function.

The Scottish Government Framework agreement covers both Interim Professional Staff and Interim IT Staff. Charge rates are pre-agreed. A list of the approved recruitment agencies are available in the boxes below.

Call-off Contracts may be awarded in one of two ways:

* by going to the 1st ranked Framework Contractor in the first instance, or
* by mini-competition (inviting ALL Framework Contractors)

Any mini competition via the frameworks for Interim Staff should be done so in isolation i.e. if you are running a mini competition you should not be running a mini-competition at the same time under any other Framework for the same assignment. Nor should you run a mini competition via the Framework and invite a non-framework supplier to the same competition. If it is established that the Framework is unable to supply or meet your requirements, you can then run a separate competition or go to another supplier should you choose to do so. Please contact HR.Recruitment@ed.ac.uk or Procurement who can advise you.

We understand that REED agency have been proactively contacting various departments within University of Edinburgh stating that, under the Southern Universities Purchasing Consortium (SUPC) framework, they are a University preferred supplier.    The University has adopted the **Scottish Government's Framework (April 2019 - April 2023)**. **University of Edinburgh has not adopted the SUPC framework and therefore REED should not be engaged for the supply of staff**

**Interim IT Staff suppliers**

1. ASA Recruitment: scotgov@asarecruitment.co.uk
2. Lorien Resourcing: publicsector@lorien.co.uk
3. Harvey Nash: scotlandpublicsector@HarveyNash.com
4. Venesky-Brown Recruitment: it@venesky-brown.co.uk

**AGENCY SELECTION**

* If this is a new post a grading process may be required. Please contact your HR team to discuss.
* If the requirement is over six months post approval will be required.
* A purchase order number will need to be raised.
* Interim staff should be employed on the equivalent of the first point on the [pay scale](https://www.ed.ac.uk/human-resources/pay-reward/pay/pay-scales) and are paid on a daily rate.
* For information on the Interim Professional and IT Framework pricing, please refer to the excel spreadsheet available on the [Agency Worker and Interim Staff](https://www.edweb.ed.ac.uk/human-resources/recruitment-guidance/sourcing-advertising/agency-workers-interim-contractors) webpage.
* We recommend agencies are given one week to source suitable candidates for your assignment.
* Due to the specialist nature of these roles and the time required to source quality candidates, you are best seeking a number of CV’s (three should be sufficient) and conduct an informal meeting (10-15 minutes) to determine the best candidate. No formal interview or testing should be conducted.
* On receipt of CV’s, provide prompt feedback to the Agency on candidate(s), within seven days. This helps the Agency refine their search to meet your needs.
* CV's provided by the Agency should be kept only for as long as needed, this information should thereafter be destroyed under [GDPR](https://www.ed.ac.uk/records-management/gdpr) requirements.
* To arrange login ID, access to computer services, a University card, etc., the [Visitor Registration System](https://www.ed.ac.uk/information-services/computing/application-development/vrs) (VRS) can support you.
* An induction is required for all Interim Staff. The length and detail will vary depending on the role and how the Contractor is engaged with the University.
* The hiring manager is responsible for ensuring hours worked are receipted on eFinancials, using timesheets for this purpose.
* If the contractor is not suitable for the tasks as agreed with the agency, contact the agency to arrange a suitable replacement. The Agency may charge an additional fee if the manager has requested the wrong job type.

**FEEDBACK**

**ONBOARDING**

**BOOKING & COSTS**