

**CIS ARRANGEMENT
AGENCY GUIDE**



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OVERVIEW OF THE LEGISLATION

Given numerous legislation changes, ICS has policies and guidance on the Construction Industry Scheme (CIS). This guide aims to help understand the procedures we follow to assess the risks of whether workers are suitable for CIS.

ICS POLICY

- All workers must be registered for Self-employment and CIS with HMRC. They must be able to provide us with their UTR (Unique Tax Reference) for us to verify this, prior to payment, along with signing a self-employed agreement.
- All workers must be working in the UK and have the right to work in the UK.
- Self-employed workers paid £16.25 per hour or more (on average) and undertaking specific roles detailed within the 'Approved Role List' below will be considered suitable to be contracted on a self-employed basis. The roles (trades) detailed within this list require a high level of skill and/or qualifications in order to fulfil the role and duties. This suggests that no right of SDC (supervision, direction and control) is likely to exist. Even so, an SDC assessment will need to be completed and passed by all workers, which will finalize whether they are suitable for our CIS arrangement.
- Self-employed workers paid less than £16.25 per hour and/or have a role seen as "high risk" (shown below) may not be considered suitable for the CIS arrangement and are assumed to be "high risk". They will therefore be subject to additional checks to verify their self-employed status. This is due to the fact that any worker on this amount of pay is likely to be subject to (or to the right of) supervision, direction and control (SDC) in how they undertake their duties. In order for the sub-contractor to proceed with the CIS arrangement, they will be required to complete (and 'pass') our SDC assessment and a high risk assessment.
- In the event of non-payment of Tax and NI there is an equal responsibility to Pay tax and NI by the agency and the individual.

APPROVED ROLE LIST

- Banksman
- Slinger Boilermakers
- Bricklayer
- Carpenter
- Crane Driver
- Dry Wall Installer
- Finisher Elevator Installer
- Repairer Engineer Gas / Electric
- Electrician
- Estimator
- Glazier
- Highways / Street Scene Engineer
- Insulation Engineer
- Ironworker / Rigger
- Joiner
- Painter / Decorator
- Plant Operator
- Plasterer
- Plumber / Pipefitter / Steamfitter
- Rail Infrastructure / Maintenance
- Roofer Scaffolder
- Stonemason
- Surveyor
- Tiler
- Welder
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Following Government guidance CIS includes jobs such as:

- site preparation
- alterations
- dismantling
- construction
- repairs
- decorating
- demolition

HIGH RISK

We also follow a bespoke 'High Risk Categories' list for workers within certain roles. Anyone placed on this list (or on an assignment rate of under £16.25/hour) will be required to complete an SDC Assessment as well as a 'High Risk Assessment'. The latter assessment requires further analysis on their roles and therefore asks more detailed questions. We will also consult with the agency, who in some cases may be able to offer further evidence in order for us to come to a conclusion.

HIGH RISK ROLES

- Administrative/Clerical
- Agricultural
- Assembly plant
- Assistants
- Benefits Assessor/housing/council oficer
- Call Centre
- Data Entry
- Document Controllers
- Hospitality
- Industrial
- Juniors
- Lab Technicians/Biomedical Scientists
- Labourers
- Light industrial
- Low Skilled/Admin roles
- Mail Centres
- Non-skilled manual workers
- NHS / statutory medical / healthcare (for the avoidance of doubt, privately supplied are not high risk)
- Package Handling
- Pharmacy Technician
- Previous employment (same job and organisation)
- Restaurant/Food Service
- Retail
- Secretaries/Personal Assistants
- Social care
- Trainees
- Warehouse

We also follow the full, [FCSA](#) High Risk Categories of workers.

PSC AND CIS

Please note: the UTR the worker provides to us must be attached to them as a CIS Sole Trader and not PSC. We will not pay a PSC or use a UTR that is attached to their PSC.

If you have workers who would like to discuss our Limited Company service, please refer them to us by calling 01524 580720, option 1.

SUPERVISION, DIRECTION OR CONTROL?

Supervision, Direction or Control (SDC) plays a large part in CIS. Anyone found to be working under the right of SDC is unable to proceed with the CIS arrangement and would instead be offered the Umbrella Solution.

A genuine, self-employed worker is not seen to be subject to (or to the right of) SDC, due to being fully qualified and competent to complete their duties without the need of any supervision, direction or control. They are genuinely self-employed.

Our SDC assessments ask a predetermined set of open-ended questions that are analysed to determine the SDC status. The questions are designed to see if someone is supervising their work, making them work a certain way or telling them how and when to do their duties.

We also establish whether the worker is new to self-employment and that they understand the risks and financial responsibilities that come alongside this.

Any instances where the worker fails one question on the SDC Assessment and/or High-Risk Assessment they will automatically be unable to proceed with the CIS arrangement and instead will be offered the PAYE Umbrella Solution. All staff undertaking the SDC/High Risk assessments, are given the appropriate training, along with supporting guidance.

ICS complete independent reviews and audit the SDC Assessments regularly to ensure complete compliance always.

If you are unsure whether a candidate is suitable for our CIS arrangement, please do not hesitate to get in touch with us. Our highly trained team are always on hand to answer any questions that you may have regarding CIS or any other solutions.



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