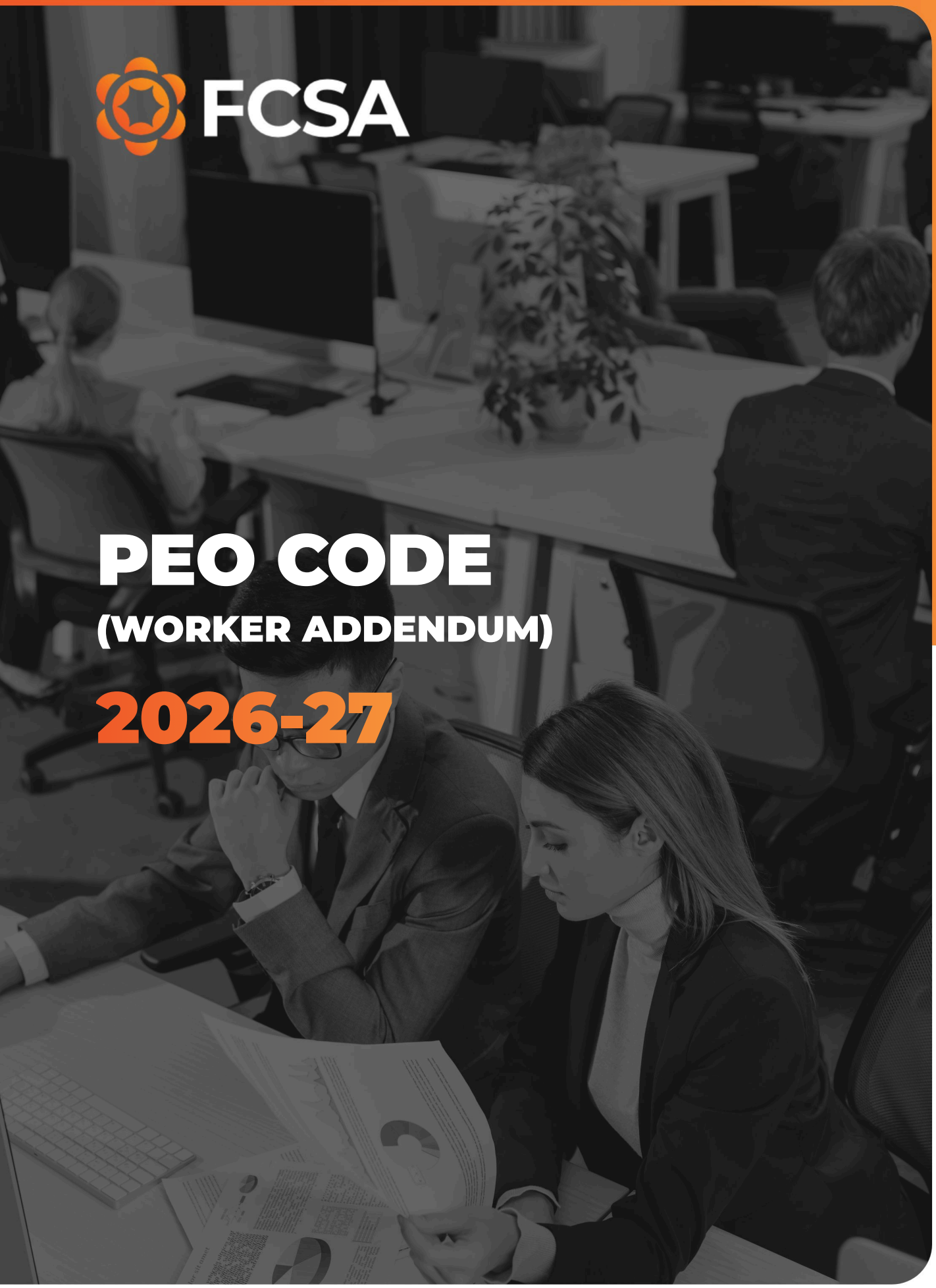
FCSA



PEO CODE

(WORKER ADDENDUM)

2026-27

26/10/26 · v02PWC2026

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FOREWORD

Raising standards across the temporary labour market

FCSA is dedicated to raising standards and promoting supply chain compliance for the temporary labour market. A key way we do that is to publish our **Charter and Codes**. We do this so that all industry stakeholders and, importantly, all the workers who use our Members' services can be assured that FCSA Members are fully compliant with the laws and regulations surrounding employment rights, personal taxation and corporate compliance with the off-payroll rules. All FCSA Members undertake to abide by our Charter and Codes as a condition of their membership and are contractually obliged to maintain these high standards throughout their membership.

Our Codes, which sometimes go above and beyond what is lawfully required, are formulated by FCSA working closely with independent experts in these areas, and changes are reviewed prior to publication by a wide variety of industry stakeholders and official bodies. The Codes cover complex issues and that is why they are constantly under review and updated as often as is required to keep them relevant and reflective of not only the regulations but also industry best practice. We believe our Codes set the highest standards of compliance and are industry-leading in their comprehensive scope.

Members are assessed against FCSA's Codes not by in-house staff or inexperienced evaluators, but by a panel of fully independent and nationally renowned professional services firms, lawyers and accountants, with an authoritative level of expertise in these specialist areas. This assessment for FCSA certification is rigorous and stringent and, as a result, it is recognised as the industry's compliance gold standard.

I'd like to thank you for taking the time to read our Charter and Codes.

Chris Bryce

Chief Executive · Freelancer & Contractor Services Association

BEFORE YOU BEGIN

General information for applicants

Please read this section in full before submitting the Mandatory Code to your chosen reviewer.

The Freelancer & Contractor Services Association (FCSA) operates a best practice code of compliance ("the Code") designed to ensure that its Certified Members are providing compliant advice and/or employment supported by the highest level of professional and ethical standards. New applicants for Certified membership are required to comply with the following Code of Compliance questionnaire ('the FCSA Code of Compliance') and to provide the necessary supporting evidence as well as providing certain additional general information.

The declaration and information provided will be subject to testing in certain cases by our assessors as part of our review process, as outlined below. Appointed assessors will undertake their review and present their findings to FCSA. FCSA will consider this, together with other publicly available data, before deciding on the merits of any application.

All applicants and renewing Members are required to complete a Fit & Proper Person Form to assist in determining the reputation of individuals that control the applicant/Member business. In its reasonable opinion, FCSA reserves the right to reject an application or a Member on the basis of potential reputational damage to FCSA, perceived or otherwise, due to the background or behaviour of an applicant business, an individual associated with that business or a current Member.

Misleading FCSA in any way, including but not limited to failing to declare alternative business models, alternative provider companies, operation of dual payroll methods or systems, and any other practice designed to obscure or obfuscate deductions made from employees or contractors may result in immediate termination of your membership without appeal and with no refund of membership or assessment fees. Any Member that is terminated from FCSA Membership must wait a minimum period of 12 months from termination before reapplication.

For more information on the different operating models covered by this code and the types of services offered by FCSA Certified Members, please refer to the FCSA website.

Appointed assessors

FCSA has a selection of appointed assessors who are authorised to review compliance with the FCSA Code of Compliance. The assessors are partnerships between firms with proven ability to provide the necessary financial and legal expertise to review the code. Appointed financial assessors are — BDO, EY, Saffery and appointed legal assessors are — Brabners, Pinsent Masons, JMW Solicitors.

The assessors will be selected from the above list. As all applications require completion of the Mandatory code, this will be a legal assessor in addition to a financial assessor. The cost of the review is the same whichever assessor team is used.

Important information

The Code of Compliance review ("the Review") is a sample review of certain transactions of an Certified Member's or prospective Member's business within a defined period, based upon the signed declaration of the Code and the information/documentation and explanations (together, "the Information") supplied by the business in question.

In conducting the review, FCSA's assessors will rely on the information supplied by the business in question and will not conduct any independent verification as regards the accuracy or completeness of this. Accordingly, FCSA and its assessors accept no responsibility whatsoever for any error or inaccuracy contained in the information, or for any loss or damage suffered by any person who relies on such information.

For the avoidance of doubt, FCSA (and its assessors') review does not constitute any form of independent audit of the business in question and should not be held out to be, or be taken, as such.

The review cannot, in itself, guarantee current, past or future compliance with relevant legislation, regulations and appropriate industry practices and neither should it be taken to mean that HMRC or any other professional or regulatory body will not enquire into any matter that is subject to the requirements of the FCSA Code of Compliance. Any prospective or current Member is at all times responsible for ensuring its compliance with relevant legislation, regulations and related industry practices and FCSA (and its assessors) accept no responsibility to them or any third parties whatsoever in this regard.

The Code of Compliance

Our Code of Compliance sets out the minimum standard required of Members who operate and offer employment and self-employed solutions to workers and provide advice to limited companies. You will be asked to sign a declaration at the end of the Code to confirm that you act and adhere to the Code. If there are any areas within the Code that you are unable to comply with, please provide the appropriate information in detail to explain why you are unable to comply. Information/documentation received from you will be used to ascertain whether you are adhering to the Code.

For new applicants, this information should be supplied as part of your application. Existing Members should provide this information before each renewal date in accordance with the review timetable. If changes occur which may mean that they no longer operate in accordance with the code, this should be raised with FCSA as soon as they become aware of any concerns and, in any event, before any renewal application.

References to “you” and “your” relate to all businesses which provide employment, self-employed and/or advice covered by this code. By virtue of applying for FCSA certification, you agree to information pertaining to your certification being shared with HMRC.

There are seven elements to the Code:

- Mandatory questions for all applicants (this document)
- Umbrella Employers questions
- Limited Company Advisors questions
- Self-employed / CIS questions
- Professional Employment Organisation (PEO) questions
- Worker questions
- Fixed-Term Employment questions

Any Member/applicant will be expected to comply with all areas of the Code in which their business operates irrespective of the number of workers operating under that model. You must send supporting documents as part of your application and samples as required by FCSA assessors. All information provided during the application/renewal will be presumed to have a 6 month “shelf life” such that, if an application is delayed or suspended, it will be necessary to provide new sample data and a renewed application pack if a period of 6 months has expired. This will carry an additional cost to the applicant’s/Member’s application.

Your application will be reviewed on our behalf by our assessors, who will check whether the declaration has been signed and that the supporting information is provided, and will request any additional data, etc. Once all data has been received, assessors will then review the information and undertake a virtual site assessment to review your processes and check whether, based on a sample of documents to be made available upon request, that your actual business practices appear to be accordance with the Code. Once this external review process has been completed, the completed signed declaration, supporting data, etc., is provided to FCSA.

If FCSA considers that you appear to meet the requirements of the FCSA Code, your membership will be processed. If you do not appear to have met the requirements of the FCSA Code, FCSA will advise you of this as soon as possible and you will be invited to discuss with FCSA any changes required in order for the application to proceed.

If you need any professional advice regarding compliance with the FCSA Code, you may consult an appropriate advisor. You are not required to share any such separate advice with FCSA, although FCSA will need to be satisfied that you are operating in accordance with the FCSA Code before the application can proceed. If as a result of subsequent action, advice, etc., you consider that you should meet the requirements of the FCSA Code (for example, if you have made changes to your systems or provided additional staff training), you can request that we re-test any relevant areas before your application proceeds. You will be responsible for meeting any additional FCSA costs incurred, e.g., in the event of a follow up virtual site assessment and/or review of documentation.

The application should be completed within one year from commencement of the Due Diligence check. If the assessment process goes beyond this date, there is a requirement to resubmit the Fit & Proper Persons forms, as these are annual checks performed by FCSA. Evidence collected by the Assessors may have expired, resulting in further work and Assessor costs.

This review process will be completed annually for all FCSA Certified Members with changes being made to working practices between reviews as the Code is updated. All existing Certified Members will be required to abide by the annual review process which is adopted by the FCSA Board. Failure to adhere to this process will result in the matter being referred to the FCSA CEO with the expectation being that your membership will be rescinded, and your details removed from the FCSA website. Remediation of any non-conformities (breaches) found within the assessment process must occur within 21 working days.

You consent to the above process as part of the membership application process.

Intro

CONFIRMATION

The FCSA recognises that, in addition to employment, there are other ways Members may wish to compliantly provide the services of the workers they engage with, and to this end, in addition to the FCSA's codes of compliance for Umbrella / PEO, we have developed our codes to allow the use of a Contract for Service.

Given that our members recognise that the reimbursement of non-billable expenses is now far less frequent, the FCSA recognise that the usefulness to members of mutuality or relationship between assignments is reduced.

Members may therefore wish to use a contract for service to engage the worker that allows for a simpler contract to be presented.

Under a contract for service each assignment operates as a separate period of engagement with no obligation on either party to offer further assignments.

The worker's main workplace will be regarded as their permanent place of work. Travel and subsistence expense claims to/from the permanent workplace should not be accepted. This is the case regardless of whether the worker is subject to (or the right of) supervision, direction or control (SDC) in the manner they perform their duties.

The below code outlines our expectation of how this model can be delivered and operated compliantly.

By completing the code, you acknowledge the above.

Confirm | Cannot confirm

SECTION K

Engagement & worker take-on

Introduction letters, worker information and the take-on process for all engaged workers.

K

K1a

SELECT ALL THAT APPLY

Confirm you supply potential new workers with an introduction letter or email which contains the following:

- **a** An explanation as to the basis on which your business operates, i.e., as a business offering temporary work to workers;
- **b** That the worker is a worker of the Professional Engagement Organisation and is aware of their respective statutory rights as an agency worker;
- **c** Confirmation that the worker will not be engaged through any other intermediary or third party;
- **d** That the worker will be subject to a proof of identity check;
- **e** That the worker will be subject to a right to work check;
- **f** The worker will be required to enter into an agreement with the Professional Organisation such as a contract for services;
- **g** The basis upon which the worker can or cannot claim expenses is explained;

K1b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Copy of introduction letter or email. Please also provide cross referencing to where the above are included within the introduction letter or email.

K2

CONFIRMATION

Confirm you supply/have a process to supply the agency with a Key Information Document (KID)?

Confirm | Cannot confirm

K3

SELECT ALL THAT APPLY

Confirm that you confirm to the potential workers the:

- **a** The rate of pay;
- **b** Your margin (where applicable) clearly stated;

K4a

SELECT ALL THAT APPLY

Confirm your engagement documentation (Contract for Services together with any Assignment Schedules) contains all information required in a Statement of Employment Particulars as set out in the Employment Rights Act, including (but not necessarily limited to):

- **a** The engager's name;
- **b** The worker's name;
- **c** A job title or brief job description;
- **d** The date the worker's engagement began;
- **e** The worker's initial rate of pay and when the worker will/how often the worker will be paid (any future rates will be shown in assignment schedules as the rate of pay will be set on an assignment by assignment basis);
- **f** Bonus or similar mechanism (where applicable) including how it is calculated;
- **g** The hours and days of work including whether these hours and days are variable;
- **h** Holiday entitlement (and if that includes public holidays) and how holiday pay will be calculated;
- **i** Where the worker will be working;
- **j** If a worker works in different places, where these will be and what the engager's address is;
- **k** Any training the worker is required to undertake, whether or not this is paid for by the engager;
- **l** Sick pay arrangements and procedures;
- **m** Other paid leave (for example, maternity leave, paternity leave and parental bereavement leave) where the worker has a contractual entitlement to it. For clarity, the worker's contract should include confirmation as to whether the worker is entitled to paid statutory leave or not.
- **n** Notice periods;
- **o** Information about complaints procedures;

K4a

CONTINUED

- **p** Any collective agreements that affect the engagement terms and conditions or if there are no collective agreements that affect the engagement terms and conditions, a statement to that effect;
- **q** Pension and pension schemes;
- **r** Any additional benefits (including non-contractual benefits) the worker may be entitled to.

K4b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide appropriate engagement documentation. Please also provide cross referencing to where the above are included within the respective engagement documentation (referencing to the appropriate clauses).

K5a

SELECT ALL THAT APPLY

Confirm your contract for service includes appropriate clauses covering:

- **a** Minimum statutory salary payments;
- **b** Holiday pay (during assignments);
- **c** Complaints procedures.
- **d** Appropriate termination provisions.
- **e** A statement that the individual is a worker and not an employee.
- **f** A statement to the effect that no contractual relationship shall exist between the Professional Organisation and the worker between assignments.

K5b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Copy of contract for service . Please also provide cross referencing to where the above are included within the contract for service (referencing to the appropriate clauses).

K6a

SELECT ALL THAT APPLY

Please provide the following:

a. Assignment schedule;

b. Worker handbook or similar code of conduct document;

c. Policy on Working time (unless included in the engagement contract);

d. Policy on Health & Safety (unless included in the worker handbook);

K6b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide copies of the above as required. Such documentation should be readily available/accessible to workers.

K7a

CONFIRMATION

Confirm your workers receive a statutory payslip?

Confirm | Cannot confirm

K7b

CONFIRMATION

Confirm your worker payslips meet the regulatory requirements introduced from April 2019 for them to include “where the amount of wages or salary varies by reference to time worked, the total number of hours workers in respect of the variable amount of wages or salary either as:

i) a single aggregate figure, or.

ii) separate figures for different types of work or different rates of pay.”.

Confirm | Cannot confirm

K7c

SELECT ALL THAT APPLY

Confirm that your payslip clearly shows:

- a Gross payment;
- b Hours/days worked (for each different type of work or rate of pay);
- c Holiday pay (applicable when paid out);
- d Taxable pay;
- e Niable pay;
- f Employee deductions (including any variable and/or fixed deductions from the gross amount stating the description of the deduction);
- g Net pay;
- h Expenses;
- i Year to date figures (including Taxable pay, NIable pay, Tax & NI deductions).

K7d

SELECT ALL THAT APPLY

Confirm that this information is shown:

- **a** Company name & PAYE reference;
- **b** Employee details (name, address, NINO, employee number);
- **c** Pay date & pay period/s;
- **d** Holiday pay (Amount brought forward & Amount taken).

K7e

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Provide a copy of a template statutory payslip.

SECTION L

Payments to workers

Payments to or for the benefit of workers, and ensuring they are made compliantly.

L1

YES / NO

Do you offer payments to or for the benefit of worker other than as employment income?

Yes | No

L2

CONFIRMATION

Confirm that all payments made to workers working in the UK are subject to PAYE/NIC as required, e.g., under the Offshore Intermediary legislation.

Confirm | Cannot confirm

L3

CONFIRMATION

Confirm that no transactions, funds or payments, or any part thereof, made or held outside the UK.

Confirm | Cannot confirm

L4

CONFIRMATION

Confirm that you have a policy that all payments to workers are made into UK based bank accounts except in exceptional circumstances?

Confirm | Cannot confirm

L5

CONFIRMATION

Confirm that all payments to workers are paid into accounts in the worker's name only.

Confirm | Cannot confirm

L6

CONFIRMATION

Confirm that dividends are not payable to workers.

Confirm | Cannot confirm

L7

YES / NO

Are any payments (save for authorised reimbursable expenses and HMRC approved salary sacrifice payments such as childcare vouchers) made to workers free of tax and NIC?

Yes | No

L8

CONFIRMATION

Confirm that the statutory minimum wage is always paid per hour to workers against signed timesheets irrespective of any other factors e.g. non-payment by an agency.

Confirm | Cannot confirm

L9a

SELECT ALL THAT APPLY

Where National Minimum Wage (NMW)/National Living Wage (NLW) applies, confirm you exclude the following payments made by workers from National Minimum Wage (NMW)/National Living Wage (NLW) calculations. And where required contractually or set out within an Worker Handbook.

- **a** Payments that shouldn't be included for the worker's own use or benefit, i.e. if the engager has paid for travel to work;
- **b** Items the worker has bought for the assignment and is not refunded for, i.e. tools, uniform, safety equipment;
- **c** tips, service charges and cover charges;
- **d** extra pay for working unsocial hours on a shift.

L9b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide a small sample of payslips and the corresponding timesheets.

L10a

CONFIRMATION

Confirm holiday pay is at or above the minimum statutory level of days and calculated on the full taxable gross pay for the relevant pay period.

Confirm | Cannot confirm

L10b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Provide evidence you have an appropriate process for the calculation and payment of holiday pay. Please also provide a small sample of payslips (both accrued and advanced as applicable, and at least 3 consecutive payslips for the individual for each).

L11

CONFIRMATION

Confirm your holiday pay mechanism is contained within the worker's engagement contract.

Confirm | Cannot confirm

L12a

YES / NO

Do you allow for 'advanced' holiday pay?

Yes | No

L12b

WRITTEN RESPONSE

If yes to PEO L12a, please explain?

Written response

L13a

CONFIRMATION

If you 'advance' holiday pay, confirm this shown as a separate item on the payslip?

Confirm | Cannot confirm

L13b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Provide supporting evidence of request, payment made and also transparency of process and calculation in the contract i.e., weekly payslips alongside cross referenced section of Contract for Service.

If the default position is accrued and 'advanced' holiday pay is allowed, the worker must give explicit instruction to evidence their request. You should also remind the worker of the need to take time off work in line with the Working Time Regulation.

L14

CONFIRMATION

Confirm that even if an agency does not pay you for any reason when you have signed timesheets, that your workers are entitled to receive at least NMW on their normal pay date.

Confirm | Cannot confirm

L15

CONFIRMATION

Confirm that you operate and pay all statutory payments (e.g., SSP and SMP) during active assignments. NB, whilst workers are not entitled to statutory leave, they can be entitled to statutory payments if they meet the eligibility criteria.

Confirm | Cannot confirm

SECTION M

Complaints & Employment Tribunal

Acting as Respondent and resolving complaint and Employment Tribunal situations.

M1a

CONFIRMATION

Confirm you are responsible for dealing and resolving any complaint situations and, where applicable, are a Respondent in all Employment Tribunal matters.

Confirm | Cannot confirm

M1b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

If applicable, provide anonymised evidence of such instances in last 12 months.

SECTION N

Insurances

The insurance cover Members are required to hold and evidence.

N1a

SELECT ALL THAT APPLY

Confirm you hold the following insurances:

- **a** Professional indemnity;
- **b** Employers' liability;
- **c** Public liability covering both head office employees and workers on assignments.

N1b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Provide supporting evidence, certificates and full policies.

SECTION O

Pensions & auto-enrolment

Operating a qualifying auto-enrolment pension scheme and meeting contribution duties.

O1a

CONFIRMATION

Confirm that you operate a qualifying auto-enrolment pension scheme.

Confirm | Cannot confirm

O1b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Provide copies of your duty start date, evidence of such a qualifying scheme and your most recent redeclaration.

O1c

WRITTEN RESPONSE

Please confirm the percentage contribution rates for Employer's and Employee's, and the earnings basis they are calculated on.

Written response

02

CONFIRMATION

Confirm that where a pay illustration is provided, it makes it clear that it either includes/excludes the financial implications of membership of the company's pension scheme.

Confirm | Cannot confirm

03

CONFIRMATION

Confirm that you automatically enrol your workers into a workplace pension?

Confirm | Cannot confirm

04

CONFIRMATION

Confirm you pay at least the minimum pension contribution as required by law.

Confirm | Cannot confirm

05a

CONFIRMATION

Confirm your payments are paid across to the pension provider in good time?

Confirm | Cannot confirm

05b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide evidence of payments , if late, please provide an explanation.

06

CONFIRMATION

Confirm none of your processes or practices would be considered as an inducement for workers to opt out of the pension scheme.

Confirm | Cannot confirm

SECTION P

Match permanent pay (AWR)

Operating the match-permanent-pay model under the Agency Workers Regulations.

P

P1

CONFIRMATION

Confirm that you operate the ‘match permanent pay’ model.

Confirm | Cannot confirm

P2a

CONFIRMATION

Confirm you request comparator data for all assignments which last or are expected to last more than 12 weeks.

Confirm | Cannot confirm

P2b

CONFIRMATION

Confirm you request up to date comparator data at least every 12 months where an assignment lasts for more than 12 months?

Confirm | Cannot confirm

P2c

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Provide a sample of all letters/communications requesting comparator data, and your process for requesting data.

P3a

SELECT ALL THAT APPLY

When requesting comparator data, confirm you ask for the following:

- a Comparator salary;
- b Standard working hours and days per week;
- c Bonuses and any other relevant payments;
- d Annual leave entitlement;
- e Night work;
- f Rest periods;
- g Rest breaks;

P3b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Provide a sample comparator request as supporting evidence of the above.

P4

CONFIRMATION

When comparing the assignment rate to the comparator rate, confirm you do so on a 'like for like' holiday basis, i.e., both rates either include holiday pay or exclude holiday pay.

Confirm | Cannot confirm

P5a

CONFIRMATION

Confirm you advise the agency whether the contract rate for the assignment is unacceptable?

Confirm | Cannot confirm

P5b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Where the assignment rate does not match the pay comparator, please outline the procedures you follow with the worker and recruitment agency (or provide your process), please include any correspondence between you and the agency to inform them an assignment rate increase is required).

SECTION Q

Expense auditing

How expense claims are audited, checked and authorised.

Q1a

CONFIRMATION

Confirm you audit expense claims?

Confirm | Cannot confirm

Q1b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Provide a copy of your expense auditing policy and process.

SECTION R

VAT

VAT treatment of chargeable transactions and agency invoicing.

R

R1

- YES / NO

Are any chargeable transactions to workers subject to VAT, e.g., same day CHAPS payments?

Yes No

R2a

- YES / NO

Do you operate the VAT flat rate scheme?

Yes No

R2b

- EVIDENCE REQUIRED

DOCUMENT UPLOAD

Provide the last 12 months of VAT returns to allow/check whether Flat Rate VAT was/was not operated.

R3

CONFIRMATION

Confirm that where you charge an agency or end client a fee, it is inclusive of VAT.

Confirm | Cannot confirm

R4

CONFIRMATION

As a PEO operating a worker model, confirm that you include VAT on the full invoice.

Confirm | Cannot confirm

SECTION S

Additional information

Space for any additional information or clarification in support of the application.

S

S1

WRITTEN RESPONSE & UPLOAD

Use this section to provide any additional information or clarification in support of your application.

Please note: Failure to provide any relevant additional information or clarification may result in your application being rejected.

Written response

DOCUMENT UPLOAD

Upload your supporting evidence.