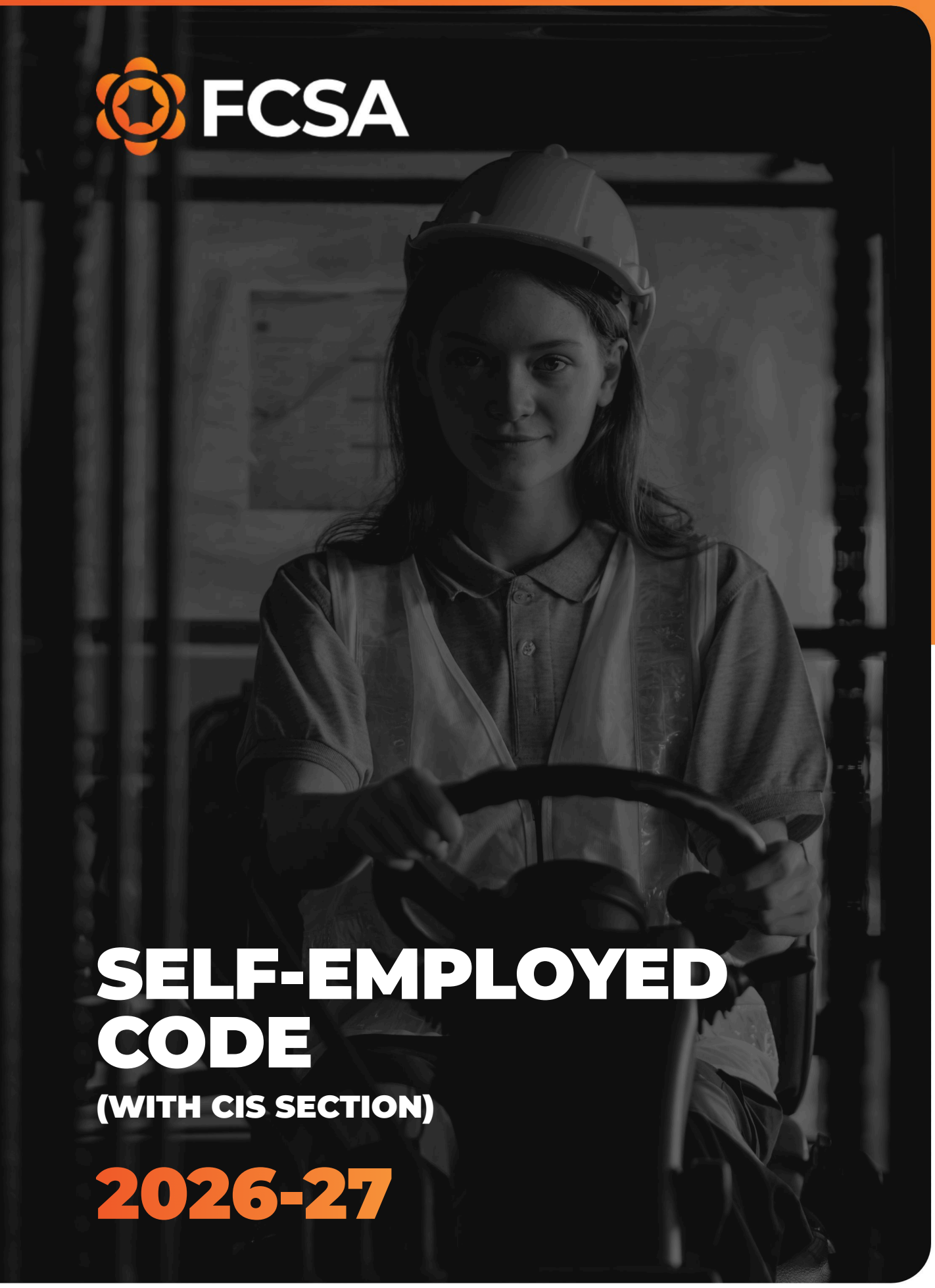
FCSA



SELF-EMPLOYED CODE

(WITH CIS SECTION)

2026-27

26/10/26 · v02SECC2026

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Self-Employed Code (with CIS Section)

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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.

SECTION A

Engagement, suitability & contracts

A

Introduction letters, financial illustrations, status assessment (SDC) and the self-employed contract.

A1a

SELECT ALL THAT APPLY

Confirm that in your introduction letter/email do you state that the worker:

- **a** Should consider paying an estimated amount towards their likely income tax and national insurance on a monthly basis, or at least be putting aside sufficient cash to meet their tax liabilities when they fall due (the financial illustration);
- **b** Is a Self-Employed worker with responsibilities to pay taxes as a self-employed worker and that they have no Employee/Worker statutory rights;
- **c** Will be required to enter into a Self-Employed contract; and;
- **d** Has a responsibility to notify the service provider immediately of any changes in their status.
- **e** Should be aware of their obligations under MTD.

A1b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

The introduction letter/email sent to the worker cross referencing the above.

A1c

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Provide a copy of your standard Self-Employed worker contract.

A2a

SELECT ALL THAT APPLY

A financial illustration is optional but must be provided when requested and must comply with the following requirements. Confirm that your financial illustration includes the following:

- **a** Clearly states that it is only an estimate;
- **b** Clearly sets out the assumptions used in calculating the financial illustration and that these assumptions are reasonable and, wherever possible based on information provided by the worker;
- **c** Clearly shows your company margin;
- **d** Explains that there may be a potential tax liability.

A2b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

A copy of a financial illustration that you provide to a potential Self-Employed subcontractor cross referencing the above.

A3

SELECT ALL THAT APPLY

Confirm that at the take on stage, when considering the worker's suitability to a particular way of working, you consider and discuss with them the following relevant factors:

- **a** Whether the worker is new to self-employment or has previously been self-employed;
- **b** What self-employed future the worker anticipates;
- **c** The worker's previous employment status;
- **d** The worker's understanding and attitude to the risks and responsibilities of being self-employed and running their own business;
- **e** The responsibilities of being self-employed;
- **f** The other options available to the worker – PAYE working, umbrella company working, limited company ownership;
- **g** The financial implications of the different ways of working, e.g., as a minimum this must include a comparison to PAYE/Umbrella;
- **h** The worker's commercial situation (e.g., one client or many, level of income being generated, placements via recruitment agencies or direct, existing limited company owner).

A4

CONFIRMATION

Confirm that the worker is offered a choice between the employed and self-employed models at the take on stage (subject to status)?

Confirm | Cannot confirm

A5

CONFIRMATION

Confirm that the basis on which the business operates (i.e., as the contractor) is adequately explained to the worker at the take on stage;

Confirm | Cannot confirm

A6a

CONFIRMATION

Confirm that you review the employment status of all prospective Self-Employed workers prior to making the first payment to them after initial engagement;

Confirm | Cannot confirm

A6b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

A copy of your policies and standard documents concurring how you review the employment status of all prospective self-employed workers prior to making a first payment to them after initial engagement.

A6c

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Details of where the results of these checks are documented – provide supporting evidence and/or narrative with cross referencing.

A6d

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Details of how you evidence cases where workers chose the umbrella/PAYE option over self-employment – provide supporting evidence and/or narrative with cross referencing.

A6e

- EVIDENCE REQUIRED

DOCUMENT UPLOAD

Details of how you record failures of the self-employment review – provide supporting evidence and/or narrative with cross referencing.

A7a

- SELECT ALL THAT APPLY

In terms of your assessment of whether a worker is subject to (or to the right of) supervision, direction or control, confirm that your checklist evidences the findings of discussions with any parties in the contractual chain and/or any other information provided by them, specifically covering the following areas:

a. The worker can decide how the work is done?
b. The worker cannot be told what to do (as to the manner)?
c. The worker cannot be moved depending on priorities?
d. The worker can decide when the work is done?

A7b

- EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide a copy of the checklist and cross reference where each of the above are covered therein.

A8

- CONFIRMATION

Confirm that if a worker fails one question as set out in the checklist then that worker is deemed a 'Fail' and will be an employee under your Umbrella solution?

Confirm | Cannot confirm

A9a

SELECT ALL THAT APPLY

Confirm that as part of your review of the status of the worker, the worker understands and accepts (both contractually and in reality) that on all assignments they:

- **a** Have an unfettered right of substitution;
- **b** Have no mutuality of obligation;
- **c** Are not controlled, directed or supervised as to how they perform their work by anyone in the contractual chain (or subject to the rights of any such person to control, direct or supervise them);
- **d** Are able to take financial risk/are responsible for defects;
- **e** Have no statutory employment rights, e.g., holiday pay, AWR entitlement, Statutory Sick Pay, unfair dismissal rights;
- **f** Are self-employed and responsible for paying taxes to HMRC;
- **g** Are or will be registered with HMRC as self-employed and that evidence will be provided to document this within an acceptable time frame;
- **h** That their last piece of work was not as an employee of the end client carrying out similar work.

A9b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide supporting evidence of your status review process (onboarding questionnaire or equivalent) with appropriate cross-referencing to the above.

A10

CONFIRMATION

Confirm that you review the worker's role by reference to the FCSA's High Risk Profile list and to ensure that, if the role is on this list, additional checks are carried out to verify employment status.

Confirm | Cannot confirm

A11

CONFIRMATION

Confirm that any worker whose assignment rate is below £16.75/hour is automatically assumed to be high risk and therefore subject to additional checks to verify their employment status.

Confirm | Cannot confirm

A12a

CONFIRMATION

Confirm that you are sub-contracting with no more than 5% of your total self- employed work force (being the average number of active workers on assignment) at any one time who are on the FCSA's High Risk Profile list or subject to an assignment rate of below £16.75/hour. You also have a process to manage this.

Confirm | Cannot confirm

A12b

WRITTEN RESPONSE

Please provide your process to manage this.

Written response

A13

CONFIRMATION

Confirm you contact the worker at least monthly (via email, text, letter) to check any change in their employment status, i.e., whether they should no longer be considered self-employed. Note: A statement included on monthly remittance advice issued to the worker for them to confirm to you any change in their status is sufficient.

Confirm | Cannot confirm

A14

CONFIRMATION

Confirm that you check that the worker was not previously engaged as an employee in a similar role with the same end client within 3 months of the current assignment.

Confirm | Cannot confirm

A15

CONFIRMATION

Confirm you carry out an updated full employment status re-review at least once every 6 months for all self-employed workers and that this employment status re-review complies with all points listed in section A9 above. Note: you must hereby be confirming you make contact with the worker to undertake the re-review.

Confirm | Cannot confirm

A16a

SELECT ALL THAT APPLY

Confirm you have a formal process for communicating to agencies your policy regarding:

- a Checklists and SDC;
- b Assignment rate conditions;
- c Prohibited/high risk roles;

A16b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide copies of relevant documents supporting each of the above.

A17

CONFIRMATION

Confirm you make it clear to the agency that if a worker fails the SDC test, the worker will only be offered a PAYE option and subject to restrictions on expenses that can be claimed (as set out at employment model)?

Confirm | Cannot confirm

A18a

CONFIRMATION

Confirm you do not hold tax payments (beyond statutory deductions such as CIS) on behalf of your workers?

Confirm | Cannot confirm

A18b

CONFIRMATION

Confirm if you permit self employed workers to be paid gross?

Confirm | Cannot confirm

A18c

EVIDENCE REQUIRED

DOCUMENT UPLOAD

If you permit gross payments to self employed workers please provide your process and any additional checks you undertake.

A19a

SELECT ALL THAT APPLY

Confirm that the self-employed contract includes:

- **a** An unfettered right of substitution clause;
- **b** States no mutuality of obligation;
- **c** States no control or supervision by any party;
- **d** Clauses which make Self Employed Contractor responsible for defects;
- **e** Clauses which confirm the Self-Employed worker has no statutory employment rights, e.g., holiday pay, AWR entitlement, Statutory Sick Pay;
- **f** States self-employed worker is self-employed and is responsible for paying taxes.
- **g** States that the worker is or will be registered with HMRC as self employed;
- **h** That their last piece of work was not as an employee of the end client carrying out similar work.

A19b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please attach a copy of your;

Self-Employment contract and include appropriate cross referencing to each of the above. For any revised contract in the last 12 months, provide a copy of the current and past contract and the dates of any revisions.

Additionally, unless included within the contract, provide copies of any Assignment/Project schedule.

A20a

SELECT ALL THAT APPLY

Confirm:

- **a** The self-employed worker receives a remittance advice;
- **b** Your company margin is fully disclosed to the self-employed worker prior to commencement of their work;
- **c** You retain your margin, then deduct the appropriate tax before giving the net payment to the worker.

A20b

EVIDENCE REQUIRED

DOCUMENT UPLOAD
Please provide a sample copy of your remittance advice.

A21a

SELECT ALL THAT APPLY

Please provide a copy of your latest policies re:

- **a** Professional indemnity;
- **b** Employers' liability (held on a contingent basis); and;
- **c** Public liability.

A21b

EVIDENCE REQUIRED

DOCUMENT UPLOAD
Upload your answer to the above question.

A22

WRITTEN RESPONSE

Provide a narrative to explain how you ensure that Self Employed workers have the appropriate insurance cover.

Written response

A23

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide a copy of your standard agencies contract/terms plus a copy of the contractual terms used for your 5 largest agencies if they differ.

SECTION B

Employment status & model

Operating a genuine self-employment model and the employment status checklist.

B

B1

CONFIRMATION

Please confirm you do not operate any form of hybrid employment model. If a worker fails the employment status checklist/tests, they will automatically be offered an employment model subject to PAYE/NIC (and may be subject to restriction on reimbursement of travel and subsistence expenses) and with full employment rights.

Confirm | Cannot confirm

B2a

CONFIRMATION

Confirm you have considered the implications on invoicing your clients, whether recruitment businesses or hirers, of the DRC VAT.

Confirm | Cannot confirm

B2b

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide a copy of your consideration process.

B3

- EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide your UTR and Company Registration Number.

B4

- EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide documentation to support/evidence your UTR.

B5

- EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please attach your process for verifying self-employed workers with HMRC.

B6

- EVIDENCE REQUIRED

DOCUMENT UPLOAD

Detail any penalty notices or correspondence issued to you by HMRC within the last 12 months in respect of late/incorrect PAYE/NIC returns and payments. FCSA CEO should be informed.

B7

- EVIDENCE REQUIRED

DOCUMENT UPLOAD

Provide details of any on-going disputes with HMRC or recently settled disputes within last 12 months concerning PAYE/NIC, VAT issues including, but not limited to, your own gross payment status. FCSA CEO should be informed.

B8

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide a copy of your standard agencies' contract/terms.

B9

CONFIRMATION

Confirm are all expenses treated correctly, this includes but is not limited to subsistence and travel expense claims being taxed at the appropriate level.

Confirm | Cannot confirm

B10

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Documentation provided – please provide a copy of your expenses policy.

SECTION C

Construction Industry Scheme (CIS)

Operating CIS — onboarding, verification, deductions, statements and reporting.

C

C1

YES / NO

Do you operate CIS?

Yes | No

C2

CONFIRMATION

Where CIS is operated, confirm you ensure the activities constitute as “construction operations” defined by HMRC in the CIS 340 guide?

Confirm | Cannot confirm

C3

SELECT ALL THAT APPLY

Where CIS is operated, confirm that at the take on stage, when considering the worker’s suitability to a particular way of working, you consider and discuss with them the following relevant factors:

- **a** Where a CIS contractor had previously operated through their own limited company they are asked if they have received an inside IR35 assessment (via SDS) from their agency or hirer for that role.
- **b** Not applicable as CIS is not operated.

C4

SELECT ALL THAT APPLY

Where CIS is operated, confirm you have a formal process for communicating to agencies your policy regarding:

a CIS contractors who have previously operated their own PSC.

C5

CONFIRMATION

Confirm that you verify that the self-employed workers are within CIS using the required HMRC process?

Confirm | Cannot confirm

C6

CONFIRMATION

If you operate within the construction sector, please confirm that you file monthly CIS returns to HMRC?

Confirm | Cannot confirm

C7a

CONFIRMATION

Please confirm you have never missed or filed any monthly CIS returns late.

Confirm | Cannot confirm

C7b

WRITTEN RESPONSE

If you have, please provide an explanation.

(Please complete this if answer to B03a was confirm).

Written response

C8a

- CONFIRMATION

Please confirm you have never paid the withheld CIS deductions late?

Confirm | Cannot confirm

C8b

- WRITTEN RESPONSE

If you have, please provide an explanation.

(Please complete this if answer to B04a was do not confirm).

Written response

C9

- EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide your status under CIS (e.g., Gross/Net).

C10

- EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please provide documentation to support/evidence your registration under CIS and your status.

C11

- EVIDENCE REQUIRED

DOCUMENT UPLOAD

Please attach your process for verifying CIS workers with HMRC.

C12

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Attach your process for dealing with payments to individuals who work both inside and outside of the CIS rules. E.g. A bricklayer who contracts with Costain and also performs self-employed work in their neighbourhood.

C13

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Describe your process for ascertaining the level of materials to be taken into consideration when determining the amount to be subject to deduction under CIS.

C14

EVIDENCE REQUIRED

DOCUMENT UPLOAD

Attach your process for ensuring that the CIS returns are accurate and submitted on time.

C15

- EVIDENCE REQUIRED

DOCUMENT UPLOAD

Detail any penalty notices or correspondence issued to you by HMRC within the last 12 months in respect of late/incorrect CIS returns and payments. FCSA CEO should be informed.

C16

- EVIDENCE REQUIRED

DOCUMENT UPLOAD

Provide details of any on-going disputes with HMRC or recently settled disputes within last 12 months concerning CIS issues including, but not limited to, your own gross payment status. FCSA CEO should be informed.

SECTION D

Additional information

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

D

D1a

WRITTEN RESPONSE

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