



What is Supervision, Direction and Control?

For the purposes of the agency legislation HMRC consider supervision, direction and control (SDC) best defined as follows:-

Supervision: Someone is overseeing a person doing work, to ensure that person is doing the work they are required to do and it is being done correctly to the required standard. Supervision can also involve helping the person where appropriate in order to develop their skills and knowledge.

Direction: Someone is making a person do his/her work in a certain way by providing them with instructions, guidance or advice as to how the work must be done. Someone providing direction will often coordinate how the work is done, as it is being undertaken.

Control: Someone is dictating what work a person does and how they go about doing that work. Control also includes someone having the power to move the person from one job to another.

To determine whether SDC applies HMRC will consider a worker's arrangements overall including the terms of their engagement and how the work is done in practice. First and foremost, the engager will need to confirm that the individual working on the assignment is not their direct employee. An SDC review of the working arrangements of the individual can then be carried out.

Reviewing Supervision, Direction and Control - A suggested questionnaire approach

SUPERVISION

Is the individual carrying out the work adequately qualified to supervise themselves on the assignment in question?
Will this individual be allowed to carry out their role in line with their own training and qualifications?
Is the engager responsible for or required to help and/or pay for this individual's training and development?

DIRECTION

Would the engager be required to accompany this individual on a regular basis to oversee and/or direct the individual and their work?
Would the engager tell the individual how the work is to be done and delivered?
Would the engager ask the individual to undertake work that they were not qualified to do?

CONTROL

Would this individual have the right to refuse any job or task offered, despite being asked?
If the individual refused the work and as a result left your premises, would they potentially be financially 'out of pocket'?
Would you under your terms, be liable for any 'out of pocket' payments?

Questions should be answered openly, honestly and without objection. They are always subject to industry guidelines, standards and best practises as well as all personal and client protection requirements including health and safety regulations.

For more information on SDC, say hi to our Legal Team on 01925 594 929 or legal@thecinchgroup.com

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We see to it.

