

Employment Status Checklist

Tick the description that seems most true for each question.

Question	Green	Amber	Red
Who controls the work?	☐ Person decides how work is done	☐ Some guidance/supervision	☐ Group directs work closely
Can they refuse work?	☐ Freely refuse tasks	☐ Sometimes expected to accept	☐ Expected to do assigned work
Is there ongoing commitment?	☐ One-off or ad hoc	☐ Semi-regular	☐ Continuous ongoing role
How are they paid?	☐ Expenses only/invoices per project	☐ Regular sessional payments	☐ Regular wage/salary
Can they send someone else?	☐ Yes	☐ Only with permission	☐ No, personal service required
Do they work for others?	☐ Multiple clients/groups	☐ Mostly this group	☐ Exclusively or mainly this group
Who provides equipment/ systems?	☐ Worker provides own	☐ Mixed	☐ Group provides everything
Are there set hours or rota?	☐ No fixed hours	☐ Some expected attendance	☐ Fixed schedule/rota
How integrated are they?	☐ External helper/freelancer	☐ Partly integrated	☐ Treated like staff/team member
Is there supervision/performance management?	☐ None	☐ Informal oversight	☐ Formal supervision/management
Do they receive employment-type benefits?	☐ None	☐ Some informal benefits	☐ Holiday/sick pay/pensions etc.
How long has arrangement lasted?	☐ Short-term	☐ Several months	☐ Long-term/permanent

Scoring: Add up the numbers for each ticked column. The higher the total, the greater the risk of employment status. This guide is for risk assessment only and is not legal advice.

GREEN – Likely Genuine Self-Employment / Volunteering

Low risk - the person is likely genuinely self-employed or volunteering.

Typical Indicators of Self-employment

- Person controls when, where and how they work
- Person can send a substitute to do the work
- Provides their own equipment
- Works for multiple clients/forums
- Bears financial risk (e.g. fixes mistakes at own cost)
- One-off or short-term tasks
- No obligation to accept work offered

Typical Indicators of volunteering

- A volunteer does not get paid but can claim for reasonable expenses

Examples

- Freelance graphic designer hired for a one-off project
- Self-employed trainer delivering occasional workshops
- Volunteer helping at events with no obligation to attend
- Someone in a volunteer role e.g. a trustee of a charity

Suggested Action

- Complete [HMRC CEST checker](#) and keep a copy of the results
- Document the arrangement clearly - consider a volunteer agreement or contract for services (if self-employed)
- Keep evidence of self-employed status indicators - results of CEST tool, a statement from the worker and/or the contract for services
- Review periodically if the role changes over time, consider “[custom and practice](#)”

Key Principle

The more control the person has over their own work, and the less integrated they are into the forum, the more likely they are genuinely a volunteer or self-employed.

AMBER – Grey Area / Needs Careful Assessment

Some indicators of employment are present.

Typical Indicators

- Regular payments or fixed remuneration rates
- Expected attendance at meetings/events
- Ongoing role rather than one-off tasks
- Group provides equipment or systems
- Some supervision or performance expectations
- Person mainly works for one forum
- Difficulty refusing work in practice

Examples

- Paid rep receiving monthly honorarium
- Sessional worker attending weekly activities
- Events organiser paid fixed amounts each month

Suggested Action

- Complete [HMRC CEST checker](#) and keep a copy of the results
- Take advice if role is ongoing
- Consider PAYE as safer option
- Avoid relying only on 'self-employed' wording in contracts
- Review employment rights risks as well as tax

Key Warning Sign

If the group:

- controls the work,
- expects ongoing commitment,
- and pays regularly,

the arrangement may already resemble employment or worker status.

RED – Likely Employment / High Risk

High risk - the person is likely an employee or worker in law.

Typical Indicators

- Forum controls what, when, where and how work is done
- Person must do the work themselves (no substitution)
- Regular hours or set schedule
- Paid a salary, hourly rate or regular wage
- Subject to disciplinary procedures
- Integrated into the forum (email, job title, team)
- Mutuality of obligation - must offer and accept work

Examples

- Forum worker with set hours, line manager and appraisals
- Project coordinator on rolling contract with no real autonomy
- 'Freelancer' who works exclusively for one forum and on their schedule

Suggested Action

- Complete [HMRC CEST checker](#) and keep a copy of the results
- It is recommended to seek legal or HR advice to review any current use of self-employed status.
- If the advice says the person should be employed you will need to:
- [Set yourself up as an employer](#)
- Use PAYE
- Provide employment rights (holiday, pension, sick pay)
- Issue a proper employment contract
- Budget for employer National Insurance Contributions (NIC) and other costs
- Take advice from Community Matters on how your legal structure impacts on employment.

Key Risk

Getting this wrong can result in:

- Back-payment of tax, NICs and penalties from HMRC
- Employment tribunal claims for unfair dismissal, holiday pay etc.
- Reputational damage to the forum

Support for Forums

Online Tools

- [HMRC CEST tool](#) - Check Employment Status for Tax

Parent Carer Forum Handbook

- [Paying people in the forum](#)
- [Managing volunteers](#)
- [Managing staff and self employed people](#)
- [Contact adviser](#) - for signposting
- [Community matters](#) - for governance support
- [Policies and procedures](#)

Helplines & Advice

- [ACAS](#) helpline: **0300 123 1100** - For employers and employees
- [Contact helpline](#): **0808 808 3555** - For advice on how accepting payments could impact benefits.
- Seek specialist HR or legal advice for complex cases

Online learning sessions

- [Small forums and contracts](#)
- [Setting up and running payroll with Community Matters](#)
- [Remuneration and paying people for forums](#)