



FCSA Code of Compliance

General Questions For All Applicants

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 are 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 accreditation 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 and Contractor Services Association Ltd**

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GENERAL INFORMATION FOR ALL APPLICANTS

Introduction

The Freelancer & Contractor Services Association (FCSA) operates a best practice code of compliance (“the Code”) designed to ensure that its Accredited Members are providing compliant advice and/or employment supported by the highest level of professional and ethical standards. New applicants for Accredited 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 the FCSA CEO.

The 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 Accredited 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 assessors are:

Financial

-  BDO
-  EY
-  Saffery Champness

Legal

-  Brabners
-  EY Legal
-  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. EY has in-house SRA regulated lawyers, so EY are allocated for the financial elements of your application, their legal team will assess the legal aspects. If you are allocated either BDO or Saffery Champness for the financial elements, then Brabners or JMW Solicitors will assess the legal elements. 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 Accredited 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, the 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, the 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 the 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 the 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 accreditation, you agree to information pertaining to your accreditation being shared with HMRC.

There are seven elements to the Code:

-  Mandatory questions for all applicants
-  Umbrella Employers questions
-  Limited Company Advisors questions
-  Self-employed / CIS questions
-  Professional Employment Organisation (PEO) questions
-  Fixed Term Employment questions
-  Worker 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 (outlined in red font within the code) 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 an on-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 in accordance with the Code.

Once this external review process has been completed, the completed signed declaration, supporting data, etc., is provided to the FCSA. If the 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, the FCSA will advise you of this as soon as possible and you will be invited to discuss with the 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 the FCSA, although the 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 on-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 Accredited Members with changes being made to working practices between reviews as the Code is updated.

All existing Accredited 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.

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



integrity • independence • influence

fcsa.org.uk