



***St. Mark & Cee Healthcare Ltd. Company Registered In England, No.: 12548468,
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Terms of Engagement - Off Payroll Workers (Agency Staff)

Introduction

On completion of your registration with *St. Mark & Cee Healthcare Ltd*, you will be offered an 'Off Payroll Worker' position within the company. This means in line with IR35 regulations that came into place April 2021. We as a company and in line with the national directive from the HMRC, we are legally obliged to deduct all tax and national insurance contributions from our workers payment and pay them direct to the HMRC. This does not mean you are employed nor are you entitled to any other employment rights or benefits. Candidates can work under their own Limited company however we will deduct all tax and national insurance contributions and pay them direct to the HMRC.

After completing a three-month probationary period, which is *St. Mark & Cee Healthcare Ltd* policy, you may be offered a permanent contracted salaried position if you should apply for this. Our decision will be based on satisfactory attendance and performance. This would be based on a minimum of 36 hours per week and would be on the usual PAYE basis with annual leave entitlement and enrolment to a workplace pension.

Off Payroll Worker positions do not require you to work set hours and are based on your availability. You will not be asked to attend shifts that you're not able to commit to. The number and frequency of the shifts that you wish to book is entirely up to you. All that is asked of you is that if you commit to a shift and are booked in by our shift coordinators, you honour the shift.

If at any point within the three-month probationary period, you wish to terminate your services with *St. Mark & Cee Healthcare Ltd* you can do so without giving notice. However, if you have shifts booked in you must ensure they are honoured and worked.

St. Mark & Cee Healthcare Ltd reserves the right to terminate services without giving notice if your performance, conduct, or attitude is unsatisfactory or any safeguarding issues arise regarding working practices that make your position at *St. Mark & Cee Healthcare Ltd* untenable.

St. Mark & Cee Healthcare Ltd reserve the right to withhold your final payment until all company property is returned. Company property must be returned otherwise it will be classed as a breach of GDPR and be dealt with in line with the company's policies and procedures.

Allocation of Work

St. Mark & Cee Healthcare Ltd works hard to establish trusting relationships with every Off Payroll Worker. We recognise that effective communication between internal staff and Off Payroll Workers is one of the most crucial components of any assignment. Once you have completed the registration process your shift coordinator will contact you to introduce themselves to gain your availability and learn more about your location to allocate assignments that are most suitable for you. They will share their contact information with you and explain any information you need to be aware of including on call support.

Off Payroll Workers are required to contact their assigned shift coordinator or office staff on a regular basis, providing as much of their availability to work as possible. If possible, we prefer Off Payroll Workers to provide us with their availability one month in advance.

By informing the shift coordinators of your availability one month in advance, you save the office staff from having to contact you unnecessarily, and you are more likely to get the assignments and hours that suit you. Shifts will be confirmed and booked at any time via our Rota System, Email, and Phone, and it is the responsibility of the Off Payroll Worker to check this information on a regular basis.

Assignments are offered but you are under no obligation to accept. However, once you have accepted the assignment you must make sure that you do the following:

- Do not cancel once you have accepted the shift.
- Take full details of the shift including, location, date, start time, finish time. This information is always available via our Rota Cloud system within the comment section.
- Make sure that you know where you are going and how you are getting there.
- Complete a route planner on the internet and find out about public transport.
- Report on duty and turn up on time.
- Make sure you are appropriately dressed and ensure your uniform is clean.
- Always carry your *St. Mark & Cee Healthcare Ltd* ID badge.
- Make sure that you always have a timesheet with you.
- Find out the basic Health and Safety aspects/issues in the building. For example, Fire Exits, First Aid etc.
- Never do anything you are either unsure about or feel is dangerous. Always raise this with a senior person where you are working and report this to your shift coordinator.

Timesheets

It is your responsibility to have your timesheet signed by an appropriate member of staff from the care home at the end of your shift. Shifts cannot be claimed or paid unless all timesheets are signed.

Timesheets must be sent to your shift coordinator and timesheet@stmarkandceehealthcareltd.co.uk after every shift or by 09:00am the following day so that the week's shifts are in the system for payment.

Please note that only a scan or phone picture of the signed timesheets is required to be in the system for payment; the hard copy can be sent to us later.

Failure to submit timesheets by 09:00am the following day will result in payment not being made in that week or month's payment run. No additional payment runs can be authorised therefore you would have to wait until the upcoming week or month to get paid.

Shift Cancellation and Non-Attendance

Non-attendance of booked shifts without prior notification to the agency and care home or care facility is a major safeguarding concern and will not be tolerated. The result of this will be instant dismissal and you will be charged for the loss of business if we are unable to refill the shift.

Off Payroll Workers who want to cancel their prebooked shifts must make the agency aware where possible, at least 48 hours in advance by a telephone call only.

Text messages or emails will not be accepted as a method of communication when reporting absence or shift cancellations, and Off Pay Roll Workers will be liable and charged for the loss of business if we are unable to refill the shift. Letting the care home or the client down and leaving the care home short staffed is not an option.

If a shift is cancelled or not attended for a genuine medical reason, we will of course waive these conditions if a doctor's certificate or proof is provided. Self-certification will not be required.

Mandatory Training

St. Mark & Cee Healthcare Ltd provides mandatory online and face to face training. It is your responsibility to keep your training up to date. If your training dates expire then we will not be able to offer you any further work, until such time you update your training. If you attend company training with our in-house trainer, each practical session costs £100. Any completed online training is also chargeable at £5 per course. These charges are only payable if your employment is terminated for any reason with the company within your first six months of service. This charge, if applicable to you will be deducted from your final payment. Training certificates are only valid whilst working for *St. Mark & Cee Healthcare Ltd* and cannot be transferred to another company if you leave. These will not be issued to you as these are company property but will be kept for all compliance requirements. You will be supported to update these on an annual basis.

Transportation Costs

St. Mark & Cee Healthcare Ltd intends to employ a full-time driver to assist with transport to and from work for workers that live and work in rural locations, where public transport is limited. However, this is not a free service and staff are expected to pay a fee towards this service which is equal to one hours pay.

COVID-19

It is no longer the law that care staff working in a care home setting are double vaccinated. Regulations revoking vaccination as a condition of deployment came into force on 15 March 2022. People working or volunteering in care homes are no longer required to have received a COVID-19 vaccine to enter the premises. However, it is recommended that Off Pay Roll Workers are, as the clients we support prefer this. This also helps strengthen infection prevention for Off Pay Roll Workers who may be working in several homes.

Upon joining *St. Mark & Cee Healthcare Ltd*, you will be asked to provide a proof of vaccinations if you have received these vaccinations. This can be either the letter format or downloaded from the NHS App. We can no longer accept COVID-19 vaccinations cards as proof. COVID-19 passes must be sent over to our clients prior to any shift bookings for compliance of booking.

You may be required to care for people who may have tested positive for COVID-19. You will be provided with all training and PPE to keep you safe. Refusal to care for COVID-19 positive patients may result in *St. Mark & Cee Healthcare Ltd* not being able to provide you with any shift bookings.

You must follow all the clients' agreed ways of working and local policies and procedures which are in place when working with them. These may be slightly different at each place you work. It is your responsibility to find this out whilst working there and comply with any testing requirements during an outbreak of COVID 19. Current guidance on COVID 19 testing can be found here: <https://www.gov.uk/government/publications/coronavirus-covid19-testing-for-adult-social-care-settings/covid-19-testing-in-adult-social-care#SECTION2>

Withdrawing from St. Mark & Cee Healthcare Ltd

St. Mark & Cee Healthcare Ltd pays all Off Payroll Workers for shadow shifts if they are inexperienced or if they have been completed at request of a client prior to any assignment. We do not charge our clients because it is part of our service. If you do not satisfactorily complete at least six months of service to warrant the paid shadow shifts, we will reclaim the payment made to you.

St. Mark & Cee Healthcare Ltd reserves the right to withhold your final payment until all company property is returned. Company property must be returned otherwise it will be classed as a breach of GDPR and be dealt with in line with company policies and procedures.

St. Mark & Cee Healthcare Ltd reserves the right to provide any references if upon withdrawing you do not honour shifts that you have been pre booked for.