



University of
St Andrews

Guidance for the use of Flexible Worker Assignments (Contract for Services)

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- British Sign Language (BSL) users can contact us via the online BSL Video Relay Interpreting Service: <https://contactscotland-bsl.org>
- This document is available in an alternative format upon request.
- All documents referred to in this policy can be downloaded from the [Employing casual workers webpage](#).

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1. Statement

- 1.1 This guidance aims to provide information about the use of flexible worker assignments (FWA).
- 1.2 Further information regarding engaging a flexible worker can be read in [Appendix A: Frequently Asked Questions](#).

2. Purpose of a flexible worker assignment

- 2.1 Flexible worker assignment (contract for services) can be used for:
 - ad hoc work, which is flexible in terms of hours, swapping of shifts and there is no mutual obligation to accept or offer work.
 - regular scheduled work where the work will **not exceed 15 weeks** or 17 weeks by exception.
 - tutoring purposes used predominately for existing students to provide an opportunity for skills development.
- 2.2 Flexible Worker Assignments must not be used for roles where there is a requirement for the role holder to take on pastoral care responsibilities.

3. Key information regarding a flexible worker assignment

3.1 Flexible worker assignment letter (FWAL)

- 3.1.1 This [letter](#) **must** be completed by both the School/Unit and the flexible worker and returned to [Pay and Pensions](#) **for each assignment**.
- 3.1.2 All sections of the assignment letter must be completed in full by the School/Unit where the work will be undertaken and issued to the flexible worker **on or prior to their first day at work**.

3.2 Monthly hours during an assignment

- 3.2.1 Hours must be submitted monthly to [Pay and Pensions](#) (via email) on the School/Unit master timesheet before [cut-off](#). A master timesheet can be obtained from [Pay and Pensions](#) (by email) or a manual/individual timesheet can be accessed [online](#).

3.3 Statutory Benefits

- 3.3.1 Flexible workers may be eligible to receive the following statutory leave, some of which may be paid at the statutory rate, subject to meeting the required qualifying criteria as set out in legislation:
 - Statutory sick <https://www.gov.uk/statutory-sick-pay>
 - Maternity <https://www.gov.uk/maternity-pay-leave/eligibility>
 - Adoption <https://www.gov.uk/adoption-pay-leave>
 - Shared Parental <https://www.gov.uk/shared-parental-leave-and-pay>
 - Paternity <https://www.gov.uk/paternity-pay-leave/eligibility>
 - Parental Bereavement <https://www.gov.uk/government/consultations/parental-bereavement-leave-and-pay>

4. Duration of a flexible worker assignment

4.1 The **maximum** duration of a flexible worker assignment is as follows:

- **Current students:** 12 months. The assignment period must not exceed the expected duration of studies e.g. assignment starts January 2021, anticipated end date December 2021, the flexible worker scheduled to complete studies in May 2021, duration of the assignment must not exceed May 2021.
- **Non-students and former students:** 15 weeks, extendable by 2 weeks in exceptional circumstances, with the approval of an [HRBP](#).

5. Hours of work during a flexible worker assignment(s)

- 5.1 Assignments may run concurrently, however total hours worked across all assignments must not exceed 36.25 hours for non-students. Working time for Post-Doctoral Students who teach should be allocated in line with the [Doctoral students who teach policy](#).
- 5.2 Tier 4 restrictions on working hours will also apply. A breakdown of weekly hours is required in the master timesheet submission. [Section 7: Entitlement to work in the UK](#) provides further information.
- 5.3 If a line manager wants to offer an individual contract to someone who already works 36.25 hours per week at the University, they must contact an [HRBP](#) for further advice.

6. Important payment information regarding flexible workers

6.1 Type of Work and Rates of pay

- 6.1.1 There are standard types of work agreed for flexible worker assignments with defined rates of pay assigned to them. The list of pay rates can be found [here](#).
- 6.1.2 The relevant option(s) should be selected in the table in the FWAL prior to submission to Payroll & Pensions.
- 6.1.3 If the type of work does not fit under one of the standard work types listed and a line manager wants to use a rate which is not published, they must contact the [HERA Team](#) (by email) to discuss **prior** to issuing the assignment letter and before any work has been undertaken. In this case the line manager would need to include confirmation that there is authorisation to use the rate of pay requested for the type of work to be completed with the FWAL. This may be an email from the HERA team, or if the position is for work covering an already graded salaried position, they should provide the job description for that post with the FWAL.
- 6.1.4 The hours to be submitted on the timesheet for the FWA would then go on the relevant tab e.g. Clerical FWA hours would go on the Clerical tab on the master excel.

6.2 Tax

- 6.2.1 All individuals regardless of their age are liable to pay Income Tax if their income exceeds their personal allowance. Any new flexible worker or someone who is a worker elsewhere and is already using their tax allowance with another employer, should pay tax on all of

their earnings with us, therefore the flexible worker would chose 'I have another job' statement in the 'Present circumstances' on the [HRMC starter checklist form](#).

6.3 Pay date

- 6.3.1 Salaries are paid on the second last working day of the month by BACS transfer and can only be paid to UK bank accounts. Providing the flexible worker documents and relevant, master timesheets are received by the published [cut-off dates](#), payment will be processed on the second last working day.

6.4 Cut-off dates

- 6.4.1 The cut-off dates for receipt of new assignments and timesheets can be downloaded from the [Pay and Pension webpage](#).
- 6.4.2 Incomplete documents **will not** be processed and will be returned to the School/Unit. Late documents will be processed in the next available salary run. This may result in payment being delayed.

7. Entitlement to work in the UK

- 7.1 The University is legally required under the provisions of the Immigration, Asylum and Nationality Act 2006 to verify, prior to the commencement of an assignment that any individual undertaking work for the University, regardless of duration and contractual status, is eligible to work in the UK. Failure to adhere to this may lead to the University losing its licence to employ migrant workers and a civil penalty of up to £20,000 per illegal worker can be imposed.
- 7.2 Line managers must ensure that the appropriate right to work documentation is obtained for all flexible worker assignments, even if the person has worked for the University previously. Please refer to the [Right to Work](#) procedure for guidance on this process.
- 7.3 **Researchers undertaking teaching**
- There are different job codes for research and university teaching. A Skilled Worker visa holder in a research role can undertake research or teaching as supplementary employment if teaching has been mentioned as part of their duties on their current Skilled Worker Certificate of Sponsorship. A Skilled Worker visa holder in a research only role who wishes to undertake teaching must contact HR in order that the University can report these additional teaching duties to the Home Office before any teaching commences.

8. Procedures for engaging a flexible worker

8.1 The line manager (or equivalent) is required to:

- complete a [flexible worker assignment letter](#) for each new assignment.
- issue a copy of the letter to the flexible worker along with a copy of the University [Equality and Inclusion Policy](#), [Personal Relationships at Work Policy](#) and the appropriate forms ([Personal Details Form](#), [HMRC New Starter Form](#)).
- send the completed letter and signed forms to [Pay and Pensions](#) in a timely manner. Refer to [8.1.2](#) for details on what the email to Pay and Pensions must include.
- review timesheets sent from the flexible worker and approve hours worked.

8.1.2 An email should be submitted to [Pay and Pensions](#) per assignment, containing a separate pdf for each of the following:

- Flexible worker assignment letter
- Right to work check
- HRMC starter checklist
- Personal details form (if required)

8.1.3 The email must be sent to Pay and Pensions during the first few days of assignment (or at least before the cut-off date in the month the assignment has commenced).

8.2 The authorised signatory (if different from the line manager) for the School/Unit must:

- send the School/Unit master timesheet (to include all staff and flexible workers) to [Pay and Pensions](#) (by email) on or before the [cut-off date](#) for that month. Annual leave will be paid along with the hours worked.

8.3 The flexible worker is required to:

- read the assignment letter and, sign, date and return the letter to the line manager (if accepting the assignment).
- check and update bank details, personal details and equal opportunities monitoring in HR Self Service at the start of each new assignment. *Failure to do so may result in a delayed or incorrect payment.*
- complete a [personal details form](#) and return this to the line manager along with the letter. (If the flexible worker does not have access to HR Self-Service)
- record hours worked on a monthly basis on a [timesheet](#) and submit to their line manager for approval.

9. Sickness absence reporting

9.1 Flexible workers who are absent from work due to sickness must inform their line manager. The line manager must notify [Pay and Pensions](#) (by email) of the first day of absence.

9.2 When the flexible worker is fit to return to work, they must inform their line manager. The line manager must notify [Pay and Pensions](#) (by email) to update their absence record.

9.3 Sickness absence over the initial 7-day self-certification period (calendar days) will require a fit note/medical certificate to be provided. Please submit a scan to Pay and Pensions (via email). The individual should retain the hard copy.

10. Key HR contact details

Area	Email/contact
Flexible worker assignment process	salaries-cc@st-andrews.ac.uk
Timesheets	ts-salaries@st-andrews.ac.uk
Right to work process/Immigration queries	hrimmigration@st-andrews.ac.uk
Rates of pay	hera@st-andrews.ac.uk
FW duration to be varied	https://www.st-andrews.ac.uk/hr/businesspartner/

Reporting sickness for a FW	salaries-absence@st-andrews.ac.uk
Request access or have a query regarding the Casual Staff directory (Qlikview)	itservicedesk@st-andrews.ac.uk

11. Version control

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.1	Moving the guidance onto Governance Zone. Minor changes to format.	Published	Mary Shotter HR	03/06/2021
1.2	Amend broken link to Assignment letter	Published	Mary Shotter HR	21/07/2021
1.3	Amending Salaries email address.	Published	Lisa Stewart HR	01/02/2022
1.4	Amend broken links.	Published	Mary Shotter HR	16/08/2022
1.5	New paragraphs added (2.2) and (7.3)	Published	Mary Shotter HR	05/04/2023
1.6	Change to email contact details at Section 10.	Published	Mary Shotter HR	17/01/2024
1.7	Small change to section 6 – HR procedure.	Published	Mary Shotter HR	24/07/2024
1.8	Amending broken link to the FW assignment letter	Published	Mary Shotter HR	17/12/2024

Appendix A: Frequently Asked Questions

What is a Flexible Worker?

A flexible worker is someone you wish to engage on an adhoc basis for work which is flexible in terms of hours and where there is no mutual obligation to offer or accept an offer of work.

How do I find out if the person I want to engage is already a flexible worker?

You can access [Qlikview](#) for casual staff. This will tell you if the individual is already a flexible worker, their start and end date of their flexible worker contract. Individuals on a current bank worker contract can continue on their existing agreement until it expires providing an assignment letter is issued for each new assignment. Please note, if their latest post end date is before the start date of the new assignment required and the gap between the two will be >2 weeks then a full document submission will be required as the record requires restarting.

I do not have access to Qlikview for casual staff, how do I obtain this?

Please email itservicedesk@st-andrews.ac.uk.

Where do I find the documentation to engage a flexible worker?

Please read the guidance on engaging a flexible worker as well as access the [Employing Casual Staff webpage](#).

If they are already a flexible worker or bank worker what documentation do I have to complete?

Regardless if they are already in the system as a flexible worker or bank worker, you must:

- Issue a flexible worker assignment letter for new assignments and/or extensions to an existing flexible worker assignment.
- Issue the hard copy to the individual.
- Scan the signed assignment letter to salaries-cc@st-andrews.ac.uk.
- Collate the hours worked each month for each flexible worker, and add onto the master timesheet and send to ts-salaries@st-andrews.ac.uk by [HR cut-off](#) each month. A master timesheet can be obtained from [Pay and Pensions](#) (by email) or a manual/individual timesheet can be accessed [online](#).

Does the individual need to complete an HMRC Starter Checklist?

This may be required if the worker is not currently engaged by the University. An online version can be accessed [here](#).

How long can I make the flexible worker agreement for?

If they are a student at the University, you can issue the agreement for a maximum of 1 year in the first instance.

How long can I give a contract to an individual when they are not a student?

You can offer an assignment for a maximum of 15 weeks in the first instance.

What do I do if the individual has a P45?

You must send the hard copy of the P45 to Pay and Pensions, and scan page 2 and 3 of this document as soon as you receive this.

What do I do with the hard copy of the flexible worker assignment letter?

Once the letter has been completed and signed (by the authorised signatory and the individual), you must scan the letter to salaries-cc@st-andrews.ac.uk and then hand the hard copy of the letter to the individual for their records.

What do I do if the person is either no longer required, is not suitable or resigns and they have a flexible worker assignment or casual contract?

You will be required to inform [Pay and Pensions](#) of the end date and provide a forwarding address. Wherever possible, the Flexible Worker should update their forwarding address in HR Self-Service.

If I complete a timesheet, how does the holiday pay get processed?

Individuals engaged on a flexible worker assignment receive a further 12.07% gross holiday pay in lieu of annual leave, on top of their agreed hourly rate.

I would like to use the spreadsheet option for payment to staff rather than individual timesheets - who do I contact?

Contact Pay and Pension on ext 2569 or email monthly-ns@st-andrews.ac.uk.

How often can I send in spreadsheets or timesheets?

Once a month, with the exception of tier 4 students as they are required to submit a weekly timesheet to the relevant School/Unit and Tier4working@st-andrews.ac.uk, adhering to [cut-off dates](#).