



Contractors wishing to remain outside of the IR35 rules

The contractor needs to play their part in ensuring that they are running a business. There are various indicators in the “in business on your own account test” which will help towards an outside IR35 outcome and these are, for example:

- Carrying Professional Indemnity insurance to a commercially acceptable level;
- having dedicated office space; and
- work from your office or own location;
- having a website;
- your own business cards;
- a LinkedIn profile

Things to avoid are:

- Don't have a client email address;
- Don't have a client phone number;
- Don't have a dedicated desk;

In terms of the contract, avoid a long notice period. As a contractor you should be committed to finishing the whole term of the contract and having to give a lengthy notice period may indicate employment. Where possible ensure that you have an eligible substitute on record.

Ensure that you check the contract for the relevant business clauses or get the contract professionally reviewed. Also, ask your agency whether the contract has been mirrored to the client contract and vice versa, otherwise the clauses won't stand up.

Make sure that you work with an agency that is knowledgeable on IR35 and the employment status rules and one that is taking an active interest in continuing to provide genuine outside IR35 roles where possible.