



UNIVERSITY OF
CAMBRIDGE

Decision Tree

To establish whether an individual is an
Employee, a Worker or Self-Employed

V1.0 - October 2022

The Decision Tree is designed to provide guidance to help determine how an individual should be engaged, in the UK. There are no clear-cut rules which can be followed, rather there are lots of factors which must be considered.

In most cases the appropriate way to engage someone will be as an employee. However, if you only want them to do casual or occasional work, or their services are being provided to us by/via another company, you need to consider whether a different form of engagement is in fact more appropriate. Employment status is not determined by choice, but based on the facts of each case,

If you are not able to determine the appropriate route after following the Decision Tree, please contact your Casual Worker Team.

Please note: This decision tree does NOT apply if the individual is an existing employee. Please refer to the Workforce Guidelines. Payment for such individuals should be made using the appropriate CHRIS claim form.

<p>1) Is the work significant, predictable and regular over a given period?</p> <p>Yes → Employee</p> <p>No ↓</p>	<p><i>You do not need to go through the Decision Tree if you have made a strategic decision to recruit an individual as an employee.</i></p> <p><i>An employment contract may be fixed-term or open-ended and full-time or part-time.</i></p>
<p>2) Will the individual's continued engagement be critical to a core activity?</p> <p>Yes → Employee</p> <p>No ↓</p>	<p><i>If someone's continued involvement is critical, you may want to give them the security of an employment contract so that they know that the University has committed to employing them and they are considered to have made a commitment to the University.</i></p>
<p>3) Do you want the individual to be obliged to accept work from you in the future or are they asking you to commit to giving them further work?</p> <p>Yes → Employee</p> <p>No ↓</p>	<p><i>Taking on an employee creates mutuality of obligation. This applies to a lesser degree where an individual is a worker.</i></p> <p><i>If they are to be retained for a series of tasks where it is essential for continuity and consistency that the same person does that task every time then employee status is appropriate.</i></p>
<p>4) Will the individual be an external lower degree examiner?</p> <p>Yes → Worker</p> <p>No ↓</p>	<p><i>Lower degree examiners should be engaged as workers (if not engaged as employees).</i></p>

<p>5) Will the individual be an external higher degree examiner?</p> <p>Yes → Self-employment</p> <p>No ↓</p>	<p><i>Higher degree examiners will typically be engaged on a self-employed basis</i></p>
<p>6) Is the individual an occasional lecturer who gives a one-off or short series of talks on a subject about which they have specialist knowledge, and which is not part of the core curriculum?</p> <p>Yes → Self-employment</p> <p>No ↓</p>	<p><i>An individual must provide no more than 5 sessions a term and not exceed 14 sessions in a year, across the whole University. A session is where an individual is teaching the same subject to the same group of individuals but cannot be longer than a day.</i></p>
<p>7) Is the individual an hourly/fee paid lecturer?</p> <p>Yes → Possible Employee. Review to assess.</p> <p>No ↓</p>	<p><i>Where the University has a significant degree of control i.e. the individual is timetabled to lecture and told what to lecture on, there is a stronger basis for offering work on an employment basis.</i></p> <p><i>Consider engaging on a guaranteed minimum hours employment contract where only a minimum number of hours are guaranteed.</i></p>
<p>8) Is the individual engaged to demonstrate e.g. experiments in lectures?</p> <p>Yes → Worker</p> <p>No ↓</p>	<p><i>Demonstrators will typically be engaged as workers.</i></p>
<p>9) Does the individual claim to be self-employed and/or do they meet the conditions in chapter 5a of the Financial Procedures Manual?</p> <p>Yes → Possible Self Employed. Complete an FD3 form</p> <p>No ↓</p>	<p><i>If approved for self-employment, individual to submit invoice and paid through CUFs.</i></p> <p><i>If rejected for self-employment then re-enter decision tree here with answer 'No'</i></p>

<p>10) Is it a one-off piece of work (unlikely to be repeated) or Ad hoc or occasional work? or For a short period of time (e.g. up to 12 weeks)?</p> <p>Yes → Worker</p> <p>No</p> <p>↓ Employee</p>	<p><i>For example, if someone carries out a one-off piece of work, i.e. 12 days of work (7 hours per day), which is unlikely to be repeated then they can be appointed as a worker.</i></p> <p><i>However, where a role has i.e. 7 hours a week for a period of over 12 weeks, where there is a prospect of it being repeated, there is a stronger basis for offering work on an employment basis.</i></p> <p><i>Ad-hoc work offered occasionally over a term would be on a worker basis e.g. translating, editing. However, an employment contract may be appropriate where there is a mutual commitment to a minimum number of hours over a given period i.e. 24 hours over a term.</i></p> <p><i>Consider engaging on a guaranteed minimum hours employment contract where only a minimum number of hours are guaranteed.</i></p>
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