

## IR35 case study 2 - a contractors IR35 story

We have received many emails recently from contractors who have had both good and bad stories to tell about trying to resolve IR35 in their own circumstances. We thought I'd put them on this site...

If you have a good/bad story that you believe can help others out, then please let us know and we'll publish it.

Here's the first one.....

I have just started a new contract (April 10) and went through XXXX Ltd. I was not very happy with the result though.

I was assured the company had a legal team that would ensure I got a customised contract before I agreed to take the to take the role on that basis (I had two other offers to choose from at thetime).

When I turned up to sign the agency contract I found it was a very thinly disguised standard contract ("contractor" changed to "Service Provider", "timesheet" changed to "worksheet") and a substitution clause added. What's more the assignment schedule quoted a standard working commitment of 37.5 hours and a fixed 12 week length, a 28 day notice period and went on to say that the assignment schedule overrode anything it conflicted with in the contract.

Considerable negotiations followed, I offered to pay a lawyer for a customised contract, they offered to change a few more non-critical words to different synonyms etc. The frustrating thing was the client would have been happy to see a contract that was project based, like the work. They don't like the idea that I can walk out after twelve weeks even if the project isn't finished anymore than I do.

The agency put all the blame on the client saying they were the ones who were inflexible when I know this wasn't the case. The agency put a very good face on everything, was helpful to a point and found me a good contract, but it seems there strategy is to spend all there time and effort talking contractors out of anything that alters there standard contract rather than putting that effort towards a constructive attempt to alleviate the problem where possible.

Anyway after a couple of days of trying to make some headway I went ahead with it anyway. (Actually I rang one of the other offers, a permanent role, I was going to avoid the hassle altogether, but my contact was away that day). As it happens the contract was lucrative enough that I can treat it as a fail-IR35 anyway but the frustrating thing is if the agency wasn't involved I would have negotiated pass-IR35 working conditions without any problems.

After this experience I have decided I don't need the middle-men anymore. Next time I am going to buy/develop my own contract with a lawyer and target clients directly. That is the thing, more than any other, that will make my company a business and not a **disguised employee** anyway.

[IR35Calc:Moral of the story - trust no-one. It is a real shame that their are some agencies out there with no integrity who tarnish the reputation of the ones that are actually okay.]

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