HMRC Employment Tax Fora meetings

Employment Tax

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A round up of HMRC employment tax related consultative forum meetings.

In this article, we summarise meetings of HMRC's employment taxes related fora, which are attended by CIOT volunteers, from recent past months. HMRC publishes the minutes of the meetings on GOV.UK.

IR35 Forum

The forum met on 28 August and discussions included HMRC's compliance approach to the off-payroll working reform and their plans for education and support for businesses and contractors in preparation for the April 2021 changes. The CIOT also discussed with HMRC our concerns regarding the wording of ITEPA 2003 Ch 10 s 61O that will apply from 6 April 2021. Subsequently, in October, HMRC published a stakeholder update advising that the 'off-payroll working rules are intended to apply to situations where there is no employment or agency worker relationship between the worker and the client or an agency or other third party in the labour supply chain, and the worker's services are provided through their own intermediary. Where a worker is already subject to PAYE on all of the income from an engagement as an employee, other than with their own intermediary, HMRC does not intend Chapter 10 to apply.'

National Minimum Wage Forum (NMWF)

The forum met for the first time on 3 September and includes representatives from both HMRC's and the Department for Business, Energy and Industrial Strategy (BEIS)'s compliance and policy teams. They provided a strategic update and outlined their programme of education to employers. The forum also had some initial technical discussions on, for example, the meaning of enduring benefit to employer,

and discussed HMRC/BEIS guidance on, for example, uniforms and terminations.

Collection of Student Loans Consultation Group (CSL)

The group met on 8 September and is attended by representatives of CIOT, LITRG and ATT. Issues discussed included revising the New Starter Checklist to take account of the new Scottish student loans repayment threshold from April 2021, HMRC's 'real time' (monthly) data sharing with the Student Loans Company, student loan start notices (employer compliance with 2020/ 21 notices and timing of 2021/ 22 notices), and improvements to the Student Loans Company's online accounts (repayment accounts can now be accessed via GOV.UK).

Employment and Payroll Group (EPG)

The group is the main HMRC forum for employment tax related matters and met on 9 September. The forum is attended by representatives of CIOT and ATT and meets quarterly. Items of discussion included the Coronavirus Job Retention Scheme, the Job Retention Bonus Scheme, HMRC's tax administration strategy, the off-payroll working rules in the private sector which are being implemented from April 2021, digitalisation of HMRC's communications and payroll software update communications, the disguised remuneration call for evidence and the government's freeports proposals.

Expatriate Tax Forum (ETF)

The forum met on 23 September and discussions included the UK's exit from the EU and COVID-19. Under EU exit plans, the expectation is that those currently working cross border and subject to transitional arrangements under those withdrawal agreements would be covered by transitional rules. As regards COVID-19 and individuals assigned to/from non-agreement countries, HMRC advised that this had been covered by their updated guidance.

Pensions Industry Stakeholder Forum (PISF)

This forum usually meets twice a year and is attended by representatives of the CIOT, LITRG and ATT. The last meeting was on 7 October and the agenda included a discussion on the call for evidence on standards of tax advice. There was concern among some stakeholders about the definition of tax advice, with HMRC being

encouraged to produce a clear distinction between tax advice and tax service, as much of the routine work of pensions stakeholders involves tax in some way. The latest minutes can be found at tinyurl.com/gnpfvsr.

Construction Forum

Finally, a new construction forum is being set up to replace the Construction Industry Scheme Operation Forum (CISOF). The forum is due to meet for the first time in November/December 2020 to discuss its terms of reference.

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