

## 13 Umbrella Partner/Data Next Management Ltd

13. Status of this engagement 13.1. Under this contract you will not be an employee or a worker of Data Next Management Ltd or Apollo Recruitment Solutions Ltd for general statutory employment rights purposes. 13.2. The tax and National Insurance rules applied by HM Revenue & Customs are not the same as for general statutory employment rights purposes. Under this contract all payments to you for the Services will constitute employment income, but for tax and National Insurance purposes only. 13.3. Therefore in accordance with HMRC rules and Apollo Recruitment solutions Ltd requirements, Data Next Management Ltd will deduct PAYE and Class 1 National Insurance Contributions from payments for Services made by Data Next Management Ltd. Data Next Management Ltd will also account to HMRC for Secondary Class 1 National Insurance Contributions on all payments for Services made to you by Data Next Management Ltd under this agreement. You agree to this treatment and to the deduction of these amounts from any payments made by Data Next Management Ltd to You. 13.4 The above clauses 13.2 and 13.3 apply for the express and limited purposes of HM Revenue & Customs' treatment of this engagement. For tax purposes only, this engagement constitutes employment under Section 4 of the Income Tax (Earnings and Pensions) Act 2003 ("ITEPA"). 13.5 Otherwise than as explicitly specified under this contract you are a self-employed Operative. You have no contractual entitlement to sick pay, nor to any other payment during periods when Services are not provided including where the Services are cancelled by Data Next Management Ltd or by Data Next Management Ltd client. 13.6 You do not have any right to paid holiday under this contract. 13.7 Except as mentioned in clauses 13.2 and 13.3 for the express purpose of ITEPA, the parties agree that the relationship between them is not one of employer and employee and that you are not engaged as a worker by Data Next Management Ltd. 13.8 You are not entitled to participate in Data Next Management Ltd's or Apollo Recruitment Solutions Ltd's grievance and disciplinary procedure.