

## Business

# Employed or self-employed?

**Sarah Buxton** discusses the pros and cons of being an employed or self-employed associate

One issue that continues to be prominent in the dental industry is whether associates should be self-employed or employed. For many associates there are numerous advantages why one would want to be an employee as opposed to a self-employed. Here are just a few benefits:

## The right not to be unfairly dismissed

After one year of continuous service an employee has the right not to be unfairly dismissed, unlike a self-employed person who can have his/her contract terminated by the notice set out in the contract – usually three months.

## Statutory redundancy pay

If an employee has at least two years' service and the role of the employee becomes redundant, an employee will be awarded a redundancy payment, which is an award for past services. A self-employed person is not entitled to any redundancy pay; in effect this means that after two years' service a self-employed person can be dismissed with notice, without receiving any payment for his/her past services.

## Annual leave

The Working Time Regulations currently state that an employee is entitled to at least 5.6 weeks paid annual leave each year. Self-employed persons are not entitled to any paid annual leave. However, self-employed persons should not be limited to the amount of leave that they are able to take and it is therefore unlimited. An employee is contracted to take a limited amount of annual leave.



## Sick pay

An employee is entitled to receive statutory sick pay (SSP) from the fourth day of illness, to up to 28 weeks SSP in any period.

Self-employed persons are not entitled to receive SSP and it is highly recommended that self-employed persons take out insurance to cover the fact that one may be ill.

## Request flexible working

An employee who has 26 weeks continuous service has the right to make an application for flexible working, subject to satisfying various other criteria.

This means that an employee can ask for flexible working in order to care for a child or an adult who is in need of care and dependant on the employee. An employee may request a change to the hours worked, or a change to the times worked or ask to work from a different location.

## Tax

A self-employed person must register with HMRC and has to submit his/her own annual tax return and account for his/her own tax and National Insurance payments. An employee does not usually have to worry because all tax is dealt with by the employer.

## Written contract

It is important to have a written self-employed associate agreement in place to include all these self-employed indicators. Self-employed persons are not granted as much protection by the law because they are seen to be their own boss.

The upshot of being a self-employed person is that there is degree of flexibility. However, for security and long-term benefits, an employee wins hands down. **D**



Sarah Buxton is a director and employment and HR solicitor at FTA Law, which specialises in acting for dentists. With extensive experience in the dental sector, the firm is ideally placed to understand and respond to the needs of dental practitioners and practice managers.

CONTACT 0113 834 3740 for further information or email [sarah.buxton@fta-law.com](mailto:sarah.buxton@fta-law.com).

## clinical facial aesthetics training workshop

### PRE WORKSHOP

FREE report on growing your business so you have patients lined up post workshop so you get an immediate investment return

Copy of my promotional flyer that you can use as a poster or advert

### DURING WORKSHOP

Maximum 5 delegates per workshop to allow you to have plenty of hands on experience

Minimum of 1 model per delegate - leave everything for me to arrange

FREE book 'Achieving Financial Freedom'

### POST WORKSHOP

3 months FREE unlimited support (email & telephone) after workshop

Practical video demonstration of me treating a patient for 3 areas with muscle relaxants



**Botox Training Club**

To book your place or to find out more please call us today on **07711 731173**

email [harry@botoxtrainingclub.co.uk](mailto:harry@botoxtrainingclub.co.uk) or visit [www.botoxtrainingclub.co.uk](http://www.botoxtrainingclub.co.uk)

**£50 off with this advert**  
Please quote the promo code 'DENTISTRY' when booking