

## INFORMATION RELEASED UNDER THE FREEDOM OF INFORMATION ACT

Information released title	Recruitment agencies
Original request	<ol style="list-style-type: none"> <li>1. In last 2 years has your organisation used external recruitment agencies to hire for permanent or contract roles?</li> <li>2. In list format what are the five highest paid external recruitment agencies with the total amount paid in the last 2 years?</li> <li>3. What is the fee structure charged for the five highest paid vacancies by the above five external recruitment agencies and the roles that were hired for? Example: Office Manager - Salary £20,000 Fees paid 15% of salary = Total recruitment fees paid £3000.</li> <li>4. For the coming year what live vacancies does the organisation currently have for permanent or contract roles, please list these vacancies with the following;             <ul style="list-style-type: none"> <li>• Current or future positions and an exact salary figure</li> <li>• What type of positions are they? (Contract or Permanent)</li> <li>• Who is the hiring manager, please provide their full details: Full name, Telephone number, Email, Job Title and Department</li> </ul> </li> <li>5. On which websites are these jobs advertised? Please clearly provide a link/list to where these jobs are advertised.</li> <li>6. What is the process to selecting new recruitment agencies? Please provide the procurement process for selecting new recruitment agencies and what date is this conducted and by whom? Please provide full contact details.</li> <li>7. Is there a purchase threshold below which allows the organisation to use external recruitment agencies which are not on any preferred supplier arrangements</li> </ol>

	or contracts without going through a formal tender process?
Date of release	02.04.2015
Requester type	Individual

**Information released:**

1. Yes.
2. The five highest paid external recruitment agencies with whom the UK Commission for Employment and Skills worked between 1<sup>st</sup> April 2013 and 5<sup>th</sup> March 2015 were as follows:

<b>Agency</b>	<b>Sum paid</b>
Hays Specialist Recruitment Ltd	£137,856
Graduates Yorkshire Ltd T/A Gradcore	£56,028
Angela Mortimer plc	£14,099
Elevation Recruitment Ltd	£12,000
Saville Consulting UK Ltd	£1,656

**3. Five highest paid vacancies**

The five highest paid vacancies for which the above five external recruitment agencies were paid, correspond to the following roles and salary bands:

<b>Vacancy</b>	<b>Annual salary</b>
Assistant Director	£52,500 – £63,500 –plus London Weighting (LW) if applicable
Assistant Director	£52,500 – £63,500 –plus LW if applicable
Senior Manager	£40,000 – £50,000 –plus LW if applicable
Senior Manager	£40,000 – £50,000 –plus LW if applicable
Senior Manager	£40,000 – £50,000 –plus LW if applicable

You will note that a pay band rather than precise salary has been quoted in the table above. As you may be aware, in some circumstances, certain types of information may be withheld under an exemption or exemptions articulated in the Freedom of Information Act 2000 (FOIA). In this instance, we consider that Section 40(2) is applicable.

*Section 40(2): Information is exempt information if disclosure would breach one of the data protection principles.*

The reason that this exemption is engaged is due to this information consisting of personal information, in the form of salary data of specific individuals. Due to the small size of the organisation, the level of its employee retention rate and the specific timeframe stated, particular UKCES employees could be identified from the job titles disclosed.

Release to the general public of salary data of identifiable individuals would be likely to breach one of the data protection principles. This is because we would not be meeting our duty to process personal data fairly and lawfully, as set out in the first data protection principle. Such personal details of employees are held as part of UKCES' recruitment processes. To process this information for any other purpose – as in this instance by releasing it under the Freedom of Information Act - would therefore not be the reasonable expectation of these individuals. It would thus be a breach of the principle.

### **Fee structure**

In relation to the fee structure, I can confirm that UKCES holds the information requested. However, we are withholding this information as it is our view that Section 41 applies to it. In line with best practice, UKCES consulted with the recruitment agency which accounted for the five highest paid vacancies to consider disclosure and engagement of exemptions. Having reflected on this consultation, we have concluded that certain information is exempt from release.

#### *Section 41 – Information provided in confidence*

*Information is exempt information if it was obtained by the public authority from any other person (including another public authority and, the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.*

We consider that information relating to our contract with the recruitment agency in question is exempted from disclosure due to an obligation of confidence.

As you may be aware, a duty of confidence arises when a confidant is provided with information by the confider in the expectation that the information will only be used or disclosed in accordance with the wishes of the confider. In ascertaining whether an obligation of confidence has arisen in a particular case, the Information Commissioner's Office (ICO) advises that public authorities take account firstly of the circumstances under which information was provided to the authority and secondly of the nature of that information.

In terms of the circumstances under which the supplier provided information to UKCES, specific reference was made to the sensitive nature of the information shared. It is also our view that details of the supplier's fee structure has the

necessary “quality of confidence”, comprising information which is not in the public domain.

There are several other factors that UKCES has taken into consideration in determining that the information is protected from disclosure by an obligation of confidence. UKCES does not have consent from the supplier to release the information and disclosure would give rise to an actionable breach of confidence.

Finally, we have reflected on the public interest as required by the test of the common law duty of confidentiality. We have weighed up the public interest in disclosure against both the wider public interest in preserving the principle of confidentiality and the impact that disclosure would have on the interests of the confider. We have concluded that the confidences of this supplier must be respected in order to maintain trust and integrity in UKCES’ procurement and contracting process. Undermining this would be at odds with our goal of obtaining maximum value in the spending of public money to support the objectives of UKCES.

*Section 43(2) – Commercial interests*

*Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it). NB – A person may be an individual, a company, or any other legal entity.*

The reason that Section 43(2) is engaged relates to the commercial interests of the supplier and to UKCES as buyer. Disclosing pricing data would have an adverse impact on the supplier’s ability to operate commercially in the market. Exposure of the pricing strategy would prove advantageous to competitor businesses when bidding for other opportunities.

Turning to the potential prejudice to UKCES, disclosure of the fee structure described would be likely to damage our own commercial interests, potentially weakening our position in future procurement exercises.

We have weighed the prejudice caused by possible disclosure against the likely benefit to the wider public. We recognise that there is a public interest in ensuring that UKCES is accountable and transparent both in the spending of public money and in its role as a public sector recruiter. However, we also recognise that there is a strong public interest in securing fairness in contracting with suppliers. This is achieved by withholding sensitive pricing strategies. As a public body, UKCES is committed to maintaining a level playing field in its competitive opportunities to enable it to commission the best services at the most competitive rate. This situation would be threatened by a disclosure of market sensitive information. We have concluded, therefore, that in all the circumstances of the case, the public

interest in maintaining the exemption outweighs the public interest in disclosing the information.

4. UKCES recently undertook an exercise to recruit graduates to take part in our internship programme. More information on the roles, including salary and type of position, is available on the ['Working for UKCES'](#) webpage.

With regards to future positions, UKCES is currently developing its 2015/16 business plan, which will set out its business objectives for the forthcoming year. When this overarching document has been agreed, it will clearly identify the resources that the organisation needs to effectively deliver its business plan. This resource allocation exercise will then underpin all internal and external recruitment activities. At present, therefore, UKCES does not hold all of the requested information.

5. UKCES advertises vacancies on the Guardian Jobs website - <http://jobs.theguardian.com/>. Decisions on where else roles may be advertised will be driven by the nature of the job to be filled. For example, we would utilise:
  - Social Research Association's jobs site (<http://the-sra.org.uk/jobs/>) for researcher positions;
  - Marketing Week (<http://jobs.marketingweek.com/>) for communications roles;
  - Milkround (<http://www.milkround.com/>) for graduate roles.
6. All opportunities over £10,000 are offered by UKCES to suppliers either through an existing government contract or by placing an open advertisement on [Contracts Finder](#), the government portal for all public sector opportunities. Opportunities to provide recruitment support are advertised via Contracts Finder. The service enables suppliers to search by buyer, sector or contract title. Suppliers can also create an account to receive email updates and save searches, although suppliers can still search and apply for contracts without an account.

The procurement process for each specific opportunity will be outlined in the 'how to apply' section of the tender notice. We anticipate that we will undertake a procurement process in relation to outsourced recruitment support in May 2015. This will be undertaken by the organisation's Human Resources and Procurement teams.

You can read more about the organisation's procurement processes on its ['Procurement at UKCES'](#) webpage. For more information about the tendering process, email [tenders@ukces.org.uk](mailto:tenders@ukces.org.uk).

7. For the purchasing of goods and services up to a maximum value over the life of the project of £9,999, UKCES' procurement policy requires a minimum of three written quotes. Quotes received are evaluated for best Value for Money to inform a decision on appointment of supplier.