



Foreign &
Commonwealth
Office

FCO Services
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

Website: <https://www.gov.uk>

17 March 2017

FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: FOI 0182-17

Thank you for your email of 17 February 2017 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

Please provide the following details about staff employed by FCO Services. The return should be via email.

- 1. Total number of staff employed (including contractors) by FCO Services on the 1st February 2017 broken down by department (SGS, GDT etc)*
- 2. Number of contractors (fixed and short term) employed by FCO services on the 1st February 2017 broken down by department (SGS,GDT etc) and identifying if short or fixed term contractor*
- 3. Number of permanent staff employed (not fixed term contractors) by FCO Services on the 1st February 2017 broken down by department (SGS,GDT etc)*
- 4. List of short term contractors (names not required) listed by equivalent staff grade. The list needs to include the daily rate as of the 1st February 2017, start date of current contract, length of contract, and date they were first contracted to work by FCO Services. This should be broken down by department (SGS,GDT etc)*
- 5. List of fixed term employees (names not required) listed by equivalent staff grade. The list needs to include rate off pay (listing any allowances above the salary) on the 1st February 2017, start date of current contract, finishing date of contract and length of time they have been working with the FCO Services. This should state if they were on short term contracts previously and for how long. This should be broken down by department (SGS, GDT etc)*
- 6. List contractors (names not required) whose daily rate has increased since the 1st January 2016 to the 1st February 2017. What the rate was and what it was increased to? This should include contractors whose roles changed during this period. This list should be broken down by departments and showing the equivalent staff grade*
- 7. What is FCO Services policy in employing contractors following the IR35 changes 5th April 2017?*
- 8. What is the FCO Services policy on retaining contract staff due to IR35 changes?*
- 9. How much management time has been spent in negotiating with the contractors and their agencies to ensure contractors continue to be employed after the 5th April 2017?*

I can confirm that FCO Services does hold some information relevant to your request, however the time and resource used has exceeded the appropriate cost limit under section 12 of the FOIA. More information on section 12 is detailed later in this response.

Your request also refers to the rates of pay for contractors. Contractor rates are agreed between the contractor and their agency. This is not information that FCO Services routinely holds.

Question 1

For clarity, FCO Services do not employ contractors: contractors are engaged through agencies. Table 1 below details the number of Permanent Employees, Fixed Term Contract Employees, Fee Paid Staff and engaged Contractors by Group.

Note that Fixed Term and Fee Paid individuals are employed on temporary contracts of employment directly with FCO Services.

Table 1

1	2	3	4	5	6
Group	Permanent Employees	Employees on Fixed-Term Contract	Fee Paid Staff	Contractors engaged through Agencies	Grand Total
Corporates	108	7	5	22	142
GDT	131	11	4	124	270
SGS	501	25	2	73	601
Grand Total	740	43	11	219	1013

Question 2

Individuals on fixed- term contracts are employed directly as shown in Table 1 above. The number of contractors engaged via agencies by FCO Services as of the 1st February 2017 is detailed in column 5 of Table 1.

Question 3

The number of permanent staff employed by FCO Services as of the 1st February 2017 is detailed in column 2 of Table 1.

Question 4

FCO Services do not differentiate between short term and long term contractors that are engaged through agencies. See Table 2 below for the total number of contractors engaged through agencies by Grade:

Table 2

Grade	Number of contractors
A2	20
B3	38
C4	57
C5	73

D6	22
D7	9
Total	219

In response to your question regarding start date of current contract, length of contract, and date they were first contracted to work by FCO Services, the system used by FCO Services would necessitate manual extraction and review of data for each contractor engaged. The time needed to achieve this at such a granular level would further exceed the appropriate cost limit under section 12 of the FOIA.

Question 5

FCO Services has 43 employees on fixed-term contracts as at 1st February 2017, 18 of these are apprentices. This figure also includes Executive Directors' contracts, which are for 4 years fixed term under Cabinet Office guidelines. Details of these are published in the annual accounts. To provide the information requested would break this figure down to such low numbers which would contravene section 40 of the Data Protection Act. More information on section 40 of the Data Protection Act is detailed below.

Question 6

FCO Services do not routinely hold this information. The contractors' daily pay rate would be agreed between the contractor and their supplying agency.

Question 7

FCO Services policy is the same with no changes proposed. We will engage (not employ) contractors and agency staff to ensure we have the right skills and workforce flexibility in the business to deliver corporate plans and customer requirements.

Question 8

FCO Services do not have a policy on the retention of contractors. The policy referenced in Question 7 is unchanged and we will continue to comply with statutory requirements, including completing payroll status assessments, and engage contractors as required.

Question 9

FCO Services do not measure or record this information.

Section 12 of the Freedom of Information Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit. The limit has been specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For central government the appropriate limit is set at £600. This represents the estimated cost of one or more persons spending 3 ½ working days in determining whether the Department holds the information, and locating, retrieving and extracting it. Your request as presently formulated is widely-framed and I estimate that it will take more than 3 ½ working days to locate, retrieve and extract this information. In these circumstances we are not obliged under the Act to comply with your request. You may therefore wish to refine your request to narrow its scope to bring it within the appropriate limit.

Section 40 of the Freedom of Information Act relates to personal information. The information you have requested is personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle which, in our view, would be breached by disclosure. In such circumstances section 40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply

Corporate Knowledge and Security



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.