[redacted]

From: FOI
Sent: 13 May 2021 08:56
To: [redacted]
Subject: FOI 047-21 - Response

Dear [redacted],

Our Ref: FOI-047-21

Thank you for your email to the Electoral Commission dated 14 April 2021.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is shown below followed by our response.

1) Have you used agencies from a certain frameworks (If so, which frameworks do you use)? Do you have a PSL?
2) Have you engaged with agencies outside of a formal recruitment contract (framework or PSL)?
3) What is your overall recruitment spend on external agencies in the last 12 months? (Please provide breakdown between permanent, FTC and temporary staffing)
4) In the last 12 months, how many jobs have been filled by external recruitment agencies? (Please provide breakdown of permanent, FTC and temporary roles)
5) In list format what are the five highest paid external recruitment agencies with the total amount paid in the last 12 months?
6) 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.
7) Who is the best point of contact for recruitment within the HR or recruitment team? (Please specify name, job title, direct phone number and email address)
8) For the coming year what live vacancies does the organisation currently have for permanent or contract roles, please list these vacancies with the following;
- *Current or future positions and an exact salary figure*
- *What type of positions are they? (Permanent, FTC or Temporary)*
- *Who is the hiring manager, please provide their full details: Full name, Telephone number, Email, Job Title and Department*

Our response is as follows:

We hold the information you have requested.

1) Have you used agencies from a certain frameworks (If so, which frameworks do you use)? Do you have a PSL?
We do not have a Preferred Supplier List (PSL) for agencies we use for the recruitment of employees.

2) Have you engaged with agencies outside of a formal recruitment contract (framework or PSL)?

We use a range of agencies in the recruitment of employees to the Commission (we do not have a PSL).

3) What is your overall recruitment spend on external agencies in the last 12 months? (Please provide breakdown between permanent, FTC and temporary staffing)
We do not hold records exactly in this format. For this reason the breakdowns requested are not possible.

The Commission has considered the breakdown part of your request in relation to Section 12 of the Freedom of Information Act (FOIA). Section 12 applies where the cost of compliance exceeds the appropriate limit. The appropriate limit for central government is £600. Cost is calculated at a rate of £25 per hour of work, this means that requests for information that exceed 24 hours can be refused.

After authority to recruit has been given, hiring managers take forward recruitment actions for FTC and Temporary roles; this information is not located centrally and so in order to provide the information you have requested, the Commission would need to undertake a specific piece of work which would include liaising with all hiring managers. They would need to look into this, there will then be a need to collate all this information centrally and even send reminders to those hiring managers who do not respond in a timely manner. Once all this data has been gathered it will then need to be collated and gone through again to ensure it complies with your request.

As you can see, demonstrated above, the information that you have requested is exempt on the basis that it will exceed the appropriate cost limit. A public authority is not required to work up until section 12 applies.

As part of the Commission's duty to assist under Section 16 of the Freedom of Information Act, I can advise that for the period 01/04/20 - 30/04/21 the total spend shown for the above period is £523,149.14. Please note, the data is based on when the party was paid, not when the work was done.

4) In the last 12 months, how many jobs have been filled by external recruitment agencies? (Please provide breakdown of permanent, FTC and temporary roles)
Details below are for the period 07/05/20 to 06/05/21 excluding the sourcing of Commissioners and contractors:

Agency temp role holders in the last 12 months: 12
Employed roles filled on a Fixed Term Contract basis have been filled by external recruitment agencies: 2
Employed roles filled on a permanent basis have been filled by external recruitment agencies: 1

5) In list format what are the five highest paid external recruitment agencies with the total amount paid in the last 12 months?
Please see the table below.

Please note: figures include spend on recruitment activity relating to Commission employed roles.

Agency	Relevant spend 01/04/19 to 31/03/21, to the nearest £
Gatenby Sanderson	63,762
Excel Recruitment	49,206
Premier Technology	24,104
Reed	15,725
Michael Page	5,139

6) 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.
The Commission-employed job roles that we spent the most on (external recruitment agencies) are:

1. Commission Chief Executive (salary for this role is available on our website)
2. Commission Director of Regulation (salary for this role is available on our website)
3. Commission Legal Counsel (salary for this role is available on our website)
4. Head of Campaigns and corporate Communications (salary £63,591)
5. Senior IT Officer (Infrastructure Management) (salary £50,000)

The information that you have requested (salary for Commission-employed roles 1, 2 and 3) is exempt from disclosure under Section 21 of the Freedom of Information Act. Section 21 provides for an exemption where the information requested is reasonably accessible to the applicant by other means. The information that you have requested is accessible to you by using this web link: www.electoralcommission.org.uk/who-we-are-and-what-we-do/who-we-are/executive-team-and-senior-leadership-group/our-salaries.

In relation to the fee structure element of this question, the Electoral Commission considers this information to be exempt from disclosure under section 43(2) of the FOIA, and it is therefore withheld. Section 43(2) is Prejudice to commercial Interests and under this, information is exempt if its disclosure would, or would be likely to, prejudice the commercial interests of any person.

In this case, we consider that disclosure of the fees structures together with the agency spend would be likely to prejudice the commercial interests of the Commission and that of the recruitment suppliers. Details relating to spend are agreed per supplier, and being able to compare agency spend by the Commission across agencies would be prejudicial to the Commission's, and the suppliers', ability to compete competitively in the marketplace and, therefore, our ability to recruit people of the required skills base.

Section 43, is a qualified exemption and we are required to consider the public interest, the Commission recognises the need for transparency. However, this must be balanced against the public interest in allowing the organisation to protect its commercial information and not place itself at a disadvantage in the competitive market in which it operates.

Section 43(2) is a prejudice-based exemption, and there is a public interest inherent in avoiding the harm specified. The Commission considers that the prejudice would be likely to occur and would involve an adverse effect on the Commission's, and the recruiter's, ability to operate in a commercially competitive market place and could potentially weaken the Commission ability to obtain value for money in respect of any future recruitment.

7) Who is the best point of contact for recruitment within the HR or recruitment team? (Please specify name, job title, direct phone number and email address)
The Head of Human Resources, Jennifer Hartland, is the person responsible for recruitment.

Please see our response to question 8, below, for information about how to contact them.

8) For the coming year what live vacancies does the organisation currently have for permanent or contract roles, please list these vacancies with the following;
Current or future positions and an exact salary figure
What type of positions are they? (Permanent, FTC or Temporary)
Who is the hiring manager, please provide their full details: Full name, Telephone number, Email, Job Title and Department

Live vacancies are shown on the Commission's website, Jobs page which can be found here: www.electoralcommission.org.uk/jobs. Our adverts state salary and whether they are permanent or fixed term. We do not hold any information in respect of prospective future vacancies "for the coming year".

As at 05/04/21 live Commission vacancies advertised were:

1. Planning and Performance Manager
2. Manager, Electoral Commission Northern Ireland (fixed term contract)
3. Executive Assistants
4. Equality, Diversity and Inclusion Lead
5. Senior Advisors
6. Communications Officer (Public Affairs)

The job title of the respective hiring managers are:

1. Head of Strategic Planning and Performance
2. Head of Commission Northern Ireland
3. Business Manager to the Chair and Chief Executive
4. Head of Strategic Planning and Performance
5. Party Finance Guidance Manager
6. Public Affairs Manager

In respect of "…hiring manager, please provide their full details: Full name, Telephone number, Email, Job Title and Department".

The Commission considers the requested information is exempt from disclosure as it is personal data as defined by the Data Protection Act 2018 and is therefore exempt from disclosure under Section 40 (Personal Information) of the Freedom of Information Act.

It has been the custom and practice for the Commission to generally only release the names of staff down to 'Head of Service' level, which the Commission considers meets the Transparency Code issued by the Secretary of State for Communities and Local Government. Furthermore the Commission considers that this position is consistent with guidance issued by the Information Commissioner, including a Decision Notice issued in respect of a similar request FS50276863.

The information you have requested would identify individuals who are employed by the Commission to undertake work within the community at large. This would be hindered, should their names be released in response to a request such as this. Therefore you will not be provided with the requested information.

In terms of the other information requested, the contact number for the Commission is: 0333 103 1928.

For those staff who are at Head of Service level and above, their names can be found using this web link: https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/who-we-are/executive-team-and-senior-leadership-group/our-salaries.

We use the following email address format at the Commission:
First letter of first name.Surname@electoralcommission.org.uk

The Commission strives to be an open, transparent authority and I trust that this information satisfies your request. In some circumstances we cannot responsibly release requested information, and we ask for your understanding in this regard.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: https://www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-request.

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: https://ico.org.uk/.

Yours sincerely

Information Officer
FOI@electoralcommission.org.uk

The Electoral Commission
electoralcommission.org.uk