



London Borough of Barnet,
2 Bristol Avenue,
Colindale,
London NW9 4EW
20 March 2020
Our ref: 6098689

Thank you for your request received on 19 February 2020, for the following information:

I am writing to request the following information in relation to the Adults & Children's Social Care teams, how these teams work with agencies to fill vacancies and the budgets throughout the year of 2019.

1) I am requesting contact information for Team Managers, Service Managers, Head of Services and any other workers who are deemed 'decision makers' on matters such as worker budgets, team vacancies, agency contracts etc within the Adults & Children's Social Care teams. Please also include which department or team the individual resides in.

2) total budget and total spend with agencies (both permanent and temporary workers) within the Adults & Children Social Care Services within the year of 2019?

3) percentage of vacancies filled direct through the council (both permanent & temporary), compared to recruitment agencies

4) percentage of vacancies (permanent & temp) filled by recruitment agencies. Please also state which agencies the council currently work with and how many agency workers work for each recruitment agency.

5) Any other companies, partners, or 3rd parties that cannot be classed as a recruitment agency who provide workers to the council.

We have processed this request under the Freedom of Information Act 2000.

Response

I can confirm that London Borough of Barnet holds the information you requested.

However, we consider that the following exemptions apply to some of the information requested. The remaining information is not withheld and is below/attached.

1. I am requesting contact information for Team Managers, Service Managers, Head of Services and any other workers who are deemed 'decision makers' on matters such as worker budgets, team vacancies, agency contracts etc within the Adults & Children's Social Care teams. Please also include which department or team the individual resides in.

The council's redaction policy states that officers' names and contact details under the level of Assistant Director will generally not be released. All of the posts redacted are under the Assistant Director level.

Refusal Notice Section 40(2)

[Part 1 of Schedule 19](#) of the Data Protection Act 2018 amends the personal data exemption under section 40 of the Freedom of Information Act 2000 (FOI). These are consequential amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998. They will not fundamentally impact when personal data can, and cannot, be disclosed in response to an FOI request.

Personal Information is governed by the Data Protection Act legislation and is defined as any information relating to an identified or identifiable natural person ('data subject'). It adds that: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location number, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The withheld information is exempt because disclosure would contravene the first data protection principle which requires that personal data is processed fairly and lawfully. Disclosure of the requested information would breach this principle and in particular the requirement of fairness.

Because individuals working for the council have a reasonable expectation of privacy and do not expect that the council would disclose their names or contact details in response to a freedom of information request, especially as they are relatively junior and not in public facing roles.

2) total budget and total spend with agencies (both permanent and temporary workers) within the Adults & Children Social Care Services within the year of 2019?

Total agency spend in 2019 for Adults and Children's Service was £8,067,732. We did not spend money on permanent recruitment of agency workers.

3) percentage of vacancies filled direct through the council (both permanent & temporary), compared to recruitment agencies

100%.

4) percentage of vacancies (permanent & temp) filled by recruitment agencies. Please also state which agencies the council currently work with and how many agency workers work for each recruitment agency.

As noted above, we do not use recruitment agencies to fill vacancies with the exception of some senior roles, however we have not had any of this type of recruitment recently. We do use agencies to cover vacancies while we recruit substantively to them. We do not disclose agency details due to commercial sensitivity.

Refusal Notice S.43 Commercial Sensitivity

We consider that the qualified exemption set out in Section 43 (Prejudicial to commercial interests) subsection 2 that are to be applied] applies to the information requested. Therefore, we have decided to withhold the information.

In applying this exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.

Factors in favour of disclosure

- Furthering the understanding, and participation in the public debate of issues
- Facilitate the accountability and transparency of public authorities for decisions taken
- Facilitate accountability and transparency in the spending of public money
- Allowing individuals to understand decisions made by public authorities affecting their lives and, in some cases, assist individuals in challenging those decisions

Factors in favour of maintaining the exemption

- Council position in a competitive environment, market sensitivity of information and potential usefulness to competitors
- Negative effect on competitiveness if competitors were to have access to information

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.□

5) Any other companies, partners, or 3rd parties that cannot be classed as a recruitment agency who provide workers to the council.

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Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to

access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.