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**From:** REDACTED

**Sent:** Tuesday, November 28, 2023 1:43 PM

**To:** REDACTED

**Subject:** RE: Form B

Hi REDACTED

Yes I would expect FWA to advise hiring managers regarding day rates potential impact on the availability of suitable candidates in relation to their recruitment.

Regards  
REDACTED

---

**From:** REDACTED

**Sent:** Tuesday, November 28, 2023 10:22 AM

**To:** REDACTED \_\_\_\_\_

**Subject:** RE: Form B

Thanks REDACTED. We will confirm with the Hiring Manager we can proceed.

Given the time that has passed, I will check in with the Hiring Manager and explain the day rate and budget situation. I would imagine from a cost to the Scottish Government perspective, the Hiring Managers will want our input on whether an above parity rate is required/necessary to attract suitable candidates? This is a very short term contract and the parity level would provide a salary increase for all of the candidates as compared to their last roles.

Kind Regards

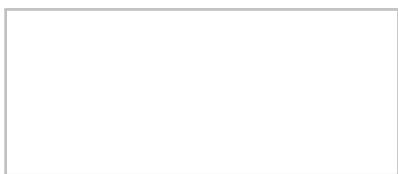
REDACTED

**REDACTED**  
**Associate Director**

Tel: REDACTED

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hours.



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**From:** REDACTED  
**Sent:** Tuesday, November 28, 2023 8:28 AM  
**To:** REDACTED \_\_\_\_\_  
**Subject:** RE: Form B \_\_\_\_\_

[EXTERNAL]  
Good Morning REDACTED

I'm happy with the form to be used as is on this occasion. I do see you have all the candidates on the same rate which would be a concern for me given the hiring managers will base assessment on day rate and quality of experience. However I'm assuming you have had the discussion and REDACTED has confirmed she wishes this to be her budget.

Regards  
REDACTED

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**From:** REDACTED  
**Sent:** Monday, November 27, 2023 9:58 AM  
**To:** REDACTED \_\_\_\_\_  
**Subject:** RE: Form B \_\_\_\_\_

Hi REDACTED,

I hope you had a nice weekend. REDACTED is out of the office today and so I just wanted to keep things moving forward. We are continuing to discuss and review the recent catch up we had and your subsequent email with the revised form.

In the meantime, we are conscious that there remains an outstanding position with REDACTED's team. In order to allow that position to move forward I have attached the completed original form. Are you agreeable with this one being used on this occasion while we consider the best way forward longer term? This would then allow REDACTED to select her preferred candidate.

Kind Regards

REDACTED

**REDACTED**  
**Associate Director**  
Tel: REDACTED

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**From:** REDACTED  
**Sent:** Friday, November 24, 2023 11:33 AM  
**To:** REDACTED \_\_\_\_\_  
**Cc:** REDACTED \_\_\_\_\_  
**Subject:** RE: Form B

[EXTERNAL]  
Good Morning

Following our conversation yesterday I have reviewed the original paperwork and amended the form B so it is the same as the one in the signed contract, it is not much different from the one you have however it will keep us all right and is hopefully clearer. I would suggest that where the costs are actually included within fees detailed within another box e.g. employment costs in the commission rate – the figures are still detailed but a note added to the box to say that they are already included elsewhere and this is for visibility only.

Please note where the daily rate breakdown asks for all costs – renewal of practising certificate SHOULD NOT be included here, SG will no longer be paying for the renewals as per your previous communication with REDACTED. Please also ensure that the day rate that the candidate actually receives should not be below the bottom of the *equivalent* SG pay scale to ensure parity. As there are some hybrid roles (e.g. covid inquiry senior paralegals) this will not always apply and your professional judgement should be used.

At this time OAG are the only customer who has confirmed they wish to remain using the bottom of the

C1 pay scale as their budget rate, we have also agreed with them that they will continue to implement the pay rises at the time they occur for SG. This will require a formal contract variation letter between you both at the time, OAG have the template for this and will initiate when required. All other customers will (or should, if they don't please ask) indicate on the form A whether they wish to set their budget or are open to the candidate market driving the rate. This can be discussed once form A is received and you have your info gathering chat with the hiring manager. It may also be worth a reminder here that no competency interviews can take place, an informal chat with the candidate is allowed but nothing more formal. The hiring manager will then evaluate the candidates quality and rate and advise who they wish to offer the post to. They should do this in writing with a letter (they have the template) or purchase order (inquiries may prefer this route).

REDACTED is still off, however I spoke with his manager after our meeting yesterday. As the framework is now signed this would move over to their contract management team to review, should you require to raise any issues with them, please do so to [REDACTED](#).

I believe we covered all the other points in the email below. One thing REDACTED that you mentioned yesterday on the call that we didn't conclude was in relation to umbrella companies not being in the tender documentation. SG are procuring a service from yourselves, you are the professionals we rely on your expertise and do not need to know the detail of how you do that. We cannot dictate how you run your business or your relationship with your candidates, that is your own business decisions and we would not wish to interfere with that. I know this has been a frustrating time for you and I apologise if my lack of subject matter knowledge has added to that however hopefully we now have a clear way forward to ensure our hiring managers get the best possible candidates for their temporary posts from the new framework.

Have a good weekend.  
Best regards  
REDACTED

---

**From:** REDACTED

**Sent:** Thursday, November 23, 2023 12:05 PM

**To:** REDACTED

**Cc:** REDACTED

**Subject:** RE: Form B

Hi REDACTED,

The incorrect figure of 316.11 used in the tender can't be evaluation purposes only, we based our rate on commission plus costs (as per instructions) we reached our total £REDACTED and then deducted an incorrect figure of £316.11. = £REDACTED

Pricing schedule – see points 2 and 6 – and giving there was no 'cost' box in form B at the time we submitted tender – that all would make sense and wouldn't be raised when we submitted the tender pricing schedule – as all costs were to be included, and so we based our figures and calculations on the pricing instructions.

A cost box on Form B shouldn't be required by any agencies. We only asked for cost box due to us not rolling up holidays. If you would prefer we can put the daily rate as £REDACTED (and we sort the PAYE part REDACTED rate candidate gets + 36 hols accrual internally with our candidate).

I know that the other agency have now worked on a number of positions and you mentioned that they requested a cost box to be added to the form, it would be helpful to know why this was required and help us to understand the process as this is the first position we are working on. We understand now from a few FWA Workers that the other agency do 'rolled up' holidays – and they have been advised that they would only get 28 days. That is not SG parity hols entitlement – framework clause, waiving 12 week QP – which means they should get 25+11.5 from day one.

**Pricing Instructions**  
**Framework for the Provision of Temporary Legal Staff - Case/628016**

**General**

1	It is the Tenderers responsibility to ensure prices are sustainable for the entirety of the contract.
2	Charges which appear elsewhere but which are not summarised in this pricing schedule will be presumed to have been waived.
3	All prices/charges must be quoted in Pounds Sterling (£) and must be exclusive of any VAT which may be chargeable.
4	All prices must be in line with the Specification of Requirements - detailed in Schedule 1 of the conditions of Contract.
5	The estimated total value of the Framework is between <b>£7,500,000 - £8,000,000</b> (ex VAT).
6	It is the responsibility of the Contractor and the Candidate to agree mechanism for VAT, NI etc. No additional charges or fees will be liable to the customer.

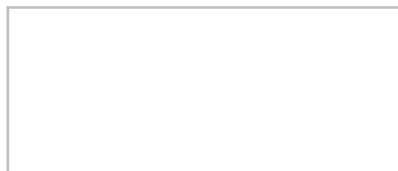
It would be good to have a call to discuss your point below re C1 / B3 and salary/pricing – we have discussed this with the recruitment team and it is unclear how this should work in practice. At the first mobilisation meeting you advised it would be a candidate led daily bid process, but you have now confirmed that this has changed and we should seek clarification from the hiring manager upon instruction – as to whether they would like to retain at the bottom of the pay band or have the candidate/market dictate the rate. REDACTED would be happy to discuss this with you and how we deal with this from a hiring manager and candidate perspective, whilst also following the framework agreement.

Kind regards,

**REDACTED**  
**Operations Manager**

Tel: REDACTED

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**From:** REDACTED

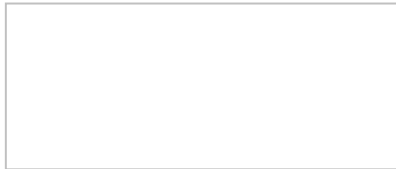
**Sent:** Wednesday, November 22, 2023 5:20  
PM

**To:** [REDACTED](#)  
**Cc:** REDACTED  
**Subject:** RE: Form B

Thanks, REDACTED  
REDACTED is now out of the office – could you suggest some times so we can see what would work for REDACTED?  
Best  
REDACTED

**REDACTED**  
**Managing Director**  
Tel: REDACTED

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**From:** REDACTED  
**Sent:** Wednesday, November 22, 2023 3:36 PM  
**To:** [REDACTED](#)  
**Cc:** [REDACTED](#)  
**Subject:** RE: Form B

[EXTERNAL]  
Hi REDACTED

I'm not sure how it is different from the pricing schedule instructions. Do you want to have a teams call tomorrow?

Regards  
REDACTED

---

**From:** REDACTED  
**Sent:** Wednesday, November 22, 2023 3:15 PM  
**To:** [REDACTED](#)

**Cc:** REDACTED \_\_\_\_\_

**Subject:** RE: Form B

Hi REDACTED,

It is important that we get this correct from the outset, we are treating this as a matter of urgency.

I will speak with REDACTED as soon as possible to discuss the points below as this is different to the pricing schedule instructions in the Framework and previous guidance on how things should work in practice.

I will come back to you tomorrow.

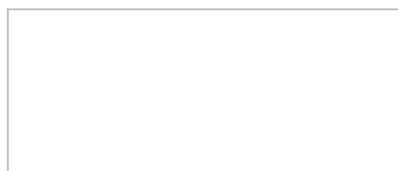
Kind regards,

**REDACTED**

**Operations Manager**

Tel: REDACTED

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**From:** REDACTED

**Sent:** Wednesday, November 22, 2023 2:16 PM

**To:** REDACTED \_\_\_\_\_

**Cc:** REDACTED \_\_\_\_\_

**Subject:** RE: Form B

[EXTERNAL]

Hi REDACTED

I still don't believe this is correct. And as previously mentioned several times you cannot change the commission rate that was bid in the tender, this is your fee and should not include any of the other costs, your bid was £REDACTED for a candidate with less than 5 years' experience and £REDACTED for a candidate with over 5 years' experience.

The candidate cannot be paid less than parity, I make the rate £REDACTED (although I still don't believe the renewal costs should be included here but REDACTED is off so we will have to leave that for now). I am not aware of all the other costs of a temporary recruitment therefore I will leave those to you and if

you have to add a note in the employment costs box to explain that to the hiring manager then please do that.

I do not think any of this can be blamed on the figure used in the tender as it was quite clear that was for evaluation purposes only and the incorrect figure only impacted the daily rate calculation not the commission rate. I think this again boils down to the fact that you were continuing to work on your REDACTED% commission and FWA have not absorbed the changes to the process or appreciated that we were moving on from how things have been in the past.

This is impacting the service to the hiring manager now and your SLA. I was not aware this still was not resolved when I spoke with you last week. Has there been a conversation with the candidates about their day rate, or the hiring manager as to what their budget is?

Regards  
REDACTED

---

**From:** REDACTED  
**Sent:** Tuesday, November 21, 2023 2:46 PM  
**To:** REDACTED \_\_\_\_\_  
**Subject:** RE: Form B

Hi REDACTED,

Further to the below we have attached updated Form B, based on our amended calculations from the pricing schedule (and using 224.5 days) our updated charge box is **£REDACTED** to use going forward.

You will note on Form B that the 'costs' box is holiday costs only (16.33%, which is 25 +11.5, Workers are on parity with SG employees) since we do not process 'rolled up' within the candidate hourly rate, with all Employer costs included in the commission box (as per Framework pricing schedule instructions).

The salary is based on £REDACTED (plus worker costs for pc renewal etc) = £REDACTED

Can you please confirm you agree with the attached and we will send to REDACTED as she is waiting to hear and to progress with the role / offer.

As REDACTED mentioned, the incorrect figures provided by the procurement department within the tender document means that we will need to explore this further and we will continue with our discussions separately on this.

Kind regards,

**REDACTED**  
**Operations Manager**  
Tel: REDACTED

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**From:** REDACTED  
**Sent:** Friday, November 17, 2023 9:52 AM  
**To:** [REDACTED](#)  
**Cc:** [REDACTED](#)  
**Subject:** RE: Form B

Hi REDACTED

I am sure, like you, we are keen for this to be resolved as soon as possible, particularly because of the current CRE role.

REDACTED has confirmed all 3 candidates have met the requirements of the role so when this is resolved she will confirm the successful candidate.

.  
That being said the incorrect figures provided by the procurement department within the tender document means that we will need to explore this further and adjust our calculations accordingly. This has not been straightforward at all for us and taking a lot of time to ensure all the correct figures are used. REDACTED especially has been working very hard to make sure the process is correct for everyone going forward.

Have a good weekend.

Best  
REDACTED

**REDACTED**  
**Managing Director**  
Tel: REDACTED

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Registration No. 659 3821 02

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**From:** REDACTED

**Sent:** Friday, November 17, 2023 8:22 AM

**To:** REDACTED \_\_\_\_\_

**Cc:** REDACTED \_\_\_\_\_

**Subject:** RE: Form B

[EXTERNAL]

Good Morning REDACTED,

I've commented below...

In relation to the additional candidate, it was certainly not our intention to move in to an area of non-compliance. It was slightly unusual circumstances, where unbeknown to us a current FWA contractor had approached the Hiring Manager, as they had been made aware internally that there was a vacancy within the team. The candidate then contacted us and requested that an application is made on their behalf. We had already submitted 3 candidates shortly prior to that who (in our opinion) met the requirements of the job specification. We checked with the Hiring Manager if an additional CV could be sent and agreed to send this additional candidate. There was no benefit to us in submitting an additional CV, we only did so in an attempt to assist the client. It took up additional resource and time for us to submit the CV and if that person was successful, they would have just been moving departments, so FWA would not actually see any benefit from the placement. We were purely attempting to achieve the best outcome for the client but have taken on board your comments. In future, we will ensure only 3 CVs are submitted notwithstanding any other external communications or requests. REDACTED will speak to REDACTED today. In any event, and after all of this, the 4<sup>th</sup> candidate has just contacted us to request their CV is withdrawn and so hopefully the matter has reached its close anyway. If the candidate had not done this, we would of course confirmed to REDACTED today that she is only eligible to select from the first three candidates. **I have to disagree when you say there was no benefit from you supplying a fourth candidate, it makes it more likely you are successful in filling the requirement. The only reason FWA got this opportunity is because the other supplier was not successful in offering three suitable candidates, if they had been given the chance to offer more this would disadvantage you. The hiring manager should have been advised that unfortunately the maximum limit had already been reached and you were unable to offer the fourth candidate as an option. I appreciate the thought process of trying to help the candidate but that ultimately**

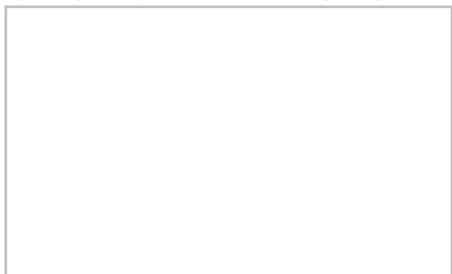
does not help you or I if it is out with the terms of the contract.

When we receive Form A it just states Equivalent Band – C1. Should we know from that if the Hiring Manager would like to retain at the bottom of the pay band or have the candidate/market dictate the rate? Or is that something we should check with the Hiring Manager when we discuss the role in more detail? **Absolutely it is something that should be discussed with the hiring manager at the outset, if you are not getting enough information on the forms then please go back and ask for more or engage via GLSS Resourcing mailbox and we will aid with that.**

The salary in the Form B I sent on is based on £REDACTED (plus costs for PC renewal etc = £REDACTED) as this is what the candidate would be on come January (they are already working via us in another division so were keen to stay on that level – though this candidate has now withdrawn).

I appreciate the below pricing schedule was based on 30 (rather than 25) we have based our workings on 224.5 days (rather than 211.5)  $365 - 104 - 25 - 11.5 = 224.5$

I wanted to check where 211.5 total is calculated from? **This came from procurement as the figure used in the other temporary staff frameworks, however your workings out are correct so apologies, please use that going forward.**



Do you know of any other pay rises coming up (should we use the list REDACTED provided) as it would be good to have all rises for the next 23 months in that case if it would avoid contract variations (in the event contracts were extended to that point).

**I believe REDACTED provided all the known rises at this time.**

Yes we would prefer to just state the rate we pay the candidate in the first box too and then include Hols costs in the costs box, I can adjust that.

If a call or Teams would be helpful to discuss things further then we would be happy to arrange this too.

**I think it may be good for FWA to review in full the tender documents and framework agreement, if there are any other queries then we can set up a call, I've some time off next week so would need to be early the following week. As I mentioned to REDACTED the other day, we are relying on your professional experience in the temping and legal industry, we have opened ourselves to candidates bidding their rates to get a better quality of candidate. However we need to remain in compliance with the procurement legislation in the operation of this framework therefore the bad practices we were in previously have to stop, that will sometimes mean we require your assistance to ensure the hiring managers are also following the process as it is a change for them too.**

Have a good weekend.

Best regards

REDACTED

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**From:** REDACTED  
**Sent:** Monday, November 6, 2023 9:42 AM  
**To:** REDACTED  
**Cc:** REDACTED  
**Subject:** Form REDACTED and Pay rates for new Increase over year

Morning REDACTED,

Hope you had a good weekend.

I know we have been discussing rates and changes, with this being the first placement and working on a salary. I wanted to let you know in regards to the new form I have attached, we have had to make further changes with the days worked on the structure. We were a little confused with it being 206 days but we have now released the candidate will work 211.5 days over the year. So in regards to this, the salary should be worked out over 211.5 days, so the Day rate is now slightly lower, but still the same amount of charge it is just over more days then we initially thought.

I hope you accept my apology for having to change the rate and form further, but we are trying to make sure this is correct for salary for you and the candidate.

Further more the salary changes that are up coming and the info you have requested: Please see below.

Salary's worked out via- 37hrs a week- Days worked 211.5 over the year. – Depending on PQE for our Charge.

		Jan 24	April 24	Jan 25
<b>Salary Given:</b>	£54,973	£56,020	£57,141	£57,701
<b>Daily Pay/Wage (excluding Vat)</b>	PAYE: [REDACTED]	PAYE: [REDACTED]	PAYE: £ [REDACTED]	PAYE: [REDACTED]
<b>PAYE and Limited rate: We work on a LTD basis.</b>	NI- [REDACTED] App- [REDACTED] Pen- [REDACTED]	NI- [REDACTED] App- [REDACTED] Pen- [REDACTED]	NI- £ [REDACTED] App- [REDACTED] Pen- [REDACTED]	NI- £ [REDACTED] App- [REDACTED] Pen- [REDACTED]
<b>Included in LTD rate. NI- App Levy- Pension Contribution</b>	LTD: [REDACTED]	LTD: £ [REDACTED]	LTD: [REDACTED]	LTD: [REDACTED]
<b>Commission rate per day (£) - in accordance with framework agreement rates (excluding VAT)</b>	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
<b>Total daily charge rate (£) (for example daily pay/wage rate plus daily commission rate etc.) (excluding VAT)</b>	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Again, please accept my apology.

Hope you have a great week, any further queries please let me know.

Many thanks,

**REDACTED**  
**Recruitment Consultant**  
 Legal



t: REDACTED

e: REDACTED



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**From:** REDACTED

**Sent:** Tuesday, November 7, 2023 11:46 AM

**To:** REDACTED

**Subject:** New Forms

Good morning

We've updated the forms for the new temporary staff framework following some recent learnings from using the new agreement. Please see attached for your info, and adaptation to suit your needs.

Kind regards  
REDACTED

**REDACTED | Outsourcing Manager | Scottish Government Legal Directorate | Victoria Quay,  
Edinburgh & Working remotely | Mobile: REDACTED**

LAW

Legal  
Awareness  
Week

6 to 10 November 2023



---

**From:** REDACTED

**Sent:** Friday, November 24, 2023 1:24 PM

**To:** REDACTED

**Subject:** RE: Form B

Hello REDACTED,

Thank you for sending this over, this looks good and I will use this moving forward, we can discuss anything further on Tuesday.

I hope you have a great weekend and look forward to speaking with you next week.

Kind Regards,

REDACTED

**Recruitment Consultant**

Legal



t: REDACTED

e: REDACTED



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Leave me a review:



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**From:** REDACTED

**Sent:** 24 November 2023 11:38

**To:** REDACTED \_\_\_\_\_

**Subject:** RE: Form B \_\_\_\_\_

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Hi REDACTED

Following from our discussions earlier this week, please see attached, we have tweaked the form again but it now mirrors that in the signed agreement. It has been updated in our buyer's guide and systems for the hiring managers to use with immediate effect. Where any cost is already included in a figure in another box, ie NI pension etc in day rate, it should still be detailed in the full rate box but with a note to that effect. This will ensure no double counting for the total figure in the final box. We can chat over in more detail on Tuesday.

Have a good weekend.

REDACTED

**REDACTED | Outsourcing Manager | Scottish Government Legal Directorate | Victoria Quay, Edinburgh & Working remotely | Mobile: REDACTED**

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