

Dear Applicant,

Freedom of Information request reference K/20/045

Thank you for your Freedom of Information (FOI) request dated 23 January 2020, reference K/20/045.

Your request read:

“How much in GBP did the university spend annually on commissions to Chinese education agents specifically for the referral of Chinese students in 2015, 2016, 2017, 2018 and 2019?

How many students in 2015, 2016, 2017, 2018 and 2019 were recruited through Chinese education agents that the agents then received commission for from the university?

How many current contracts does the university hold with Chinese education agents that promise the agency commission for each student recruited? In each case, what is that commission (i.e. a flat fee of XX amount, a percentage of the tuition fees etc.)?”

The University of Leeds holds this information.

The University of Leeds does have contracts with agents specialising in attracting students based in China. However, we consider that the detail of these contracts is commercially sensitive, and is therefore exempt from disclosure under section 43(2) of the FOI Act.

Section 43(2) sets out that information is can be withheld if disclosure would, or would be likely to, prejudice the commercial interests of any person or organisation, unless there is an overwhelming public interest in disclosure.

The recruitment of international students is an extremely competitive marketplace. To reveal the number of contracts held, the numbers of students recruited and the value of contracts would disadvantage both the University, and the agents with whom we work, by revealing sensitive commercial information to competitors.

It would not be difficult for those with some understanding of the marketplace (e.g. other universities or agents) to establish which organisations the University of Leeds works with, and therefore calculate how much individual contracts are worth. To reveal the nature and value of contracts held with agents would allow their competitors to ‘undercut’ them, unfairly disadvantaging incumbent providers. We consider that this would, in turn, be likely to damage relationships between the University and agents, dissuading agents from working with the University again in future, or making it more expensive to secure contracts. Any damage to working relationships between the University and its existing agents carries a risk that the contract will not be renewed on current terms, and the University will lose out commercially as a result.

The University would also be likely to suffer commercial disadvantage by revealing our policies and strategies regarding the engagement of agents. This could allow other Higher Education institutions and competitor universities within the UK and worldwide to change their approaches in the market (reduce charges, offer more favourable terms etc.), benefiting from the advantage of this information.

We are therefore satisfied that the disclosure of the requested information would be likely to prejudice the commercial interests of both the University, and agents with whom we contract.

We have therefore gone on to consider the public interest test in the disclosure of this information. There is a general public interest inherent in the FOI Act which supports the disclosure of information on an open and transparent basis. We also recognise that there is interest in how the University spends its income. To that end, we can confirm that no funds from UK sources are used to pay for agent services; they are funded entirely from the international student fee income collected annually by the University.

Conversely, we consider there to be a significant public interest in the University maintaining its ability to recruit students from a range of countries. Ensuring a diverse student body provides all our students with exposure to a range of cultures, languages and develops skilled graduates prepared to contribute to society and the economy after graduation.

We also consider it to be in the public interest to safeguard the position of agents in their home countries. International students looking to apply to the University of Leeds may not be familiar with the applications or admissions process, or with the language and/or wider culture. Agents act as conduits, supporting applications from students who may otherwise feel unable to initiate or continue an application and they play a vital role in supporting students through the complex process of preparing for and submitting applications for TIER 4 visas and raising the standard of visa applications to avoid wasteful inappropriate applications. Agents can also provide a supportive and consistent presence to students (and their families), reducing the risk of students 'dropping out' of the process part way through. It would, therefore, not be in the public interest to take any action (including the disclosure of this information) which would be likely to damage the commercial interests of individual agents.

We hope this information is helpful. If you have any questions about this email, however, please do not hesitate to contact us on foi@leeds.ac.uk

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you can request an Internal Review. Requests for Internal Review should be made in writing using the following contact information:

Post: Mr D Wardle
Deputy Secretary
The University of Leeds
Leeds

LS2 9JT

Email: foi@leeds.ac.uk

Requests for Internal Review should be submitted within 40 working days of receiving the University's response to your request. Further information about how the University manages Freedom of Information requests and about our complaints procedure is also available on our website (www.leeds.ac.uk).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review/complaints procedure provided by the University. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Kind regards

Chloe Wilkins

Freedom of Information Officer

Secretariat

University of Leeds