

Freedom of Information request 83-23

Request

We are aware that we sent you a similar request for the data on zero hours contract in 2020/2021. We are now interested to know whether this data has changed and some of the questions are different.

For clarification:

- By zero hours contract, I refer to the definition provided by section 27A of the Employment Rights Act 1996: "a contract for employment or other worker's contract under which
 - the undertaking to or perform work or services is an undertaking to do so conditionally on the employer making work available or services available to the worker, and
 - there is no certainty that any such work or services will be made available to the worker."
- By minimum hours contract, I mean a contract where the employer guarantees a small number of hours work, say 1 to 10 hours a week, which can be topped up by more hours if available.

1. What other terminology to do you use for contracts or arrangements meeting the above legal definition of zero hours contract?

2. How many workers/employees do you currently directly employ on zero hours contracts? What is the breakdown of these figures according to:

(a) sex: Male, Female, Other, Prefer not to say

(b) age: 16-17, 18-20, 21-22, 23-24, 25-34, 35-44, 45-54, 55-64, 65+

(c) race:

White - English/Welsh/Scottish/Northern Irish/British Irish

White - Gypsy or Irish Traveler

White - any other background

Asian or Asian British - Indian

Asian or Asian British - Pakistani

Asian or Asian British - Bangladeshi

Asian or Asian British - Chinese

Asian or Asian British - Any other background

Black or Black British - Caribbean

Black or Black British - African

Black or Black British - Any other background

Mixed - White and Black Caribbean

Mixed - White and Black African

Mixed - White and Asian

Mixed - Any other mixed background

Other ethnic group

Prefer not to say

3. What is the minimum, maximum and average number of hours per week carried out by zero hours staff?

4. Do you have a policy to offer zero hours shifts with notice, pay for zero hours shifts cancelled at short notice and to offer a fixed hours contracts to zero hours staff based on actual hours worked?
5. How many workers/employees do you currently indirectly employ on zero hours contracts via agencies, contractors, or sub-contractors? If this data is not available, please provide the names of the agencies, contractors, or sub-contractors that you use to employ workers indirectly.
6. How many workers/employees do you currently directly employ on minimum hours contracts or via agencies, contractors, or sub-contractors?
7. How many workers/employees in total do you currently employ? What is the breakdown of these figures according to same breakdown as Question 2? - please note this question concerns your entire workforce, not just zero hours staff.

Response

1. NHS Borders offers a Bank Arrangement whereby workers are offered working hours on an “as and when required basis” and there is no mutual obligation for the worker to accept offer of hours of work.
2. There are 557 workers/employees currently directly employed by NHS Borders on equivalent to zero hours contracts.

a) The breakdown by sex is:

Sex	Workers on Equivalent to Zero Hour Contracts (Headcount)
Female	419
Male	138
Total	557

b) The breakdown by age is:

Age	Workers on Equivalent to Zero Hour Contracts (Headcount)
16-17	<5
18-20	32
21-22	20
23-24	12
25-34	88
35-44	111
45-54	100
55-64	147
65+	45
Total	557

c) The breakdown by ethnicity is:

Ethnicity	Workers on Equivalent to Zero Hour Contracts (Headcount)
African - African, African Scottish or African British	<5
African - Other	0
Asian - Chinese, Chinese Scottish, or Chinese British	0
Asian - Indian, Indian Scottish or Indian British	8
Asian - Other	<5
Asian - Pakistani, Pakistani Scottish or Pakistani British	<5
Caribbean or Black - Other	0
Don't Know	45
Mixed or Multiple Ethnic Group	<5

Other Ethnic Group - Arab, Arab Scottish or Arab British	<5
Other Ethnic Group - Other	<5
Prefer not to say	71
White - Irish	7
White - Other	19
White - Other British	86
White - Polish	<5
White - Scottish	307
Not Answered	<5
Grand Total	557

3. The minimum number of hours in any one week for a bank worker is zero hours and the maximum is 40 hours per week. NHS Borders does not record information on the average number of hours per week carried out by Bank Workers, therefore, this information is not held, as defined in Section 17, Freedom of Information (Scotland) Act 2002.
4. NHS Borders does not have such a policy; each case will be determined by the appropriate line manager. As a result of special measures during the COVID-19 pandemic all bank staff were offered the opportunity of a fixed-term contract of employment.
5. NHS Borders do not engage workers on zero hours contracts indirectly via agencies, contractors or sub-contractors. NHS Lothian provides a joint supplementary staffing service for both NHS Lothian and NHS Borders.
6. NHS Borders does not employ any workers/employees on minimum hours contracts.
7. The total number of workers/employees currently directly employed by NHS Borders is:

Staff Not on Equivalent to Zero Hour Contracts (Head count)	All workforce (Headcount)
3383	3940

a) The breakdown by sex is:

Sex	Staff Not on Equivalent to Zero Hour Contracts (Head count)	All workforce (Headcount)
Female	2734	3153
Male	649	787
Total	3383	3940

b) The breakdown by age is:

Age	Staff Not on Equivalent to Zero Hour Contracts (Head count)	All workforce (Headcount)
16-17	8	10
18-20	34	66
21-22	55	75
23-24	69	81
25-34	559	647
35-44	733	844
45-54	998	1098
55-64	851	998
65+	76	121
Total	3383	3940

c) The breakdown by ethnicity is:

Ethnicity	Staff Not on Equivalent to Zero Hour Contracts (Head count)	All workforce (Headcount)
African - African, African Scottish or African British	7	8
African - Other	<5	<5
Asian - Chinese, Chinese Scottish, or Chinese British	5	5
Asian - Indian, Indian Scottish or Indian British	29	37
Asian - Other	18	20
Asian - Pakistani, Pakistani Scottish or Pakistani British	7	8
Caribbean or Black - Other	<5	<5
Don't Know	40	85
Mixed or Multiple Ethnic Group	7	8
Other Ethnic Group - Arab, Arab Scottish or Arab British	9	13
Other Ethnic Group - Other	17	19
Prefer not to say	549	620
White - Irish	49	56
White - Other	137	156
White - Other British	396	482
White - Polish	<5	6
White - Scottish	2104	2411
Not Answered	<5	<5
Grand Total	3383	3940

As the number of staff in some areas are very small and in accordance with the Code of Practice for Official Statistics any number that is less than five, actual numbers and potentially identifiable information is withheld to help maintain patient confidentiality due to potential risk of disclosure. Further information is available in the [ISD Statistical Disclosure Control Protocol](#)

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or foi.enquiries@borders.scot.nhs.uk.

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **83-23** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.