

Reference Number: FOI202223/557
From: Other
Date: 27 January 2023
Subject: Use of zero hours contracts in the tax year 2022/2023

I write to request information about your use of zero hours contracts in the tax year 2022/2023 under the Freedom of Information Act 2000.

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.

Q1 What other terminology do you use for contracts or arrangements meeting the above legal definition of zero hours contract?

A1 [0 Hours Contract](#)

Q2 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 Traveller
 - 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

A2

A:

Contract Hours: 0

Gender	Total
Female	51
Male	25
Grand Total	76

B:

Contract Hours: 0

Age Range	Total
21-15	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
26-30	13
31-35	14
36-40	8
41-45	11
46-50	6
51-55	8
56-60	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
61-65	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
66-70	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
>=71 years	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
Grand Total	76

C:

Contract Hours: 0

Age Range	Total
A White - British	49
B White - Irish	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
C White – Any other White background	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.

G Mixed – Any other Mixed background	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
H Asian or Asian British - Indian	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
N Black or Black British - African	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
R Chinese	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
S Any Other Ethnic Group	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
Unspecified	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
Z Not Stated	6
Grand Total	76

Q3 What is the minimum, maximum and average number of hours per week carried out by zero hours staff?

A3 Minimum: 0 hours
Maximum: 48 hours
Average: Information not held – the Trust does not routinely collate or hold this information centrally as part of its management or performance data.

Q4 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?

A4 The Trust does not 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.

Q5 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.

A5 Not applicable – NHS Professionals, the Trust's temporary staffing provider, have advised that bank and agencies do not operate and employ staff on zero hours contracts.

Q6 How many workers/employees do you currently directly employ on minimum hours contracts or via agencies, contractors or sub-contractors?

A6 359

Q7 How many workers/employees in total do you currently employ? What is the breakdown of these figure according to same breakdown as Question 2? - please note this question concerns your entire workforce, not just zero hours staff.

A7 Contract Hours: All

Gender	Count of Employee
Female	3600
Male	755
Grand Total	4355

Age Range	Total
<=20 years	10
21-15	353
26-30	556
31-35	633
36-40	613
41-45	537
46-50	455
51-55	445
56-60	405
61-65	251
66-70	80
>=71 years	17
Grand Total	4355

Age Range	Total
A White - British	3613
B White - Irish	67
C White – Any other White background	138
C2 White Northern Irish	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
C3 White Unspecified	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
CA White English	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
CC White Welsh	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
CY White Other European	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.

D Mixed – White & Black Caribbean	18
E Mixed – White & Black African	9
F Mixed – White Asian	15
G Mixed – Any other mixed background	20
GD Mixed – Chinese & White	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
GF Mixed – Other/Unspecified	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
H Asian or Asian British - Indian	244
J Asian or Asian British - Pakistani	19
K Asian or Asian British - Bangladeshi	6
L Asian or Asian British – Any other Asian Background	22
LA Asian Mixed	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
LE Asian Sri Lankan	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
M Black or Black British - Caribbean	8
M Black or Black British - African	36
P Black or Black British – Any other Black Background	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
PD Black British	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
PE Black Unspecified	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
R Chinese	22
S Any other Ethnic Group	32
SB Japanese	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
SD Malaysian	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
SE Other Specified	Information exempted under Section 40: Personal data. Providing this

	information would likely identify individuals involved.
Unspecified	18
Z Not Stated	43
Grand Total	4355

The Trust is unable to respond to all or specific elements of your request where the response would indicate five or less individuals. The Trust is withholding this information under Section 40 (Personal Information) of the Freedom of Information Act (FOIA) 2000 to reduce the risk of any individuals being identified. The Trust is of the view that disclosure of such information would significantly increase the risk of individuals being identified and as such would constitute a breach of their personal data.

The Trust has applied exemption Section 40(2) of the FOIA and is therefore withholding the information as disclosure which may identify an individual would breach their rights under the Data Protection Act 2018. The grounds for application of this exemption include:

- Any data relating to patients or staff is third party data, furthermore health data is classified as sensitive personal data within the Data Protection Act 2018. As such, Section 40 (2) of the FOIA applies along with the Trusts duty of confidentiality. Therefore under s.2 (3) (f) (ii) of the FOIA, there is an absolute exemption from disclosure on the grounds that it would contravene the First Data Protection Principle.
- The Trust has a duty under the Data Protection Act 2018 and specifically the First Data Protection Principle to ensure personal data regarding staff and patients is processed fairly and lawfully. Disclosure of such data which may identify an individual, either through the data alone or other data in conjunction with that data which may identify an individual would therefore breach this principle.
- The Data Protection Act 2018 defines sensitive personal data to include data relating to the “physical or mental health or condition” of a person. Any such information about specific individuals falls within this category and disclosure of such data including statistical data, with any potential likelihood of identification would breach the Data Protection Act 2018.