

Ref: FOI12882

Date: 09 October 2015

Email address: Agustin Palacio <request-270931-b28fa234@whatdotheyknow.com>

Dear Sir

**Re: Your Request for Information - Freedom of Information Act 2000 Revised response**

I am writing in response to your recent enquiry for information held by the Authority under the provisions of the Freedom of Information Act 2000 and your subsequent request for an internal review. Can I begin by apologising for the delay in responding to your request for an Internal Review.

**Request**

1. *How many employees were on zero hour contracts in 2014? Also how many employees there were in total on any type of contract?*
2. *Can we see a summary of the distribution of roles that workers have?*

An email was sent to you on 02 June 2015 asking for clarification of what was requested in question 2 and your response was as follows:

*With 'distribution of roles' I meant what roles they have: officers, secretaries, consultants...*

**Original response**

1. There are no employees who are on zero hours contracts. All Council employees have an agreed number of hours, either on a weekly, termly or annualised basis, although this may vary from year to year based on the requirement. For example, Adult Education tutors and instrumental music teachers' hours of work may fluctuate from year to year depending on the number of courses or students.

The Council does use the services of casual workers in situations where there is a requirement for the provision of occasional work and where the Council cannot predict the exact staffing levels it will require. All casuals are paid at the bottom Spinal Column Point of the grade of the post they are undertaking, a minimum of the living wage in line with other employees. There is no mutuality of obligation – this means that the council is not required to offer work nor is the worker obliged to accept any work offered. Hours of work will vary depending on the requirement at that point on time.

2. Officers – 15,617  
Secretary - 22  
Consultant – 45

Please note that these figures do not include schools.

### Additional response

There would have been a different understanding of zero hours contracts during the timeframe of the two Freedom of Information requests that you submitted. Since the previous response a common set of characteristics of a zero hours contract has been developed within the City Council which is as follows:-

1. Exclusivity requirements. There is no obligation on the casual worker to work exclusively for the City Council and there is freedom to work for other employers.
2. Inability to refuse work when offered – without suffering a detriment. There is no mutuality of obligation on the casual worker to accept hours offered. If they do reject the hours offered there is no penalty invoked should there be a further opportunity to work in a casual capacity for the City Council.
3. The zero hour contract provision of exclusivity and inability to refuse work are NOT features of the City Council's casual worker arrangements.

As at June 2015 the total casual pool is 1,852, representing approximately 12% of total workforce of 15,684. The casual pool is split across Directorates of the City Council as follows:-

People	325
Place	1,094
Economy	433
Total	<u>1,852</u>

### **Top six areas as at June 2015**

Sport and Leisure casuals	784	Used by districts on an ad-hoc basis, Saturday, Schools holidays and for large events
Canvassers	420	Occasional basis around elections
Care Assistants	101	Pool of emergency cover for Children's Homes
Pupil Guides	176	Pool of emergency cover for pupil guides – escorting to schools
Library Assistants	49	Casual cover for libraries
Invigilators	62	Occasional exam invigilation for Adult Education Service

If subsequently you are not satisfied with the Council's decision following the review you may apply to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless You have exhausted the complaints procedure provided by the Council. The Information Commissioner can be contacted at the following address:

The Information Commissioner  
Wycliffe House

Human Resources  
Birmingham City Council  
Human Resources Team (WS)  
PO Box 16320  
B2 2XU

**Human Resources**

Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 01625 545745

Web Address: [www.ico.org.uk](http://www.ico.org.uk)

Yours faithfully

Mary Earl  
HR Professional Support Service Team

**Data Protection Act 1998**

The information you have provided within your Freedom of Information request will be held on our database and may also be held within manual records for a period of 2 years from the date Birmingham City Council received your request. Any personal data that you provide to Birmingham City Council will be held in line with the requirements set out within the Data Protection Act 1998.

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