

## East Lothian Council

FOI Ref: 2018/145(13280)

***Do you directly provide any care services in which care staff perform sleep-in shifts?***

Yes

***If yes, are the care workers paid a lump sum for the sleep-in shifts or are they paid an hourly rate?***

Contracted Hourly rate plus Sleep-in allowance of £35.41 per sleep-in (wef 1 April 2017)

***If they are paid a lump sum, what steps do you take to ensure that their average hourly wage - when all their working time is taken into account - is compliant with the National Living Wage?***

A review has been undertaken to establish that pay is compliant with National Living Wage.

***Do you commission care employers who employ care workers on sleep-in shifts?***

Yes

***Please list those providers.***

ELCAP  
ENABLE – East Lothian  
Crossreach  
Autism Initiatives  
Places for People  
ARK  
The Action Group  
Beyond Homecare  
Thistle Foundation

***Are those providers required by you to pay care workers who work sleep-in shifts at an hourly rate, as opposed to a lump sum?***

\*

***Do you carry out any checks to ensure that those care workers contracted by your council are paid at least the National Living Wage?***

Through the tender process for our Care at Home Providers, providers are evaluated on Fair Working Practices.

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***Have you given any guidance to your care providers who employ workers on sleep-in shifts about ensuring compliance with the National Living Wage?***

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\*It may help to explain that Freedom of Information legislation only applies to information which is held or recorded by a public authority. It does not apply to views, opinions, intentions or questions which simply require a yes/no answer. In view of this, some of the questions asked are not technically valid for the purposes of this legislation as they are not requests for specific recorded information that East Lothian Council (ELC) may or may not hold.

In order to assist you, colleagues have addressed the questions posed to the best of their knowledge although, under Section 17(1)(b) of the Act, I must formally advise you that ELC has been unable to comply with those parts of your request marked \* as the information you require is not held.

For future reference, a link to the "Tips for Requesters" page of the Scottish Information Commissioner's website has been provided which you may find useful:

<http://www.itspublicknowledge.info/YourRights/Tipsforrequesters.aspx>