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Ref: FOI2015/02020

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24 February 2015

Dear

Thank you for your email of 19 February 2015 requesting the following information:

Why are they getting over 20 minutes for a meal break? Under the Working Time Directive which applies to most adult workers, including those who work part time, are employed by an agency or if you work as a freelancer, you are entitled to one rest break of 20 minutes if you are employed for more than six hours a day. Therefore, even on a 12 hour shift, you would still only be legally entitled to ONE rest break. For example, if you are given a lunch break of 20 minutes or more, that counts as your full entitlement for that day. The break must be given to you during your shift and not at the beginning or end of it.

This is shocking, information is not held on customer service agreements? I was at a site where the MGS CSO4 was called by the unit for breaching the customer service agreement in on a regular basis. Could I request a copy of the MGS customer service agreement please?

CRB checks? Your answer This information is not recorded centrally but MOD is not aware of any MGS officer failing a CRB in the last five years. Is this not a waste of public money to not keep records of people who have failed? I know people failed. Why is this information not recorded? These checks are for security purposes and given the current climate is this not a risk to the MOD? Some MOD sites have young children! Would it not be wise for the MOD to keep such records? Please see <http://www.cbscreening.co.uk/crb-checks>

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

I am writing to confirm that Ministry of Defence (MOD) holds some of information on the subject you have requested.

Question (Q): *Why are they getting over 20 minutes for a meal break?*

Answer (A): There is a statutory entitlement to 20 minutes meal break under the Working Time Regulations. However, MGS officers are non-industrial civil servants and have an entitlement under MOD terms and conditions of service to a longer break as set out in MOD's Policy Rules and Guidance. An 8 hour worker is entitled to a 1 hour meal break and a 12 hour worker to a 1 1/2 hour

meal break. Both 8 hour and 12 hour workers work a 42 hour week (gross) which includes meal breaks i.e. 37 hours net. This is in line with all other MOD non-industrial civil servants.

Q: Could I request a copy of the MGS customer service agreement please?

A: Each unit at which the MGS are employed has a tasking agreement, a typical agreement has been provided at Annex A.

Q: CRB checks? Is this not a waste of public money to not keep records of people who have failed? Why is this information not recorded? These checks are for security purposes and given the current climate is this not a risk to the MOD? Some MOD sites have young children! Would it not be wise for the MOD to keep such records?

A: Information is not held by MOD in relation to failed CRB checks as there is no requirement to do this. Any information which would have been held in relation to this would have been exempt under Section 40(2), in order to protect personal information as governed by the Data Protection Act 1998. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

Yours sincerely

DIO Secretariat

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting **the Information Rights Compliance team, 1st Floor**, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FQI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.