

EIR Request (received 16 December 2023) - Reference: DFI/2023-0468

I am trying to source a copy of the contract and policy detailing the pay allowances and terms and conditions for DFI staff being on call for the three positions listed below.

DFI roads winter service duty supervisor.

DFI roads winter service duty controller.

DFI rivers SPTO on call duty officer.

And

I am trying to source a copy of the contract and policy detailing the pay allowances and terms and conditions for Trafficwatch NI management staff being on call outside normal working hours.

Response (issued 18 January 2024)

Thank you for your two emails dated 16 December 2023 requesting the following information held by the Department:

I am trying to source a copy of the contract and policy detailing the pay allowances and terms and conditions for Dfi staff being on call for the three positions listed below:

- *Dfi Roads Winter Service Duty Supervisor;*
- *Dfi Roads Winter Service Duty Controller; and*
- *Dfi Rivers SPTO on-call Duty Officer.*

and

I am trying to source a copy of the contract and policy detailing the pay allowances and terms and conditions for Trafficwatch NI management staff being on call outside normal working hours.

In considering your request on behalf of the Department, I have determined that the information requested falls under the aegis of the Environmental Information Regulations 2004 (EIR), as opposed to Freedom of Information Act 2000. Your request is for information that relates to activities, policies or plans that affect the environment. Section 39 of the

Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information.

A guide explaining the Environmental Information Regulations can be found at: <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/guide-to-the-environmental-information-regulations/>.

The Environmental Information Regulations established general public rights of access to environmental information held by public authorities, similar to the general rights established under FOI. There is no provision for privileged access to information, it may either be released to the World at large, or it must be withheld. Any information provided in response to an information request (either FOI or EIR) is considered to have been placed in the public domain.

In response to your request, I can confirm that the Department for Infrastructure holds some, limited, information relating to the terms and conditions of out of hours roles. The Department for Infrastructure holds copies of the following:

- DfI Roads Winter Service and Emergency Response Supervisor - 2023-2024 Interest Circular, associated Job Description and FAQs issued to staff;
- DfI Roads Winter Service Duty Controller - 2023-2024 (the example provided is from Northern Division) Trawl/Expression of Interest email issued to PPTOs. Please note that, in some Divisions, Section Engineers are the Duty Controllers and no Trawl/Expression of Interest is issued;
- DfI Rivers Flooding Officer Rota - September 2022 memo seeking volunteers to be included in the Rota; and
- Traffic Information and Control Centre (TICC) Traffic Control Operator - September 2022 PTO Grade Expression of Interest Circular issued to all DfI staff.

I have also included a copy of document from 2006 providing a calculation issued to Divisional Roads Managers of how Emergency Call-Out Overtime Payments to be paid to staff at various P&T grades, including Duty Controllers, would work in practice.

I can confirm, following discussions with the relevant business areas in the Department, that DfI does not hold additional information for the on-call positions within the scope of your request. I attach copies of the information held by the Department.

You will note that the attached information has been redacted. The redacted information constitutes third party personal data within the meaning of the Data Protection Act 2018 (DPA). A public authority may only release third party personal data if to do so would be fair,

lawful and would meet the conditions in Schedule 2, 3 or 4 of the DPA. The Department may not disclose personal information to the public in contravention of any of the data protection principles (Article 5(1) UK General Data Protection Regulation or sections 34(1) and 85(1) DPA) and must consider all consequences of disclosure in each case.

The information provided has therefore been redacted under the exception provided under EIR by Regulation 12(3) & 13: personal information. I am satisfied that the public interest is best served by withholding this information.

As with all NICS roles, Dfl out of hours staff pay allowances and their terms and conditions are governed by NICS HR policies contained within the [Northern Ireland Civil Service Handbook](#). Among these HR policies, the following Pay and Reward policies are likely to be of interest: [8.08 Overtime Pay](#), [8.18 On-Call and Standby Allowances](#) and [8.24 Shift Disturbance and Night Duty Allowances](#).

These NICS HR policies, along with all HR functions in the Northern Ireland Civil Service, are the responsibility of the Department of Finance, and you may wish to direct your specific queries to that Department. The contact email for the Department of Finance's FOI Team is foi@finance-ni.gov.uk.

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