

**The Education Centre,
Tralee**

**Freedom of
Information Act
Sections 15 & 16
Reference Book**

**A guide to the functions, records, rules and
practices of The Education Centre, Tralee**

31st May 2006

Preface

Background

This The Education Centre, Tralee FOI Sections 15 and 16 Reference Book – A Guide to the functions, records, rules and practices of the The Education Centre, Tralee, 31st May 2006 is compiled in accordance with the Freedom of Information Acts 1997, as amended by the Freedom of Information Act 2003. All references in this manual to the Freedom of Information Act or Acts refer to the 1997 Act as amended by the 2003 Act.

The Freedom of Information (FOI) Acts, effective from 21st April 1998, establish three new statutory rights:

- a legal right for each person to access information held by public bodies;
- a legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading; and
- a legal right to obtain reasons for decisions affecting oneself.

The Acts assert the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

Purpose of Reference Book

This reference book has been prepared and published in accordance with the requirements of Sections 15 and 16 of the FOI Acts.

In accordance with **Section 15** of the Act, the purpose of this reference book is to facilitate access to official information held by The Education Centre, Tralee, by outlining the structure and functions of this organisation, details of the services we provide and how they may be availed of, information on the classes of records we hold, and information on how to make a request to the The Education Centre, Tralee under the Freedom of Information Acts, 1997 and 2003.

Section 16 of the FOI Act requires us to publish a book containing:

- the rules, procedures, practices, guidelines and interpretations used by the body, and an index of any precedents kept, for the purposes of decisions under any enactment or scheme administered by us ‘with respect to rights, privileges, benefits, obligations, penalties or other sanctions to which members of the public are or may be entitled or subject under the enactment or scheme’ together with
- ‘appropriate information in relation to the manner or intended manner of administration of any such enactment or scheme.’

How to use this Reference Book

This book is divided into a number of parts.

Part 1 of the Book - **Access to Information** - explains how to access information from us under and any fees that may arise.

Part 2 of the Book - the “**Our Role and Structure**” - outlines the role of the The Education Centre, Tralee and its organisational structure. This part gives a breakdown of our internal structure and organisation. Information is provided under the following headings:

- **Role** – outlines the main work we do.
- **Structure** – gives details of our personnel structure.

- **Work we do** – provides a synopsis of our main activities.
- **Classes of records held** – details the under which the we hold records.
- **Contact points**– how to contact us for assistance.
- **Rules and Practices** – this information is provided in accordance with Section 16 of the FOI Act as amended. Where we provide any scheme impacting on the public within the meaning of Section 16 of the Act, as outlined under the heading Purpose of Reference Book earlier, then the rules and practices that we use in delivery of this scheme are outlined or referenced under the Rules and Practices heading.

Appendices

- **Appendix 1 –FOI application form** to request access to records under the Act from The Education Centre, Tralee.

Availability of this Book

Copies of this publication are available free of charge from

- The Education Centre, Tralee,
Dromtacker, Tralee, Co.Kerry
Phone: 066-7195000 Fax: 066-7195091
- Download/Print at: www.edcentretralee.ie

Part 1 - Access to Information

How to get information

Routinely Available Information

The Education Centre, Tralee routinely provides the following information about its functions and services:

- Information about the Centre, its facilities, resources and programmes is published on its website, newsletters, and brochures. This information may be obtained by contacting the Centre and need not be requested under the Freedom of Information Act.
- Contact details relating to the primary and post-primary schools in our catchment area are available at www.edcentretralee.ie
- A copy of the The Education Centre, Tralee Annual Report may be requested by contacting the centre.

Other Information Held by The Education Centre, Tralee

In accordance with its functions, The Education Centre, Tralee holds the following classes of records:

- Records in relation to meetings of its Management Committee and sub-committees
- Records relating to the administration of Programmes / Projects
- Internal administrative files
- Records and contact details of teachers who attend professional development programmes in the Centre
- Records in relation to the financial management of the Centre
- Records in relation to personnel of the Centre
- Records of Evaluation forms for all courses

Applications under the FOI Act

Under the FOI Act, anyone is entitled to apply for access to information not otherwise publicly available. Each person has a right to:

- Access to records held by us not covered by one of the exemptions in the Act.
- Correction of personal information relating to oneself held by us where it is inaccurate, incomplete or misleading.
- Access to reasons for decisions made by us directly affecting oneself.

The following records come within the scope of the Act:

- All records relating to personal information held by us irrespective of when created.
- All other records created from commencement date of the Act i.e. 21st April 1998.
- Any other records necessary to the understanding of a current record.
- Personnel records of serving staff created from 21st April 1995 and those created prior to that date where they are being used or proposed to be used in a way which adversely affects or may affect the person involved.

We will normally be obliged to respond to a request within 4 weeks. A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays and public holidays (Sundays are also excluded, as they are not week days).

Applications under the FOI Act should be addressed to:

**Ms. Caitríona Ní Chullota,
Freedom of Information Officer,
The Education Centre, Tralee,
Dromtacker, Tralee,
Co. Kerry.**

Compiling your application

- (i) Your application should be in writing and, if applicable, accompanied by the appropriate fee (see "fees" below). The relevant fee should be paid by ; Bank Draft, Money Order, Postal Order or Cheque drawn on a bank in the Republic of Ireland, made payable to The Education Centre, Tralee.

You may use the form entitled 'Request for Information under the Freedom of Information Acts' which is widely available or OUR version of this form (see Appendix 1). This form is also available from www.edcentretralee.ie.

If you are not using the form outlined above, then your application should indicate that the information is sought under the Freedom of Information Act.

- (ii) If you require a reply in a particular format i.e. photocopy, computer disk, etc. please mention this in your application.
- (iii) Please be as detailed and as specific as possible when compiling your application as this will assist us in dealing with it. It can also result in lesser charges being incurred on search and retrieval in cases where these fail to be paid. Where possible please try to indicate the time period for which you wish to access records e.g. records created between May 2003 and December 2003. If you have any difficulty in preparing your application our staff will be happy to assist you in this regard.
- (iv) You may be required to prove your identity, especially when seeking personal information, so you may, therefore, be asked to produce your Birth Certificate, Driving Licence, Passport or other form of identity.
- (v) Please include a daytime telephone number, if possible, so that you may be contacted quickly if it is necessary to clarify details of your request.

We are happy to provide assistance to members of the public who seek advice on making a request.

Assistance to persons with a disability

We are available to provide assistance to persons with a disability to exercise their rights under the FOI Act (e.g. accepting oral requests from requesters who are unable to read, print and/or write due to their disability, enabling the requester to inspect or have records explained to him or her).

FOI Decision Making in The Education Centre, Tralee

Freedom of Information Decisions are made by Ms. Caitríona Ní Chullota, Director, The Education Centre, Tralee, Dromtacker, Tralee, Co. Kerry. Any internal appeal will be dealt with by The Management Committee of the Education Centre, Tralee.

We acknowledge receipt of FOI applications not later than 2 weeks (10 working days) following their receipt and forward them to the FOI Decision Maker for decision. The Decision Maker proceeds to deal with the request, liaise with the requester as appropriate and make a decision on the matter. *Please note: the Centre is closed for holidays at Christmas, Easter and Summer. Postal deliveries to the Centre are suspended during these periods.*

Rights of Review and Appeal

The Act sets out a series of exemptions to protect sensitive information where its disclosure may damage key interests of the State or of third parties. Where a Public Body invokes these provisions to withhold information, the decision may be appealed. Decisions in relation to deferral of access, charges, forms of access, etc. may also be the subject of appeal. Details of the appeals mechanisms are as follows:

Review by the Information Commissioner

Following completion of internal review, you may seek independent review of the decision from the Information Commissioner. Also if you have not received a reply to your application for internal review within 3 weeks, this is deemed to be a refusal and you may appeal the matter to the Information Commissioner.

Appeals in writing, and, if applicable, accompanied by the appropriate fee, (see under Fees below) may be made directly to the Information Commissioner at the following address:

**Office of the Information Commissioner
18 Lower Leeson Street,
Dublin 2**

**Telephone: 01-6395689
Fax: 01-6395676
E-mail: info@oic.ie
Website: http://www.oic.ie**

Fees

Application fees

A standard application fee of **€15** must accompany an FOI request made under section 7 of the Act for a record or records **containing non-personal information**.

A reduced fee of **€10** applies if the person making such a request is covered by a medical card.

The following requests/applications are exempt from application fees:

- (a) A request under section 7 for a record or records containing only personal information related to the requester.

- (b) An application under section 17 (right of amendment of records relating to personal information).
- (c) An application under section 18 (right of person to information regarding acts of public bodies affecting the person).

Review by Information Commissioner

A standard application fee of **€150** must accompany applications to the Information Commissioner for review of decisions made by public bodies under section 34 of the Act.

A reduced fee of **€50** applies if

- (a) the person bringing the application is a medical card holder or a dependant of a medical card holder or
- (b) the person is specified in section 29(2) i.e. a third party with the right to apply directly to the Information Commissioner where a public body decides to release their information on public interest grounds.

The following applications to the Information Commissioner do not require an application fee:

- (a) An application concerning records containing only personal information related to the applicant.
- (b) An application in relation a decision under section 17 (right of amendment of records relating to personal information).
- (c) An application in relation to a decision under section 18 (right of person to information regarding acts of public bodies affecting the person).
- (d) An application in relation to a decision to charge a fee or deposit exceeding €25.00 under section 47 in respect of search and retrieval and photocopying of records (decisions in relation to the charging of fees or deposits for search and retrieval and/or photocopying of less than €25 are not subject to review by the Information Commissioner).
- (d) An application in relation to a decision to charge a fee under section 47(6A), or a fee of a particular amount under section 47(6A), on the grounds that the records concerned do not contain only personal information related to the requester or the requester is not a medical card holder or a dependant of a medical card holder.
- (e) An appeal of an internal review decision which is deemed to be refused because that decision was not made within the required time limits.

Search and Retrieval and photocopying fees

Fees may also be charged for search and retrieval of records as follows:

- In respect of personal records, fees in respect of the cost of copying the records requested will apply.
- In respect of other (non-personal) information, fees may be charged in respect of the time spent in efficiently locating and copying records, based on a standard hourly rate of €20.95. No charges shall apply in respect of the time spent by public bodies in considering requests.

A deposit may be payable where the total fee is likely to exceed €50.79. In these circumstances, we will, if requested, assist the member of the public to amend the request so as to reduce or eliminate the amount of the deposit.

Charges may be waived in the following circumstances:

- where the cost of collecting and accounting for the fee would exceed the amount of the fee; or
- where the information would be of particular assistance to the understanding of an issue of national importance; or
- in the case of personal information, where such charges would not be reasonable having regard to the means of the requester.

Section 47 of the FOI Act sets out the rules for applying search and retrieval fees. Fees are currently set as follows in accordance with Statutory Instruments Nos. 264 of 2003, 139 of 1998 and 13 of 1997:

- €20.95 per hour - search and retrieval
- €0.04 per sheet for a photocopy
- €0.51 for a 3½ inch computer diskette
- €10.16 for a CD-ROM
- €6.35 for a Radiograph (X-Ray)

Part 2 – Our Role and Structure

Our Mission Statement

The mission of the The Education Centre, Tralee is defined under the Education Act 1998, and is as follows:

- a) To provide a meeting place for the dissemination of knowledge and information to all teachers, especially by the organisation of courses, seminars, conferences, lectures, debates, symposia and all other means subject to the approval of the committee.
- b) To encourage fruitful links with and between the different levels of education.
- c) To act as a resource centre which would enable teachers to prepare and construct equipment and materials for use in their own schools and in addition to facilitate the display of teachers' and pupils' work and materials for use in their own school and to provide for a display of textbooks, materials and equipment.
- d) Co-operate and engage with other Education Centres, full and part-time, so as to ensure that an effective network of centres is established.
- e) Plan for the development of expertise in key areas and to share such expertise throughout the Education Centre Network and the education system in general.

Our Policy on Confidentiality

We undertake to treat as confidential any information provided to it in confidence by individuals or others, subject to our obligations under the law, including the Freedom of Information Act. If, for any reason, you wish that information provided to us should not be disclosed because of its sensitive nature, then you must, when supplying the information, make clear this wish and specify the reasons for the information's sensitivity. We will consult with you before making a decision on any Freedom of Information request received involving sensitive information which you may have supplied.

Detailed Information on our Structure and Organisation

The The Education Centre, Tralee is one of a network of 21 full-time and 9 part-time Education Support Centres. The Centre is funded by the Teacher Education Section of the Department of Education and Science.

Structure / Constitution

The Education Centre, Tralee is governed by a constitution (please see appendix 2a).

Membership of the Centre is open to all teachers serving in schools recognised by An Roinn Oideachais and also to those who have successfully completed a teacher training course which is recognised by An Roinn Oideachais.

The management of the Centre is overseen by a Management Committee comprising of 6 primary teachers, six post-primary teachers and 3 co-options from third level institutions. The Management Committee is elected each year at the centre's AGM. For a full list of the committees current membership please see appendix 2b).

The Director of the Centre is Secretary to the Management Committee. The Director is responsible, subject to the authority of the Management Committee, for the day to day running of the Centre, in accordance with the 'Guidelines, the Financial procedures for Centres' and other circulars as may be issued from time to time by the Department of Education and Science.

Operational Structure / Staff

In addition to the Director the Centre employs four full-time administrators, an ICT Advisor and a Housekeeper.

The Centre also serves as a base for the Reading Recovery Teacher Leader.

The The Education Centre, Tralee participates in the Community Employment Scheme under which it avails of the services of four part-time secretaries and three part-time caretakers.

For a full list of the centres staff please see appendix 2c.

Work we do / Services we Provide

- Local co-ordination of national programmes.
- Organisation and delivery of, evening, weekend and summer elective programmes for primary and post-primary schools.
- Bureau services for the education community.
- Support for teacher professional networks and communities.
- Conference / event management.
- Project Management services.
- ICT support & training.
- Venue hire.
- Software resource library.
- Library (restricted access).
- Substitute Teacher Placement Service.

Classes of records held

In accordance with it's functions, The Education Centre, Tralee holds the following classes of records:

- Records in relation to meetings of its Management Committee and sub-committees
- Records relating to the administration of Programmes / Projects
- Internal administrative files
- Records and contact details of teachers who attend professional development programmes in the Centre
- Records in relation to the financial management of the Centre
- Records in relation to personnel of the Centre
- Records of Evaluation forms for all courses

Contact points

Postal Address: The Education Centre, Tralee, Dromtacker, Tralee, Co. Kerry

Telephone: 066-7195000

Fax: 066-7195091

Web: www.edcentreralee.ie

Email: edcentreralee@eircom.net

Appendices

Appendix 1

**The Education Centre, Tralee
Request for Access to Records
under the Freedom of Information Act, 1997 & 2003**

Please address this request to: The Freedom of Information Officer, The Education Centre,
Tralee, Dromtacker, Tralee, Co. Kerry

Please use BLOCK letters

Details of Applicant

Surname

First Name

Postal Address:

Telephone Number(s)

Home: _____

Business: _____

Office Use Only

Date FOI Request Received _____

Identify Verified _____

Consent Confirmed _____

Personal Information

Before you are given access to personal information relating to yourself, you may be asked to provide proof of your identity.

Form of Access

My preferred form of access is: *(please tick as appropriate)*

to receive copies of the records by post

other - please specify

Appendix 2(a)

THE EDUCATION CENTRE, TRALEE

CONSTITUTION

1. **Title:**
The Centre shall be known as "An tIonad Oideachais, Trá-Lí" or in English "The Education Centre, Tralee."
2. **Aims and Objectives:**
 - (a) To provide a meeting place for the dissemination of knowledge and information to all teachers, especially by the organisation of seminars, conferences, lectures, debates and symposia and by all other means subject to the approval of the Committee.
 - (b) To promote and encourage research and experimental projects in the field of Education.
 - (c) To act as a resource centre which would enable teachers to prepare and construct equipment and materials for use in their own schools and in addition to facilitate the display of teachers' and pupils work and materials and to provide for a display of textbooks, materials and equipment.
 - (d) To act as a means of and to promote in-service training.
 - (e) To formulate objectives which respond rapidly to local needs and expressed demands.
 - (f) To facilitate syllabus change and curriculum reform.
 - (g) To provide a Centre which will be a model for closer working relationships between principals, teachers, parents and community.
3. **Constitution**
The Centre shall be constituted as follows:- (a) members, (b) Annual General Meetings, (c) Committee.
4. **Membership:-**
 - (a) Membership shall be open to all teachers serving in recognised schools and also to those who have successfully completed a recognised course of training.
 - (b) Attendance at the Centre shall constitute membership.
 - (c) A register for members shall be retained in the Centre.

5. Annual General Meeting:-

- (a) **General policy shall be defined by the Annual General Meeting.**
- (b) **Notice of A.G.M. shall be sent to members at least 6(six) weeks before the date of the A.G.M.**
- (c) **Motions for the A.G.M. and proposed alterations to the Constitution shall be invited at least 6(six) weeks before the date of the A.G.M.**
- (d) **The A.G.M. shall be held within the first or second term of the school year.**
- (e) **Any member wishing to propose a motion or alteration to the Constitution shall send same in writing to the Secretary, one month before the date of the A.G.M. Included with each motion/proposed alterations to the Constitution shall be the name of the proposer and seconder.**
- (f) **The motions/proposed alterations to the Constitution submitted to the Secretary shall be sent to members 3(three) weeks before the date of the A.G.M.**
- (g) **Motions, amendments or agenda put to a vote at the A.G.M. shall be decided on by a show of voting cards unless 5(five) members rising in their places, and showing voting cards, demand a secret vote. A secret ballot shall then be taken. A simple majority shall suffice except in alterations to the Constitution where a $\frac{2}{3}$ majority of those present and voting shall be required.**
- (h) **A member shall stand when speaking and shall address the Chair.**
- (i) **A member shall not address the meeting more than once on any one motion, amendment or addendum without first requesting the permission of the Chair, but the mover of the motion may reply to close the debate.**
- (j) **The mover of the motion shall speak for not more than 5 minutes the seconder 3 minutes and subsequent speakers 3 minutes each, subject to the discretion of the presiding Chairperson.**
- (k) **The Chairperson shall be the sole judge on points of order and his/her decision shall be final and conclusive.**
- (l) **A simple majority of the Committee or a signed request from 40 of the members shall have the power to call a Special General Meeting within one month of notice being given in writing to the Director.**

- (m) **The Agenda for the A.G.M. shall be in the following form:**
- (i) **Minutes of previous A.G.M.**
 - (ii) **Appointment of Tellers.**
 - (iii) **Nominations for the Committee either from the floor or/and in writing.**
 - (iv) **Chairpersons' address.**
 - (v) **Report of Director.**
 - (vi) **Report of Treasurers and Auditors.**
 - (vii) **Report from Committee on all resolutions passed at the previous A.G.M.**
 - (viii) **Any other Reports from the Committee.**
 - (ix) **Motions of which notice has been sent.**
 - (x) **Election of Committee and appointment of Honorary Auditors.**
 - (xi) **Any other business.**

6. The Committee:-

Preamble.

The Centre shall consist of 12(twelve) elected members. The Committee may co-opt up to 3(three) non-voting members over and above this number when it deems necessary. Nominations to the Committee shall be invited six weeks before the date of the A.G.M. and these shall be circulated to members three weeks beforehand. Included with each nomination shall be the name of the proposer and seconder.

- (a) **There shall be 6 Primary teachers and 6 Post-Primary teachers on the Committee.**
- (b) **These teachers should be as representative of the varying interests in each sector, in so far as possible.**
- (c) **In the event of a panel not being filled the sector, i.e., Primary or Post-Primary involved shall, subject to (b) above, select a member for co-option and submit the name for sanction to the Committee.**
- (d) **Election of the Committee shall take place at the A.G.M.**
- (e) **At its first meeting the Committee shall elect by ballot from its members a Chairperson, Vice-Chairperson and Treasurer.**
- (f) **The Director shall be appointed by the Committee and shall assume and be responsible for secretarial duties.**
- (g) **Should a vacancy for an Officer occur during a particular year, a successor may be appointed by the Committee until the next A.G.M.**
- (h) **In the absence of a full-time Director, the Chairperson shall assume the duties of part-time Director.**
- (i) **The Director of the Centre shall, subject to the Committee, be responsible for planning and putting into effect, a programme of activities for the Centre and for the day to day running of the Centre. He/she shall be paid a salary on the basis of the duties involved. So long as the position of Director is based on secondment, it shall be sanctioned by the Department of Education and be subject to agreed conditions of payment.**

- (j) **The Committee shall meet a minimum of six times annually, upon due notice being issued by the Secretary to each member of the Committee, and at every meeting 50% plus 1 shall form a quorum.**
- (k) **The Committee shall be entrusted with the general administration of the business of the Centre, and shall have control of the funds of the Centre, and shall have control of the funds of the Centre and of the Annual Grant paid by "An Roinn Oideachais" to the Chairman of the Committee in respect of the running costs. It shall be responsible for the appointment and employment of a clerk typist and all other personnel required to effectively manage and administer the Centre.**
- (l) **The names of the Officers and the names of the Committee Members and the teaching sector which they are involved shall be displayed in the Centre as soon as possible after the A.G.M.**
- (m) **The Committee shall have power to appoint sub-committees to undertake specific functions and these sub-committees shall cease to exist when the function is completed. All sub-committees existing at the time of the A.G.M. must be re-constituted at the A.G.M.**
- (n) **Absence without reasonable excuse from 3 consecutive meetings of the Committee shall entail disqualification from membership of the Committee.**
- (o) **The Committee shall have power to co-opt a member in accordance with the terms of Section (d) of this rule in the place of a member disqualified under (n) of this rule.**

7. Finance:-

- (a) **The financial year shall end on 31st December.**
- (b) **The Centre shall have a banking account into which all monies received on behalf of the Centre shall be lodged as soon as possible.**
- (c) **All payments of 100.00 or more must be sanctioned by the Committee.**
- (d) **All cheques shall be signed on behalf of the Centre by any two of the following The Chairperson, The Treasurer, The Director.**
- (e) **The Centre shall furnish annually to "An Roinn Oideachais" a report of its activities during the previous financial year, together with an audited statement of Income and Expenditure.**
- (f) **A Financial Statement shall be furnished to each member at the A.G.M.**
- (g) **This Constitution supersedes all previous constitutions.**
This Constitution incorporates changes made up to and including those made at A.G.M.

Appendix 2(b)

Management Committee 2006-2007

The Education Centre, Tralee

CHAIRPERSON:

Ms. Bríd Ní Fhearghail,
Holycross NS, Killarney.

RECORDING/ SECRETARY:

Ms. Caitríona Ní Chullota, Director
The Education Centre, Tralee.

TREASURER:

Mr. Tom Roche, P.O.
Knockaclarig NS, Castleisland.

MEMBERS:

Ms. Mary O'Connor, P.O.
Dromclough NS Tralee.

Máire Bn Mhic Suibhne, P.O.
Scoil Eoin, Balloonagh, Tralee.

Ms Eileen Brosnan, P.O.
Firies NS, Killarney.

Mr. Pat Lawlor, ICT Advisor
The Education Centre, Tralee.

Sr. Ursula Ní Chuirc,
Mercy Convent, Balloonagh, Tralee.

Ms. Breda Lyons,
St. Brigid's Secondary School, Killarney.

Mr. John O'Roarke,
Mercy Secondary School, Mounthawk,
Tralee.

Ms. Liz O'Keeffe,
Presentation Sec. School, Tralee.

Mr. John Mulvihill,
Principal, St. Michael's College, Listowel.

Mr. Paddy Keane,
Duagh N.S., Listowel.

Mr. Tim Lavery, Head of European Unit,
The Education Centre, Tralee.

Appendix 2(c)

The Education Centre, Tralee Staff

Director

Ms. Caitriona Ní Chullota

ICT Advisor

Mr. Pat Lawlor

Administration Staff

Ms. Linda O'Brien

Ms. Kay Dowling

Ms. Jane Kiely

Ms. Carol Crean

Ms. Jackie Murphy

Ms. Emer Thompson

Caretaker

Mr. Frank O'Brien