

FREEDOM OF INFORMATION ACT 1997
FREEDOM OF INFORMATION (AMENDMENT) ACT 2003



SECTION 16 REFERENCE BOOK

**Guide to the Functions, Records, Rules and Practices of the
Local Government Computer Services Board**

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The Freedom of Information (FOI) Act 1997 and Freedom of Information (Amendment) Act 2003 establishes 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
- a legal right to obtain reasons for decisions affecting oneself

The Acts assert the rights 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.

This reference book has been prepared and published in accordance with the requirements of Section 16 of the FOI Acts. Its purpose is to facilitate the public in understanding how the LGCSB make decisions under enactments and schemes it operates. It does this by outlining how these schemes operate and by detailing the relevant legislation, regulations and instructions to staff on the operation of schemes.

The functions of the LGCSB, the services it provides and classes of records held are outlined in the FOI Section 15 Reference Book which accompanies this Reference Book.

Details provided on schemes operated by the LGCSB

For each scheme or enactment, the following information is provided:

- (a) a description of the scheme
- (b) reference to the relevant primary legislation (i.e. Act of the Oireachtas)
- (c) reference to the relevant regulations (i.e. statutory instruments brought into force by the Minister under such Acts) or EU Directives
- (d) any circulars to staff and instructions which the Board has prepared for the purpose of administering the schemes/enactments
- (e) sources of other information on the schemes/enactments

Copies of legislation mentioned throughout this Reference Book may be obtained from:
Government Publications Sales Office, Molesworth Street, Dublin 2. Telephone 01-6793515.

FUNCTIONS OF THE LGCSB 2

The functions of the LGCSB are:

- to organise, administer and provide or arrange for the provision of a service for the supply of computer facilities (including facilities relating to the preparation of data for input to a computer, computer programming, systems analysis and design, and the operation of data processing facilities) for Local Authorities;
- to co-ordinate and secure compatibility in the use of computers by Local Authorities generally, with a view to securing the most effective use of available resources;
- in matters related to its functions under paragraphs (a) and (b) to;
 - provide or arrange for the provision of training and education
 - carry out, promote or assist in the carrying out of research, and
 - furnish advice, information and assistance to the Minister and to local authorities.
- the LGCSB is permitted to host websites for bodies as specified in the amended order;
- the LGCSB is permitted to sell software products that have already been developed for local authorities;
- the LGCSB is permitted, subject to specified conditions, to provide consultancy services in respect of a product developed or employed by the LGCSB.

The LGCSB provides computer systems/programs to Local Authorities and other bodies but is not directly involved in the administering of schemes which these systems and programs computerise. In providing computer systems and programs, the LGCSB follows the rules, procedures, practices and guidelines as dictated by Local Authorities. All the Local Authorities are required to follow various Acts, Enactments and Regulations. These rules, procedures, practices and guidelines are laid out in the Section 16 reference manuals of each local authority.

SCHEMES / ENACTMENTS **3**

3.1 GOVERNANCE

LOCAL GOVERNMENT COMPUTER SERVICES BOARD

■ Establishment Order

Description

The Local Government Computer Services Board (LGCSB) is a public sector organization established in 1975 for the express purpose of providing ICT development, support, and advice to Local Authorities in their provision of services to their communities.

Legislation

The Local Government Computer Services Board (Establishment) Order 1975

S.I No. 212 of 1975

The Local Government Computer Services Board (Establishment) Order 1975 (Amendment) Order 2003

S.I No. 2003

The Local Government Computer Services Board (Establishment) Order 1975 (Amendment) Order 2004

S.I No. 656

■ Board Meetings

Description

Board members are appointed by the Council of the Board, the Minister for the Environment and Local Government and the Minister for Finance.

■ Sub-Committees of LGCSB

The Board members elect sub-committees as necessary. These committees meet as required according to their functions.

Legislation

Statutory Instrument No. 212 of 1975

Rules/Procedures/Practices/Guidelines

Standing Orders

Minutes of Board Meetings

■ Declaration of Interests

Description

On appointment to the Board of a State body, each member or connected person, have a duty to give to the Board a declaration of relevant material interests in a prescribed form. The form must contain particulars of every current interest or if any other relevant interest is acquired the person must give a new declaration to the Board. Failure to make a declaration or giving particulars which are false or knowingly misleading in a material respect is an offence which is punishable under the Act.

Legislation

Ethics in Public Office Act 1995 - G.P.S.O.

■ Ethics in Public Office

Description

The Minister for Finance signed into law the Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) Regulations 2004 (S.I. No 699 of 2004). The LGCSB has been included in S.I. No. 699 of 2004 which came into effect on 1st January 2005. Accordingly, certain obligations arise under the Ethics in Public Office Acts 1995 and 2001 (the Ethics Acts).

Under this regulation the following directorships in the LGCSB have been designated by the Minister as being subject to Section 18 of the Ethics in Public Office Act:

Chairman
Board Members
Board Secretary

An annual written statement must be made in respect of each individual's interests (and those interests of a spouse, child or stepchild of whom they are aware) which could materially influence them in the performance of their official duties.

Legislation

Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) Regulations 2004 (S.I. No 699 of 2004).

Circular 4/2002 – Standards in Public Office Act 2001

E109/163/01

■ Code of Practice for the Governance of State Bodies

Description

The Code of Practice for the Governance of State Bodies was approved by the Government in 2001. The Code is mandatory and comprises the systems and procedures by which enterprises are directed and controlled. The LGCSB is required in the conduct of its operations to adopt this Code of Practice and confirm to the relevant Minister that this is done. The Code relates both to internal practices and external relations with the government, the relevant Minister, the Minister for Finance and their Departments.

Legislation

'Code of Practice for the Governance of State Bodies' (2001)

Rules/Procedures/Guidelines

Schedule of Matters

Code of Business Conduct

Disclosure of Interests

Statement on the System of Internal Financial Control

Internal Audit Charter
Procurement Policy
Disposal of Assets & Tax Clearance Policy

I Annual Report and Accounts

Description

The Board is required to keep proper accounts of all monies received or expended by it and is required to submit these accounts annually to the Minister for the Environment and Local Government. The accounts are audited by an Auditor appointed by the DoELG. The Minister lays them before the Houses of the Oireachtas. Internal procedures have been put in place in order to comply with the Prompt Payment of Accounts Act 1997.

At the end of each financial year (31st December), the Board is required to make a report to the Council of the Board and the Minister for the Environment and Local Government, of its activities during the preceding financial year.

Legislation

Statutory Instrument No. 212 of 1975

SCHEMES / ENACTMENTS 3

3.2 GENERAL ADMINISTRATION

LOCAL GOVERNMENT COMPUTER SERVICES BOARD

Freedom of Information

Description

The Freedom of Information (FOI) Acts 1997 and 2003 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
- a legal right to obtain reasons for decisions affecting oneself

Legislation

Freedom of Information Acts 1997 and 2003

Rules/Procedures/Practices/Guidelines

S15 Reference Manual

S16 Reference Manual

Official Languages Act

Description

On 31 January 2006, the Director of The Local Government Computer Services Board was requested to prepare a scheme by the Minister for Community, Rural and Gaeltacht Affairs under Section 11 of the Official Languages Act 2003. Section 11 provides for the preparation by public bodies of a statutory scheme detailing the services they will provide.

through the medium of Irish,
through the medium of English, and
through the medium of Irish and English

and the measures to be adopted to ensure that any service not provided by the body through the medium of the Irish language will be so provided within an agreed timeframe. Schemes remain in force for 3 years and thereafter fall to be renewed.

Legislation

Official Languages Act 2003 (Public Bodies) Regulations 2006

Statutory Instrument No. 150 of 2006

Scheme 2006 – 2009

Disability Act 2005

Description

The Disability Act 2005 provides a statutory basis for making public services accessible. Sections 26, 27 and 28 of the Act place obligations on the Board to make our services and information accessible to people with disabilities. This Code of Practice has been prepared at the request of the Minister for Justice, Equality and

Law Reform under Section 30 of the Act to guide public bodies to meet those obligations.

Legislation

Disability Act 2005 (Code of Practice) (Declaration) Order 2006
S.I No. 163 of 2006

I Health & Safety

Description

The Board is required to ensure the safety, health and welfare of all employees through the provision and maintenance of a safe place of work, safe plant and machinery and safe systems of work. LGCSB also aims to ensure the safety and health of persons who come in contact with the work activities of the organization.

Legislation

Health and Safety at Work Act 1994
Safety, Health & Welfare at Work Act 2005
Fire Services Acts 1981

Rules/Procedures/Guidelines

Safety Statement

I Major Emergency Plans

Description

The L.G.C.S.B. has a disaster recovery plan which it will operate in the event of a disaster.

Legislation

Fire Services Act 1981
Fire Authority Emergency Operations Regulations 1987
DoELG Circular Letter E/P 5/92

SCHEMES / ENACTMENTS **3**

3.3 PERSONNEL / TRAINING

LOCAL GOVERNMENT COMPUTER SERVICES BOARD

I Recruitment - Permanent Staff

Description

The Board may appoint persons as employees subject to the compliance with any directions given by the Minister for the Environment and Local Government.

The Board has adopted an open competitive recruitment policy for the filling of posts generally. The Board's policy is to attract and retain sufficient staff with the qualifications and experience necessary to provide an effective and efficient level of service.

Selection is on merit. Vacancies may be filled from within or by open competition. Employees may compete for any vacancy/promotion within the organisation for which they have the experience, qualification, ability and potential as determined by the Board. An interview board appointed by the Director assesses the candidates and places them in order of merit. All appointments are subject to receipt of satisfactory references and a satisfactory medical examination which is arranged with a Doctor of our choice. The qualifications of a candidate are also verified.

Public servants serve probationary periods on appointment and can be dismissed by the Minister in charge of the department if their performance is deemed unsatisfactory. Progression on the incremental payscales is also subject to satisfactory performance.

The Board is fully committed to equality of opportunity.

I Recruitment Procedures

Legislation

Statutory Instrument No. 212 of 1975 – The L.G.C.S.B. (Establishment) Order 1975 –

Local Government Services (Corporate Bodies) Act 1971

Local Government (Officers) Regulations 1943

Local Government (Appointment of Officers) Regulations, 1974

DoELG Circular Letter EL 7/52

DoELG Circular Letter EL 5/67 Starting Pay on Appointment or Promotion

DoELG Circular Letter EL 1/81 Additional Increments for Post Graduate Service

Engineering Grades

DoELG Circular Letter EL 3/95 Incremental Credit Temporary Service

DoELG Circular Letter EL 14/96, Credit for Temporary Service and Previous

Permanent Service for Incremental Purposes

Devolution of Responsibility for Personnel Circular Letter LA (P) 4/96

I Remuneration

Circulars on remuneration are issued by the DoELG for all Officer and Non Officer Grades and updated by the Department in line with National Wage Agreements.

Rules/Procedures/Practices/Guidelines

Contract of Employment
 Policy on Acting
 Grievance and Disciplinary Procedures
 Sexual Harassment Policy

I Consultants and Advisors

Description

The Board may engage consultants or advisors as it considers necessary for the discharge of its functions.

Legislation

Statutory Instrument No. 212 1975

I Superannuation Schemes

Description

Employees on (Class D1) i.e. reduced rate of P.R.S.I. are required to make the following contributions in respect of superannuation entitlements:

- 1) contribution at the rate of 5% of annual salary and emoluments in respect of pension entitlement
- 2) contribution at the rate of 1.5% of annual salary and emoluments in respect of Spouses and Children's Pension Scheme

Employees on (Class A) rate of P.R.S.I. are required to make the following contributions in respect of superannuation entitlements:

- 1) contribution at the rate of 1.5% of annual salary and emoluments, plus 3.5% of annual salary and emoluments less twice the current rate of social welfare old age contributory pension, in respect of pension entitlement
- 2) contribution at the rate of 1.5% of annual salary and emoluments in respect of Spouses and Children's Pension Scheme

Legislation

Local Government (Superannuation) (Consolidation) Scheme, 1998

Rules/Procedures/Practices/Guidelines

Explanatory Booklet on the Local Government Superannuation Code – Revision Scheme Officers Paying Modified (Class D) PRSI

Explanatory Booklet on the Local Government Superannuation Code – Revision Scheme Officers Paying Full (Class A) PRSI

Explanatory Booklet on the Local Government Superannuation Code – Revision Scheme

I Leave - Annual Leave

Description

Annual leave is an entitlement to a fixed amount of time off from work each year. The levels of annual leave allowance are primarily determined by reference to pay levels. Leave entitlements are set out in the contract of employment for each category of employee. Under the Organisation of Working Time Act 1997, a statutory minimum entitlement of 20 days annual leave applies to all full time staff. Public and privilege holidays are granted in addition to the normal annual leave allowance.

Legislation

Organisation of Working Time Act 1997 – G.P.S.O.

I Sick Leave

Description

The L.G.C.S.B. operates a system of sick leave arrangements which are intended to allow permanent employees reasonable periods with pay to enable them to regain fitness and return to work. Total uncertified sick leave must not exceed seven days in any one year. Annual leave may not be taken immediately after a period of sick leave.

Officers who pay Class A category of Pay Related Social Insurance must submit their Social Welfare Sick Benefit certificates to the Personnel section, to facilitate recoupment of sick benefit. The amount of sick leave an officer takes can have an effect on confirmation of appointment and/or eligibility for promotion.

Legislation

Sick Leave Officers – Local Government (Officers) Regulations 1943

DoELG Circular Letter 7/52

DoELG Circular Letter LA 6/95. Revised social insurance status and conditions of service of certain Local Authority officers

I Special Leave

Description

Special leave is an authorised absence from duty, granted to an officer/employee for a specific purpose. Leave can be with pay or without pay and various conditions may apply.

Legislation

Circular Letter LA (P) 18/80

Circular Letter LA (P) 4/96

■ Career Breaks**Description**

The career break scheme allows staff to apply to take special leave without pay for periods from one year to five years for a number of purposes.

Legislation

Career Breaks – Circular Letter LA (P) 1/93

Career Breaks – Officers – Circular Letter LA (P) 18/84

Career Breaks in the local authority service Circular LA (P) 7/86

■ Parental Leave**Description**

This entitles a parent to unpaid leave for a period of up to 14 weeks to enable him/her to take care of his/her child. Each parent is entitled to a maximum 14 weeks. This is non-transferable between parents. The entitlement is for children born after 3/12/93 (originally 3/06/96) and up to 5 years old. (8 years old, if adopted). The entitlement is 14 weeks for each child, but if there is more than one child to which it is applicable, the maximum leave allowable in one year is 14 weeks. Only natural and adoptive parents are entitled to this leave. It can be availed of by both parents at the same time. In agreement with the Board, the leave can be taken as a block or broken into days/hours.

Legislation

Parental Leave Act 1998

■ Force Majeure**Description**

An employee is entitled to leave with pay from his or her employment for urgent family reasons, owing to the injury or illness of any of the persons listed below. Entitlement to force majeure leave is limited to circumstances where the immediate presence of the employee, at the place where the ill or injured person is situated, is indispensable. The persons referred to above are: child or adoptive child of the employee, spouse or partner, brother or sister, parent or grandparent.

Legislation

Parental Leave Act 1998

I Maternity Leave

Description

All female employees who ordinarily work for 8 hours or more per week, except those on contract with less than 26 weeks to run, are covered by the Maternity Protection of Employees Act, 1994.

With effect from 1st March 2006 there is a 4 week increase in paid maternity leave from 18 weeks to 22 weeks. With effect from 1st March 2007 there will be a further increase of 4 weeks paid maternity leave from 22 weeks to 26 weeks. From 1st March 2007 the period of unpaid leave will crease from 12 to 16 weeks.

A pregnant woman is entitled to take paid time off work to attend one set of antenatal classes .

Expectant fathers have a once-off right (one pregnancy only) to paid time off work to attend the two antenatal classes immediately prior to the birth.

Provision of Breastfeeding breaks—The entitlement can be availed of up to 26wks after birth of the baby. The Employee will be entitled to work breaks up to 1 hour per day to facilitate feeding or expressing milk.

Legislation

Maternity Protection of Employees Act 1994 and (Amendment) Act 2004.

I Job-Sharing Scheme

Description

Job-sharing is a scheme where subject to agreement of the Board any two staff members serving in the same grade of office or employment may opt to job-share.

Rules/Procedures/Practices/Guidelines

Circular Letter LA (P) 11/86

I Work Sharing Scheme

Description

The Work Sharing Scheme was introduced to provide a wider range of attendance patterns. All permanent/ temporary staff with at least one year's satisfactory service in the Board may apply to workshare.

Legislation

Circular Letter LG(P) 13/02

I Term Time Scheme

Description

The Term Time Leave Scheme provides for unpaid leave for the purpose of allowing working parents or carers match their working arrangements to the main summer holidays of their children, or to care for a family member who has a disability that gives rise to the need for care on a continuing or frequent basis.

Legislation

Circular letter LG(P) 06/03

Rules/Procedures/Practices/Guidelines

DEHLG TermTime Scheme – Personnel Section

I Paternity Leave

Special leave with pay amounting to 3 days may be granted to fathers in respect of children born on or after 1st June, 2000. This leave may be taken at the time of the birth or up to four weeks after the birth. Job-sharers will be treated on a pro-rata basis. In the cases where two or more children are born, or adopted, the entitlement to paternity leave will be 3 days leave for each child.

Legislation

Circular Letter LG (P) 5/2000

I Adoptive Leave

All female employees who ordinarily work for 18 hours or more per week, except those on contract with less than 26 weeks to run, are eligible to apply for adoptive leave. A female employee may be granted 10 consecutive weeks leave with pay. At the end of adoptive leave an employee may on application, be allowed up to 4 weeks special leave without pay.

Adoptive leave commences as soon as the child is placed with the woman for adoption.

A female employee who intends to take adoptive leave should give adequate notice of intention to take such leave.

Legislation

Adoptive Leave Act 1995 and associated Statutory Instruments

Maternity Protection of Employees (Amendment) Act 2004

Rules/Procedures/Practices/Guidelines

Circular Letter LA (P) 7/84

I Military Training Leave

Rules/Procedures/Practices/Guidelines

DoELG Circular Letter LA (P) 10/81

I Special Leave for Officers Attending Interviews

Rules/Procedures/Practices/Guidelines

Circular Letter EL 12/71

I Special Leave – Compassionate

Description

In accordance with the provisions of Department of the Environment and Local Government circulars, special leave with pay may be granted under the following conditions:

- (a) Special leave with pay up to a maximum of three days may be granted on the death of an immediate relative e.g. father, mother, brother, sister or in exceptional circumstances on the death of a more distant relative where, for example, the employee has to take charge of funeral arrangements or has lived in the same house as the deceased.
- (b) On the death of a spouse or child the maximum number of days may be increased to five.
- (c) Extra days may also be allowed in the case where an immediate relative dies abroad and the employee has to go abroad to take charge of the funeral arrangements.
- (d) In the case of a serious and unforeseen illness of a spouse or immediate relative special leave may be granted up to a maximum of five days.

Legislation

DoELG Circular Letter LA 18/80

I Jury Service

Description

All citizens between the ages of 18 and 70 years who are entered in the register of Dáil electors are qualified and liable to serve as jurors. An employee must notify the Head of Section immediately on being summoned for Jury Service. An employee not called by the Court to serve on the jury is required to report to work immediately thereafter. Special leave with full pay is allowed for the duration of time required by the Court for jury service.

I Study/Exam Leave

Description

Staff may be granted study leave for relevant third level courses provided approval has been granted by the Director.

Legislation

Circulars LA (P) 19/80

I Employment Equality

The Employment Equality Acts(s) were implemented to promote equality. The Acts(s) prohibit discrimination across nine grounds: Gender, Marital Status, Family Status, Sexual Orientation, Religion, Age, Disability, Race, Membership of Traveller Community.

Legislation

Employment Equality Acts(s) 1998 and 2004

I Training and Development

Description

The Board operates an educational assistance programme for permanent staff to enable them to attend relevant courses in their own time.

Rules/Procedures/Practices/Guidelines

DoELG Circular Letter LA (PA) 4/98 Fees for Third Level Courses of Education.
Board documentation re Refund of Fees Scheme.

I Industrial Relations

Legislation

Industrial Relations Acts 1946 to 1990

SCHEMES / ENACTMENTS **3**

3.4 FINANCIAL

LOCAL GOVERNMENT COMPUTER SERVICES BOARD

I Expenses - Travelling and Subsistence Expenses

Description

Travel expenses and subsistence allowances will be paid in accordance with DoELG regulations and approved rates. Each employee is required to seek prior approval from his/her section head in respect of any journey necessary in the course of official business.

Legislation

Local Government (Officers) Regulations, 1943
DoELG Circular Letter 7/52 as revised by periodic Circular Letters revising rates
Local Government (Officers) Regulations, 1943
DoELG Circular Letter 7/52 as revised by periodic Circular Letters affecting rates

I Overtime

Description

It is the policy of the L.G.C.S.B. that overtime should be used only for essential and emergency services. An employee may not work overtime without the prior agreement of his/her section head.

Payments of Acting Allowances may also be made to staff in carrying out duties of a higher grade.

Legislation

Officers: DoELG Circular Letter LA (P) 3/80
DoELG Circular Letter EL 1/89
DoELG Circular Letter EL 17/97

I Payments to Members of Board for Attendance at Meetings

Legislation

Local Government Act 1991 Section 51
DoELG Circular Letter LG 42/2
DoELG Handbook – New System of Allowances for Local Authority Members
DoELG Circular LG 2/95
Periodic DoELG Circulars amending rates of travel and subsistence

Procurement

Description

The financial and accounting rules and procedures in the Board, accord with accounting S.S.A.P.'s and F.R.S.'s and with the circulars and guidelines issued by the Department of Finance. The Board also has an internal purchase order procedure. In accordance with public policy all Board procurements are made following competitive tendering.

Rules/Procedures/Practices/Guidelines

Statutory Instrument No. 212 1975
Internal Purchase Order Procedure
Prompt Payments of Accounts Act 1997
Tax Clearance Procedures

I Tendering

Description

The Local Government Computer Services Board is committed to a policy of competitive tendering in its procurement practices unless exceptional circumstances apply, in which case the approval of the Government Contracts Committee (GCC) must be obtained.

Orders for goods or services valued at over €100,000 before VAT in any one transaction may not be placed without prior approval of the Board.

The Board adheres to the principles of The Government Contracts Regulations for awarding contracts (1994 Edition). These procedures apply, not only to formal, written contracts, but to all purchases and disposals.

All Contracts, if over the relevant financial threshold in the EU Directives, are processed and awarded in accordance with the procedures of the Directives.

Legislation

Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004
On the co-ordination of procedures for the award of public works contracts, public supply contracts and public service contracts.

Rules/Procedures/Guidelines

Procurement Policy
Procurement Procedures

GLOSSARY OF TERMS 4

LOCAL GOVERNMENT COMPUTER SERVICES BOARD

EU - European Union

G.P.S.O. - Government Publications Sales Office

DoELG - Department of the Environment and Local Government

Circular Letters - These relate to new or revised procedures/guidelines for various schemes, programmes or areas of activity and are circulated to local authorities by the DoELG

Council of the L.G.C.S.B. - is made up of all Managers and Assistant Managers of local authorities

S.S.A.P.'s - Standard Statements of Accounting Practice

F.R.S.'s - Financial Reporting Standards

P.R.S.I. - Pay Related Social Insurance