



An Bord Comhairleach um Achtanna na Leanaí
Children Acts Advisory Board

**GUIDE TO THE FUNCTIONS & RECORDS
and
INFORMATION ON THE RULES & PRACTICES OF THE
CHILDREN ACTS ADVISORY BOARD**

Freedom of Information Act 1997 & 2003

Section 15 & 16 Reference Guide

January 2008

**Guide to the Functions and Records of
The Children Acts Advisory Board
(Freedom of Information - Section 15 & Section 16)**

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1 Access to Information

1.1 Introduction

The Freedom of Information Acts 1997 and 2003 (FOI Acts) establish three new statutory rights:

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

The following records come within the scope of the Act:

- All records relating to personal information held by the Board, irrespective of when created;
 - All other records created from the FOI commencement date of 21st April 1998;
- and
- Any other records necessary to the understanding of a current record.

The FOI 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.

The FOI Acts allow public access to information held by the Children Acts Advisory Board, which is NOT routinely available through other sources. Access to information under the FOI Acts is subject to certain exemptions and involves specific procedures and time limits.

This reference guide is compiled in accordance with the Freedom of Information Act 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. All references to the Board refer to the Children Acts Advisory Board unless otherwise stated.

This guide has been prepared and published in accordance with the requirements of Sections 15 and 16 of the FOI Acts. Its purpose is to facilitate access to official information held by the Children Acts Advisory Board by outlining the Board's structure and functions, the services it provides, the classes of records held and guidelines on how to make a request for information under the Freedom of Information Acts.

Section 15 - Freedom of Information Acts

Section 15 requires each public body to prepare and publish a manual setting out a general description of;

- Structure and organisation;
- Functions, powers, duties;
- Services it provides for the public and how these may be availed of;
- A general description of the rules and guidelines used in implementing its schemes and programmes (required to be published under section 16);

- Classes of records held and the arrangements for enabling the public to access such records;
- Names and designations of members of the staff of the body responsible for carrying out these arrangements (unless the publication of this information could threaten the physical safety or well being of the person); and
- Rights of review and appeal against the decisions of the body (including rights of review under these Acts).

Section 16 - Freedom of Information Acts

Section 16 of the FOI Acts, requires the Children Acts Advisory Board to publish a manual containing rules, procedures, practices, guidelines and interpretations used by the body and index of any precedents kept by the body which may be used in making decisions, determinations or recommendations under any enactment or scheme administered by the body, with respect to:

- Rights, privileges or benefits to which members of the public are or may be entitled;
- Obligations, penalties or other sanctions to which members of the public are or may be subject; and
- Information in relation to the manner or intended manner of administration of any scheme.

1.2 Routinely Available Information

The Children Acts Advisory Board makes information available to the public on its functions and activities. Information on legislation, research, annual reports etc is available on the Board's website www.caab.ie. This information will continue to be available free of charge from the Children Acts Advisory Board or on-line without the need to use the FOI Acts.

This manual provides a guide to the structures of the Board to help you access information under the FOI Acts.

1.3 How to Obtain Information under the FOI Acts

The following information/records come within the scope of the FOI Acts:

- Records containing personal data: (You have a right to see all records containing personal information relating to yourself held by the Board);
- Records containing personnel data: (Personnel records are available to staff); and
- Other records: subject to a limited number of exceptions, all other records created in the Children Acts Advisory Board are available on request.

All applications under the FOI Acts should be addressed to:

**Freedom of Information Officer
Children Acts Advisory Board
Phoenix House, Block 2
28 Conyngham Road
Dublin 8**

Tel: +353 1 672 4100

Fax: + 353 1 6774892

Email: info@caab.ie (Please insert 'FOI' in the subject line)

1.4 How to Apply for Information

In order for a request for information/records to comply with the requirements of the FOI Acts and to enable the request to be dealt with as efficiently as possible:

- a) Your application should be in writing. An application form has been devised to facilitate the making of requests and is available from the FOI section of our website www.caab.ie or by contacting the Children Acts Advisory Board.
- b) If you are not using this form then your application should indicate that the information is sought under the Freedom of Information Act;
- c) You should indicate if information is required in a particular form, e.g. photocopy, computer disk, etc.;
- d) You should give as much detail as possible to enable the Board to identify the record(s). If you have difficulty in identifying the precise records, which you require, we will be happy to assist you in preparing your request;
- e) You may be required to prove your identity, especially when requesting personal information so you may, therefore, be asked to produce your passport, driving licence, birth certificate, etc.;
- f) You should include a daytime telephone number so that you can be contacted if it is necessary to clarify details of your request;
- g) You should pay the prescribed fee by cheque or bank draft made payable to the Children Acts Advisory Board; and
- h) The Children Acts Advisory Board is obliged to respond to your request within four weeks.

1.5 Rights of Review and Appeal

The FOI Acts set out a series of exemptions to protect sensitive information where its disclosure may damage key interests of the State or third parties. Where the Children Acts Advisory Board 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.

1.6 Internal Review

You may seek an internal review within The Children Acts Advisory Board if:

- a) You are dissatisfied with the initial response i.e. refusal of information, form of access, charges etc.; or,

- b) You have not received a reply within four weeks of your initial application. This is deemed to be a refusal of your request and allows you to proceed to internal review.

Internal reviews will be carried out by an official of a higher grade to the official whose decision is being appealed.

Requests for internal review must be submitted within four weeks of the initial decision. The Board must complete the review within three weeks and you will be notified in writing of the outcome. Internal reviews must normally be completed before an appeal is made to the Information Commissioner.

Requests for internal review should be submitted in writing to:

**Deputy Chief Executive
FOI Internal Reviewer
Children Acts Advisory Board
Phoenix House, Block 2
28 Conyngham Road
Dublin 8**

Tel: +353 1 672 4100

Fax: + 353 1 6774892

Email: info@caab.ie (Please insert 'FOI- Internal Review' in the subject line)

1.7 Review by the Information Commissioner

Appeals in writing may be made directly to the Information Commissioner at the following address:

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

Tel: +353 1 639 5689

Fax: +353 1 639 5674

E-mail: info@oic.ie

Web: www.oic.gov.ie

1.8 Fees

1.8.1 Fees for information requests and for reviews

Under the FOI (Amendment) Act 2003, charges now apply to certain FOI requests, applications for internal review and applications for review by the Information Commissioner. The following fees apply:

	Cost	Reduced Cost ¹
Information Request	€15	€10
Internal Review	€75	€25
Review by the Information Commissioner	€150	€50

¹ For medical card holders and dependants

The position relating to the charging of fees for search and retrieval of records remains unchanged.

1.8.2 Search and retrieval costs

Section 47 of the FOI Acts provides that fees shall be charged as follows:

- In respect of personal records, fees shall be charged only in respect of the cost of copying the records actually released. Where a significant number of personal records are involved, the cost of search and retrieval of such records will be charged;
- and
- In respect of other (non-personal) information, fees shall be charged equal to the estimated cost of search, retrieval and photocopying of the records released. No charges may apply in respect of the time spent by public bodies in considering requests.

The level of fees is currently set as follows in accordance with Statutory Instrument No. 139 of 1998 as amended by No. 522 of 1998:

- €20.95 per hour - search and retrieval;
- €0.04 per sheet for a photocopy;
- €0.51 for a 3 and half-inch computer diskette; and
- €10.16 for a CD-ROM

A deposit may be payable where the total fee is likely to exceed €50.80. In these circumstances, the Board will, if requested, assist the member of the public to amend the request so as to reduce or eliminate the amount of the deposit.

1.8.3 Waiver of search and retrieval costs

Fees may be waived in the following circumstances:

Where the administrative and related costs involved in collecting a fee are likely to:

- exceed the fee itself (i.e. up to €6.35 no fee should be charged);
- 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 15 Guidance)

2 Organisation and Structure of The Children Acts Advisory Board

2.1 Our Role

The Children Acts Advisory Board was established under the Child Care (Amendment) Act 2007 on 23rd July 2007 which changed the name and some functions of the former Special Residential Services Board.

The Special Residential Services Board was established on a statutory basis in November 2003 pursuant to the Children Act, 2001. Under this Act the functions of the Board included the provision of policy advice to the Ministers with responsibility for Health and Children and Education and Science on the remand and detention of children in detention schools and special care units. The Board also had a remit to both co-ordinate and advise the courts on the appropriate placement of children in Children Detention Schools.

The Criminal Justice Act 2006 changed the composition of the Board Members and the Minister appointed 12 new members to the Board on the expiry of the term of office of the original Board. This Act transferred responsibility for the Children Detention Schools to the Minister for Justice, Equality and Law Reform and also made changes to certain functions of the Board with the responsibility for the on-call service passing to the Irish Youth Justice Service (and the Probation Service).

The Child Care (Amendment) Act 2007 made further changes to the remit of the Board including a change of name to the Children Acts Advisory Board with effect from 23rd July 2007. These amendments broaden the remit of the Board to become an enhanced advisory and enabling body whose functions include providing advice to the Ministers for Health and Children and Justice, Equality and Law Reform on policy issues relating to the co-ordinated delivery of services to at risk children/young people, specifically under the Child Care Act, 1991 and the Children Act 2001.

The Children Acts Advisory Board has a role conducting or commissioning research, promoting enhanced interagency co-operation; promoting, organising or taking part in, seminars and conferences; publishing guidelines on the qualifications, criteria for appointment, training and role of any guardian appointed for children in proceedings under the Act of 1991; preparing and publishing criteria for admission to and discharge from special care units, in respect of children subject to special care and interim special care orders in consultation with the Health Service Executive; giving its views on any proposal of the Health Service Executive to apply for a special care order; and preparing reports on certain court proceedings.

2.2 Vision, Mission and Values

Vision

Coherent, consistent and effective responses for children who are central to the Children Acts.

Mission

We will work for children. We will seek significantly better outcomes for vulnerable children through the co-ordinated delivery of services. We will promote stronger inter-agency co-operation and good practice through the provision of advice, guidance and support and base our work on action-oriented research, experience and reflective questioning.

Values

The Children Acts Advisory Board

- Will act independently in accordance with our statutory remit
- Will be open, accountable and inclusive, dealing with all parties in a respectful manner

Children

- Have a right to fair access to all State Agencies and the services they provide
- Will have their rights respected at all times
- Will, where possible and appropriate, have services delivered within a family setting
- Will be detained only as a measure of last resort and for the shortest possible period necessary to address the special care needs of each child
- Will be given the opportunity to express their views and influence service development

Service Providers

- Will have the benefit of facilitated collaboration, good practice guidance and research based advice
- Will be dealt with in a spirit of partnership trust and co-operation

The Ministers

- Are entitled to prompt, accurate and quality advice on request

2.3 Functions

- a) Advise the Ministers on policy issues relating to the coordinated delivery of services under the Children's Act 2001 and the Child Care Act, 1991
- b) Publish guidance on the qualifications, criteria for appointment, training and role of any *guardian ad litem* appointed for children in proceedings under the Child Care Act of 1991,
- c) In consultation with the Health Service Executive, prepare and publish criteria for the admission to and discharge from special care units of children subject to special care and interim special care orders,
- d) Prepare reports on certain court proceedings, as they effect at risk children and young people.
- e) Give its views on any proposal of the Health Service Executive to apply for a special care order.
- f) Report on the level and nature of residential accommodation and support services to children detained in children detention schools and special care units,
- g) Promote enhanced inter-agency co-operation (including the sharing of information) under the Children Acts
- h) Promote, organise or take part in meetings, seminars, conferences, lectures or demonstrations (whether in the State or elsewhere) in relation to its functions set out in paragraphs a) to g), and

- i) Conduct or commission research, and collect, maintain, research and evaluate statistics and other data, relating to its functions set out in paragraphs (a) to (h).
 - The Board, in performing its functions, shall have regard to the policies and objectives of the Government or any Minister of the Government in so far as they may affect or relate to those functions.
 - The Board shall have all such powers as are necessary or expedient for the exercise of its functions.

2.4 Structure and Staff

The membership of the Board is provided for in Section 156 of the Criminal Justice Act 2006, and comprises a chairperson and 11 other members including three persons appointed by the Minister for Justice, Equality and Law Reform, three experts in Child Care, three persons with relevant experience in educational disadvantage or exclusion nominated by the Minister for Education and Science and three other persons, two of whom will be representatives of the Health Service Executive. The Board carries out its functions through a number of subcommittees.

The Board's executive is comprised of 16 staff as follows:

- Chief Executive
- Deputy Chief Executive
- Head of Corporate Affairs
- Head of Research and Information;
- Advisory Officers (6)
- Project Support Officer
- Network Administrator
- Personal Assistant to the Chief Executive and Board
- Senior Administrator
- Accounts Administrator
- Administrative Assistant

Policy in relation to the functions of the Board is decided by the Chairperson and the Board Members. The Board Members make decisions which are then acted upon by the Executive.

2.5 Classes of Records Held

- Case files;
- Policy files;
- Research – national and international;
- Publications;

- Presentations;
- Media Coverage;
- Board papers;
- Internal administrative files;
- Personnel records;
- HR policy and reference files;
- Recruitment/selection files;
- IT related files and
- Accommodation files.

NB: Case Records

Under Section 46(1) (c) (iii) of the FOI Act, 1997 records relating to cases which have previously been or are currently before the courts are excluded from the provisions of the FOI Act.

However, as the majority of such records relate to matters concerning specific individuals, i.e. the subject of the order, they are likely to fall into the category of 'personal information' and would not be generally available under the FOI Acts to anyone other than the individual concerned.

2.6 Further information

For further information consult our website at www.caab.ie

(Section 16 Guidance)

3 Rules, Procedures, Practices, Guidelines Used

3.1 Section 16

This section details any rules, practices etc. of the Children Acts Advisory Board in relation to any enactment or schemes to which Section 16 of the Act applies.

A guide to the Children Acts Advisory Board functions and information held by this Board is available earlier in this document (under Section 15 guidance).

3.2 Legislation governing the Children Acts Advisory Board

The principle legislation governing the Board includes;

- Child Care Act 1991
- Child Care Amendment Act 2007
- Children Act 2001
- Criminal Justice Act 2006

The above legislation is available for download on our website, as is other legislation relating to children.

3.3 Other Relevant Legislation applying to the Board

- Freedom of Information Acts 1997 and 2003 – available at Government publications office;
 - Prompt Payments of Accounts Act 1997 – available at Government publications office;
- and
- Official Languages Act 2003 – available at Government publications office.

3.4 Rules, procedures and guidelines used by the Board

- Guidelines from the Revenue Commissioners in relation to Professional Services
- Withholding Tax – available from the Revenue Commissioners;
- Department of Finance guidelines on public procurement – available from the
- Department of Finance; and
- Personnel policies are in line with those operating within the Civil Service /Health Service – available from the Department of Finance and from the HSE.

3.5 Reports and information

All of the following publications are available on our website www.caab.ie :

- Annual Reports
- Research Reports
- Newsletters
- Journals

Disclaimer

While all reasonable care has been taken to ensure that the information contained in this reference book is true and accurate at the time of compilation, the Children Acts Advisory Board is not bound by errors in, or omissions from, this publication, and accepts no liability for any loss or damage howsoever arising as a result of use or reliance on this reference book or on the information therein or in respect of information accessed by way of the worldwide web version of this publication. The Board reserves the right to amend or delete any of the information included at anytime.