



FREEDOM OF INFORMATION

SECTION 16 REFERENCE MANUAL

Local Government Management Services Board
October 2006 - *First edition*



FREEDOM OF INFORMATION

Notice

It is the intention of the LGMSB to keep this manual and the information it contains as accurate and up to date as possible. However users of the manual should be advised that some of the information supplied may through no fault of the LGMSB have changed post-publication. Changes in information may come about due to staff changes, contact details/change of address, changes in legislation, and changes in organisational structures and areas of responsibility. Where changes occur the LGMSB undertakes to update this manual within a reasonable time frame. The most up to date version of this manual can be downloaded from the LGMSB website www.lgmsb.ie

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1.0 Introduction

The Freedom of Information legislation was enacted on April 21, 1997. The Act was initially applied to Government Departments and certain Government bodies on April 21, 1998. It was applied to local authorities and health boards on October 21, 1998. Since then the Act has encompassed many more public bodies. The Local Government Management Services Board (LGMSB) became a prescribed body under the Freedom of Information Act by means of S.I. No. 297 of 2006 – Fol Act 1997 (Prescribed Bodies) Regulations 2006.

The Freedom of Information (FOI) Act established 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/her amended where it is incomplete, incorrect or misleading*
- *A legal right to obtain reasons for decisions affecting oneself*

The Act asserts 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 individual.;

- *All LGMSB records created since October 21, 1998 which are not routinely available through other sources*
- *Such records created before October 21, 1998 of a non-personal nature as may be required to understand records created after the commencement of the 1997 Act*
- *Personal records regardless of when created*
- *In the case of LGMSB staff members personnel records created since October 21, 1998*

The Freedom of Information (Amendment) Act 2003 came into effect on April 11, 2003. This Act introduced a number of important amendments to the 1997 Act notably in relation to Section 19 (General Records), Section 20 (Deliberations of Public Bodies), Section 24 (Security, Defence and International Relations) and Section 47 (Fees).

This reference manual has been prepared and published in accordance with Section 16 of the Fol Act, 1997. Section 16 of the Act requires the LGMSB as with all prescribed bodies, to publish a manual that sets down the rules, procedures, practises and guidelines followed by the LGMSB in making certain decisions that affect the rights and privileges of members of the public. Where the LGMSB represents or act on behalf of a local authority, relevant local authority rules, procedures or guidelines will be utilised. The aim of the manual is to facilitate a greater understanding amongst the public as to how the LGMSB conducts its business. Where rules, procedures or guidelines have already been published this manual will indicate where and how they can be

accessed or purchased. The majority of the Acts and regulations listed are available for purchase from the Government Publications office in Molesworth Street, Dublin 2 or they can be downloaded from the Irish Government website; www.irlgov.ie. Copies of bye-laws and circular letters will be available either from the LGMSB or directly from the relevant Government Department (usually the Dept. of Environment, Heritage & Local Government) from which they originated.

This reference manual should be read in conjunction with the LGMSB's Section 15 Reference Manual. The purpose of the Section 15 Reference Manual is to outline to members of the public the structure and functions of the LGMSB, details of the services provided, information on the classes of records held and information on how to make a Fol request to the LGMSB.

Copies of the Section 15 and Section 16 Reference Manuals are available directly from the offices of the LGMSB (please see contact details below) or from the LGMSB website; www.lgmsb.ie

**Board Secretary/ Administrator,
Local Government Management Services Board
Local Government House
35-39 Ushers Quay
Dublin 8**

Tel: (01) 6438400
Fax: (01) 6438401

Email: info@lgmsb.ie
Websites: www.lgmsb.ie
www.lanpaq.ie

2.0 Structure of the LGMSB

In order to deliver upon the mission statement the LGMSB divides its work into four main divisions,

- Corporate Services Division
- Human Resources Division
- Industrial Relations Division
- Office for Local Authority Management (OLAM)

2.1. Corporate Services Division

The Corporate Services Division ensures compliance with Corporate Governance and supports the work of the other divisions by the provision of supports in the areas of finance, I.T. clerical/administrative support, facilities management as well as ensuring that the LGMSB is adequately resourced with suitable staff to meet the needs of the organisation through the recruitment, retention and development of staff.

The Board Secretary/Administrator who is responsible for the day-to-day operation of the Corporate Services division advises the Chief Executive as well as the other divisional heads and the Board of the LGMSB on issues affecting corporate strategy.

2.2. Human Resources Division

The Human Resources Division facilitates the implementation of strategic and effective human resource practices that include the development of focused policies and effective employment practices in accordance with the service delivery requirements of local authorities. The division also reviews, promotes and facilitates the training and development function in local authorities to meet corporate objectives and to increase the skills levels and promotional opportunities of all local authority employees.

The Assistant Chief Executive is responsible for the day-to-day operation of the Human Resources division. As well as operational duties, the Assistant Chief Executive HR advises the Chief Executive as well as the HR Committee and the Board of the LGMSB on HR and Personnel issues that may affect the local government sector. The HR division as part of its daily work prepares policy papers for discussion at the HR Committee. It also provides the link through which HR issues raised either by individual local authorities or the regional and national network of local authority personnel and training officers can be raised at a national level.

The HR division also provides the administrative and logistical support to the Local Authority National Partnership Advisory Group (LANPAG). LANPAG is the national partnership body that represents the local authority employers and trade unions. It is made up of equal numbers of nominees of the employer body (LGMSB) and the trade unions. LANPAG is a standing committee that meets every two months. Its main role so far has been to negotiate the national framework agreement on partnership, to establish the partnership office (co-

located with the LGMSB) as a support for the development of partnership and to put in place a budget for the employment of facilitators and the contracting of trainers to assist in this work. The role of LANPAG is to co-ordinate, advise and support each local authority in devising its partnership approach.

2.3. Industrial Relations Division

The Industrial Relations Division has responsibility for providing advice and assistance to local authorities on all industrial relations matters, conducting discussions and negotiations with trade unions and staff associations, researching and evaluating claims made on the Board from trade unions and staff associations, representing local authorities at any third party proceedings including Labour Relations Commission, Labour Court, Rights Commission, E.A.T. and assisting in co-ordinating a network of local authority Human Resource Officers with a view to achieving best practice in industrial relations.

The Assistant Chief Executive is responsible for the day-to-day operation of the Industrial relations division. As well as operational duties, the Assistant Chief Executive IR advises the Chief Executive as well as the IR Committee and the Board of the LGMSB on IR and Personnel issues that may affect the local government sector. The IR division as part of its daily work prepares policy papers for discussion at the IR Committee. It is also provides the link through which IR issues raised either by individual local authorities or the regional and national network of local authority personnel and training officers can be raised at a national level.

2.4. Office for Local Authority Management

The Office for Local Authority Management was established with effect from April 1, 2004. The concept and rationale for the Unit is contained in the paper – “The Local Government System – A time of Change” – which was prepared by the County and City Managers Association and agreed by the Department of the Environment, Heritage and Local Government.

The County and City Managers’ Association (CCMA) operates in a non-statutory capacity as a representative forum for local authority managers where issues of an executive nature, requiring a co-ordinated response, might be considered. Government departments and agencies consult with the Association on relevant matters where a system wide response is desirable. The Association also acts as a representative body that nominates persons to sit on relevant national committees and working parties and proffers practical advice to government task forces relating to local government issues.

The Director of OLAM is responsible for the day-to-day operation of the Office for Local Authority Management. As well as operational duties the Director of OLAM advises the Chief Executive as well as the OLAM Committee and the Board of the LGMSB on emerging issues that will impact on the local government system. The OLAM as

part of its daily work prepares policy papers and conducts research on behalf of the County & City Managers Association for discussion at the various CCMA sub-committees.

3.0 Local Government Management Services Board – Procedures and Guidelines

3.1. Corporate Governance

In conducting its business, the LGMSB is committed to observing and implementing, where applicable, the 'Code of Practice for the Governance of State Bodies' issued by the Minister for Finance in October 2001.

The Code sets out the principles of corporate governance in the interests of transparency and accountability. It acknowledges the importance of Corporate Planning and lays a foundation to ensure that the necessary structures and procedures are in place for State Bodies to operate at the highest standards. It also advises that appropriate financial and internal controls be put in place.

The Board is aware of its responsibility to ensure that all its activities are governed by the Code and will strive to employ best practice in corporate governance.

3.1.1 Declaration of Interests

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

Code of Practice for the Governance of State Bodies
Ethics in Public Office Act 1995
Standards in Public Offices Act 2001
S.I. 672 of 2005
S.I. 673 of 2005

3.1.2. Data Protection

Data Protection is about the safeguarding of the privacy rights of individuals in relation to the processing of personal data. The data Protection Act(s) 1988 and 2003 confer rights as individual actions as well as responsibilities on those people involved in processing personal data. Since the Amended Act 2003 the legislation now applies to any new manual/hardcopy records created from July 2003 as well as to all data stored in computers.

Legislation

Data Protection Act, 1988
Data Protection (Amendment) Act 2003

Guidelines & Circulars

National Records Retention Policy – Issued by LGMSB (2002)

A Guide for Data Controllers
Data Protection Rules
Further Information: www.dataprotection.ie

3.1.3. Freedom of Information

Freedom of Information legislation asserts 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 an individual.

Legislation

Freedom of Information Act, 1997

Freedom of Information (Amendment) Act 2003

Regulations

Freedom of Information Act, 1997 (Section 47(3)) Regulations, 1998

Fol Act, 1997 (Section 28(1)) Regulations 1998

Fol Act, 1997 (Section 47(3)) Regulations 1998

Fol Act, 1997 (Section 17) Regulations 1998

Fol Act, 1997 (Section 18) Regulations 1998

Fol Act, 1997 (Section 25(6)) Regulations 1998

Fol Act, 1997 (Section 18(5A)) (Amendment) Regulations 1998

Fol Act, 1997 (Section 47(3)) (Amendment) Regulations 1998

Fol Act, 1997 (First Schedule) (Amendment) Regulations 1998

Fol Act, 1997 (Third Schedule) (Amendment) Regulations 1998

Fol Act, 1997 (Section 6(4)(b)) Regulations 1999

Fol Act, 1997 (Section 28(6)) Regulations 1999

Fol Act, 1997 (First Schedule) (Amendment) Regulations 2003

Fol Act, 1997 (Prescribed Bodies) Regulations 1999

Fol Act, 1997 (Prescribed Bodies) Regulations 2000

Fol Act, 1997 (Prescribed Bodies) (No.2) Regulations 2000

Fol Act, 1997 (Prescribed Bodies) (No.3) Regulations 2000

Fol Act, 1997 (Prescribed Bodies) Regulations 2001

Fol Act, 1997 (Prescribed Bodies) (No.2) Regulations 2001

Fol Act, 1997 (Prescribed Bodies) (No.3) Regulations 2001

Fol Act, 1997 (Prescribed Bodies) (No.4) Regulations 2001

Fol Act, 1997 (Classes of Health Professionals) Regulations 2001

Fol Act, 1997 (Prescribed Bodies) Regulations 2002

Fol Act, 1997 (Prescribed Bodies) (No.2) Regulations 2002

Fol Act, 1997 (Miscellaneous Revocations) Regulations 2003

Fol Act, 1997 (Fees) Regulations 2003

Fol Act, 1997 (Section 17(6)) Regulations, 2003

Fol Act 1997 (Prescribed Bodies) Regulations 2006.

Precedents

Decisions of The Information Commissioner 1998 to date

Further Information: www.foi.ie

www.oic.ie

Guidelines & Circulars

CPU (Central Policy Unit) Guidelines

Circular letter LG(P) 08/03 – Fol (Amendment) Act 2003

Circular letter LG(P) 10/03 – Fol (Fees) Regulations 1998

Circular letter LG(P) 10/03 – FoI (Section 17(6)) Regulations 2003
Circular letter LG(P) 10/03 – FoI (Section 18(5)(A)) Regulations 2003
Circular letter LG(P) 12/03 – FoI & EU Complaints
Circular letter BC 4/99 – FoI (Tender Notices – Commercially Sensitive Information) Act, 1997
National Records Retention Policy – Issued by LGMSB (2002)
Guidelines on Dealing with FoI Requests relating to the Tendering Process – Issued by LGMSB (2005)

3.2 Financial Procedures

3.2.1 Financial Accounting & Auditing of Accounts

The financial and accounting rules and procedures in the Board, accord with accounting Standard Statements of Accounting Practice and Financial Reporting Standards and with the circulars and guidelines issued by the Department of Finance. The AFS for each year includes details of Income & Expenditure, Cash Flow Statement, Statement on General Reserves and a Balance Sheet.

The LGMSB operates a system of internal audit and control. Internal checking of all monies receipted and lodged is carried out on an ongoing basis. The LGMSB is also subject to external audit by the Local Government Auditor once a year. The Local Government Auditor conducts an on-site annual audit and reports the findings. Each year's report is published in full in the LGMSB Annual Report.

3.2.1.1 Preparation of Annual Financial Statement

A final set of accounts for each year is prepared by the LGMSB and published as part of the Annual Report.

Regulations

Public Bodies Orders 1946-1993
Local Government (Financial Procedures & Audit) Regulations, 2002

Guidelines & Circulars

Periodic circulars issued by the Department of the Environment Heritage & the Local Government
Value for Money studies produced by the DoEH&LG
Reports published by Comptroller and Auditor Generals office.

3.2.2 Annual Report and Accounts

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, Heritage and Local Government. The accounts are audited by an Auditor appointed by the DoEH&LG. 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

S.I. 410 of 1996

3.2.3 Accounts Payable

All payments for goods, services, etc are processed through the Accounts section of Corporate Services division.

Legislation

Prompt Payment of Accounts Act, 1997

Taxes Consolidation Act, 1997

Late Payment in Commercial Transactions Regulations 2002

Regulations

S. I. No. 502 of 1997 Prompt Payment of Accounts Act, 1997

(Rate of Interest Penalty) Order, 1997

Accounting Code of Practice (ACOP)

Guidelines & Circulars

Circular Letter FIN 17/97 Prompt Payment of Accounts Act, 1997

Circular Letter Fin 23/97 Prompt Payment of Accounts Act, 1997

Circular Letter – 23 January, 1998 – Prompt Payment of Accounts Act, 1997

Circular Letter FIN 15/02 New statutory provisions related to local government finance

The Revenue Commissioners: Notes for the Guidance of Accountable Persons in relation to the Withholding Tax on Professional Services

The Revenue Commissioners: Relevant Contracts Tax – Explanatory Notes for Principal Contractors

Circular Letter FIN BC 5/95 – Tax Clearance

Circular Letter FIN BC 22/95 – Tax Clearance

3.2.4 Accounts Receivable

The LGMSB may from time to time receive monies in receipt of goods or services provided (including refunds). Receipts are issued for all payments received. All payments received for goods, services, etc and receipts issued are processed through the Accounts section of Corporate Services division.

Legislation

S.I. 410 of 1996

Regulations

Public Bodies Orders 1946-1993

Local Government (Financial Procedures & Audit) Regulations, 2002

3.2.5 **Payment of Salaries and Wages**

Salaries and Wages are paid to staff in accordance with Rate of Pay and Circulars relating to pay issued by the Dept. of Environment, Heritage and Local Government. Processing of wages and salaries for all staff including deduction of PAYE and PRSI and other statutory and non-statutory deductions and all returns relating to same is the responsibility of the Corporate Services division of the LGMSB.

Legislation

Payment of Wages Act, 1991
Worker Protection (Regular & Part Time Employees) Act, 1991
Holiday (Employees) Acts, 1973 & 1991
Local Government Act, 2001
Organisation of Working Time Act, 1997
Various Finance Acts
Various Income Tax Acts

Regulations

Public Bodies Orders 1946-1993
Local Government (Officers) Regulations, 1943
Local Government (Officers) Regulations, 1984
Organisation of Working Time Act (Determination of Pay for Holidays) Regulations, 1997
Organisation of Working Time Act (Regulations) 2001

Guidelines & Circulars

Circular S17/97 – Payment of Acting Allowances
Circular LA (P) 3/80, EL 1/89, EL 17/97 – Payment of Overtime
Circular EL7/52
Circular EL 5/67
Circular EL 4/79 – Incremental Credit for Temporary Service
Circular EL3/95
Circular EL 14/96 – Credit for Temporary Service and Previous Permanent Service for Incremental Purposes
Circular EL 1/81 – Additional Increments for Post Graduate Service Engineering Grades
Circular LA(P) 10/84 – Local Government (Officers) Regulations, Fall back Rule (Credit for Allowances), 1984
Circular Letter LA 6/95 – PRSI
Various Circulars relating to National Wage agreements issued by DoEH&LG on remuneration and wage scales for all officer and no-officer grades.
PAYE & PRSI Employers Guide
Local Government Management Services Board Sick Pay Scheme

3.2.6 **Pensions (Superannuation)**

Staff members of the LGMSB are obliged to pay contributions in respect of Superannuation benefits.

Legislation

Local Government (Superannuation) Act, 1956

Local Government (Superannuation) Act, 1980
Local Government (Superannuation) (Consolidation) Scheme, 1998
Regular (Part Time) Employees Act, 1991
Protection of Employees (Part Time Work) Act, 2001

Regulations/Schemes

SI No. 125 of 1990 Local Government (Transfer of Service)(Amendment) Scheme 1990
SI No. 126 of 1990 Local Government (Superannuation Revision) (Consolidation) (Amendment) Scheme 1990
SI No. 184 of 1992 Local Government (Superannuation) (Purchase) Scheme 1992
SI No. 240 of 1989 – Local Government Employees (Spouses and Children Contributory Pension) (Amendment) Scheme, 1989
SI No. 241 of 1989– Local Government Employees (Widows and Orphans Ex Gratia Pension) (Amendment) Scheme, 1989
SI No. 242 of 1989– Local Government Employees (Widows and Orphans Ex Gratia Pension) (Amendment) Scheme, 1989
SI No. 243 of 1989 Local Government (Transfer of Service)(Amendment) Scheme 1989
SI No. 290 of 1993 – Local Government (Superannuation) Act 1956 (Consolidation)(Managers) Scheme 1993
SI No. 291 of 1993 – Local Government (Superannuation Revision) Act 1956 (Consolidation)(Managers) Scheme 1993
SI No. 292 of 1992 – Local Government (Superannuation) Act 1956 (Consolidation)(Amendment) Scheme 1992
SI No. 293 of 1992 – Local Government (Superannuation Revision)(Consolidation)(Amendment) Scheme 1992
SI No. 298 of 1984 Local Government (Transfer of Service) Scheme 1984
SI No. 313 of 1987– Local Government Employees (Widows and Orphans Ex Gratia Pension) (Amendment) Scheme, 1987
SI No. 314 of 1987– Local Government Employees (Widows and Orphans Ex Gratia Pension) (Amendment) Scheme, 1987
SI No. 315 of 1987– Local Government (Superannuation Revision) (Consolidation)(Amendment) Scheme, 1987
SI No. 316 of 1987 – Local Government (Superannuation Revision)(Consolidation) Scheme 1987
SI No. 340 of 1991 – Local Government (Superannuation) Act 1956 (Consolidation) (Managers) Scheme 1991
SI No. 341 of 1991 – Local Government (Superannuation Revision) Act 1956 (Consolidation) (Managers) Scheme 1991
SI No. 346 of 1984 – Local Government (Superannuation) (Gratuities) Regulations, 1984
SI No. 367 of 1995 – Local Government (Superannuation) (Removal of Controls) Scheme, 1995
SI No. 368 of 1995 – Local Government (Superannuation) (Purchase) (Amendment) Scheme, 1995
SI No. 421 of 1986– Local Government (Superannuation) (Purchase) Scheme, 1986
SI No. 127 of 1990 – Superannuation Act, 1956 (Consolidation) (Amendment) Scheme, 1990

SI No. 74 of 1992 - Local Government (Early retirement and Voluntary Redundancy)(Superannuation) Scheme, 1992
 S. I. No. 84 of 1997 Circuit Court Rules
 S. I. No. 349 of 1998 Disclosure Regulations
 S. I. No. 362 of 1998 Vocational Education Superannuation Schemes (Transfer of Departmental Administration and Ministerial Functions) Order, 1998
 S. I. No. 455 of 1998 Local Government (Superannuation) (Consolidation) Scheme, 1998
 S. I. No. 288 of 2002 Local Government (Superannuation) (Consolidation) (Amendment) Scheme, 2002
 S. I. No. 397 of 2003 Pensions Ombudsman Regulations, 2003
 S. I. No. 178 of 2004 Local Government (Superannuation) (Consolidation) (Amendment) Scheme 2004
 S. I. No. 215 of 1991 Occupational Pension Schemes (Disclosure of Information) Regulations
 S. I. No. 346 of 1984 Local Government (Superannuation) (Gratuities) Regulations, 1984 and amendments

Guidelines & Circulars

Circular Letter EL 41/75 Local Government (Superannuation) Act, 1956 Marriage Gratuities
 Circular Letter S 14/95 Reckonability for Pension Purposes of Service Abroad with APSO
 Circular Letter S 5/95 Application of Full PRSI to Future Entrants
 Circular Letter S 6/95 Revised social insurance status and conditions of service of certain local authority officers
 Circular Letter S 11/96 Changes in Superannuation Scheme Affecting Non-Officers
 Circular Letter S 16/96 Recoupment of Superannuation Costs
 Circular Letter S 1/97 Repayments and Contributions by fully insured Officers
 Circular Letter S 6/97 Repayments of Superannuation Contributions and Gratuities
 Circular Letter S 7/97 Payment for Temporary Wholetime and Part-Time Service
 Circular Letter S 17/97 Reckonability of Acting-Up Payments for Superannuation Purposes
 Circular Letter S 18/98 Pensionability of Temporary Wholetime Officers
 Circular Letter S 21/98 Transfer of responsibility for the superannuation of VEC teachers to the Department of Education and Science
 Circular Letter S 24/98 Revised Forfeiture Provisions under the Local Government Superannuation Code
 Circular Letter S 25/98 Additional Voluntary Contributions (AVC's)
 Circular Letter S 1/99 Local Government (Superannuation)(Consolidation) Scheme, 1998
 Circular LG(P) 18/99 Superannuation of Directors of Community and Enterprise
 Circular Letter S 8/99 Dispensing with probate in certain areas
 Circular Letter S 9/99 Additions to service in the case of ill-health retirements

Circular Letter S 10/99 Supplementary Pensions
 Circular Letter S 3/00 Additional Voluntary Contributions
 (Retirement Benefits) Plans (A.V.C.'s)
 Circular Letter S 6/00 Application of a Personal Long Service
 Increment (LSI) to Pensioners
 Circular Letter S 9/00 Payment of a Death Gratuity in respect
 of a wholetime employee who dies during the qualifying period
 for pensionability
 Circular Letter S 5/2001 Transfer of responsibility for the
 superannuation of Institute of Technology and VEC staff (other
 than vocational teachers) to the Department of Education and
 Science
 Circular Letter of 1st March, 2001 Better Local Government -
 Pension Issues
 Circular Letter S.8/2001 Tax Deduction from Refunds made
 under the Purchase of Notional Service Scheme
 Circular Letter S. 10/2001 Increase in Retirement Lump Sum
 Circular Letter S. 17/2001 Local Government Superannuation
 Scheme – Budget 2002
 Circular Letter S. 1/2002 Family Law Legislation and the
 Administration of Public Service Pensions
 Circular Letter S. 2/2002 Superannuation Contributions –
 Officers on full PRSI
 Circular Letter S. 4/2002 1. Equalisation of Pension Provisions
 for all Local
 Authority Staff 2. Superannuation Implications of the
 Protection of Employees (Part-
 Time Work) Act, 2001
 Circular Letter S. 6/2002 Reduction in Qualifying Period for
 Preserved Benefits
 Circular Letter of 21st August, 2002 Better Local Government -
 Pensions Issues
 Circular Letter S. 10/2002 Additional Voluntary Contributions
 (AVCs) - SIPTU Officer Grades
 Circular Letter S. 13/02 Superannuation Seminars (questions
 and answers)
 Circular Letter S. 14/02 Pensionability of Temporary
 Wholetime Officers Employed by Local Authorities
 Circular Letter S. 15/2002 Pensionability of Part-Time Staff
 Circular Letter S. 1/2003 Abolition of the qualifying period for
 pensionability for wholetime non-officers
 Circular Letter S. 2/2003 Possible Tax Refunds to Certain
 Widows
 Circular Letter S. 3/2003 Pensions (Amendment) Act, 2002 –
 Remittance of contributions within 21 days
 Circular Letter S. 13/2003 Pensions Ombudsman –
 Procedures for Internal Resolution of Disputes
 Circular Letter S.1/2004 Pensions Ombudsman – Procedures
 for Internal Resolution of Disputes
 Circular Letter S.3/2004 Pension Increases – Waterworks and
 Sewerage Caretakers
 Circular Letter S.4/2004 Public Service Superannuation
 (Miscellaneous Provisions) Bill 2004
 Circular Letter S.5/2004 Public Service Superannuation
 (Miscellaneous Provisions) Act 2004

DoEHLG Revisions of the Guide to Local Authority Superannuation
DEHLG Local Government Superannuation Scheme – Annual Reports
Pensions Board Guidance Notes (Family Law Acts), April 1997
Pensions Board - A Brief Guide
Computer System for the Local Government Superannuation Scheme, Version 8.05 (Superannuation Scheme Management System – SSMS)
Explanatory Booklet on the Local Government Superannuation Scheme – 1956 Scheme Employees, December 2001
Explanatory Booklet on the Local Government Superannuation Scheme – 1956 Scheme Officers, December 2001
Explanatory Booklet on the Local Government Superannuation Scheme – Revision Scheme Employees, December 2001
Explanatory Booklet on the Local Government Superannuation Scheme – Revision Scheme Officers Paying Modified (Class D) PRSI, December 2001
Explanatory Booklet on the Local Government Superannuation Scheme – Revision Scheme Officers Paying Full (Class A) PRSI, December 2001
Explanatory Booklet on the Local Government Superannuation Scheme – Temporary Wholetime Officers Appointed Prior To 6 April 1995, December 2001
Explanatory Booklet on the Local Government Superannuation Scheme – Temporary Wholetime Officers Appointed On or After 6 April 1995, December 2001

3.2.7 **Procurement Procedures**

In accordance with public policy all Board procurements are made following competitive tendering. In the case of large contracts for supplies and services the Board complies with the rules set out in European procurement law.

The € equivalent to the thresholds which are published in the Directives are revised every two years and published by the European Commission. Information about current thresholds is available free of charge from the Public Procurement Section, Dept. of Finance, Lower Mount Street, Dublin 2.

Legislation

Tender Procedure incorporating E.U. Public Procurement Regulations:

Works Directive 93/37/EEC

Supplies Directive 93/36/EEC

Services Directive 92/50/EEC

Utilities Directive 93/38/EEC

Department of Environment Circular Letter BC2/00

Guidelines

'Public Procurement – The Directives' booklet is available from the EU Commission

Public Procurement Guidelines (Green Book)

3.2.8 **Travelling Expenses and Subsistence Allowances**

In the course of their duties LGMSB staff may incur travel and subsistence expenses. LGMSB staff are reimbursed at the travel and subsistence rates for local authority officers as laid down by the DoEH&LG.

Guidelines & Circulars

Circular Letter EL 7/52 - Travelling Expenses for Local Authority Officers (as revised by periodic circular letters affecting rates).

Circular LA(P) 4/96 – Devolution of responsibility for personnel matters

Circular EL 01/04 – Travelling Expenses for Local Authority Officers

3.2.9 Insurance Cover

It is the responsibility of the Corporate Services division to ensure that insurance cover is in place for all risks including Public Liability, Employers Liability, Fire and Theft.

Legislation

Civil Liability Acts 1961- 2004

Personal Injuries Assessment Board Act 2003

Various Court Acts

Health & Safety Acts 1989 – 2005

3.3 Recruitment & Terms & Conditions of Employment

3.3.1 Recruitment & Manpower Planning

Functions include all recruitment, advertising of vacancies, holding of interview competitions, assignment of personnel and execution of employment contracts.

Legislation

Local Authorities (Officers & Employees) Acts 1926, 1940, 1983

Section 160 (1) a to e Local Government Act 2001

Employee Information Act 1994

Protection of Employee (Part Time Work) Act 2001

Protection of Employees (Fixed Term Work Act) 2003

Employment Equality Act 2004

Regulations

Local Government (Officers) Regulations, 1943

Local Government (Appointment of Officers) Regulations, 1974

Local Government (Age Limit Order), 1991

Local Government (Appointment of Officers) (Amendment) Regulations, 1997

Guidelines & Circulars

Qualifications and Particulars of Office for various posts as laid down by the DoEH&LG.

Circular letter E.L. 7/52 – Local Government Officers

Circular letter E.L. 8/66 – Local Officers (Irish Language)

Regulations, 1966

Circular letter E.L. 7/75 – Regrading of Clerical & Administrative Staff
Circular letter LA (P) 19/84 – Recruitment Methods for Local Authority Methods for Local Authority Employees (Servant Grades)
Circular letter LA (P) 2/92 – Local Government (Tenure of Office) Order
Circular letter LA (P) 6/96 – Employment of People with Disabilities
Circular letter LA (P) 13/96 – Amendment of Qualifications
Circular letter LA (P) 3/97 – Restructuring of Clerical Administrative Grades
Circular letter LA (P) 6/97 – Recruitment to Posts for which the Leaving Certificate is a Requirement
Circular letter EL 9/01 – Clerical Officer & Analogous Grades – Permanent & Temporary Staff – Incremental Credit
Circular letter LG [P] 13/03 – Protection of Employees {Fixed Term Work} Act 2003

LGMSB Policies & Procedures

Equality & Diversity Management Policy

3.3.2 Applications for Additional Posts

Sanction for increases in the Board staff numbers and/or requests for creation of posts outside current controls are made to the Minister of Environment, Heritage and Local Government.

Guidelines & Circulars

Circular LA (P) 4/96

3.3.3 Conditions of Employment

Subject to any statutory requirement, national wage agreements and / or agreements made with staff representatives, the LGMSB shall determine the remuneration and conditions of employment of its employees. The DoEH&LG may also specify requirements or conditions relating to the appointment of new or existing staff. Conditions of Employment may include Remuneration, Starting Pay, Increments, Tenure of Office, Probation, Suspensions, Removal from Office, Hours of Attendance, Overtime, Substitutes, Secondment, Inappropriate use of Equipment Issued by the LGMSB etc

Legislation

Payment of Wages Act, 1991
Organisation of Working Time Act, 1997
National Minimum Wage Act, 2000
Minimum Notice and Terms of Employment Acts, 1973-2001
Unfair Dismissals Acts, 1977-2001
Terms of Employment (Information) Acts 1994-2001
Part 14, Chapter 4 of the Local Government Act, 2001
Protection of Employees (Part-Time Work) Act, 2001
Redundancy Payments Acts, 1967-2003

Protection of Employees (Fixed-Term Work) Act 2003
Section 159 (3) a and b Local Government Act 2001
Employment Permits Act 2003

Regulations

S. R. & O. 1943 No. 161 Local Government (Officers)
Regulations, 1943
S. I. No. 140 of 1957 Age Limit Order, 1957
S. I. No. 128 of 1991 Local Government (Tenure of Office)
Order, 1991
S. I. No. 221 of 2000 Local Government (Tenure of Office)
Order, 2000
Organisation of Working Time (Records) (Prescribed Form and
Exemptions) Regulations 2001

Guidelines & Circulars

Circular Letter E.L. 7/52 - Local Government Officers
Circular Letter E.L. 5/67 - Starting Pay on Appointment or
Promotion
Circular Letter E.L. 4/79 (regarding Incremental credit for
temporary service)
Circular Letter LA(P) 3/80 - Overtime
Circular Letter E.L. 3/95 - Increments for Temporary Staff /
Incremental Credit
Circular Letter E.L. 14/96 – Ex-Gratia Payments to Officers
under Suspension
Circular Letter E.L. 14/96 - Credit for temporary service and
previous permanent service for incremental purposes
Circular Letter E.L. 16/96 - Recoupment of Superannuation
Costs
Circular Letter EL 18/97- Starting Pay on Promotion
Circular Letter E.L. 1/81 (Additional increments for post
graduate service engineering grades)
Circular Letter EL 7/00 'Personal to holder' Long Service
Increments and Age Related Pay Scales
Circular Letter E.L. 08/05 - Calculation of acting up allowances
and incremental credit on promotion
PO/226/05 - Local rule in relation to starting pay on promotion
to salaried position.
Fall Back Rule (credit for allowances)
Department of Environment rule on promotion of a servant to
an officer grade
Local Authorities (declaration of Offices Order) 2003
Local Authorities (declaration of Offices Order) 2002
Local Authorities (declaration of Offices Order) No 2 2002
Protection of Employees (Fixed-Term Work) Act 2003 –
Explanatory Booklet for Employers and Employees

Policies & Procedures

LGMSB Communications Policy
LGMSB Grievance & Disciplinary Procedure
LGMSB Attendance Management Policy
LGMSB Dignity at Work Policy & Procedures

3.3.4 **Probation**

A period of probation exists, where a person who is not already a permanent officer of the Board is appointed to a permanent office.

Regulations

Article 32 (2) of the Local Government (Officers) Regulations, 1943

3.3.5 **Assignment of Duties**

The assignment of duties is a matter for the Chief Executive under the Particulars of Office for each office approved by the Minister subject to any agreements, which have been made with the staff.

Legislation

Sections 10 & 20 of the Local Government Act, 1941

3.3.6 **Employee Relations**

The LGMSB has put in place formal procedures to deal with grievances and disciplinary matters. Where a dispute has not been resolved internally the industrial relations machinery provided by the State, involving the Labour Relations Commission and, ultimately, the Labour Court, will be utilised.

Legislation

Industrial Relations Acts, 1946 – 1990

Holidays (Employees) Acts, 1973 & 1991

Payment of Wages Act, 1991

Minimum Notice and Terms of Employment Acts, 1973 – 1991

Terms of Employment (Information) Act, 1994

Maternity Protection Act, 1994

Adoptive Leave Act, 1995

Organisation of Working Time Act, 1997

Guidelines & Circulars

National Wage Agreements

Labour Court Rulings

Labour Relations Commission Findings

Policies & Procedures

LGMSB Grievance & Disciplinary Procedure

LGMSB Dignity at Work Policy

LGMSB Attendance Management Policy

LGMSB Diversity Policy

3.3.7 **Tenure of Office**

Permanent Officers generally hold office until resignation/retirement or removal from office. Temporary Officers hold office for a specified period or until a specified work or duty has been completed/or pending the appointment of another person to hold office or a substitute officer.

Legislation

Sections 19 and 23 of the Local Government Act, 1941

Section 14 of the Local Government Act, 1955
Section 47 of the Local Government Act, 1991
Protection of Employees (Fixed Term Working) Act 2003
Protection of Employees (Part time Work Act) 2001
Local Government Act 2001
Unfair Dismissals Acts, 1977 – 1993
Redundancy Payments Acts, 1967 – 1991
Protection of Employment Act, 1997
Section 164 Local Government Act 2001

Regulations

Article 32 (1) Local Government (Officers) Regulations, 1943
Local Government (Tenure of Office) Order, 1991

Guidelines & Circulars

Circular L.A. (P) 2/92

3.3.8 Appeals to the Minister in relation to Pay, Duties & Conditions of Service

An officer may make an appeal to the Minister for the Environment Heritage and Local Government if he/she is aggrieved by a decision, which the Board has made in relation to his/her remuneration, duties or conditions of service.

Legislation

Section 10 Local Government Act, 1941
Section 12 Local Government Act, 1955

Regulations

Section 35, Local Government (Officers) Regulations, 1943

3.3.9 Extension Beyond the Age Limit

Officers of the LGMSB who cease to hold office on reaching the retirement age are not retained in a temporary capacity beyond retirement age except in exceptional circumstances.

Regulations

Age Limit Order, 1957
Section 158(1) C Local Government Act 2001

Guidelines & Circulars

Circular Letter LA (P) 23/86

3.4 Leave & Work Sharing

3.4.1 Leave

There is a large range of types of leave available to staff.

Legislation

Holidays and Employees Act, 1973
Organisation of Working Time Act, 1997
Organisation of Working Time (records) Regulations 2001
Carers Leave Act 2001

Regulations

Art. 22 and 23 Local Government (Officers) Regulations, 1943
(Public Holidays) Regulations, 1993

Guidelines & Circulars

Circular Letter LA (P) 4/96 – Unpaid Leave
Circular Letter EL 59/75 - Marriage
Circular Letter EL 12/71 - Interviews
Circular Letter LA (P) 19/80 - Study/Exam
Circular Letter LA (P) 12/88 - Death:
Circular Letter 18/80 - Family/Circumstances:
Circular Letter 18/80 - Anticipation of Annual Leave:
Circular Letter LA (P) 10/81 - Training with Defence Forces:
Circular Letter LG (P) 07/03 – Public Holiday Entitlement,
Circular Letter LG (P) 06/03 - Term time leave

Policies & Procedures

LGMSB Term Time Scheme
LGMSB Work Sharing Scheme

3.4.2 Career Break

Officers and employees may be granted special leave without Pay for the purpose of Rearing a Family, Setting Up a Business or Travel Abroad.

Guidelines & Circulars

Circular Letter LA (P) 12/84
Circular Letter LA (P) 18/84 – Career Breaks
Circular Letter LA 7/86 – Career Breaks in Local Authority Service
Circular Letter LA (P) 18/87 – Reductions in Local Authority Numbers
Circular Letter LA (P) 1/93 - Career Breaks in Local Authority Service
Circular Letter LG (P) 8/2000
Circular Letter LG (P) 22/04

Policies & Procedures

LGMSB Career Break Policy

3.4.3. Job/Work Sharing

A scheme exists whereby posts may be filled on a job/work-sharing basis.

Guidelines & Circulars

Circular LA (P) 11/86 – Job Sharing Scheme
Circular LA (P) 18/87 – Reduction in Local Authority Staff Numbers
Circular LG (P) 13/02 – Local Authority Work Sharing Scheme
Circular LG (P) 22/04 –Working and Social Insurance Contributions
Circular LA (P) 11/02 – Term Time Leave Scheme
Circular LA (P) 06/03 – Payment of Salary & Pension Contributions: Implications of Term Time Leave

Policies & Procedures

LGMSB Work Sharing Scheme

3.4.4. Parental Leave

Parental leave is an entitlement to avail of unpaid leave from employment to enable parents to take care of their young children.

Legislation

The Parental Leave Act 1998

Regulations

Social Welfare (Consolidation Payments Provisions)(Amendment) (No.2) Regulations, 1995

Guidelines & Circulars

Circular letter LG(P) 5/00 – Paternity Leave

Circular letter LG (P) 12/02 – Amendment to Parental Leave entitlement (Age & Disability)

Circular letter LG (P) 21/02 – Amendment to Parental Leave entitlement (Age)

Circular letter LG(P) 18/04 – Paternity Leave & Sick Leave

Policies & Procedures

LGMSB Parental Leave & Force Majeure Policy & Procedures

3.4.5. Maternity Leave

This Scheme grants maternity leave to the Board employees.

Legislation

Maternity Protection Act, 1994

Parental Leave Act, 1998

Maternity Protection (Amendment) Act 2004

Regulations

Maternity Protection (Disputes & Appeals) Regulations, 1995

Maternity Protection (Time off for Anti- Natal & Post-Natal Care) Regulations, 1995

Maternity Protection (Health & Safety Leave Certification) Regulations, 1995

Maternity Protection (Health & Safety Leave Remuneration) Regulations, 1995

Social Welfare (Consolidation Payments

Provisions)(Amendment) (No.2) Regulations, 1995

Maternity Protection (Amendment) Act 2004

Guidelines & Circulars

Circular LA (P) 15/81 – Maternity leave

Circular LA (P) 11/88 – Public Holidays in periods of Maternity leave

3.4.6. Adoptive Leave

Adoptive leave is an entitlement to avail of unpaid leave from employment to enable parents to take care of newly adopted young children.

Legislation

Adoptive Leave Act, 1995

Adoptive Leave Order 2001

S.I. No. 64 of 1995 Adoptive Leave Act, 1995

(Commencement) Order, 1995

S.I. No. 93 of 1995 Social Welfare Act, 1995 (Section 11)

(Commencement) Order, 1995

S.I. No 94 of 1995 Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 2) Regulations, 1995

S.I. No 195 of 1995 Adoptive Leave (Referral of Disputes and Appeals) (Part V) Regulations, 1995.

S.I. No 196 of 1995 Adoptive Leave (Calculation of Weekly Remuneration) Regulations, 1995.

Regulations

Social Welfare (Consolidated Payments Provisions)

(Amendment) (No.2) Regulations, 1995

Adoptive Leave (Referral of Disputes and Appeals) (Part V)

Regulations, 1995

Adoptive Leave (Calculation of Weekly Remuneration), 1995

Guidelines & Circulars

Circular LA (P) 7/84 – Adoptive Leave

Circular LA (P) 5/01 – Changes in Adoptive Leave

3.4.7 Sick Leave Scheme for LGMSB Staff

The scheme deals with the granting of sick leave and payment of salary during absence on sick leave.

Regulations

Section 20 of the Local Government (Officers) Regulations, 1943

Guidelines & Circulars

Circular Letter EL 7/52

Circular Letter LA (P) 17/80

Policies & Procedures

LGMSB Sick Leave Policy

3.5 General

3.5.1. Code of Conduct

The code relates to matters such as placing of contracts and purchasing/sale of goods by LGMSB employees, acceptance of gifts or rewards for help or information given to the public on official matters, use of influence, courtesy and impartiality when dealing with members of the public. There is also a prohibition on the staff of the LGMSB from engaging in outside occupations, which would impair or be in conflict with the performance of their duties on the Board.

Guidelines & Circulars

Circular Letter EL 48/74 – Rules of Conduct for Local Authority Officers

Circular Letter EL 10/84 –Local Authority Officers Engaging in Private Practice

Circular Letter EL 3/96 –Local Authority Officers Engaging in Private Practice and Declarations of Interests

Circular Letter EL 03/03 – New Ethical Framework for Local Government Service

Circular Letter EL 10/03 – New Ethical Framework – Annual Declaration & Public Register

Section 169 Local Government Act 2001

Local Government National Code of Conduct for employees 2005

3.5.2 Health & Safety

The aim of the LGMSB is to protect the health, welfare and safety of all staff. The Corporate Services division of the LGMSB has prepared safety statements in accordance with the Safety, Health and Welfare at Work Act, 2005 as well as the previous 1989 Act. Health and safety training is provided for all LGMSB staff.

Legislation

Safety, Health & Welfare at Work Act, 2005

Regulations

Safety, Health & Welfare at Work (General Applications)

Regulations 1989-1995

Safety, Health and Welfare at Work (General Application)

(Amendment No. 2) Regulations, 2003

Policies & Procedures

LGMSB Safety Statement

3.5.3 Equality

The LGMSB promotes an equality of opportunity of purpose ethos in all its activities. The LGMSB operates an Equality and Diversity management policy.

Legislation

Anti-Discrimination (Pay) Act, 1974

Employment Equality Act, 1977

Employment Equality Act, 1998 – 2004

Equal Status Act, 2000

Local Government Act 2001 Sections 166 – 182

Circulars & Guidelines

Circular Letter LG (P) 10/98 Equality Action Programme

DoEH&LG Code of Practice for the Employment of People with Disabilities in the Local Authority Service, July 1999

National Code of Practice for the employment of people with disabilities.

National Code of Conduct for employees 2005

Policies & Procedures

LGMSB Dignity at Work Policy

LGMSB Attendance Management Policy

LGMSB Diversity Policy

3.5.4 Staff Training & Development

Training and Development is provided to all LGMSB staff to ensure that the skills and knowledge of the LGMSB staff allow them to deliver a high quality service to our stakeholders. Training and development also facilitates personal career development. Following identification of individual training and development needs, an appropriate training/developmental programme is agreed and sanctioned by individual line manager/divisional heads.

3.5.5 Irish Language

The primary objective of the Official Languages Act 2003 is to ensure better availability and a higher standard of public service through Irish.

Legislation

Official Languages Act, 2003

Official Languages Act 2003 (Section 9) Regulations 2006

Official Languages Act 2003 (Public Bodies) Regulations 2006

Guidelines & Circulars

Guidelines on Section 12 of the Official languages Act, 2004