



National Council for Curriculum and Assessment
An Chomhairle Náisiúnta Curaclaim agus Measúnachta

Guide to the functions and records of the National Council for Curriculum and Assessment

Freedom of Information Acts 1997 and 2003
Sections 15 & 16 Reference Book

August, 2008

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Introduction

The Freedom of Information (FOI) Act 1997 amended in 2003, established three new statutory rights effective from 31st April, 1998:

- 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 one self.

The Acts assert the right of members of the public to obtain access to official information to the greatest possible extent consistent with the public interest and the right of privacy of individuals. The FOI Acts are designed to allow public access to information held by public bodies which is not routinely available through other sources. Access to information under the Acts is subject to certain exemptions and involves specific procedures and time limits.

This reference book has been prepared and published in accordance with the requirements of sections 15 and 16 of the FOI Act, 1997. Its purpose is to facilitate access to official information held by the NCCA, by outlining the structure and functions of the NCCA, details of the services we provide and how they may be availed of, information on the classes of records we hold and information on how to make a request to the Council under the Freedom of Information Act, 1997.

Routinely available information

The NCCA currently makes information routinely available to the public in relation to its functions and activities. Such information will continue to be available informally and free of charge without the need to use the FOI Acts. An extensive range of such information is available on our websites.

Our contact details are as follows:

Postal address: NCCA, 24 Merrion Square, Dublin 2

Telephone: ++ 353 1 6617177

Fax: ++ 353 1 6617180

e-mail: info@ncca.ie

Websites: www.ncca.ie and www.curriculumonline.ie

Applications under the FOI Act

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

- access to records held by us not covered by one of the exemptions in the Acts
- correction of personal information relating to you held by us where it is inaccurate, incomplete or misleading
- access to reasons for decisions made by us directly affecting you.

The following records come within the scope of the Acts:

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

The NCCA will normally respond to a request within four weeks. A week is defined in the Act to mean five consecutive weekdays, excluding Saturdays and public holidays (Sundays are also excluded, as they are not week days).

Applications under the FOI Act should be addressed to:

The FOI Officer (Denise Harris at the time of publication)
National Council for Curriculum and Assessment
24 Merrion Square
Dublin 2.

Tel: ++ 353 1 6617177

Fax: ++ 353 1 6617180

e-mail: info@ncca.ie

Your application

- (i) **Your application should be in writing** and, if applicable, accompanied by the appropriate fee (see "fees" below). The relevant fee should be paid by bank draft, money order, postal order or cheque drawn on a bank in the Republic of Ireland, made payable to the NCCA.
- (ii) If you require a reply in a particular format i.e. photocopy, computer disk, etc. please mention this in your application.
- (iii) Please be as detailed and as specific as possible when completing your application as this will assist us in dealing with it. It can also result in lesser charges being incurred on search and retrieval in cases where these fall to be paid. Where possible please try to indicate the time period for which you wish to access records. If you have any difficulty in preparing your application our staff will be happy to assist you in this regard.
- (iv) You may be required to prove your identity, especially when seeking personal information, so you may, therefore, be asked to produce your Birth Certificate, Driving Licence, Passport or other form of identity.
- (v) Please include a daytime telephone number, if possible, so that you may be contacted quickly if it is necessary to clarify details of your request.

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

Assistance to persons with a disability

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

FOI decision making in the NCCA

The Council will acknowledge receipt of FOI applications not later than two weeks following their receipt and forward them to the FOI Decision Maker for decision. The Decision Maker proceeds to deal with the request, liaise with the requester as appropriate and make a decision on the matter.

Rights of review and appeal

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

You may seek internal review of the initial decision which will be carried out by an official at a higher level if:

- (a) You are dissatisfied with the initial response received 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.

Requests for internal review should be submitted in writing and, if applicable, accompanied by the appropriate fee, (see under Fees) to:

Head of Administration (Paul Brady at the time of publication)
National Council for Curriculum and Assessment
24 Merrion Square
Dublin 2.

Tel: ++ 353 1 6617177

Fax: ++ 353 1 6617180

e-mail: info@ncca.ie

The relevant fee should be paid by bank draft, money order, postal order or cheque drawn on a bank in the Republic of Ireland, made payable to the NCCA.

Such a request for internal review must be submitted within four weeks of the initial decision. We must complete the review within three weeks. Internal reviews must normally be completed before an appeal may be made to the Office of the Information Commissioner.

Review by the Information Commissioner

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

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

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

Telephone: 01-6395689

Fax: 01-6395676

E-mail: info@oic.ie

Website: <http://www.oic.ie>

Fees

In certain cases a fee must be paid at the time of the making of a request or an appeal. Fees are not payable where the record(s) concerned contains or contain only personal information relating to the requester. If the fee is not paid the request/appeal is deemed not to have been made. However, in certain circumstances, no fee is payable or reduced fees may apply. The details of when payment is necessary, and the rates of payment, are set out below:

Type of Request / Appeal	Original Request	Internal Review	Appeal to OIC
Access to personal information relating to the applicant	No Fee	No Fee	No Fee
Amendment to records (Section 17 of FOI Act)	No Fee	No Fee	No Fee
Statement of reasons (Section 18 of FOI Act)	No Fee	No Fee	No Fee
Appeal of decision to charge a fee	No Fee	No Fee	No Fee
Request to which Section 28(6) of the Act applies	No Fee	No Fee	No Fee
Access to a non-personal record by a non-medical card holder	€15	€75	€150
Request for a non-personal record by medical card holder or dependant of medical card holder	€10	€25	€50
Third parties appealing a decision of a public body to release their information on public interest grounds	-	-	€50

Search and retrieval

Fees may apply in respect of the search and retrieval and/or copying of records which are the subject of an FOI request. Generally no fee will apply if the records being sought contain only personal information, unless a significant number of records are involved.

Search and retrieval/copying fees are not sought:

- where the release of the records, the subject of the FOI request, would be of particular assistance to any individual or group seeking to understand an issue of 'National Importance'
- where the cost of collecting the fee is greater than the fee itself.

Fees Charged

Where these fees are sought the following rates apply:

- Search & Retrieval : €20.95 per hour
- Copying of Records:
 - Photocopy 4c per page
 - Floppy Disk 51c
 - CD ROM €10.16
 - X-ray €6.35

The number of hours of search and retrieval time which can be charged by a public body is limited to the number of hours it would take to find the records in a well organised filing system. The charge is only imposed in respect of the physical act of searching.

If the search and retrieval fee is likely to exceed €50.79 a deposit of at least 20% must be sought by the public body. The requester should be notified of this within two weeks of their FOI request and should also be provided with an estimate as to how many hours searching will be required. The body will not begin searching until the deposit paid.

The requester can contact the body to see how the deposit could either be reduced or eliminated e.g. by making their request more specific and therefore reducing the number of records which would need to be searched for. If the request is refused or part granted the deposit will be repaid.

The deposit sought and the amount of the final fee can be appealed. However, only the fee will be considered, the records, which are the subject of the FOI request, will not be examined where a deposit or final fee is appealed.

About the National Council for Curriculum and Assessment

The NCCA is a statutory Council and its brief is to advise the Minister for Education and Science on matters relating to curriculum and assessment for early childhood education and for primary and post-primary schools.

Vision

The Council's Strategic Plan 2006-2008 sets out its statement of vision:

The NCCA will play a key role on providing an education system of the highest quality for learners to enable them to realise their full potential and to equip them for successful participation in the, and contribution to, economic and civil society, and in so doing promote the growth of a learning society.

Mission

The Council's approach to its work is summarised in its mission:

The role of the NCCA is to lead developments in curriculum and assessment and to support the implementation of changes resulting from this work. The NCCA works in a spirit of consensus and partnership. It seeks to promote an innovative and creative environment for all learners in schools and other educational settings.

Role

The detailed functions of the statutory Council under the terms of the Education Act, 1998, can be summarised as follows:

To periodically **review the curriculum**, or any part of the curriculum, for schools and the syllabuses taught and to advise the Minister

To advise the Minister on appropriate **methods for the assessment of the effectiveness of the education provided in schools**, with particular regard to

mechanisms whereby students who have problems achieving their potential may be identified as early as practicable and assisted

To advise the Minister on strategies which will **assist students to make a successful transition from primary school to post-primary school**

To periodically advise the Minister on the **standards of knowledge and skills which students at various age-levels should attain and on the mechanisms for assessing the achievement of such standards**, having regard to national and international standards and good practice in relation to such assessment

To periodically **review the in-service training needs of teachers**, including needs arising from the introduction of new curricula, subjects or syllabuses in schools, and to advise the Minister in relation to those needs

To advise the Minister on the requirements, as regards curriculum and syllabuses, of **students with a disability or other special educational needs**

To advise the Minister on strategies which have as their objective the enhancement of the effectiveness in the teaching and **use of the Irish language in schools**

To maintain, manage, administer and invest all the money and **assets of the Council**

To **promote research and development** in education and to conduct or commission such research and development where appropriate to its objects and functions

To **promote equality of access** to education generally and to instruction in any particular subjects between male and female students

To **accept gifts of money, land** or other property upon such trusts and conditions, if any, as may be specified by the donors

To do all such acts and things as may be necessary to **further the objects of the Council**, including such functions in relation to review and reform of the curriculum in

schools and the assessment of the outcomes of the education provided in schools as the Minister shall from time to time direct.

Composition of the NCCA Council

The Council is a representative structure, the membership of which is determined by the Minister for Education and Science. The 25 members come from organisations representing teachers, school managers, parents, employers, trade unions and interests in education. Other members include representatives of the Department of Education and Science (DES), the State Examinations Commission and a nominee of the Minister. The Council meets eight to nine times each year. The membership of the current Council which was appointed for a three year term to 31 March, 2009 is outlined in Appendix one.

Structure and staff of the NCCA Executive

The NCCA has a full-time executive staff led at the time of writing by the Chief Executive Dr. Anne Looney, and the Deputy Chief Executives, John Hammond and Dr. Sarah FitzPatrick. Together with the full-time staff members, there is a team of part-time Education Officers, who have particular expertise and who are appointed on a secondment or commission basis to the NCCA. The current staffing structure is illustrated in appendix two.

The work of the NCCA

The work of the NCCA is carried out by a number of specialist committees, comprising teachers, DES inspectors, representatives of the State Examinations, Commission, teacher unions and school managerial bodies, parent and subject associations and higher education interests including universities and other colleges. These committees draw up the syllabus or course for each subject or part of the curriculum for approval by the Council.

Classes of records held by the NCCA

- Records in relation to the operation of the Curriculum and Examinations Board which preceded the establishment of the NCCA
- Records in relation to curriculum and assessment issues in early childhood, primary and post-primary education
- Records in relation to the membership of the NCCA Council and its sub-committees
- Records in relation to meetings of Council and its sub-committees including notice of meetings, supporting documentation and minutes
- Records in relation to annual Plans of Work
- Records in relation to payments made by the Council including supplier details, purchase orders, invoices, general correspondence, travel and subsistence claims
- Records in relation to procurement including tender documentation and supplier contracts
- Records in relation to Estimates and profiles of expenditure of the Council including income and expenditure returns to the DES, monthly management accounts, bank statements and reports on expenditure by project code
- Records in relation to tax returns to Revenue
- Records in relation to the production of the annual report and financial statements
- Records in relation to audit including annual audited accounts and internal audit reports
- HR records in relation to the staff of the Council
- Records in relation to conferences, seminars and briefing sessions held by the NCCA and external events attended by NCCA staff members
- Records in relation to NCCA publications
- Records in relation to the interface between the NCCA and the Department of Education and Science
- Records in relation to the interface between the NCCA and its sister organisations abroad.

Section 16 FOI Act

Procedures, practices, guidelines and interpretations

Section 16 of the 1997 act requires the Council to publish a manual containing *the rules, procedures, practices, guidelines and interpretations ...for the purposes of decision...under...any enactment or schemes administered* by the Council "with respect to the rights, privileges, benefits, obligations, penalties to other sanctions to which members of the public are or may be entitled or subject under the enactment or scheme and appropriate information in relation to the manner or intended manner of administration of any such enactment to scheme"

The NCCA administers very few enactments or schemes of the type covered by Section 16.

With regard to recruitment process the Council acts in accordance with employment legislation and best practice and guidelines issued by the Public Appointment Service.

In terms of tendering the Council acts in accordance with its procurement policy which is consistent with the Public Procurement guidelines issued by the Department of Finance and EU directives where applicable.

Payment of travel and subsistence expenses to staff, members of Council and its enabling structures are made in accordance with public sector rates and procedures authorised from time to time by the Department of Finance.

Precedents

Section 16 of the FOI Acts also refers to the publication by a public body of an index of any precedents kept by it. As the work of the NCCA is organic in nature, precedents are not part of the decision making process of Council in relation to curriculum and assessment matters.

Appendix one

Membership of Council

Prof. Tom Collins, Chairperson

Ms. Catherine Byrne, Deputy Chairperson

Ms. Eilis Humphreys, Deputy Chairperson

Ms. Antoinette Buggle, National Association of Boards of Management in Special Education

Mr. Oliver Donohoe, Irish Congress of Trade Unions

Mr. Aidan Farrell, State Examinations Commission

Mr. Michael Freeley, Association of Secondary Teachers, Ireland

Mr. Declan Kelleher, Irish National Teachers' Organisation

Ms. Marion Lyon, National Parents Council Post-Primary

Mr. John MacGabhann, Teachers' Union of Ireland

Dr. Kenneth Milne, Church of Ireland Board of Education

Mr. Paddy Murchan, Catholic Primary Schools Managers Association

Ms Maria Murphy, National Parents Council Primary

Mr. Éamonn Murtagh, Department of Education and Science

Ms. Sheila Nunan, Irish National Teachers' Organisation

Dr. Barney O'Reilly, Irish Vocational Education Association

Tomás Ó Ruairc Uas., Foras na Gaeilge

Ms. Sheila Parsons, Association of Secondary Teachers, Ireland

Ms. Pat Quinn, Minister's Nominee

Ms. Bernie Ruane, Teachers' Union of Ireland

Ms. Eileen Salmon, Association of Community & Comprehensive Schools

Mr. Heino Schonfeld, The Centre for Early Childhood Development and Education

Mr. Frank Turpin, Irish Business and Employers Confederation

Mr. Paul P Tyrrell, Joint Managerial Body

Prof. Eugene Wall, Irish Federation of University Teachers

Appendix two

NCCA staffing structure



