



## An Information Guide

October 2000

This guide is prepared in accordance with Sections 15 & 16 of the  
Freedom of Information Act, 1997.



## **Preface**

As prescribed by Statutory Instrument, and with effect from 21 October, 2000, the Cheshire Foundation in Ireland becomes a *public body* for the purposes of paragraph 1(5) of the First Schedule to the Freedom of Information Act, 1997.

This Information Guide to the Cheshire Foundation in Ireland has been prepared in compliance with the Freedom of Information Act, 1997. Parts A and B are intended to meet the requirements of Section 15. Part C contains a list of internal policies, procedures and guidelines used in providing the Foundation's services. As soon as resources from statutory sources permit, this list will be expanded and developed into the publication specified in Section 16 of the Act.

As required under the Act, this Guide will be revised, at least, every 3 years.

The Cheshire Foundation in Ireland is committed to openness, transparency and accountability in the way its services are managed and delivered. As a matter of routine, the Foundation aims to provide maximum access to information, subject only to considerations of individual privacy and confidentiality.

The Foundation encourages and facilitates members of the public (including existing or former service users and staff) to use their rights under the Freedom of Information (FoI) Act.

Foundation staff will act in the spirit of the Act and, in particular, will assist people in making FoI applications.

The Foundation's Freedom of Information Officer will be happy to help members of the public with any questions or queries relating to the operation of the Act. Contact details are shown in Appendix 1 of this Guide.

**Mark Blake-Knox**

**Chief Executive Officer**

**October 2000**

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## Section 1 Introduction

### 1.1 The purpose of this Public Information Guide

The Cheshire Foundation in Ireland is committed to openness and transparency in the way it provides services. In keeping with this commitment, the Foundation welcomes requests for information from the public and other interested parties.

Under the Freedom of Information Act, 1997, the public has legal rights to ask for information and records relating to the Foundation and its services. This guide is intended to help the public (including existing Cheshire service users and staff) in making requests for information. The guide also describes how the public can obtain information without having to make a formal request under the Freedom of Information Act.

### 1.2 How information in this Guide is arranged

The information in this guide is arranged in three parts:

- **Part A:** This contains information about the Cheshire Foundation, its mission, values and structures. Details of the types of services provided and how the public can get access to these services are also given together with appeals and complaints procedures.
- **Part B:** This part gives details of the types of information and records held by the Foundation. Details are also given of the ways in which the public can request access to information:
  - Through administrative access,
  - Through straightforward, routine access, and/or
  - Under the Freedom of Information Act.
- **Part C:** This part lists the policies, guidelines and statutes under which the Foundation operates.

### 1.3 Where to get a copy of this Guide

You can get a copy of this guide, free of charge, from any Cheshire Foundation location. Please refer to Appendix 1 for details of our locations. It is also available from public libraries.

Public information leaflets giving details of your rights under the Act are available from the Cheshire Foundation locations shown in Appendix 1. Staff information booklets are also available.

### 1.4 Questions about access to records or Freedom of Information

If you have a question about how to get access to records or about how the Freedom of Information Act applies to the Cheshire Foundation, please contact the Foundation's *Freedom of Information Officer*. Contact details are shown in Appendix 1.

**PART A**  
**A guide to services provided by the Cheshire Foundation**  
(Section 15, Freedom of Information Act, 1997)

## Section 2

### Getting information about Cheshire Foundation services

#### 2.1 Routine and administrative access to information

The Cheshire Foundation is happy to give the public access to as much information as possible without the need for people to use the formal approach under the Freedom of Information Act. There are two ways in which we do this:

- 1 **Routine access:** The Foundation publishes a range of general information on its services. This information is available as follows:
    - Brochures on the services provided through individual Cheshire Centres are available from any of the Cheshire locations shown in Appendix 1.
    - General information on Cheshire Foundation services is also available on the internet at the following location: [www.cheshire-foundation.ie](http://www.cheshire-foundation.ie).
    - A copy of the *Handbook of Care*, which sets out the Cheshire Foundation's ethos and operating principles, can be had from any of the Cheshire locations listed in Appendix 1.
  - 2 **Administrative access:** Information is also available through what's known as *administrative access*. To use this approach, simply contact the appropriate manager stating the information or records in which you are interested. The manager will help you as much as possible in meeting your request. In certain circumstances, the manager may advise you that your request is best dealt with through the Freedom of Information Act, in which case he/she will help you make the necessary request. You can also contact the Foundation's Freedom of Information Officer
- Full details on the procedure to follow in making administrative access requests are contained in Section 8 of this Information Guide.

**Important:** *Using routine or administrative access does not in any way limit your legal rights under the Freedom of Information Act. You are free, at any time, to make a formal information request under the Act – see Section 9 of this Information Guide for details.*

#### 2.2 Formal ways to get information – Outline of the Freedom of Information (FoI) Act

**Background to the FoI Act:** The Freedom of Information (FoI) Act became law in 1997. The FoI Act asserts 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.

The Act was implemented in Government Departments and Offices as from 21 April 1998. Health Boards and local authorities came within the Act as from 21 October 1998, with voluntary hospitals and voluntary agencies within the learning disability field being included as from 21 October 1999.

**Extension of the Act - 21 October 2000:** By ministerial regulation, the following voluntary organisations within the physical and sensory disability field come within the scope of the FoI Act as from 21 October 2000:

- Cheshire Foundation in Ireland
- Enable Ireland (formerly Cerebral Palsy Ireland)

- The Irish Wheelchair Association
- Multiple Sclerosis Ireland
- The National Association for Deaf People
- The National Council for the Blind of Ireland.

In practice, this means that, as from 21 October 2000, the Cheshire Foundation is subject to the FoI Act in exactly the same way as any established public body, such as a Government Department or a Health Board.

**Rights conferred under the FoI Act:** Subject to the limited & specific exemptions under the Act, the public now has a general right of access to records held by the Foundation. In practice, this means that the public (including existing and former staff and service users) has legal rights to:

- ◆ See all records held by the Foundation (Section 6.1).
- ◆ Have personal information amended if it is incorrect, incomplete or misleading (Section 17).
- ◆ Be given reasons for decisions affecting them (Section 18).

**Definition of a record:** The FoI Act uses a very wide definition of “record”:

*A “record” includes any memorandum, book, plan, map, drawing, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form in which data (within the meaning of the Data Protection Act 1988) are held, any other form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically and anything that is a part or a copy, in any form, or any of the foregoing or is a combination of two or more of the foregoing. (Section 2.1)*

**Definition of Personal Information:** Personal information is defined in Section 2.1 as:

*Information about an identifiable individual that*

- (a) would, in the ordinary course of events, be known only to the individual or members of the family, or friends, of the individual, or*
- (b) is held by a public body on the understanding that it would be treated as confidential.*

A number of examples of information falling within this definition are listed in the Act. These include, among others,:

- Information relating to the educational, medical, psychiatric or psychological history of the individual
- Information relating to the financial affairs of the individual
- Information relating to the employment or employment history of the individual
- Information relating to the religion, age, sexual orientation or marital status of the individual
- Views or opinions of another person about the individual.

**Types of records covered:** Records covered by the FoI Act include (Section 6.4 & 6.5):

- All records created after 21 April 1998.
- All records containing personal information irrespective of when created,



- All personnel records created after 21 April 1995, or earlier records if these are to be used adversely against a staff member,
- All records pre-21 April 1998 where these are necessary to understand later records.

**Exemptions under the Act:** The Act provides for exemption from access in respect of certain records. These include:

- Personal information (access only being allowed to the individual concerned – Section 28).  
*Section 28 also provides for restrictions on disclosure of personal information to an individual where such information relates to the medical, psychiatric or social work history of the individual and could cause harm to the person's physical or mental well-being.*
- Law enforcement & public safety records (Section 23)
- Information obtained in confidence (Section 26)
- Commercially sensitive information (Section 27)

**Requirement to assist:** The Foundation is required under the Act to give reasonable assistance to any person seeking a record (Section 6.2). In practice, this means that Cheshire Foundation staff will act in the spirit of the legislation in promoting access rather than seeking to use the letter of the law to restrict access.

**Making a request & time limits:** Under the Act, requests must be made to the head of the public body (Section 7.1). In the case of the Foundation, this is the Chief Executive Officer. Strict time limits apply to the processing of requests. In general, decisions on access must be made within 4 weeks of a request being made (Section 8.1).

**Procedures for operating the Act:** Section 4 empowers the CEO to delegate certain functions under the Act. Under this section, the CEO has delegated the decision-making function to the Foundation's Freedom of Information Officer.

**Review of decisions & appeal rights:** Section 14 gives the public a right to have decisions reviewed internally by the CEO (or a delegated person). Section 34 provides for appeal to the independent Information Commissioner.

**Publication of information:** The Act requires the Foundation to publish two documents for use by the public:

- Section 15 requires publication of a document giving details of its structures and the services provided. Also, details of the types of records held and the arrangements in place to facilitate access to records under the FoI Act, together with details of review and appeal procedures.
- Section 16 requires publication of a document giving details of the rules, procedures, practices, guidelines and precedents used in administering the Foundation's services.

**Note:** *This Information Guide is intended to meet fully the Foundation's obligations under Section 15. As soon as resources from statutory sources permit, the list shown in Part C will be expanded and developed into the publication specified in Section 16 of the Act.*

**Detailed FoI procedures:** Please refer to Section 9 of this Information Guide for details of the Foundation's FoI procedures.

### **2.3 Summary of policies, guidelines etc., used by the Cheshire Foundation in providing services**

The Cheshire Foundation uses a range of policies, procedures and other types of guidelines in delivering its services. These are summarised below.

- Cheshire Foundation - Constitution
- Cheshire Foundation – Handbook of Care
- Cheshire Foundation – Safety Statement
- Cheshire Foundation – HR policies & procedures
- Cheshire Foundation – FoI policies & procedures
- Cheshire Foundation – Policy statement on choice & independence

*Note: Due to severe resource constraints in the past, not all desired policies, procedures, etc. are fully written-up in the appropriate format. Others require revision and updating. On an ongoing basis, and as resources from statutory sources allow, the Foundation is actively working to write-up all necessary policies and procedures. Arrangements for regular review and updating of policies, etc. are also being put in place.*

**Up-to-date list of policies, guidelines, etc.:** Over the course of the 3-year life of this Information Guide, various policies and procedures will be created, updated and revised. At any time, members of the public (including current and former service users and staff) are welcome to contact the Foundation's Freedom of Information Officer for an up-to-date list of then-current policies, procedures, guidelines, etc. See contact details in Appendix 1.

## Section 3

### Mission & values of the Cheshire Foundation

#### 3.1 Mission statement

At the time of writing, the Cheshire Foundation is in the process of defining its strategic direction for the next few years. As part of this process, the Foundation will define and adopt a mission statement which will serve to guide our activities into the medium term.

However, the lack, at this stage, of a written mission statement does not mean that the Foundation lacks a mission. Many of the components of a mission statement have already been defined based on the Foundation's primary objective, the Cheshire ethos and the definition of independent living. The issue of choice is central to what we do and the promotion of choice is a major issue for us. What follows is intended to indicate to the public the type of organisation we are and what we aspire to become. A draft mission statement is included as indicative of future developments.

**Original, primary objective:** The primary objective of the Cheshire Foundation in Ireland is set out in the original Memorandum and Articles of Association of the Foundation (1963). There it is stated that the Foundation exists to:

*Provide residential accommodation be run as far as possible on the lines of a home and not an institution for the care, nursing and general well-being of people regardless of creed who are chronically ill or permanently disabled, especially those of limited means.*

**Cheshire ethos:** The Foundation also operates within the distinctive Cheshire ethos, as espoused by Leonard Cheshire. This ethos is captured in the following definition, known as the Singapore Declaration:

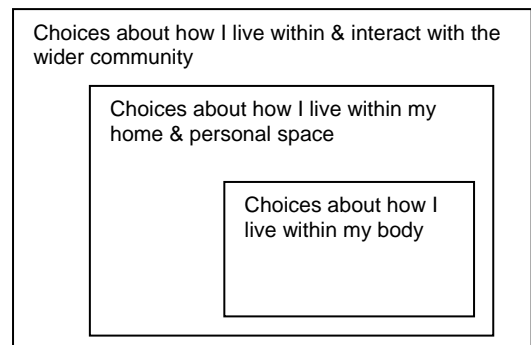
*A Cheshire Home should be a place of shelter physically and of encouragement spiritually; a place in which the residents can acquire a sense of belonging, and of ownership, by contributing in any way within their capabilities to its functioning and development; a place to share with others and from which to help others less fortunate; and a place in which to gain confidence and develop independence and interests; a place of hopeful endeavour not of passive disinterest.*

**Independent living:** The Foundation acknowledges the central role played by the world-wide Independent Living Movement in shaping modern disability services, particularly in promoting independence, as in this definition from the Movement:

*The philosophy of independent living espouses living like everyone else, i.e., having the right to self determination, to exert control over one's life, to have opportunities to make decisions, take responsibility and to pursue activities of one's own choosing regardless of disability.*

**Practical application of the Cheshire philosophy:**

Independent living is not and should not be about what a person can physically do. It is more what a person



emotionally, spiritually and intellectually **chooses** to do with his/her life. By focusing on the core issue of choice, Cheshire services aspire to implement the Independent Living ideal in practical, realistic ways. In our services, we are trying to create an environment where choice occurs at various levels, as shown in the diagram below. We are also trying to ensure that service users can make informed choices – i.e., are aware of alternative courses of action or challenging options which they may want to consider.

People's choices cover a spectrum from deciding to move into mainstream housing, to the decision to enter a personal relationship; to what colour clothes to wear on a particular day. But whatever the type or scale of choice involved, the practical promotion of individual **choice**, and the related promotion of **individual control**, are at the centre of what we are trying to do.

We recognise that implementation of this philosophy is not easy and we do not claim to have yet achieved its full implementation throughout our services. However, the constant challenge to put this ideal into practice is a central feature of life for all involved in Cheshire services.

**Draft Mission Statement:** The challenge to the Cheshire Foundation in 2000 is to build on its strong tradition of service by becoming a modern, responsive service-providing organisation capable of delivering services which meet the needs of individual service users. The following draft mission statement is intended to indicate our current thinking as regards the mission of the organisation:

*Our mission is to become a service provider which listens to people with disabilities and responds to their wishes and needs in ways that respect individuality and maximise opportunities for choice.*

### 3.2 Values statement

As with the mission statement, the Foundation has not yet formally adopted a value statement. However, the following list of words are intended to indicate the types of values which we see as core to the organisation:

*Listen    Respond    Understand    Respect    Integrity    Choice    Individuality*

**Up-to-date strategy statement:** At any time, members of the public (including current and former service users and staff) are welcome to contact the Foundation's Freedom of Information Officer for a copy of the Foundations strategy statement. For contact details, please see Appendix 1.

## Section 4

### Structure of the organisation

#### 4.1 Legal form

The Cheshire Foundation in Ireland was established in 1963 with its incorporation under the Companies Acts as a company limited by guarantee (Registered Number 20165). The charitable status of the Foundation has been recognised by the Revenue Commissioners (Charities Registration Number CHY 5484).

As a registered company, the Foundation is governed by its Memorandum and Articles of Association and is subject to the relevant provisions of the Companies Acts. These set out the primary objective of the Foundation and the regulations regarding the Board of Trustees, annual general meeting, accounts, audit and other related matters.

#### 4.2 Board of Trustees

The Foundation operates under a Board of Trustees who are responsible for the overall direction of the organisation and for ensuring that the Foundation's affairs are managed in accordance with relevant legislation and the principles of good governance.

The present composition of the Board of Trustees is as follows:

Kevin Wylie (Chairman)	Dr. Pauline Faughnan	Rosaleen McDonagh
Eugene Callan	John Guinan	Tom O'Connor
Laurence Crowley	Dan Herlihy	Dr. Mary Redmond
Joe Dunne	Chief Justice Ronan Keane	David Waters

The Board, and individual trustees, are contactable through the Foundation's Central Office. See Appendix 1 for details.

#### 4.3 Chief Executive Officer & Central Office management team

**Chief Executive Officer:** The Chief Executive Officer (CEO) is responsible to the Board of Trustees for the day-to-day operation and leadership of the organisation.

**Central Office Management Team:** The CEO is assisted by the Central Office management team to whom he delegates responsibilities in respect of various functional areas - see Table 4.1.

**Functions:** The functions carried out by the CEO and Central Office are summarised below:

- Provision of support and advice to the Board of Trustees
- Liaison and negotiation with the Department of Health & Children regarding overall funding of services

- Liaison and negotiation with senior Health Board management regarding funding and development of Cheshire services each Health Board region/area.
- Liaison at national level with other voluntary and statutory agencies concerned with providing services to people with physical and sensory disabilities.
- Collating and analysis of management information relating to each Cheshire Centre.
- Preparation of the Foundation's consolidated financial statements.
- Management of the strategic planning process and related organisation development initiatives.
- Co-ordination of service user protection programmes.
- Management of Freedom of Information requirements.
- Co-ordination of Health & Safety requirements.
- Co-ordination of quality development initiatives.
- Co-ordination of training and development programmes.
- Provision of support to service managers in relation to adult protection, finance, human resource management, health & safety, training, etc.

**Standing committees:** A number of standing committees exist within the Foundation to help manage aspects of the organisation's work. These are listed below:

- Eastern Regional Committee
- Southern Regional Committee
- Consumers Committee
- Managers Group
- National Health & Safety Committee

Please contact the Foundation's Central Office for more details on the work of these committees.

#### **4.4 Cheshire Centres**

Cheshire Foundation services are delivered through 14 centres, 4 in Dublin and the remainder throughout the country. Table 4.1 gives a summary of each Centre.

Each Centre is managed by a Manager who reports to the CEO. In some areas, local, voluntary management committees give advice and assistance to the Manager and staff in providing quality services to the people who live in or use the Centre.

Each Cheshire Centre is funded through its local Health Board together with contributions from service users. Agreed service plans are in place for all services. Some voluntary fund raising is still required to meet core service costs but the Foundation is constantly working to replace this shortfall with guaranteed revenue funding from statutory sources.

**Functions:** The functions carried out by Cheshire Centres are summarised below:

- Provision of supported living services
- Provision of respite services (if available in the Centre)
- Provision of outreach services (if available from the Centre)
- Provision of other services where resources and funding allow, e.g., training, day services, etc.
- Management of the financial affairs of the Centre.
- Liaison and negotiation with local Health Board disability services and community services staff.
- Liaison with other voluntary and statutory agencies within the locality regarding service provision.
- Consultation with service users regarding the services provided and possible enhancements/future developments.
- Negotiation with staff and staff representatives regarding matters of local concern.
- Management of staff training, health, safety & welfare requirements.
- Reporting of management, service and financial information to Central Office.
- Management of Community Employment Schemes (where in place in the Centre)
- Management of European & international volunteering schemes (where relevant to the Centre)

**Table 4.1 Organisational Profile**

Central Office	CEO	Central Management Team	
1-4 Adelaide Rd., Glashtule, Co. Dublin email to: <a href="mailto:info@cheshire-foundation.ie">info@cheshire-foundation.ie</a>	Mark Blake-Knox	Finance & Administration – Maggie Thomas Service User Development – Erika Reilly Freedom of Information Officer: Niall Byrne	Training & Development – Niall Byrne Human Resource Management – Vacant

Centre	Manager	Location	Health Board Area	Permanent places	Respite places	Staffing
Barrett Cheshire House	Derek Bell	Dublin	SWAHB	24	2	21 + 10 CE
Cara Cheshire House	Seamus Gleeson	Dublin	NAHB	34	2	48 + 21 CE
Richmond Cheshire House	Peter Kerins	Dublin	ECAHB	20	2	36 + 11 CE
Ardeen Cheshire Home	Jarlath Tunney	Shillelagh, Co. Wicklow	ECAHB	31	6	34 + 26 CE
Rathfredagh Cheshire Home	Mary Healy	Newcastle West, Co. Limerick	MWHB	28	4	41 + 16 CE
Donegal Cheshire Apartments	Denise Curran	Letterkenny	NWHB	10	2	6 + 3 CE
Abbeyview Residences	Alan Bostock	Sligo Town	NWHB	7	2	8
St. Patrick's Cheshire Home	Shauna Bradley	Tullow, Co. Carlow	SEHB	20	1	50 + 11 CE
Kerry Cheshire Project	Margaret Moloney	Killarney	SHB	7	4	10
St. Laurence's Cheshire Home	Terry Datson	Cork City	SHB	32	4	33
Emmanuel Cheshire House	Carmel Forde	Ballina, Co. Mayo	WHB	25	1	29
Galway Cheshire House	Susan McKeever	Galway City	WHB	8	2	7
O'Dwyer Cheshire Home	Angela Kirrane	Swinford, Co. Mayo	WHB	30	0	26 + 6 CE
Blackrock Cheshire Apartments	Derek Bell	Dublin	ECAHB	11	0	4

Waterford Cheshire Project (in development)	---	Waterford City	SEHB	14 (planned)	6 (planned)	N/A
Arklow Respite Centre (in development)	---	Arklow Town	ECAHB	---	3 (planned)	N/A



## Section 5

### Profile of services provided to the public

#### 5.1 Supported accommodation services

Up until the 1990's, the accommodation service provided by the Cheshire Foundation took the form of a "traditional" residential home. However, over the course of the last decade and in response to what service users were telling us and as a result of our own evaluative and qualitative research, Cheshire's model of service provision has changed and expanded. **Today, all of our centres aim to facilitate people to live as independently as possible and with the maximum degree of personal choice as to how they live their lives.** Over recent years, we have developed new centres around the country where disabled people live in their own apartments with support, as required, from Cheshire staff. Many of our older centres have also been refurbished in line with this policy. These developments fit with the type of service provision recommended in the *Report of the Commission on the Status of People with Disabilities* and the Department of Health policy document, *Towards an Independent Future*.

(See Table 5.1 for details of Centres providing these services. See Section 6 for details of how to access these services)

#### 5.2 Respite services

Most of our centres provide respite places which are available, on a planned basis, to people who normally live in the community or with other voluntary agencies. Respite is also used internally within Cheshire services to provide short breaks to service users. Typically, individuals avail of respite breaks of between 1 and 2 weeks.

Emergency respite is also provided, subject to accommodation being available.

(See Table 5.1 for details of Centres providing these services. See Section 6 for details of how to access these services)

#### 5.3 Outreach services

In the Eastern Region, we provide outreach services to disabled people in their own homes. This service gives people support with daily living, provides information and access to specially adapted transport and links to respite and other facilities in Cheshire's 24-hour supported accommodation services.

(See Table 5.1 for details of Centres providing these services. See Section 6 for details of how to access these services)

#### **5.4 Other services provided to the public**

Increasingly, Cheshire Centres are active in providing additional services to the public in their locality. These services meet a range of needs from individual training to community occupational therapy.

(See Table 5.1 for details of Centres providing these services. See Section 6 for details of how to access these services)

#### **5.5 Corporate services provided to the public**

In addition to its role in organisational management, the Foundation's Central Office provides a number of corporate services to members of the public. These services are listed below:

- Provision of general information to the public.
- Part-management of the applications process (under review)
- Management of requests made under the Freedom of Information (FoI) Act
- Provision of support programmes for service users.
- Co-ordination of staff training & development.
- Co-ordination of Health & Safety management.

(See Section 6 for details of how to access these services)

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**Table 5.1 Services provided to the public by the Cheshire Foundation**

Office	Location	Corporate services provided to the public			
Central Office	Glasthule, Co. Dublin	Public information	Service User support	Complaints & protection	Freedom of Information Co-ordination of staff training

Centre	Location	Supported Accommodation	Respite Services	Outreach Services	Other Services*
Barrett Cheshire House	Dublin	Yes	Yes	Yes	Day care, Training in independent living
Cara Cheshire House	Dublin	Yes	Yes	Yes	Disability awareness training in schools
Richmond Cheshire House	Dublin	Yes	Yes	Yes	Disability awareness training in schools
Ardeen Cheshire Home	Shillelagh, Co. Wicklow	Yes	Yes	Yes	Supported employment scheme
Rathfredagh Cheshire Home	Newcastle West, Co. Limerick	Yes	Yes	--	Community day service
Donegal Cheshire Apartments	Letterkenny	Yes	Yes	Yes	NRB-approved employment training, Room hire, Bus hire, Social activities & holidays
Abbeyview Residences	Sligo Town	Yes	Yes	--	
St. Patrick's Cheshire Home	Tullow, Co. Carlow	Yes	Yes	--	Transport service
Kerry Cheshire Project	Killarney	Yes	Yes	--	Room hire, Transport service
St. Laurence's Cheshire Home	Cork City	Yes	Yes	Yes	Community occupational therapy, Day services, Training in independent living
Emmanuel Cheshire House	Ballina, Co. Mayo	Yes	--	--	Day care
Galway Cheshire House	Galway City	Yes	Yes	--	Community physiotherapy service, Room hire to local groups
O'Dwyer Cheshire Home	Swinford, Co. Mayo	Yes	Yes??	--	Information technology training
Blackrock Cheshire Apartments	Dublin	Yes	??	--	

Waterford Cheshire Project (in planning)	Waterford City	Yes (Planned)	Yes (Planned)	--	Resource Centre (Planned)
Arklow Respite Centre (in planning)	Arklow Town	--	Yes (Planned)	--	--

\* A range of physiotherapy, occupational therapy, counselling and activation services are provided in Centres in line with local resource availability

## Section 6

### Accessing Cheshire Foundation services

#### 6.1 How to access Cheshire Foundation services

**Access routes:** At the moment, members of the public can access Cheshire Foundation services through the following routes:

- Application to the Foundation's Central Office
- Direct application to an individual Centre
- Referral from a GP, Public Health Nurse, Social Worker or other health professional.
- Referral from another voluntary organisation.
- Referral from a Health Board.

**Long-term accommodation services:** Decisions on access to a long-term accommodation services are made by the Admissions Committee in each Centre. The core membership of this Committee consists of the manager, a service user and a Health Board nominee. Additionally, a nominee from the Centre's management committee, the Centre's Head of Care and/or other health professional may also be members.

The admissions process is conducted in consultation with the individual and their family, if desired by the individual. Opportunities for both parties to meet and discuss the needs of the individual are arranged and the individual is encouraged to visit the Centre to assess whether it meets his/her needs, particularly social needs.

In general, priority is given to people living in the Centre's Health Board area. Applications in respect of people aged over 65 are generally referred on to the Health Board's Elderly Services.

**Respite services:** Decisions on access to respite services are made by the management of each Centre.

**Outreach services:** Decisions on access to outreach services are made by the management of each Centre.

**Other services:** Decisions on access to other services are made by the management of each Centre.

**Corporate services:** The corporate services provided to the public by the Foundation's Central Office can be accessed by contacting that Office directly.

**Future developments:** The Cheshire Foundation recognises that a long-term place in one of our Centres is a very scarce resource and that each place should be allocated on the basis of greatest need. At the same time, Cheshire services are not ideally suited to the needs of every person who may want

to avail of our services. Balancing these factors within an access procedure which is fair, open and transparent is a complex task and one which takes time to complete. The Foundation recognises that the current access arrangements require development and is committed to their revision. The process of revision is in train with the aim of being completed as soon as possible. The Foundation is actively seeking the additional resources from statutory sources which are required to complete this work within the desired timescale.

## **6.2 Complaints & appeals by service users\***

**Complaints procedure:** The Cheshire Foundation aims to deliver quality services. Where we fall short of this aim, the public (including current and former service users and staff) should use the following procedure:

1. Raise the issue with the staff member concerned or responsible for the relevant area.
2. If not resolved to the individual's satisfaction, raise the matter with the manager of the Centre.
3. As an alternative to 1 & 2 or if the centre manager cannot resolve the matter, the individual can contact the Foundation's Service User Development Manager – see Appendix 1 for contact details.
4. In exceptional circumstances, it may be necessary for the individual to contact the Chief Executive Officer - Appendix 1 for contact details.
5. If the Cheshire Foundation cannot resolve matters, the individual is entitled to contact the Health Board where the relevant Cheshire Centre is located - see Appendix 1 for contact details.

**Appeals procedure:** Any decision by a Cheshire Foundation manager may be appealed in the following way:

1. The individual should contact the Foundation's Service User Development Manager – see Appendix 1 for contact details. Full details of the situation should be provided so that the decision can be fully reviewed.
2. The Service User Development Manager will contact the individual with details of the internal review decision.
3. If not resolved to the individual's satisfaction, the matter can be further appealed to the Chief Executive Officer (CEO) who, after consideration of the facts, will make a final decision.
4. If the Cheshire Foundation cannot resolve matters to the individual's satisfaction, the individual is free to contact the Health Board where the relevant Cheshire Centre is located - see Appendix 1 for contact details.

**Future developments:** The Cheshire Foundation recognises that openness and transparency in decision making is a vital element of good service provision. The Foundation recognises that complaints and appeals procedures require regular revision in the light of changing circumstances. A programme of annual revision will be put in place as soon as available resources allow.

*\*Note: Procedures for resolving complaints and appeals by staff members are set out in the Foundation's standard employment contract.*

**PART B**

**How to get access to information & records held by the Cheshire Foundation**

(Section 15, Freedom of Information Act, 1997)

## Section 7

### Types of records & information held by the Foundation

#### 7.1 Personal information

The Foundation hold a variety of different records and information which are used in providing services and in managing the organisation. Some of these records fall within the definition of *personal information* as defined in Section 2.1 of the Freedom of Information Act - see page 7 for more details. Under Section 28 of the Act, personal information can, in general, only be released to the individual concerned. Table 7.1 gives details of the types of personal information held by the Foundation and where such information is likely to be located.

**Table 7.1 Personal information**

Records/information relating to:	Located in Central Office?	Located in local Cheshire Centre?	Notes
Current & former service users	Yes	Yes	
Current & former staff	Yes	Yes	
Individuals applying for Cheshire Foundation services	Yes	Yes	
Individuals applying for jobs with the Foundation	Yes	Yes	
Complaints by service users	Yes	Yes	
Freedom of Information requests	Yes	--	
Donations & bequests by, or on behalf of, individuals	Yes	Yes	
Community Employment Scheme participants	Yes	Yes	

#### 7.2 Non-personal information

The Foundation hold a variety of different records and information which are used in providing services and in managing the organisation. Personal information is described in sub-section 7.1, above. The term non-personal information covers all the other types of information held by the Foundation. Table 7.2 gives details of the types of non-personal information held by the Foundation and where such information is likely to be located.

**Table 7.2 Non-personal information**

<b>Records/information relating to:</b>	<b>Located in Central Office?</b>	<b>Located in local Cheshire Centre?</b>	<b>Notes</b>
Records of Board meetings,	Yes	--	
Records of Foundation management meetings	Yes	--	
Records of local management committee meetings	--	Yes	
Correspondence with statutory and voluntary agencies	Yes	Yes	National-level records in Central Office, regional or local records in individual Centres
Financial management & service planning records	Yes	Yes	As above
Insurance & property records	Yes	Yes	As above
Legal records	Yes	Yes	As above
Internal policies, procedures & guidelines	Yes	Yes	As above
Health & Safety records	Yes	Yes	As above
Strategic planning records	Yes	--	
Training records	Yes	Yes	National-level records in Central Office, regional or local records in individual Centres
Service development records	Yes	Yes	National-level records in Central Office, regional or local records in individual Centres
Management of FAS Community Employment schemes	Yes	Yes	
Records of Health Board Co-ordinating Committees for Services to People with Physical & Sensory Disabilities	Yes	Yes	Held in 4 local Centres where the Manager is the Foundation rep. on the Committee
Pension scheme records	Yes	--	
Waste discharge licences	--	Yes	Ardeen Centre



## Section 8

### How to get access to information & records without having to use the Freedom of Information (FoI) Act

#### 8.1 What is administrative access and why use it?

It is Cheshire Foundation policy that as much information as possible be made available to the public (which includes current and former service users) without the need for people to make formal requests under the Freedom of Information Act. This type of informal access to records or information is known as *administrative access*.

Reasons for using administrative access include:

- You can discuss your request informally with the local manager and this may result in your request being met without the need to put it in writing.
- This method may result in a quicker response than having to use the full FoI procedure, as set out in Section 9.
- This is the most straightforward method for staff to get access to their own personnel records.

*Note: It is important to remember that in giving access to information through administrative access, the Foundation must always have regard to considerations of individual privacy, confidentiality and the public interest.*

#### 8.2 How to make an administrative access request

To make an administrative access request, proceed as follows:

1. Contact the Manager of the Cheshire Centre who holds the records or information in which you are interested. This can be done by telephone. You are also free to make your request to the Foundation's Freedom of Information Officer. See Appendix 1 for contact details.
2. Discuss your request with the Manager or FoI Officer.
3. Having discussed the request, the Manager or FoI Officer may ask you to put your request in writing. This is a simple matter which should not unduly delay releasing the records.
4. If possible, the Manager or FoI Officer will arrange to give you access to the information. You may be asked to produce evidence of identity – this is to protect individual privacy.
5. If it is not possible to give you access in this informal way (see subsection 8.3), the Manager or FoI Officer will advise you of your rights to use the Freedom of Information Act and will help you make a formal request under the Act should you wish to do so (see Section 9 of this Guide).

*Important: Using administrative access does not in any way limit your legal rights under the Freedom of Information Act. You are free, **at any time**, to make a formal information request under the Act – see Section 9 of this Information Guide for details.*

### **8.3 Exceptions to administrative access**

Administrative access may not be appropriate where sensitive records, third party information or confidential information is involved. In this type of situation, the Manager or FoI Officer will explain the situation to you.

You will be advised of your rights to make a request under the Freedom of Information Act, 1997 and helped to do so, should you wish.

### **8.4 Other legal means of getting access to information or records**

There are additional legal means of access to records or information held by the Cheshire Foundation. In general, these cannot be invoked directly by individuals except as part of legal proceedings or through investigative processes undertaken by law enforcement or statutory agencies.

Some examples include:

- Orders for Discovery issued by a Court,
- Garda investigations under relevant law,
- Coroner's enquiries & inquests,
- Search warrants executed under relevant legislation,
- Requests by or investigations undertaken by the Information Commissioner or Ombudsman
- Requests by or investigations undertaken by an Officer authorised by the Minister for Health and Children.

## Section 9

### How to get access to information & records using the Freedom of Information (Fol) Act

#### 9.1 Introduction

The Freedom of Information Act, 1997 was passed into law on the 21st April 1997. The Act came into, and continues to come into, effect on a rolling basis, as follows:

- From 21 April, 1998 for Government Departments and Offices,
- From 21 October 1998 for Health Boards and Local Authorities;
- From 21 October 1999 for Voluntary Hospitals and some voluntary bodies providing services to people with intellectual disability,
- From 21 October 2000 for a number of bodies including a number providing services to people with physical & sensory disabilities (this includes the Cheshire Foundation).

**Legal rights:** Under the Act, any member of the public (including current and former Cheshire service users and staff) is entitled to apply for access to information held by the Foundation which is not otherwise publicly available. Each person has three new legal rights to:

1. Request access to records held by the Foundation,
2. Have personal information corrected where it is inaccurate, incomplete or misleading,
3. Be given reasons for decisions made by the Foundation directly affecting themselves.

**Records coming within the scope of the Act:** The following records come within the scope of the Act:

1. All records held by the Foundation which were created **after** 21 April 1998.
2. Any record created **before** 21 April 1998, where this record is necessary for the understanding of a record created after the 21 April 1998.
3. All records containing personal information **regardless** of when the records were created.
4. All staff personnel records created after 21 April 1995. Earlier records are also covered where these are liable to be used in a way that might adversely affect the interests of the member of staff concerned.

**Appeals:** The Act also provides for the establishment of an independent Information Commissioner who has the power to review any decisions relating to Freedom of Information made by a public body.

## **9.2 Our obligation to help you in making a request**

The Foundation is required under the Act to give reasonable assistance to any person seeking a record (Section 6.2). In practice, this means that Cheshire Foundation staff will always act in the spirit of the legislation in promoting access rather than seeking to use the letter of the law to restrict access.

*Note: While our policy is to promote access to records, the Foundation must always balance the right to access against the public interest and the right to individual privacy and confidentiality.*

## **9.3 How to make a request under the Freedom of Information Act**

To make a request under the Act, please follow these steps:

- Put your request in writing.
- State that your request is being made under the Freedom of Information Act 1997. It is helpful in processing your request if you specify which legal right you are exercising. For example,
  1. If you are requesting access to information, please mention Section 7 of the Act,
  2. If you are asking for personal information to be corrected, please mention Section 17,
  3. If you are asking for reasons for a decision affecting you, please mention specify Section 18
- Ensure you give sufficient particulars to enable the record to be identified. For example, full name of individual, relevant dates, name of Cheshire Centre, if relevant, etc. If you have difficulty in identifying the precise records which you require, contact the manager of any Cheshire Centre or the Foundation's Freedom of Information Officer for help.
- State how you want to see the records. For example, you may want to
  1. See the original record,
  2. Get a copy of the record,
  3. Get a transcript of the information concerned
  4. Get a computer disc or other electronic device containing the information
  5. Use some other method which you should specify.
- Send your request to the Chief Executive Officer at the address shown in Appendix 1

*Note: You do not have to give reasons for requesting access to records and no person has the right to ask you for reasons.*

## **9.4 Acknowledgement of requests**

The Foundation's Freedom of Information Officer will acknowledge in writing your request within two weeks of receiving it. The letter of acknowledgement will state the period within which a decision must be made, your rights to have any decision reviewed, the procedure governing the exercise of those rights and the time limits which apply.

## 9.5 How decisions on requests are made

Within four weeks of receiving a request for access (longer periods can apply in exceptional cases), the Freedom of Information Officer will do the following:

- Decide whether to grant or refuse the request.
- Decide to grant only part of the request.
- If the decision is to grant the request, the FoI Officer will also decide how to give access to the records.
- Notify you in writing (or where necessary using some other appropriate method of communication).
- Where your request is refused, you will be given the reasons for refusal.
- Give you details of your rights to internal review and appeal.

## 9.6 Your legal rights to internal review and external appeal

The Act sets out a series of exemptions designed to protect the public interest. If the Foundation refuses all or part of your request because these exemptions apply, you have the right to appeal that decision. Decisions in relation to deferral of access, charges, method of access, etc. may also be subject to appeal. Details of the appeals mechanisms are as follows:

**Internal Reviews:** You may seek internal review of the initial decision. This review will be carried out by the Chief Executive Officer. Reviews may be requested in the following circumstances:

- You are dissatisfied with the initial response received from the Freedom of Information Officer, i.e., refusal of information, the form of access specified, etc., or
- You have not received a reply within 4 weeks of your initial application. This lack of reply is deemed by the Act to be the same as a refusal of your request and allows you to proceed directly to the internal review stage.

Requests for internal review should be submitted, in writing to the Chief Executive Officer at the address shown in Appendix 1.

A request for internal review must be submitted **within 4 weeks** of the initial decision. The Foundation must complete the review within 3 weeks.

Internal reviews must normally be completed before an appeal can be made to the Information Commissioner.

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

The Information Commissioner's decision is final unless a point-of-law is involved in which case referral to the High Court is possible.

Appeals must be in writing and should be sent to the Information Commissioner at the address shown in Appendix 1.

**Appeals to the High Court:** Decisions of the Information Commissioner are normally final unless a significant point-of-law arises in the case. In this situation, a referral to the High Court is possible.

### **9.7 Fees which are chargeable in certain circumstances**

The Freedom of Information Act allows for fees to be charged in certain circumstances. The Cheshire Foundations policy in relation to fees is as follows:

**Personal information:** Where personal information is involved, no fees will be charged time spent locating records. No charge will be made for copying records unless a large number of records are involved.

**Non-personal information:** No charge will apply in respect of the time spent considering the request. However, the Foundation reserves the right to charge for the time spent in efficiently locating and copying records, based on the standard rates in operation at the time of the request.

**Deposits:** The Foundation may charge a deposit of 20% where the total fee is likely to exceed £40.00. In these circumstances, the Foundation will, if requested, assist the member of the public to amend the request so as to reduce or eliminate the amount of the deposit.

**Waiving of charges:** Charges may be waived in the following circumstances:

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

**Scale of fees:** Fees are currently set as follows, in accordance with Statutory Instrument Nos. 139 of 1998 and 522 of 1998:

- £16.50 (20.95 euro) per hour - search and retrieval fee
- 3p (0.04 euro) per sheet in relation to a photocopy
- 40p (0.51 euro) in relation to a 3.5-inch computer diskette
- £8 (10.16 euro) in relation to a CD ROM,
- £5 (6.35 euro) in relation to a Radiographic X-Ray.

**PART C**

**A list of internal Cheshire Foundation policies, guidelines, etc. and relevant national legislation**

(Section 16, Freedom of Information Act, 1997)

## Section 10

### Internal policies, guidelines & relevant legislation

*Note: The Cheshire Foundation recognises that the list shown below does not fully meet the requirements of Section 16 of the Freedom of Information Act. As soon as resources from statutory sources permit, the list will be expanded and developed into the manual specified in Section 16. As provided for in Section 16.3, the Foundation shall ensure that no person is disadvantaged in any way through the non-availability of the complete Section 16 manual.*

#### 10.1 Memorandum, Articles of Association & Constitution

Document Title	Summary	Notes
Memorandum	Sets out the general purpose and nature of the organisation	Required under the Companies Acts
Articles of Association	Sets out details of the way the organisation is governed	Required under the Companies Acts
Constitution	Sets out how the various parts of the organisation are structured and their inter-relationships	

#### 10.2 Policies & procedures used in providing Cheshire Foundation services

Document Title	Summary	Notes
Handbook of Care	Sets out the guidelines and principles within which Cheshire Foundation services operate.	This is a comprehensive statement of principles and operating practice. It is the core document guiding management and staff as to how they must carry out their duties
Safety Statement	Sets out the structure, procedures and process used in managing Health & Safety requirements	Required by Health, Safety & Welfare at Work Act
Standard Terms & Conditions of Employment	Provides the basis for a standardised contract of employment	
Maternity leave policy	Governs grant and taking of maternity leave	
Paternity leave policy	Governs grant and taking of paternity leave	
Adoptive leave policy	Governs grant and taking of adoptive leave	
Pension scheme policy	Governs the operation of the Foundation's pension scheme	
Procedure for obtaining Garda clearance on prospective employees	Sets out how Garda clearance is obtained	
Freedom of Information policy & procedures	Sets out how Freedom of Information matters are managed	
Policy statement on choice & independence	Sets out the Foundation's policy on maximising choice and independence	



### **10.3 List of relevant legislation**

The following list, which is not exhaustive, contains the major pieces of legislation which impact on the Foundation:

1. The Health Acts 1947, 1953 & 1970 (as amended)
2. The Health Amendment Act, 1996
3. The Health (Eastern Regional Health Authority) Act, 1999
4. The Nurses Act, 1950 & 1985
5. Food & Hygiene Regulations 1950 - 1989
6. Data Protection Act, 1988
7. Freedom of Information Act, 1997
8. Misuse of Drugs Act, 1984 & Regulations, 1993
9. Health, Safety & Welfare at Work Act, 1989 & General Application Regulations 1993
10. The Companies Acts 1959, 1963 & 1990 (as amended)
11. National Disability Authority Act, 1999
12. The Tobacco (Health Promotion & Protection) Regulations 1990
13. Fire Safety Regulations
14. Comhairle Act, 2000
15. Equal Status Act, 2000
16. Human Rights Commission Act, 2000

**Copies of legislation:** Copies of Acts and Regulations are available for purchase from the Government Publications Office, Molesworth St., Dublin 2 (telephone 01-6613111)

Copies of all Acts & Regulations passed before the end of 1998 may also be downloaded free from the Attorney General's website. The relevant internet location is:

[www.irlgov.ie/ag/default.htm](http://www.irlgov.ie/ag/default.htm)

Details of recently-passed legislation is available from the Houses of the Oireachtas website at:

[www.irlgov.ie/oireachtas](http://www.irlgov.ie/oireachtas)

**Appendix 1**  
**Cheshire Foundation contact details**  
**Other useful addresses**

**Table A.1 Cheshire Foundation Central Office**

Name	Title	Contact details
Mark Blake-Knox	Chief Executive Officer	Central Office, 1-4 Adelaide Rd., Glasthule, Co. Dublin Tel. 01-2804879 Fax 01-2804954 Website: <a href="http://www.cheshire-foundation.ie">www.cheshire-foundation.ie</a> Email: <a href="mailto:mark.blake-knox@cheshire-foundation.ie">mark.blake-knox@cheshire-foundation.ie</a>
Niall Byrne	<b>Freedom of Information Officer</b>	Central Office, as above Email; <a href="mailto:foi@cheshire-foundation.ie">foi@cheshire-foundation.ie</a>
Erika Reilly	Service User Development Manager	Central Office, as above Email: <a href="mailto:erika.reilly@cheshire-foundation.ie">erika.reilly@cheshire-foundation.ie</a>
Maggie Thomas	Finance & Administration Officer	Central Office, as above Email: <a href="mailto:maggie.thomas@cheshire-foundation.ie">maggie.thomas@cheshire-foundation.ie</a>
Niall Byrne	Training & Development Officer	Central Office, as above Email: <a href="mailto:niall@cheshire-foundation.ie">niall@cheshire-foundation.ie</a>
Vacant	Human Resource Manager	---

**Table A.2 Cheshire Foundation Centres**

Location	Address	Manager	Telephone	Fax. No.	Email & website
Barrett Cheshire House	20/21 Herbert St., Dublin 2	Derek Bell	01-6760865	01-6619813	
Cara Cheshire House	Phoenix Park, Chapelizod, Dublin 20	Seamus Gleeson	01-6712944 01-6712696	01-6716496	<a href="mailto:caraches@iol.ie">caraches@iol.ie</a>
Richmond Cheshire House	Richmond Park, Monkstown, Co. Dublin	Peter Kerins	01-2806761 01-2845031	01-2806774	
Ardeen Cheshire Home	Shillelagh, Co. Wicklow	Jarlath Tunney	055-29143	055-29170	<a href="mailto:ardeencheshirehome@eircom.net">ardeencheshirehome@eircom.net</a>
Rathfredagh Cheshire Home	Newcastle West, Co. Limerick	Mary Healy	069-83100 069-83126	069-83153	<a href="mailto:rathfredagh@eircom.net">rathfredagh@eircom.net</a>
Donegal Cheshire Apartments	Long Lane, Letterkenny, Co. Donegal	Denise Curran	074-27678 074-27321	074-27320	<a href="mailto:dochap@eircom.net">dochap@eircom.net</a>  <a href="http://www.infowing.ie/dochap">www.infowing.ie/dochap</a>

**Table A.2 Cheshire Foundation Centres  
(continued)**

Abbeyview Residences	Chapel Hill, Sligo	Alan Bostock	071-71155	071-71155	
St. Patrick's Cheshire Home	Tullow, Co. Carlow	Shauna Bradley	0503-51386	0503-51933	<a href="mailto:patches@indigo.ie">patches@indigo.ie</a> <a href="http://www.indigo.ie/~patches/">www.indigo.ie/~patches/</a>
Kerry Cheshire Project	St. Margaret's Rd., Killarney, Co. Kerry	Margaret Moloney	064-35606	064-35693	<a href="mailto:kerrycheshire@eircom.net">kerrycheshire@eircom.net</a>
St. Laurence's Cheshire Home	Lota Park, Glanmire, Co. Cork	Terry Datson	021-866016 021-822192	021-866833	
Emmanuel Cheshire House	Killala Rd, Ballina, Co. Mayo	Carmel Forde	096-22856	096-22856	
Galway Cheshire House	Curragrean, Merlin Park, Galway	Susan McKeever	091-771762	091-771762	
O'Dwyer Cheshire Home	Lismirrane, Swinford, Co. Mayo	Angela Kirrane	094-84134	094-84462	<a href="mailto:odwyerbo@iol.ie">odwyerbo@iol.ie</a>
Blackrock Cheshire Apartments	Cross Ave., Blackrock, Co. Dublin	Derek Bell	01-2835548	01-2835344	

**Table A.3 Other useful addresses**

Name	Address	Telephone	Fax. No.	Email	Website
Office of the Information Commissioner	18 Lr. Leeson St., Dublin 2	01-6785222	01-6610570	<a href="mailto:foi@ombudsman.irlgov.ie">foi@ombudsman.irlgov.ie</a>	<a href="http://www.irlgov.ie/oic">www.irlgov.ie/oic</a>
Department of Finance	FOI Policy Unit, Government Buildings, Upr. Merrion St., Dublin 2	1890-661010	01-6789936	<a href="mailto:webmaster@finance.irlgov.ie">webmaster@finance.irlgov.ie</a>	<a href="http://www.irlgov.ie/finance/foi.htm">www.irlgov.ie/finance/foi.htm</a>
Department of Health & Children	Hawkins House, Hawkins St., Dublin 2	1890-200311	01-6354001	<a href="mailto:queries@health.irlgov.ie">queries@health.irlgov.ie</a>	<a href="http://www.doh.ie">www.doh.ie</a>
Health Boards	Please consult your local telephone directory				