**Meeting of External Consultative Panel**

**18th July, 2019**

**Law Centre, Jervis Street, Dublin 1.**

Attendance:

The following attended the meeting:

Mr John McDaid, Chief Executive, Chair of the Panel

Ms Johanna Martyn, MABS

Ms Shirley Coulter, Council of the Bar of Ireland

Ms Rachel Baldwin, Council of the Bar of Ireland

Mr Paul Joyce, FLAC

Ms Eilis Barry, FLAC

Ms Joan O’Mahony, Law Society and O’Mahony’s Solicitors

Ms Saoirse Brady, Children’s Rights Alliance

Ms Katie Mannion, Irish Refugee Council

Mr Bobby Barbour, Citizens Information Board

Ms Susan Cahill, Courts Service

Ms Mary Condell, Sage Advocacy

Ms Rose Wall, Community Law and Mediation

Ms Monica Hynds, Barnardos

Ms Fiona McAuslan, Legal Aid Board

Mr Ronan Deegan, Legal Aid Board

Mr Donal Reddington, Legal Aid Board

Mr Enda Torsney, Legal Aid Board, Secretary

The following Board members were present:

Mr Philip O’Leary, Chairperson

Ms Ellen O’Malley Dunlop

Ms Nuala Jackson

Mr Gordon Jeyes

Mr Maurice Lawlor

Apologies:

Ms Karen Kiernan, One Famly

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|  | Item for discussion | Person responsible | Discussions | Actions/Decisions |
| 1. | Minutes of meeting of 21st March 2019 and matters arising. | CEO  Secretary | There were no suggested changes to the draft minutes circulated from the previous Panel meeting in July.  Matters arising from the previous minutes were discussed. Information has been provided as outlined in the actions save for information on the submission on fees payable to experts. The CEO noted that he was unable to provide any specific information given that the matter was with the Department for consideration.  The minutes will be published on the Board’s website. | Secretary to post approved March minutes to the Board’s website |
| 2. | General legal and family mediation service delivery update | CEO  Director of Family Mediation | The CEO outlined that the engagements with the Department of Justice and Equality in relation to fees for the Private Practitioner District Court Scheme, the terms and conditions for the retention of counsel and the fees payable to experts were ongoing. The CEO noted that there were problems in some areas with private practitioner coverage.  It was noted that there is a Departmental transformation programme underway which will have an “Access to Justice” unit.  It was observed that the ‘voice of the child’ Regulations and the associated fee structure had not led to significant changes in the practice model in terms of significantly increasing the number of experts or expert reports.  The CEO outlined that the Board’s Annual Conference would be on the 25th September in the Law Society. As it was last year, the theme will be family justice reform. It was suggested there should be a focus on legal aid also and the CEO said he would reflect on this but he would be keener to do so in the context of the impact of legal aid on the consideration / processing of family disputes.  FMcA gave a family mediation update. She noted that there is effort to engage in strategic planning for mediation and its role in the family dispute resolution process. There is now a research function within the Board and it is looking at a number of issues that can inform the future development of the services. A number of the Board’s law centres and family mediation centres are now co-located and while this offers significant opportunity, it was acknowledged that as the law centre will be acting for one party only the question of impartiality can be raised and the Board is striving to be mindful of ensuring the required ‘separateness’ between the two services. |  |
| 3. | Land and Conveyancing Law Reform (Amendment) Act 2019 and Abhaile update |  | The Land and Conveyancing Law Reform (Amendment) Act 2019 has been signed into law and a Commencement Order is awaited. The legislation introduces issues, other than the debt itself and subject to certain pre-requisites, that the Court is required to consider before granting a repossession order. The CEO noted that in general the Board deals with few repossession cases but this legislation could mean that more cases meet the merits test that is set out in the Civil Legal Aid Act 1995. At the moment there is no additional funding to meet any such increase in demand. Some amendments to the Bill which modified the merits test were disallowed as they were not cost neutral.  PJ noted that the legislation does not deal with retrospectivity and this could have a major impact on demand. It is likely the credit institutions will object to retrospectivity.  LAB will be flagging the potential impact of the legislation in its budgetary submission for 2020.  MABS JM/BB gave an Abhaile update. Consultation vouchers and S.115A reviews have increased in the first quarter. It is likely that applicants are waiting on the legislation. A further communications campaign will commence in September.  PJ raised a query if it was possible to identify those who are getting vouchers that are 2 years and more in arrears. MABS or LAB do not have this information. The Insolvency Service of Ireland may have this. RD outlined that of the three legal services the main focus of the LAB is on the S.115A cases given the cost of these cases. He noted that the Board was working on improving its decision making in relation to legal aid for these cases.  PJ noted that the number of persons who have completed a Personal Insolvency Arrangement remains relatively small in the context of the level of mortgage arrears that exists.  The CEO noted that although no decision has been made on whether the Abhaile Scheme will be extended, the working assumption is that it will be. The Scheme’s Steering Group is meeting again shortly. The Group is jointly led by the Department of Justice and Equality and the Department of Employment and Social Protection. |  |
| 4. | International Protection |  | This issue was discussed at the earlier Board meeting, the discussion extending to direct provision and the duration people in the processing / direct provision system.  KM IRC noted that the accommodation crisis has resulted in International Protection applicants ending up in emergency accommodation and this can result in practical issues and access to information issues. By way of example there are six different centres in Carrickmacross at the moment. Hatch Hall in Dublin will be closing shortly. While the Reception Directive was introduced a year ago it was noted there was concern that vulnerability assessments may not be conducted as extensively as they should be. KM enquired if LAB is providing legal services re the Reception Directive. The CEO confirmed that fees for such applications form part of a submission to the Minister. KM also noted LAB does not provide services for family reunification including family reunification for unaccompanied minors. KM noted that the questionnaire is a 62 page document and it does need time. The CEO acknowledged this. He noted that the Board was working on its level of quality assurance in relation to IP work, and particularly work that private solicitors on its panel are doing.  SB noted that minimum standards for direction provision, which will include inspections, are due to commence in 2021. |  |
| 5. | Tour de table |  | JM – They (MABS) are currently restructuring and internally looking at quality.  JO’M – The Law Society is hosting its family law Conference in November. There are still no Circuit Court rules for Domestic Violence. There are Heads of a Bill but still no legislation following the divorce referendum. The development of Hammond Lane and the condition of the Bridewell Court are issues for practitioners.  MH – The Department of Children and Youth Affairs is working on legislation that will provide more extensive provisions relating to Guardians ad litem. Barnardos are being consulted.  KM – (Irish Refugee Council) As above.  PJ/EB – FLAC made an appearance before the Seanad concerning travellers and made submissions regarding legal aid - LAB should conduct an information campaign on pub discrimination cases and housing cases. An application has been made for funding for a travellers legal clinic. There is some Departmental funding in place for a Roma clinic.  SC – A new CEO for the Courts Service (AD) has been appointed. There have been some senior management retirements, some new Judicial appointments and Hammond Lane is an ongoing issue.  SB –The Children’s Rights Alliance has recently published a Report on its Helplines and Legal Advice Clinics. The clinics had over 300 contacts last year mostly concerning family law. Education is also a theme, notably exclusion from school cases. It has been a successful first year. The Childcare Act review is progressing.  RW – Community Law and Mediation conduct the clinics for the Children’s Rights Alliance. Education is a big issue. Family law and housing and employment are major query issues at its offices in Coolock. There is a lack of knowledge of the LAB out there and that is something to consider. PJ noted that employment law is the second biggest topic for FLAC.  MC – (SAGE) outlined cases of adults being made wards of court and “bed blocking” cases / deprivation of liberty cases. There is a lack of referral to advocates to support the person. There is a need to change the culture and this is often a case of family conflict. SC noted many care representative applications to the Courts but a lack of clarity as to the correct procedure.  The AC case is a significant case involving the liberty of a person in a nursing home. The case was appealed to the Supreme Court, and a judgment is awaited.  BB – Abhaile only as above. |  |
| 6. | AOB |  | EB noted the information provided on waivers and asked if numbers could be provided on refusals of waivers and the number of appeals (for SL).  PO’L thanked the attendees and noted the range of difficulties and issues that exist and stated that the voices of the vulnerable have to be heard. The CEO noted the value of hearing different perspectives. | LAB to revert to FLAC re numbers of waivers. |
| 7. | Date of next meeting. |  | The next meeting will be November. The details will be forwarded. |  |