**Meeting of External Consultative Panel**

**7th April, 2022**

**Via Zoom Video Conference**

Attendance:

John McDaid, CEO, Legal Aid Board

Katie Mannion, Irish Refugee Council   
Caroline Counihan, Safe Ireland

Karen Kiernan, One Family

Deirdre O’Donohoe, Council of the Bar of Ireland

Stephanie Lord, FLAC

Brendan Hennessy, St Vincent De Paul

Paul Joyce, FLAC

Gary Lee, Ballymun Community Law Centre

Jane O’Sullivan, Community Law & Mediation

Joan O’Mahony, Law Society

Ciara Landy, Children’s Rights Alliance

Dr Amie Lajoie, MABS

Ger O’Brien, MABS

Paul Dornan, Mercy Law

Eavan Ward, Women’s Aid  
Susan Fay, Solicitor, Legal Aid Board

Gordon Jeyes, Board Member, Legal Aid Board

Catherine Ryan, Board Member and Solicitor, Legal Aid Board

Joan Crawford, Director of Internal Service Delivery, Legal Aid Board

Emily Sherlock, Regional Manager, Legal Aid Board

Tomás Keane, Assistant Director, Legal Aid Board

Fiona McAuslan, Director of Family Mediation, Legal Aid Board

John Scanlon, Assistant Director, Legal Aid Board

Rónán Deegan, Assistant Director, Legal Aid Board

Niamh McGuinness, Secretary to the Panel, Legal Aid Board

Apologies:

Mary Roche, Treoir  
Mary Henderson, Immigrant Council of Ireland

Catherine Cosgrove, Immigrant Council of Ireland

PJ Cleere, Disability Federation

Allen Dunne, Disability Federation

Dr. Fiona Donson, Traveller Education Justice Project, UCC

Christopher McCann, FLAC

Anne Staunton, Rainbows Ireland   
Rose Wall, Community Law and Mediation

Geralyn McGarry, Citizens Information Board

Fiona Wright, Courts Service of Ireland

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|  | Item for discussion | Person responsible | Discussions | Actions/Decisions |
| 1. | Membership update of the External Consultative Panel | CEO | The CEO welcomed all attendees and the meeting commenced with all members introducing themselves. |  |
| 2. | Draft minutes of meeting of 18th January 2022 and matters arising | CEO/Secretary | The CEO invited members to approve the draft minutes of the meeting of the 18th January 2022 and noted that the minutes would be regarded as approved unless any member reverted to the Secretary within 7 days of today’s meeting. The minutes will then be published on the LAB website in order to help compliance with the Regulation of Lobbying legislation. All actions from January’s meeting were carried out.  The LAB is keen to provide training to bodies with an interest in our services. The LAB also uses such events as an opportunity to listen to the issues and challenges being encountered.  The Board has held two online learning events to date this year; one on domestic violence and coercive control and the second on the impact of conflict. Both events were well attended and received. | Action: Approved minutes to be published on LAB website on the 18th April 2022.  Action: Email address for the liaison person to be re-circulated to the panel members.  Action: Email link to the recordings to the panel members. |
| 3. | Presentation (oral) by Paul Joyce, FLAC, on debt solutions with Q & A | Paul Joyce | PJ from FLAC provided a presentation on the challenges being faced by society in relation to secured and unsecured debt, utility debt, rent arrears and debt solutions. FLAC has worked on a series of papers on issues arising in new and existing consumer debt cases in light of the pandemic. The papers are available from the FLAC website.  BH/SVP: People are often reluctant to engage with debt support services and often unaware of services available. The Energy Engage Code, provides that if persons engage with suppliers around arrears the supplier has scope to assist. SVP funding to assist Electric Ireland customers has now been extended to Bord Gáis Energy customers.  CL/CRA: raised a query in relation to “buy now pay later” services and how effective their age restrictions are.  PJ/FLAC: noted that it is intended that “buy now pay later\* services will be regulated under the Consumer Protection Regulation of Credit Servicing Firms and Retailer Credit Firms Act 2021. The Act will regulate providers of credit not previously regulated by the Central Bank.  GO’B/MABS: reiterated that funds are available to assist persons experiencing utility debt, however this is only part of the solution and best practice would be that the person also engages with a MABS money advisor with a view to trying to achieve income maximisation and longer term solutions. It was further noted that the exceptional needs payments which may be applied for through community welfare officer can be available. The issues with debt relief notices were outlined, including issues with s. 36 of the Act.  RD/LAB: noted that in 2021 the LAB was notified of 587 legal advice vouchers on foot of the Abhaile Scheme which is a decrease from 710 in 2020. The duty solicitor service was impacted by COVID restrictions in 2020 and 2021. The numbers seeking legal aid for Personal Insolvency Application reviews were significantly down in 2021 compared with 2020 and the trend has continued in 2022 to date. This was despite 2020 numbers being comparable to 2019 notwithstanding Covid. PJ/FLAC: A noticeable aspect of the Abhaile Scheme is the number of so-called informal solutions. 21,000 cases have gone through the Abhaile Scheme in the past 4.5 years; 7,000 of which are said to be in progress to an informal solution. This reflects the unbalanced nature of the code of conduct on mortgage arrears and the limitations in the Personal Insolvency Act. 95,000 mortgages in July 2021 faced a mortgage shortfall at the end of term and a significant number of people in that situation are approximately 60 years of age or older. This gives rise to persons not having the income to meet even partial payments. On a positive note, the mortgage to rent scheme is a genuine debt solution if applicants meet the thresholds.   JO’M/LS: questioned if the schedule of payments made out for a client by the lending institution will reflect a shortfall at the end of term.  PJ/FLAC: responded noting that spilt mortgages are a large problem in this regard. The Panel’s attention was also drawn to the CIB paper called “[Behind The Data: Mortgage Borrowers Facing End of Term Repayment Shortfalls](https://www.centralbank.ie/statistics/statistical-publications/behind-the-data/mortgage-borrowers-facing-end-of-term-repayment-shortfalls)”.  GO’B/MABS: noted that the same issues as with spilt mortgages will arise with interest only mortgages.  The CEO thanked PJ for his extremely informative presentation and for his longstanding commitment to supporting persons experiencing debt challenges. |  |
| 4. | Update (if any) on civil legal aid review | CEO | The CEO noted that the review has not commenced yet, however it is anticipated it will have commenced prior to the next meeting of this forum. | [Send link to the committee when it is announced](https://www.gov.ie/en/press-release/68fab-minister-announces-review-of-civil-legal-aid-scheme/). |
| 5. | Sub Group on domestic violence |  | ES/LAB The subgroup will work to identify issues that impact on the pathway for a person seeking to address domestic violence issues. The group’s membership seeks to ensure that a broad spectrum of views and experiences are obtained. The group intends to look at the client journey and at how that journey can be made as seamless as possible. At the group’s first meeting it was decided that the input of the mediation services would also be beneficial. Additionally, invitations to other relevant stakeholders have been extended. The group discussed at the first meeting the supports and services that could be given to a victim of domestic abuse throughout the process. The provisional date for the next meeting is the 20th April.   CC/Safe Ireland: It was a very positive, lively meeting and there was a general consensus that the group should look at the victim's journey from the beginning and examine the supports available and perhaps not available and perhaps make short focused recommendations in that regard if necessary.   EW/Women’s Aid: expressed interest in joining the group | EW contact information to be shared with ES. |
| 6. | Access to Justice Conference 2021 and potential follow on | CEO | The papers from the conference are available and were formally launched by the Chief Justice and the Secretary General of the Department of Justice. The group that organised the conference remains in place and has adopted a theme for this year; Civil Legal Aid. | [Link to the papers to be circulated to the Panel](https://www.courts.ie/acc/alfresco/e984951c-1782-484c-83a8-8efdf195af31/15032022%20Access%20to%20Justice%20Conference%20-%20Final%20Report.pdf/pdf#view=fitH). |
| 7. | Update on service delivery issues (combined with Tour de Table) to include:   * Solicitor availability; * Recruitment challenges; * Abhaile related services; * Initiative to better support the legal needs of Travellers; * Proposed commencement of provisions of the Assisted Decision Making legislation      * Family mediation services; * General legal services; * International Protection matters including the impact of the regularisation scheme; * Promoting awareness of the Board’s services. | CEO | CC/Safe Ireland: Clients of members around the country are experiencing difficulty in finding LAB solicitors. These persons appear to meet the tests for legal services, however in some locations there is a lack of availability of private practitioners. This issue has been raised previously, however it is continuing. A number of clients, often domestic violence survivors, are unable to access legal services because of the financial threshold.  The CEO outlined the steps the LAB has taken in respect of fees for private practitioners and requested CC to share further detail in relation to the issue, noting the more widespread the issue is, the stronger the Board’s business case becomes with the DPER to improve the fees.   JO’M/LS: In the context of applying to the Minister for relief in this area it has been noted in their discussions around the third national strategy that finance isn't an issue.   The CEO noted that in addition to the lack of private solicitors willing to do the work, there is also an issue with the recruitment of solicitors, particularly in Dublin. The LAB is obliged to advertise and recruit solicitors at lower pay than many other public sector bodies. The LAB has engaged with the Department in this regard.   AL/MABS: MABS has noticed that major financial institutions and banks are increasingly offloading nonperforming loans to non banking entities. It is a concern that banks appear to be specifically offloading non-performing loans after a short period and seem unwilling to even begin the process of engaging with settlement.  EW/Women’s Aid: WA are encountering a lack of availability of solicitors for legal aid clients which ultimately impacts on the service they receive as it is now a small pool of solicitors doing the work. The service in Dolphin House has remained open and is a full time service with high demand. The CEO asked that EW forward correspondence in relation to the issue outlined.   KK/One Family: One family is involved in advocating around the family law reform and queried if there was an update on the draft strategy from the Family Justice Oversight Group. CEO noted that work is on-going and it is a deliverable in the Department’s plan for 2022 in Q2/3.   CL/CRA: Persons accessing their service are likely to fall outside the remit of being able to access legal aid. CRA received many education based queries and more recently, issues in relation to disability. Clients are experiencing very long waiting times for disability assessments and face issues in accessing services and therapies. In relation to people seeking temporary protection, the CRA is arranging for its “Know Your Rights” guide to be translated into Ukrainian and it will be available on their website once published.  SL/FLAC: FLAC continues to work on their campaign, for the review of civil legal aid. FLAC has also established a LGBTQI clinic. They are experiencing high levels of demand for its service at present. A significant number of calls relate to applicants who have applied to the LAB but whose application has not yet been processed or are on a waiting list. They are also being informed by callers that on occasion clients of the LAB are unable to contact their assigned solicitor.   The CEO stated the LAB will investigate the issue in terms of being able to contact solicitors.  PJ/FLAC: 26,000 principal dwellings have more accounts in arrears of over one year at the end of 2021, two out of every three are now owned by non-bank financial institutions. The CEO asked if there was a possibility that non-banks are open to negotiation. PJ/FLAC noted that it appears there is a little with vulture/investment funds, although you need available resources to put forward a deal.  Addressed under item 3.  SF/LAB: The aims of the project are: to improve access to LAB services for the Traveller Community by providing legal services subject to the normal legal aid rules; working with law centre staff and other board colleagues to develop the capability within the organization to provide legal services to Travellers; working with non-government organisations to explore how the LAB can better support Travellers by raising general awareness of legal rights and entitlement; and then identifying barriers to our existing services and making recommendations.  An in depth training program was provided to LAB staff from a broad geographical spread. The training involved looking at the both legal and societal issues affecting Travellers and how those issues interact with the civil legal aid scheme and our obligations. Two sessions have taken place so far and further sessions are scheduled.   Engagement and training has taken place with local Traveller groups. This engagement was spilt into two parts looking at the civil legal aid scheme. First, how to apply and what is covered by the Act. The second part focuses on the specific legal issues that can affect Travellers. Meetings have been in person and online. A consultative committee has been established involving Traveller organisations. A leaflet is being developed in relation to the Traveller service and it is hoped to formally launch the project.   RD/LAB: It is understood that the Government’s wish is that the legislation will commence in June 2022. However, this is subject to the enactment of the Assisted Decision Making (Capacity)(Amendment) Bill 2022, which is currently making its way through the Houses of the Oireachtas. One issue is whether transition cases will fall within the scope of legal aid. The LAB intends to operate a mixed model of service delivery involving private solicitors paid on a fee per case basis and solicitors employed in law centres. The LAB has made a submission to the Minister in this regard.   JO’M/LS: There is need for urgent clarity around the commencement date as there are matters which need to go before the court and currently the Courts Service has indicated that new wardship matters will be accepted up until the 25th of April and not thereafter. The difficulty arises then as to what happens with matters between this date and the actual commencement of the legalisation.   FMcA/LAB: There is a mixed model of service delivery at the moment involving both room-based, on-line and telephone mediation. There has been a decline in the take up of online sessions. Work is on-going in terms of developing a domestic abuse policy to include additional safety processes at the start of mediation, around our pre-mediation and screening including telephone based screening.   JC/LAB: There has been an 11% increase in the number of people applying for legal aid in the first part of 2022 compared with 2021. The Board is working to ensure that the waiting times in all locations reduce, however law centres and waiting times are being impacted by the recruitment challenges and the lack of availability of private practitioners.  JC/LAB: 2,000 applications have been lodged under the immigration regularisation scheme so far, the majority of which are existing international protection applicants. As of yet, the Board has not seen a significant number of withdrawals from the International protection scheme on account of persons getting a status through the regularisation scheme. There has been a significant increase in the number of international protection applications since January of this year.   KM/IRC: People with family reunification needs will stay in the international protection process. A positive is that the application form for the regularisation scheme is relatively easy to complete.  One difficulty the IRC notice is that many people who arrived in Ireland since October remain in emergency accommodation. There are long delays in accessing the temporary resident certificates cards leading to people not receiving PPS numbers. This leads to destitution and children not accessing education. There are approximately 1,200 people who have arrived how are not in the system fully as instead of a blue card, they've received a paper print-out confirming they have applied for international protection, but it does not have a personal ID number included, hence it is not a full application. There is approximately a seven week delay with the issuing of TRCs and a further seven week delay in accessing a PPS number, with a consequent impact on their ability to meet with a solicitor or apply for services. The CEO noted that the LAB will engage bilaterally with IPO and IPAS on this.   JO’M/LS: queried in circumstances where PPS numbers are provided at the airport why there is such a delay for international protection applicants.   KM/IRC: One explanation may be that staff from the IPO were mobilised to administer the regularisation scheme.  Addressed under item 2. | Email address for the Traveller Unit to be circulated to the panel members. |
| 8. | AOB |  | Nil. |  |
| 9. | Date of next meeting. |  | Next meeting to be held in Q3 2022. | CEO/Secretary |