**Meeting of External Consultative Panel**

**13th October, 2020**

**Via Zoom Video Conference**

Attendance:

The following attended the meeting:

John McDaid, CEO, Legal Aid Board

Annmarie O’Connor, MABS

Karen Kiernan, One Family

Geralyn McGarry, Citizens Information Board

Monica Hynds, Barnardos

Susan Cahill, Courts Service of Ireland

Joan O'Mahony, Law Society

Mary Condell, SAGE

Eavan Ward, Women’s Aid

Paul Dornan, Mercy Law

Philip O’Leary, Chairperson Legal Aid Board

Ellen O'Malley Dunlop, Board Member

Nuala Egan, BL, Board Member

Fiona McAuslan, Director, Family Mediation Service

Angela McDonnell, Director of Strategy and Decision-Making

Andrew Field, Strategic Research Manager, Legal Aid Board

Tomás Keane, Secretary to the Panel

Aplologies:

Rachel Baldwin, Bar Council of Ireland

Aedamair Gallagher, Bar Council of Ireland

Caitríona Gleeson, Safe Ireland

Éilis Barry, FLAC

Mary Henderson, IRC

Catherine Cosgrave, IRC

Rose Wall, Community Law & Mediation

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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 members to the meeting and noted the Committee met one month ago for the purpose of the Panel having an opportunity to input into the Board’s Statement of Strategy for 2021-2023 as part of a broader process of consultation with staff and Board members. A draft Statement of Strategy had been shared and is before the Panel today for further input. |  |
| 2. | Draft minutes of meeting of 10th September, 2020 and matters arising. | CEO  Secretary | The CEO stressed it was important that the minutes reflect the contribution of members. The minutes are extremely useful in terms of our reflection on the Statement of Strategy. The minutes are published on the Board’s website for the purpose of easing members’ responsibilities on foot of the lobbying legislation.  The CEO invited members to consider the draft minutes circulated and revert with any comments or amendments within one week. The minutes will then be published on the Board’s website. | All/Secretary |
| 3. | A reflection on the Legal Aid Board Statement of Strategy 2021 – 2023 | CEO | The CEO thanked members for submitting written submissions and confirmed they had been read by the CEO and the members of the Executive involved in drafting the Statement of Strategy. The CEO noted that the draft Statement is high level and there will be an implementation plan with more operational detail, e.g. key performance indicators.  The CEO emphasised that the Board is a statutory body and does not publicly lobby, though on pertinent issues it is in a position to influence. It is hoped that the Statement of Strategy reflects the Board’s commitment to maximising its influence.  Certain themes emerged in the feedback received. Principal among the themes was accessibility from the financial eligibility perspective. A submission has been made to the Minister to change the eligibility criteria. The CEO and the Chairperson met with the Minister last week. The submission is ‘live’ and the CEO is confident that the submission will be given careful consideration soon.  Another theme was the scope of the legal aid system and concerns were expressed about areas of law or particular adjudication bodies being outside the remit of civil legal aid. Given the Act is 25 years old, there may be areas of law where people need assistance and are not getting assistance at the moment. The Board is of view that a review of the Civil Legal Aid Scheme would be timely. The CEO is confident that a review will take place in the not too distant future and that it will be a fundamental review.  Another theme is one of awareness of the Board’s services. This is a concern of the statutory Board. The CEO welcomed the increased frequency of the Panel meetings and sees significant potential in this forum to reach people who need our services. The Statement of Strategy reflects the commitment of the Board to building better relationships with NGOs that are gateways to our services. There is considerable scope for the Board in using this Panel to do so in practice, perhaps with developing subgroups to work on particular areas. The CEO noted that the Board will take on board the submission made by Safe Ireland in relation to the need for specialist training for people involved in specific areas of law. The CEO noted the submission of FLAC in relation to supporting people in extreme poverty who have legal needs. The Board would like to reach these people who should be our first port of call in terms of availability of our services. The CEO invited members of the Panel to share details of bodies who work with people in extreme poverty so that the Board could invite them to join the Panel.  The Chairperson expressed gratitude to the membership for the good ideas and feedback that the Board is attempting to incorporate into its strategy. This statutory Board is heading into its final year and the help of the NGOs is much appreciated in assisting in having the right strategy to direct influence. The Chairperson expressed optimism on foot of the meeting held with the Minister.  The Chairperson noted that this Panel is a forum for the Board to listen to interested parties and going forward there is room for the Board to engage more with NGO’s in terms of how to identify need and help those in need. The Chairperson will be looking for innovation from the Board as to how business is conducted and how cases are taken on. There is potential for progress in this regard. The Statement of Strategy is not finalised.  KK/One Family: Noted that there are two guiding principles that could be strengthened; a child centred piece and ADR. It was noted that there is no mention in the document of the context of family law reform. There is potential for change and One Family is interested in naming this aspect. The document has a commitment around being child centred. This is about child’s best interest, but also child safety and the voice of the child. There is a gap in Ireland about who is responsible for ensuring the voice of the child can be heard and resourced and that there is oversight and regulation of people who work in that space.  The other part is whether in the operating environment there should be a better focus on ADR and mediation rather than going to court. One Family is also interested in the government naming ADR as a principle as it is not necessarily grounded or resourced in the right way. One Family suggested that how the Board uses its resources could be looked at in the context of shifting the focus towards more resolution rather than representation and queried if the Board should be using ‘targets’.  The CEO noted that the Minister in launching the Scheme of a Family Court Bill made specific reference to promoting ADR. The Board will give consideration to what our Statement states in terms of what commitment we should reflect.  AMO’C/MABS: Noted there is a reference to digitalisation in the Strategy Statement. Could “law tech’ contribute to the thinking on how the service may be more accessible to people who might not use other channels. In relation to access, the issue of having a helpline has emerged over the years. It is the experience of MABS that helplines can be a form of broadening access for people, particularly where there is a constraint on resources.  It was noted that there are concerns about advertising a service when it is proving impossible to meet existing demand without waiting lists. Nonetheless it was acknowledged that there is an obligation that potential end users are made aware of the legal supports and services that exist for them.  The CEO noted the Board would take this on board and expressed hoped that using technology to increase awareness of the Board’s service will be part of the plan. Re a Helpline, the CEO noted that the Board introduced a helpline at the start of the pandemic but it is conscious not to replicate services that are being provided by others. The Board treats its law centres and family mediation offices as information sources, but it will continue to reflect on how this works and whether there are better ways to best use resources.  JO’M/Law Society: Suggested that a representative of the Housing Association may be a helpful addition to the Panel to assist with reaching people who may find themselves without a way to access the system. It was suggested that Focus Ireland and other members of the Housing Association could get together and agree a representative to represent the interests of people from their constituency.  PD/Mercy Law: It was noted that Mercy Law Resource Centre link with Focus Ireland on many issues and represent people who are homeless and experience difficulties with social housing. Mercy Law made a submission to the Joint Oireachtas Committee on Access to Justice on the unmet legal need in relation to housing and hopefully it will bring those issues to the fore.  Mercy Law would echo MAB’s thoughts on the technology piece on getting to clients who are more difficult to reach. This is important in the context of the s.42 public sector duty to reach the broadest client base as possible in a proactive way. Many potential clients often operate in different channels of communication, e.g. social media. Mercy Law will share with the Board their submission to the Joint Committee on access to justice.  SC/Courts Service: The Courts Service has a long term vision and has examined how the Courts should look in 10 years time and the steps needed to pursue the vision. A group was set up called A Target Operating Model. It took a number of meetings of the group to identify the users the Courts Service should be seeking to reach. The group noted that establishing the fundamentals was important and it was somewhat of a surprise to learn that there was much disagreement about who those users should be.  GMcG/CIB: Identifying users and what is the appropriate strategy for the Board in that context is important. The CIB operate a generalist service, but deal with over a 100,000 housing queries each year. Legal aid is not always necessary to enforce rights and there is a need to distinguish between providing assistance and the legalisation of the process. Some sense of where the Board begins and where other organisations leave off is important. There are many organisations out there addressing information and advice needs. Some targeting of the customer base is needed and the Board should factor in some mechanism for determining how it can add legal value in these cases.  The CEO noted that this can form part of the relationship building process where the Board and NGOs can work together to identify situations where the Board can be of assistance.  The Chairperson noted that the Board wants to supplement and not duplicate the services of NGOs. The question of where the Board starts its service and where the NGOs finish could give rise to some worthwhile innovations. There may be opportunities for the Board to become involved in test cases. The Board would like to feed into that conversation with the Courts Service and other Court users.  MC/SAGE: SAGE is grappling at the moment with an attempt to understand the guardian ad litem (GAL) system that the High Court has introduced for vulnerable adults. There is no protocol written on what the GAL role is. There may be issues in relation to the GAL’s role and whether GAL’s may hold the role of lawyer also. Test cases are very important for the court to clarify such matters. SAGE is often operating in the dark when advocating on behalf of vulnerable applicants. SAGE believes the Legal Aid Board could have a role. SAGE would also suggest that advocacy will never stop even when the Board takes over as the person will continue to need support. SAGE would prefer to consider the advocacy and legal roles as providing a combined collaborative service.  The CEO notes that this raises two issues for the Board’s strategy:   1. accessibility for a vulnerable cohort, 2. identifying the case that the Board can provide assistance with.   The CEO and the Executive are committed to continuing that conversation with SAGE outside of this forum. The CEO also accepted that for the people represented by SAGE, the advocacy role must continue as stated by SAGE.  AMcD/LAB: Thanked the members for their contributions and noted that the submissions gave the Executive renewed energy to continue with the process of drafting the Statement of Strategy.  FMcA/LAB: The experience of the past 6 months was the ability to connect with other organisations and answer the client’s needs and refer to a service. This ability to refer to other services during a crisis was valuable and is something we should aspire to continuing into the future. Recent experience demonstrates the value of not repeating that first phone call to a member of the public and providing services of the Board in a focussed manner.  The CEO thanked all attendees for their contributions. The Statement of Strategy is high level, but there is an intention to have an implementation plan with more detail and the Board will engage with NGOs in relation to that plan. There is great value in engagement such as through this Panel and the CEO would encourage lateral and multilateral engagement to increase public awareness of our services and better work together and find those cases where the Board can add value. |  |
| 4. | AOB |  | N/A |  |
| 5. | Date of next meeting. |  | The next meeting will be held in 2021. The details will be forwarded. | CEO/Secretary |