**Meeting of External Consultative Panel**

**17th April, 2020**

**Via Zoom Vide Conference**

Attendance:

The following attended the meeting:

Mr John McDaid, Chief Executive, Chair of the Panel

Mr Philip O’Leary, Chairperson, Legal Aid Board

Ms Rachel Baldwin, Council of the Bar of Ireland

Ms Susan Cahill, Courts Service

Ms Mary Condell, Sage Advocacy

Mr Paul Dornan, Mercy Law

Ms Aedamair Gallagher, Council of the Bar of Ireland

Ms Monica Hynds, Barnardos

Ms Karen Kiernan, One Famly

Ms Stephanie Lord, FLAC

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

Ms Gillian Dennehy, Women’s Aid

Ms Monica Hynds, Barnardos

Ms Eilis Barry, FLAC

Ms Mary Roche, Treoir

Mr Brian Collins, Irish Refugee Council

Mr Niall Murphy, Legal Aid Board

Ms Angela McDonnell, Legal Aid Board

Mr Tomás Keane, Legal Aid Board, Secretary

Apologies:

Ms Catherine Cosgrave, Immigrant Council of Ireland

Ms Rebecca Keatinge, Mercy Law

Ms Rose Wall, Community Law and Mediation

Ms. Susan Cahill, Court Service

Ms. Susan Shanahan, Citizens Information

Mr Damien Peelo, Treoir

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|  | Item for discussion | Person responsible | Discussions | Actions/Decisions |
| 1. | Membership update of the External Consultative Panel | CEO | Ms Damien Peelo and Ms Mary Roche of Treoir and Ms Adeamair Gallagher of the Bar Council have joined the Panel. |  |
| 2. | Draft minutes of meeting of 15th January 2020 and matters arising. | CEO  Secretary | CEO invited members to consider the draft minutes circulated and revert with any comments or amendments within 48 hours. The minutes will then be published on the Board’s website. | All/Secretary |
| 3. | Update on service delivery in the context of the Coronavirus crisis. | CEO | CEO noted that there had been many changes since the last meeting and invited members to describe what they are doing at the moment and the particular challenges in light of the circumstances in which we are operating at the moment.  NM, Director of Civil Legal Aid described the Board’s regional management structure and provided an update in relation to the legal service delivery, in particular at the law centres. Laptops and mobile phones have been distributed to many members of staff in each law centre to enable solicitors to work from home with full access to all applications and be contactable. The intention is to acquire more laptops. The mobile numbers are on the Board’s website and posted outside of law centre premises. Law centre premises have physically closed, but phones are answered so that all priority matters are responded to, e.g. domestic violence and child care. The Board is at the point now where there is a core law centre model where some solicitors can provide a service and it is intended to get more solicitors enabled. The law centre in Chancery Street is open. Solicitors are attending child care and domestic violence hearings. Dolphin House is open and there is a duty solicitor rota in place to provide representation to applicants and to complement the service provided by private solicitors.  AMcD, Director of Decision Making and Strategy described the Board’s efforts to ensure that there are no delays in decision making functions and ensuring payments are made to service providers by completing all outstanding payments to barristers, solicitors and experts.    A Legal and Mediation Information Helpline initiative has been established to assist with service delivery during the crisis. The Helpline is operated by solicitor, paralegal and experienced clerical staff. Most calls related to access issues and domestic violence referrals to Dolphin House. The Helpline seeks to reassure callers and connect them to the appropriate services. Visibility and interaction with the public has been enhanced through proactive updating of the website. |  |
| 6. | Tour de Table |  | EB/FLAC: FLAC have closed clinics, but managed to keep the information phone line working. Phone legal advice clinics have been established. In the last two weeks FLAC has been running employment, family law and general law clinics. FLAC has received great support from the Bar Council and Law Society. There may be expansion with some private firms willing to assist. FLAC is ready to go with immigration queries. FLAC has received a significant number of access queries and enquiries about how to contact their legal aid board solicitor. FLAC has also drafted / updated information leaflets on landlord and tenant issues and other legal matters.  JO’M/Law Society confirmed that probate work continues and there is much work with EPA’s and wills. The Law Society has been very proactive and issued guidance for access and maintenance. Guidelines have issued to colleagues. There is uncertainty about when the courts will be operational. Online court appearances are being trialled.  MH/Barnardos: The GAL service made a decision at the start of the crisis that no home visits would be carried out. Guardians are working remotely. There are child care cases going before the courts where the parties haven’t been able to reach agreement. Issues include young people about to age out of care where the aftercare service may not meet the young person’s needs. President Daly has asked Barnardos to participate in a mock trial next week using a secure platform. GAL’s are being appointed. More contentious cases are coming before the courts at the moment with GAL’s appointed. Work continues to support children in placements. There are concerns about moving child placements at this time. It is important to make things as stable as possible. Tusla has been contacted regarding guidance in relation to access. Most parents have accepted a move away from physical access. However goodwill will begin to dissipate if the crisis continues and face to face arrangements are not catered for.  GD/Women’s Aid noted that the face to face service has been temporarily suspended. Any women already linked-in with a support worker are supported by phone. The 24 hour national helpline is available for any woman or family friend or professional who is concerned about a woman. There is an online chat service and many resources are listed on the Women’s Aid website. Safeireland.ie has a list of refuges, though there might be reduced capacity in some places. There is a drop-in service in Dolphin House, but the absence of glass barriers meant it had to be suspended. There is a temporary phone line in operation. There are concerns about the amount of calls regarding access. Guidelines were sent around but they were frustrating. The focus was on those who would act reasonably, but this is not the case with abusers. Maintenance has stopped for many women.  Another key concern is the courts adjourning on the day so there is no notice beforehand. A message needs to come from the court. A key aspect is representation. The guidelines say urgent cases will be heard, but matters are then adjourned to September.  RB/Bar Council provided positive feedback from her members in relation to counsel fee payments from the Board. It is a difficult time for members as they are self-employed. The Family Lawyers Association has been active in assisting members. Submissions were made to the Department. Guidelines have issued in relation to access and been endorsed by the Law Society and Bar Council. It was noted that interim barring orders are being dealt with in Dolphin House. The Courts Service has said that they may deal with urgent matters if a case is made in advance. The Bar Council is trying to work with members in these difficult times and everyone is doing their best.  BC/Irish Refugee Council described the current landscape for refugees. The IRC has been working remotely in the past few weeks. Case work has shifted. The IPO is issuing some decisions, but a lot less. Accommodation is the biggest issue at the moment and the IRC is busy receiving contact from clients in relation to accommodation needs. There is potential for spread of Covid-19 among the refugee community. People in direct provision can benefit from the Health Care Workers scheme.  MR/Treoir: Treoir is operating a telephone service and has been receiving approximately 17 calls a day. Access had been the main issue and now access to welfare payments has become an issue of late. Enforcement orders are a recurring issue. Many unmarried fathers are not having access. The situation puts pressure on mothers and fathers who are not living together.  PD/Mercy Law explained that Mercy Law has closed its office and suspended clinics. Mercy Law had always operated a telephone triage service. Referrals are coming in and they continue to advocate for people with local authorities. Mercy Law is attempting to raise awareness about the rights and protections flowing from new legislations. Live cases in relation to evictions have been adjourned.  KK/One Family outlined that all One Family supports have seamlessly moved to a phone system. People dealing with practical and emotional issues can be signposted to the One Family helpline. Access has been the overwhelming issue. There are issues around children adversely affected not just parents. Maintenance is an issue. The One Family website has useful guidance in relation to guardians who fall ill. There is also information in relation to children becoming sick.  MC/Sage Advocacy noted that their 1850 phone line is operating well. The Sage website has details of advocates available around the country. The crisis point will be when the crisis is over as there are people being moved to nursing homes against their will. There is crisis in the nursing homes. Sage has a video on its website explaining the position for people in terms of next of kin. Banking and Payments Federation of Ireland and the Banks have issued guidance concerning older people seeking access to their finances. The Wardship Court continues to sit and is now appointing GAL’s and solicitors as GAL’s, though they are not sure what their role is. There is deprivation of liberty issues and there is an expectation of a flood of cases when the crisis subsides. There are problems for people making wills at home. Guidelines have issued to solicitors, but there is a fear that those people may be subject to undue influence from family members.  PO’L noted that he had been listening very carefully to all contributions. Common themes had emerged in regard to access, domestic violence and vulnerability issues. Underlying problems have been unearthed in nursing homes, direct provision centres which reveal vulnerabilities. It is apparent that the pandemic has highlighted where the cracks are in the system. From the point of view of the statutory Board it gives cause to reflect on our service and how we provide it. There are opportunities to change direction, e. g. the Board’s Helpline and it is important that the Board listens to the NGOs and this panel. The Board can assist in solving problems and should the panel members have cases of need or difficulty, the Board can have influence in trying to assist. This is difficult time for public service, but there is a well of good-will out there in terms of trying to get things done. He noted the Legal Aid Board must be more agile, more mobile and remotely accessible and hopefully there will be some positives to take from the crisis in terms of where we go into the future.  The CEO noted that the Board is part of the mock trial project. The Board has been active in a working group established by the Department in relation to domestic violence and responding appropriately and effectively. A national media campaign has been launched on foot of the work of the workgroup.  The CEO noted that if people are having difficulty getting through to our offices, members are invited to contact the CEO or the Director of Civil Legal Aid. Offices are physically closed, but the Board is very keen to ensure law centres are contactable and we are returning to conducting our normal business. The focus has been on ensuring the pathways for people who have a domestic violence or child care problem have a clear and quick pathway to assistance. Efforts are on-going to ensure the Board is stronger in working from outside our offices.  The CEO stated that telephone mediation is being promoted and though there is a transition period at present in terms of how it is provided the Board is actively pursuing it as quickly as possible. The focus of the cases is likely to be on disputes around access. Disputes where there are substantive assets at play may wait until there is a capacity to engage on a face to face basis.  KK noted that One Family make referrals to the Board’s mediation service. It is a very useful state support for people, especially to assist with the many access concerns.  The Panel asked if there is a united group working with the courts to make representations about the adjournment of cases. The CEO clarified that the Working Group mentioned is about being responsive to domestic violence and he does not believe there is a group specifically looking at how other cases access the court system. The Board has received input from managing solicitors that court arrangements are different around the country. In some locations there are access cases being dealt with. The CEO does not anticipate that people will try to move beyond guidance from the President of the District Court.  The panel noted that it does appear that while the Law Society’s Child and Family Law Committee put together very clear guidelines in relation to access, they may not be addressing all the issues. Input from all organisations as to how to advise Law Society members would be welcome so that they can best advise their clients. It was queried as to whether some kind of panel of solicitors who are willing to go to court could be put together. The CEO noted that the Board has not had a problem in securing solicitors to provide representation and a duty solicitor scheme had been established in Dolphin House.  The CEO noted that trying to identify the block of cases that are not domestic violence or child care that are regarded as urgent may be the more difficult issue and given the extent to which it has been raised at this forum, he will make contact with the Director of Court Service Operations to see if a meeting can be set up to flag the potential for involving other agencies in a working group that might establish a process for getting other cases into the system.  NM noted that there is much diversity around the country in terms of court arrangements, but it appears pressure is building for access and maintenance cases and clarity will need to be sought.  MC noted that in relation to domestic violence cases involving parents and adult children, there are safeguarding teams within the HSE who can be called in to assist in drawing up a care plan for vulnerable adults. Also, An Gardaí have a vulnerable adult unit and can pay a visit to a home to assist. The CEO noted that feedback he is receiving is that there had been quite a sea change in relation to how An Gardaí operate more proactively to ensure the safety of domestic violence victims.  KK confirmed that she had some communication with the Courts to alert to some of the hard cases and though there had been no firm response, awareness of the issues surrounding domestic violence and child care have been raised informally.  AMcD explained that there was a mediator in place among the team taking access calls on the Helpline and engages with the caller. The Board has put arrangement in place to ensure nobody is disadvantaged in terms of qualifying for legal aid when in receipt of the Covid-19 payments.  NM confirmed that the Dolphin House office is open and applicants may contact Dolphin House in person or by phone and may apply for a legal aid certificate and be assigned a Duty solicitor should they need one. | CEO will contact the Director of Court Service Operations to see if a meeting can be set up to flag the potential for involving other agencies in a working group that might establish a process for getting cases into the court system other than DV and child care. |
| 7. | AOB | CEO | None |  |
| 8. | Date of next meeting. |  | The next meeting will be on 15th July. The details will be forwarded. | CEO/Secretary |