**Meeting of External Consultative Panel**

**18th January, 2022**

**Via Zoom Video Conference**

Attendance:

John McDaid, CEO, Legal Aid Board

Caroline Counihan, Safe Ireland

Karen Kiernan, One Family

Deirdre O’Donohoe, Council of the Bar of Ireland

Geralyn McGarry, Citizens Information Board

Stephanie Lord, FLAC

Brendan Hennessy, Saint Vincent De Paul

Paul Joyce, FLAC

Gary Lee, Ballymun Community Law Centre

Jane O’Sullivan, Community Law & Mediation

Fiona Wright, Courts Service of Ireland

Mary Condell, SAGE Advocacy

Monica Hynds, Barnardos  
Mary Henderson, Immigrant Council

Mary Roche, Teoir   
Nuala Jackson, Chairperson, 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

Rónán Deegan, Assistant Director, Legal Aid Board

Niamh McGuinness, Secretary to the Panel, Legal Aid Board

Apologies:

Joan O’Mahony, Law Society

Julie Ahern, Children’s Rights Alliance

Paul Dornan, Mercy Law

Rose Wall, Community Law and Mediation

Edel Hackett, Safe 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. | Appointment of a new statutory Board (Legal Aid Board) |  | The new Statutory Board has been appointed. There were a number of reappointments from the previous board.  NJ/Chairperson: Noted that this forum provides vital avenues for the Board to receive knowledge from panel members and improve the accessibility of the Board’s services for potential users.  The Chairperson informed the panel that the new Statutory Board has commenced a process of listening to different stakeholders in relation to what they would like to see in terms of improving access to justice. The Board is eager to, in due course, hear from panel members in this regard. The Chairperson acknowledged that these are different times. The Chairperson also noted the increased prevalence of gender based violence and the importance of remembering all who are subjected to domestic violence in our communities. |  |
| 2. | Draft minutes of meeting of 6th October, 2021 and matters arising | CEO  Secretary | The CEO invited members to approve the draft minutes of the meeting of the 6th October 2021 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 ease compliance with the Regulation of Lobbying legislation.  The CEO & JC/LAB emphasised the wish of the Board to developing a better profile amongst communities in need of the Board’s services through engagement with key stakeholders and community leaders. The Board is keen to seek out opportunities to share information and encouraged panel members to avail of training/information sessions facilitated by LAB staff members. | Action:  Approved minutes to be published on the website on the 26th January 2022.  Action:  Email address for the liaison person to be re-circulated to the panel members. |
| 3. | Update (if any) on civil legal aid review | CEO | The CEO noted that the commencement of the review was a deliverable on the Department of Justice’s business plan for 2021. There is no progress to report at the moment. |  |
| 4. | Access to Justice Conference 2021 and potential follow on | CEO | The CEO acknowledged that a number of panel members were participants and/or contributors at the conference. The papers from the conference have been compiled and will be published shortly at a formal launch.  The group that organised the conference remains in place and is keen to see the discussion at the conference maintained. The group has adopted a theme for this year; Civil Legal Aid. The group is aware of the timeliness of the theme in the context of the civil legal aid review and the potential significant public interest in the area as a whole. However, the group does not want to lose sight of other strands that were discussed at the conference.  KK/ One Family: Raised a query in relation to the membership of the group. The CEO confirmed that both a former and the current Chief Justice and a Supreme Court judge are among the members. |  |
| 4. | Update on service delivery issues (combined with Tour de Table) to include:   * COVID-19 and its current impact; * Abhaile related services; * Initiative to better support the legal needs of Travellers; * Recommendations from the O’Malley Group Report; * Proposed commencement of provisions of the Assisted Decision Making legislation * Family mediation services; * General legal services; * International Protection matters; | CEO | JC/LAB: The Board’s office in Dolphin House has remained open and services have continued to be provided throughout the law centre network. First consultations are being conducted by telephone however clients and applicants are attending law centres where necessary. Staff resources are being managed to try and ensure COVID-19 does not adversely impact on service delivery or court attendance. The Child Care Unit in Chancery Street has been operational throughout the pandemic and child care matters have continued nationwide.  FMcA/LAB: All mediation offices continue to provide services using a mixed model; telephone, online and room-based mediation. The anticipated staffing difficulties due to the high numbers of COVID-19 cases have not recently been as acute as they could have been. The mixed model of service delivery will continue.  FW/Courts Service: A number of issues and concerns arose on foot of the high COVID-19 case numbers. The Dolphin House service in particular, was impacted, however it has remained operational. Civil and criminal matters have been impacted by the recent surge in COVID-19 cases. A plan for future delivery is likely to be put in place shortly. It is likely that the courts will be fully operational from next week.  KK/One Family: In relation to mediation KK highlighted the need for a more effective model to be in place in terms of direct referrals for those who are ready to engage with the process and a service that focuses on preparing individuals so that they are ready for the process.  FMcA/LAB: Noted that the pandemic has highlighted the need for preparation of the individuals and this should be built into the resolution framework and mediation is part of that.  MH/Barnardos: Noted the efforts by Courts Service staff to continue the smooth running of services insofar as possible during the pandemic. However child care is one area where there were difficulties before the arrival of COVID-19 and they have only been exacerbated by the pandemic. The issues surrounding these cases have been amplified. A number of children are undergoing repeated ICO’s and there is no court availability for full care hearings.  FW/Court Services & MH/Barnardos agreed to link together to identify the particular areas where issues are arising.  DO’D/Council of the Bar of Ireland noted that there is a lack of dates available in Dundalk and the need for a second judge. The CEO requested that information is shared with the Board as it can inform the reform process and hard evidence of delays in terms of the issues can influence change.  BJ/ SVP: Noted the impact of COVID-19 in terms of financial pressures on families. However, there is often reluctance by people to seek assistance from the SVP as they perceive there may be others who require the service more.  JC/LAB & FW/Courts Service: The Courts Service will engage directly regarding the child care issues. It was noted that in Cavan the waiting times for a hearing is four years. There is a deficit in availability of judges throughout the country including Dublin where the waiting time is approximately seven months.  FW/Courts Service: Suggested the idea of establishing a child care sub group of this panel.  DO’D/Council of the Bar of Ireland: Highlighted the issue of hearing dates being assigned at short notice where there is no reality to the parties being ready to proceed.  The CEO noted there is no update regarding the Abhaile governance review. Terms of reference and a commencement date for the review are not available. There is a commitment to the scheme until the end of 2022.  RD/LAB: Demand for services has remained relatively static compared with 2020. When 2021 is compared with 2019 there is significantly less demand, however there have been fewer court sittings. There has also been a noticeably low level of demand for the voucher scheme.  PJ/FLAC: MABS continues to operate remotely. One of the key issues of concern is that debt is being incubated and with Abhaile its emphasis is on secured debt and not unsecured debt. There is no rolling data available in terms of unsecured debt. FLAC have published a series of papers related to debt.  JO’S/CLM: Agreed with FLAC that unsecured debt is a major feature for their client base. Debt is one of the biggest queries the service receives.  PJ/FLAC: The review of the personal insolvency legislation is on-going and will possibly be completed by Q2 this year. The Insolvency Bill will hopefully introduce substantive changes. However, more information is needed and increased focus is required on the area of debt, e.g.; the lack of data on the range of credit agreements.  BH/SVP: Noted that a great number of people relied on the services of Provident. The absence of Provident has left a gap and there is concern regarding who will fill that gap. The rise in energy debt is also an issue of concern. Suppliers have improved their responses to this type of debt, e.g. Electric Ireland has established a fund for those in financial difficulty. It is important to remember the negative psychological impact of debt on those who are struggling.  PJ/FLAC: Noted that in April 2021 250,000 domestic accounts were in arrears and 120,000 gas accounts in arrears around the same time. This data highlights the extent of the problem and if debt arises in one context, there will be problems in other areas of debt; utility arrears are a huge problem for many households. Another area of concern is the social finance providers who are currently unregulated. There is legislation being proposed to regulate them.  GMcG/CIB: CIB has seen an increase in debt related queries. Mortgage related debt accounts for one third of queries dealt with by MABS. Personal debt is 20% and utility debt is 15%. There is increasing concern for housing debt other than mortgage debt, particularly in light of the lack of data as the majority of arrangements are private.  PJ/FLAC: informed the panel that FLAC’s final policy papers will be in relation to debt resolution services available and will propose recommendations for the system.  JC/LAB: In August 2021 the Board’s Traveller Legal Unit was established on a pilot basis for one year, after which it will be reviewed. The contact details for the solicitor leading the project will be forwarded to the panel members.  GL/BCLC: Welcomed the initiative; however it was noted that the Law Society is calling for the State to reinstate the Irish Traveller Movement Independent Law Centre which ceased in 2014. It raised concerns regarding the unmet legal needs of the Traveller Community and calls for a reduction in inequality and an advancement of human rights for the Traveller community in Ireland.  RD/LAB: The implementation of the O’Malley Report recommendations will result in the extension of the Board’s legal advice services however this is subject to legislative change.  CC/Safe Ireland: Offered assistance with training/advising the Board’s solicitors with respect to providing legal advice to survivors of sexual offences. CC asked whether the Board has capacity to provide legal advice to victims going through the criminal process with respect to domestic violence proceedings.  CEO/LAB: Noted that the Board is a creature of statute and that such a service is not within the Civil Legal Aid Act. However, that is not to say that the Board has not discussed the matter. There is potential in the context of the review of Civil Legal Aid to table such an idea as it could constitute the next natural progression in the Board’s involvement in supporting victims.  RD/LAB: It is anticipated that the legislation will be substantially commenced in June/July of this year. The Board is preparing on this basis and is planning on the operation of a mixed model of service delivery.  MC/SAGE: There is much work to be done before the commencement. A previous version of the proposed legislation noted that wards under Part 6 would have legal aid and this has now been omitted form the Bill. Consultation regarding the Bill is on-going with strict deadlines. The codes of practice also need to be examined, e.g. the definition of the relevant person is at issue. There is a presumption of capacity however there is nothing in the codes regarding the presumption of capacity.  GL/BCLC: Noted the importance people being informed of their rights and role.  FW/Courts Service: Updated the panel regarding the preparedness of the courts given the nature of the cases. The Courts Service has been preparing for this Act since 2015. It is difficult to estimate the immediate impact from the date of commencement. The Courts Service is seeking the appointment of additional judges across the country. It is likely that applications under Part 5 of the Act will be made by way of Civil Bill. Confirmation of this will be sought from the Rules Committee.  FMcA/LAB: Two additional co-locations have been established in Limerick and Sligo. The model of development for 2022 seeks to focus on the client’s needs. Hence, the three types of service delivery model, i.e, telephone, VC and in-person, will continue, pending any further restrictions.  CEO: The law centre in Finglas was temporarily closed since the pandemic started due to the inadequate state of the premises. The Centre has been temporarily relocated to Smithfield. The plan is to permanently relocate it to the Ballymun area. The specific location is not confirmed at this moment. The Board is eager to dovetail with Ballymun Community Law Centre and to learn from existing services in how the Board can best serve the community and the north Dublin area.  GL/CLM: Welcomed the development and looks forward to the synergies between the two services.  CEO: The Centre may be co-located with a family mediation service and there may also be an opportunity to establish other flagship services.  JC/LAB: The Board would like to hold an in-person meeting with Ballymun CLC in early course.  JO’S/CLM: Extended an invitation to the Board to visit their Coolock office.  The Department of Justice has introduced a regularisation scheme for long term undocumented migrants in Ireland. The scheme was approved by Government in November 2021 and is due to commence later this month. It will operate for a 6 month period. The Board provides legal services in international protection matters in Dublin, Cork and Galway and operates a private practitioner panel. The scheme has been brought to their attention and work has been carried out to identify applicants who are eligible to apply. The Department will also be writing to those that are eligible to invite them to apply. A fee will apply for certain applicants; however no fee will apply to the international protection strand. | Action:  Email address for the Traveller Legal Unit to be circulated to the panel members. |
| 5. | Sub Group on domestic violence | ES/LAB | ES/LAB: Chair of the Sub Group on DV updated the panel in terms of progress. The Sub Group will hold its first meeting in February and approve the TOR.  FW/Courts Service: Expressed interest in joining the Sub Group. This was welcomed and while a number of panel members have confirmed their interest in joining the group, there will be flexibility in terms of who represents the particular organisation at meetings.  The CEO informed the group that the Board will hold a webinar in relation to Domestic Violence and Coercive Control next month. Panel members and their organisations will be invited to attend. | Action: Sub Group Meeting to be held in February  Action: DV & CC training details to be circulated to the panel members |
| 7. | AOB |  | SL/FLAC: raised a query in relation to the number of applicants who were affected by the change to the treatment of HAP.  TK/LAB: noted that the panel was updated in relation to this at the meeting held on the 6th of October. The note prepared in relation to same will be shared with FLAC. | Action: Email SL/FLAC copy of note regarding HAP |
| 8. | Date of next meeting. |  | Next meeting to be held in April 2022. | CEO/Secretary |