

Longford Wicklow
Monaghan Clare
Tipperary Kilkenny
Laois
Wexford Sligo
Waterford
Donegal
Limerick Cork
Galway
Westmeath
Kerry
Meath
Kildare
Louth
Dublin
Offaly Cavan
Mayo



LEGAL AID BOARD

ANNUAL REPORT 2004

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FOREWORD

The 21st December, 2004 marked the 25th anniversary of the appointment of the first Board to operate a State funded legal aid service. It is particularly pleasing to be Chairperson on such an occasion and to present this Report at a time when the Board has made considerable strides towards meeting the aspirations of those initial Board members.

A review of annual reports over the years shows a series of highs and lows in the history of the organisation. Having been established on a non-statutory basis in December, 1979, the Board developed an ambitious plan for the provision of a nationwide legal aid service. The financial situation of the Exchequer in the 1980s meant that progress on achieving this objective was slow and, indeed, in the latter part of the 1980s the Board was experiencing particularly difficult funding situations. A major development plan in the 1990s saw the Board achieve its objective of a truly nationwide service by 1996.

That year also saw the establishment of the Board on a statutory footing, with the introduction of the Civil Legal Aid Act, 1995.

The past 25 years have also seen great changes in the civil law area including, in particular, a range of new civil law remedies to deal with the social and legal consequences of marriage breakdown. The introduction of legislation to provide for judicial separation and divorce remedies led to fundamental changes in the services provided by the Board. That legislation also led to significant increases in demand for legal services arising from a growing number of persons seeking to avail of the remedies put in place to deal with the legal issues that arise on the breakdown of marriage. This demand, in turn, led to lengthy waiting times for an appointment with a solicitor.

The past year saw this issue of long waiting times litigated in the courts and, coincidentally, also on 21 December, the High Court delivered its judgment in a case dealing with the issue of delay. The High Court held that the cause of the delay, which occurred in the period from 1997 to 1999, was the



absence of resources to meet the demand that existed and that this difficulty resulted from the inadequacy of the funding provided by the State.

I would like to thank the Minister for Justice, Equality & Law Reform, Mr Michael McDowell, T.D., and his officials for their continued efforts in the area of resources and for the support provided during 2004.

While the past year was a particularly challenging one for the staff and members of the Board, I am extremely pleased, on the occasion of this Report, to be able to state that the Board secured a substantial increase in funding for 2005. The Board was delighted with the decision to provide additional funding and towards the latter part of 2004 the Board set about increasing the availability of its services by filling solicitor and other staff vacancies and by reintroducing the District Court private practitioner scheme. The effect of these measures can be seen from the reduction in the numbers of persons on law centre waiting lists from a high of 3,800 in March 2004, to just under 2,200 in December.

It is with a great sense of optimism that the Board looks forward to 2005. The funding being provided to the Board will enable it to achieve its objective of providing a timely service to all applicants. The Board has always provided a priority service in relation to domestic violence, childcare and cases

involving statutory time limits and, indeed, between 20% and 25% of persons granted legal services in any one year do so on a priority basis. This, though, has also led to others waiting for appointments for considerable periods of time in some law centres in the past. I am pleased now to say that the Board confidently expects to be in a position to meet its objective during 2005 of providing legal services to all applicants within a maximum period of two to four months. I would add one note of caution, however, which is that any new legal remedies, for which legal aid is required, need to be accompanied by the provision of the necessary resources to meet the needs arising from any such initiatives.

The Refugee Legal Service (RLS) continues to provide legal advice and assistance at all stages of the asylum process to persons applying for asylum in Ireland. Funding for the RLS in 2004 allowed the RLS to provide services to all qualified applicants and also enabled the Refugee Documentation Centre (RDC) to continue to provide an independent research and library service.

In 2004, there was a reduction of almost 40% in the number of new client registrations in the RLS, as compared with 2003, reflecting a similar decline in new asylum applications. Despite the reduction in new registrations, the level of demand for RLS services remained at a high level. Indeed, RLS new client registrations were almost 75% of new asylum applications in 2004, as compared to just over 70% in 2003. At the same time, the RLS had to deal with the implications of new legislation, a significantly higher level of judicial review cases, and a changing mix of case work arising from the decrease in asylum applications.

The past year was challenging in another respect. Frank Goodman retired as Chief Executive in October, 2004 having served in that position for 9 years. Frank was hugely instrumental in the development and expansion of the Board's activities during his years as Chief Executive and I wish him well for the future. I am very pleased that Frank continued to serve as a Board member so that his wealth of experience continues to be of benefit to the Board.

I would like to welcome our new Chief Executive,

Moling Ryan, who took up office in November, 2004. The considerable experience that Moling has brought to the Board should prove to be of tremendous value in our provision of a professional and responsive service.

I would like to thank my fellow Board members and the Board's management and staff for their ongoing dedication and commitment to the provision of a professional, efficient and cost-effective legal aid service.

In conclusion, I look forward to continuing to work with my colleagues on the Board and the Board's staff during the coming year. The increased financial allocation and the commitment and dedication of the staff will contribute greatly to our objective of providing a timely and effective service to all applicants for legal aid and advice.

Anne Colley
Chairperson
May, 2005

HEAD OFFICE EXECUTIVE STAFF

Chief Executive :	Moling Ryan
Director of Legal Aid :	Frank Brady
Director of Human Resources :	Pat Fitzsimons
Director of Operations :	Dara Mullally
Director of Corporate Services Refugee Legal Service :	Feargal Ó Brolcháin
Professional Liaison Officer :	John McDaid
Financial Controller :	Joan Enright
Secretary to the Board :	Clare Kelly
Auditors :	Comptroller and Auditor General
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Head Office :	Quay Street, Cahirciveen, Co. Kerry. Phone: 066 947 1000 LoCall: 1890 615 200 Fax : 066 947 1035
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THE BOARD



Anne Colley
Chairperson



Caoimhín Ó hUiginn
Assistant Secretary, Department of Justice,
Equality and Law Reform



Catherine Hazlett
Principal Officer, Department of Social and
Family Affairs



Lucille Fahy
Staff Representative, Solicitor,
Gardiner Street Law Centre



Una Doyle O'Sullivan
Solicitor



Brendan T. Looby
Solicitor



David Barniville
Barrister-at-law



Tony McCarthy
Retail Business



Frank Goodman
Chief Executive
Advertising Standards Authority of Ireland



Ann Nolan
Principal Officer, Department of Finance



Catherine Egan
Barrister-at-law



Nóirín Slattery
Administrator



Clare Pilkington
Staff representative, Cahirciveen office

FUNCTIONS OF THE BOARD

The Civil Legal Aid Act, 1995, which provides for the establishment of the Legal Aid Board, sets out the functions of the Board at Section 5 of the Act as follows:

- “(1) The principal function of the Board shall be to provide, within the Board’s resources and subject to the other provisions of this Act, legal aid and advice in civil cases to persons who satisfy the requirements of this Act.*
- (2) The Board shall, to such extent and in such manner as it considers appropriate, disseminate, for the benefit of those for whom its services are made available, information in relation to those services and their availability.”*

The Act allows for the provision of legal advice and legal aid in civil cases to persons who satisfy the financial eligibility and merits tests laid down in the Act and in Regulations made under that Act by the Minister for Justice, Equality and Law Reform. Legal aid is available for representation for proceedings in the District, Circuit, High and Supreme Courts and also for certain proceedings before the European Court of Justice.

Except for appeals against the refusal of refugee status, legal aid is not available for the conduct of proceedings before an administrative tribunal. Legal advice and assistance can be provided, however, to persons involved in proceedings before any tribunal.

The function of the Legal Aid Board is to make the services of solicitors and, where necessary, barristers available to qualifying persons. Legal aid and advice are provided, in the main, through law centres by solicitors in the full-time employment of the Board. The Board has a nationwide spread of law centres, with 30 full-time and 12 part-time centres around the country. The services of barristers are provided in accordance with the terms of an agreement between the General Council of the Bar of Ireland and the Board. The Board engages solicitors in private practice to provide a complementary legal service to that provided from law centres for certain family law

matters. This assists the Board in seeking to provide a service to applicants within a reasonable period of time.

The Board operates a dedicated service, known as the Refugee Legal Service (RLS), to provide legal advice and assistance to asylum seekers at all stages of the asylum process, including representation before the Refugee Appeals Tribunal. RLS offices are located in Dublin, Cork and Galway and an outreach service is also in place servicing 44 other locations.

Another specialised service operated by the Board is the Refugee Documentation Centre, which provides an independent and professional research and library service for all of the main bodies involved in the asylum process.

Expenditure incurred by the Board in the operation of its services is met from the Legal Aid Fund. This Fund consists of a grant-in-aid from the Department of Justice, Equality and Law Reform, contributions from aided persons and other income, including specific funding from the Oireachtas for the RLS.

CORPORATE GOVERNANCE

In 2004, the Board continued to maintain the standards of corporate governance laid out in the *Code of Practice for the Governance of State Bodies* issued by the Department of Finance. Appendix 4 sets out the corporate governance arrangements in the Board, particularly those arrangements by which the Board conducts its business and the role of various committees of Board members.

In the context of complying with the Code of Practice, the Board ensures that: -

- there is a defined division of roles and responsibilities as between the Board, the Chairperson and the Chief Executive;
- its Annual Report meets with the requirements of the Code;
- an audit committee and internal audit function operate as required; and
- there is a code of conduct, including procedures to deal with conflict of interest issues.

Responsibility for overseeing compliance with the Code was transferred from the Finance Committee to the Audit Committee during 2004.

CASES DEALT WITH IN 2004

The total number of cases in which legal services were provided by the Board through law centres, the Refugee Legal Service and the private practitioner scheme in 2004 was 16,700, as compared with over 19,400 in 2003. The main reason for this reduction was a decrease in demand of some 2,000 cases in the Refugee Legal Service. Appendix 2 gives details of the number of cases dealt with, and an analysis of legal aid certificates granted.

This section of the Report deals with the services provided through law centres. Commentary relating to the other areas of service delivery is provided under the respective headings in later sections of this Report.

Law centres

The total number of cases in which legal services were provided in 2004 was just over 12,500, as compared with some 12,900 in 2003. The number of cases in which legal aid was granted in 2004 was just under 4,000, an increase of 11% on the 2003 figure. This increase in the number of legal aid cases arises from a reduction in the number of District Court cases referred to private practitioners and the taking on of such cases by law centres. The number of certificates for proceedings in the Circuit Court increased in 2004. This reflected the decision in the latter part of 2004 to lift all restrictions, introduced in October, 2003, on the issue of legal aid certificates, following confirmation of an increased financial allocation for 2005.

The statistical information on cases in which legal services were provided in 2004 is contained in the following tables, together with some commentary on the analysis of workloads in law centres. Appendix 3 contains comparative information for 2003.

Table 1: The number of cases in which legal services were provided in 2004

Court proceedings	Advice only	Total
9,065	3,462	12,527

It can be seen from these figures that almost 75% of the number of cases in which the Board provided legal services through law centres involved litigation.

The figure for legal advice represents the number of cases in which persons were provided with legal advice only during 2004. A proportion of these will be granted legal aid in 2005 and this will be reflected in the statistics for that year. Table 4(b) below shows that over a third of the cases in which legal services were provided in 2004 arose from cases in which legal aid was first granted in 2004. This was a slightly higher proportion than in 2003 and reflects, in part, the increased number of District Court cases that were taken on by the law centres in 2004.

Tables 2 and 3 provide an overview of the broad categories of cases in which legal services were provided in 2004. It will be seen that over 90% of the litigation services and 80% of the cases involving legal advice provided by the Board to its clients were in the area of family law.

Table 2 : The type of proceedings in which legal aid services were provided in 2004

Subject matter	District Court	Circuit Court	High and Supreme Courts	Total
Divorce/separation/nullity	0	5,553	0	5,553
Childcare	511	0	0	511
Other family law matters	2,150	0	100	2,250
Other civil law matters	48	425	278	751
Total	2,709	5,978	378	9,065

Table 3 : The categories of cases in which legal advice was provided in 2004

Subject matter	Total
Family law	2,437
Conveyancing	356
Other civil law matters	669
Total	3,462

Tables 4(a) and (b) provide an age profile of cases in which legal aid services were provided, by court and by subject matter, respectively.

Table 4(a) :Age profile of cases, by court

Court	Year in which case file was opened				Total
	2004	2003	2002	Pre 2002	
District Court	1,654	692	262	201	2,809
Circuit Court	1,531	1,415	1,298	1,734	5,978
High Court/Supreme	81	64	44	89	278
Total	3,266	2,171	1,604	2,024	9,065

Table 4(b) :Age profile of cases, by subject matter

Subject matter	Year in which case file was opened				Total
	2004	2003	2002	Pre 2002	
Divorce/ judicial separation / nullity	1,413	1,300	1,206	1,634	5,553
Childcare	218	143	72	78	511
Other family law matters	1,419	538	184	109	2,250
Other civil law matters	216	190	142	203	751
Total	3,266	2,171	1,604	2,024	9,065

It can be seen from the tables above that 40% of the cases in which law centres provided a legal service for representation in court during 2004 were more than two years old. This compares with just over 30% in 2003. Table 7 below provides an age profile of the cases still on hand as at the end of December, 2004.

Tables 5 to 7 show the number of cases completed during the year, together with the number of active cases on hand as at 31st December, followed by an analysis by reference to the year in which services were commenced.

Table 5(a) : Overview of cases completed in 2004 and ongoing as at end of the year.

	Completed	Active cases 31 December	Total
Aid	3,754	5,311	9,065
Advice	1,576	1,886	3,462
Total	5,330	7,197	12,527

Table 5(b) : Age profile of legal aid cases completed during 2004, by subject matter

Subject matter	2004	2003	2002	Pre 2002	Total
Divorce / judicial separation / nullity	192	418	468	688	1,766
Childcare	74	73	33	44	224
Other family law matters	885	394	131	71	1,481
Other non-family law matters	80	95	49	59	283
Total	1,231	980	681	862	3,754

Table 6(a) : Summary of active cases as at 31 December, 2004

Court proceedings	Legal advice	Total
5,311	1,886	7,197

Table 6(b) : Analysis of current status of cases involving court proceedings on hand as at 31 December, 2004

Current Status	2004	2003
Legal aid certificate granted	562	373
Counsel briefed	675	705
Proceedings issued	1,367	1,525
At court (either date assigned or at hearing)	1,348	1,364
Court orders made but follow up required to complete	1,359	1,747
Total	5,311	5,714

This is an analysis of the status of cases on hand at the end of the year by reference to certain key steps in the process through which a legal aid service is provided.

Table 6(c) : Analysis of legal advice cases on hand as at 31 December, 2004, by subject matter

Subject matter	2004	2003
Family Law	1,334	1,298
Conveyancing	221	270
Other civil matters	331	349
Total	1,886	1,917

Table 7 : Age profile of cases on hand as at 31 December, 2004, by current status

Current Status	2004	2003	2002	Pre 2002	Total
Legal aid certificate granted	412	94	28	28	562
Counsel briefed	357	155	85	78	675
Proceedings issued	410	390	263	304	1,367
Court date assigned or at hearing	517	305	266	260	1,348
Orders made, but follow up required to complete	309	267	287	496	1,359
Total legal aid	2,005	1,211	929	1,166	5,311
Advice only	1,202	331	164	189	1,886
Total	3,207	1,542	1,093	1,355	7,197

DEMAND FOR LEGAL SERVICES AT LAW CENTRES

As already indicated, legal services are provided mainly by solicitors in the full-time employment of the Board, assisted by paralegal and administrative staff.

Priority service

The Board operates a procedure whereby priority is accorded to certain categories of cases, for example, domestic violence, childcare, child abduction and other cases where there are statutory time limits. These cases are dealt with immediately. Such a system for priorities is necessary because of the urgency of the particular matters. The need for this service arises from the fact that the demand for legal services can be greater than the Board's capacity to meet that demand in a timely manner. Managing solicitors also retain a residual discretion to provide a priority service where, having regard to the particular circumstances of the case, as compared with other applications on the waiting list, they consider it appropriate that a particular applicant be given specific priority. In 2004, the total number of priority appointments offered by law centres was about 23% of the total number of appointments offered to new clients during the year.

Level of demand for legal services

The number of persons awaiting service decreased from just fewer than 3,500 in December, 2003 to almost 2,200 at the end of December, 2004. This reflects a reduction in the level of demand for legal services from a high of 10,400 in 2003 to just fewer than 9,400 in 2004, as compared with a demand of 9,000 in 2002 and 8,500 in 2001. It also arises from the decisions in the latter part of 2004 to lift all restrictions on the granting of legal aid certificates and, in particular, the re-introduction of the private practitioner scheme.

The following table sets out the waiting times (in months) for an initial appointment with a solicitor and shows the longest time that a person has

waited for an appointment at the last day of December in each of the past three years.

Table 8 : Waiting time for an appointment with a solicitor

Law Centre	December 2002 Months	December 2003 Months	December 2004 Months
Cavan	0	1	4
Clare	7	12	9
Cork Pope's Quay	6	14	2
Cork South Mall	6	9	11
Donegal	6	8	8
Dublin – Blanchardstown	0	6	11
Brunswick Street	6	16	4
Clondalkin	1	4	3
Finglas	4	11	15
Gardiner Street	3	9	8
Ormond Quay	8	6	3
Tallaght	5	7	6
Galway	3	10	4
Kerry	3	6	4
Kildare	4	8	20
Kilkenny	6	11	7
Laois	5	13	10
Limerick	4	4	3
Longford	2	0	0
Louth	4	5	5
Mayo	3	2	4
Meath	7	12	10
Monaghan	2	5	4
Offaly	3	2	3
Sligo	1	5	2
Tipperary	9	4	6
Waterford	1	5	3
Westmeath	3	1	3
Wexford	2	4	6
Wicklow	9	0	15

The above table shows increased waiting times at the end of December, 2003 and 2004, as compared with the position in December, 2002. The reduction in the waiting times in fifteen law centres during 2004 is due to improvements in the level of funding available to the Board in 2004, as referred to in a later section of this Report, and to the reduction in the level of demand for legal services. At the end of 2004, the waiting times had increased in twenty-two law centres, as compared with 2002, while six law centres saw reductions and two had the same waiting period.

This is despite a reduction in waiting times in fifteen law centres at the end of 2004, when compared with December, 2003.

The Board plans to continue to seek to reduce the waiting times in those law centres with longer waiting periods, by ensuring that all staff vacancies are filled, and through the introduction, in 2005, of a scheme for the use of solicitors in private practice in divorce and judicial separation cases in the Circuit Court.

USE OF PRIVATE PRACTITIONERS

The Civil Legal Aid Act, 1995 empowers the Board to establish a panel of solicitors in private practice to provide legal aid and advice. The private practitioner scheme in the District Court provides a complementary legal service to that provided by law centres for certain family law matters in that Court. The Board issues legal aid certificates in the normal manner before a case is referred to a private practitioner.

A pilot project for the use of private practitioners in the Circuit Court operated in 2001/2002. A report on the effectiveness of the project was prepared during 2004 and will be completed early in 2005. As a result of the experience gained from the pilot project and following the decision to increase the funding available to the Board in 2005, the Board plans to introduce a permanent scheme for the use of private practitioners in the Circuit Court during 2005.

The number of certificates issued for proceedings in the District Court and referred to private practitioners was some 650 in 2004 as compared with just under 900 in 2003. At the same time, the number of District Court cases dealt with in law centres increased from just under 1,800 to almost 2,100.

Last year's Report dealt with the impact of funding difficulties on the private practitioner service in 2003 and 2004. Arising from those difficulties, the Board assigned one of its solicitors to deal, on a fulltime basis, with domestic violence cases and certain other District Court family law matters in the Dublin area. This service continued from February until November, 2004 and enabled the Board to continue to provide a priority service, particularly in domestic violence cases.

The Board considers that the use of a dedicated solicitor on District Court work was a cost effective and an efficient use of resources and is examining the benefits of such a service being established on a permanent basis.

FUNDING FOR THE LAW CENTRE NETWORK AND ITS IMPACT ON THE LEVEL OF SERVICE PROVIDED BY THE BOARD

The Annual Report for 2003 drew attention to the funding difficulties facing the Board in 2003 and the implications of that funding level for the service to be provided by the Board in 2004. The grant in aid allocation for the Board in 2004 was €18.388 million. This compared with a final allocation of €18.389 million in 2003 and had implications for the level of service that the Board could provide in 2004.

The restrictions on the level of service, as outlined in the 2003 Report, particularly in relation to the use of private practitioners in the District Court and the issue of legal aid certificates for divorce and judicial separation cases in the Circuit Court, continued until the autumn of 2004. These restrictions contributed to the high number of persons waiting for legal services in many law centres, particularly during the early part of the year.

The numbers waiting for legal services had increased from about 2,200 at the end of 2002 to almost 3,500 at the end of 2003. The numbers on the waiting list remained at an average of 3,300 until the latter part of 2004 when the number was reduced to just fewer than 2,200 by year end.

The reduction in the waiting times and in the numbers awaiting appointment arose, in part, from the availability of additional resources. In the first instance, the approaches made by the Board during 2004 to the Department of Justice, Equality and Law Reform, led to a commitment to provide additional funding for 2005. Another issue, referred to in the 2003 Annual Report, was the potential liability of the Board for rates bills amounting to over €400,000, following the introduction of the Valuation Act, 2001. In 2004, the Valuation Tribunal, however, decided that the Board was not liable for rates. As a result, the

Board allocated this money to the provision of legal services, including the lifting of restrictions on the use of private practitioners and the granting of a greater number of legal aid certificates for Circuit Court cases.

In October, 2004, the Board was informed that its allocation for 2005 would be €21.362 million. The Board considered that this level of funding was adequate to enable it to provide a full service and immediately set about recruiting solicitors to fill vacancies; re-introducing the private practitioner scheme in the District Court; and lifting the remaining restrictions on the issue of legal aid certificates for cases in the Circuit Court. This led to a reduction in the numbers on the waiting lists and this trend will continue into 2005, which will see a further reduction in both the numbers of persons waiting for legal services and the period of time that persons must wait for a first appointment with a solicitor.

The Board welcomes the decision of the Minister to give additional funding to the Board for the purpose of enabling it to provide legal services and, in this regard, has committed itself to ensuring that legal services will be provided within a maximum period of 2 to 4 months for all cases, while at the same time ensuring that priority applications will continue to be treated as such.

PROCEEDINGS AGAINST THE BOARD REGARDING THE PROVISION OF LEGAL SERVICES

In December, 2004, the High Court delivered its judgment in proceedings taken against the Board, the Minister for Justice, Equality and Law Reform, and the State, arising from a delay in providing legal services. (*M.O'D(Plaintiff) v Legal Aid Board and Others*, Unreported High Court, 21 December, 2004).

In February, 1997, the plaintiff had applied to the Board for legal aid for judicial separation proceedings. She was given an appointment to see a solicitor in February, 1999 and was then provided with legal aid and advice in the normal course. As a result of the delay, the plaintiff instituted High Court proceedings in July, 1999 claiming that the Board was guilty of a breach of statutory duty, negligence and had denied her certain rights due under the Constitution and the European Convention on Human Rights.

The Board defended the case on the basis that it had to operate within the resources available to it, in accordance with the provisions of section 5 of the Civil Legal Aid Act, 1995.

The Court was satisfied that the cause of the delay was the absence of the resources to meet the demand for legal services and that the delay resulted from the failure on the part of the State to fund the Board properly.

The judgment examined the statutory framework and, in particular, section 5(1) of the Act, which sets out the principal function of the Board, namely, *"to provide, within the Board's resources and subject to the other provisions of this Act, legal aid and advice in civil cases to persons who satisfy the requirements of this Act"*.

The judgment found that the statutory obligation imposed on the Board is not an absolute one; it requires the Board to carry out its functions within its resources.

The Board welcomed the judgment of the High Court as setting out clear parameters on the obligation on the Board to provide a civil legal aid service. It is clear that the Board must operate within its resources, while at the same time making sure that it is in a position to demonstrate that it is using its resources effectively. As referred to earlier in this Report, the funds available to the Board have been increased substantially for 2005.

REFUGEE LEGAL SERVICE

The Refugee Legal Service (RLS) is a specialised service providing legal advice and assistance at all stages of the asylum process to persons applying for asylum in Ireland. All applicants for asylum are advised by the Office of the Refugee Applications Commissioner (ORAC) about the advisability of obtaining legal assistance and of the availability of a service from the RLS.

In 2004, there was a reduction of 37% in the number of new client registrations in the RLS, as compared with 2003. This reflects a decline of 40% in new asylum applications. At the same time, an increasing proportion of new asylum applicants registered with the RLS. In 2004, RLS new client registrations were almost 75% of new asylum applications, as compared to just over 70% in 2003.

Despite the reduction in new registrations, the level of demand for RLS services remained at a high level. This reflected the fact that the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT) had a sufficient number of cases on hands to maintain activity at levels similar to the previous year.

There were a number of other significant developments in 2004 that affected the work of the RLS. In May 2004, 10 new member states joined the EU and this contributed to the overall reduction in asylum applications. In September, Croatia and South Africa were added to the list of countries designated as safe countries for the purposes of the Refugee Act, 1996.

Funding

Total Exchequer funding for the RLS in 2004 amounted to €9.071 million, as compared with the €9.177 million in 2003. This level of funding allowed the RLS to provide services to all qualified applicants and also enabled the Refugee Documentation Centre (RDC) to continue to provide an independent research and library service.

The RLS provides an outreach service from its locations in Dublin, Cork and Galway. This service includes regular visits by RLS staff to the accommodation centres to provide information to newly arrived asylum seekers, to register new clients, and to provide a point of contact for existing clients.

The trend in the percentage of new asylum seekers who registered with the RLS is set out below.

Provision of legal services in 2004

The number of new clients in 2004 was 3,500 which was a reduction of 37% as compared with 2003. The number of registrations at the first stage of the asylum process amounted to almost 55% of total new asylum applications.

Year	New Asylum Applications	RLS New Clients	RLS New Clients as % of new applications	RLS New Clients 1st Stage as % of new applications
1999	7,800	1,600	20%	n.a.
2000	11,000	3,400	30%	n.a.
2001	10,300	4,500	45%	n.a.
2002	11,600	5,700	50%	30%
2003	7,900	5,600	70%	50%
2004	4,800	3,500	75%	55%

RLS outcomes - Analysis of closed files

At the end of 2004, the RLS had closed 10,700 case files out of a total number of cases of 24,400. An analysis of the reasons for closure, as recorded in the case of 9,750 such files, was undertaken and shows the following results.

A high proportion of closures (53%) arise from clients ceasing to use RLS services (i.e. unable to contact client, client went to private solicitor, and service no longer required), while cases with positive outcomes for clients (i.e. status granted, voluntary repatriation, and temporary leave to

remain in the State granted) amount to 28% of the closed files. There is a certain bias in this indicator, as files with negative outcomes will remain open pending further action, such as, lodgement of an appeal, or assistance with leave to remain applications.

Private practitioner and barrister schemes

To complement the staff based services of the RLS, the Board continues to engage the services of solicitors in private practice and barristers to submit appeals on behalf of legally aided asylum applicants and represent them before the Refugee Appeals Tribunal.

The following table provides details of the cases referred to barristers and solicitors, together with details of the number of solicitors and barristers on the RLS panels. The reduced number of cases referred out to RLS panels reflects the reduction in the number of asylum cases and a greater focus on appeal work by RLS solicitors.

Year	Number of cases referred to solicitors	Number of cases referred to barristers	Total
2001	1,550	880	2,430
2002	970	2,400	3,370
2003	866	1,581	2,447
2004	462	1,596	2,058
	Number of solicitors	Number of barristers	
2001	32	213	
2002	43	281	
2003	49	314	
2004	39	301	

Information services

The RLS uses a variety of methods to inform potential clients of the availability of its service. These include leaflets, posters, outreach activities, presentations and seminars.

Leaflets are now available in nine different languages and are distributed to various government and non-governmental organisations nationwide as required, while posters are displayed in a number of strategic locations. In addition, ORAC advises every applicant for asylum of the benefit of seeking legal advice and of the availability of these services from the RLS.

The RLS maintains regular contact with organisations involved in the asylum process to facilitate ongoing dialogue on various aspects of the service, with a view to continually monitoring and improving that service.

The outreach service provides information, at some forty-four locations throughout the country,

to newly arrived asylum seekers about the services provided by the RLS. It also facilitates registering of new clients and provides a point of contact for existing clients.

Independent Monitoring Committee

The Independent Monitoring Committee for the Refugee Legal Service was established when the service was set up in 1999. Its terms of reference are “to ensure a quality legal service is provided to asylum seekers in accordance with the arrangements agreed between the Legal Aid Board and the Department of Justice, Equality and Law Reform and to investigate complaints from customers of the service.”

The Minister for Justice, Equality and Law Reform appoints the members of the Committee. RLS management participated in meetings and provided updates on developments that occurred throughout the year.

Judicial review cases

The RLS issued eighty-four sets of proceedings on behalf of clients in 2004, of which forty-four were settled by the end of the year. This level of judicial review activity is significantly higher than the forty-eight proceedings initiated in 2003 due, primarily, to an increase in the number of cases completed by the Refugee Appeals Tribunal, and the initiation of multiple proceedings in relation to a small number of similar issues. In this regard, eleven cases were initiated in relation to the submission of late appeals, which were not the fault of the applicant; six were initiated on the issue of the entitlement of children of asylum applicants to make separate applications for asylum; and another six cases related to the applicability of the Dublin Convention.

REFUGEE DOCUMENTATION CENTRE

The Refugee Documentation Centre (RDC) was established in late 2000 as an independent service operating under the aegis of the Legal Aid Board. The role of the Centre is:

- to build and maintain a collection of objective and up to date country of origin information (COI) and asylum, immigration, legal and human rights documentation for general access;
- to provide a research and query service for all organisations involved in the asylum process; and
- to undertake other research activities and training, as well as providing a lending and research library service.

The query caseload of the RDC in 2004 remained broadly similar to that of 2003 with a total of almost 2,500 queries completed. Questions on Nigeria constituted an average of 25% of COI queries. In late 2004, RDC staff participated in the production of a style guide for the preparation and referencing of RDC query responses. This style guide, which is now used by the RDC, was completed after a review of the standards, styles and methodologies used by other COI providers, including IRB Canada, ACCORD and the UK Home Office.

A consultancy report, *Strategic Review and Analysis of the Refugee Documentation Centre*, was finalised in February, 2004. This Report made a number of recommendations, relating to the future development of the RDC, which have been accepted by the Board. In this context, an RDC Steering Committee was established in late 2004 to examine the recommendations in greater depth and to oversee their implementation.

In May, 2004, the RDC hosted the 9th International Country of Origin Information Seminar. The subjects of this seminar were Belarus, the Russian Federation, Pakistan and Somalia. The seminar offered a forum for exchange and co-operation among governmental and non-governmental COI specialists in the area

of COI research, documentation and dissemination. Some 65 delegates from 27 countries, including representatives from Canada, Cyprus, Bulgaria and Azerbaijan, attended the seminar. Delegates were able to gain an overview of the current situation in the countries of origin identified, and address particular questions to representatives of international research and/or human rights organisations and UNHCR. Reports from the seminar will be published in 2005.

The RDC continued its involvement with the COI Transnational Network (COI Network and Training Project). In March, the RDC hosted an observer from ACCORD in Austria who examined areas of best practice in the RDC and made recommendations for improvement. In May, the RDC sent an observer to the Dutch Refugee Council to undertake the same process. As a result of these international contacts, best practice in relation to standards and methodology of COI research was extracted and a joint training manual produced. The RDC was involved in training trials using the new COI manual, which was published in September, 2004. The RDC has agreed to take on board the training developed by the COI Transnational Network and standardise its methodologies with other partners. Future training courses offered by the RDC will be based on this new COI training manual.

The RDC furthered international contacts by being represented at the IGC-COI working group and Eurasil for the first time. The RDC also became a member of ECOI.net and was represented at its annual advisory board meeting as well as other development meetings. The RDC also undertook a study visit to the Immigration and Refugee Board, Canada.

In October, the Centre's COI database was web enabled and made available to all agencies requiring access. Work commenced on acquiring a library and query management system and a private company was contracted to undertake the project. Prototypes of the system were made available at the end of 2004 and a date set for user testing early in 2005. The RDC also participates in the Project Board for the High Level Information Management and Information

Technology Strategic Plan for Asylum Services.

This Plan recommends that a knowledge management database capable of handling country of origin information should be implemented and subsequently managed by the RDC.

Training activities continued in 2004 for asylum organisations using the RDC. This training focussed on Internet research skills, source evaluation and the use of 'research trees' to assist in identifying areas of research relating to COI needs. The RDC was also invited to provide training to students and solicitors associated with the Irish Institute of Human Rights.

The RDC hosted a student from the University of Tulsa on placement through the University of Tulsa College of Law Internship Programme in July. A legal researcher from the Refugee Appeals Tribunal commenced a 3 month placement in the RDC in late 2004. The objective of this placement was to enable legal research of common interest to the RDC and RAT to be undertaken with ease of access to RDC materials and to ascertain the potential benefits of similar placements in the future.

SUMMARY ACCOUNT OF A SELECTION OF LEGALLY AIDED CASES

An asylum seeker from a West African State

An asylum seeker from a West African State was granted legal aid in relation to her appeal against the recommendation of the Refugee Applications Commissioner that her application for a declaration as a refugee be refused. While the applicant had the option of pursuing her appeal by way of an oral hearing she chose not to exercise that option and instructed her legal representative to submit an appeal in writing only on her behalf.

The Applicant, who herself at a tender age, had been subjected to female genital mutilation (hereinafter referred to as "FGM"), fled her country following threats by the father of her children to subject her daughter to the same procedure. Shortly after arriving in the State the applicant gave birth to another daughter. It was submitted that, given the inefficiencies within the police force in her country and the obstacles that she would face in attempting to relocate within the country, particularly given the high level of dependency upon community and family supports in that country, the applicant had no option but to leave the country and seek protection elsewhere.

The Refugee Appeals Tribunal allowed the appeal finding the applicant's account to be credible and noting that the available country of origin information supported her claim that the practice of FGM was widespread in her country of origin and that there was no federal legislation banning it. The Tribunal accepted as well founded the applicant's fear that her daughter or daughters would have been subjected to FGM if she had not fled that country and that the applicant had satisfied the burden of proof that, as a member of a particular social group, she was a refugee within the meaning of section 2 of the Refugee Act, 1996 (as amended).

East African Asylum Seeker

The applicant was from an east African country. He sought refugee status in Ireland on the basis of race and imputed political opinion because he was from a minority group in his country of origin and he and his family faced persecution from the majority group.

The applicant gave details of the persecution he and his family had suffered and the risks to which he was exposed. The RLS submitted that the applicant had a well founded fear of persecution as a member of a minority group and that State protection was not available to him in his country of origin. The RLS submitted country of origin information in support of the applicant's claim, which was obtained from the Refugee Documentation Centre.

The key issue was whether or not the applicant was of the nationality he claimed and whether he was a member of the particular minority group. The applicant had originally applied for asylum in England, but a crucial document establishing his identity by an expert on his country of origin was not considered. When the applicant applied for asylum in Ireland the same expert report was submitted to the ORAC, but his application was refused.

The applicant appealed to the Refugee Appeals Tribunal and his claim was successful on appeal. The Tribunal Member accepted the expert report establishing the applicant's identity.

Central African Asylum Seeker

The applicant was from a central African country. She claimed to be a minor, 16 years old, but was determined to be over the age of 18 by the Office of the Refugee Applications Commissioner and she was not treated as a minor. The applicant's claim for asylum was grounded on imputed political opinion in her country of origin. She claimed that she and her family had fled their country of origin and lived in a refugee camp for two years, following which they were captured by soldiers who detained her for five months, and beat and

raped her during that time. The applicant's claim was supported by reports from a Public Health Nurse and the Rape Crisis Centre, which confirmed that the applicant was deeply traumatised. The Commissioner found that the available country of origin information supported the applicant's claim of mistreatment by the State authorities and the applicant was granted refugee status at first instance.

An asylum seeker from Eastern Europe

An asylum seeker from Eastern Europe was refused refugee status at the appeal stage. The reasons given for refusal were that the Tribunal Member did not accept that the applicant was a refugee on the grounds that she had produced no evidence of identification and that she had spent four days in a third country. The Tribunal Member considered that if she had a genuine fear of persecution she should have sought protection there.

Legal aid was sought to challenge the decision by way of judicial review proceedings in the High Court on the basis that there is no obligation in Irish law that an applicant's failure to apply for asylum in the first country that they arrive in is fatal to their claim. Furthermore, it was considered that there is no requirement in either Irish or international law that an applicant for asylum be able to provide evidence either as to their identity or as to their mode of travel. Legal aid was granted and proceedings were instituted in the High Court.

The outcome was that the case was settled and the applicant was granted a re-hearing before a different Tribunal Member.

An asylum seeker from Central Africa

An asylum seeker from Central Africa was refused refugee status at first instance. A detailed medical report had accompanied the application for asylum, as evidence that the cause of the

applicant's injuries was consistent with his account of a brutal attack which he submitted took place in his country of origin.

Legal aid was sought to challenge the decision by way of judicial review proceedings in the High Court on the basis that the report produced by the Refugee Applications Commissioner had failed to consider the medical report and that it was ultra vires, in that the decision had been taken in the absence of all relevant material. Legal aid was granted and proceedings were instituted in the High Court.

The outcome was that the case was settled with the result that the recommendation of the Commissioner was withdrawn and the applicant was readmitted to the pre-interview stage of the process, with an assurance that any authorised officers involved in the original investigation were precluded from taking part in the reinvestigation.

HUMAN RESOURCES

Staff levels

On 1 January, 2004, the total number of staff sanctioned for the Legal Aid Board stood at 409, (269 staff sanctioned for the Board's 30 law centres and Head Office and a total of 140 staff sanctioned for the Refugee Legal Service, including the Refugee Documentation Centre).

During the first half of 2004, the Board continued to give priority to the control of pay costs in order to remain within the level of resources available for the law centre service and Head Office. As a result, a number of vacancies were left unfilled and expenditure restrictions on overtime and recruitment of temporary staff, to replace staff absent on paid leave, such as maternity leave and sick leave, remained in place. The decision to increase the grant-in-aid allocation for 2005 enabled the Board to begin the process of filling vacancies towards the end of 2004 with a view to bringing the staff numbers back up to sanctioned levels.

Sustaining Progress

The latest National Programme, "Sustaining Progress", sets out a number of important commitments in relation to the ongoing modernisation of public service organisations. The pay increases due under both the Programme, and the report of the Public Service Benchmarking Body, were contingent on the Board making satisfactory progress on measures that were designed to both enhance the responsiveness of the organisation to customer demands and expectations and to ensure greater accountability for the effective management of resources employed in service delivery.

During 2004, the Board continued with the implementation of the measures set out in its Sustaining Progress Action Plan. This Plan, which was considered initially by the Board's Partnership Committee, and subsequently discussed with the unions representing staff in the Board during 2003, focused on specific actions to underpin commitments on organisational change and

modernisation in the National Programme.

The Board also engaged in negotiations with all of the unions representing staff in the organisation on the details in the Action Plan. In particular, agreement was reached with AMICUS and SIPTU, who represent the Board's solicitors, on a number of measures concerning changes in work practices designed to improve service delivery to the Board's customers. The agreement addressed issues such as continuing professional development, proposals for a telephone service, a dedicated advice service, use of counsel, use of private practitioners, and time recording of cases. The implementation of detailed operational arrangements, to give effect to new procedures in relation to service delivery, were progressed further by joint union/management workgroups during 2004 with a view to implementation of new service initiatives during 2005. As a result of progress achieved during 2004, the Performance Verification Group was in a position to recommend that the increases in pay due to staff in the Board could be paid with effect from the due dates during the year.

Performance Management and Development System (PMDS)

The Board's PMDS documentation was reviewed during 2004 and revised documentation, which was intended to be more "user friendly and relevant", was issued towards the end of the year. The Board also reached the final phase of the implementation cycle for upward feedback and covered this topic in a series of regional meetings involving all staff during Autumn 2004. An audit of the performance management and development process was also carried out during the year to verify that it was being operated in each area of the Board's operations. At the end of 2004, the Board's senior management team decided that an external evaluation of PMDS would be carried out during 2005. The purpose of the review is to ascertain the extent to which the system has been embedded into the organisation and to identify any issues that need to be addressed to improve the process in the Board.

Industrial Relations Procedural Agreement

During 2004, work continued on the preparation of a draft Industrial Relations Procedural Agreement covering arrangements that will apply to solicitors in the Board. Following the progress made during the year, a draft agreement has been prepared. Further discussions on two outstanding items took place towards the end of the year with a view to finalising the Agreement in 2005.

Recruitment and Promotion

During 2004, Human Resources Section ran three recruitment and ten promotion competitions. This involved processing 185 applications and 32 days of interviewing. The recruitment competitions covered solicitors and law clerks, while the promotion competitions included the Managing Solicitor Grades I and II in a number of locations, and the Legal Clerk, Executive Officer, Higher Executive Officer and Assistant Director grades. An internal competition for the selection of trainee solicitors was also undertaken.

Staff Development

The Board's Staff Development Workgroup drew up a revised work plan, which was consistent with the commitments identified in the new Corporate Plan. Most of the Group's other activities related to the implementation of training and development programmes. These were identified through an analysis of training needs arising from PMDS. Initial consideration was also given to the development of mechanisms for the evaluation of the effectiveness of training programmes, including their impact in the workplace.

Equality of Opportunity

As stated in the Board's Equality and Diversity Statement, the Board is an equal opportunities employer. All applicants for employment are given full and fair consideration, due regard being given to the aptitude and ability of the individual and the requirements and eligibility criteria for the position. All persons are treated on equal terms

as regards career development, promotion and training. The Board operates within the terms of the Employment Equality Act, 1998. A staff member in the Human Resources Section of the Board is designated as the Board's Equality Officer. The Corporate Plan 2003-2005 also commits the Board to equality proofing all HR policies.

Health and Safety

During the year, the Board continued to maintain a proactive approach to its health and safety policies and its obligations under the Safety, Health and Welfare at Work Act, 1989. In particular, the Board reviewed and updated its health and safety statement.

The Board will continue to ensure that all staff work in a safe and secure environment.

CHANGE MANAGEMENT

Customer Feedback Initiatives

In order to strengthen and deepen the organisation's customer focus, the Corporate Plan 2003-2005 commits the Board to establishing client user panels for ongoing consultation on delivery of services. The Corporate Plan also provides for the development of customer satisfaction questionnaires to assess the effectiveness of services provided internally, which ultimately has an impact on the effectiveness of staff providing services to external customers.

In March, 2004, the Board established a Customer Panel, which was comprised of a number of stakeholders with a particular interest in the services provided by the Board. It was agreed that the remit of the Panel, for the first year of operation, would be to discuss topics such as the services provided by the Board and how they might be improved. It was also envisaged that the operation of the Panel would be reviewed in early 2005 and that consideration would be given as to how the Panel would operate in the future and how feedback might be obtained in the future, from direct customers of the Board, on the quality of the services they have received. The Panel met on four occasions during 2004. The participants were of the view that the panel was a valuable consultative forum. It provided for an input by the stakeholders represented on issues affecting customers; and for the sharing of information on developments of interest to the groups concerned. The Board has decided to continue with the operation of the panel in the light of this positive experience.

Customer Charter

Following consideration at the Partnership Committee, a revised Customer Charter was finalised during 2004. The Charter sets out the minimum service standards customers of the Board can expect to receive in their dealings with the organisation. It represents an essential feature of the Board's efforts to improve the overall quality and consistency of its service to customers.

Internal Customer Survey

During 2004, external consultants undertook an internal customer survey on behalf of the Board. The overall findings of the survey, which were largely positive, were presented to all staff. A summary report, setting out the findings in an easily read format, is available on the Board's website www.legalaidboard.ie. The staff working in those areas considered the specific findings and actions to address issues raised are being incorporated into business plans. It is intended that further similar surveys will be undertaken in the future to assess how the level of customer service is changing over time. The survey format will also be adapted to enable the Board to benchmark its internal customer service standards against those of other similar organisations.

Partnership Developments

During 2004, the Partnership Committee carried out a comprehensive review of its operations. The review process identified some fundamental changes in relation to the membership and scope of the Committee's future remit. As a result of the review, the Committee is being expanded to include a number of representatives of staff of the Board, as distinct from management or union nominated representatives only. This will bring the operation of the Board's Committee more closely into line with both Government policy on Partnership and the practice on other public sector partnership committees.

The Committee also considered the issue of subsuming the functions of the Board's SMI Steering Group into the Partnership process, thus facilitating the streamlining of the Board's change management consultative fora. It is planned to implement this change in early 2005. This will ensure that the Partnership Committee continues to play a pivotal role in the development and ongoing monitoring of the Board's change management/modernisation programme. During 2004, the Committee oversaw the operations of the following groups: -

- Staff Development workgroup;

- Communications workgroup;
- Health and Safety Committee;
- Input (Staff suggestion) Committee; and
- Exceptional Performance Committee.

The Committee also developed: -

- the third Progress Report on the Board's Sustaining Progress Action Plan;
- the Board's Customer Charter;
- an E-working pilot scheme; and
- initiated a review of the Board's equality/diversity policy with a view to preparing a more comprehensive and up-to-date policy in this area.

TRAINING AND DEVELOPMENT

Following the award of the contract to provide the Board's "soft skills" training needs to an external firm of consultants in 2003, a wide range of courses were provided during the year in response to demands identified through the PMDS process. These courses included, a management development programme; customer care courses; time management; effective writing; interview skills, and assertiveness training. A specialist I.T. training provider provided I.T. training.

The Board also provided opportunities for solicitors to attend courses and seminars relevant to their work and which would count towards the accumulation of 20 hours of continuing professional development by December, 2005. The Law Society of Ireland had introduced this requirement in 2003. The Board continued the policy of facilitating solicitors to achieve the required development in 2004 through attendance at external seminars; the holding of "in-house" seminars on relevant topics using internal and external expertise; and training and development opportunities on courses such as personal development programmes. The seminars and conferences attended covered topics such as collaborative law; asylum and immigration law; and family law.

INFORMATION TECHNOLOGY

The Legal Aid Board currently has a high dependency on Information and Communication Technology (ICT), without which it would not be possible to provide an efficient service to its clients. Successive ICT strategies have seen continued investment in the technology, leading to 38 local area networks connected to a wide area network, with all staff having access to the standard desktop productivity tools of email, word-processing and spreadsheets. In addition, a variety of off the shelf and bespoke software products have been acquired to assist in managing the business of the Board. These include payroll

and financial software, together with a range of workflow databases that provide case tracking and management facilities.

Improved funding for 2005 will enable the Board to undertake a number of new projects aimed both at consolidating its technical infrastructure and enhancing its base of operating and developed software. This is being done in the context of a new strategic plan that will direct all ICT based developments for the period 2005 to 2008. Chief among the new initiatives being undertaken is a Central Storage project.

Central Storage is the largest project undertaken by the Board to date and stems from the need to replace the bulk of the Board's ageing hardware complement. It entails moving from the existing distributed model, in which each of the Board's local offices has onsite processing and storage capacity, to a centralised model, with central processing and a consolidated central storage repository. The resulting infrastructure will enable a range of savings and efficiencies, both in the management of the Board's networks and in the distribution of software and the delivery of services to local offices and, by definition, an improved service to our clients.

Other recent or planned initiatives include development or enhancement of:

- an Applications Database which provides case tracking and standard forms and template letters for use in the processing of applications for legal aid;
- a Legal Case Management database, phase I of which provides case tracking, template letters and all documents for judicial separation, divorce and nullity cases. Phase II incorporates template proceedings for District Court, generic Circuit Court documents and a number of other proceedings;
- a Country of Origin Information Database for the Refugee Documentation Centre, which holds country of origin details, such as, information on human rights and particular social groups. This database is web-enabled and is thereby accessible to all

the asylum agencies within the remit of the Department of Justice, Equality & Law Reform;

- a Library Management System, incorporating a query management system, for the Refugee Documentation Centre; and
- a case tracking system for the Refugee Legal Service that enables cases to be created and tracked through all stages of the asylum process.

INFORMATION SERVICES

Section 5 of the the Civil Legal Aid Act, 1995, sets out the functions of the Board as follows:

“(1) The principal function of the Board shall be to provide, within the Board’s resources and subject to the other provisions of this Act, legal aid and advice in civil cases to persons who satisfy the requirements of this Act.

(2)) The Board shall, to such extent and in such manner as it considers appropriate, disseminate, for the benefit of those for whom its services are made available, information in relation to those services and their availability.”

In the exercise of its function of providing information, the Board has published a number of leaflets about its services, as well as about family law remedies and refugee matters. The leaflets provide general information, in clear, simple language, on a range of matters, as listed at Appendix 6. The leaflets are available at the Board’s law centres, as well as at court offices and Citizen Information Centres throughout the country. They are also available on the Board’s website, www.legalaidboard.ie.

As part of its commitment to customer service, the Board has established a panel of interested organisations to act as a Customer Liaison Committee. This Committee meets four times a year and provides the Board with an opportunity to brief the representatives of those organisations on developments in the legal aid service, as well as providing the Board with feedback on its services.

The Board is seeking to develop and improve its website to provide timely access to relevant information about the Board and its activities. This will involve the publication of the detailed arrangements for the consideration of applications for legal services and the procedures to be followed by the Board if legal services are refused. Considerable work has been done in developing the material for publication and it is planned to complete this during 2005.

The Board is also developing its communications

strategy to ensure that, amongst other things, the public is made aware, to the greatest extent possible, of the availability of a legal aid service. In this context, law centres and other staff network with various local community/support groups, participate in relevant meetings, and speak on the availability of the service and on specialised issues.

FINANCE

The Board's financial statements for 2004 are shown at Appendix I.

Income

The following are some comments on the sources of the Board's income.

(a) Grant-in-aid

As in previous years, most of the Board's income consists of a grant-in-aid received from the Department of Justice, Equality and Law Reform. Funding provided by the Government in 2004 was €18.388 million, as compared with €18.389 in 2003.

(b) Refugee Legal Service

Exchequer funding for the RLS in 2004 was €9.071 million. This level of funding was adequate to cover the full year cost of the provision of legal aid services by the Refugee Legal Service.

(c) Contributions

Persons who are provided with legal services pay a contribution related to their income and, in some cases, their capital resources. The minimum contribution is €6 for legal advice and €35 for representation in court. This minimum contribution can be waived in cases of hardship.

(d) Recovery of costs

The Board may recover the cost of providing legal services from:

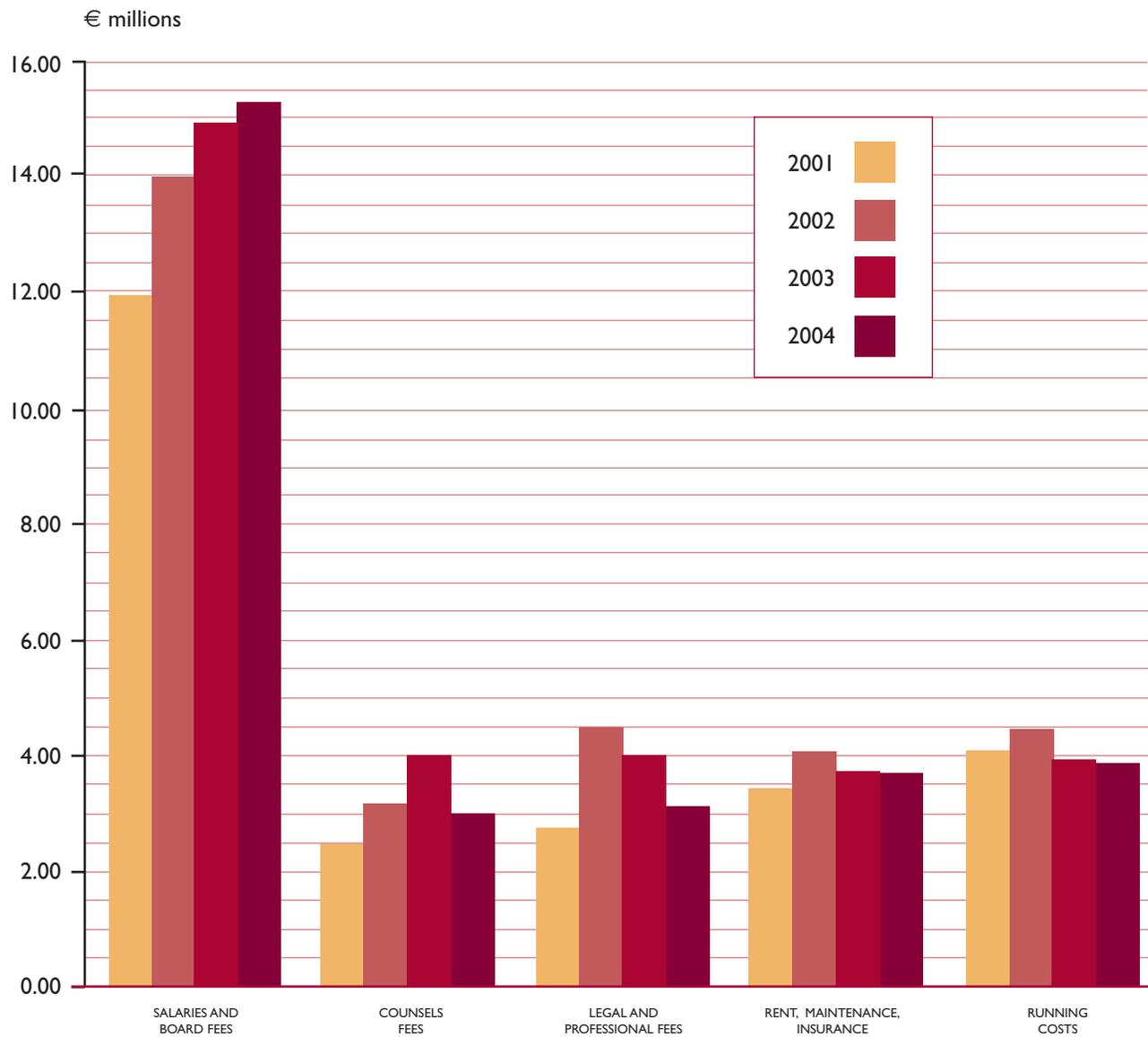
- (i) the other party to a dispute, either as a result of a court order or as part of an agreement to settle a dispute; or
- (ii) from the legally aided person out of monies/property received by the person as a result of the provision of legal services.

The amount of costs recovered can vary significantly from year to year, especially if a legally aided person obtains an award for costs in a case in which the other party is in a position to meet the costs. This does not generally arise in family law cases, which form the bulk of the Board's caseload.

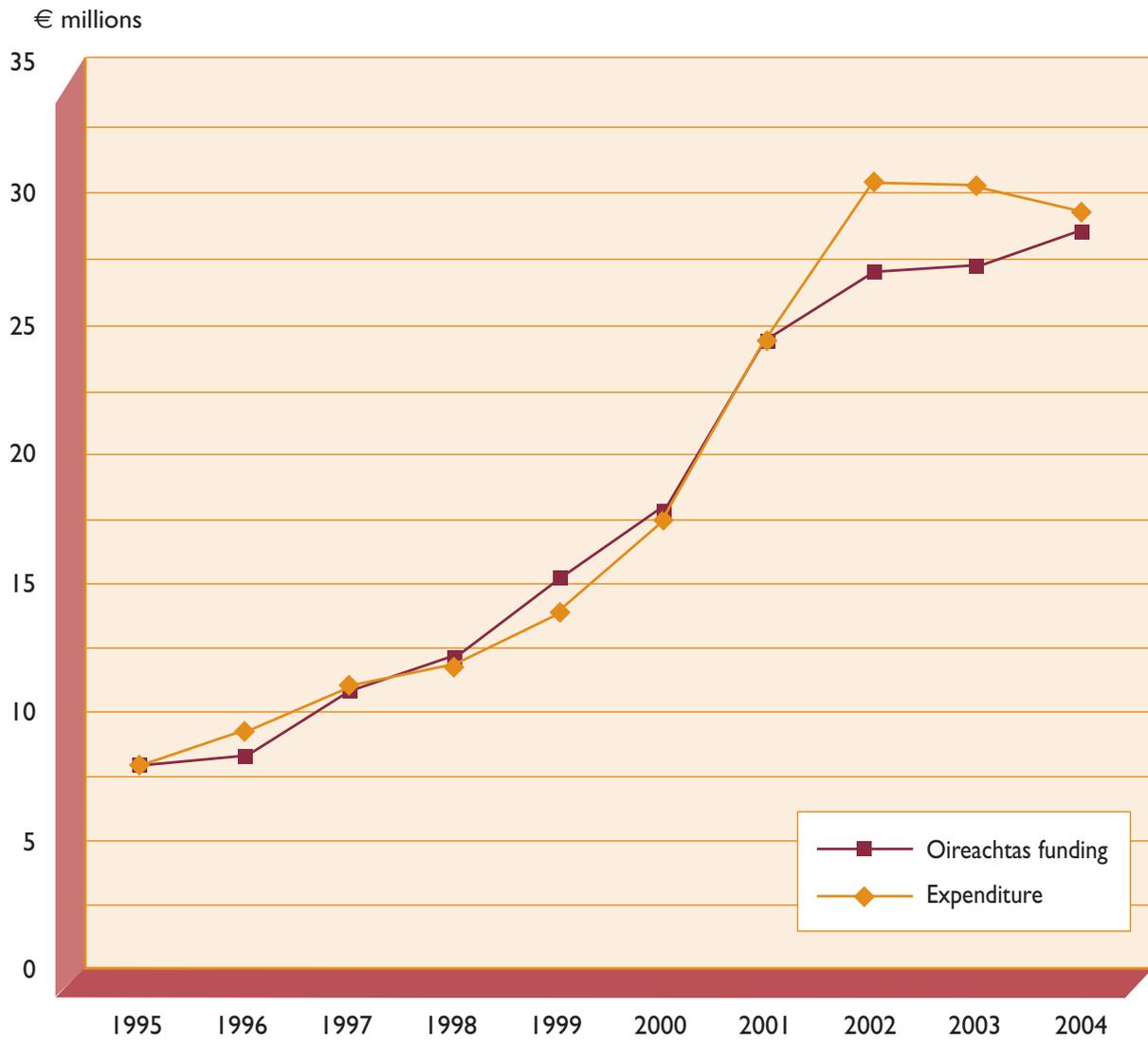
Costs recovered in 2004 (€955,075) were 6% greater than in 2003 (€904,790).

Expenditure

The following graph shows a breakdown of expenditure by the Board over the past four years.



The following graph shows the relationship between Oireachtas funding and the actual expenditure over the last ten years.



It should be noted that funding and expenditure for the RLS is included in the above figures for the years 2000 onwards.

Expenditure

The following are comments on the major items of expenditure shown in the 2004 financial statements:

1) Salaries

The increase of €466,000 (3%) in expenditure on employee costs in 2004 is due largely to the impact of pay increases and the cost of increments.

2) Accommodation

Expenditure in this area decreased by (3%) in 2004. This reduction occurred as a result of decisions by the Board to keep accommodation overheads to the minimum possible. Planned moves of law centres were postponed due to financial constraints.

3) Legal fees and expenses

There are a number of differing elements covered in this heading - see Note 6 to the accounts - and comment is provided on each of the various headings comprising the total as follows:

(i) Counsel fees

Expenditure on counsel fees decreased by almost €983,000, or 25% when compared with 2003. This arises from the reduction in the number of legal aid certificates issued for proceedings in the Circuit Court in 2003, due to restrictions in funding, and to a slowdown in the level of claims on refugee cases. When costs are recovered, the amount recovered in respect of counsel fees is paid to the barrister and this is generally higher than the fee normally paid by the Board.

The following table shows the trend in expenditure on counsel fees in respect of legal aid and advice over the past six years.

Year	Counsel fees €
1999	2,023,000
2000	1,996,000
2001	2,318,000
2002	3,326,000
2003	3,978,000
2004	2,995,000

The fees paid to counsel for judicial review in the RLS amounted to €65,000 in 2004.

(ii) Legal fees – expenses

Legal fees are the fees incurred by the Board in providing a civil legal aid and advice service to members of the public. The reduction of 47% in these, as compared with 2003, is a reflection of the reduction in the number of legal aid certificates issued in 2003, and to a lower level expenditure on refugee cases. Some 66% of this expenditure is attributable to the RLS, and includes, in particular, expenditure on translation and interpretation services for asylum seekers.

(iii) Private practitioner scheme

Expenditure in 2004 on the private practitioner scheme was €1,669,200. Over 73% of this expenditure is attributable to the RLS, which makes significant use of private solicitors and barristers for appeals before the Refugee Appeals Tribunal.

(iv) Other professional fees

Costs under this heading relate to the engagement by the Board of professionals to provide independent legal advice and other professional services to the Board. The increase of almost 100% over 2003 reflects the increased need on the part of the Board for recourse to its legal advisors, arising from cases taken against it that were heard in 2004.

(v) Other expenses

Solicitors employed by the Legal Aid Board must have a practising certificate, which is issued by the Law Society of Ireland. The cost of these certificates in 2004 totalled almost €192,000. Also included under this heading is expenditure on training and annual membership subscriptions.

these payments was €973. Late payments constituted 0.0088% (0.025% in 2003) in monetary terms of total payments.

Cash at bank and on hand

The Balance Sheet shows that the Board had over €3.78 million on hand at the end of 2004. Of this amount, monies totaling €1.1 million were held on behalf of clients. It will be seen from Note 11 to the accounts that the throughput of client funds in 2004 was over €10.5 million. This arises from cases where, as a result of legal advice or representation in court, clients received monies either from the other party or from the disposal of property. All such monies are initially lodged to the Legal Aid Client Fund Account before being returned to clients less, in some cases, an amount in respect of costs incurred by the Board in providing legal services. The cash at bank figure, apart from client funds, is about the level of expenditure incurred by the Board each month and is considered to be a reasonable level of funding to have on hands at any one time.

Prompt Payment of Accounts Act, 1997

Section 4 of the Prompt Payment of Accounts Act, 1997 requires the Board to pay for the supply of goods or services by the prescribed payment date. This date is currently 30 days after the receipt of an invoice, or a lesser period as may be specified in a written contract. If the Board fails to make payment by the prescribed payment date, interest is payable to the supplier. Procedures ensure that the Board complies in all material respects with the requirements of the Act. The total amount of late payment interest paid to suppliers of goods and services during 2004 amounted to €186 (€170 in 2003) which represents 0.0015% (0.0011% in 2003) of all relevant payments. There were only two instances of late payments during the year where the invoice amount payable was in excess of €300 (two in 2003). The total value of

APPENDICES



APPENDIX I

LEGAL AID FUND

FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2004

LEGAL AID FUND

REPORT OF THE COMPTROLLER AND AUDITOR GENERAL FOR PRESENTATION TO THE HOUSES OF THE OIREACHTAS

I have audited the financial statements on pages 42 to 53 under Section 5 of the Comptroller and Auditor General (Amendment) Act, 1993.

Respective Responsibilities of the Board and the Comptroller and Auditor General

The accounting responsibilities of the members of the Board are set out on page 40. It is my responsibility, based on my audit, to form an independent opinion on the financial statements presented to me and to report on them.

I review whether the statement on the system of internal financial control on page 41 reflects the Board's compliance with applicable guidance on corporate governance and report any material instance where it does not do so, or if the statement is misleading or inconsistent with other information of which I am aware from my audit of the financial statements.

Basis of Audit Opinion

In the exercise of my function as Comptroller and Auditor General, I conducted my audit of the financial statements in accordance with auditing standards issued by the Auditing Practices Board and by reference to the special considerations which attach to State bodies in relation to their management and operation.

An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgments made in the preparation of the financial

statements, and of whether the accounting policies are appropriate to the Fund's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations that I considered necessary to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement whether caused by fraud or other irregularity or error. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In my opinion, proper books of account have been kept by the Board and the financial statements, which are in agreement with them, give a true and fair view of the state of affairs of the Legal Aid Fund at 31 December, 2004 and of its income and expenditure and cash flow for the year then ended.

John Purcell

Comptroller and Auditor General

30 June 2005

STATEMENT OF BOARD RESPONSIBILITIES

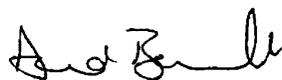
Section 20 of the Civil Legal Aid Act, 1995 requires the Board to keep, in such form as may be approved by the Minister for Justice, Equality and Law Reform, with the consent of the Minister for Finance, all proper and usual accounts of any moneys received or expended by it. In preparing those financial statements, the Board is required to:

- select suitable accounting policies and then apply them consistently;
- make judgments and estimates that are reasonable and prudent;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Fund will continue in operation; and
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements.

The Board is responsible for keeping proper books of account which disclose with reasonable accuracy at any time the financial position of the Fund and which enable it to ensure that the financial statements comply with Section 20 of the Act. The Board is also responsible for safeguarding the assets of the Fund and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.



Chairperson



Board Member

29 June 2005

STATEMENT ON INTERNAL FINANCIAL CONTROL

1. On behalf of the Board of the Legal Aid Board I acknowledge that the Board is responsible for ensuring that an effective system of internal financial control is maintained and operated for the organisation.
2. Any such system can provide only reasonable and not absolute assurance against material error. In considering the effectiveness of internal financial controls the Board has regard, among other things, to the requirements of the Code of Practice for the Governance of State Bodies.
3. The key procedures which have been put in place by the Board, designed to provide effective internal financial control, include
 - **Control Environment:** the management and executive functions of the Board are delegated to the Chief Executive and senior management of the organisation by resolutions of the statutory Board, which monitors and reviews the work of senior management, who report to it at its monthly meetings and through its various Committees.
 - **Budget Information Systems:** the Board has a comprehensive budgeting system, which includes approval by the statutory Board of annual budgets and monthly financial reports, with variance reports where appropriate, which track expenditure against agreed profiles, on all areas of expenditure. In addition the Finance Committee of the statutory Board reviews detailed analysis for each area of expenditure and has reserved approval of expenditure on contracts in excess of €70,000.
 - **Procedures:** the Board has clearly defined financial instructions and procedures, including delegated spending and authorisation limits and segregation of duties, approved by resolution of the statutory Board.
- **Monitoring of Internal Control:** the Board has Internal Auditors whose annual audit programme is approved by the Audit Committee of the statutory Board and one of whose functions is to review all aspects of internal financial controls. The Audit Committee reviews the significant findings and recommendations of the internal audit function and monitors the action taken by management to resolve any issues that have been identified. In addition, the Committee communicates with the statutory Board, the Chief Executive and senior management, as appropriate, in relation to any significant shortfalls in the business control and/or risk management environments that come to the attention of, or are of concern to, the Audit Committee and monitors management's response. The Committee also reviews all significant reports received by the Board from the external auditors, including management's responses to these and makes recommendations on the issues raised. Correspondence with the Comptroller and Auditor General, including the audit Management Letter, and any issues raised, are brought to the attention of the Audit Committee and the statutory Board, which ensures that issues raised are pursued. I can confirm that all issues raised since the 2003 audit have been addressed and any recommendations adopted.

The Audit Committee must produce a formal report within three months of the end of the calendar year, outlining its activities, together with such advice and recommendations as it deems appropriate. The report for 2004 was presented to the Board on 11 March 2005.

4. I confirm that during the year ended 31 December 2004 ongoing reviews of the effectiveness of the Board's system of internal financial controls were undertaken. However, an overall review was not carried out in 2004. It is our intention that an overall review will be undertaken in 2005.

Signed: 

Chairperson
29 June 2005

STATEMENT OF ACCOUNTING POLICIES 2004

General

The Legal Aid Fund, which is provided for under Section 19 of the Civil Legal Aid Act, 1995, is managed by a Legal Aid Board appointed by the Minister for Justice, Equality and Law Reform. The Fund consists of all the financial resources of the Board. In 2004, the Board operated out of 36 full-time centres and 12 part-time centres throughout the country.

Basis of accounting

The financial statements are prepared under the accruals method of accounting, except as indicated below, and in accordance with generally accepted accounting principles under the historical cost convention. Financial Reporting Standards recommended by the recognised accountancy bodies are adopted, as they become operative.

State grants

Income under this heading is accounted for on a cash receipts basis.

Contributions from aided persons

Due to the nature of this income, i.e. contributions from persons of modest means, it is considered prudent to account for such income on a cash receipts basis. The estimated amount collectable at 31 December, 2004 was approximately €18,000. There were no bad debts written off in 2004.

Costs recovered

The Board may recover the costs of providing legal services from:

- (a) the other party to a dispute, either as a result of a court order or as part of an agreement to settle a dispute or,
- (b) from the legally aided person, out of

moneys/property received by the person as a result of the provision of legal services.

Fixed assets and depreciation

Fixed assets are shown on the Balance Sheet at cost less accumulated depreciation. Depreciation, which is calculated over the useful life of the assets using the straight line method, is charged at the following annual rate:-

Leases, office furniture & equipment	
computer equipment, premises fit out	20%

A half-year's depreciation is charged in the year of purchase and in the year of disposal.

Clients' funds

These funds represent the gross amounts plus interest accrued, which were held by the Board at 31 December, 2004, on foot of awards or settlements made in favour of clients represented by the Board. The Board may recover therefrom the total cost of providing such legal services and the balance is paid to the persons represented.

Capital Account

The Capital Account represents the unamortised amount of income used to purchase fixed assets.

Superannuation

The Board operates a defined benefit superannuation scheme for its public service employees. Superannuation entitlements arising under the scheme are paid out of current income and are charged to the Income and Expenditure Account in the year in which they become payable. No provision is made in the financial statements in respect of future benefits. Salaries and wages are charged in the financial statements net of public servants' superannuation contributions.

INCOME & EXPENDITURE ACCOUNT

for the year ended 31 December 2004

	Note	2004		2003	
		€	€	€	€
INCOME					
State funding	1	27,459,000		27,566,050	
Contributions from aided persons		329,181		383,046	
Costs recovered		955,074		904,790	
Profit/loss on sale of assets		(1,839)		600	
Other income	2	378,490		428,252	
			29,119,906		29,282,738
Transfer from capital account	3		1,088,544		1,144,796
			<u>30,208,450</u>		<u>30,427,534</u>
EXPENDITURE					
Salaries and related expenses	4	15,198,723		14,732,854	
Fees to Board members		87,858		84,122	
Accommodation and establishment expenses	5	3,801,694		3,899,486	
Legal fees and expenses	6	6,194,034		8,027,705	
General administration	7	2,139,354		2,043,421	
Depreciation	8	1,518,322		1,575,563	
Audit fee		15,400		21,093	
			28,955,385		30,384,244
Surplus/(Deficit) for Year			1,253,065		43,290
Opening Balance as at 1 January			374,760		331,470
Closing Balance as at 31 December			<u>1,627,825</u>		<u>374,760</u>

The Fund has no gains or losses in the financial year or the preceding financial year other than those dealt with in the Income and Expenditure Account.

The results for the year relate to continuing operations.

The Statement of Accounting Policies and Cash Flow Statement, together with Notes 1 to 17, form part of these Financial Statements.


Chairperson


Chief Executive

29 June 2005

BALANCE SHEET					
as at 31 December 2004					
	Note	2004		2003	
		€	€	€	€
FIXED ASSETS	8		2,596,622		3,685,166
CURRENT ASSETS					
Cash at bank and on hand		3,778,829		2,540,721	
Debtors and prepayments	9	451,447		523,297	
			<u>4,230,276</u>		<u>3,064,018</u>
LESS CURRENT LIABILITIES					
Creditors and accruals	10	1,562,126		1,394,377	
Clients' funds	11	1,040,325		1,294,881	
			<u>2,602,451</u>		<u>2,689,258</u>
NET CURRENT ASSETS / (LIABILITIES)			<u>1,627,825</u>		<u>374,760</u>
TOTAL ASSETS			<u>4,244,447</u>		<u>4,059,926</u>
REPRESENTED BY:					
Income and Expenditure Account			1,627,825		374,760
Capital Account	3		2,596,622		3,685,166
			<u>4,224,447</u>		<u>4,059,926</u>

The Statement of Accounting Policies and Cash Flow Statement, together with Notes 1 to 17, form part of these Financial Statements.


Chairperson


Chief Executive

30 June 2005

CASH FLOW STATEMENT

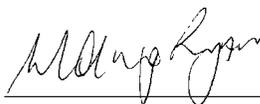
for the year ended 31 December 2004

	Note	2004 €	2003 €
Net cash inflow/(outflow) from operating activities	13	1,609,153	1,308,556
Returns on investment and servicing of finance			
Interest received		74,990	60,171
Interest paid on client settlements		(14,473)	(20,585)
Investing Activities			
Sale of tangible assets		2,195	1,000
Purchase of tangible assets		(433,757)	(520,744)
Net cash inflow/(outflow)		<u>1,238,108</u>	<u>828,398</u>
Increase/(Decrease) in cash and cash equivalents	14	<u>1,238,108</u>	<u>828,398</u>

The Statement of Accounting Policies, together with Notes 1 to 17, form part of these Financial Statements.



Chairperson



Chief Executive

29 June 2005

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2004

1. State funding

State funding was received from Vote 19 - Office of the Minister for Justice, Equality and Law Reform as follows:

Subhead:	2004 €	2003 €
C.2 Grant-in-Aid	18,388,000	18,389,000
D.2 Asylum Seekers Taskforce - Legal Aid*	9,071,000	9,177,050
	<u>27,459,000</u>	<u>27,566,050</u>

* This funding was provided towards the expenditure incurred on the Refugee Legal Service. See Note 15

2. Other income

	2004 €	2003 €
Interest received and receivable	71,655	57,335
Sundry receipts	306,835	370,917
	<u>378,490</u>	<u>428,252</u>

* Sundry receipts primarily consist of rental income and salary recoupment of staff on secondment.

3. Capital account

	€	€
Balance as at 1 January		3,685,166
Transfer to Income and Expenditure Account		
- Income used to purchase fixed assets	433,811	
- Amount released on disposal of fixed assets	(4,034)	
- Income amortized in year in line with depreciation of assets	<u>(1,518,322)</u>	
		<u>(1,088,545)</u>
Balance as at 31 December		<u>2,596,621</u>

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2004

4. Employee numbers and costs

The total staff complement as approved by the Minister at 31 December, 2004 was 409. The number of staff actually employed by the Board at 31 December, 2004 was 370 (2003 - 373). The average number of employees in the Board during the year was 373 (2003 - 389). Employee and related costs were as follows:

	2004 €	2003 €
Salaries	14,124,761	13,742,629
Cost of Agency Staff and Staff on Secondment	50,296	38,481
Employer PRSI	1,023,666	951,744
	<u>15,198,723</u>	<u>14,732,854</u>

5. Accommodation and establishment expenses

	2004 €	2003 €
Rents	2,560,635	2,627,268
Cleaning	270,142	280,874
Lighting and heating	213,434	215,650
Maintenance - Premises	454,186	461,447
Maintenance - Equipment	303,297	314,247
	<u>3,801,694</u>	<u>3,899,486</u>

6. Legal fees and expenses

	2004 €	2003 €
Counsel fees	2,995,773	3,978,398
Legal fees	764,433	1,445,816
Private Practitioner Scheme	1,669,151	2,096,505
Other professional fees	404,607	205,242
Other expenses	360,070	301,744
	<u>6,194,034</u>	<u>8,027,705</u>

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2004

7. General administration

	2004 €	2003 €
Stationery, office and training expenses	267,540	312,423
Books and printing	99,252	104,002
Postage and telephone	887,240	878,448
Insurance	297,334	245,190
Travel and subsistence	589,827	503,358
	<u>2,141,193</u>	<u>2,043,421</u>

8. Fixed assets

	VAT on Leases €	Office Furniture €	Equipment & Computers €	Premises Fit Out €	Total €
COST					
Balance as at 1 January 2004	1,681,276	1,106,806	5,252,724	2,455,494	10,496,300
Acquisitions	0	31,047	366,162	36,602	433,811
Disposals	<u>0</u>	<u>(889)</u>	<u>(103,678)</u>	<u>0</u>	<u>(104,567)</u>
Balance as at 31 December 2004	1,681,276	1,136,964	5,515,208	2,492,096	10,825,544
DEPRECIATION OF FIXED ASSETS					
Balance as at 1 January 2004	978,610	855,543	3,979,904	997,077	6,811,134
Charge in Year	336,255	99,147	588,161	494,760	1,518,322
Disposals	<u>0</u>	<u>(533)</u>	<u>(100,000)</u>	<u>0</u>	<u>(100,533)</u>
Balance as at 31 December 2004	1,314,865	954,157	4,468,065	1,491,837	8,228,923
Net book value as at 31 December 2004	<u>366,411</u>	<u>182,807</u>	<u>1,047,145</u>	<u>1,000,259</u>	<u>2,596,621</u>
Net book value as at 31 December 2003	<u>702,666</u>	<u>251,263</u>	<u>1,272,820</u>	<u>1,458,418</u>	<u>3,685,166</u>

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2004

9. Debtors and prepayments

	2004 €	2003 €
Debtors - deposit interest	70,692	59,001
Prepayments		
- Rent	110,444	97,835
- Insurance	166,363	200,267
- Wages & salaries	11,979	85,753
- Other	91,969	80,441
	<u>451,447</u>	<u>523,297</u>

10. Creditors and accruals

	2004 €	2003 €
Amounts falling due within one year:		
Creditors & accruals	1,562,126	1,394,377
	<u>1,562,126</u>	<u>1,394,377</u>

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2004

11. Clients' funds

These funds represent the gross amounts plus interest accrued, which were held by the Board at 31 December, 2004 on foot of awards or settlements made in favour of clients represented by the Board. The Board may recover therefrom the total cost of providing such legal services and the balance is paid to the persons represented.

	€
Client funds held at 1 January (net of interest)	1,280,493
<i>Add</i> Awards/settlements received during 2004	10,277,459
<i>Less</i> Settlements paid out including interest allowed and costs recovered	10,532,238
Client funds held at 31 December	1,025,714
Interest accruing on client funds held	14,611
Total due to clients	1,040,325

12. Commitments under operating leases

The Board occupies premises at Cahirciveen, Co. Kerry and Montague Court, Dublin and operates out of 34 other centres throughout the country. The Board is committed to pay rent of €2,258,529 during 2005 in respect of leases expiring as follows:

	€
2005	0
2006-2010	36,000
2011 onwards	2,222,529

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2004

13. Reconciliation of surplus for year to cash from operating activities

	2004 €	2003 €
Surplus for Year	1,253,065	43,290
Adjustment for non-operating items		
Bank interest receivable	(71,655)	(57,335)
(Profit) on disposal of fixed assets	0	(600)
Movement on capital account	(1,088,545)	(1,144,795)
Adjustment for non-cash items		
Depreciation	1,518,322	1,575,563
Decrease in debtors	83,210	53,123
(Decrease/Increase) in creditors	(87,084)	839,310
	<u>1,607,313</u>	<u>1,308,556</u>

14. Movement of cash and cash equivalents

	2004 €	2003 €
Balance at 1 January	2,540,721	1,712,323
Net Cash inflow/(outflow)	1,238,108	828,398
Balance at 31 December	<u>3,778,829</u>	<u>2,540,721</u>

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2004

15. Refugee legal service

	2004 €	2003 €
Expenditure and income relating to the Refugee Legal Service are included in the financial statements as follows:		
Salaries and related expenses	4,388,043	4,292,572
Accommodation expenses	1,698,841	1,774,615
Legal fees and professional fees	1,872,058	2,503,091
General administration	491,364	574,038
Fixed assets purchased	201,399	211,288
	<u>8,651,705</u>	<u>9,355,604</u>
Less contributions from legally-aided persons and costs recovered	(56,206)	(255,728)
Total net expenditure in the year	<u><u>8,595,499</u></u>	<u><u>9,099,876</u></u>

16. Pensions

A new accounting standard, Financial Reporting Standard No. 17 – Retirement Benefits (FRS 17), was issued by the Accountancy Standards Board in November 2000. Compliance with the new standard does not become mandatory until the financial year 2005. However in accordance with the transitional arrangement set down by the standard, the Legal Aid Board is required to disclose the liabilities related to the pension scheme for its employees by way of a note to the accounts. The results set out below are based on an actuarial valuation of the liabilities in respect of the Legal Aid Board staff as at 30 December 2004. This valuation was carried out using the projected unit method.

The financial assumptions used to calculate scheme liabilities for the purpose of FRS 17 were as follows:

	2004	2003
Discount Rate	5.5%	6%
Salary increase assumption	4%	4%
Pension increase assumption	4%	4%
Price inflation	2%	2%

On the basis of these assumptions, and using the projected unit method prescribed in FRS 17, the value of the accrued liabilities in respect of the Legal Aid Board employees' superannuation scheme at 31 December 2004 was estimated as €18 million. The comparative figure for 2003 was €13.5 million. There are no assets held in respect of the accrued pension liabilities of the Legal Aid Board employees' superannuation scheme

If the requirements of FRS 17 were fully adopted in 2004 the following would have been reflected in the financial statements:

Analysis of the amount that would have been charged to operating profit under FRS 17

	€
Current service cost	1,140,000
Past service cost:	-
Total operating charge	<u>1,140,000</u>

Analysis of the amount that would have been credited to other finance income

Interest on pension scheme liabilities	<u>(810,000)</u>
--	------------------

Analysis of the amount that would have been recognised in the statement of total recognised gains and losses (STRGL)

Experience gains and losses arising on the scheme liabilities:	(190,000)
Changes in assumptions underlying the present value of the scheme liabilities:	(2,360,000)
Actuarial gain recognised in STRGL:	<u>(2,550,000)</u>

Movement in deficit during the year

Deficit at beginning of year:	(13,500,000)
Current service cost:	(1,140,000)
Interest on scheme liabilities	(810,000)
Actuarial gain recognised in STRGL	(2,550,000)
Deficit in scheme at end of year	<u>(18,000,000)</u>

17. Approval of financial statements

The Financial Statements were approved by the Board on 29 June 2005.

APPENDIX 2

STATISTICS FOR 2004

TABLE 1 : Analysis of applications dealt with in 2004 by law centres

No of persons provided with legal services		No of persons given legal advice only		No of persons given legal advice and representation (i.e., legal aid certificates)	
2004	2003	2004	2003	2004	2003
13,174	13,838	8,548	9,378	4,620	4,460

TABLE 1a : Analysis of applications dealt with by Refugee Legal Service in 2004

No of persons provided with legal services		No of persons registering at legal advice stages		No of persons registering at legal aid stages	
2004	2003	2004	2003	2004	2003
3,525	5,610	2,589	3,960	936	1,650

TABLE 2 : Analysis of legal aid certificates by court in 2004

Type of Case	District Court		Circuit Court		C. Criminal Court		High Court		Supreme Court		Total	
	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003
Law centres												
Family law	2,089	1,792	1,756	1,609	0	0	79	83	0	0	3,924	3,484
Other	7	12	16	25	9	8	17	39	0	0	49	81
Private Practitioners	647	895	0	0	0	0	0	0	0	0	647	895
Total	2,743	2,699	1,772	1,634	9	8	96	122	0	0	4,620	4,460

TABLE 3 : Legal aid analysis of proceedings by court in 2004**(a) Family law cases**

Proceedings	District Court	Circuit Court	C. Criminal Court	High Court	Supreme Court	Total	
						2004	2003
Access	394	22	0	0	0	416	334
Adoption	0	0	0	1	0	1	1
Barring	288	13	0	0	0	301	342
Child abduction	0	0	0	56	0	56	59
Child care	237	3	0	4	0	244	198
Custody	158	7	0	1	0	166	160
Divorce	0	940	0	0	0	940	771
Domestic violence	208	0	0	0	0	208	112
Guardianship	153	9	0	4	0	166	139
Injunction	0	7	0	0	0	7	17
Judicial separation	0	717	0	5	0	722	673
Maintenance	482	34	0	2	0	518	473
Marital status	0	1	0	0	0	1	0
Miscellaneous	0	2	0	1	0	3	10
Nullity	0	17	0	0	0	17	16
Partition Act	0	7	0	0	0	7	16
Paternity	0	5	0	0	0	5	9
Safety order	149	2	0	0	0	151	158
Wardship	1	10	0	4	0	15	7
Total	2,070	1,796	0	78	0	3,944	3,495

TABLE 3 : Legal aid analysis of proceedings by court in 2004**(b) Non-family law cases**

Proceedings	District Court	Circuit Court	C. Criminal Court	High Court	Supreme Court	Total	
						2004	2003
Contract	0	2	0	0	0	2	3
Tort	1	2	0	0	0	3	10
Debt	0	1	0	0	0	1	3
Judicial review	0	0	0	10	0	10	21
Landlord and tenant	0	6	0	0	0	6	8
Sex Offenders Act	0	0	9	0	0	9	8
Miscellaneous	6	5	0	7	0	18	31
Total	7	16	9	17	0	49	84

TABLE 3 : Legal aid analysis of proceedings by court in 2004**(c) Private practitioners**

Proceedings	District Court	Circuit Court	High Court	Supreme Court	Total 2004	Total 2003
Barring order	150	0	0	0	150	319
Safety/Protection order	127	0	0	0	127	315
Access	105	0	0	0	105	235
Custody	79	0	0	0	79	133
Maintenance	151	0	0	0	151	336
Guardianship	35	0	0	0	35	87
Judicial separation	0	0	0	0	0	0
Divorce	0	0	0	0	0	0
Other	0	0	0	0	0	11
Total	647	0	0	0	647	1,436

APPENDIX 3 COMPARATIVE INFORMATION ON CASES DEALT WITH IN 2003

Table 1 : Total number of cases in which legal services were provided in 2003

Court proceedings	Advice only	2003
9,439	3,504	12,943

Table 2 : The type of proceedings in which legal aid services were provided in 2003

Subject matter	District Court	Circuit Court	High and Supreme Court	Total
Divorce/separation/nullity	0	6,125	0	6,125
Childcare	499	0	0	499
Other family law matters	1,941	0	100	2,041
Other civil law matters	61	512	201	774
Total	2,501	6,637	301	9,439

Table 3 : The categories of cases in which legal advice was provided in 2003

Subject matter	Total
Family law	2,305
Other civil law	478
Conveyancing	721
Total	3,504

Table 4(a) : Age profile of cases, by court in 2003

Court	Year in which case file was opened				Total
	2003	2002	2001	Pre 2001	
District Court	1,179	772	265	206	2,422
Circuit Court	1,468	2,163	1,317	1,768	6,716
High/Supreme Court	86	77	46	92	301
Total	2,733	3,012	1,628	2,066	9,439

Table 4(b) : Age profile of cases, by subject matter in 2003

Subject matter	Year in which case file was opened				Total
	2003	2002	2001	Pre 2001	
Divorce/ judicial separation / nullity	1,236	1,989	1,233	1,667	6,125
Childcare	190	169	78	62	499
Other family law matters	1,049	582	178	132	1,941
Other civil matters	258	272	139	205	874
Total	2,733	3,012	1,628	2,066	9,439

Table 5(a) : Overview of cases completed in 2003 and ongoing as at end of the year

	District Court	Active cases 31 December	Total
Aid	3,725	5,714	9,439
Advice	1,587	1,917	3,504
Total	5,312	7,631	12,943

Table 5(b) : Age profile of legal aid cases completed during 2003, by subject matter

Subject matter	2003	2002	2001	Pre 2001	Total
Divorce / judicial separation / nullity	204	677	483	670	2,034
Childcare	57	83	33	26	199
Other family law matters	556	417	117	69	1,159
Other non-family law matters	86	120	59	68	333
Total	903	1,297	692	833	3,725

Table 6(a) : Summary of cases as at 31 December, 2003

Court proceedings	Legal advice	Total
5,714	1,917	7,631

Table 6(b) : Analysis of current status of cases involving court proceedings on hand as at 31 December, 2002

Current Status	2003	2002
Legal aid certificate granted	373	635
Counsel briefed	705	830
Proceedings issued	1,525	1,540
At court (either date assigned or at hearing)	1,364	1,320
Court orders made but follow up required to complete	1,747	1,880
Total	5,714	6,205

Table 6(c) : Analysis of legal advice cases on hand as at 31 December, 2003, by subject matter

Subject matter	2003	2002
Family law	1,298	1,325
Non family law	270	250
Conveyancing	349	330
Total	1,917	1,905

Table 7 : Age profile of cases on hand as at 31 December, 2003, by current status

Current Status	2003	2002	2001	Pre 2001	Total
Legal aid certificate granted	207	100	38	28	373
Counsel briefed	317	214	72	102	705
Proceedings issued	461	521	277	166	1,425
Court date assigned or at hearing	497	420	214	233	1,364
Court orders made, but follow up required to complete	334	469	350	594	1,747
Total legal aid	1,816	1,724	951	1,123	5,614
Advice only	1,113	408	152	244	1,917
Total	2,929	2,132	1,103	1,367	7,531

APPENDIX 4

Corporate Governance in the Legal Aid Board

Board level

In the discharge of its functions, the Board meets each month (except in August) and meets more frequently, if required. The Board members have a clearly defined role, incorporating responsibility for, inter alia: -

- strategic direction of the organisation;
- determination of policy and monitoring its implementation;
- overseeing the proper and effective management of the organisation;
- monitoring the implementation of effective financial procedures and providing accountability;
- approving and monitoring budgets; and
- making certain reserved decisions, e.g., significant acquisitions or disposal of assets.

The main internal fora that feed into the policy formulation process are: -

- the Head Office management team and managing solicitors; and
- the Partnership Committee.

Board Committees

The Board uses seven committees of its members to assist it in achieving its objectives and in the effective discharge of its responsibilities. These are the Appeal and Certifying committees (both of which have a statutory basis), the Finance, Audit, Lawyers, Human Resources and Performance committees. In addition, ad hoc committees are established from time to time, as required, to deal with specific matters. Due to the limited number of Board members, members will participate in more than one committee at any one time. The Chairperson chairs all committees, except for the Audit Committee. A member of the Board, other than the Chairperson (who is not a member of

Audit Committee) chairs that Committee. Members of the senior management team participate in the committees, apart from the statutory committees. The following paragraphs provide a brief overview of the role of the committees.

Appeal and certifying committees

An appeal committee is a statutory committee of Board members provided for under Paragraph 12 (3) of the Civil Legal Aid Regulations, 1996. The membership comprises of a chairperson (usually the Chairperson of the Board) and four other members of whom two must be members who, prior to their appointment as Board members, were either practising barristers or practising solicitors. An appeal committee meets at least once a month, or more often, if required, to consider appeals by legal aid applicants to have decisions, made by authorised members of staff to refuse legal services in particular cases, reversed. Under Paragraph 12 (5), a committee may affirm, reverse or otherwise alter such decisions.

The Board has delegated responsibility for deciding on applications for legal aid to authorised members of staff. The Regulations, however, also provide that a certifying committee of Board members may make such decisions. Given the delegation to staff and the level of expertise within the Board staff, meetings of a certifying committee will only be necessary, if particularly complex or novel issues arise. There was no requirement for a meeting of a certifying committee during the year.

The Lawyers' Committee

The role of the Lawyers' Committee, comprising the lawyer members of the Board, is to consider legal issues in relation to the provision of legal services, including the interpretation of the Act and Regulations. The Committee also considers recommendations from the Board's Professional Procedures Workgroup, a group of senior legal and management staff set up to continually review best practice and to address professional and legal issues as they arise. The Committee considers such matters in detail in order to make

appropriate recommendations to the Board and to provide advice to management. Decisions are taken either by the Board or by management, as appropriate, having regard to the recommendations and advice of the Committee.

The Finance Committee

The role of the Finance Committee, which is comprised of five members of the Board, is to consider the Board's finances in detail and to report to the Board on such matters. This includes the review of budgets and financial reports, the approval of the Board's annual accounts and detailed consideration of financial matters in order to make appropriate recommendations to the Board and to advise management. Decisions are taken either by the Board or by management, as appropriate, having regard to the recommendations and advice of the Committee. In addition, the Committee had responsibility for overseeing compliance with the *Code of Practice for the Governance of State Bodies*. This responsibility was transferred to the Audit Committee in 2004.

The Audit Committee

The role of the Audit Committee, which is comprised of five members of the Board, is to oversee, advise and make recommendations on matters relating to (i) the operation and development of the internal audit function; (ii) the business control and risk management environment; and (iii) the relationship with external audit.

The Committee communicates with the Board, the Chief Executive and senior management, as appropriate, in relation to any significant shortfalls in the business control and/or risk management environments that come to the attention of, or are of concern to, the Audit Committee.

The Committee also reviews all significant reports received by the Board from the external auditors, management's responses, and considers the implications of the issues raised. The Committee must produce a formal report within three months of the end of the calendar year outlining

its activities, together with such advice and recommendations, as it deems appropriate. The report for 2003 was presented to the Board on 11 March, 2004, while the report for 2004 was presented to the Board in March 2005.

The Human Resources Committee

The role of the Human Resources Committee, which is comprised of four members of the Board, is to consider issues which impact on human resources within the Board. The Committee considers human resource matters, such as Board policy in relation to filling of vacancies, in order to make appropriate recommendations to the Board and to provide advice to management. Decisions are taken either by the Board or by management, as appropriate, having regard to the recommendations and advice of the Committee.

The Performance Committee

This Committee, which is comprised of three members of the Board, considers the performance of, and makes recommendations on the performance pay for, the Chief Executive.

APPENDIX 5 - LAW CENTRES

Full-time Law Centres

LAW CENTRE	MANAGING SOLICITOR
CAVAN Newcourt Shopping Centre, Church Street, Cavan Tel: (049) 433 1110 Fax: (049) 433 1304	Mary Pat Ahern
CLARE Unit 6A, Merchant's Square, Ennis, Co Clare Tel: (065) 682 1929 Fax: (065) 682 1939	Mary Cuffe
CORK North Quay House, Popes Quay, Cork Tel: (021) 455 1686 Fax: (021) 455 1690 1A South Mall, Cork Tel: (021) 427 5998 Fax: (021) 427 6927	Betty Dineen Shane Dooley
DONEGAL Houston House, Main Street, Letterkenny Co Donegal Tel: (074) 912 6177 Fax: (074) 912 6086	Ray Finucane
DUBLIN 45 Lower Gardiner Street, Dublin 1 Tel: (01) 874 5440 Fax: (01) 874 6896 9 Lower Ormond Quay, Dublin 1 Tel: (01) 872 4133 Fax: (01) 872 4937 Tower Centre, Clondalkin Village, Dublin 22 Tel: (01) 457 6011 Fax: (01) 457 6007 Village Green, Tallaght, Dublin 24 Tel: (01) 451 1519 Fax: (01) 451 7989 44/49 Main Street, Finglas, Dublin 11 Tel: (01) 864 0314 Fax: (01) 864 0362 48/49 North Brunswick Street, Georges Lane, Dublin 7 Tel: (01) 646 9700 Fax: (01) 646 9799 Unit 6-8, Business Centre, Clonsilla Road, Blanchardstown, Dublin 15 Tel: (01) 820 0455 Fax: (01) 820 0450	Kevin Liston Gerard Kirwan Tom Nally Pauline Corcoran Marie Quirke Hugh Cunniam Joan Crawford
GALWAY Francis Street, Galway Tel: (091) 561 650 Fax: (091) 563 825	Mary Griffin
KERRY 1 Day Place, Tralee, Co Kerry Tel: (066) 712 6900 Fax: (066) 712 3631	Carol Ann Coolican

LAW CENTRE	MANAGING SOLICITOR
KILDARE Canning Place, Newbridge, Co Kildare Tel: (045) 435 777 Fax: (045) 435 766	Edel Poole
KILKENNY Maudlin Street, Kilkenny Tel: (056) 776 1611 Fax: (056) 776 1562	Niall Murphy
LAOIS Unit 6A, Bridge Street, Portlaoise, Co Laois Tel: (0502) 61366 Fax: (0502) 61362	Catherine Martin
LIMERICK Lock Quay, Limerick Tel: (061) 314 599 Fax: (061) 318 330	Fergal Rooney
LONGFORD Credit Union Courtyard, 50A Main Street, Longford Tel: (043) 47590 Fax: (043) 47594	Eugene Kelly
LOUTH Roden Place, Dundalk, Co Louth Tel: (042) 933 0448 Fax: (042) 933 0991	Deirdre McMichael
MAYO Humbert Hall, Main Street, Castlebar, Co Mayo Tel: (094) 902 4334 Fax: (094) 902 3721	Tom O' Mahony
MEATH Kennedy Road, Navan, Co Meath Tel: (046) 907 2515 Fax: (046) 907 2519	Vivienne Crowe
MONAGHAN Alma House, The Diamond, Monaghan Tel: (047) 84888 Fax: (047) 84879	Stephanie Coggans
OFFALY Harbour Street, Tullamore Tel: (0506) 51177 Fax: (0506) 51544	Helen O'Reilly
SLIGO Bridgewater House, Rockwood Parade, Thomas Street, Sligo Tel: (071) 916 1670 Fax: (071) 916 1681	Fiona McGuire
TIPPERARY Friarscourt, Nenagh, Co Tipperary Tel: (067) 34181 Fax: (067) 34083	Josephine Fair
WATERFORD Canada House, Canada Street, Waterford Tel: (051) 855 814 Fax: (051) 871 237	Aidan Lynch
WESTMEATH Northgate Street, Athlone, Co Westmeath Tel: (090) 647 4694 Fax: (090) 647 2160	Phil O'Laoide

LAW CENTRE	MANAGING SOLICITOR
<p>WEXFORD Unit 8, Redmond Square, Wexford Tel: (053) 22622 Fax: (053) 24927</p>	<p>Margaret O'Shea-Grewcock</p>
<p>WICKLOW Bridge Street, Wicklow Tel: (0404) 66166 Fax: (0404) 66197</p>	<p>Barbara Smyth</p>
<p>REFUGEE LEGAL SERVICE 48/49 North Brunswick Street, George's Lane, Dublin 7 Tel: (01) 646 9600 Fax: (01) 671 0200</p> <p>Timberlay House, 79/83 Lower Mount Street, Dublin 2 Tel: (01) 631 0800 Fax: (01) 661 5011</p>	<p>Frank Caffrey, Grainne Brophy</p>

Part-time Law Centres

LOCATION and TELEPHONE	OPEN ON	LAW CENTRE
CARLOW St. Catherine's Social Services Centre, St. Joseph's Road, Carlow. Tel: (059) 913 8700	First and last Friday of every month	Kilkenny
DONEGAL The Courthouse, Donegal Town. Tel: (074) 912 6177	Once a month	Donegal
KERRY Killarney Community Services 57 High Street, Killarney Tel: (066) 712 6900	Every Friday morning	Kerry
LEITRIM North Western Health Board, Leitrim Road, Carrick-on-Shannon. Tel: (043) 47590	Once a month	Longford
LOUTH Drogheda Community Services Centre, Fair Street, Drogheda Tel: (041) 36084/33490	First & Second Tuesday of every month	Dublin (Ormond Quay)
MAYO Ballina Community Centre, Teeling Street, Ballina Tel: (094) 902 4334	Once a month	Mayo
Health Centre, Knock Road, Ballyhaunis Tel: (091) 905 61650	Fourth Tuesday of every month	Galway
ROSCOMMON Citizens Information Centre, Patrick Street, Boyle Tel: (071) 916 1670	Once a month	Sligo
TIPPERARY Thurles Community Social Services, Rossa Street, Thurles. Tel: (067) 34181	Second Tuesday of every month	Tipperary
Citizen's Information Centre, 14 Wellington Street, Clonmel. Tel: (052) 22267	Three or four times a month	Tipperary
WESTMEATH Enterprise Centre, Bishopgate Street, Mullingar Tel: (090) 647 4694	Once a month	Westmeath

APPENDIX 6 - MEANS TEST

The applicable criteria for assessing financial eligibility are contained in section 29 of the Civil Legal Aid Act, 1995 and in Part 5 of the Civil Legal Aid Regulations, 1996, as amended by the Civil Legal Aid Regulations, 2002. The figures shown below became operative on 1st February, 2002.

Income eligibility

The present eligibility limit is €13,000 per annum disposable income. Disposable income is the income that remains after various deductions have been made in respect of dependants, childcare, accommodation costs, income tax and social insurance.

Income contribution

A person whose disposable income does not exceed €8,300 per annum is required to pay a contribution of €6 for legal advice and €35 for legal aid.

Where the disposable income exceeds €8,300 per annum, a person is required to pay a larger contribution, up to a maximum of €1,210. In such cases the contribution is calculated as follows: -

legal advice - one tenth of the difference between disposable income and €8,300, subject to a minimum contribution of €6 and a maximum of €100;

legal aid - €35, plus one quarter of the difference between disposable income and €8,300.

Capital

If it becomes necessary to go to court, the value of the applicant's capital resources (e.g., house, land, money in a bank, car) are also taken into account and a capital contribution may be payable.

Present allowances against income

The maximum allowances for the purpose of calculating the disposable income of applicants for legal services are as follows:-

Allowances:	€
Applicant's spouse	1,900
Dependent child	1,100
Accommodation costs	4,900
Childcare expenses	1,100
Income tax	Full amount
Social Insurance	Full amount
Ex Gratia payments	1,040

Examples of operation of means test

The following are some actual examples of the operation of the means test in the case of married persons with dependants and certain outgoings.

Married person with two children on a gross income of €18,067 where the spouse is not a dependant.

	€
Income	18,067
Less allowances:	€
2 children	2,200
P.R.S.I.	762
Income tax	917
Accommodation costs	4,900
	<u>8,779</u>
Disposable income	9,288
Contribution : €282	

Single person with four children on a gross income of €13,565 and Lone Parent Allowance of €10,192.

		€
Income		23,757
Less allowances:	€	
4 children	4,400	
Child care	1,040	
Accommodation costs	3,840	
P.R.S.I.	746	
P.A.Y.E.	<u>1,147</u>	<u>11,173</u>
	Disposable income	12,584
Contribution : €1,106		

Married person with one child on a gross income of €17,620 where the spouse is not a dependant.

		€
Income		17,620
Less allowances:	€	
1 child	1,100	
Accommodation costs	4,900	
P.R.S.I.	458	
P.A.Y.E.	<u>1,389</u>	<u>7,847</u>
	Disposable income	9,773
Contribution : €403		

Single person with three children on a gross income of €11,458 and Lone Parent Allowance of €7,108.

		€
Income		18,566
Less allowances	€	
3 children	3,300	
Accommodation costs	4,900	
Child care	<u>2,200</u>	<u>10,400</u>
	Disposable income	8,166
Contribution: €35		

APPENDIX 7

INFORMATION LEAFLETS AVAILABLE FROM THE LEGAL AID BOARD

Leaflet No. 1	Civil Legal Aid
Leaflet No. 2	Family law general
Leaflet No. 3	Separation
Leaflet No. 4	Divorce
Leaflet No. 5	Nullity
Leaflet No. 6	Maintenance
Leaflet No. 7	Domestic violence
Leaflet No. 8	Children and family law
Leaflet No. 9	Wills and inheritance
Leaflet No. 10	Customer care and complaints procedure
Leaflet No. 11	Applying for legal services
Leaflet No. 12	Withdrawal of legal services
Leaflet No. 13	Financial eligibility
Leaflet No. 14	Civil legal aid for complaints in rape and certain sexual assault cases

INFORMATION LEAFLETS RELATING TO THE REFUGEE LEGAL SERVICE

Refugee Legal Service - Information leaflet

Refugee Legal Service -The Aylum Process

Refugee Legal Service – The Asylum Process for Unaccompanied Minors