

Legal Aid Board

Annual Report

2015



To facilitate the effective resolution of civil disputes through the delivery of efficient and accessible legal aid and mediation services and to effectively manage and administer the State's criminal legal aid schemes.

Access to Justice

www.legalaidboard.ie

Legal Aid Board

Annual Report 2015

Mission

Our mission is to facilitate the effective resolution of civil disputes through the delivery of efficient and accessible legal aid and mediation services and to effectively manage and administer the State's criminal legal aid schemes.

Vision

Our vision is to facilitate access to justice through providing for resolution of civil disputes in the most appropriate manner while keeping in mind the dignity of the person, the nature of the dispute and the impact of the dispute on the parties immediately involved and wider society and further to manage the provision of criminal legal aid in an efficient, effective and accountable manner.

What we Value

- High professional and ethical standards in the provision of all our services
- Having the client and access to justice as central to our services
- A focus on innovation in the delivery of services
- Responsiveness to an ever-changing legal and social environment
- Effective leadership at all levels
- Providing good value for money
- Transparency
- A culture which promotes a team ethic and respect for the human dignity of the client and the colleague
- Effective governance and accountability relationships and structures with the Department of Justice and Equality, Government and the public.

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Overview

Function and Purpose

The Legal Aid Board (“the Board”) is the statutory, independent body responsible for the provision of civil legal aid and advice to persons of modest means, in accordance with the provisions of the Civil Legal Aid Act 1995 (the “Act”). The Act was amended by Section 54 of the Civil Law (Miscellaneous Provisions) Act 2011 which gave the Board the additional responsibility to provide a family mediation service.

The Board’s remit is in the process of being further expanded, following a Government decision in 2010, to include the management and administration of the various criminal legal aid schemes previously administered by the Department of Justice and Equality. Responsibility for the administration of the Garda Station Legal Advice Scheme transferred to the Board on the 1st October 2011 and for the Legal Aid - Custody Issues Scheme (formerly titled the Attorney General’s Scheme) on the 1st June 2012. The administration of the Criminal Assets Bureau Ad-hoc Legal Aid Scheme transferred to the Board on the 1st January 2014. A legislative provision in the Assisted Decision Making (Capacity) Act 2015 transfers responsibility for the administration of the scheme of legal aid for cases before the Mental Health Tribunals to the Board. The provision has yet to be commenced.

Legal advice, in terms of the Board’s remit in civil cases, is any oral or written advice given by a solicitor or barrister, including writing letters and negotiations.

Legal aid is representation by a solicitor or barrister in court proceedings. A person must first obtain a legal aid certificate, which specifies the legal services being granted, and, in civil cases, must pay the legal aid contribution specified on the certificate.

Legal services are provided across a wide range of civil law matters.

1. Service Provision

Civil legal aid and advice is provided primarily through a network of law centres by solicitors employed by the Board. There are 30 full time and 12 part-time law centres. Contact details for the Board’s law centres can be found on www.legalaidboard.ie. Services are also provided by solicitors in private practice who are engaged by the Board on a fee per case basis.

Specific law centres in Dublin, Cork and Galway include an international protection speciality and there are also dedicated units in Dublin, in addition to the law centres, dealing with medical negligence cases, other personal injury cases and cases involving children at risk of being taken into the care of the State.

The Board operates a Refugee Documentation Centre, which provides an independent and professional research and library service for all of the main bodies involved in the international protection process.

Family mediation services are provided through eight full time offices and nine part time offices.

Services in the three criminal legal aid ad-hoc schemes currently under the Board's remit, namely the Garda Station Legal Advice Revised Scheme, the Legal Aid - Custody Issues Scheme and the Criminal Assets Bureau Legal Aid Scheme, are provided by private solicitors and barristers.

2. Obtaining Civil Legal Aid Legal Services

A person seeking legal services in a civil matter must apply to any of the Board's law centres and must complete an application form, stating the subject matter on which legal advice and/or aid is sought and giving details of income and any capital resources.

The Board seeks to ensure that a person who qualifies for civil legal aid (legal services) will be offered an appointment with a solicitor within a maximum period of four months from the time the application is completed or will be offered earlier legal advice if it is not possible to provide full legal services within four months. A priority service is provided in certain cases. Case types that are prioritised include domestic violence, child abduction, cases involving applications by the State to take children into care, and cases that have statutory time limits close to expiry.

3. Payment for Civil Legal Aid Legal Services

It is important to note that the legal services provided by the Board are subject in most cases to the applicant paying a financial contribution and they are not 'free'. The vast majority of persons who are granted legal advice and/or legal aid in civil cases are required to pay a contribution to the Board. The legal advice contribution is assessed on the applicant's disposable income, i.e. income after certain deductions. The legal aid contribution is assessed on the applicant's disposable income and disposable capital. The minimum contribution is €30 for legal advice and €130 for legal aid. No fee is payable in respect of advice and representation in child care cases (involving the Child and Family Agency). The law centre advises a person of the actual contribution in each individual case. In the event that a person recovers money or property arising from the case, the Board may seek to recover the cost to the Board of providing legal services to the client.

4. Obtaining Mediation Services

A person seeking to avail of mediation to assist with the resolution of a family problem must apply to any of the Board's family mediation offices. Contact details for the Board's family mediation offices can be found on www.legalaidboard.ie. The second party also needs to contact the same office to confirm his/her interest in attending mediation. Once both parties have confirmed that they wish to mediate, they will be offered an appointment as soon as possible. There is no charge for the service and the

service is available to all regardless of income / financial resources. Family mediation services are also provided in certain courthouses in conjunction with family law sittings.

5. Criminal Legal Aid Ad-hoc Schemes

There are five criminal legal aid schemes, three of which are administered by the Board.

Persons detained under certain legislation in Garda stations may be entitled to legal advice under the Garda Station Legal Advice Revised Scheme by way of telephone and / or in-person consultations in the Garda station. They may also be entitled to legal advice by way of the attendance of a solicitor with them at Garda interviews. A person seeking legal advice under the Garda Station Legal Advice Revised Scheme must make their request to the Custody Officer in the Garda Station where they are detained. They must complete the standard Application Form and provide details of their financial means to ensure that they satisfy the financial eligibility threshold.

The Legal Aid - Custody Issues Scheme provides for payment of legal costs on the recommendation of the Court to the Legal Aid Board in certain types of litigation not covered by the civil legal aid scheme or the main criminal legal aid scheme. A person seeking legal representation under the Scheme must notify the relevant Court at the earliest possible opportunity of their intention to apply for the Scheme's provisions. The Court will then decide if a recommendation should be made to the Board to grant legal aid. It is then a matter for the Board to decide, in accordance with the terms of the Scheme, to either grant or refuse legal aid under the Scheme.

The Criminal Assets Bureau (CAB) Ad-hoc Scheme provides for payments to be made in respect of certain legal costs in certain types of litigation on the decision of the Court. These include, but are not limited to, cases where a person is a Respondent in any court proceedings brought by the Criminal Assets Bureau under the Proceeds of Crime Act 1996, Revenue Acts and Social Welfare legislation. A person seeking legal representation under the Scheme must notify the relevant Court at the earliest possible opportunity.

Legislation providing for the transfer to the Board of the main Criminal Legal Aid Scheme is expected to be published shortly.

Further details of the three ad-hoc schemes that the Board administers and the outturn for 2015 are provided later in the Report.

6. Head Office

The Board's head office is located in Cahirciveen, County Kerry where some 46 staff are located. Some of the head office functions are carried out from Dublin.

7. Corporate Governance

The Civil Legal Aid Act 1995 makes provision for the appointment of a Chairperson and 12 ordinary members to the Board. The current Board was appointed by the then Minister for Justice, Equality and Defence, Mr Alan Shatter T.D. in December 2011. Membership of the current Board is set out at page 9.

The statutory Board has responsibility for:

- the strategic direction of the organisation;
- determining 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.

The Board continues to maintain the standards of corporate governance set out in the updated *Code of Practice for the Governance of State Bodies*. This involves:

- at Board level, the use of six committees to assist it in achieving its objectives and in the effective discharge of its responsibilities (see below);
- a defined division of roles between the Board, the Chairperson and the Chief Executive;
- submission to the Minister of an annual report that meets the requirements of the Code;
- an internal audit function that operates effectively and as required; and
- a code of conduct that incorporates procedures to deal with any conflict of interest issues.

In 2015, the Board held 11 Board meetings, three of which were in Cahirciveen, seven in Dublin and one in Athlone.

Attendance at these 11 meetings in 2015 was as follows:

Member	No. of meetings	Member	No. of meetings
Muriel Walls (Chair)	10	*Oonagh McPhilips	2
*Carol Baxter	5	John O'Gorman	11
Mary Dalton	5	Philip O'Leary	10
David Denny	7	Donncha O'Connell	7
Dave Garvey	10	Micheál O'Connell	9
Kate Hayes	11	Michelle O'Neill	7
Joy McGlynn	10	Ger Power	11

*Oonagh McPhilips resigned from the Board on 20 April 2015 and Carol Baxter was appointed to the Board on the 22 May 2015.

The committees of the Board met as follows in 2015:

Committee	No. of meetings held in 2015
Appeal Committee	13
Audit and Risk Management Committee	6
Family Mediation Committee	3
Finance Committee	6
Human Resources Committee	3
Lawyers Committee	0
Performance Committee	2

The Board utilises an in-house corporate governance manual to provide a clear and comprehensive summary of the principal aspects of corporate governance as it affects the Board and senior management. Board members have been fully informed of their legal responsibilities and are familiar with statutory provisions relevant to their position and the key organisational issues, policies and strategies that inform their role.

The Audit and Risk Management Committee of the Board incorporates one independent external member, Mr Kieran Corcoran, in line with the requirements of the Code of Practice for the Governance of State Bodies.

Payment and non-payment of fees to Board members were in line with the Code of Practice for the Governance of State Bodies.

Foreword by the Chairperson

This is the last Annual Report that I will be presenting on behalf of the Board as my term of office ends in 2016. I was honoured to be asked to Chair the Legal Aid Board and I have been privileged to work with all the staff who continue the development of the organisation.

The year 2015 saw the Board being led by a new Chief Executive John McDaid. The Board's previous CEO Moling Ryan retired in December 2014 after 10 years' service at the helm of the Board and a lifetime's work and commitment in the Public Service.

A key legislative development in 2015 was the passing of the Children and Family Relationships Act 2015 (although only commenced in January 2016) and in particular the provisions for hearing the voice of the child. This will be a challenge for the Board, requiring additional resources, but it is essential to give real meaning and effect to Article 42A of the Constitution.

The Dolphin House Mediation project is now operating on a permanent basis and continues to flourish and progress. The commitment of staff from both the Courts Service and Family Mediation Service and the support of the Judiciary has been the key to its success and the willingness of people to embrace this alternative Dispute Resolution Process in dealing with their family issues, especially their children, is heartening. Those who have used the service are very complimentary of it and they feel empowered to try to resolve matters themselves.

The Board continued its commitment to meet and engage with staff outside of Dublin and Cahirciveen and went to Athlone for the June Board meeting at the Mediation offices. A joint presentation was made by the Law Centre Managing Solicitor and Mediators. During the year other presentations were made to the Board by Tom Ward of the Courts Service and in-house presentations on the ad-hoc Criminal Legal Aid Schemes that the Board currently operate.

This year John McDaid placed an emphasis on training and development and the annual conference held in November was entitled "Mental Resilience as a Tool for Change." Presentations were made about building resilience, personal leadership, the power of allowing people to be themselves at work and change as opportunity as well as a mindfulness session. Clients of the Legal Aid Board are often at a vulnerable time in their lives and the commitment of staff to try to meet their needs can be stressful. There was an excellent attendance by all staff both professional and administrative at the conference and the consensus was that it was very worthwhile.

I would like to express my thanks to the Minister and to the Department of Justice and Equality which continues to show a real interest in and support for Legal Aid and for the work of the Board at a time when there are still considerable financial and other pressures.

Finally, I would also like to thank members of the current Board (both past and present), the Chief Executives (past and present) and all the staff in the many

locations from which the Board provides its service for their dedication to the task of meeting the Board's mandate to provide legal and mediation services during the course of 2015. I wish them all well in their work in the future.

Muriel Walls
Chairperson

The Board

As at 31 December 2015:

Muriel Walls

Chairperson

Mary Dalton

Civil Servant (Staff Member)

David Denny

Department of Public Expenditure and Reform

David Garvey

Chartered Accountant

Kate Hayes

Business Person

Joy McGlynn

Child and Family Agency

Micheál O'Connell

Barrister at Law

John O'Gorman

Solicitor (Staff Member)

Philip O'Leary

Solicitor

Michelle O'Neill

Barrister at Law

Ger Power

Department of Social Protection

Carol Baxter

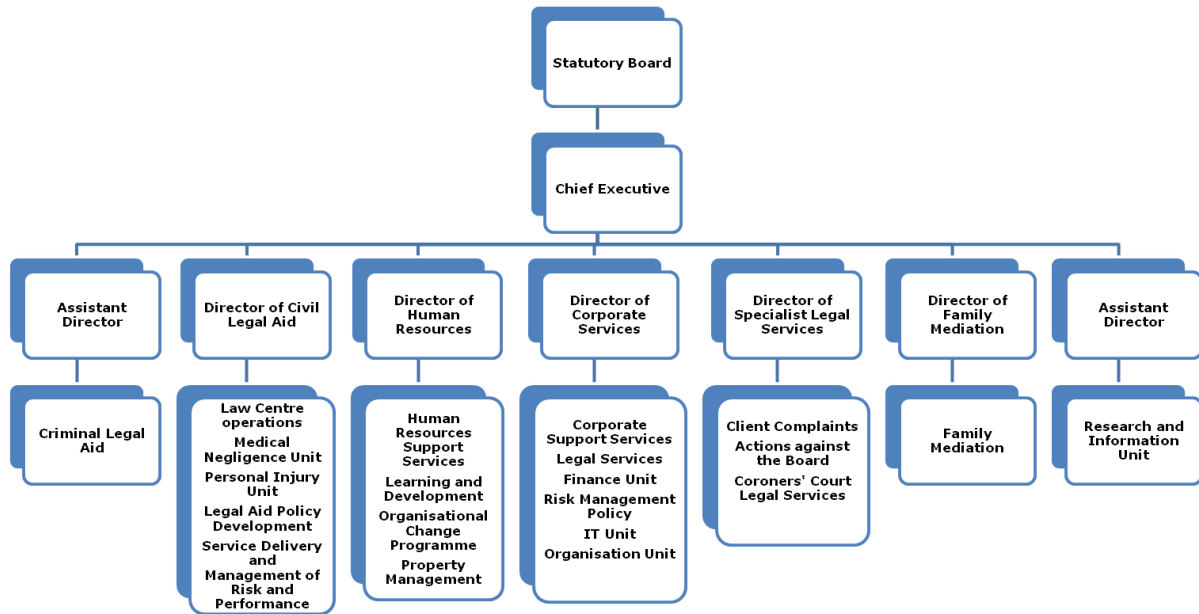
Department of Justice and Equality (appointed 22nd May 2015)

(Professor Donncha O'Connell of the School of Law, NUI, Galway resigned from the Board with effect from the 11th December 2015)

Head Office Executive Staff

Chief Executive Officer:	John McDaid
Director of Civil Legal Aid:	Niall Murphy
Director of Human Resources:	Pat Fitzsimons
Director of Corporate Services:	Eileen Bowden
Director, Specialist Legal Services:	Frank Caffrey
Director of Family Mediation:	Polly Phillimore
Assistant Director, Criminal Legal Aid:	Pat Gilheaney
Financial Controller:	Joan Enright
Secretary to the Board:	Clare Kelly
Auditors:	Comptroller and Auditor General
Solicitors:	Mason Hayes and Curran
Head Office:	Quay St. Cahirciveen Co. Kerry Phone: 066 9471000 LoCall 1890 615200 Fax: 066 9471035
Dublin Office:	48/49 North Brunswick St George's Lane Dublin 7 Phone: 01 6469600
Website:	www.legalaidboard.ie

Board Structure



Introduction by the Chief Executive

I am pleased to introduce the Annual Report for 2015.

The Report shows that the numbers seeking the Board's legal services in 2015 increased by just over 2% on the previous year to a figure of 16,793. Demand for services in recent years peaked in 2011 at a figure of over 19,600 and reduced to a figure of over 16,400 in 2014. The figure for 2015 would suggest that there may be some 'stabilisation' in terms of the numbers seeking legal services from the Board. Within that demand, for the first time in a number of years the numbers seeking legal services for asylum and other international protection matters exceeded 1,000 (1,537) and indeed there was a slight fall in demand for legal services for matters other than asylum / international protection.

I am glad to be able to report a reduction in the numbers waiting for the Board's legal services. At the end of the year there were 2,319 persons waiting compared to just over 3,400 at the start of the year. This is further welcome progress when it is borne in mind that there were close to 5,070 persons waiting for services on the 31st December 2013. It is progress that I hope we can build on in 2016. There is no greater priority for myself or the Board, than seeking to ensure the prompt availability of legal advice and representation.

In 2015 the Board continued with its 'triage' approach in a number of its law centres. What this approach seeks to do is to ensure that those who are likely to be waiting for more than four months for a full legal service from the Board, get a relatively early appointment with a solicitor for legal advice. Within the figure of 2,319 who were waiting for legal services on the 31st December 2015, 985 of those had met with a solicitor for the purpose of getting preliminary legal advice.

The Board continued to operate a mixed model of delivering its legal services using both employed solicitors working in law centres, and private solicitors for certain types of case on a fee per case basis. Thanks to improved funding, the Board was able to maintain a pilot involving the use of private solicitors in public law child care cases initiated by the Child and Family Agency. This pilot operated in the Counties of Donegal, Dublin and Wexford and assisted the Board in ensuring prompt representation in these exceptionally important cases. Private solicitors provided representation in 106 of these cases in 2015. It is likely that a case will be made to establish the pilot on a permanent basis in 2016.

The Board was also able to effectively re-start its use of private solicitors in judicial separation and divorce proceedings and it issued certificates to enable 77 clients to be represented by private solicitors in such cases. Again this contributed significantly to the reduction in the numbers waiting for the Board's legal services.

In common with other years and indeed with civil legal aid systems in other jurisdictions, persons seeking legal services from the Board did so predominantly in relation to a family problem. It was against this backdrop that responsibility for the provision of family mediation services transferred to the Board in late 2011. Waiting

times at the family mediation offices were within three months at the end of 2015 in all but one of the offices. Of course it would be preferable if there were no waiting times at all and this is what we aspire to. One feature in 2015 is that the Board increased the number of its employed mediators.

The Board continued to support on-site family mediation at courthouses in Dublin, Cork, Naas, Limerick and Co Tipperary and it also continued pilot schemes in Cork, Westmeath and Mayo involving a 'mandatory' attendance for an information session about family mediation as a pre-requisite to being granted legal aid for certain court proceedings where a dependent child is involved. The objective of these particular pilots is to improve awareness of family mediation as an alternative to a contested court process and to enable clients make well informed decisions as to how to resolve family difficulties.

The mandatory information initiative is one consequence of the Board having responsibility for both the provision of civil legal aid and family mediation services. By the end of the year plans were at a relatively advanced stage to co-locate one of the Board's law centres in the centre of Dublin with a family mediation office with a view to trying to change the dynamic for many of those seeking to resolve a family problem. The 'synergising' of the two services holds considerable potential and I firmly believe it can work to benefit the client.

On the criminal legal aid side the Board continued to administer a number of 'ad hoc' criminal legal aid schemes namely the Garda Station Scheme, the Criminal Assets Bureau Legal Aid Scheme and the Legal Aid – Custody Issues Scheme. Legislation to transfer the administration of the main Criminal Legal Aid Scheme was yet to be published as of the end of the year.

A number of pieces of legislation were passed in the 2015 that are likely to significantly impact on the Board including the International Protection Act 2015, the Children and Family Relationships Act 2015 and the Assisted Decision Making (Capacity) Act 2015. They all are likely to bring about change that is welcome and that is likely to pose challenges and opportunities for the Board.

I want to express my own appreciation of the support received from the Minister for Justice and Equality and of her Department. I want to acknowledge the contributions of private solicitors and barristers who are a cornerstone of service provision. Finally I want to acknowledge the ongoing dedication and commitment of the Board's staff who remain the key to the future of the organisation.

John McDaid
Chief Executive Officer

Key Developments in 2015

There were over 16,793 applications for civil legal services to the Board in 2015, an increase of just over 2% on the figure for 2014. Over 15,256 of these applications relate to matters other than international protection. This compares with a figure of less than 10,200 for non-international protection matters in 2007.

Within the new applications, the number of new clients registering for international protection services rose by 70% to 1,537. This was the second year that this number increased substantially and it was consistent with an increase in the numbers seeking international protection in the State.

Over 17,950 cases were processed during the year by the law centre network, a decrease of about 2% on the figure for 2014. Waiting times for an appointment with a solicitor in civil legal aid cases remained under pressure in 2015. However progress was made in reducing the numbers waiting for a first consultation and a substantive legal service. On the 1st January 2015 there were over 3,400 waiting. By the end of the year this number had reduced to under 2,320. Reducing the waiting times and the numbers waiting remains a key priority for the Board. The waiting time for a first appointment with a solicitor for matters other than those deemed priority cases was in excess of four months in ten of the Board's law centres at the end of the year. This is an improvement on 2014 when thirteen law centres had waiting times of over four months at the end of the year.

The Board continued to provide a priority service where it considered that an immediate or near immediate service was needed. Case types in which a priority service was provided included cases of domestic violence, child abduction into or out of the State, cases involving applications by the State (Child and Family Agency) to take children into care, and cases that had statutory time limits close to expiry. The number of new cases involving applications by the State (Child and Family Agency) to have a child or children taken into care where the Board provided representation remained similar, with services provided in 778 cases in 2015.

The Board maintained a mixed model to provide legal services, using both employed solicitors based in law centres and private solicitors paid a fee per case. The private solicitor service currently operates for certain family law matters in the District Court. Usage of the scheme increased from over 5,200 cases in 2014 to 5,351 cases in 2015. The Scheme for involving private solicitors in divorce and separation matters in the Circuit Court was restarted in late 2015 on foot of additional funding being provided in the budget for 2016. 77 cases were referred to private practitioners under this scheme. Furthermore, the Board continued with a limited pilot involving private solicitors in the aforementioned cases involving applications by the State (Child and Family Agency) to take children into care.

The Board continued with a 'triage' approach in a number of its law centres. The aim of the triage approach is to ensure that if an applicant is likely to have to wait for more than four months to get a full legal service, s/he gets some level of legal advice in a timely fashion (the aim is six weeks). Thus the waiting times in respect of a number of centres set out the time waiting for a triage appointment as well as those for a second consultation (where further legal services are necessary).

In relation to the ad-hoc criminal legal aid schemes administered by the Board, the expenditure on the Garda Station Legal Advice Revised Scheme in 2015 totalled €1.44 million, an increase of over €400,000 on 2014. This reflects the impact of the first full year of operation of the Revised Scheme, which provides for the detainee to be accompanied by a solicitor at Garda interviews. In relation to the Legal Aid – Custody Issues Scheme, the total expenditure, at €2.75 million, was a drop of nearly €500,000 compared to the 2014 figure of €3.23 million. For the Criminal Assets Bureau Legal Aid Scheme, expenditure was €178,000, a fall of over €150,000 on the 2014 figure. While the Board has the administrative responsibility for the above three schemes, the Department of Justice and Equality retains budgetary responsibility.

A number of important pieces of legislation which will affect the delivery of the Board's services were enacted into law in 2015. These include the Assisted Decision Making (Capacity) Act 2015, the Children and Family Relationships Act 2015, and the International Protection Act 2015.

Waiting times for family mediation services were maintained within three months in each of the mediation offices bar one. Excluding court-based initiatives, there was an increase of 1.3% in the number of couples agreeing to mediate and 867 agreements were concluded.

The mediation initiative in the District Family Court in Dublin, which was established in 2011 as part of the Board's promotion of non-court based family dispute resolution continued in 2015. Persons presenting at the District Court in relation to family disputes are provided with information on attending mediation. A key aspect is that mediators are on site in the same building, enabling ease of access to this process. Similar initiatives continued in Cork, Naas, Limerick and Co. Tipperary.

A mandatory information initiative was commenced in June 2014 in Cork and also towards the end of 2014 in Athlone. This was extended to Castlebar in early 2015. What the pilot involves is that where there is a dependent child, a person will not be granted a legal aid certificate to take or defend family law proceedings in court until such time as they have received information from a family mediation office about mediation. The objective of the pilot is to enable people to make well informed decisions about how to resolve their family difficulties. There are exceptions to the mandatory aspect. Applicants seeking or defending remedies on foot of the domestic violence legislation are not required to attend an information session.

A total of 678 couples from court-based projects and mandatory information initiatives agreed to mediate in 2015. 585 agreements were reached. The overall figures from all family mediation offices and projects in 2015 was 2,225 couples agreeing to participate in the mediation process and 1,452 mediated agreements concluded.

Exchequer funding for the Legal Aid Board in 2015 was €32,471 million. This included provision for the traditional legal services provided by the Board as well as for the provision of family mediation services. It also included a provision for the costs of administering the ad-hoc criminal legal aid schemes. Staffing levels increased slightly during 2015 to a full time equivalent of approximately 391.

The Board hosted its annual conference in November 2015 in Dublin. The conference was an internally focused event around the theme of 'well-being'.

Service Provided in 2015

Civil Legal Aid

16,793 applicants sought civil legal aid services from the Board's law in 2015 with 15,256 of these relating to matters other than international protection. The type of problems for which the Board provides legal services extends to most areas of civil law although in 2015, as has been the case since the Board's inception in 1980, the majority of applicants sought services in relation to family problems.

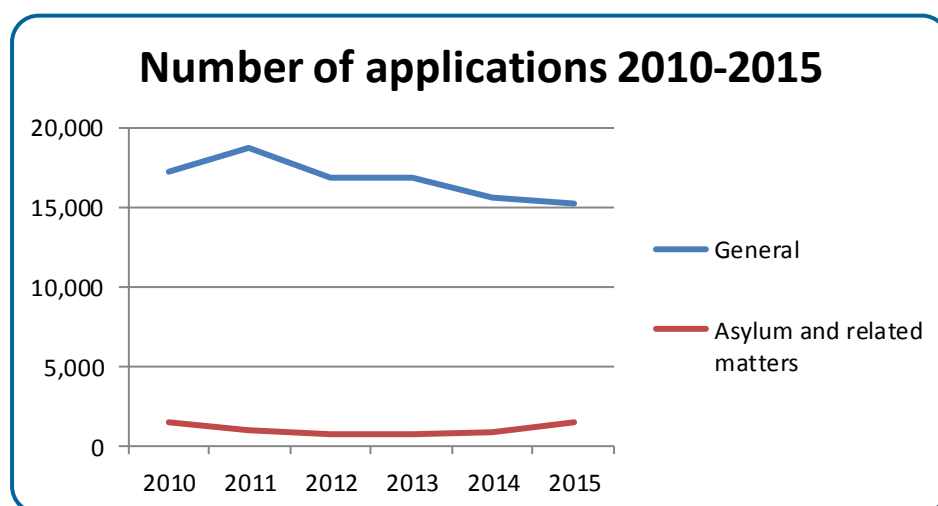
The total number of cases (excluding international protection and related matters) in which legal services were provided by the Board in 2015 was in the region of 23,500. Approximately the same number of cases were dealt with by the Board in 2014.

Demand for the service

The following table and chart give the number of persons who applied for services to the Board in 2015 and the five previous years.

Table 1: Number of Applicants

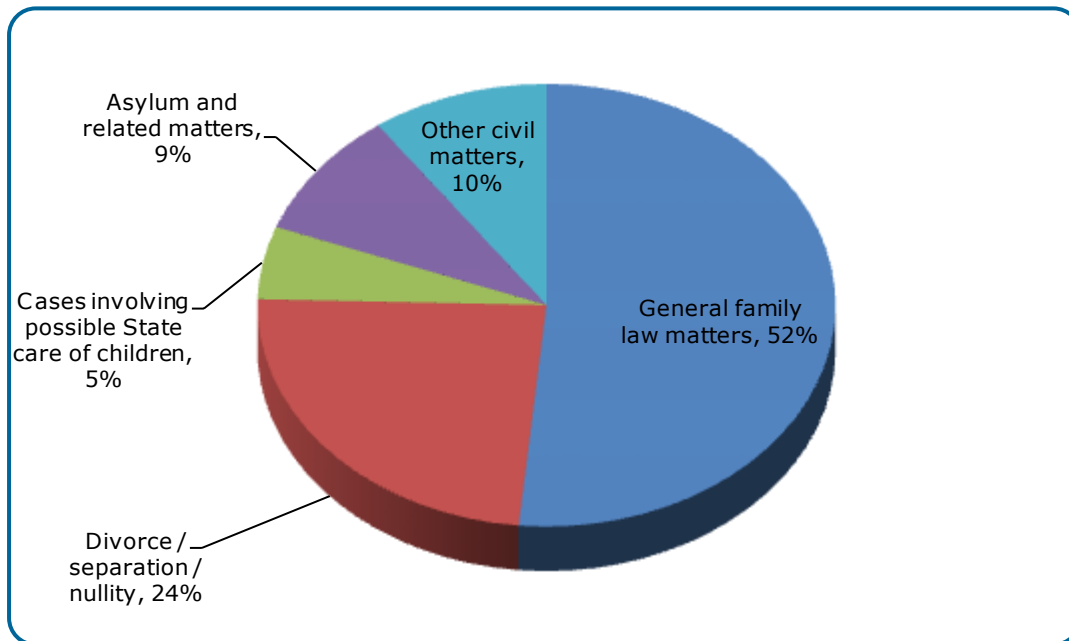
Year	2010	2011	2012	2013	2014	2015
General	17,175	18,657	16,870	16,851	15,531	15,256
Asylum and related matters	1,448	979	725	708	902	1,537
Total	18,623	19,636	17,595	17,559	16,433	16,793



It should be noted that not every applicant is provided with legal services. A number of applicants do not pursue their application when they are offered an appointment.

The pie chart below gives the approximate breakdown of applications by case type.

Chart 1: Percentage applications by case type 2015



Law Centres

Legal aid and advice was provided through the Board’s general law centres in over 17,959 cases in 2015 which was a decrease of just over 380 cases on 2014 as can be seen from the table below. Comparative information for the previous four years is set out.

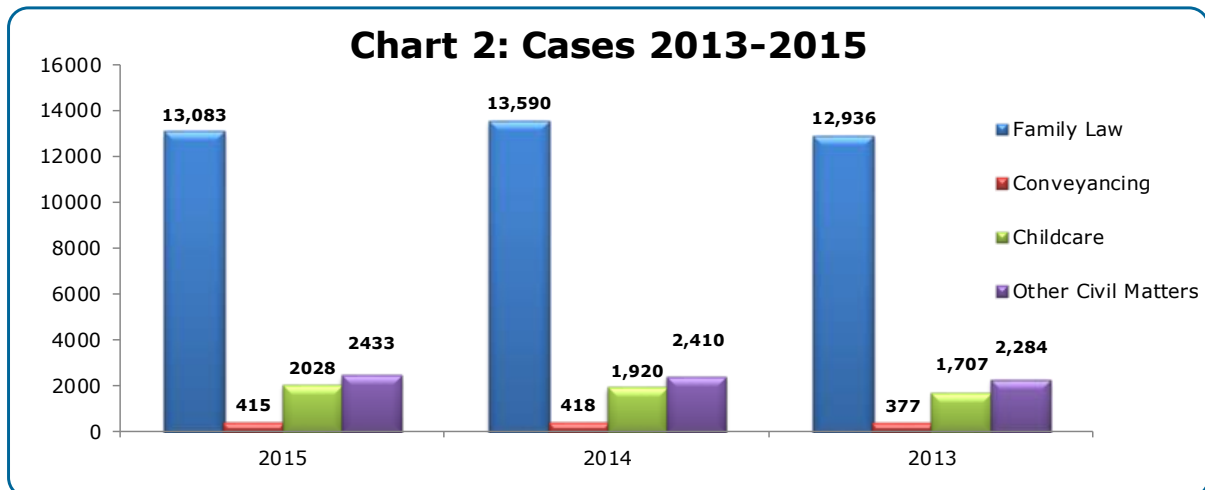
Table 2: Cases handled in law centres

Year	2015	2014	2013	2012	2011
Total	17,959	18,338	17,304	17,652	17,825

Legal aid and advice cases

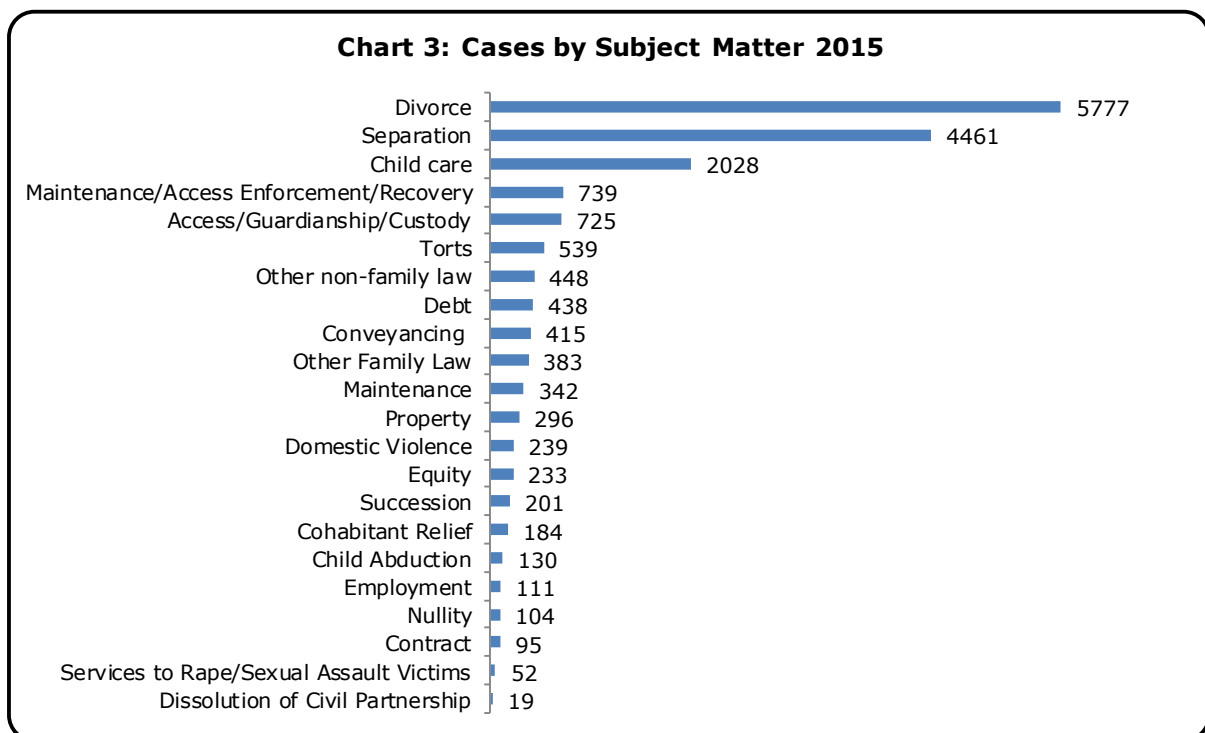
The Chart below highlights that family law continues to constitute the predominant area where the Board provides legal services. Of the cases handled in 2015, 74% were in the private family law area.

Chart 2: Cases by subject matter 2013-2015



A more detailed breakdown of the main issues in respect of which legal services were provided in in 2015 is provided in Chart 3. It is likely that in relation to a significant number of separation and divorce cases, advice was also given on matters such as maintenance, domestic violence, and child welfare. Such additional advices are not separately recorded in the above figures. In addition it should be noted that applicants often apply for legal services in relation to, for example, both domestic violence and custody/access, or custody/access and maintenance. For the purposes of this chart a client in receipt of aid or advice for multiple family law issues has been categorised in relation to the principal matter for which they obtained legal services.

Chart 3: Cases by Subject Matter 2015



Case turnover

As can be seen from Table 3 below, there was a slight decrease in the number of new cases taken on in the law centre network in 2015 compared to 2014. This reflects in part a lower number of advice only first consultations needed as waiting lists reduced in a number of locations and it was possible to give a substantive service from the date of the first appointment with a solicitor.

Table 3: New cases in law centres (excludes international protection)*

Year	2015	2014	2013	2012	2011
New Cases	6,264	6,300	6,650	5,831	7,506

Duration of cases

Table 4 below provides an age profile of cases in which legal services were provided by law centres in 2015. The year indicates when the application for legal services was first made. It should be noted that there may have been a time delay in the person getting a first appointment with a solicitor.

Table 4: Cases handled in 2015; length of time open

Year	2015	2014	2013	Pre-2013	Total
Number	4,592	4,503	3,385	5,479	17,959

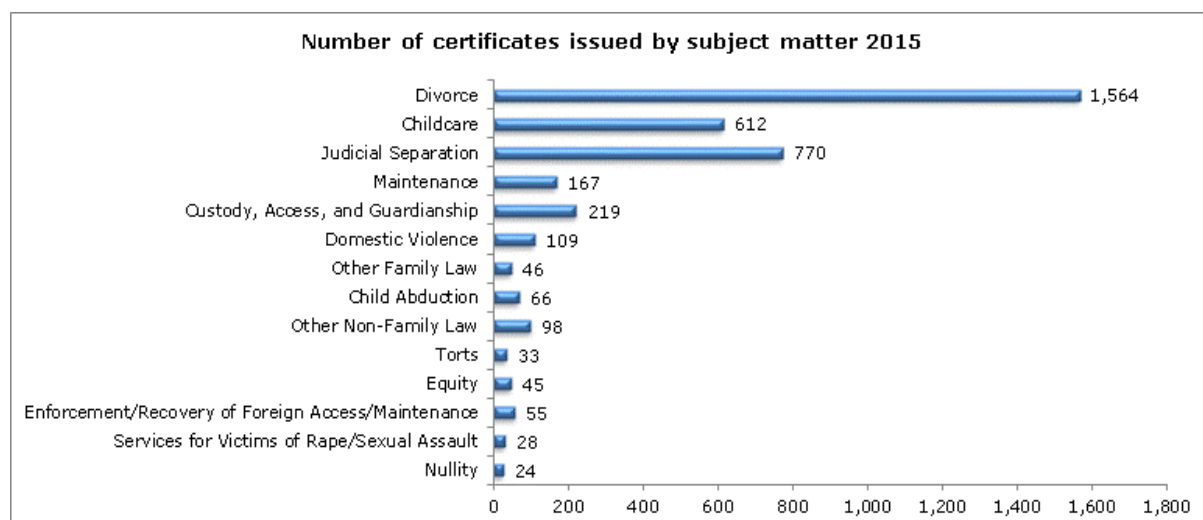
Legal aid certificates

3,912 legal aid certificates (authorisations to commence or defend proceedings in Court) were granted to persons represented by law centre solicitors during 2015. This was a marginal increase on the number in 2014. This figure does not include representations for international protection claims.

The chart below gives a breakdown of matters for which legal aid certificates were granted to clients represented by law centres during the year. It should be noted that certificates granted can authorise services for more than one remedy particularly in the areas of domestic violence, custody, access, and guardianship, and maintenance. In these areas, cases are categorised by the first subject matter listed on the certificate.

This data relates to cases handled by law centres only. Data on the number of legal aid certificates issued to persons represented by private solicitors can be found later in this section.

Chart 4: Number of Legal Aid certificates issued to law centre clients by subject matter 2015



Cases completed

Of the 17,959 cases handled in the law centres in 2015, 6,059 (34%) were completed by the end of the year. Table 5 below shows how this number compares with the number of completed cases in other recent years.

Table 6 gives an age profile of those cases closed in 2015 by subject matter.

Table 5: Numbers of cases closed

Year	2015	2014	2013
Cases Closed	6,059	5,757	4,910

Table 6: Cases closed in 2015; length of time open

	<1 Year	1-2 Years	2-3 Years	3+ Years	Total
Divorce/separation/nullity	459	664	637	1,090	2,850
Child care	291	218	191	126	826
Other family law	412	334	218	154	1,118
Non-family law	577	349	151	188	1,265
Totals	1,739	1,565	1,197	1,558	6,059

It can be seen from this table that divorce, separation and nullity cases generally take longer to reach completion than most other family law matters. Approximately 38% of divorce, separation and nullity cases completed in 2015 had been ongoing for longer than three years, compared to 15% of childcare cases and 14% of other family law matters.

Cases on Hand

Table 7 below gives the status of all of the Board's active cases as of the 31st December 2015.

Table 7: Cases active as at 31 December 2015

Status	No of Cases
Advice services	4,366
Counsel briefed	698
Proceedings issued	3,524
At hearing	2,448
Final orders made	742
Re-entry/under appeal	122

This type of information helps the Board in monitoring the progress of cases through the court process.

Private Solicitors in Family Law Matters

Private solicitors also known as private practitioners, are engaged by the Board to provide legal aid services to complement the service provided by law centres. Private solicitors are currently used for certain family law matters in the District Court (such as domestic violence, maintenance, guardianship and custody / access cases). The Scheme for involving private solicitors in divorce and separation matters in the Circuit Court was restarted in late 2015 following on from additional funding being provided in the budget in October 2015. 77 cases were referred to private practitioners under this scheme, mainly in December 2015. Furthermore, the Board continued with a limited pilot involving private solicitors in the aforementioned cases involving applications by the State (Child and Family Agency) to take children into care. 106 such cases were referred to private solicitors.

A breakdown is given in Table 8 of the number of legal aid certificates granted to enable representation to be provided in the District and Circuit Courts by solicitors in private practice who are on the Board's panels.

Table 8 – The number of new cases in which private solicitors provided representation

Year	2015	2014	2013	2012	2011
District Court family law	5,351	5,224	5,640	5,077	4,854
District Court Childcare (pilot Project)	106	7	N/A	N/A	N/A
Circuit Court	77	10	0	5	8
Total	5,534	5,241	5,640	5,082	4,862

Fees paid to private solicitors for private District Court family law cases are generally 10 -15% of the fee payable for Circuit Court cases.

Timeliness of the service

There has been significant pressure on waiting times for legal services caused by the increase in demand in recent years. The reduction in demand from a peak in 2011 has been of some assistance in lessening the pressure. 2015 saw a further reduction in the numbers of applicants waiting and a reduction in waiting times at most law centres. The numbers waiting for a substantive service as of the end of the year was almost 1,000 less than it was at the start of 2015 as is evidenced by the figures in Table 9. The Table sets out the number of persons waiting on the 31st December 2015 and on the same date in the previous four years for legal services with a solicitor.

Table 9: Numbers on applications record

Year	2015	2014	2013	2012	2011
Number Waiting	2,319	3,412	5,067	5,014	4,443

A number of initiatives have been introduced or maintained to seek to minimise the impact of waiting times on applicants. The most significant of these has been the continuation of the 'triage' approach in a number of law centres. The aim of the triage approach is to ensure that all applicants get some level of legal advice in a timely fashion. The model is that if an applicant is unlikely to get a full legal service within four months of applying, s/he should get a preliminary or 'triage' appointment with a solicitor within six weeks. At a number of locations the need for this service ceased as waiting times fell below four months. Of the 2,319 who were waiting for services on the 31st December 2015, 985 had had a first or 'triage' consultation with a solicitor.

The re-introduction of the Circuit Court Private Practitioner Scheme at the end of 2015 contributed to efforts to reduce waiting times at certain locations.

The maximum waiting time in weeks, as of the 31st December 2015, is set out for the various law centres in Table 10 below. It must be emphasised that this table gives a snapshot of waiting times at a particular point in time. Waiting times will go up and down depending on demand and on the capacity of each law centre to offer appointments to new clients.

Table 10 – Waiting times in weeks on the 31st December 2015

Law Centre	General – Law centres not operating triage	Waiting time for a triage appointment	Further waiting time where triage appointment previously given
Blanchardstown	10		
Clondalkin		31	20
Finglas		29	5
Gardiner St		3	27
Smithfield		25	9
Tallaght		17	40
Cork-Popes Quay		8	13
Cork-South Mall		8	35
Galway- Francis St		15	29
Galway – Seville House		8	9
Athlone		18	38
Castlebar		9	39
Cavan	6		
Dundalk	7		
Ennis		12	20
Kilkenny	17		
Letterkenny		2	19
Limerick		13	20
Longford		23	28
Monaghan	19		
Navan		19	11
Nenagh		8	41
Newbridge	6		
Portlaoise		4	33
Sligo		6	5
Tralee	11		
Tullamore	31		
Waterford	19		
Wexford		12	36
Wicklow		21	0

Priority Service

The Board continued to provide a priority service where it considered that an immediate, or near immediate, service was needed. In 2015 approximately 17% of first appointments were for prioritised matters. These included cases of domestic violence, child abduction, cases involving applications by the State to take children into care, and cases that had statutory time limits close to expiry.

In addition to the cases given priority in the law centres, most of the cases referred out to solicitors on the Board’s private practitioner panels were referred immediately or shortly after the person had applied for legal aid.

Appeal Committee

In 2015, the Appeal Committee of the Board met on 13 occasions. This Committee is a statutory sub-committee of the Board and it decides on cases where a person makes an appeal against a decision of the executive. Most of the cases that come before it relate to decisions to refuse legal aid certificates.

There were 146 appeals heard in 2015. Of the appeals heard in 2015, the decision of the executive was upheld in 111 cases. There were 31 appeals where the original decision was overturned. Table 11 below provides an outline of the position.

Table 11: Appeal committee

Year	2015	2014	2013	2012	2011
Number of decisions upheld	111	131	116	138	102
- Financial criteria	31	33	12	29	21
- Merits criteria	80	98	104	109	81
Number of decisions overturned	31	26	38	28	22
Number of decisions on hand	0	2	1	0	4
Withdrawn/resolved	4	6	1	6	7
Number of appeals	146	165	156	172	135

International protection Services

The number of persons seeking legal services for international protection applications in 2015 was 1,537. This was an increase of 70% on the previous year. Services in international protection and related matters are provided in three of the Board's law centres, namely Smithfield (Dublin), Pope's Quay (Cork) and Seville House (Galway) and also by private solicitors on a panel. Table 12 shows the number of new applications for legal services from the Board for international protection matters and also the number of persons who sought asylum in the State.

Table 12: International protection Applications

Year	2015	2014	2013	2012	2011
Board Applications	1,537	902	708	725	979
ORAC Applications	3,276	1,448	946	956	1,290

International Protection and Children

The Board continued to have a dedicated Children's Unit located in Dublin to handle international protection applications by unaccompanied minors. Staff in the Unit have received relevant specialised training. The Unit has well developed interagency relationships with the Office of the Refugee Applications Commissioner (ORAC) and the Child and Family Agency with whom regular meetings take place to deal with issues of mutual interest. In addition to preparing pre-interview submissions for

separated children, the Unit also provides these clients with legal services in relation to family tracing and family re-unification.

Legal aid certificates for international protection / subsidiary protection matters

The Board granted 846 legal aid certificates in international protection cases in 2015 to enable representation before the Refugee Appeals Tribunal (RAT). The RAT decides appeals against recommendations of the Refugee Applications Commissioner against a grant of asylum or a grant of subsidiary protection. The figures in recent years in terms of representation by law centres and by private solicitors are not directly comparable as the Board includes both subsidiary protection and asylum matters on the same Legal Aid Certificate when a case is handled internally whereas two separate certificates are issued where the service is provided by a private solicitor. The following table shows the breakdown between the numbers of certificates in which representation was provided by law centre solicitors and by private solicitors / barristers, acting on behalf of the Board.

Table 13: Legal Aid certificates granted – international protection and related matters

Year	2015	2014	2013	2012	2011
Law Centre solicitors	164	172	122	171	210
Private solicitors - Asylum	394	351	197	231	360
Private solicitors - Subsidiary Protection	259	467	-	-	-
Barristers instructed by a law centre	29	20	46	47	79
Total	846	1,010	365	449	649

Human trafficking

In late 2009 the Board commenced providing legal services on certain matters to persons identified by the Garda National Immigration Bureau (GNIB) as potential victims of human trafficking under the Criminal Law (Human Trafficking) Act 2008. The Civil Legal Aid Act 1995 was amended in 2011 to facilitate the provision of these services.

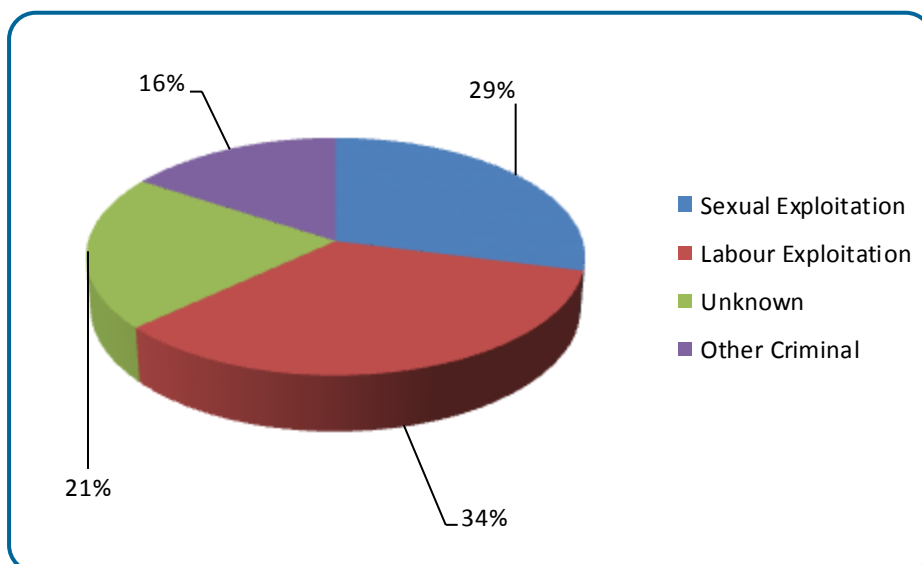
There is no requirement to satisfy the Board’s financial eligibility or merits criteria for these cases and a potential victim of human trafficking is not required to make a financial contribution to the Board. The service is provided by Board employees who have received specialised training in human trafficking issues.

The service provides initial advice to persons identified as potential victims of human trafficking on their legal rights. It also provides legal services to suspected victims of human trafficking who may be acting as witnesses in prosecutions taken under specified provisions of the Criminal Law (Human Trafficking) Act 2008.

From late 2009 to end of 2015, 144 potential victims of human trafficking have been notified to the Board. 38 of these notifications occurred in 2015, 11 of whom were referred in relation to sexual exploitation, 14 in relation to labour exploitation, two in relation to labour and sexual exploitation, six in relation to forced criminality, one in

relation to forced begging and four were for unspecified reasons. The four victims referred for unspecified reasons did not register with the Board. At the end of December 2015, 97 potential victims of human trafficking were still registered as clients of the Board. Of the 97 clients, 80 were female and 17 were male, 95 were adults, one was an unaccompanied minor and one was an accompanied minor.

Chart 5: Human Trafficking cases referred to the Board up to the end of 2015



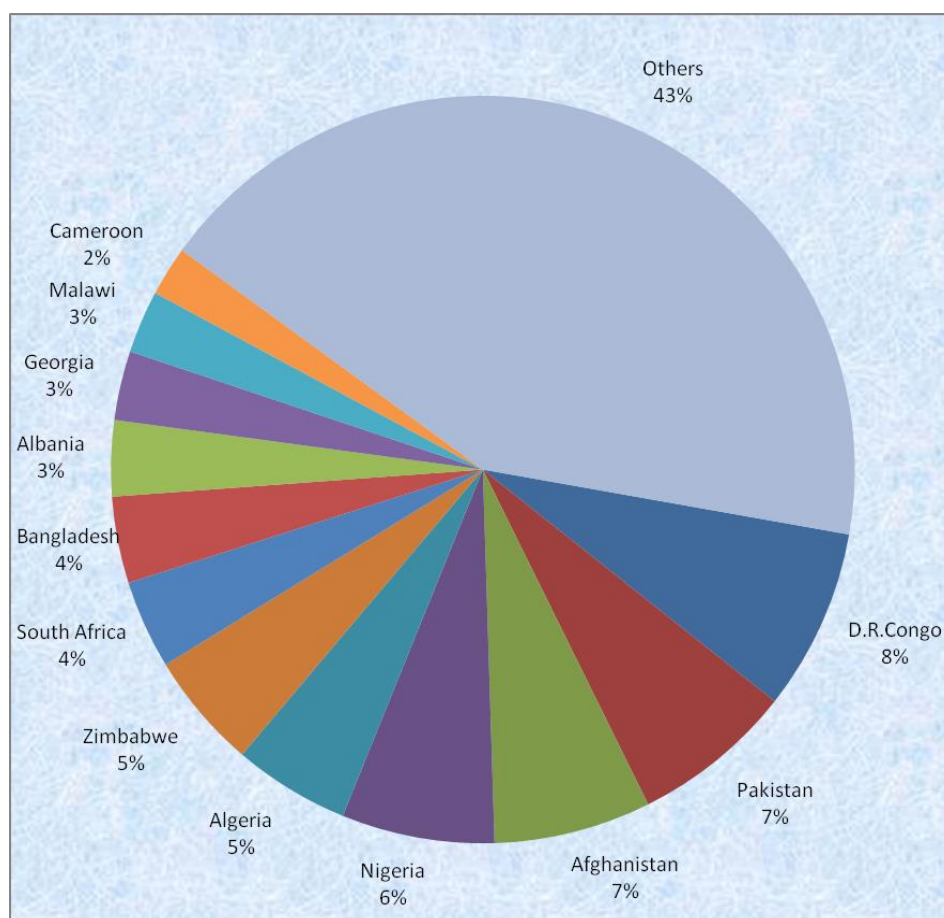
Trafficking Purpose	
Sexual Exploitation	29%
Labour Exploitation	34%
Unknown	21%
Other Criminal	16%

The Refugee Documentation Centre

The Refugee Documentation Centre (RDC) is an independent service operating under the aegis of the Board. The main role of the Centre is to provide an objective research and query service for key organisations involved in the international protection process, with a particular focus on providing Country of Origin information (COI). Members of the public and other agencies may also use the RDC to conduct their own research. The RDC continues to maintain a close working relationship with the UNHCR.

In 2015, the RDC query service provided a total of 1,068 query responses. This represented a decrease of 23% on 2014. On average, about 70% of queries related to COI, with the remaining 30% split between legal and library queries. The country which gave rise to the largest single number of queries in 2015 was the Democratic Republic of the Congo followed closely by Pakistan, though the fact that queries in relation to each of these represented about 7% of total queries shows the diversity and number of countries from which international protection seekers originate. The main countries subject to COI queries are set out in Chart 6 below.

Chart 6: RDC Queries 2015



A brief sample of the type of information sought in the queries received is set out below:

- Treatment of Rohingya refugees in Bangladesh
- Al Shabaab's presence in the north of Somalia
- Gender related violence in detention in the Democratic Republic of Congo
- Honour killings in Pakistan
- Converts to Christianity in Iran
- Juju rituals and practices in Nigeria
- Forced recruitment by the Taliban in Afghanistan
- Stateless Bidoon in Kuwait
- Treatment of LGBT people in Malawi
- The security situation in Iraq
- Xenophobic attacks in South Africa
- Prison conditions in Cameroon

The RDC continued to work closely with the ORAC and other users of its services in 2015 with a view to strengthening co-operation and meeting the various needs of its users. Of particular importance was customising the provision of COI to meet the

requirements arising from recently introduced subsidiary protection procedures and preparation for anticipated legislation regarding a single procedure for protection applications. This legislation was enacted at the end of 2015 though it has yet to be commenced.

Two editions of the RDC's periodical, *The Researcher*, were published in 2015. These were made available internally and to relevant external agencies. A further 10 Country Information Packs were created or updated by the RDC in 2015 bringing the total number of these packs available to 40. Further updates of Country Adoption and Country Marriage Packs were carried out and in total 40 Country Marriage Packs and 29 Country Adoption Packs were made available. The additional 80 shorter Subsidiary Protection Packs were updated as required in 2015 in response to needs identified by the agencies following changes to the procedures for processing subsidiary protection cases. These shorter packs focused solely on protection issues rather than the more detailed country information provided in the 40 standard Country Information Packs.

The RDC participated in two international projects in the area of COI, MedCOI (medical COI) and the European COI Portal. Substantial work took place throughout the year on preparing to connect the RDC E-Library's digital archive to the European COI Portal and this European Refugee Fund supported project was successfully completed in June 2015.

The RDC is part of the Board's Research and Information Unit (RIU) which also manages the Board's Library. The Library provides an information and research service for Board staff. This includes a query service and the preparation of research products including general library alerts, bulletins, information documents on specific areas of law and targeted alerts for Family Mediation, Criminal Legal Aid and Medical Negligence.

Sample cases – Civil Legal Aid

(These cases have been redacted to prevent identification of the parties. Some of the cases are composites of more than one case in order both to protect the identities of individuals and to provide an illustration of the breadth of legal service provided.)

International Protection

An asylum seeker sought advice from the Board. He sought protection on the basis that he would face persecution for reasons of his political opinion. He had numerous supporting documents, such as a passport, political card, reference letters from prominent members of his party, arrest warrants in his name etc. However, he had previously been granted a student visa for the UK. He instructed that he left the United Kingdom and returned to his country after his visa expired but no documents had been provided to support his statement.

The client was advised on the importance of providing documents supporting the fact that he had returned to his Country of Origin and of explaining the rationale behind his decision to return. The client had a medical condition for which he had regular medical treatment and he ultimately was able to retrieve a hospital log. Based on the client's instruction, representation was made to ORAC and Country of Origin Information was sourced from the Refugee Documentation Centre.

The interviewing officer noted in particular the effort made by the client to substantiate the claim that he returned to his Country of Origin and gave him the benefit of the doubt when assessing his claim. The interviewing officer found the client's claim overall credible, substantiated and supported by the Country of Origin information submitted on his behalf. The ORAC recommended a grant of Refugee status.

Child Abduction

An applicant father in child abduction proceedings sought the return of his young infant to the jurisdiction of the requesting State, a European Country, on the basis of a wrongful retention by the child's mother. The father was provided with immediate legal representation. The child's mother contended that the child's habitual residence had changed prior to the alleged date of wrongful retention, that the child was now habitually resident in Ireland, and also that the child would be at grave risk if returned to the requesting State.

The High Court Judge found in favour of the father. The trial Judge held that the child's habitual residence had not changed. She made no finding of grave risk, and, also sought, and, obtained undertakings from the mother so that adequate plans would be in place upon the return of the child. The trial Judge granted an order for return, with a short delay on the order, to allow the mother to organise the return.

The mother appealed the High Court decision to the newly established Court of Appeal. The Board immediately dealt with the matter ensuring compliance with the new procedure and representation of the client at the appeal hearing.

The Court of Appeal upheld the High Court decision.

Representation of the complainant in a rape trial

The Board was contacted by the Director of Public Prosecution and informed that the accused, during a rape and sexual assault trial, intended to make an application to cross examine the victim on her sexual history. The application was due to be heard that afternoon.

A solicitor and barrister were immediately appointed to represent the complainant. The client was advised on the legal process, the criteria set out in the legislation to grant or refuse the application, the likely outcome of the application and the monitoring role of the trial judge during cross examination were the accused's application granted. After being fully advised, the client did not oppose the application, which was heard as scheduled without additional delay being incurred to the trial. The trial Judge granted the application. The client gave evidence for the following two days.

Child abduction / custody with an international dimension

The client sought legal advice in relation to an application to relocate his child to another EU jurisdiction. The client had been appointed a legal guardian of the child in February 2015. He was not married to the child's mother but the child had been residing in Ireland for approximately three years, having been born here. The case was set down for hearing within a short time. However, the other party left the country and returned to the other EU country with the child before the hearing date without the clients consent. An urgent application for Production of the Child was made and the Order granted and served on the mother's solicitor. An Application for Custody was also lodged and served on the mother's solicitor.

Whilst awaiting judgement in regard to the application for custody in Ireland, the client applied for legal aid through the Central Authority of the other EU country to make an application in the courts of that country for the child's return. In the meantime, the Central Authority of that country forwarded a report to the Irish Central Authority which stated that the relevant Local Authority had no concerns about the child's well-being. The client was eventually granted joint custody of his child in the Irish Court and the Order was forwarded to the Central Authority as the Clients application to have the child returned was still pending in the other country.

Shortly after judgement was given in the Regional Court of the other country. Despite the Regional Court stating that the removal of the minor was unlawful, the Court decided not to return the child to Ireland in accordance with Article 13 of the Hague Convention. The Client was advised that he had seven days to appeal the Order to the Court of Appeal of the other country. The client instructed that he did not wish to appeal. The Client's application for Production of the Child was still pending before the District Court. As the Courts in the other country directed that the child did not have to return to Ireland the Client instructed that this application be struck out. This case is indicative of some of the difficulties and legal complexity that can attach to cases involving the removal of children from one jurisdiction to another.

Divorce with a mediated negotiation

A party applied for legal services at a law centre for advice and representation in relation to a divorce. The client presented to her solicitor a mediated agreement, the client and her spouse having attended a number of mediation sessions with a family mediator at a family mediation office. The agreement made provision for maintenance, for the living arrangements for the children of the marriage and for the contact arrangements that the spouse was to have with the dependent children. Most of these provisions were already operative. The agreement also set out that the client would remain in the family home until the children were no longer dependent and that at that stage the property would be sold on the basis of a certain percentage split between the client and spouse. The client was fully advised in relation to the proposals. The solicitor then made contact with the spouse's solicitor and on foot of that contact formal settlement proposals were drawn up. A Family Law Civil Bill seeking a divorce and ancillary orders was issued and served. It was possible to 'fast track' the matter before a Judge on the basis of its resolution and after hearing short evidence about the breakdown in the relationship, the Judge granted a divorce and made orders in the agreed terms.

Family Mediation

The Board has been responsible for the provision of the State funded family mediation services since November 2011. The service is a free, confidential service in which a professional mediator assists those involved in family breakdown and in particular couples, both married and non-married, to negotiate the terms of their separation or divorce. The service is also available for couples who may never have lived together but have a child together. The mediator assists people to reach their own agreed and informed decisions about all the issues of importance to them including financial and property matters and parenting. The service also deals with a small number of cases which involve conflict between other members of a family (e.g. parents and children, adopted and step children, grandparents and grandchildren, siblings involved in disputes with or concerning elderly parents, wills etc.)

The service is a national service based in 17 locations; there are 8 full-time offices: Ormond Quay & Dolphin House in Dublin, Cork, Galway, Limerick, Blanchardstown, Raheny and Tallaght and 9 part-time offices open for mediation 2 to 3 days a week.

A strong emphasis is placed on trying to ensure that any waiting time for a family mediation service is not such that it is likely to discourage potential participants in mediation. The Board seeks to ensure that persons who wish to try and resolve matters through mediation are not waiting longer than eight to twelve weeks for an appointment with a mediator. This was largely achieved in 2015 with only one office exceeding these times at 31st December (Limerick). As of that date waiting times at 12 of the offices were lower than they had been on the 31st December 2014. Waiting times were longer at two of the offices while the waiting time was the same at a further two offices. The office in Dolphin House operates a different model and effectively does not have waiting times.

In October 2015 the Family Mediation Service / Board received an award from the Mediators' Institute Ireland for Achievement in Family (Separating Couples) mediation. The award was given for the Service's work with children, the location and accessibility of its offices and the versatility / skills of its mediators. The award also acknowledged the contribution to research on Mediation.

Table 14 – Comparative Waiting Times December 2011 - 2015

Centre	Waiting times (months) End December 2015	Waiting times (months) End December 2014	Waiting times (months) End December 2013	Waiting times (months) End December 2012	Waiting times (months) End December 2011
Dublin:					
<i>Ormond Quay</i>	4	18	12	12	12
<i>Blanchardstown</i>	8	12	12	12	24
<i>Raheny</i>	8	12	8	12	16
<i>Tallaght</i>	12	14	12	12	16
Athlone	8	12	8	8	12
Castlebar	8	4	12	8	8
Cork	12	22	12	20	4
Dundalk	4	8	4	12	12
Galway	8	12	12	12	12
Letterkenny	8	8	12	8	12
Limerick	16	8	16	12	12
Portlaoise	12	12	16	8	16
Sligo	4	8	8	12	16
Tralee	8	12	12	8	12
Waterford	8	12	8	8	8
Wexford	8	12	12	12	16

*Waiting times are calculated from the date both parties confirm interest in attending mediation to the date they are offered their first appointment.

Family Mediation Service Provision

It should be noted that the figures below relate to general family mediation services and they do not include those who obtained services at the Board’s office at the District Family Court in Dublin or certain other pilot initiatives, which are referred to below.

714 couples were carried forward from 2014. 1,547 couples attended a first mediation session in 2015. The total number of couples in mediation in 2015 was 2,261 (2,262 in 2014). Of these 867 (57%) reached agreement (40% in 2014). 745 couples in the mediation process were carried forward to 2016.

Table 15: Family mediation service provision in 2015

Centre	Cases Carried Forward From 2014	First Mediation Session Attended	Reached Agreement	% Reached Agreement	Carried Forward to 2016
Dublin:					
<i>Ormond Quay</i>	83	211	112	66%	110
<i>Tallaght</i>	83	171	105	60%	80
<i>Blanchardstown</i>	60	107	57	61%	74
<i>Raheny</i>	69	151	80	55%	75
Athlone	24	61	31	65%	38
Castlebar	32	68	39	48%	20
Cork	52	136	72	54%	56
Dundalk	33	71	36	55%	39
Galway	55	158	98	69%	71
Letterkenny	14	38	22	64%	18
Limerick	71	61	44	43%	30
Portlaoise	57	76	25	29%	49
Sligo	11	43	15	39%	16
Tralee	21	59	49	77%	17
Waterford	23	63	44	61%	15
Wexford	26	73	38	61%	37
TOTAL	714	1547	867	57%	745

Court-related mediation

Dolphin House

Family mediation services have been provided on-site on a full time basis at the District Family Court in Dublin since March 2011. The objective is to encourage and facilitate greater numbers to seek to resolve their family problem with the assistance of a mediator rather than using a court process. Referrals to the mediation service are made by the Courts Service before there is a court hearing. Referrals are also made by the Judges when the parties come before the court. The aim is to provide an easily accessible service. For the first party attending the Board operates a 'walk in no appointment necessary' information meeting. The second party is then invited to attend and is offered an appointment within a two week period. When a second party has attended the information session and is willing to proceed with mediation, a first joint meeting is offered and the mediation process can begin.

In 2015 information on mediation was provided to 1,603 individuals (1,814 in 2014). 407 first joint mediation sessions were held, 766 mediation sessions were held overall and 421 agreements were reached on matters that would otherwise have gone before a District Judge. The statistics for the Dolphin House Family Mediation Service for 2015 and 2014 for comparison are given in the Table below:

Table 16: Dolphin House District Court Mediation Initiative Statistics

Contact Sessions	2015	2014
1 st contact information sessions attended:	1,052	1,108
2 nd contact information sessions attended:	551	635
First Joint Mediation Session attended:	407	407
Mediation sessions attended:	766	808
Agreements:	421	351

The 'First Joint Mediation Session' takes place after both parties have received an individual information session. The number of agreements do not just relate to the couples commencing mediation in 2015. There would have been a number of clients in the process carried forward into 2015 and a number of clients that commenced mediation in 2015 that were still in the process moving into 2016.

The Board and the Courts Service were nominated for a Civil Service Excellence and Innovation Award in 2015 on the basis of this initiative and the initiative was one of three nominations short-listed in the category of customer service.

Working from the model established in Dolphin House, the Board and the Courts Service have rolled out a number of other court-based initiatives:

Naas District Court

The Board and the Courts Service commenced a similarly structured project operating from Naas Courthouse in September 2012. A family mediator is available in-situ in the Courthouse on a Monday and Tuesday and initial referrals and appointments are made through the District Court Clerk. Once the first information appointment has been made and attended the family mediator contacts the second party and offers them an information appointment. If both parties are interested in proceeding with mediation they begin the process.

Statistics for 2015 and 2014 for comparison are set out in the Table below:

Table 17: Naas District Court Mediation Initiative

Contact Sessions	2015	2014
1 st contact information sessions attended:	123	115
2 nd contact information sessions attended:	71	87
First joint mediation session:	56	70
Mediation sessions attended:	108	144
Agreements:	47	45

Cork District Court

From September 2012 the Board and the Courts Service worked together to set up a court-related project in Cork. This commenced in January 2013. The model of this particular project has varied to some extent owing to the changing availability of space in the courthouse. Statistics for 2014 and 2015 are set out in the Table below:

Table 18: Cork District Court Mediation Initiative

Contact Sessions	2015	2014
1 st contact information sessions attended:	92	88
2 nd contact information sessions attended:	70	75
First Joint Mediation Session attended:	52	40
Mediation sessions attended:	112	121
Agreements:	31	31

A number of the referrals came from solicitors and law centres as well as the Courts Service.

Tipperary (Nenagh and Clonmel) District Courts

The Board commenced offering information sessions on one day a week on alternate weeks in Clonmel and Nenagh Courthouses in September 2013. Since mid-2014 the Board has had the use of a room in each courthouse and mediation sessions are now held on site. Statistics for 2015 and 2014 are set out in the Table below:

Table 19: Tipperary Courts Mediation Statistics

Contact Sessions	2015	2014*
1st contact information sessions attended:	72	105
2nd contact information sessions attended:	72	72
First joint mediation sessions:	41	39
Mediation sessions attended:	139	82
Agreements:	25	11

*2014 figures are for the 6 months it was operating in 2014

Limerick District Court

A similarly structured service was set up in Limerick District Courthouse in July 2014 and operates one day a week. 2015 was its first full year of operation. 2014 figures are for the 6 months it was operating in 2014.

Table 20: Limerick Court Mediation Statistics

Contact Sessions	2015	2014
1st contact information sessions attended:	60	30
2nd contact information sessions attended:	55	30
First joint mediation sessions:	41	20
Mediation sessions attended:	87	38
Agreements:	12	3

*2014 figures are for the 6 months it was operating in 2014

Mandatory information projects involving a requirement to get information about family mediation prior to being granted legal aid

In June 2014 a pilot project was set up involving the Board’s two Law Centres and its Family Mediation Office in Cork, requiring clients who presented at the Law Centres with a family law problem that involved a dependent child, to attend an information session on mediation at the Family Mediation Office. Similar initiatives were rolled out in Athlone in November 2014 and in Castlebar in early 2015.

Table 21: Cork mandatory information sessions project

Contact Sessions	2015	2014
1st contact information sessions attended:	198	134
2nd contact information sessions attended:	76	59
First joint mediation sessions:	42	18
Mediation sessions attended:	137	37
Agreements:	33	3

*2014 figures are for the 6 months it was operating in 2014

The Cork initiative will be evaluated in 2016.

Table 22: Athlone mandatory information sessions project

Contact Sessions	2015
1st contact information sessions attended:	128
2nd contact information sessions attended:	36
First joint mediation sessions:	27
Mediation sessions attended:	66
Agreements:	13

Table 23: Castlebar mandatory information sessions project

Contact Sessions	2015
1st contact information sessions attended:	80
2nd contact information sessions attended:	24
First joint mediation sessions:	12
Mediation sessions attended:	31
Agreements:	3

Criminal Legal Aid Ad-hoc Schemes

While the Board's remit was originally confined to civil legal aid, in 2010 the Government made a decision to transfer responsibility for the administration and management of the various Criminal Legal Aid Schemes from the Department of Justice and Equality to the Board. The Government decided that responsibility for the following Schemes would be transferred to the Board:

- Criminal Legal Aid Scheme
- Garda Station Legal Advice Ad-hoc Scheme
- Attorney General's Ad-hoc Scheme
- Criminal Assets Bureau Ad-hoc Legal Aid Scheme
- District Court (Counsel) Ad-hoc Scheme.

The administrative remit for three of the above Schemes have now been transferred to the Board. The first scheme to be transferred was the Garda Station Legal Advice Scheme on 1st October 2011. The Legal Aid - Custody Issues Scheme (originally entitled the Attorney General's Ad-hoc Scheme) was the next to transfer, on 1st June 2012. The Criminal Assets Bureau (CAB) Ad-hoc Scheme was then transferred to the Board on 1st January 2014.

Legislation is necessary to transfer responsibility for the main Criminal Legal Aid Scheme and it is expected that such legislation will be published in 2016.

Garda Station Legal Advice Revised Scheme

The Garda Station Scheme provides free legal advice to persons detained in Garda Stations who qualify under specific qualifying criteria.

The Scheme was revised and expanded in 2014 as a result of a decision by the Director of Public Prosecutions to facilitate for the first time the attendance of solicitors at interviews between Gardaí and detainees in Garda Stations. This required the Scheme to be adapted. A new Scheme Provisions and Guidance Document was published.

As had been anticipated, the figures for 2015, which was the first full calendar year of operating under the new arrangements, show a considerable increase in demand and expenditure. This is primarily due to the fact that solicitors are now entitled to claim for time spent attending Garda interviews and any waiting time associated with these interviews, as well as for telephone and in-station consultations. This is likely to increase further in the coming years as those who interact with the Revised Scheme become more acquainted with its provisions.

Overall post-tax expenditure on the Scheme in recent years is set out in the Table below as follows:

Table 24: Expenditure on Garda Station Legal Advice Scheme

Year	2015	2014	2013	2012	2011	2010
Expenditure €	1.4m	1.0m	0.8m	0.9m	1.2m	1.3m

During 2015, the first full year of operation of the Revised Scheme, the Board processed almost 4,400 claims in respect of over 8,500 Garda Station detainee consultations and almost 5,200 hours of attendance for interviews.

**Table 25 : Legal Aid Board/Garda Station Legal Advice Revised Scheme
Statistical Report for 2015**

	Description	Count	Cost (pre-tax)
1	Total cost of authorised claims	Claims 1,174,794 & Mileage 8,850	€1,183,644.39
2	Overall number of claims authorised during the year (of which included claims for attendance hours)	4384 (1,377)	€1,183,644.39
3	Of the total claims authorised, number of claims which included consultations only	3,007	€429,327.69
4	Of the total claims authorised, number of claims which included attendance hours only	32	€7,792.02
5	Of the total number of claims authorised, number of claims which included both consultations and attendance hours	1,345	€746,524.68
6	Total number of claims authorised during the year under the Offences Against the State Acts legislation (of which included a claim for attendance hours)	251 (102)	€128,346.31
7	Total number of claims authorised during the year under the Criminal Justice Act, 1984-2006 legislation (of which included a claim for attendance hours)	3806 (1,153)	€904,918.43
8	Total number of claims authorised during the year under the Criminal Justice (Drug Trafficking) Act 1996 (of which included a claim for attendance hours)	274 (98)	€103,579.81
9	Total number of claims authorised during the year under Section 50, Criminal Justice Act, 2007 legislation (of which included a claim for attendance hours)	53 (23)	€46,799.84
10	Total number of individual Extension Hearings authorised during the year	14	€2,843.39
11	Total number of individual day consultations authorised (excl. attendance for interviews) during the year in respect of a daytime period visit (8am - 8pm)	3,863	€375,763.84
12	Total number of individual night consultations authorised (excl. attendance for interviews) during the year in respect of a night-time period visit (8pm - 8am)	1,022	€135,156.94
13	Total number of individual consultations authorised (excl. attendance for interviews) during the year in respect of a weekend or bank holiday period visit	1,074	€142,038.55
14	Total number of individual phone consultations authorised during the year	2,617	€103,694.11
15	Total number of hours for day attendance for interview (excl. consultations) between 8am - 8pm	3,221.5 hours	€231,948.00
16	Total number of hours for night / WE / BH attendance for interview (excl. consultations) between 8pm - 8am	1,971.5 hours	€183,349.50
17	Average number of hours per claim (for claims which included attendance hours)	3.77 hours	n/a
18	Total number of solicitor firms that had authorised claims during the year	263	€1,183,644.39

Table 26: Payments (pre-tax) in 2015 (and 2014 for comparison)

	2015	2014
Average payment to a solicitor firm	€4,500	€3,476
Average cost per solicitor claim	€270	€193
Average number of claims per solicitor firm	17	18
Highest cost of an individual claim processed	€5,876	€6,469
Highest total payments to a solicitor firm	€122,000	€54,000
Highest number of claims paid to a solicitor firm	222	243

Legal Aid – Custody Issues Scheme

The purpose of this Scheme is to provide, in certain circumstances, legal aid to persons who need it but who cannot afford it and where the proceedings are not covered by either the Civil Legal Aid or the Criminal Legal Aid Scheme. Access to the Scheme is subject to a recommendation by the relevant Court to the Board that the provisions of the Scheme be made available to the applicant. The Scheme is an administrative, non-statutory arrangement whereby payments are made in respect of legal costs in the following forms of litigation:

- Habeas Corpus (Article 40) Applications
- Supreme Court, Court of Appeal and High Court Bail Motions
- Judicial Reviews that consist of or include certiorari, mandamus or prohibition and which concern criminal matters or matters where the liberty of the applicant is at issue
- Applications under Section 50 of the Extradition Act 1965, Extradition Applications and European Arrest Warrants.

Since taking on the responsibility for the administration of the Scheme in 2012, the Board has introduced significant reforms to the process. This includes the introduction of a new claims system and the publication of a Scheme Provisions and Guidance Document which, for the first time, provided a comprehensive guide to the Scheme's provisions. The Board also introduced a new database to enhance the implementation of the Scheme. This has resulted in increased efficiency in the processing of claims, an enhanced statistical capability for management information and the strengthening of the governance measures to be applied. The database was designed to apply to both the non-bail and the High Court Bail sides of the Scheme (see below).

The Scheme operates under two separate administrative streams, one dealing with High Court Bail Applications in criminal matters and a second (non-Bail) dealing with all other legal proceedings (including Court of Appeal and Supreme Court Bail) falling under the Scheme's provisions.

A range of statistics pertaining to the operation of the Scheme is set out in the tables below.

Table 27: Legal Aid Custody Issues Scheme – General (non-Bail) Statistics 2015

Legal Aid – Custody Issues Scheme General (non Bail) Statistics 2015		Total
1	Number of new cases received by Board from solicitors in 2015	234
2	Number of claims received back after consultation with CSSO	147
3	Number of claims received back after consultation with DPP	17
4	Number of claims received back after consultation with HSE	4
5	Overall number of claims awaiting a response from CSSO at 31/12/15	72
6	Overall number of claims awaiting a response from DPP at 31/12/15	3
7	Overall number of claims awaiting a response from HSE at 31/12/15	6
8	Number of claims returned to solicitors under query during 2015	10
9	Number of claims finalised and authorised by Board for payment	195
10	Total cost of claims pertaining to CSSO cases (173 cases in 2015)	€1,197,000*
11	Highest cost of a CSSO related claim in 2015	€57,664*
12	Total cost of claims pertaining to DPP cases (17 cases in 2015)	€87,000*
13	Highest cost of a DPP related claim in 2015	€13,729*
14	Total cost of claims pertaining to HSE cases (5 cases in 2015)	€72,000*
15	Highest cost of a HSE related claim in 2015	€30,413*
16	Average cost per authorised claim in 2015	€6,953*
17	Total value of claims authorised by Board for the Scheme in 2015*	€1,356,000*

* pre-tax

Table 28: Breakdown of payments in respect of High Court Bail Applications (post tax)

	2015
Total cost of High Court Bail Applications	€1,028,000
Total number of claims processed	1,677
Payments to solicitors	€605,000
Payments to counsel	€420,000
Payments to interpreters / translators	€3,200

Table 29: Annual overall Scheme expenditure breakdown

	2015	2014	2013	2012	2011
High Court Bail Applications expenditure	1,027,000	1,113,000	1,266,000	1,205,000	1,300,000
Non-bail side expenditure	1,722,000	2,118,000	2,100,000	2,300,000	2,600,000
Total expenditure	2,750,000	3,230,000	3,366,000	3,505,000	3,900,000

Criminal Assets Bureau (CAB) Ad-hoc Legal Aid Scheme

The CAB Scheme is an administrative, non-statutory arrangement whereby payments are made in respect of certain legal costs and types of litigation. The Scheme applies to the following types of cases:

- Where a person is a Respondent in any court proceedings brought by, or in the name of, the Criminal Assets Bureau or its Chief Bureau Officer or any member of the Criminal Assets Bureau, including court proceedings under the Proceeds of Crime Act 1996, Revenue Acts or Social Welfare Acts;
- Social Welfare Appeals made to the Circuit Court under Section 307 of the Social Welfare Consolidation Act 2005 where the Criminal Assets Bureau is a Respondent;
- Tax Appeals under the Taxes Acts where the Criminal Assets Bureau or its Chief Bureau Officer or any member of the Criminal Assets Bureau is the Respondent and/or the Defendant;
- Applications made by the Director of Public Prosecutions under Section 39 of the Criminal Justice Act 1994.

The grant of legal aid under the CAB Scheme is a matter for the Court with the appropriate jurisdiction to deal with the specific case.

The Scheme is demand led and expenditure in 2015 totalled €178,000 which is a reduction of over 45% on the 2014 figure. The Board authorised payments in respect of 11 cases in 2015, compared to 20 in 2014. However, given the specialised nature of the cases involved, it is not possible to make projections in relation to future activity and expenditure as might be possible with other Schemes. Cases can run for a number of years with a number of individuals involved in each case, and a single complex case coming to a conclusion in one year may significantly affect the overall expenditure for that year under the Scheme.

Table 30: Legal Aid Board/Criminal Assets Bureau Ad-hoc Legal Aid Scheme

Criminal Assets Bureau Legal Aid Scheme – General Statistics 2015		Total*
1	No. of live cases taken over from the Department on 01/01/2014	14
2	Number of new cases received by Board from solicitors in 2015	7
3	Number of cases received back after consultation with CAB	8
4	Number of cases received back after consultation with DPP	3
5	Overall number of cases awaiting a response from CAB at 31/12/15	2
6	Overall number of cases awaiting a response from DPP at 31/12/15	1
7	Number of cases returned to solicitors under query during 2015	12
8	Number of cases authorised by Board for payment in 2015	11
9	Number of cases authorised for payment in 2014	20
10	Highest cost of a CAB claim in 2015	€ 41,838*
11	Highest cost of a DPP claim in 2015	€ 4,366*
12	Average cost per authorised claim in 2015	€13,205*
13	Total value of claims authorised for the Scheme in 2015	€145,259*

***pre-tax**

Table 31: Criminal Assets Bureau Legal Aid Scheme – Historic Annual Expenditure

Year	Total Expenditure * (post tax)
2015	€178,000
2014	€327,000
2013	€382,000
2012	€700,000
2011	€1,100,000

Supporting Service Delivery

By virtue of its business model, the Legal Aid Board relies on a central support structure to facilitate and manage the delivery of services through its law centre network and other means. This central support structure is based in the Board's Head Office in Cahirciveen, Co Kerry and a support office in Dublin.

Legal Services Support / Civil Legal Aid

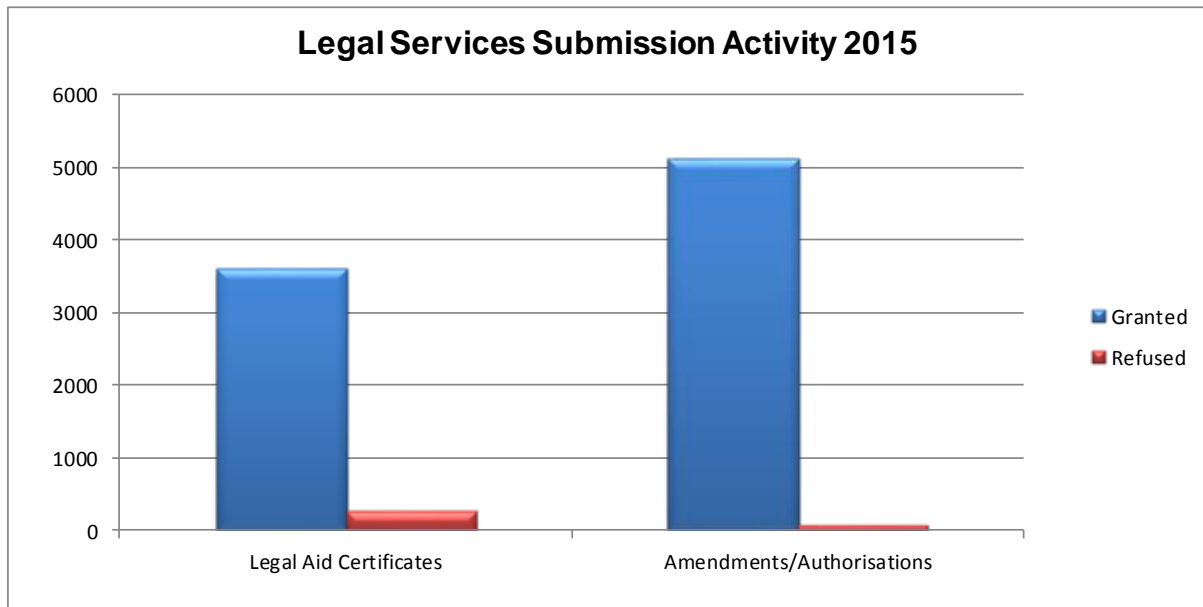
The grant or refusal of legal aid certificates is governed by the Civil Legal Aid Act, 1995, and associated Regulations. The Board's operating model allows local law centres to grant legal aid certificates for most family-law District Court cases, which tend to be less complex and less expensive cases. Whilst many of these cases are dealt with directly by solicitors in the relevant law centre, the majority are allocated to private solicitors on the Board's District Court panel.

For cases which require representation in the Circuit Court or the Superior Courts, the decision-making function is centralised and rests with the Board's Legal Services section, which is based in Cahirciveen, Co Kerry. The decision to grant or refuse legal aid is made on foot of a submission from the relevant law centre solicitor, which sets out the relevant facts and seeks to apply the law to those facts. The authority for case-related expenditure, such as briefing counsel or procuring expert reports, also rests with Legal Services.

In 2015, there were 3,596 certificates granted by Legal Services on foot of submissions made by law centres on behalf of applicants, an increase of 3.4% on the previous year. There were 4,521 amendments to legal aid certificates in the year, an increase of 14% on the previous year. These amendments are effectively authorisations for additional services on a certificate, such as a barrister or a medical report. There were 602 authorisations granted on cases prior to a decision on whether a legal aid certificate should be granted; these were primarily to enable an opinion to be sought from a barrister to help determine the merits of certain cases.

There were 263 formal refusals of legal aid on the merits criteria in 2015, with a further 73 refusals of amendments and other authorities. Applicants who are refused a legal aid certificate or an amendment enabling further services to be provided, have a right of appeal to an Appeal Committee of the Board. Details of the number of cases appealed and the outcomes have already been set out.

Chart 7: Legal Services Submissions Activity 2015



Legal Services also helps administer the Board’s Private Practitioner schemes. This involves processing payment of the claims received on foot of certificates issued as well as dealing with queries and requests for additional services from the solicitors on the Board’s panels of private solicitors.

This unit is also a point of contact point for queries from the public and other stakeholders.

Civil Operations

This Section is responsible for the operational delivery and management of legal services through the law centre network. The Section continued the process of improving the provision of legal services and synergising with the provision of mediation services to persons experiencing family problems.

The Section continued its work in embedding the IT based case management system in the Board, including the improvement of management information obtained from the system. This allows the organisation to maintain and improve its strategic approach in relation to the management of civil legal services. It also continued to monitor the operation of the "triage" type approach in law centres. A focus in 2015 was on building the capacity of the Section to engage more extensively and effectively with each of the individual law centres.

Criminal Legal Aid

The Section charged with the administration of the Criminal Legal Aid Ad-hoc Schemes is based in the Board’s office in Dublin. This Section is responsible for the grant or refusal of legal aid applications under the Garda Station Legal Advice Revised Scheme and the Legal Aid – Custody Issues Scheme. These decisions are based on consideration of issues such as whether the proceedings fall within the scope of the Legal Aid – Custody Scheme or whether the legislation used to detain a person in a

Garda Station came under the Garda Station Legal Advice Revised Scheme. The Criminal Legal Aid Section is also responsible for the authorisation of all payments falling under the Criminal Assets Bureau Legal Aid Scheme, the Garda Station Legal Advice Revised Scheme and the Legal Aid - Custody Issues Scheme. In 2015, a priority was to ensure that the IT Database developments introduced in January were fully and effectively operational, while preparatory work continued to enable the Board to take on the remaining two Criminal Legal Aid Schemes.

The Criminal Legal Aid Section is a key contact point for queries from the public and legal practitioners on a range of queries pertaining to specific cases falling under the Schemes and also with general queries such as the availability of legal aid under the five applicable Schemes.

Human Resources

On the recruitment side the Board introduced a new management structure in 2015 for the delivery of legal services through the recruitment of two regional managers to assist the Director of Civil Legal Aid in fulfilling his role across a geographically dispersed service.

The Board had commenced 2015 by holding a competition for temporary appointment as solicitors, but following the introduction of the new staffing control arrangements later in the year, the Board held competitions for making permanent appointments. Solicitor recruitment competitions were held to fill posts in Athlone, Cavan, Dublin, Dundalk, Kilkenny, Monaghan, and Nenagh. An open Legal Clerk competition was held in 2015, from which eight permanent appointments were made.

The main Industrial Relations issue that arose during the year was the proposed structural change to the family mediation service. This involved considerable work on the design of a new grading / management structure for the service, the overall staffing levels in the service and how it might integrate with the Board's legal services.

Considerable preparatory work was undertaken during the year to facilitate the transfer of some HR work to Peoplepoint which took place in November 2015.

A new Learning and Development Strategy covering the period 2015-2017 was put in place during 2015. The strategy sets out the Learning and Development Unit's (LDU) plan to foster a learning culture in the organisation over the period concerned. This included committing additional financial resources to learning and development during 2015 and LDU staff carrying out a series of phone calls and face to face meetings to discuss training needs on an individual basis with employees. The purpose of this approach was to improve staff engagement and get a better understanding of learning needs in the organisation so that learning interventions could be better tailored to employees' demands consistent with overall organisational objectives.

A total of 1,624 training days (up from 874 in 2014) were provided and expenditure of €145,000 (up from €86,000 in 2014) was invested in the advance/refund of fees scheme. These significant increases reflect the Board's commitment to the personal

development of staff which is also consistent with the thrust of the Civil Service Renewal Plan that was launched in October 2014.

The Board implemented a wide variety of Learning and development initiatives during 2015 including, IT Training, Leadership Development, and continuing professional development for both legal and family mediation staff.

The Board's Equality, Diversity, Disability & Accessibility Strategy was re-drafted in 2015. This strategy was approved by the Board towards the end of 2015 and a working group was formed in order to draw up a corresponding action plan.

A 'Wellbeing Month' was promoted in November 2015. This was an innovation in the Board and one of the first of its kind in the public sector generally. While the total cost to the Board was very modest (approx. €2,000 total spend), the positivity generated throughout the organisation indicates that this may be an initiative that warrants support into the future.

Protected Disclosures

The Board developed a policy on protected disclosure reporting in the workplace to comply with the provisions of the Protected Disclosures Act, 2014.

The Policy sets out the principles underpinning the development and maintenance of an ethical culture in the organisation and the operational details of how protected disclosures are to be made by workers in the Board. A confidential recipient was appointed. No disclosures were reported to the confidential recipient in 2015.

Information and Communications Technology (ICT)

A key focus of the ICT unit of the Board during 2015 was on infrastructure. The infrastructure in the Board that supported our main legal case management system was reaching end of life and required upgrade to ensure scalability for the future. A project to replace same commenced at the end of 2015.

A project to develop a new website was agreed in 2015. Sanction was secured to proceed with same and the project commenced at the end of 2015 and the new website should be live in 2016.

Organisational Support

Organisation Unit manages the provision of goods and services, including maintenance, to each of the 50 properties occupied by the Board. Whilst the Unit's primary objective is to ensure that each location is fit for purpose for the delivery of services, it has placed a particular emphasis in recent years on achieving this in the most cost-effective manner possible. The Unit follows the policies of the Office of Government Procurement closely and continues to obtain value for money when tendering for goods and services.

Property Management

During 2015, there was a considerable amount of property related activity across the Board's portfolio of 50 properties. Staff moved from the Board's Mount Street offices on the expiry of the lease there to premises already held in North Brunswick Street. A considerable refurbishment of Monaghan Law Centre took place prior to a renewal of the lease, while Longford Law Centre relocated to a more suitable premises.

Preparatory work for potential future moves was also undertaken during the year in a number of locations including Tallaght, Finglas, Wexford, Portlaoise and Dublin city centre. Negotiations on revised leases were also ongoing for premises in Athlone, Blanchardstown, Cavan, Dundalk, Ennis, Galway, Newbridge and Waterford. Options for co-locating family mediation and law centre services were considered in all potential relocations and, as a result family mediation and legal services in Dublin city centre are to be co-located in Jervis House during the first half of 2016.

Health & Safety

The Safety Statement was reviewed and updated in 2015 and distributed to all law centres and offices. There were no serious health and safety incidents and none were reportable to the HSA.

Official Languages Scheme

The revised second Scheme received final approval from the Department of Arts, Heritage and the Gaeltacht in August 2014 and a commencement date of 11th August 2014 was notified. The Scheme was placed on the Board's website and the implementation plan for the Scheme was updated. The Board is continuing to monitor its commitments under the Scheme.

Financial Management

The Board's Finance Unit is responsible for the financial management of the organisation. During 2015, the Unit continued to support the work of the Board through maintenance of effective accounting systems. Regular financial reports, together with periodic expenditure analysis reports were provided to Management, the Finance Committee and the Board to assist in the effective management of the Board's budget.

The Unit facilitated the annual audit carried out on behalf of the Comptroller and Auditor General.

Internal Audit

Reports on audits of the following Law Centres were presented to the Board's Audit and Risk Management Committee by the internal auditors for consideration and approval by the Committee: Athlone, Blanchardstown, Cork North, Cork South, Dundalk, Ennis, Nenagh, Finglas, Dolphin House, Castlebar, Galway, Kilkenny, Longford, Newbridge, Tullamore, Medical Negligence, Letterkenny, Clondalkin, Brunswick Street, Monaghan and Waterford. None of the audits presented during the year made any material findings.

The Committee also considered the audit exercises on the Garda Legal Advice Scheme and the Board's Payroll. The responses were noted and there were no material findings.

Finance

The Board's financial statements for 2015 are shown at Appendix 1.

Income

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

(a) Grant

As in previous years, most of the Board's income consists of a grant received from the Department of Justice and Equality. Funding provided by the Government in 2015 was €32.471 million, as compared with €32.574 million in 2014.

(b) 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 for legal advice was increased to €30 in September 2013 from €10 and the minimum contribution for representation in court was increased to €130 from €50. This minimum contribution can be waived in cases of hardship. Contributions received in 2015 (€1,516,559) were 17% higher than in 2014 (€1,292,007).

(c) 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 2015 (€649,691) were 6% higher than in 2014 (€614,894).

Expenditure

The following are comments on the major items of expenditure shown in the 2015 financial statements:

1) Salaries

Salary and related costs decreased by €78,001 (.5%) in 2015. This was mainly due to the impact of the Haddington Road agreement.

2) Accommodation and establishment costs

Expenditure in this area has increased by €517,784 (12%) in 2015. This was largely due to dilapidation costs (€279k) for the Mount Street and Gardiner Street law centres. Increases the cost of computer maintenance was a contributing factor also.

3) Legal fees and expenses

There are a number of differing elements covered in this heading - see Note 10 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 €103,257 (2%) when compared with 2014.

The accrual for counsel fees, where work has been undertaken but not yet presented for payment at December 31st 2015, stands at €4.507 million which is 5% higher than at the end of 2014.

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

Table 32: Counsel Fees

Year	Counsel Fees
2009	€5,125,472
2010	€4,793,475
2011	€4,889,622
2012	€5,032,263
2013	€4,493,286
2014	€4,318,914
2015	€4,215,657

(ii) Legal fees (Expert witnesses etc.)

These case-related expenses are the additional expenses incurred by the Board, over and above counsel fees, in providing a civil legal aid and advice service to members of the public. The expenditure amount under this heading is derived from the requirements of the cases handled by the Board in any particular year.

Legal Fees (Expert witnesses etc.) were €779,770 in 2015 which was an increase of 18% on the 2014 figure.

(iii) Private practitioner scheme

Expenditure on the private practitioner scheme was €3.016 million in 2015, which was 6% higher than the 2014 outturn

At December 31st 2015, the accrual for private practitioner fees, where work has been incurred but not yet presented for payment, stood at €4.165 million. The accrual for 2014 was €3.508 million.

(iv) Professional Mediation Fees

In 2015, €314,952 was paid to mediators for work carried out on behalf of the Family Mediation Service. This was a decrease on the 2014 figure; the reason for this decrease was due to the fact that the mediators became employees of the Board during July 2015.

(v) 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. Expenditure in 2015 was €443,119.

(vi) Other expenses

This category saw a 37% increase to €626,506 in 2015 compared to 2014. This increase was mainly due to the increase in Training in the Board.

4) General administration

Costs under this heading were 12% higher in 2015 at €2.187 million.

The following graph shows a breakdown of expenditure by the Board over the last five years.

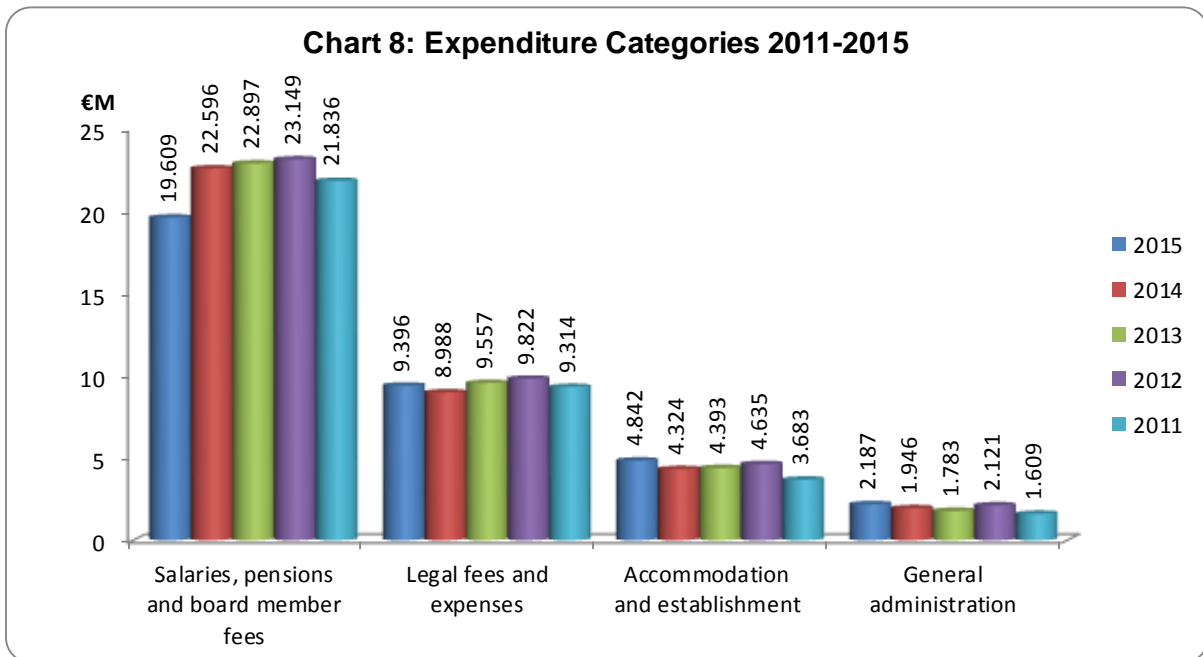
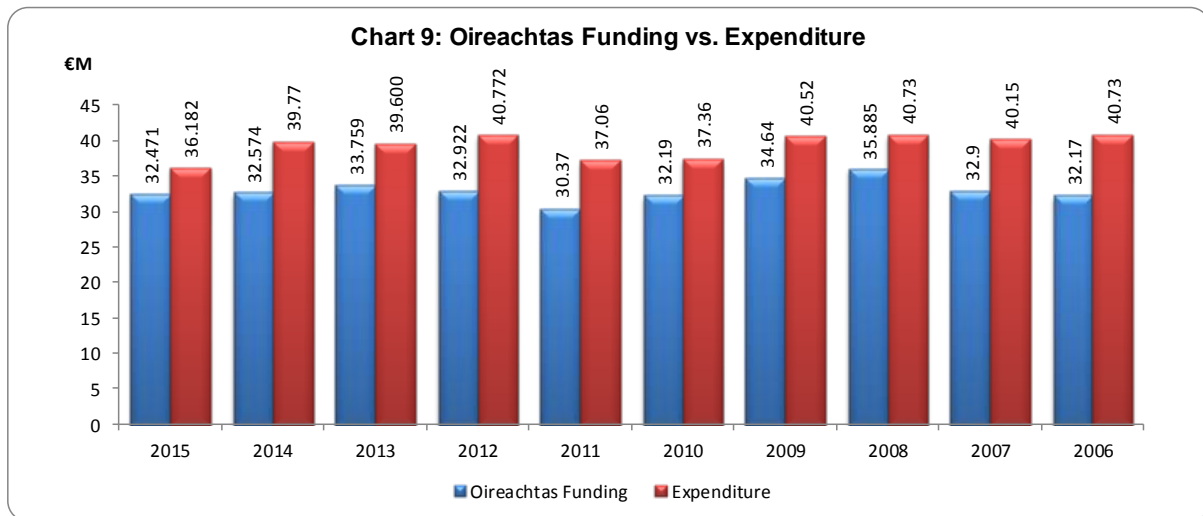


Chart 9 below shows the relationship between Oireachtas funding and actual expenditure over the last ten years.



Cash at bank and on hand

The Balance Sheet shows that the Board had €2.3 million on hand at the end of 2015. This included €0.871 million held on behalf of clients. It can be seen from Note 15 to the accounts that the throughput of client funds in 2015 was €5.015 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 similar to the level of expenditure incurred by the Board each month and is considered to be a reasonable level of funding to have on hand 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 15 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 2015 amounted to €0.

APPENDIX 1

Financial statements for the year ended 31 December 2015

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LEGAL AID BOARD

FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 DECEMBER 2015

Board Members

Chairperson Muriel Walls
Members David Denny
Mary Dalton
Kate Hayes
Joy McGlynn
Carol Baxter
Micheál O'Connell
John O'Gorman
Philip O'Leary
Michelle O'Neill
Ger Power
David Garvey

Office Address Quay St.,
Cahirciveen,
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Board Secretary Clare Kelly

Banker Allied Irish Banks
24 Main Street,
Cahirciveen,
Co. Kerry

Solicitor Mason Hayes and Curran
South Bank House,
Barrow Street,
Dublin 4

Auditor Comptroller and Auditor General
3A Mayor Street Upper,
Dublin 1

STATEMENT OF BOARD RESPONSIBILITIES

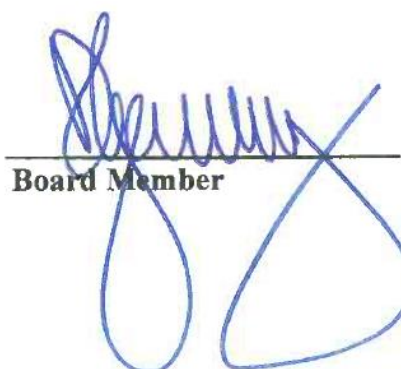
Section 20 of the Civil Legal Aid Act, 1995 requires the Board to keep, in such form as may be approved by the Minister for Justice and Equality, with the consent of the Minister for Finance, all proper and usual accounts of any moneys received or expended by it.

In preparing those Financial Statements, the Board is required to:

- select suitable accounting policies and then apply them consistently;
- make judgements 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 Legal Aid Board 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 Legal Aid Board and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.


Chairperson


Board Member

Statement on Internal Financial Control 2015


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 that 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. The Chief Executive reports to the Board at its monthly meetings and the Chief Executive and senior management also report to it through its various committees. A Corporate Governance Manual was developed in 2006 to provide a clear and comprehensive summary of the principal aspects of corporate governance for the Board and senior management. Actions have been taken to ensure compliance with the revised Code of Practice for the Governance of State Bodies, published in June 2009. These actions included the amending of the Board's own Corporate Governance Manual to take account of the 2009 Code of Practice and the revised Corporate Governance Manual was formally approved by the former Board at its meeting in November 2009. The Board's manual has been updated on two occasions since 2009, in December 2011 and 2013. A revised Code of Business Conduct for Board Members was also approved by the former Board in October 2009. As required under the 2009 Code of Practice, the Board developed and implemented a Travel Policy during 2009 which sets out how the Board complies with the current Department of Finance regulations and guidelines on travel and subsistence. A financial fraud prevention policy for the Board was approved and implemented during 2008 which includes, inter alia, procedures whereby employees of the Board may in confidence, raise concerns about possible irregularities in financial reporting and other matters and ensure that such matters are followed up in a meaningful way. This policy was updated in 2015. A Corporate Procurement Policy was finalised in September 2010 and forwarded to the Finance and Audit and Risk Management Committees for information prior to implementation. A Protected Disclosures Policy that establishes internal procedures for the making of protected disclosures was developed and implemented during 2015. The current Board was appointed in December 2011 and was briefed on Board roles and responsibilities.
 - **Budget Information Systems:** the Board has a comprehensive budgeting system that includes approval by the statutory Board of annual budgets and monitoring of monthly financial reports. Budgets are used to plan, authorise, monitor and control the way the funding of the Board is determined, allocated and spent. The arrangements for budgetary control include the provision of regular, relevant and timely financial information to monitor income and expenditure in all areas and the taking of corrective action where it is considered necessary. The Finance Committee is a committee of the Board which considers the Board's finances in detail and reports to

the Board on the financial affairs and policies of the Board. This includes the review of budgets and financial reports, the recommendation of approval of the Board's annual accounts to the Board 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. The Finance Committee met on six occasions during 2015 and, as part of its functions, examined in detail the recovery of costs and waiver of costs on the income side. On the expenditure side, the Committee examined legal fees and payments to barristers, including high cost cases. Over the past four years, ten key areas of income and expenditure have been examined by the Committee and recovery of costs has been reviewed twice. During 2015, the Committee was also briefed on property matters. In addition to the monthly financial reports, the Committee also considered a mid year review of finances and an income and expenditure comparison at the end of September for the years 2012 to 2015.

- **Risk Management:** the Board has adopted and implemented a clearly defined Risk Management policy and maintains a formal Risk Register that documents business risks and associated mitigations, controls and actions for all aspects of the Board's activities through the application of risk analysis techniques to its business objectives. Risk analysis principles have been systematically applied to the objectives of all Business Plans for the Board and risk management forms an integral part of the Business Planning process. One of the functions of the Audit and Risk Management Committee of the Board is to provide an independent opinion on the adequacy of the Board's risk management arrangements. In February 2009, the former Committee agreed to a change in its procedures and terms of reference to reflect the increasing importance of and focus on managing corporate risk. As a result of this change, the Committee was re-titled the Audit and Risk Management Committee (previously Audit Committee). An external member to the Board was reappointed to the new Committee in January 2012. In March 2010, a formal risk materialisation reporting system on any potential and real risks that materialised or near miss occurrences was implemented. The report has been modelled on the Board's Corporate Risk Register and is updated in conjunction with the risk register on a twice yearly basis. The Board's risk register was revised in January 2013 to reflect each individual area of the Board and the particular risks associated with each area to ensure that all risks are captured and to maximise a risk focused approach. Both the risk register and the risk materialisation reports were presented to the Committee in February and September 2015. The former Committee adopted recommendations arising from the Board's review of the internal audit process in October 2010. As part of this review, Management carried out an examination of the capacity and role of the Board's internal audit function and brought forward proposals on this issue to the former Committee. The review identified, inter alia, that the risk register should be consulted and the highest areas of risk should be identified in the context of determining the key areas for examination by the internal audit function. The current Committee agreed proposals which provided for a greater role for the internal audit function in reviewing material from client files. In March 2013, the scope of the internal audits on law centres was expanded to include an element of file review assurance as recommended by the Committee. The Board has developed two specific risk monitoring reports on the legal case management system to assist it in monitoring and reporting on risk and these reports were presented to the Committee. Remote auditing of client files using the legal case management system was implemented during 2015 and a remote auditing protocol was developed and adopted by the Committee. The Board's Risk Management Policy which was revised and recommended to the Board for approval by the Committee was approved by the Board in July 2015. The Committee was briefed on the Draft Code of Practice for the Governance of State Bodies and considered the

additional key new requirements including, amongst other things, performance appraisal for Committee members, including, the Chairperson and measuring committee effectiveness. The Committee considered the Garda Station Legal Advice Scheme and Payroll audits and noted the Board's responses to the issues raised and that there were no material findings. The Committee met on six occasions in 2015.

- **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. In addition, the statutory Board has reserved approval of expenditure on contracts with value in excess of €65,000, while the Finance Committee of the statutory Board is notified of all contracts with value in excess of €10,000 and less than €65,000. During 2015, the internal audit function of the Board carried out audits of accounts and procedures in twenty of the Board's law centres. The Audit and Risk Management Committee expanded the role of the Internal Audit function in 2012 to include an examination of other relevant matters in law centres in addition to assessing the adequacy of internal financial controls. This role was further expanded by the Committee in 2015 to include remote auditing of law centres to enhance the internal audit function.
 - **Monitoring of Internal Control:** the Board has an Internal Audit function whose annual audit programme is approved by the Audit and Risk Management Committee of the statutory Board and one of whose functions is to review all aspects of internal financial controls. The Audit and Risk Management Committee reviews the work and recommendations of the Internal Audit function and monitors the action taken by management to resolve any issues that have been identified. The former Committee adopted a Charter for the Internal Audit function of the Board early in 2011. The Charter sets out the roles and responsibilities of the Internal Audit function, including the planning, reporting and accountability elements of its operation. 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 and Risk Management Committee and the statutory Board, which ensures that issues raised are acted upon. The Audit and Risk Management Committee is required to 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 Committee report was completed in February 2016 and was presented to the Board in conjunction with the Management response at its meeting on 10th March 2016.
4. I confirm that during the year ended 31 December 2015, the Board, through its Finance Committee and Audit and Risk Management Committee, and through the Board itself, continued to monitor and review the effectiveness of the Board's system of internal financial controls.

Signed: 
Chairperson



Legal Aid Board

I have audited the financial statements of the Legal Aid Board for the year ended 31 December 2015 under the Civil Legal Aid Act 1995. The financial statements comprise the statement of income and expenditure and retained revenue reserves, the statement of comprehensive income, the statement of financial position, the statement of cash flows and the related notes. The financial statements have been prepared in the form prescribed under Section 46 of the Act, and in accordance with generally accepted accounting practice.

Responsibilities of the Board

The Board is responsible for the preparation of the financial statements, for ensuring that they give a true and fair view and for ensuring the regularity of transactions.

Responsibilities of the Comptroller and Auditor General

My responsibility is to audit the financial statements and to report on them in accordance with applicable law.

My audit is conducted by reference to the special considerations which attach to State bodies in relation to their management and operation.

My audit is carried out in accordance with the International Standards on Auditing (UK and Ireland) and in compliance with the Auditing Practices Board's Ethical Standards for Auditors.

Scope of audit of the financial statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements, sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of

- whether the accounting policies are appropriate to the Legal Aid Board's circumstances, and have been consistently applied and adequately disclosed
- the reasonableness of significant accounting estimates made in the preparation of the financial statements, and
- the overall presentation of the financial statements.

I also seek to obtain evidence about the regularity of financial transactions in the course of audit.

In addition, I read the Legal Aid Board's annual report to identify material inconsistencies with the audited financial statements and to identify any information that is apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by me in the course of performing the audit. If I become aware of any apparent material misstatements or inconsistencies, I consider the implications for my report.

Opinion on the financial statements

In my opinion, the financial statements:

- give a true and fair view of the assets, liabilities and financial position of the Legal Aid Board as at 31 December 2015 and of its income and expenditure for 2015; and
- have been properly prepared in accordance with generally accepted accounting practice.

In my opinion, the accounting records of the Legal Aid Board were sufficient to permit the financial statements to be readily and properly audited. The financial statements are in agreement with the accounting records.

Matters on which I report by exception

I report by exception if I have not received all the information and explanations I required for my audit, or if I find

- any material instance where money has not been applied for the purposes intended or where the transactions did not conform to the authorities governing them, or
- the information given in the Legal Aid Board's annual report is not consistent with the related financial statements or with the knowledge acquired by me in the course of performing the audit, or
- the statement on internal financial control does not reflect the Legal Aid Board's compliance with the Code of Practice for the Governance of State Bodies, or
- there are other material matters relating to the manner in which public business has been conducted.

I have nothing to report in regard to those matters upon which reporting is by exception.

Seamus McCarthy
Comptroller and Auditor General
30 September 2016

LEGAL AID FUND


STATEMENT OF INCOME AND EXPENDITURE AND RETAINED REVENUE RESERVES


for the year ended 31 December 2015

	Note	2015		2014 Re-stated (note 1)	
		€	€	€	€
Income					
State funding	2	32,471,000		32,574,000	
Net deferred funding for pensions	3 c	(43,371)		3,541,774	
Contributions from aided persons		1,516,559		1,292,007	
Costs recovered		649,691		614,894	
Other income	4	<u>248,790</u>		<u>267,854</u>	
			34,842,669		38,290,529
Expenditure					
Salaries and related expenses	6	19,265,693		19,343,694	
Pension costs	3 a	303,255		3,767,924	
Revenue Commissioners tax provision	18	(276,189)		700,000	
Fees to board members		39,672		39,672	
Accommodation and establishment expenses	9	4,841,775		4,323,991	
Legal fees and expenses	10	9,395,623		8,988,151	
General administration	11	2,187,056		1,946,414	
Depreciation	12	408,678		643,264	
Audit fee		<u>16,700</u>		<u>16,700</u>	
			36,182,263		39,769,810
Deficit for the year before appropriations			(1,339,594)		(1,479,281)
Transfer (to)/ from capital account	5		<u>(119,079)</u>		<u>296,363</u>
Deficit for the year after appropriations			(1,458,673)		(1,182,918)
Opening balance as at start of year			<u>(6,402,673)</u>		<u>(5,219,755)</u>
Closing balance as at end of year			<u>(7,861,346)</u>		<u>(6,402,673)</u>

All income and expenditure for the year 31 December 2015 relates to continuing activities at the balance sheet date.

The statement of cash flows, together with Notes 1 to 20, form part of these financial statements.


 MURIEL WALLS


 JOHN MCDAID

Chairperson Date 29.09.2016



Chief Executive Date 28th Sept 2016

STATEMENT OF COMPREHENSIVE INCOME

for the year ended 31 December 2015

	Note	2015		2014 (Re-stated - note 1)	
		€	€	€	€
Deficit before appropriations			(1,339,594)		(1,479,281)
Experience (losses)/ gains on retirement benefit obligations	3 d	(913,000)		30,443,000	
Changes in assumptions underlying the present value of retirement benefit obligations			-		-
Actuarial (loss)/ gain in the year	3 b		(913,000)		30,443,000
Adjustment to retirement benefits funding			913,000		(30,443,000)
Total comprehensive income for the year			(1,339,594)		(1,479,281)

The statement of cash flows, together with Notes 1 to 20, form part of these financial statements.


 MURIEL WALLS

 JOHN MCDAID

Chairperson Date 29.09.2016


Chief Executive Date 28th Sept 2016

STATEMENT OF FINANCIAL POSITION

as at 31 December 2015

	Note	2015		2014 Re-stated	
		€	€	€	€
Property, plant and equipment	12		713,083		594,004
Current assets					
Cash at bank and on hand		2,316,090		3,437,994	
Receivables	13	<u>1,028,136</u>		<u>1,008,238</u>	
		3,344,226		4,446,232	
Current liabilities (amounts falling due within one year)					
Payables	14	10,347,044		9,722,314	
Clients' funds	15	<u>858,528</u>		<u>1,126,591</u>	
		11,205,572		10,848,905	
Net current liabilities			<u>(7,861,346)</u>		<u>(6,402,673)</u>
Total assets less current liabilities before retirement benefit obligations			<u>(7,148,263)</u>		<u>(5,808,669)</u>
Deferred retirement benefits funding	3 c	13,868,403		12,998,774	
Retirement benefits obligations	3 b	<u>(13,868,403)</u>		<u>(12,998,774)</u>	
			-		-
Total net assets			<u><u>(7,148,263)</u></u>		<u><u>(5,808,669)</u></u>
Represented by:					
Retained revenue reserves			(7,861,346)		(6,402,673)
Capital account	5		<u>713,083</u>		<u>594,004</u>
			<u><u>(7,148,263)</u></u>		<u><u>(5,808,669)</u></u>

The statement of cash flows, together with Notes 1 to 20, form part of these financial statements.


MURIEL WALLS

Chairperson

Date 29.09.2016


JOHN H. DARD

CEO

29th Sept 2016

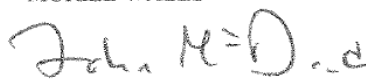
STATEMENT OF CASH FLOWS

for the year ended 31 December 2015

	2015 €	2014 €
Net cash flows from operating activities		
Excess expenditure over income	(1,339,594)	(1,479,281)
Depreciation of property, plant and equipment	408,678	643,264
Increase in bank interest receivable	(25,739)	(19,447)
Increase in debtors	(29,184)	(410,572)
Increase in creditors	366,895	1,270,415
Net cash (outflow)/ inflow from operating activities	<u>(618,944)</u>	<u>4,379</u>
Cash flows from investing activities		
Payments to acquire fixed assets	(527,757)	(346,901)
Interest paid on client settlements	(7,848)	(13,275)
Net cash flows from investing activities	<u>(535,605)</u>	<u>(360,176)</u>
Cash flows from financing activities		
Bank Interest Received	<u>32,645</u>	<u>61,218</u>
Net cash flows from financing activities	<u>32,645</u>	<u>61,218</u>
Decrease in Cash and Cash Equivalents	(1,121,904)	(294,579)
Cash and cash equivalents at 1 January	<u>3,437,994</u>	<u>3,732,573</u>
Cash and cash equivalents at 31 December	<u><u>2,316,090</u></u>	<u><u>3,437,994</u></u>

 _____ Chairperson
MURIEL WALLS

Date 29.09.2016

 _____ Chief Executive
JOHN MCDAID

Date 28th Sept 2016

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 31 December 2015

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 and Equality. The Fund consists of all the financial resources of the Board.

In 2015, the Board operated out of 50 premises throughout the country.

Basis of preparation

The financial statements of the Legal Aid Board for the year ended 31 December 2015 have been prepared in accordance with FRS 102, the financial reporting standard applicable in the UK and Ireland issued by the Financial

Reporting Council (FRC), as promulgated by Chartered Accountants Ireland. These are the Legal Aid Board's first set of financial statements prepared in accordance with FRS 102. The date of transition to FRS 102 is 1 January 2014.

The effect of the transition to FRS 102 was to recognise a further liability for holiday pay as outlined in note 19 below.

The financial statements have been prepared under the accruals method of accounting, except where stated below, and in accordance with generally accepted accounting principles under the historical cost convention and in the form approved by the Minister for Justice and Equality with the consent of the Minister for the Department of Public Expenditure and Reform.

Going Concern

The Legal Aid Board is a statutory body established under the Civil Legal Aid Act 1995. The financing of the Board's activities is predominantly met by grant and exchequer funding from the Department of Justice and Equality.

During the financial year the Board carried out a comprehensive exercise for the purpose of assessing the Board's accrued liabilities figure, in particular, Counsel Fees and the Private Practitioner service.

The statement of financial position at 31 December 2015 shows an excess of liabilities over assets of €7,148,263. This deficit arises from the timing difference between receipt of funding to pay liabilities for legal services when they are due for payment and the provision for these liabilities that is recognised in these accounts under the accruals method of accounting.

A letter of ongoing support has been received from the Acting Secretary General of the Department of Justice and Equality confirming that the Board's activities will be funded into the future.

The Board takes the view that the going concern accounting convention applies to the accounts which represent the operations of the Board as long as the provisions of the Civil Legal Aid Act 1995 remain in existence.

The Board knows of no review of its operations or intention to suspend its activities or merge it with other organisations.

It has therefore been considered appropriate to adopt a going concern basis for the preparation of these financial statements.

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 2015 was approximately €25,000. There were no bad debts written off in 2015.

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.

The costs are accounted for on a cash receipts basis.

Property, plant and equipment and related depreciation

Property, plant and equipment is shown on the statement of financial position 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 rates:-

Leases, office furniture & equipment, and premises fit out	20%
Computer equipment	33%

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 2015, 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 property, plant and equipment.

Retirement benefit obligations

The Legal Aid Board operates a defined benefit pension scheme, which is funded annually on a pay as you go basis from monies available to it, including monies provided by the Department of Justice and Equality and from contributions deducted from solicitors' salaries.

The Minister for Justice and Equality signed an order making all solicitors in the Board civil servants with effect from

1 June 2014 pension liabilities for this group passed to the Department of Public Expenditure and Reform's central Vote for Superannuation from that date.

The only liability left with the Board is for solicitor pensioners who retired prior to 1 June 2014 and their dependents.

The Department of Justice and Equality have been asked to identify a legislative vehicle to facilitate the transfer of this liability to the Superannuation Vote for civil service pensions. In the interim, the Board is still required to recognise a liability for this group and this is reflected in the statement for the 2015 accounts.

Retirement benefit liabilities represent the present value of future pension payments earned by pre-June 2014 pensioners.

Deferred retirement benefit funding represents the corresponding asset to be recovered in future periods from the Department of Justice and Equality.

Retirement benefit costs reflect financing costs for pre-June pensioners in the period and are shown net of staff pension contributions which are retained by the Legal Aid Board. An amount corresponding to the retirement benefit charge is recognised as income to the extent that it is recoverable, and offset by grants received in the year to discharge retirement benefit payments.

Actuarial gains or losses arising on scheme liabilities are reflected in the statement of comprehensive income and a corresponding adjustment is recognised in the amount recoverable from the Department of Justice and Equality.

Non solicitor staff are members of the civil service pension scheme which is accounted for in the Superannuation Vote.

Provisions

A provision is recognised when an obligation (whether legal or constructive) arises as a result of a past event and when it is probable that a transfer of economic benefit will be required to settle the obligation and that it can be reliably estimated.

The Legal Aid Board estimates the value of unbilled live cases each year to arrive at the amounts disclosed within the accounts as a provision. The amount is an estimate of the expenditure required to settle any obligation at the statement of financial position date.

In estimating the provision, the Board has adopted prudent measurement techniques based on the latest data available improved data capture methods have been utilised in the Board's estimate for the current year. No income is anticipated for cases that may recover costs.

Administration of certain Legal Aid Schemes

The Board administers certain legal aid schemes on behalf of the Department of Justice and Equality, these being the Garda Station Legal Advice ad-hoc scheme, the Attorney General ad-hoc scheme and the Criminal Assets Bureau ad-hoc scheme which was transferred to the Board with effect from 1 January 2014. The costs of administering these schemes continue to be met from the Department of Justice and Equality Subhead C.4. and C.5. A Government decision in 2010 determined that the main criminal legal aid scheme should come under the administration of the Board. This requires a legislative change and publication of a Criminal Legal Aid Bill is awaited.

2 State funding

State Funding was received from Vote 24 - Office of the Minister for Justice and Equality as follows:

Subhead:	2015	2014
	€	€
C.5 Grant	32,471,000	32,574,000

3 Retirement benefit obligations

Retirement benefit obligations are calculated for solicitor pensioners who retired prior to 1 June 2014 and their dependents.

In accordance with section 11 of the Civil Legal Aid Act, 1995 the Minister designated Board solicitors as civil servants in the service of the State with effect from 1 June 2014. As a result, all liabilities for solicitors serving on that date transferred to the Department of Public Expenditure and Reform Superannuation Vote.

(a) Analysis of total pension costs charged to Expenditure		
	2015 €	2014 €
Current service cost	0	2,000,000
Interest on Pension Scheme Liabilities	700,000	2,200,000
Employee Contributions	<u>(396,745)</u>	<u>(432,076)</u>
	<u>303,255</u>	<u>3,767,924</u>

(b) Movement in Net Pension Liability during the financial year		
	2015 €	2014 €
Net Pension Liability at 1 January	12,998,774	39,900,000
Current Service Cost	0	2,000,000
Interest Costs	700,000	2,200,000
Actuarial (Gain)/Loss	913,000	(30,443,000)
Pensions paid in the year	<u>(743,371)</u>	<u>(658,226)</u>
Net Pension Liability at 31 December	<u>13,868,403</u>	<u>12,998,774</u>

(c) Deferred Funding Asset for Pensions

The Legal Aid Board recognises these amounts as an asset corresponding to the unfunded deferred liability for pensions on the basis of the set of assumptions described above and a number of past events. These events include the statutory basis for the establishment of the superannuation scheme, and the policy and practice currently in place in relation to funding public service pensions including contributions by employees and the annual estimate process. While there is no formal agreement regarding these specific amounts with the Department of Justice and Equality, the Board has no evidence that this funding policy will not continue to meet such sums in accordance with current practice.

The Net Deferred Funding for Pensions recognised in the Income and Expenditure Account was as follows:

	2015 €	2014 €
Funding recoverable in respect of current year retirement benefits	700,000	4,200,000
State grant applied to pay retirement benefits	<u>(743,371)</u>	<u>(658,226)</u>
	<u>(43,371)</u>	<u>3,541,774</u>

The deferred funding asset for retirement benefits as at 31 December 2015 amounted to €13.87 million (€12.99 million in 2014).

(d) History of defined benefit obligations

	2015 €	2014 €	2013 €
Defined Benefit obligations	13,868,403	12,998,774	39,900,000
Experience gains on Scheme Liabilities amount	(913,000)	30,443,000	3,085,230
Percentage of the present value of the scheme liabilities	-7%	234%	8%

The cumulative actuarial gain recognised in the Statement of Comprehensive Income amounts to € 36,475,683.

(e) General Description of the Scheme

The pension scheme is a defined benefit final salary pension arrangement with benefits and contributions defined by reference to current "model" public sector scheme regulations. The scheme provides a pension (eightieths per year of service), a gratuity or lump sum (three eightieth per year of service) and spouse's and children's pensions. Normal Retirement Age is a member's 65th birthday, and pre 2004 members have an entitlement to retire without actuarial reduction from age 60. Pensions in payment (and deferment) normally increase in line with general public sector salary inflation.

The valuation used for FRS 17 (Revised) disclosures has been based on a full actuarial valuation (Apr '15) by a qualified independent actuary taking account of the requirements of the FRS in order to assess the scheme liabilities at 31 December 2014.

The principal actuarial assumptions were as follows:

	2015	2014
Rate of increase in salaries	2.5%	4.0%
Rate of increase in pensions in payment	2.5%	4.0%
Discount Rate	2.4%	5.5%
Inflation Rate	1.8%	2.0%

The average future life expectancy according to the mortality tables used to determine the pension liabilities were as follows:

	2015	2014
Male aged 65	22	22
Female aged 65	25	25

4. Other income

	2015 €	2014 €
Interest received and receivable	25,739	19,447
Sundry receipts	223,051	248,407
	<u>248,790</u>	<u>267,854</u>

5. Capital Account

	€	€
Balance as at 1 January 2015		594,004
Transfer to Income and Expenditure Account		
- Income used to purchase fixed assets	527,757	
- Income amortised in year in line with depreciation of assets	<u>(408,678)</u>	
		<u>119,079</u>
Balance as at 31 December 2015		<u><u>713,083</u></u>

6. Employee numbers and costs

The total staff complement as approved by the Minister at 31 December, 2015 was 382. The number of staff actually employed by the Board at 31 December, 2015 was 403 (2014 - 378) The average number of employees in the Board during the year was 391 (2014 - 372). Employee and related costs were as follows:

	2015 €	2014 €
Salaries	17,797,470	17,924,006
Cost of Secondment	28,828	55,946
Employer PRSI	<u>1,439,395</u>	<u>1,363,742</u>
	<u><u>19,265,693</u></u>	<u><u>19,343,694</u></u>

€932,760 was deducted from staff by way of pension related deductions and was paid over to the Department of Justice and Equality.

7. Chief Executive Officer Salary and Expenses

	2015 €	2014 €
CEO Salary	122,171	130,310
CEO Expenses	<u>2,231</u>	<u>3,944</u>
	<u><u>124,402</u></u>	<u><u>134,254</u></u>

The CEO received salary payments of € 122,171. No performance related scheme is in place for the CEO.

The CEO also received an amount of € 2,231 in respect of expenses.

The CEO is a member of an unfunded defined benefit public sector scheme and his pension entitlements do not extend beyond the standard entitlements in the public sector defined benefit superannuation scheme.

8. Board members Fees and Expenses

	2015 €	2014 €
Board Members Fees	39,672	39,672
Board Members Expenses	13,936	15,665
	<u>53,608</u>	<u>55,337</u>

Board Members	Fees	Board Members	Fees
David Garvey	7,695	Philip O'Leary	7,695
Catherine Hayes	7,695	Michelle O'Neill	7,695
Micheal O'Connell	7,695	Kieran Corcoran*	1,197

* External member of audit committee

9. Accommodation and establishment expenses

	2015 €	2014 €
Rents	2,827,841	2,870,759
Cleaning	234,849	211,433
Lighting and heating	289,336	308,318
Maintenance - Premises	1,008,233	621,857
Maintenance - Equipment	481,516	311,624
	<u>4,841,775</u>	<u>4,323,991</u>

10. Legal fees and expenses

	2015 €	2014 €
Counsel fees	4,215,657	4,318,914
Legal fees (incl. expert witness fees)	779,770	659,519
Private Practitioner Schemes (includes Subsidiary Protection)	3,015,619	2,846,993
Professional Mediation Fees	314,952	516,213
Other professional fees	443,119	190,364
Other expenses	626,506	456,148
	<u>9,395,623</u>	<u>8,988,151</u>

11. General administration

	2015 €	2014 €
Stationery and office expenses	353,905	310,541
Books and printing	95,376	126,785
Postage and telephone	942,487	922,669
Insurance	200,986	115,230
Travel and subsistence	594,302	471,189
	<u>2,187,056</u>	<u>1,946,414</u>

12. Property, plant and equipment

	Leases €	Office Furniture €	Equipment & Computers €	Premises Fit Out €	Total €
Cost					
Balance at start of year	2,292,177	2,166,101	4,709,630	3,503,517	12,671,425
Acquisitions	-	1,821	472,326	53,610	527,757
Disposals	-	(168,385)	(18,995)	-	(187,380)
Balance at end of year	<u>2,292,177</u>	<u>1,999,537</u>	<u>5,162,961</u>	<u>3,557,127</u>	<u>13,011,802</u>
Depreciation of fixed assets					
Balance at start of year	2,292,177	2,089,529	4,270,232	3,425,483	12,077,421
Charge in year	-	58,549	326,101	24,028	408,678
Disposals	-	(168,385)	(18,995)	-	(187,380)
Balance at end of year	<u>2,292,177</u>	<u>1,979,693</u>	<u>4,577,338</u>	<u>3,449,511</u>	<u>12,298,719</u>
Net book value at 31 December 2015	<u>-</u>	<u>19,844</u>	<u>585,623</u>	<u>107,616</u>	<u>713,083</u>
Net book value at 31 December 2014	<u>-</u>	<u>76,572</u>	<u>439,398</u>	<u>78,034</u>	<u>594,004</u>

13. Receivables

	2015 €	2014 €
Debtors - deposit interest	2,243	11,529
Prepayments		
- Rent	173,846	195,415
- Insurance	13,101	15,883
- Salaries	44,672	18,858
- Other	480,459	461,598
- Practising Certificates	313,815	304,955
	<u>1,028,136</u>	<u>1,008,238</u>

14. Payables

	2015 €	2014 €
Amounts falling due within one year:		
Revenue Commissioners Tax Provision	0	700,000
Creditors & accruals	<u>10,347,044</u>	<u>9,022,314</u>
	<u>10,347,044</u>	<u>9,722,314</u>

The Legal Aid Board estimates the value of unbilled live cases each year to arrive at the amounts disclosed within the accounts as a provision. The amount is an estimate of the expenditure required to settle any obligation at the balance sheet date. In 2015, the amount provided for in relation to unbilled cases was €8,672,827 (2014 - €7,814,969)

In estimating the provision, the Board has adopted prudent measurement techniques based on the latest data available. Improved data capture methods have been utilised in the Board's estimate for the current year.

Please see Note 16 (b). No income is anticipated for cases that may recover costs.

In addition the Board is subject to a number of legal cases, the outcome or quantification of any potential liability cannot be estimated with reasonable certainty at this time.

15. Clients' funds

	2015 €	2014 €
Client funds held at 1 January (Gross)	1,126,591	1,021,151
Interest	(28,286)	(13,932)
Client funds held at 1 January (Net of Interest)	1,098,305	1,007,219
Add Awards/settlements received during 2015	4,756,821	4,625,779
Less Settlements paid out, including interest allowed and costs recovered	(5,014,656)	(4,534,693)
Client funds held at 31 December	840,470	1,098,305
Interest accruing on client funds held	18,058	28,286
Total due to clients	858,528	1,126,591

16. Commitments

(a) Commitments under operating leases

The Board occupies premises at Cahirciveen, Co. Kerry and operates out of 49 other centres throughout the country. The Board has commitments to pay rent of €16,488,901 in future years as at 31 December 2015 in respect of leases expiring as follows:

	€
2015	2,055,931
2016-2019	6,370,858
2020 onwards	8,062,112
	16,488,901

(b) Commitments in respect of Legal Fees

Commitments in respect of Legal Fees

Counsel Fees and Private Practitioner Schemes

	2015 €	2014 €
Open cases certified at 1 January	14,546,839	14,110,784
Additional fees certified	7,754,003	7,077,612
Payments	(6,377,249)	(6,641,557)
Provided for at 31 December	15,923,593	14,546,839
Outstanding commitments at 31 December	(8,672,827)	(7,814,969)
	7,250,766	6,731,870

At 31 December 2015, the Legal Aid Board had a number of ongoing cases where the matter of fees had not yet been settled. In accordance with its operating policy on these matters the Legal Aid Board makes partial provision against these fees based on a statistical model which recognises the average term to crystallise for such costs. This model is applied consistently across all cases handled. At 31 December 2015, the Legal Aid Board had provided for legal fees of € 8,672,827 and had outstanding commitments in the amount of € 7,250,766.

17. Movement of cash

	2015 €	2014 €
Balance at 1 January	3,437,994	3,732,573
Net cash inflow/outflow	(1,121,904)	(294,579)
Balance at 31 December	<u>2,316,090</u>	<u>3,437,994</u>

18. Revenue Commissioners Tax Provision

A revenue audit was conducted during 2014 on mediators that were contracted for service by the Legal aid Board. In January 2015, Revenue raised assessments in relation to the contract mediators as they were of the view that the mediators should be treated as contracts of service for tax purposes and that they should have been subjected to PAYE/PRSI. A payment of €423,811 was made to the Revenue Commissioners in November 2015 in full and final settlement of this liability.

19. Holiday Pay Accrual

The Legal Aid Board had previously not accrued for holiday pay earned by employees but not availed of at the reporting date.

Under FRS 102, the financial statements must recognise such accruals. The impact of this change was the need to accrue a further €555,582 in holiday pay at 31 December 2014 thus reducing reserves previously reported from a deficit of €5,847,091 to a restated deficit at that date of €6,402,673. The accrual for holiday pay as at 31 December 2015 is €615,354.00

20 Approval of Financial Statements

The Financial Statements were approved by the Board on 16th September 2016.

Appendix 2

Energy Usage 2015

Managing energy usage

The Board has a network of 50 offices throughout the country. The main source of energy is electricity, with gas heating in six offices and oil heating in the Cahirciveen head office.

Overview of energy usage in 2015

Total energy consumption for the Board in 2015 was 3,839 MWh. There was a reduction of 3.1% on 2014 consumption. The energy consumed comprises of 3,492 MWh of electricity and 347 MWh of fossil fuels.

Actions undertaken in 2015

In 2015 the Board undertook a number of initiatives to improve its energy performance, including:

- Participation of the Board's head office in Cahirciveen in the OPW *Optimising Power at Work* initiative. This programme has been embedded in the office. It is monitored on a monthly basis. Reduction of energy consumption by 31.4% since 2008.
- The Board entered partnership with the SEAI to assist in achieving the Government's aim to improve public sector energy efficiency by 33% in 2020. This campaign was rolled out to all staff reminding them to conserve energy and to turn off computers, lights etc. when not in use.

Actions planned for 2016

The Board will continue to concentrate on controlling and reducing consumption in offices in 2015, as well as maintaining progress in offices where decreased consumption was recorded. An energy awareness poster campaign will be rolled out across all offices in 2016.

The Board North Brunswick Street office will be included the OPW *Optimise at Work Initiative* in early 2016.