**Meeting of External Consultative Panel**

**6th October, 2021**

**Via Zoom Video Conference**

Attendance:

John McDaid, CEO, Legal Aid Board

Edel Hackett, Safe Ireland

Gary Lee, Ballymun Community Law Centre

Mary Roche, Treoir

Paul Dornan, Mercy Law

Samantha Williams, UCC Traveller Equality and Justice Project

Karen Kiernan, One Family

Geralyn McGarry, Citizens Information Board

Stephanie Lord, FLAC

Joan O’Mahony, Law Society

Rose Wall, Community Law & Mediation

Fiona Wright, Courts Service of Ireland

Christopher McCann, FLAC

Ger O’Brien, MABS

Clodagh Hopkins, Law Society

Mary Condell, SAGE Advocacy

Hayley Mulligan, National Women’s Council of Ireland

Philip O’Leary, Chairperson, Legal Aid Board

Tracy O’Keeffe, Board Member, Legal Aid Board

Ellen O’Malley Dunlop, Board Member, Legal Aid Board

Gordon Jeyes, Board Member, Legal Aid Board

Joan Crawford, Regional Manager, Legal Aid Board

Catherine Ryan, Managing Solicitor, Legal Aid Board

Susan Fay, Solicitor, Legal Aid Board

Barbara Egan, Principal Managing Solicitor, International Protection, Legal Aid Board

Niamh McGuinness, Legal Clerk, Legal Aid Board

Tomás Keane, Secretary to the Panel, Legal Aid Board

Apologies:

Rachel Baldwin, Council of the Bar of Ireland

Catherine Cosgrove, Immigrant Council of Ireland

Eavan Ward, Women’s Aid

Orla O’Connor, National Women’s Council of Ireland  
Monica Hynds, Barnardos

Anne Staunton, Rainbows Ireland

Mary Henderson, Immigrant Council

Brendan Hennessy, St Vincent de Paul

Emily Sherlock, Managing Solicitor, Legal Aid Board

Nuala Egan, Board Member, Legal Aid Board

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|  | Item for discussion | Person responsible | Discussions | Actions/Decisions |
| 1. | Membership update of the External Consultative Panel | CEO | The CEO welcomed all attendees and noted that the purpose of the Panel is for the LAB to have an opportunity to engage with key stakeholders in relation to LAB services and to listen and learn about members’ services and issues of concern in relation to the LAB’s services. The meeting commenced with all members introducing themselves. |  |
| 2. | Draft minutes of meeting of 29th June, 2021 and matters arising. | CEO  Secretary | Following the change in the treatment of HAP, the LAB carried out a number of actions with a view to trying to maximise awareness of the change among those likely to benefit from it including contacting certain applicants who have previously been refused services. The LAB also communicated with local agencies to assist in sharing the message in relation to the change of approach.  MH/Immigrant Council circulated an email in relation to Domestic Violence and Immigration guidelines and information re: training and outreach projects.  The CEO has progressed getting representation on the Panel for persons with disabilities and he anticipates that a representative will be in place for the next meeting.  The CEO invited members to approve the draft minutes of the meeting of the 29th June 2021 and noted that the minutes would be regarded as approved unless any member reverted to the Secretary within 10 days of today’s meeting. The minutes will then be published on the LAB website. | Approved minutes to be published on the website on the 21st October 2021. |
| 3. | Update (if any) on civil legal aid review | CEO | The CEO noted that there is a definitive commitment to conducting the review. It is anticipated that the review will be independently chaired and will take a broad and holistic approach. Terms of reference have yet to be made available. |  |
|  | Access to Justice Conference |  | The panel discussed the conference which took place on the 1st and 2nd October and was led by the Chief Justice. The Law Society, the Bar Coucil, FLAC and the LAB were responsible for organising the event in conjunction with the Chief Justice. Attendees informed the panel that the Conference covered a wide range of issues including the importance of information, advice and early intervention. The Conference highlighted problems experienced by disadvantaged persons. It was noted that the upcoming civil legal aid review is a step towards change and will benefit from input from members of this panel. The panel noted that FLAC suggested that a network of interested parities would come together and represent the case for a properly resourced and funded legal aid system.  It was noted that on occasion, some LAB clients have sought the assistance of St. Vincent De Paul to pay legal aid contributions. It was noted that the LAB statutory Board has made persistent efforts to raise awareness of the need to review the financial eligibility requirements.  It was noted that the Conference highlighted the role of community law centres in ensuring access to justice. The work of the Courts Service in providing accessibility for individuals with disability and intellectual challenges was noted.  The panel discussed the importance of ensuring additional supports are made available to people who cannot access justice. The panel also noted the importance of identifying the many barriers to accessing justice, e.g.; literacy, intellectual disability, addiction and lack of education. Properly resourced community law centres can provide a basis of support in conjunction with the law centre network. The panel identified communication as a core issue in narrowing the gap in the legal system between those who provide representation and those who are represented.  It was noted that the conference included a discussion on the cost of justice in a common law system and the moral obligation on the State to provide legal aid. The panel noted there are legal aid models in other jurisdictions which combine legal aid and community law centres.   GO’B/MABS informed the panel that MABS advisors speak with clients and provide a case worker technical support service for advisors in answering queries. If the technical support unit are unable to answer the query they are supported by Community Law and Mediation.  The panel agreed that there are many pathways for legal information. Legal information is a key component and the enforcement or realisation of rights through an information advocacy approach is a route that should inform the review of civil legal aid. The broad dimensions to the means by which people access justice needs to be factored into the forthcoming review and it is hoped the panel can be utilised to make a contribution. It was acknowledged that for change to occur, it must happen not just from the top down, but also from the bottom up with organisations working together. |  |
| 4. | Update on service delivery issues (combined with Tour de Table) to include:   * COVID-19 and its current impact; * Abhaile related services including a review being initiated; * Initiative to better support the legal needs of Travellers; * Recommendations from the O’Malley Group Report; * Family mediation services; * General legal services; * Enforcement of Access and Legal Aid * International Protection matters; | CEO | The CEO noted that since 28th June, office attendance expectations have been set and remain in place. The LAB acknowledges that it is a public service organisation and though video and telephone assist in reaching clients, the importance of face-to-face engagement cannot be underestimated. Time limits for consultations have been softened where necessary and appropriate.  GO’B/MABS: The Abhaile Scheme is currently funded until the end of 2022. A review of the Scheme is due to be initiated shortly.  Once the review commences, the CEO, who is a member of the Abhaile Steering Group, would be interested in hearing the views from panel members and this forum can feed into the review.  GMcG/CIB: There is an Abhaile social media campaign at the moment. A concern within MABS is that the Scheme is confined to mortgages and home ownership and issues for the private rental sector are not covered.  SF/LAB- A business plan has been drafted. Key headings are; awareness, training, the provision of legal services to Travellers and engaging with the traveller community.  It was acknowledged that working at a grassroots level is really important. Staff have been recruited from within the law centre network and designated as “champions”. They will actively engage with their local Traveller community. The champions will develop awareness within the community regarding LAB services. It is hoped that this engagement will result in an increase in the number of applications from Travellers for both family and non-family law matters.  Traveller cultural awareness training has been provided within the LAB. The National Travellers Women’s forum identified the need to provide training with respect to Traveller specific domestic violence issues. Training will be rolled out to all staff next year. There are limitations, within the Act and the Regulations with respect to the non-family law Traveller specific issues.  CMcC/FLAC: In relation to non-family law cases that can be taken on within the confines of legal aid, there is a provision within the Act in relation to disputes concerning rights and interests over land. FLAC request details of the LAB’s interpretation of the types of cases which fall within the scope of the Act.  The CEO noted his own view that the review of civil legal aid should examine the phrase “disputes concerning rights and interests over land” contained in the civil legal aid legislation and add better clarity in terms of the legal services that should be available to persons at risk of losing their home. LAB will revert to FLAC and provide information on current guidance for decision makers.  RW/CLM – endorsed the Traveller initiative and offered to assist.  The CEO gave a brief update on the recommendations of the O’Malley Report. Apart from issues around shared learning, the most significant issue for the LAB is the proposed legislative change for free legal advice for the complainant regardless of whether a prosecution has been initiated. Another recommendation relates to parity of legal representation, e.g.; where the complainant requires legal representation it should be at the same level as available to the defendant. The necessary steps have been taken.  The CEO informed the panel that the LAB is seeking to develop a cadre of mediators for the future. Work is being done towards the establishment of a Mediation Council. The Board intends to run its own programme to accredit mediators and it is anticipated that a competition for trainee mediators will be launched in the coming month.  JC/LAB: Over the first eight months of the year demand for services was 12% higher than previous year. A list of waiting times is available on the LAB website. First consultations have continued to be conducted by telephone and VC. Since 28th June, in-person appointments are taking place. The introduction of the telephone consultations has been very beneficial for clients and solicitors in terms of reducing travel times at rural locations. This initiative is likely to continue.   The LAB has also employed a number of initiatives aimed at reducing waiting times. These include increasing the number of cases referred to the District Court Private Practitioner Panel and the Circuit Court Private Practitioner Panel. The LAB has also sought to help address the backlog of cases that arose due to COVID-19 by establishing settlement hubs. A significant number of cases are ready for ruling and the courts are facilitating early ruling dates for these matters.   On foot of positive feedback received in relation to presentations delivered to Rainbows Ireland, the LAB would be happy to provide training in legal aid and family law issues particularly, to all panel member organisations. A liaison person from the LAB has been appointed with responsibility for matching the organisation with an appropriate staff member. A panel of staff members from various roles will be established. The contact details for the liaison person will be forward to the panel. Panel members may indicate the topic they wish to be covered, e.g. how to apply for legal aid, the financial assessment process, domestic violence services. The LAB has welcomed the positive engagement between its regional managers and the CIB, which in turn has led to enhanced communication between local CIB centres and law centres. It is intended to develop new initiatives with CIB and MABS in respect of service delivery in the hope of having a positive impact for clients.  The CEO noted there are two means of enforcing access; one is a criminal process and the other is a civil remedy. Civil legal aid legislation provides legal aid for civil matters and not for criminal matters. .  It was noted that in 2020, the Courts Service Family Law Office, Dolphin House did not typically issue a summons for breach of access under section 18A and only issued the criminal summons for breach of access. In recent months, local LAB and Courts Service management have engaged on the issue and the LAB understands that at present, the Court Office issues both summonses for an applicant.   The Civil remedy allows for both applicant and respondent to apply to the Board for legal aid. The Board is not aware of the issue arising in other locations. If there is a particular instance that comes to the attention of a panel member, the LAB would welcome being contacted.  CEO: It is anticipated there will be a legislative aspect to the civil legal aid review and the issue could be raised in that context.  BE/LAB: Provided an update in relation to international protection and human trafficking matters. There has been an increase in demand in recent months compared with the same period in 2020. Remote hearings at IPAT continue to take place. IPAS has established a pilot vulnerability assessment pilot programme. Demand for the programme is high. | Action – revert to CMcC/FLAC within the next week with LAB internal guidance with respect to disputes concerning rights and interests over land.  Email address for the liaison person to be circulated to the panel members |
| 5. | Developing subgroups |  | It was suggested some time ago to establish subgroups within this group to focus on specific issues. The proposal is to first establish a pilot subgroup around domestic violence with a focus on shared learning, training events and developing better understanding of what is happening on the ground. The pilot will be trialled over a period of 12 months.  JO’M/Law Society: The National Monitoring Committee has had a process of review of the last strategy. There was an overview of what worked and what didn’t work and future needs. Over the last two weeks there have been in-depth meetings, the first of which was a review by Tusla of the impact of housing accommodation needs on the issue of domestic violence. The second meeting was a review on the issues that arose out of the O’Malley Report and how best to implement its recommendations. The draft strategy is currently being prepared and will come before the committee before the end of October prior to a public consultation stage. A subcommittee of this group might be in order to review the issues and recommendations that arise out of the strategy. JO’M is happy to sit on a subgroup of that nature if one is established.  MC/Sage: A query was raised for JO’M about domestic violence and whether or not this was limited to partner violence or violence against children.  JO’M/Law Society: Adult children are covered under some domestic violence legislation, however the review is wide ranging, so if gaps are evident upon publication of the national strategy, they must be highlighted so that they are covered by any national strategy going forward.   MC/Sage: noted SAGE is interested in feeding into that consultation.  EH/Safe Ireland: Safe Ireland and Safeguarding Ireland have been in frequent contact. There can be confusion in the public domain as the names are similar and more recently on foot of their campaign in relation to coercive control outside of intimate partner relations. Safe Ireland is also interested in taking part in a subgroup and noted that they are also part of the advisory group to the national strategy.  CEO: The intention of the subgroup is to be “close to the ground”, rather than to deal with high level strategy. It is aimed at enabling people on the ground to learn from one another and listen to different perspectives. What the LAB has in mind would be geographically specific, e.g. a Dublin based group.  EH/Safe: Safe Ireland has been collaborating with all services throughout the country and so would be well placed to participate in the subgroup.  KK/One Family: The idea of subgroups is welcome as it can be a very efficient way of getting things done. It would be beneficial if the subgroup had the scope to problem solve.  CEO: Terms of reference will be drafted and circulated to all members and participants invited.  PD/Mercy Law: Mercy Law is keen to share its experience in this area in terms of its client base, in particular housing issues that have arisen out of domestic violence situations and the practical experience of dealing with housing authorities to secure supports. |  |
| 6. | Appointment of a new statutory Board |  | The current statutory board’s term of office expires at the end of this month. There are likely to be a number of reappointments. The CEO thanked the current board members for their contributions.  PO’L/Chairperson: Expressed thanks to the panel for contributions over the last number of years. The Chairperson thanked the Board members who have attended this forum in particular EO’MD/LAB who has been a very passionate and compassionate advocate for the end user. The Chairperson also expressed thanks to the CEO. It was noted that there is great work being done by all panel members and it was important to highlight the importance of learning from one another and working together.  EO’MD/LAB echoed the comments of the Chairperson noting that it was a privilege to be a member of the Board and have the opportunity to attend this forum as the only way forward is to work together and learn from one another. |  |
| 7. | AOB |  | N/A |  |
| 8. | Date of next meeting. |  | Next meeting to be held in January 2022. | CEO/Secretary |