**Meeting of External Consultative Panel**

**15th November, 2018**

**Council Chambers, Civic Centre, South Dublin County Council, Civic Buildings, Ninth Lock Road, Clondalkin, Dublin 22.**

Attendance:

The following Panel members attended the meeting:

Mr John McDaid, Chief Executive, Chair of the Panel

Ms. Anne-Marie Blaney, Managing Solicitor, Clondalkin Law Centre

Ms. Lorraine Dunne, Legal Clerk, Clondalkin Law Centre

Ms Gillian Dennehy, Women’s Aid

Ms Stephanie Lord, FLAC

Ms Johanna Martyn, MABS

Ms. Mary O’Connor, Secretary of the Board, Legal Aid Board

Mr Ronan Deegan, Civil Operations, Legal Aid Board

Ms. Fiona McAuslan, Director, Family Mediation Service

Ms Nicola McCormack, Secretary of External Consultative Panel, Legal Aid Board

The following Board members were present:

Mr. Philp O’Leary, Chair of the Board.

Ms. Ellen O’Malley Dunlop

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|  | Item for discussion | Person responsible | Discussions | Actions/Decisions |
| 1 | Minutes of meeting of 19 July 2018 and matters arising | CEO  Secretary | Matters arising from the previous minutes were discussed.  There were no suggested changes to the draft minutes circulated from the previous Panel meeting in July.  Mr McDaid confirmed that the action points from the last meeting were addressed.  A number of queries arose:  Mr McDaid confirmed Breach of Access guidelines were sent to Ms.Lord (FLAC). Ms.Dennehy (Womens Aid) also requested a copy.  Minutes were agreed and will be posted to the Board’s  website in order to ensure compliance with the Regulation of Lobbying Act 2015. | Secretary  Mr McDaid to forward copy of Breach of Access Guidelines to Ms. Dennehy. |
| 2 | Service Delivery update | CEO | Mr. McDaid informed the panel members there will be a moderate increase to the budget for 2019. There is no change to the provision of current services, however it is anticipated there will be an impact on the budget when the regulations on foot of the Children and Family Relationships Act 2015 comes into force. These regulations will require Voice of the Child s and Welfare Reports.  The panel discussed the importance of having appropriate experts writing these reports. Guidelines and regulations would be required to provide clarity surrounding who is an “expert”  Ms.Dennehy outlined the importance of experts having a good knowledge and understanding of domestic abuse issues. Ms. Dennehy also asked if these reports could be disputed. Ms. Blaney confirmed they could be challenged by evidence.  The panel discussed the current fee structure in place for referring cases to Private Practitioners.  Mr. McDaid confirmed the demand for legal services in the year to date is 7.5% higher than in the same period in 2017. It was also noted there was a large percentage of lay litigants in some of the family courts. Ms. McAuslan noted it had become evident during mediation sessions that clients were representing themselves.  Ms. Dennehy also noted there appeared to be a difficulty for clients in domestic abuse cases receiving more than one Legal Aid Certificate, which is resulting in clients representing themselves.  Mr.Deegan provided clarity surrounding receiving Legal Aid Certificates in domestic abuse cases through the Law Centre’s which could assist with this. The panel discussed the lack of clarity surrounding the issuing of Legal Aid Certificates from Dolphin house. | Mr McDaid to contact the Department of Justice and Equality in relation to regulations surrounding writing reports and specifying “experts”    Mr McDaid confirmed a submission will be made to the Minister for Justice and Equality to consider an increase for Private Practitioner fees in the coming week.  Mr. McDaid to address this and ensure both the Law Centres and Dolphin House are aware of the guidelines surrounding issuing Legal Aid Certificates for Domestic Abuse Cases. |
| 3 | General legal and family mediation service delivery update |  | Mr McDaid advised that the Board is establishing a family mediation presence in Carlow Courthouse for 3 days per week. He also noted that family mediation services are now co-located with four law centres, with two more under consideration.  The Mediation Act 2017 was also discussed. It was noted that this Act facilitates the establishment of a Mediation Council to provide regulation and oversight in the area of mediation. Stakeholders have been invited to assist in the establishment of a Mediation Council and there has been a strong interest shown.  Mr. McDaid confirmed waiting times in the law centres are currently static, that there is an increase in demand of services and recruiting staff is difficult. He also confirmed the Board is working with the Department of Justice and Equality to improve these matters. |  |
| 4 | Reform of the Family justice system |  | Mr McDaid and Mr O’Leary informed the Panel that the Board has a keen interest in long term reform of the family justice system and is working with the Department of Justice and Equality and the Court Services in this regard. The Board is keen to build on the theme of this year’s Annual Conference which was family justice reform. |  |
| 5 | Abhaile update |  | Ms. Martyn informed the panel of the success of the Abhaile Scheme in relation to keeping people in their homes.  Mr Deegan informed Panel members that a payment is made only when a voucher is redeemed.  Ms. Martyn confirmed that a review of the Scheme had been undertaken but has yet to be finalised and published.  Ms. Lord inquired about the Abhaile reports that are due to be published. Mr. Deegan confirmed year one and year two reports may be published together once year 2 report is finalised this week.  Ms. Lord also inquired about figures on legally aided persons accessing the Scheme and requested guidance in relation to the merits test for accessing the Scheme. Mr. Deegan confirmed that the guidelines are published on the Legal Aid Board’s website.  Mr. McDaid asked Ms. Lord if FLAC had any questions in relation the services provided by the Board. | Ms. Lord to submit a list of questions for the Board. |
| 6 | International  Protection update |  | Mr. McDaid informed Panel members that there has been an increase in applications for International Protection.  A discussion took place about the impact Brexit may have on International Protection applications  . |  |
| 7 | Research |  | The panel discussed the importance of research and how it highlights the areas where the Legal Aid Board has been successful and also the areas that need improvement.  Mr. O’ Leary confirmed that funds are available for research. Mr McDaid discussed ways the funds may be used to develop a research strategy which may include employing a HEO to lead the Board’s research function.  Ms. Lord inquired if the Board would be developing a research strategy into ethnic minorities and gaps in our service. Mr. McDaid confirmed it could be an item for research. |  |
| 8 | Kilkenny Project |  | Mr. McDaid informed the panel about the rollout of the Kilkenny Project and what it entailed. Ms.McAuslan was on local radio recently discussing the project and the services provided by the Board. |  |
| 9 | Tour de Table | MABS  FLAC  Womens Aid | Ms. Martyn informed the panel of the structure change within MABS. She informed the panel of the projects MABs are looking at including the DMA project and how tax relief at source affects people who are in arrears on their mortgages.  Ms. Lord informed the panel of FLAC’s 50th Anniversary conference which will be held in 2019. Ms Lord also noted FLAC will opening a number of clinics for LGBT and Family Issues and also host a carer’s week.  Ms. Lord also asked about the guidelines surrounding the waiving of fees and suggested this information could be more prominent on the LAB’s Website. She also asked for clarity on the capping of certificates and the extent to which legal aid was sought or granted in traveller discrimination cases.  The Housing Assistance Payment (HAP) and means testing was also discussed. Mr. Deegan informed the Panel that a submission had been made to the Minister for clarification surrounding the HAP payment and if it was to be included in our means testing.  Ms. Dennehy informed the Panel of the Women’s Aid Seminar which will take place on the 23 November 2018. This seminar will discuss the Femicide Report and it will call on Ireland to provide research into domestic homicide.  Women’s Aid has also began a sentencing watch on cases involving domestic violence and the report will be launched next September.  Ms. Dennehy also noted the Domestic Violence Act 2018 had not yet commenced in Ireland.  Ms. Dennehy inquired about clarity on the cap of legal aid certificates for domestic abuse cases. She also inquired if the income threshold on the means test for legal aid was under review as it is considered to be too low.  Ms. Dunne informed the panel of the difficulty with means testing and the threshold for accommodation costs as the threshold currently does not take into consideration the escalating rent payments. Ms.Dunne asked for a change to the means test to take this into consideration as a matter of urgency.  Mr. McDaid confirmed that a submission had been made to the Department in relation to financial eligibility, including thresholds, and the Board is waiting for a response. | Mr. McDaid to provide Ms. Lord with statistics on the number of legal aid certificates issued, clarity on the capping of legal aid certificates, and also statistics on discrimination cases.  . |
| 10 | AOB |  | Mr. McDaid noted there may be a change in location and theme for the next Panel meeting. |  |
| 11 | Date of next meeting |  | Confirmation required for the date and venue for the next Panel meeting in March 2019. |  |