

# ANNUAL REPORT 2017



**Legal Aid Board**

An Bord Um Chúnammh Dlíthiúil



## **Mission**

Our mission is to provide a professional, efficient, cost-effective and accessible legal aid and mediation service in accordance with the terms of our statutory mandate.

## **Vision**

Our vision is to facilitate access to justice through the provision of legal aid and advice and family mediation services in a manner which compares favourably with best practice internationally.

## **Values**

- High professional standards in the provision of our services.
- Responsiveness to evolving customer and other stakeholder demands and openness to change.
- High ethical standards.
- Effective leadership at all levels.
- Cost effectiveness and value for money.
- Effective accountability arrangements with an emphasis on organisational performance and active risk management.

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## Overview

### 1. Function and Purpose

The Legal Aid 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 within the Board’s remit, 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, the Legal Aid - Custody Issues Scheme (formerly titled the Attorney General’s Scheme) and the Criminal Assets Bureau Ad-hoc Legal Aid Scheme has transferred to the Board.

**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.

### 2. 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](http://www.legalaidboard.ie). Services are also provided by solicitors in private practice who are engaged by the Board on a case-by-case basis.

Specific law centres in Dublin, Cork and Galway include an **international protection** speciality and there are also dedicated units in Dublin dealing with **personal injury** and/or **medical negligence** cases and cases involving **children at risk**.

The Board also operates a specialised **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, the Garda Station Legal Advice Scheme and the Legal Aid - Custody Issues Scheme, and the Criminal Assets Bureau Legal Aid Scheme are provided through private solicitors and barristers.

### **3. Obtaining Civil Legal Aid Legal Services**

A person seeking legal services in civil cases 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 including cases involving domestic violence, child abduction, applications by the State (Tusla) to take children into care or under supervision, and cases that have statutory time limits close to expiry.

### **4. Eligibility and Payment for Civil Legal Aid Legal Services**

There are financial eligibility criteria which the majority of civil legal aid applicants must meet in order to be eligible for legal services. Furthermore the legal services provided by the Board are subject in most cases to the applicant paying a financial contribution and thus are not 'free'. 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 by applicants who are seeking advice and / or representation in cases (involving Tusla) to have their child taken into care or under supervision. At the end of 2017 the Minister for Justice and Equality signed regulations to remove the contribution payable in domestic violence cases in the District Court. 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.

### **5. Obtaining Family 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](http://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 requirement for an applicant to meet financial eligibility criteria and there is no charge for the service.

## **6. 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 awaited.

Further details of the three ad-hoc schemes that the Board administers and the outturn for 2017 are provided later in the Report.

## **7. Head Office**

The Board's head office is located in Cahirciveen, County Kerry. Some head office functions are carried out from Dublin.



The *Code of Practice for the Governance of State Bodies* was revised in 2016 and the Board updated its Corporate Governance Manual in November 2016, to reflect the additional requirements. 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:

## 8. 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 Tánaiste and Minister for Justice and Equality, Frances Fitzgerald TD, on 8<sup>th</sup> November 2016. Membership of the Board is set out at page 5.

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.

- at Board level, the use of seven 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 2017, the Board held 11 Board meetings, six of which were held in Dublin, three in Cahirciveen, one in Cork and one in Galway.



**Attendance at the 11 meetings in 2017 was as follows:**

Member	No. of meetings	Member	No. of meetings
Mr Philip O'Leary (Chair)	11	Mr Gordon Jeyes	10
Ms Anne-Marie Blaney	10	Mr Maurice Lawlor	11
Mr Tom Brennan	10	Ms Freda McKittrick	11
Ms Deirdre Burke	8	Mr Michael O'Connell	10
Ms Nuala Egan*	9	Ms Evelyn O'Connor	11
Mr David Gilbride**	4	Ms Ellen O'Malley	11
Ms Nuala Jackson	8	Dunlop	

\*Ms. Nuala Egan was appointed to the Board in February 2017

\*\*Mr. David Gilbride resigned from the Board in July 2017

**The committees of the Board met as follows in 2017**

Committee	Number of Meetings
Appeal Committee	13
Audit and Risk Committee	6
Family Mediation Committee	5
Finance Committee	8
Human Resources Committee	4
Performance Committee	2
Policy and Reform Committee	4

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 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.

As previously noted, the Government published an updated version of the *Code of Practice for the Governance of State Bodies* which was published in August 2016. In this regard, the



Department of Public Expenditure and Reform specified that State bodies were expected to be fully compliant in relation to financial reporting periods beginning on or after 1st September 2016.

The Legal Aid Board chose to be an early adopter of the new Code and applied its provisions in respect of its

Financial Statements for the period 1<sup>st</sup> January to the 31<sup>st</sup> December 2016.

The Code of Practice requires that an external evaluation proportionate to the size and requirements of the State body should be carried out at least every three years. In compliance with this requirement, an external review of the Legal Aid Board was commenced in the last quarter of 2017.



## Chairperson's Foreword

I am pleased to present the 2017 Annual Report of the Legal Aid Board.

2017 saw significant progress in one of the Board's key objectives, namely the co-location of Family Mediation Centres with Law Centres. The Board opened its second co-located office in Dundalk, Co. Louth during the year.

At the end of the year there was progress towards co-location in four other locations. I welcome these developments, which show the ongoing commitment of the Board in making mediation a conventional rather than an alternative option of dispute resolution in the family law arena. The development of co-location is also timely given the passing of the Mediation Act 2017 which has significant provisions aimed at improving the take-up of mediation as a dispute resolution option.

I am pleased to note that there was a modest reduction in the numbers waiting for legal services at the Board's law centres at the end of 2017 compared to the start of the year. At the end of 2017 the number of persons waiting for legal services stood at 1,776. This was the fifth successive year in which there was a decrease (from over 5,000 in 2013) and the Board is committed to maintaining this positive momentum. I look forward to seeing further progress in this key performance metric.

The legal environment continues to develop in response to societal challenges. The planned reform of the law in relation to the provision of guardians-ad-litem in public law childcare cases is very welcome. I strongly support the Board's ongoing engagement with key stakeholders in the public law childcare arena to ensure that we collectively provide the best system and best outcomes for the children and families affected and I welcome any opportunity to see this replicated in the private law arena.

During 2017, the Board has taken a central role in the delivery of the Abhaile Scheme. This Scheme was set up in 2016 to address difficulties arising in relation to persons in mortgage arrears and at risk of losing their homes. 2017 was the first full year of the Scheme and in this report there is interesting data on the progress of the Scheme, particularly in relation to the issue of Personal Insolvency Review applications which were made to the Circuit Court.

The Board recognises the need to continually assess and develop how it delivers its services in order to be responsive to the changing needs of customers. In this regard, the Board commenced in 2017 a 'model' office project, which will be a centre of innovation for trialling changes in how the Board engages with its customers and with

other Justice sector bodies as well as the wider public and voluntary sector. The location chosen for this project is Kilkenny, which will develop into a co-located office during 2018. It is intended that the innovations found to work effectively in Kilkenny, will be rolled out nationally for the benefit of customers. As an organisation we need to learn to manage and innovate change in our service delivery model to ensure optimum outcomes for the service user. One other aspect of this initiative that I am keen to see developed is an improved research capability. I believe that better research can help us improve both our own services and the administration of civil justice.

The Board continues to support the delivery of the criminal legal aid schemes, in particular the Garda Station Legal Advice Scheme, the Criminal Assets Bureau Legal Aid Scheme and the Legal Aid – Custody Issues Scheme. Legislation is expected in due course to transfer responsibility for the main Criminal Legal Aid Scheme to the Board. I look forward to the publication of draft legislation in this regard.

The Board is committed to the highest standards of corporate governance. In 2017, the Board chose to be an early adopter of the updated Code of Practice for the Governance of State Bodies. At the end of the year, an external evaluation of the Board's effectiveness was commenced, and I look forward to the output of this review. Recognising that the Board has a presence in almost every county, during 2017 the Board met in Galway and Cork as well as at the Board's principal offices in Cahirciveen, Co. Kerry and in Dublin.

I wish to thank David Gilbride who stood down from the Board during 2017 for his service and wish him well in his challenging new role.

I wish to express my continuing gratitude firstly to the Board's staff for their ongoing commitment, dedication and professionalism in the delivery of services to customers and secondly to the private solicitors and barristers without whom it would not be possible to provide a meaningful service. Our aim is to provide the best outcome to the service user by the best means available and we must continually challenge ourselves in that commitment. I would also like to acknowledge the continued support of the Minister for Justice and Equality and his Department for the work of the Legal Aid Board.

**Philip O'Leary**  
Chairperson

# The Board

## The Board as of 31 December 2017:

**Philip O’Leary**

Chairperson

**Anne-Marie Blaney**

Civil Servant (Staff Member)

**Tom Brennan**

Chartered Accountant

**Deirdre Burke**

Solicitor

**Nuala Egan**

Barrister at Law

**Nuala Jackson**

Senior Counsel

**Gordon Jeyes**

Former Chief Executive of Tusla,  
the Child and Family Agency

**Maurice Lawlor**

Department of Social Protection

**Freda McKittrick**

Assistant Director, Barnardos

**Michael O’Connell**

Civil Servant (Staff Member)

**Evelyn O’Connor**

Department of Public Expenditure  
and Reform

**Ellen O’Malley Dunlop**

Chairperson of the National  
Women’s Council of Ireland

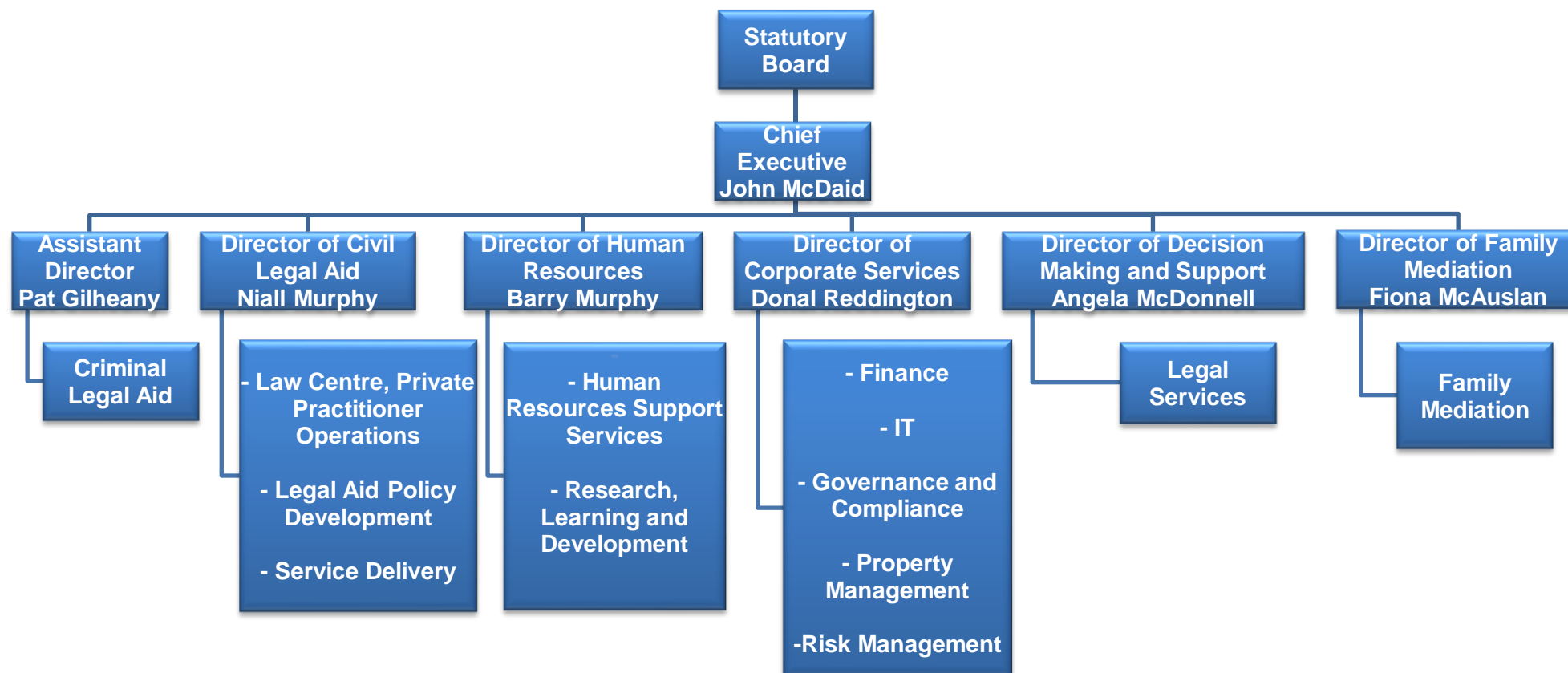
# Head Office Executive Staff

<b>Chief Executive Officer:</b>	John McDaid
<b>Director of Civil Legal Aid:</b>	Niall Murphy
<b>Director of Human Resources:</b>	Barry Murphy
<b>Director of Corporate Services:</b>	Eileen Bowden/Donal Reddington*
<b>Director of Decision Making and Support:</b>	Angela McDonnell
<b>Director of Family Mediation Services:</b>	Polly Phillimore/Fiona McAuslan**
<b>Assistant Director, Criminal Legal Aid:</b>	Pat Gilheaney
<b>Financial Controller:</b>	Joan Enright
<b>Secretary to the Board:</b>	Mary O'Connor
<b>Auditors:</b>	Comptroller and Auditor General
<b>Solicitors:</b>	Holmes O'Malley Sexton
<b>Head Office:</b>	Quay St. Cahirciveen Co. Kerry Phone: 066 9471000 LoCall 1890 615200 Fax: 066 9471035
<b>Dublin Office:</b>	48/49 North Brunswick St George's Lane Dublin 7 Phone: 01 6469600
<b>Website:</b>	<a href="http://www.legalaidboard.ie">www.legalaidboard.ie</a>

\***Eileen Bowden** retired from the Board in July 2017. Donal Reddington started with the Board in March 2017.

\*\***Polly Phillimore** retired from the Legal Aid Board in September 2017 and Fiona McAuslan took up position in November 2017.

# Structure





## Introduction by the Chief Executive

I am pleased to introduce the Board's Annual Report for 2017.

In 2017 there were just over 17,100 new applications to law centres which was an increase of just under 3% on the number of applications in 2016. The level of demand at the law centres has remained relatively stable in the last few

years though it is notable that this figure does not include demand for services on foot of the Abhaile Scheme which the Board facilitates. This Scheme involves the provision of legal advice, and in certain limited circumstances legal aid, to persons who are insolvent and at risk of losing their family home. 2017 was the first full year of its operation and as the Report notes, 1,933 vouchers were issued enabling persons facing potential repossession of their home to get legal advice from a solicitor. There were over 500 duty solicitor attendances at court repossession lists while just under 470 legal aid certificates were issued enabling mortgage debtors to appeal to the Circuit Court against the refusal of a creditor or creditors to approve a personal insolvency arrangement.

Speedy access to the Board's services and to the justice system generally, has always been a priority for the Board. As of the 31<sup>st</sup> December 2017 there were 1,776 persons waiting for legal services which was a reduction from the figure of 1,864 at the start of the year. While the reduction was relatively marginal, it nevertheless continues the trend of reduced numbers waiting for services and a key objective is to reduce the number further with a consequent reduction in waiting times. While having applicants wait for a service is clearly not ideal, there are significant numbers of situations which are either prioritised or where an applicant is effectively given an "on demand" service. Cases involving domestic violence and cases involving applications by Tusla to take children into care or under supervision are always prioritised. At the end of the year the Minister for Justice and Equality signed Regulations abolishing the financial contribution in District Court domestic violence cases which removes one potential impediment to justice in these cases.

In 2017 civil legal aid services continued to be provided using a mixed model of employed staff including solicitors in the Board's network of 30 law centres and three specialist offices, and private solicitors paid on a fee per case basis. Private solicitors are used primarily for private family law matters in the District Court and for advice and representation to persons seeking international protection from the State, in addition to the services they provide on foot of the Abhaile Scheme. In 2017 there was a 15% increase in their usage for private disputes in the District Family Court on the figure for 2016. Private solicitors are used to a lesser extent in divorce and separation cases in the Circuit Court – only 30 such cases were referred to private solicitors in 2017. The Board



continued to operate a limited scheme involving the use of private solicitors to represent parents in applications by the Child and Family Agency to have children taken into its care. This scheme operated in Counties Dublin, Donegal and Wexford and was very effective in ensuring the speedy delivery of legal services to parents in these cases.

As has been the case in every year since its inception, the majority of applicants seeking services from the Board do so in relation to a family problem. Of the 17,103 applications to law centres in 2017 approximately 68% involved a family matter (this figure excludes applications on foot of the Abhaile Scheme). This predominance of applications for legal aid or advice relating to family problems is consistent with the pattern of demand in other jurisdictions. The numbers seeking services in relation to international protection matters fell from 1,648 to a figure of 1,358. The numbers seeking the Board's services in this area of law have tended to mirror the level of demand for international protection in the State.

On the family mediation side the Board continued in 2017 to provide family mediation services in eight full time offices and nine part time offices. It opened its second co-located family mediation centre and law centre – in Dundalk, the first having been opened in Dublin city centre in 2016. At the end of the year plans were significantly advanced to co-locate in two further locations with two other locations as strong possibilities. The objective of the co-locations is to encourage more persons seeking legal services in relation to a family dispute to seek to resolve the dispute with the assistance of a mediator rather than through a court process.

In 2017 the Board reviewed pilot schemes it was operating in Cork, Athlone and Castlebar that involved requiring persons seeking legal aid for family law matters where a dependent child is involved, to attend an information session about the option of family mediation before they could be granted a legal aid certificate for court representation. The review found that the demands placed by having individual information sessions were impacting on the capacity to provide the mediation itself and thus waiting times for mediation services were getting longer. The pilot was thus suspended though in Cork it was replaced with Group information sessions which again are a mandatory pre-requisite, in certain cases, to getting legal aid for court proceedings.

The joint initiative between the Board and the Courts Service which makes family mediation freely available on site at the District Family Court in Dublin continued to operate though disappointingly the number opting for mediation dropped somewhat on the previous year. As the data shows there were 318 first joint information sessions in 2017 compared to 348 in 2016 and 407 in 2015. In 2017 there were 8,232 applications for guardianship, custody or access in the Dublin area and the Board would like to see a larger percentage of those cases opting for mediation. Efforts were ongoing at the end of the year to develop strategies for bringing more would be participants in a court process, into mediation. More modified initiatives involving the presence of mediators at the Courts remained in place in Naas, Limerick, Clonmel, Nenagh, Ennis and Dundalk.

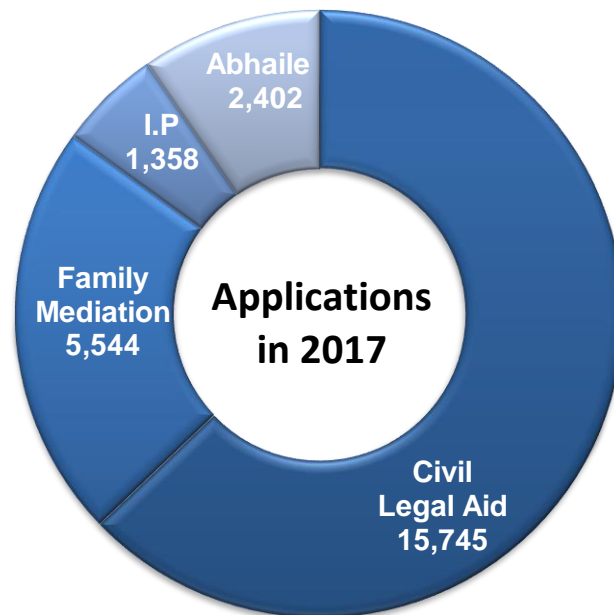
The Board continued to be responsible for the administration of three ad-hoc schemes: the Legal Aid - Custody Issues Scheme, the Garda Station Legal Advice Revised Scheme and the Criminal Assets Bureau Legal Aid Scheme. The transfer of responsibility for the administration of the main criminal legal aid scheme requires a legislative intervention which has yet to be enacted.

I want to acknowledge the contribution of our staff. I have consistently sought to convey two essential messages internally. The first is that the client must be at the centre of all our decision making and the second is that staff are the Board's greatest resource. Without the commitment of staff, their resilience and their willingness to learn and develop, often to cope with change, the Board simply would not be able to do its work. I also must recognise and acknowledge the contribution of the private solicitors and barristers whose work is critical to the provision of civil legal aid.

Finally I wish to express thanks to the Minister for Justice and Equality, and the Acting Secretary General of the Department and her staff for their ongoing engagement and support.

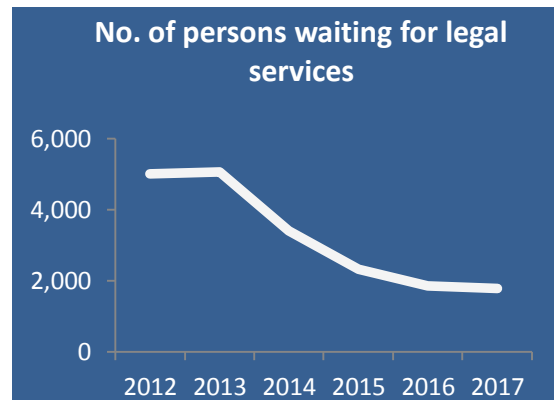
John McDaid  
Chief Executive

# Key Developments in 2017



- ✓ There were **25,049** applications made in 2017 of which **15,745** were for civil legal aid, **1,358** for international protection and **2,402** related to the Abhaile Scheme. **5,544** persons applied for family mediation services.

- ✓ **The number of persons waiting for legal services continued to fall.** There were **1,776** waiting at the end of the year, a further **reduction** from 2016 and a decrease for the 5<sup>th</sup> successive year, down from over 5,000 in 2013.



- ✓ During 2017, the Board processed 4,125 claims in respect of over 8,700 Garda Station detainee consultations and almost 8,900 hours for attendance at interview.
- ✓ Applications under the Abhaile scheme increased from 523 in 2016 to **2402** in 2017.

# Services Provided in 2017

The extended remit of the Legal Aid Board means that services are provided by the Board in the following areas:

**General Civil Legal Aid**  
**Abhaile – Free Mortgage Arrears Support**  
**International Protection Services**  
**Family Mediation**  
**Criminal Legal Aid**

## Civil Legal Aid

### ***Demand for the service***

17,103 applicants sought civil legal aid services from the Board's law centres in 2017 with 15,745 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 2017, 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 in which legal services were provided through the Board's law centre network in 2017 was in the region of 18,170. The following Table 1 gives the number of persons who applied for services to the Board's law centres in 2017 and the five previous years.

**Table 1 - Number of applications 2012-2017**

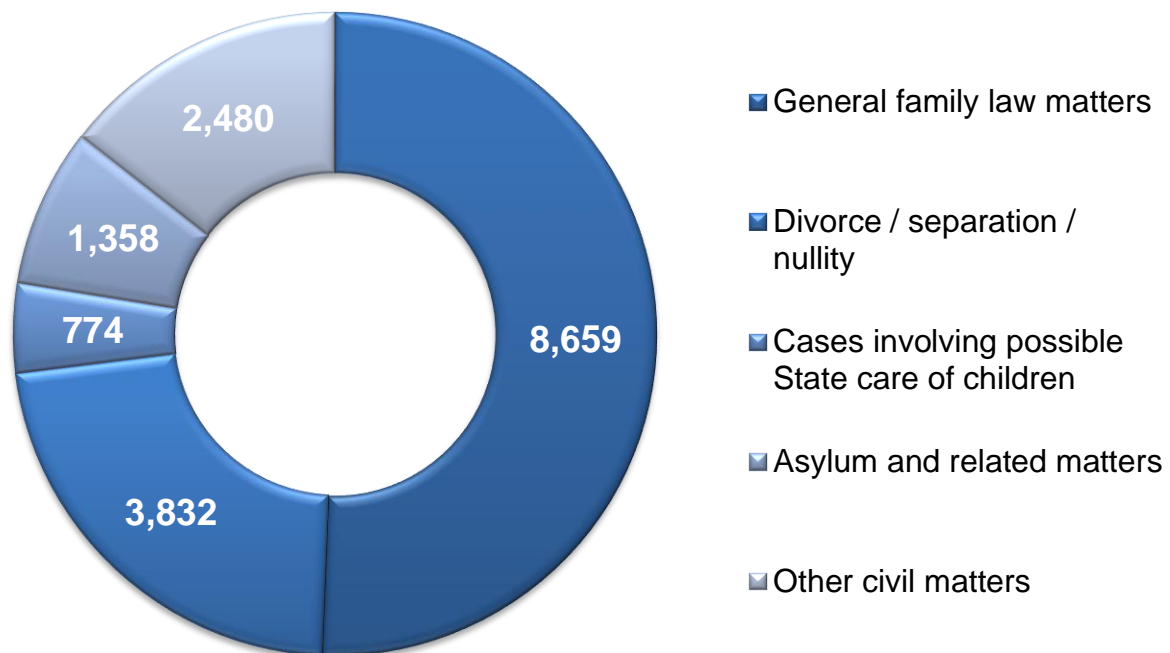
Year	2012	2013	2014	2015	2016	2017
General	16,870	16,851	15,531	15,256	14,991	15,745
Asylum and related matters	725	708	902	1,537	1,658	1,358
<b>Total</b>	<b>17,595</b>	<b>17,559</b>	<b>16,433</b>	<b>16,793</b>	<b>16,649</b>	<b>17,103</b>

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.

Chart 1 gives the approximate breakdown of applications by case type.

**Chart 1 - Number of applications by case type 2017**



## Law Centres

Legal aid and advice was provided through the Board's law centres in over 18,170 cases in 2017. Table 2 provides information on case numbers in law centres. It should be noted that the 2017

figure includes for the first time persons provided services in relation to applications for international protection in the State and is not directly comparable with previous years.

**Table 2 - Cases handled in law centres**

Year	2012	2013	2014	2015	2016	2017*
<b>Total</b>	17,652	17,304	18,338	17,959	17,213	18,170

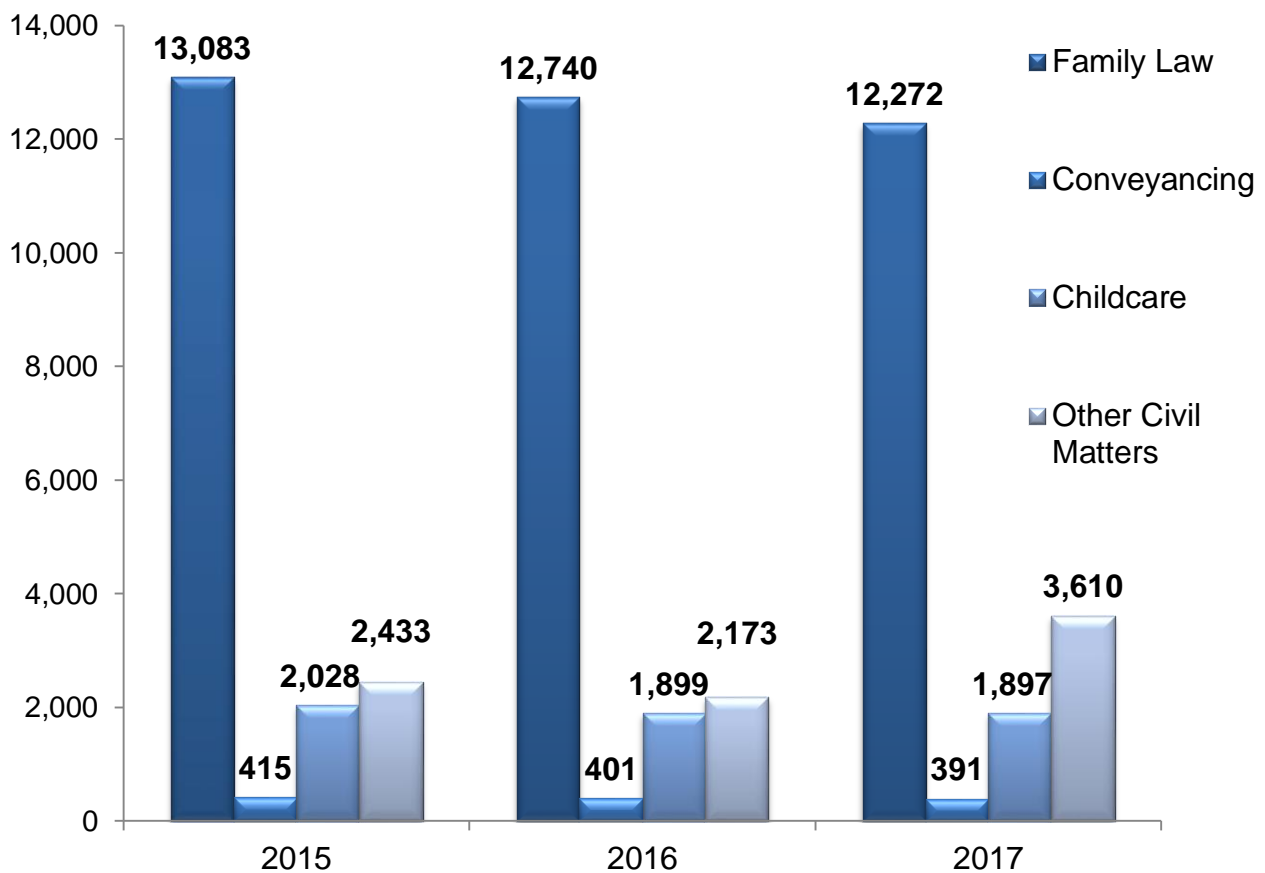
\*Including international protection cases

### ***Legal aid and advice cases***

Chart 2 below highlights that family law continues to constitute the predominant area where the Board provides legal services. Of the cases handled in 2017,

68% were in the private family law area and 78% of the cases related to family law generally.

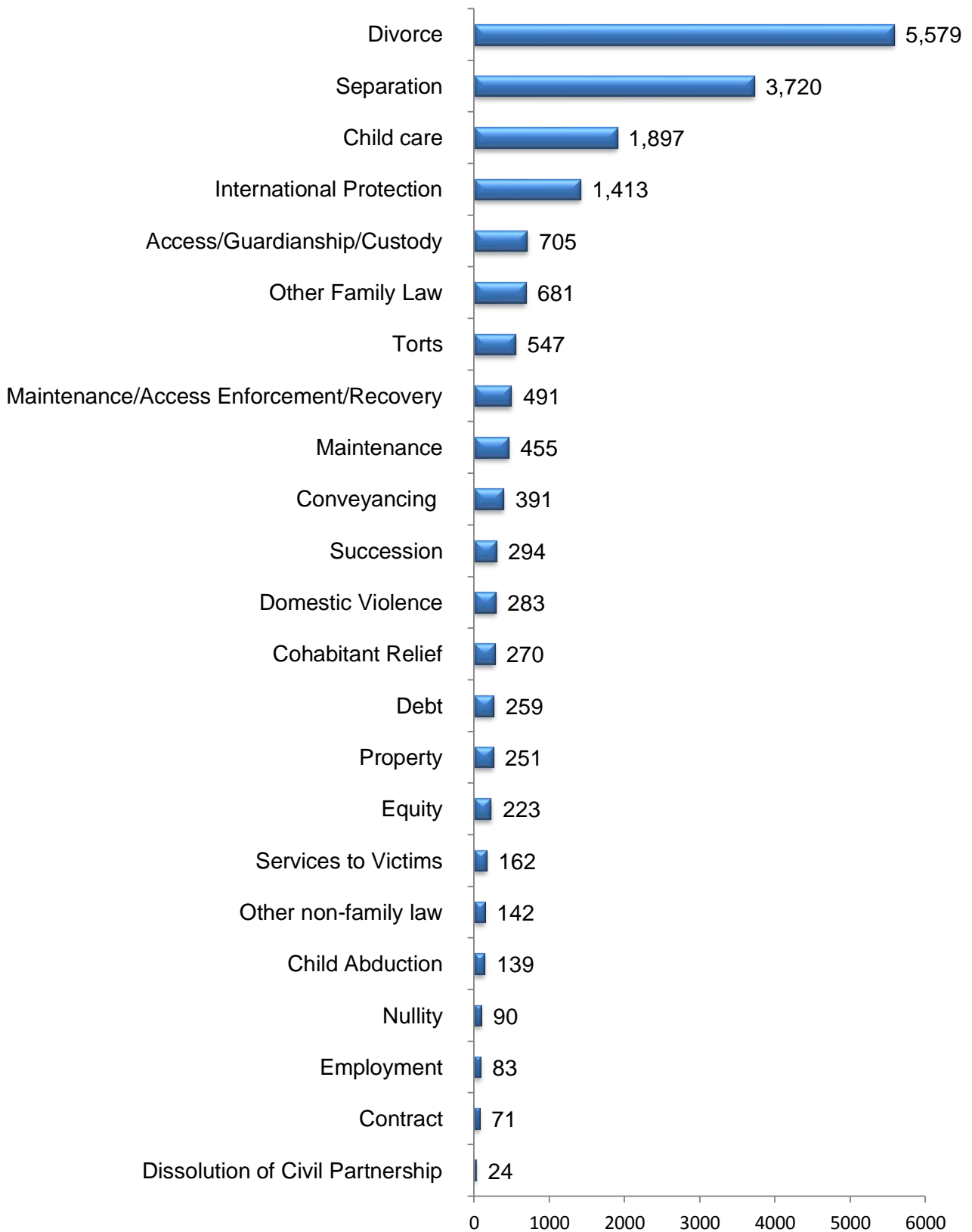
**Chart 2 - Cases 2015-2017**



A more detailed breakdown of the main issues in respect of which legal services were provided in 2017 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 2017**





### ***Case turnover***

Table 3 below sets out the number of new cases taken on in the law centre network. The 2017 figure includes

international protection cases (which had been excluded from this figure in previous years).

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

Year	2012	2013	2014	2015	2016	2017
New Cases	5,831	6,650	6,300	6,264	6,119	6,299*

\*includes international protection cases

### ***Duration of cases***

Table 4 below provides an age profile of cases in which legal services were provided by law centres in 2017. 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 2017; year of application**

Year	Pre -2013	2013	2014	2015	2016	2017
Number	1,992	1,210	1,661	2,600	4,733	5,974

### ***Cases completed***

Of the 18,170 cases handled in the law centres in 2017, 6,052 (33%) 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 5 - Numbers of cases closed**

Year	2013	2014	2015	2016	2017
Cases Closed	4,910	5,757	6,059	5,699	6,052

Table 6 gives an age profile of those cases closed in 2017 by subject matter.

**Table 6 - Cases completed in 2017; length of time open**

Case Type	<1 Year	1-2 Year	2-3 Years	3+ Years	Total
International protection	152	0	0	0	152
Child care	290	165	80	122	657
Divorce/ separation/ nullity	706	640	473	1,167	2,986
Non-family law	493	238	101	144	976
Other family law	711	290	96	184	1,281
<b>Totals</b>	<b>2,352</b>	<b>1,333</b>	<b>750</b>	<b>1,617</b>	<b>6,052</b>

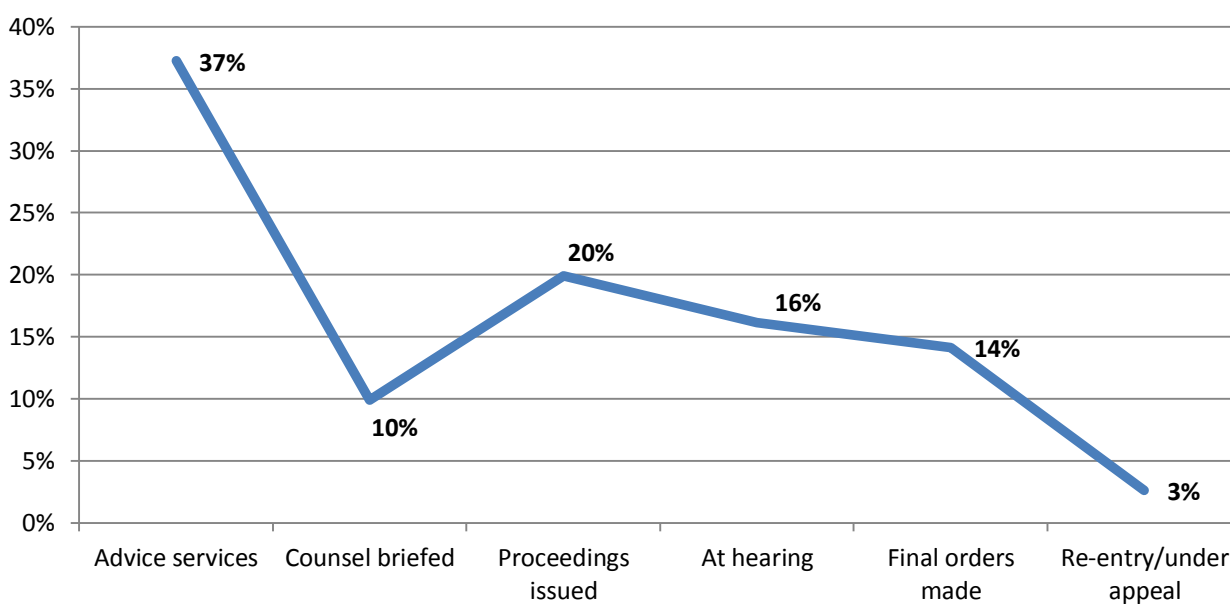
It can be seen from Table 6 that divorce, separation and nullity cases generally take longer to reach completion than most other family law matters. Approximately 49% of divorce,

separation and nullity cases completed in 2017 had been ongoing for longer than three years, compared to 11% of childcare cases and 21% of other family law matters.

### **Cases on Hand**

Chart 4 below gives the status of all of the Board's active cases as of the 31<sup>st</sup> December 2017.

**Chart 4 – Case active as at 31 December 2017**



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

### ***Use of Solicitors Panels***

Private solicitors 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 panel for involving private solicitors in divorce and separation matters in the Circuit Court was restarted on a very limited basis in late 2015 following on from additional funding being provided. In 2017 30 cases were referred to private practitioners under this scheme.

Furthermore, the Board continued with a limited pilot involving private solicitors in cases involving applications by the State (Child and Family Agency) to take children into care. 98 such cases were referred to private solicitors in 2017.

A breakdown is given in Table 7 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 7 - The number of new cases in which private solicitors provided representation**

<b>Year</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
District Court private family law	5,077	5,640	5,224	5,351	5,208	6,002
District Court Childcare (pilot Project)	N/A	N/A	7	106	103	88
Circuit Court	5	0	10	77	89	30
Abhaile consultations					429	1,933
Circuit Court PIA reviews					94	469
<b>Total</b>	<b>5,082</b>	<b>5,640</b>	<b>5,241</b>	<b>5,534</b>	<b>5,923</b>	<b>8,532</b>

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 almost since the Board first started providing legal services. The reduction in demand from a peak in 2011 has been of some assistance in lessening the pressure. 2017 saw a small 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 88 less than it was at the start of 2017 as is evidenced by the figures in Table 8. Table 8 sets out the number of persons waiting on the 31st December 2017 and on the same date in the previous four years, for legal services with a solicitor.

**Table 8 – The number of persons waiting on the 31<sup>st</sup> December 2017**

Year	2013	2014	2015	2016	2017
Number Waiting	5,067	3,412	2,319	1,864	1,776

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. The model is not always applied if it is considered that a temporary issue has given rise to lengthening waiting times and the prognosis is that the waiting time will be reduced within a relatively short period of time. This service has now ceased in the majority of locations as waiting times fell below four months

and is now in use in approximately one-third of the Board's law centres. Of the 1,776 persons who were waiting for services on the 31<sup>st</sup> December 2017, 255 had had a first or 'triage' consultation with a solicitor.

The re-introduction of the Circuit Court private family law solicitors' panel 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 2017 is set out for the various law centres in Table 9 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 9 – Waiting times in Law Centres on the 31<sup>st</sup> December 2017**

Law Centre	General – Law centres not operating triage	Waiting time for a triage appointment	Further waiting time where triage appointment previously given
Athlone		8	17
Blanchardstown	8		
Castlebar	10		
Cavan	9		
Clondalkin	25		
Cork-Popes Quay	20		
Cork-South Mall		23	18
Dundalk	16		
Ennis		17	20
Finglas	16		
Galway - Francis St	22		
Galway - Seville House		8	7
Jervis St		5	26
Kilkenny	13		
Letterkenny	12		
Limerick	16		
Longford		20	15
Monaghan	22		
Navan		24	4
Nenagh		18	0
Newbridge	17		
Portlaoise	19		
Sligo	9		
Smithfield		14	1
Tallaght		21	9
Tralee	34		
Tullamore	5		
Waterford	10		
Wexford	26		
Wicklow	12		

### ***Priority Service***

The Board continued to provide a priority service where it considered that an immediate, or near immediate, service was needed. In 2017 approximately 27% 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.

### **Family Law Case Study**

A client applied to a Law Centre seeking legal aid for a divorce. There were three children of the marriage who were residing with the client in the family home. The family home was in joint names and subject to a mortgage. The parties built the family home on a site they received from a relation of the client's. The client was discharging the mortgage, there were no arrears and there was equity in the property. The mortgage lender indicated to the applicant that they would facilitate re-mortgage to her sole name. The client was advised about relationship counselling and mediation.

The parties attended mediation which was successful, and ultimately facilitated a consent Divorce. The Divorce provided that the family home would be transferred into the client's sole name, that she would be responsible for the mortgage, that she would retain her pension, and that certain Maintenance Orders would be discharged. The client's husband had been able to secure suitable accommodation for himself and both parties were able to agree arrangements in relation to care and contact with the children. Both parties were satisfied with the outcome, having had the opportunity to discuss and reflect on matters fully in mediation.

## Abhaile – Free Mortgage Arrears Support

During 2017 the Board continued its involvement in the Abhaile Scheme, the Government's scheme of financial and legal assistance for insolvent persons who are in danger of having their home repossessed. Other organisations involved in the provision of services are MABS National Development CLG and local Money Advice and Budgeting Services, the Insolvency Service of Ireland, and the Citizens Information Board.

The scheme works on the basis that a person applies to their local MABS service who will "triage" the person and identify the financial and/or legal services the person requires. The financial assistance element of the scheme involves the provision of services by a dedicated MABS mortgage arrears advisor, a personal insolvency practitioner, or an accountant. The legal assistance element, which normally follows on from financial assistance, involves three strands:

- A solicitor consultation service, involving the provision of a single legal advice consultation. In certain circumstances authority might be granted to conduct negotiations to settle pending repossession proceedings
- A "duty solicitor" service, where solicitors are rostered to attend

repossession lists at county registrar's courts. The solicitor may offer advice on the court procedure to the person and may (if permitted by the County Registrar) speak on behalf of the person and make an application for the proceedings to be adjourned so that the person can seek legal representation.

- A scheme of legal aid for applications to take a court review of a personal insolvency arrangement (PIA) that has been rejected by a person's creditors.

Services, other than the PIA court review service are granted by way of a voucher issued by MABS. In the case of the PIA review legal aid service an application for legal aid is made to the Board. There is no means test for any Abhaile service but the merits criteria under the Civil Legal Aid Act 1995 applies to the PIA review legal aid service. No contribution towards services is payable. A panel of private solicitors has been put in place to deliver each of the services.

2017 marked the first full calendar year of Abhaile, which is intended to run for a three year period. Services provided on behalf of the Board under the scheme are outlined in Table 10 below.

**Table 10 – Services provided under Abhaile**

Year	2016	2017
Number of legal advice vouchers issued by MABS*	429	1,933
Number of duty solicitor days rostered	139	507
Legal aid certificates granted for PIA court reviews	94	469



# International Protection Services

## International Protection Services

The number of persons seeking legal services from the Board for international protection applications in 2017 was 1,358. This was a decrease of 18% 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 11 shows the number of new applications for legal services from the Board for international protection matters and also the number of persons who sought protection in the State from the Minister for Justice and Equality.

**Table 11 - International protection applications**

Year	2011	2012	2013	2014	2015	2016	2017
LAB Applications	979	725	708	902	1,537	1,658	1,358
International Protection Office (IPO) Applications	1,290	956	946	1,448	3,276	2,244	2,406

### ***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 relevant specialised training. The Unit has well-developed interagency relationships with the International Protection Office

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.

### ***Human trafficking***

The Board provides 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.

There is no requirement to satisfy the Board's financial eligibility or merits

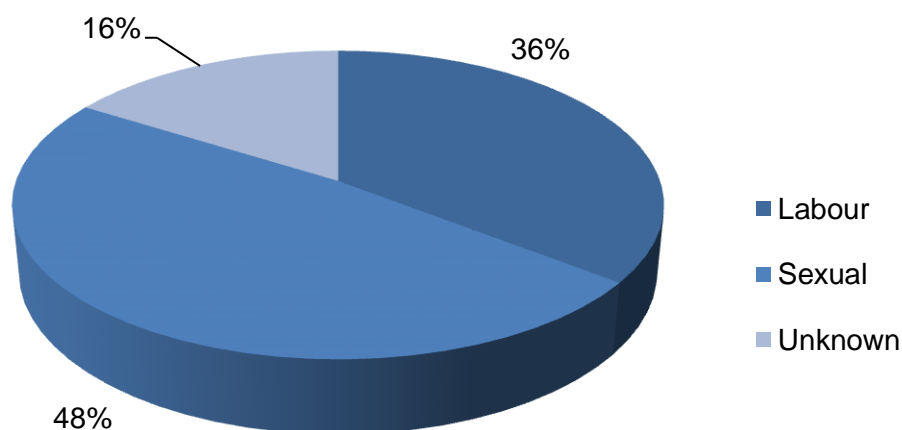
criteria for these cases and a potential victim of human trafficking is not required to make a financial contribution to the Board. The service is provided by Board employees who have received specialised training in human trafficking issues.

The Board provides legal services to persons identified as potential victims of human trafficking on their rights in relation to a range of issues including their status in the State, seeking international protection, seeking redress through the employment protection legislation (legal advice only), information on what is involved in a criminal trial, information on compensation, information on voluntary return home. The Board also provide

representation in court in a criminal trial where a victim's past sexual history is raised.

During 2017, 31 potential victims of human trafficking referred to the Board by An Garda Síochána applied for legal services in 2017, 15 of whom were referred in relation to sexual exploitation; 11 in relation to labour exploitation, and 5 unknown.

**Chart 5 - Human trafficking cases referred to the Board during 2017**



### **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

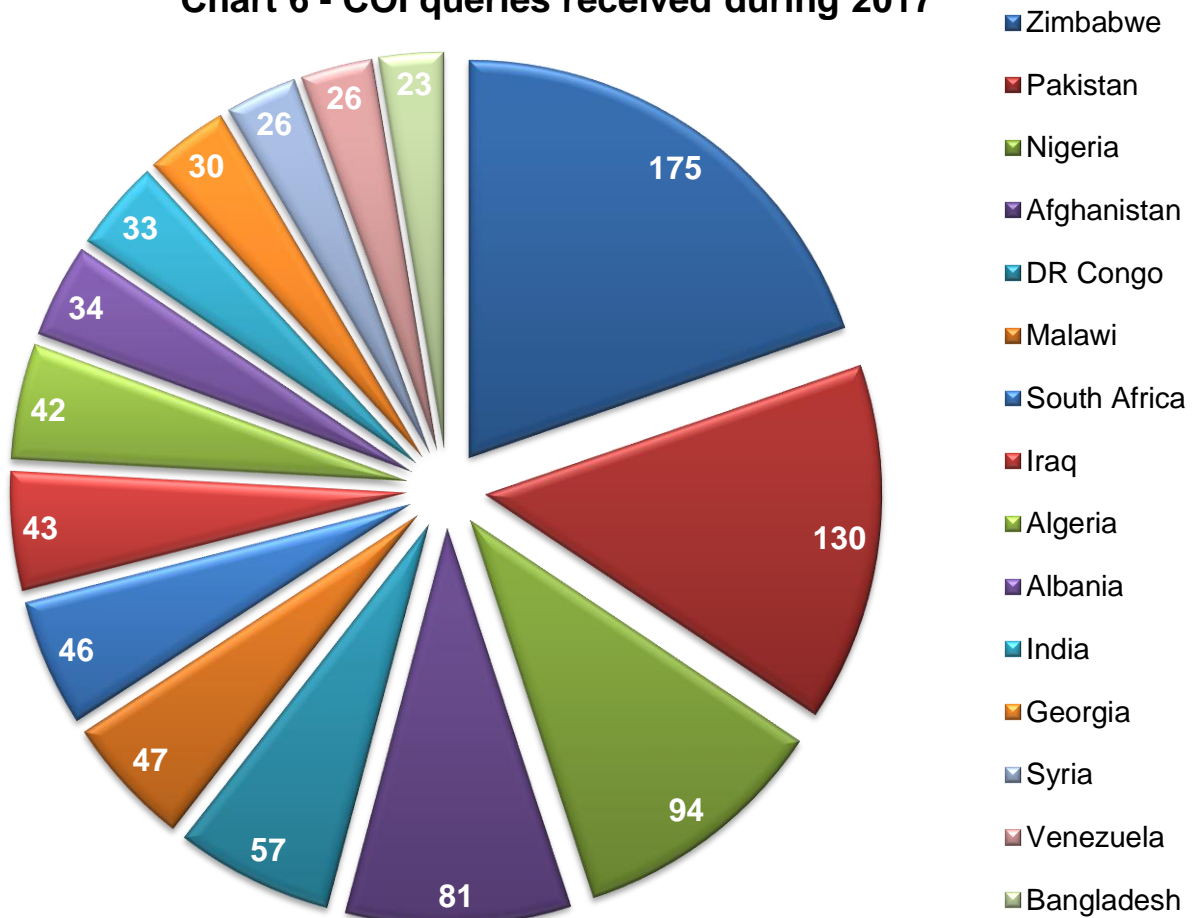
Origin information (COI). Members of the public and other agencies may also use the RDC to conduct their own research.

In 2017, the RDC received 1,389 COI queries, a 37% increase in COI queries received on 2016. The RDC query service provided a total of 1,131 query

responses, an increase on the 2016 figure. The unit also operates an interagency library service and provides a legal research function for staff of the Board. Approximately 70% of queries related to COI, with the remaining 30% split between legal and library queries.

The main countries subject to COI queries are set out in Chart 6 below which shows countries with more than 20 queries representing 79% of all COI queries. The country which gave rise to the largest single number of queries in 2017 was Zimbabwe followed by Pakistan.

**Chart 6 - COI queries received during 2017**



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

- Activities of ISIS in Syria and Iraq
- Mistreatment of LGBT in Zimbabwe
- Freedom of religion and freedom of expression in Malaysia
- Victims of forced marriage in Pakistan

- Discrimination against people with HIV in Malawi
- The Awami League in Bangladesh
- Treatment of failed asylum seekers in Ghana
- The Hazara people in Afghanistan
- Criminal gangs in Ukraine
- Gender violence in Albania and the police response
- Treatment of converts to Christianity in Iran
- M23 rebels in the Democratic Republic of the Congo

The RDC continued to work closely with the International Protection Office and other users of its services in 2017 with a view to strengthening co-operation and meeting the various needs of its users.

There are now a total of 37 Country Marriage Packs, 28 Country Adoption Packs and 40 Country Information Packs. There are approximately 80 'mini' Country information packs which were prepared in response to demand from IPO regarding SP issues. All packs are catalogued and available on the E-Library and will be reviewed and updated in 2018.

### International protection Case Study

Legal services were provided to a client in his late 50s from West Africa. He was detained by the authorities because of his political activities. He was kept in prison without charge for over one year in sub-human conditions and regularly tortured by the authorities. He was beaten, his legs broken and he was denied essential medical treatment. The cells were overcrowded and very little food or water was provided. He was released on conditions but managed to flee the country.

The client arrived in Ireland and claimed international protection. He then immediately registered for legal services with the Board. He met a caseworker who on account of his vulnerability, assisted him in completing his international protection questionnaire, which must be submitted by all applicants for international protection. Medico legal reports were obtained as supporting evidence.

Country of origin information was obtained from the Refugee Documentation Centre. Legal submissions were prepared and the supporting country of origin information was submitted to the International Protection Office, along with a medico-legal report detailing the torture suffered by the client. The client was then scheduled for an interview with the International Protection Office. The client met his solicitor for pre interview advice. He attended the interview and, a few weeks later, he received a positive recommendation, declaring that he was in need of international protection and that he should be declared a refugee.

# Family Mediation

## ***Service description***

Family mediation services help couples who have decided to separate or divorce, who have already separated, or who have never lived together but are the parents of a child, to negotiate their own terms of agreement, taking into account the needs and interests of all involved. The mediator's role is not to come up with answers but to facilitate the parties in dispute to come up with their own solutions. In certain circumstances, mediation can also assist in disputes within families. Mediation has been provided in disputes involving siblings, parent-child, care of elderly relatives and other family matters.

## ***Narrative on services***

In 2017 there were sixteen general family mediation offices in total, with Kilkenny due to open in February 2018 and the office in Raheny due to close in April 2018. Two of these 16 offices are co-located with Law Centres in Jervis House in Dublin city centre and in Dundalk. The service also has one full time court based service in the District Family Court in Dublin (Dolphin House).

There were seven part time court based services in the following locations - Clonmel, Naas, Ennis, Dundalk, Limerick and Nenagh. A mediator is present in the Court building on the day of the family law sittings.

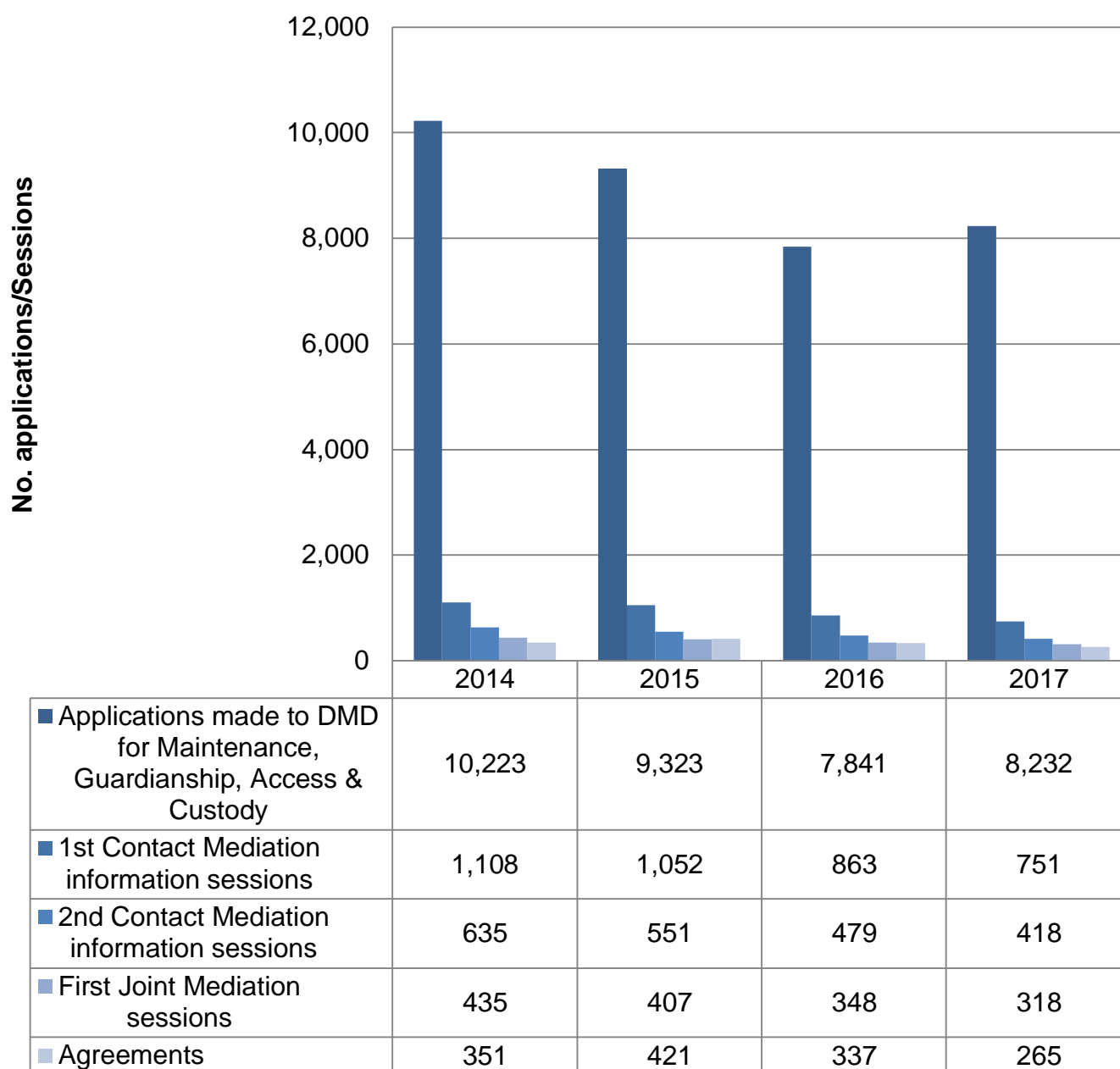
**Table 12 - Family mediation services provided in 2017 by centre**

<b>Statistical Information for Family Mediation Service Jan-Dec 2017</b>						
<b>2017</b>	<b>1st Registration</b>	<b>Confirmed Couples</b>	<b>First Sessions</b>	<b>Second Plus Sessions</b>	<b>No of FTE Medi ators</b>	<b>No of Mediation Days per office per month</b>
<b>Athlone</b>	164	83	58	272	1.2	16
<b>Blanchardstown</b>	351	198	267	827	2	32
<b>Castlebar</b>	100	44	56	111	0.6	8
<b>Cork</b>	339	129	155	509	2.3	40
<b>Dundalk</b>	114	52	56	237	0.4	12
<b>Galway</b>	338	192	201	720	2	24
<b>Jervis House</b>	409	240	264	798	1.8	42
<b>Letterkenny</b>	117	76	57	200	0.4	8
<b>Limerick</b>	212	156	163	504	1.4	20
<b>Portlaoise</b>	142	76	99	239	0.6	10
<b>Raheny</b>	207	125	152	519	1	20
<b>Sligo</b>	79	60	53	151	0.4	8
<b>Tallaght</b>	302	178	208	763	1.7	32
<b>Tralee</b>	114	89	87	242	0.6	12
<b>Waterford</b>	171	126	58	207	0.4	8
<b>Wexford</b>	189	87	112	421	0.3	16
<b>TOTAL</b>	<b>3,348</b>	<b>1,911</b>	<b>2,046</b>	<b>6,720</b>		<b>308</b>

## Operation of court related mediation - Dolphin House

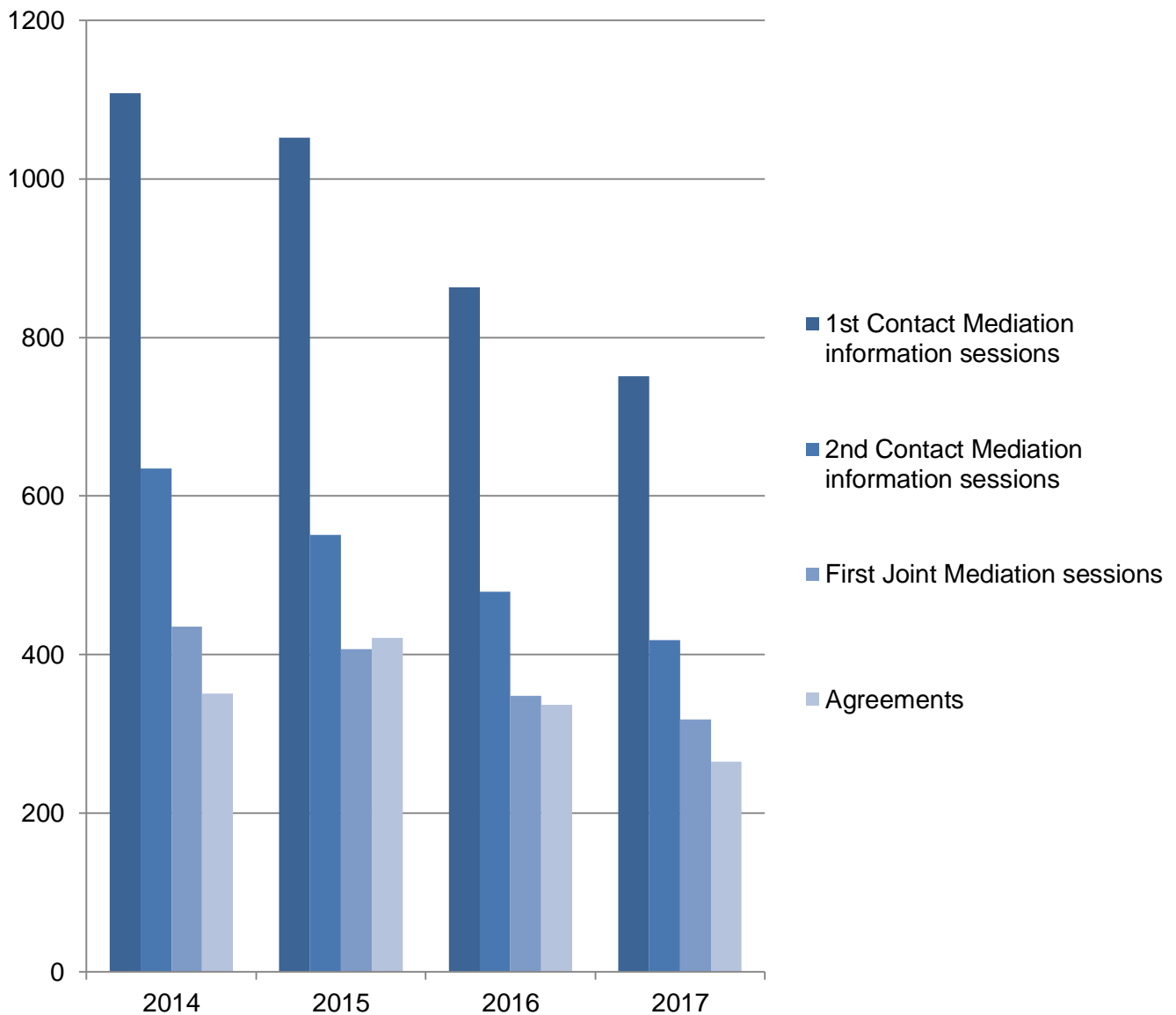
Charts 7 and 8 give an overview of the statistics for the service for the four years from 2014 to 2017.

**Chart 7 - Dolphin House Courts & Mediation 2014 to 2017**





**Chart 8 - Dolphin House (Dublin District Family Court)  
information sessions and agreements**



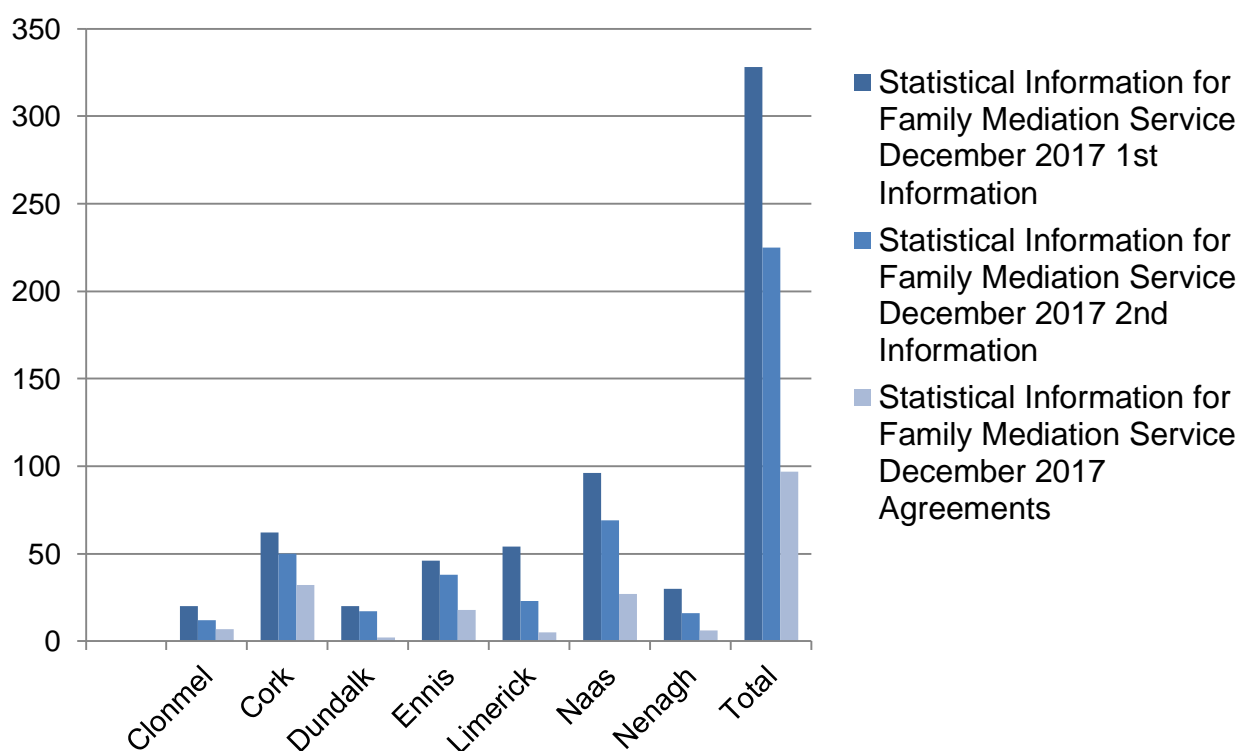
The number of 1<sup>st</sup> information sessions has dropped from 1,108 in 2014 to 751 in 2017. To some extent this mirrors a drop in applications made to the Dublin District Court from 10,223 in 2014 to 8,323 in 2017. Analysis was being

undertaken to try and understand the reasons for the relatively low take up of mediation and the options that might be available to improve that take-up.

**Table 13 - Other Court located family mediation services**

Statistical Information for Court initiated family mediation			
	1st Information	2nd Information	Agreements
<b>Clonmel</b>	20	12	7
<b>Cork</b>	62	50	32
<b>Dundalk</b>	20	17	2
<b>Ennis</b>	46	38	18
<b>Limerick</b>	54	23	5
<b>Naas</b>	96	69	27
<b>Nenagh</b>	30	16	6
<b>Total</b>	328	225	97

**Chart 9-Court located mediation information sessions and agreements (excluding Dolphin House)**



### ***Mandatory Information Projects***

One to one mandatory information sessions were piloted in Castlebar, Athlone and Cork between 2014 and 2017. The mandatory aspect was that applicants for certain types of case could not get a legal aid certificate for legal representation in court until such time as they had attended the family mediation office for an information session about mediation as an alternative to going to court. These one to one sessions were suspended towards the end of 2017 following review, as one consequence was that they were increasing waiting times for mediation itself.

Group Information Sessions were then developed as a pilot in Cork commencing in December 2017. The Board will review this project at the end of 2018. Group information sessions are provided to some law centre clients as a mandatory

requirement. Applicants for legal aid for certain private family law matter who have a dependent child are required to attend an information session in relation to alternatives to the court process, including mediation, before they can be granted a legal aid certificate for the purpose of court proceedings. Specifically, applicants for a District Court matter in District Court Area 19 (Cork city) are required to attend, along with all applicants for Circuit Court matters. District Court applicants outside Area 19 are not required to attend but may if they so choose. Applicants are not required to attend if the matter is to proceed by way of consent or if there are no issues in dispute.

### ***Co-Location of the Law Centre and Family Mediation office***

This first co-location referral initiative commenced in Jervis House in the autumn of 2016. Protocols have been put in place to try and facilitate a greater take-up of mediation on account of the

co-location. This will continue to be monitored, and changes made to procedures as considered necessary.

### ***Waiting times***

Table 14 shows the comparative waiting times at the end of 2012, 2013, 2014, 2015, 2016 and 2017 as follows:

**Table 14 - Comparative waiting times by centre 2012-2017**

Centre	Waiting Times End 2012	Waiting Times End 2013	Waiting Times End 2014	Waiting Times End 2015	Waiting Times End 2016	Waiting Times End 2017
Jervis House	12	12	18	4	12	16
Blanchardstown	12	12	12	8	16	8
Raheny	12	8	12	8	16	4
Tallaght	12	12	14	12	8	14
Athlone	8	8	12	8	12	24
Castlebar	8	12	4	8	12	12
Cork	20	12	22	12	12	24
Dundalk	12	4	8	4	12	20
Galway	12	12	12	8	4	16
Letterkenny	8	12	8	8	4	16
Limerick	12	16	8	16	12	6
Portlaoise	8	16	12	12	12	14
Sligo	12	8	8	4	4	12
Tralee	8	12	12	8	20	12
Waterford	8	8	12	8	12	32
Wexford	12	12	12	12	8	12

During 2017 certain changes were made and it is anticipated that subject to demand for mediation services not increasing substantially, the waiting times for mediation services will improve in 2018.

### ***Kilkenny Project***

On foot of a 'Vision and Change' Initiative which was an engagement with staff in relation to what the organisation should look like and how the customer would be best served, the Board took an existing office to trial a number of ideas and suggestions with a view to replicating successful actions across the Board's network of offices. One reason for

choosing Kilkenny was the likelihood that by the beginning of 2018 the Board would be able to establish an adjacent mediation presence. Academic involvement with this project is being actively pursued, as it is felt that this involvement will inform the Board on how it can apply best practices in civil dispute resolution.

### **Family Mediation Case Study**

A woman contacted the Family Mediation Office urgently seeking mediation. After a recent separation she had planned to return to her country of origin with her children. The arrangement had originally been with the consent of her husband. He had since changed his mind and withdrawn consent. At the time of contact the Family Mediation Service, the woman was extremely distressed. The Family Mediation Office staff recommended that she also seek legal advice and the client did so at a Law Centre.

Following the intake process the conversation centred around the woman's plans to move abroad. Questions were used to focus on the children's situations e.g. how each child was dealing with and feeling about the current situation and also to help each party hear the other's views regarding a possible move abroad. The woman explained that she would make every effort to maintain the relationship between the children and their father but felt she needed her family support network around her to do this. Her husband had an opportunity to describe the fear of losing his children and the close relationship he enjoyed with them.. They had an opportunity to discuss how holiday periods could be used to spend time with the children.

The couple decided that the woman and children should move to reside to the country to which the woman was originally from but they have also agreed to postpone the move for a period of the time. The couple agreed to return to mediation with the aim of reaching an 'all issues' mediated separation agreement.

## Criminal Legal Aid

Criminal Assets  
Bureau Ad-hoc Legal  
Aid Scheme

Garda Station Legal  
Advice Revised  
Scheme

Legal Aid - Custody  
Issues Scheme

### Criminal Legal Aid Ad-hoc Schemes

There are five Criminal Legal Aid Schemes and the Board is currently responsible for the administration and management of three of them. These are the Garda Station Legal Advice Revised Scheme, the Legal Aid – Custody Issues Scheme and the Criminal Assets Bureau (CAB) Ad-hoc Scheme.

#### Garda Station Legal Advice Revised Scheme

This is an ad-hoc non statutory scheme which caters for persons who are detained in Garda Stations. Those who satisfy certain criteria are entitled to legal advice under the Garda Station Legal Advice Revised Scheme by way of telephone and / or in-station consultations with a solicitor and also to legal advice by way of the attendance of a solicitor with them at a Garda / detainee interview. A person seeking legal advice under the Scheme must make their request to the Custody Officer in the Garda Station where they are detained and complete the standard application form providing details of their financial means. The Gardaí will arrange for the solicitor to either consult with the detainee by way of a telephone consultation and / or for the solicitor to

attend the station to meet the detainee in person.

During 2017, the Legal Aid Board processed 4,125 claims in respect of over 8,700 Garda Station detainee consultations and almost 8,900 hours for attendance at interview. The expenditure figures for 2017 are set out below and show that the year on year increases since new arrangements came into force in 2014 have been maintained. This is primarily due to the fact that solicitors are now entitled to claim fees for the time spent attending Garda interviews and any waiting time associated with these interviews, as well as the traditional fees that were available for telephone and in-station consultations.

On the introduction of the new arrangements in 2014, the Department committed to review the revisions to the Scheme after a suitable period to determine if further amendments were required. That review has now commenced and the Board is directly involved in the process.

Overall expenditure on the Scheme in recent years is set out in the Table below:

**Table 15 - Expenditure on Garda Station Legal Advice Scheme  
2012-2017**

Description	2012	2013	2014	2015	2016	2017**
<b>Expenditure</b>	€887,000	€812,000	€1,010,000	€1,444,000	€1,711,000	€1,864,000

\*\*figures include VAT

**Table 16 - Garda Station Legal Advice Revised Scheme  
statistical report for 2017**

No	Description	Count	2017 *
1	Total cost of authorised claims this year		€1,527,200
2	Overall number of claims authorised during the year	4,125	€1,527,200
3	Total number of solicitor firms that had authorised claims during the year	234	€1,527,200
4	Total number of claims authorised during the year under the Offences Against the State Acts	179	€145,100
5	Total number of claims authorised during the year under the Criminal Justice Act, 1984-2006	3,651	€1,144,300
6	Total number of claims authorised during the year under the Criminal Justice (Drug Trafficking) Act 1996 legislation	251	€145,700
7	Total number of claims authorised during the year under Section 50, Criminal Justice Act, 2007 legislation	44	€92,000
8	Total number of claims authorised for consultations only	2,073	€266,500
9	Total number of claims authorised for attendance hours only	36	€7,900
10	Total number of claims authorised for consultations and attendance hours	2,016	€1,252,800
11	Total number of individual phone consultations authorised for payment	2,187	€86,600

\*figures exclude VAT

**Table 17 - Payments 2014, 2015, 2016, 2017**

No.	Description	2014	2015	2016	2017*
1	Average cost per solicitor claim	€193	€270	€330	€370
2	Average cost per individual consultation	€86	€88	€90	€92
3	Highest cost of an individual claim processed	€6,469	€5,876	€10,575	€9,087

\*figures exclude VAT

### **The Legal Aid - Custody Issues Scheme**

The Legal Aid - Custody Issues Scheme is an administrative, non-statutory arrangement whereby legal costs payments are made in certain types of litigation (e.g. Habeas Corpus (Article 40) Applications and Extradition and European Arrest Warrant Applications) not covered by civil legal aid 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. Depending on the type of proceedings and the financial circumstances of the applicant, 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.

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

**Table 18 - Legal Aid Custody Issues Scheme General (non bail) statistics 2017**

No	Description	2017*
1	Number of new claims received by Board in the year	200
2	Number of individual authorised payments in the year	564
3	Number of claims generating payment in year	216
4	Total cost of claims for Chief State Solicitors Office (CSSO) cases	€1,653,800
5	Total cost of claims for Director of Public Prosecution (DPP) cases	€266,400



<b>6</b>	Total cost of claims for Health Service Executive (HSE) cases	€24,200
<b>7</b>	Total cost of claims for Mental Health Commission (MHC) cases	€25,900
<b>8</b>	Total cost of claims for TUSLA cases	€27,700
<b>9</b>	Average cost per authorised claim in year	€9,250
<b>10</b>	Total value of claims authorised by Board for the Scheme*	€1,998,000

\*figures exclude VAT

**Table 19 - Number of individual authorisations**

Payee type	Expenditure*	Number of individual authorisations
Solicitor	692,000	197
Junior Counsel	778,000	204
Senior Counsel	472,000	81
Translator / Interpreter	23,000	62
Expert witness	33,000	20
<b>Total authorised</b>	<b>1,998,000*</b>	<b>564</b>

\*figures exclude VAT

**Table 20 - Breakdown of payments for High Court Bail applications**

No.	Description	2016	2017**
<b>1</b>	Total cost of High Court Bail Applications	€743,000	€795,500
<b>2</b>	Total number of Brief Fees processed	2,234	2,386
<b>3</b>	Payments to solicitors	€440,000	€479,000
<b>4</b>	Payments to counsel	€300,000	€316,000
<b>5</b>	Payments to interpreters / translators	€1,900	€500

\*figures exclude VAT

**Table 21 - Total Scheme expenditure breakdown 2012 - 2017**

	2012	2013	2014	2015	2016	2017**
<b>Expenditure</b>	€3.5m	€3.4m	€3.2m	€2.75m	€3.0m	€3.2m

\*\*figures include VAT

## **The Criminal Assets Bureau (CAB) Ad-hoc Scheme**

The CAB Scheme is an administrative, non-statutory arrangement whereby payments are made in respect of certain types of litigation where legal representation is provided to persons who need but cannot afford representation.

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, subject to the Court being satisfied that –

- (i) the means of the applicant for legal aid are insufficient to enable him / her to obtain legal representation on his / her own behalf and,

- (ii) by reason of exceptional circumstances it is essential, in the interests of justice, that the applicant should have legal aid in the preparation and conduct of his / her case.

The Scheme is demand driven and the final output figure in 2017 totalled €101,000 (VAT inclusive) which is an increase of 2% on the 2016 figure. The Board authorised payments in respect of 8 cases in 2017, compared to 11 in 2016. Cases initiated by CAB can run for a number of years and a number of Respondents may be involved in any given case. The CAB cases can be very complex and a single case could significantly impact on the figures in any given year under the Scheme.

**Table 22 - CAB general statistics 2017**

No.	Description	2017*
1	Number of new cases received by Board	10
2	Number of cases with authorised payments by Board	8
3	Average cost per authorised claim	€9,249
4	Total value of claims authorised for the Scheme	€73,990

\* figures exclude VAT

**Table 23 - CAB expenditure 2012 - 2017**

	2012	2013	2014	2015	2016	2017**
Expenditure	€700,000	€382,000	€327,000	€178,000	€99,000	€101,000

\*\*figures include VAT

# Supporting Service Delivery

## **Legal Services Support / Civil Legal Aid**

The grant or refusal of civil 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 civil 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 the relevant law centre, the majority are allocated to private practitioners on the Board's District Court panel.

For cases which require representation in the Circuit or Superior Courts, the decision-making function rests with the Board's Legal Services function. The decision to grant or refuse legal aid is made on foot of a submission from the client's 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 a barrister or procuring expert reports, also rests with Legal Services. This is a central part of the cost-control and governance role of the Support function.

## **Appeal Committee**

The Appeal Committee is a statutory sub-committee of the Board that decides on cases where a person makes an appeal against a decision of the executive.

In 2017, there were 3,368 certificates granted by the Board's Legal Services function on foot of submissions made by law centres on behalf of applicants, a decrease of 4% on the previous year. The Unit also granted 5,274 amendments to legal aid certificates in the year, an increase of 8% 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 565 authorisations given 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 240 formal refusals of legal aid on the merits criteria in 2017, with a further 64 refusals of amendments and other authorisations. Applicants who are refused a legal aid certificate or an amendment enabling further services to be provided, have the right of appeal to an Appeal Committee of the Board. Details of the number of cases appealed and the outcomes are set out below.

The majority of cases that come before it relate to decisions to refuse legal aid certificates.

In 2017, the Committee met on 15 occasions and considered 169 appeals.

Of these, the decision of the executive was upheld in 131 cases.

There were 35 appeals where the original decision was overturned. In 11 cases, full or partial waivers of costs or

contributions were granted by the Committee (out of a total of 17 sought).

Table 24 below provides an outline of the position.

**Table 24 – Appeals**

	2013	2014	2015	2016	2017
Total number of appeals	156	165	146	129	169
Number of decisions upheld	116	131	111	105	131
- Financial criteria	12	33	31	34	57
- Merits criteria	104	98	80	71	74
Number of decisions overturned	38	26	31	23	35
Appeals withdrawn/resolved	1	6	4	1	3

### Protected Disclosures

The Board has a policy on protected disclosure reporting in the workplace and it complies with the provisions of the Protected Disclosures Act, 2014.

The Board signed up to Transparency International Ireland's "Integrity at Work" programme in 2017.

The Policy sets out the principles underpinning the development and maintenance of an ethical culture in the organisation, the operational details of how protected disclosures are to be made by workers in the Board and how those disclosures are to be considered. The Board has appointed a confidential recipient. One disclosure was reported to the confidential recipient in 2017 which is under investigation.

### Internal Audit

Reports on audits of the following Law Centres were presented to the Board's Audit and Risk Committee by the internal auditors for consideration by the Committee: Athlone, Cork North, Cork South, Galway, Gardiner Street, Kilkenny, Longford, Tullamore, Medical Negligence Unit, Sligo, Tullamore, Wexford, Clondalkin, Portlaoise, Finglas, Monaghan, Blanchardstown and Navan. A report on the audit of the Family Mediation Office in Raheny was also presented. None of the audits presented during the year made any material findings. The responses were noted and there were no material findings.

## **Financial Management**

The Board's Finance Unit is responsible for the financial management of the organisation. During 2017, 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 Board's 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.

## **Information and Communications Technology**

A key focus of the ICT Unit of the Board during 2017 was on improving the performance of the EOS case management system for civil legal aid cases. A detailed analysis of the system infrastructure and coding was carried out which provided the basis for a series of performance improvements.

## **Energy Usage 2017**

### **Overview of Energy Usage in 2017**

The Board is currently on course to meet its statutory obligation to reduce energy consumption by 33% by 2020 (over a 2009 baseline). Returns are made to the Sustainable Energy Authority of Ireland (SEAI) on an

A new case management system for the Board's mediation service was rolled out.

The Board engaged with Government Networks and external contractors on the specification stage of a project that will enable the Board's inter-office communications to move to the Government's virtual private network (VPN). When implemented, this will provide significant savings on telecommunications costs.

## **Official Languages Scheme**

The revised second Scheme has been in place since August 2014. The Board is continuing to monitor and update this Scheme. The principle development in 2017 was the training of 10 staff members in Professional Irish. The level of training delivered was at various levels depending on the competency of the staff member. Gaelchultúr provided the training.

annual basis, and the performance scorecard, based on these returns is outlined below.

The offices included in this report consumed the following levels of energy over the last three years:

**Table 25 – Energy Consumption**

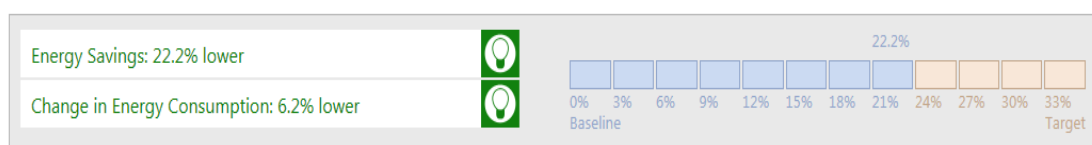
Year	Electricity(kWh)	Gas (kWh)	Oil (Litres)
2017	1,499,389	95,268	15,254
2016	1,558,739	115,647	17,000
2015	1,523,587	120,859	17,000

### Initiatives taken during 2017

The Board has, throughout 2017, continued to work with the Office of Public Works (OPW) via its Optimising Power @ Work campaign to focus on

staff awareness campaigns, behavioural change and minor works projects that generate savings in energy usage.

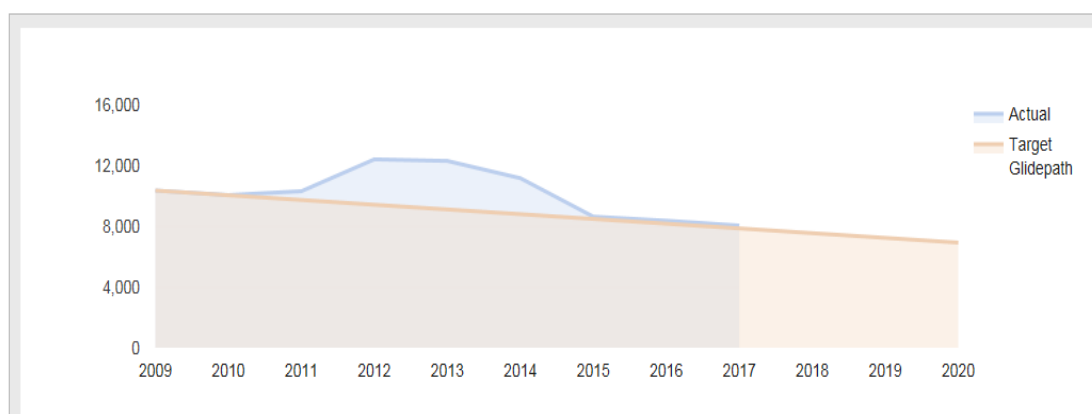
### Progress against baseline (2009 to end 2017)



### Energy Performance Indicators - 2017

2017 EnPI = 8,088  $\frac{\text{kWh}}{\text{FTE Employees}}$

Target EnPI = 6,963  $\frac{\text{kWh}}{\text{FTE Employees}}$



3.8% better than 2016

22.2% better than baseline

16.2% improvement required by 2020

2.4% worse than target 'glidepath'

### Level 2 Energy Performance Indicators (2017)

Electricity = 7,459  $\frac{\text{kWh}}{\text{FTE Employees}}$

Thermal = 628  $\frac{\text{kWh}}{\text{FTE Employees}}$

Transport = 0  $\frac{\text{kWh}}{\text{FTE Employees}}$

3.4% better than 2016

8.5% better than 2016

0.0% worse than 2016

# Finance

**LEGAL AID BOARD**  
**FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 31 DECEMBER 2017**

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<b>Board Members</b>	
<b>Chairperson</b>	Philip O'Leary
<b>Members</b>	Tom Brennan
	Maurice Lawlor
	Michael O'Connell
	Evelyn O'Connor
	Nuala Jackson
	Nuala Egan
	Gordon Jeyes
	Ellen O'Malley Dunlop
	Deirdre Burke
	Anne-Marie Blaney
	Freda McKittrick
<b>Office Address</b>	Quay St.,
	Cahirciveen,
	Co. Kerry
<b>Board Secretary</b>	Mary O'Connor
<b>Banker</b>	Allied Irish Banks
	24 Main Street,
	Cahirciveen,
	Co. Kerry
<b>Solicitor</b>	Holmes O'Malley Sexton
	Bishopsgate
	Henry Street
	Limerick
<b>Auditor</b>	Comptroller and Auditor General
	3A Mayor Street Upper,
	Dublin 1

## **Governance Statement and Board Members' Report**

### **Governance**

The Legal Aid 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 is accountable to the Minister for Justice and Equality and is responsible for ensuring good governance and performs this task by setting strategic objectives and targets and taking strategic decisions on all key business issues. The regular day-to-day management, control and direction of the Legal Aid Board are the responsibility of the Chief Executive and the senior management team. The Chief Executive and the senior management team must follow the broad strategic direction set by the Board, and must ensure that all Board members have a clear understanding of the key activities and decisions related to the entity, and of any significant risks likely to arise. The Chief Executive acts as a direct liaison between the Board and management of the Legal Aid Board.

### **Board Responsibilities**

The functions of the statutory Board are set out in Section 5 of the Civil Legal Aid Act 1995 (as amended) – "the Act" – and its responsibilities are set out in the Board's Governance Manual, as follows:

- 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.

Section 20 of the Act 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 Public Expenditure and Reform, all proper and usual accounts of the resources of the Board.

In preparing these financial statements, the Board of the Legal Aid Board is required to:

- select suitable accounting policies and 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 it 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 adequate accounting records which disclose, with reasonable accuracy at any time, its financial position and enables it to ensure that the financial statements comply with Section 20 of the Act. The maintenance and integrity of the corporate and financial information on the Legal Aid Board's website is the responsibility of the Board.

The Board is responsible for approving the annual plan and budget.

The Board is also responsible for safeguarding its assets and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

The Board considers that the financial statements of the Legal Aid Board give a true and fair view of the financial performance and the financial position of the Legal Aid Board at 31 December 2017.

## Board Structure

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 Tánaiste and Minister for Justice and Equality, Frances Fitzgerald TD, on 8<sup>th</sup> November 2016.

The table below details the appointment period for current members:

Name	Date of Appointment	Date on which term expires / expired
<b>Philip O'Leary</b> Chairperson	08/11/2016	01/11/2021
<b>Anne-Marie Blaney</b> Civil Servant (Staff Member)	08/11/2016	01/11/2021
<b>Tom Brennan</b> Chartered Accountant	08/11/2016	01/11/2021
<b>Deirdre Burke</b> Solicitor	08/11/2016	01/11/2021
<b>Nuala Egan</b> Barrister at Law	21/02/2017	01/11/2021
<b>Nuala Jackson</b> Senior Counsel	08/11/2016	01/11/2021
<b>Gordon Jeyes</b> Former Chief Executive of Tusla, the Child and Family Agency	08/11/2016	01/11/2021
<b>Maurice Lawlor</b> Department of Social Protection	08/11/2016	01/11/2021
<b>Freda McKittrick</b> Assistant Director, Barnardos	08/11/2016	01/11/2021
<b>Michael O'Connell</b> Civil Servant (Staff Member)	08/11/2016	01/11/2021
<b>Evelyn O'Connor</b> Department of Public Expenditure and Reform	08/11/2016	01/11/2021
<b>Ellen O'Malley Dunlop</b> Chairperson of the National	08/11/2016	01/11/2021

Women's Council of Ireland		
<b>David Gilbride</b> Department of Justice and Equality	08/11/2016	27/07/2017 (resigned on this date)

The Board made arrangements in the last quarter of 2017 for an external Board Effectiveness and Evaluation Review, to be commenced in January 2018.

The Board has established seven committees, as follows:

### ***Appeal Committee***

The Appeal Committee is a statutory committee of the Board, and comprises the following members in 2017: Ms. Nuala Jackson (Chairperson of Committee), Ms. Nuala Egan, Mr. Gordon Jeyes, Mr. Maurice Lawlor, and Ms. Ellen O'Malley Dunlop. (Substitutes: Ms. Deirdre Burke, Ms. Evelyn O'Connor, Mr. Philip O'Leary).

This committee considers requests by legal aid applicants for decisions made by the executive in a particular case to be reversed.

### ***Audit and Risk Committee***

The Audit and Risk Committee considers organisational and other risks identified in the risk assessment reports or otherwise and reports to the main Board on the extent to which such risks are managed or mitigated in a structured and on an ongoing basis. The members of the Audit and Risk Committee in 2017 are: Ellen O'Malley Dunlop (Chairperson of Committee), Mr. Gordon Jeyes, Mr. Michael O'Connell, Mr. David Gilbride, and Mr. Kieran Corcoran (external member of Committee.)

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

It also has the responsibility of reviewing the annual internal audit plan and monitoring implementation of the plan throughout the year. The Committee reviews the significant findings and recommendations of the internal audit function and monitors the action taken by management to resolve any issues that have been identified. The Committee advises and makes recommendations to the Board, the Chief Executive and senior management, as appropriate, on any matters pertaining to the internal audit function within the Board.

### ***Finance Committee***

The Finance Committee members are as follows: Mr. Tom Brennan (Chair of Committee), Mr. Maurice Lawlor, Mr. Michael O'Connell, Ms. Evelyn O'Connor, and Mr. Philip O'Leary. The Committee 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 approval of the Board's annual accounts and detailed consideration of financial matters in order to make appropriate recommendations to the Board and to advise management.

### ***Policy and Reform Committee***

The role of the Policy and Reform Committee is to consider matters relating to new areas of work of the Board and any relevant areas of reform in relation to the approaches adopted by the Board. The Committee considers Board policy and interpretation of legislation and reports and makes recommendations to the Board as deemed appropriate. The members of the Committee in 2017 are Mr. Philip O'Leary (Chairperson of Committee), Ms. Anne Marie Blaney, Ms. Deirdre Burke, Ms. Nuala Egan, Ms. Nuala Jackson, Ms. Freda McKittrick, and Mr. David Gilbride.

### ***Human Resources Committee***

The role of the Human Resources Committee is to consider issues which impact on human resources within the Board. The Committee reviews policy documents and other papers on HR matters being considered, 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 members of the Committee in 2017 are: Ms. Evelyn O'Connor (Chairperson of Committee), Mr. Tom Brennan, Mr. Gordon Jeyes, and Ms. Freda McKittrick. Substitute: Ms. Nuala Egan.

### ***Performance Committee***

The Performance Committee is a sub-committee of the HR Committee set up to consider the objectives of the Chief Executive and the extent to which those objectives have been achieved. Its members are Mr. Philip O'Leary, Ms. Freda McKittrick, and Ms. Evelyn O'Connor. The Committee is chaired by the Board Chairperson.

### ***Family Mediation Committee***

The role of the family mediation committee is to consider and make recommendations to the Board on matters relating to the provision of family mediation services by the Board and family mediation matters generally. The members of the Committee are Ms. Deirdre Burke (Chair of Committee), Ms. Anne-Marie Blaney, Ms. Nuala Jackson, Ms. Freda McKittrick, Mr. David Gibride, and Mr. Derek Fish (Staff member).

The Committee makes recommendations to the Board on future processes and practices. It also considers the future focus of the service in the light of the resources available, anticipated demand and legislative and other changes as well as existing and proposed synergies between law centres and family mediation offices.

### ***Schedule of Attendance, Fees and Expenses***

In 2017, the Board held 11 Board meetings, six of which were held in Dublin, three in Cahirciveen, one in Cork and one in Galway. A schedule of attendance at the Board and Committee meetings for 2017 is set out below.

Name	Number of Board meetings attended	Fees 2017 €	Expenses 2017 €
Philip O'Leary (Chair)	11	13,971	1,004
Anne-Marie Blaney	10	0	0
Tom Brennan	10	9,946	195
Deirdre Burke	8	9,117	0
Nuala Egan*	9	7,302	0
David Gilbride**	4	0	0
Nuala Jackson	8	8,981	49
Gordon Jeyes	10	8,981	236
Maurice Lawlor	11	0	2,113
Freda McKittrick	11	9,946	0
Michael O'Connell	10	0	1,975
Evelyn O'Connor	11	0	0
Ellen O'Malley Dunlop	11	9,946	100
Kieran Corcoran (External member of Audit and Risk Committee)	N/A	1,397	441

Note: Anne-Marie Blaney, David Gilbride, Maurice Lawlor, Michael O'Connell and Evelyn O'Connor, who are public servants, did not receive a Board fee under the One Person One Salary principle.

\*Ms. Nuala Egan was appointed to the Board in February 2017

\*\*Mr. David Gilbride resigned from the Board in July 2017

A schedule of attendance at Committee meetings is set out below.

	Audit and Risk	Finance	Policy and Reform	Family Mediation	Appeals	Human Resources	Performance
Number of Committee meetings held	6	8	4	5	13	4	3
<b>Attendance by Committee members</b>							
Philip O'Leary		8	4		4		3
Anne-Marie Blaney			4	4			
Tom Brennan		7				3	
Deirdre Burke	1		2	5	2		
Nuala Egan			3	2	10	2	
David Gilbride	4		1	2			
Nuala Jackson			4	3	10		
Gordon Jeyes	6				12	4	
Maurice Lawlor		8			12		
Freda			3	4		4	3

<b>McKittrick</b>							
<b>Michael O'Connell</b>	6	8					
<b>Evelyn O'Connor</b>		8			3	4	3
<b>Ellen O'Malley Dunlop</b>	6				11		
<b>Kieran Corcoran (External member of Audit and Risk Committee)</b>	6						

### **Key Personnel Changes**

One new Board member, Ms. Nuala Egan, was appointed in February 2017. Mr. David Gilbride resigned from the Board in July 2017.

The Director of Corporate Services, Ms. Eileen Bowden, retired in July 2017. Donal Reddington, who joined the Board in March 2017, took over the Director of Corporate Services role.

### **Disclosures Required by the Code of Practice for the Governance of State Bodies (2016)**

The Board is responsible for ensuring that the Legal Aid Board has complied with the requirements of the Code of Practice for the Governance of State Bodies ("the Code"), as published by the Department of Public Expenditure and Reform in August 2016. The following disclosures are required by the Code:

#### ***Employees Short-Term Benefits Breakdown***

Employees' short-term benefits in excess of €60,000 are categorised into the following bands:

<b>Salary Category</b>	<b>Number of Employees</b>	
	<b>2017</b>	<b>2016</b>
€60,000 to €69,999	91	77
€70,000 to €79,999	16	34
€80,000 to €89,999	24	16
€90,000 to €99,999	4	8
€100,000 to €109,999	3	0
€110,000 to €119,999	0	0
€120,000 to €129,999	1	1

### **Consultancy Costs**

	<b>2017 €</b>	<b>2016 €</b>
Legal advice - Property	158,731	256,892
Human Resources/IT	161,151	277,000
Total	319,882	533,892

### **Legal Costs and Settlements**

The table below provides a breakdown of amounts recognised as expenditure in the reporting period in relation to settlements or judgements in legal actions taken against the Legal Aid Board, and the legal fees associated with these actions.

It does not include legal fees incurred by the Board on behalf of its clients in the normal course of business (these are shown in Note 10 to the Financial Statements), or general legal advice on other matters received by the Legal Aid Board, which is disclosed in Consultancy Costs above.

	<b>2017 €</b>	<b>2016 €</b>
Professional Negligence Liabilities	545,533	461,726
Legal Fees – Legal proceedings	277,452	190,105
Total	822,985	651,831

### **Severance Payments**

In 2017, the Board agreed a settlement of €27,619 with an employee who had taken a case to the Workplace Relations Commission under which the WRC case was withdrawn and the employee left the employment of the Legal Aid Board.

### **Travel and Subsistence Expenditure**

Travel and subsistence expenditure is categorised as follows:

		<b>2017 €</b>	<b>2016 €</b>
<b>Domestic</b>			
	Board*	11,605	8,351
	Employees	615,383	605,282
<b>International</b>			
	Board*	1,703	-
	Employees	5,879	6,389
Total		634,570	620,022

\*Includes travel and subsistence of €6,112 paid directly to Board members in 2017 (2016: € 8,351). The balance of €7,196 relates to expenditure paid by the Legal Aid Board on behalf of the Board members.




### ***Hospitality Expenditure***

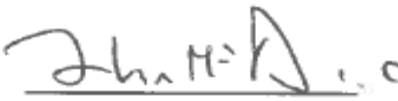
No hospitality expenditure was incurred by the Board in 2016 and 2017.

### ***Statement of Compliance***

The Board has adopted the Code of Practice for the Governance of State Bodies (2016) and has put procedures in place to ensure compliance with the Code. The Legal Aid Board was in full compliance with the Code of Practice for the Governance of State Bodies for 2017.

  
Philip O'Leary  
Chairperson

Date: 6/12/18

  
John McDaid  
Chief Executive

Date: 6<sup>th</sup> December 2018

## **Legal Aid Board**

### **Statement on the System of Internal Controls 2017**

#### **Board responsibilities**

On behalf of the Board of the Legal Aid Board, we acknowledge that the Board is responsible for ensuring that an effective system of internal control is maintained and operated for the organisation.

Any such system can provide only reasonable and not absolute assurance against material error. In considering the effectiveness of internal controls the Board has regard, among other things, to the requirements of the Code of Practice for the Governance of State Bodies 2016.

#### **Audit and Risk Committee**

The following is a description of the key control procedures which have been put in place by the Board, to provide effective internal control.

The Audit and Risk Committee continually reviews the effectiveness of controls and monitors the action taken by management to resolve any issues that are identified.

The annual review of the effectiveness of control was carried out in March 2018.

The Audit and Risk Committee is required to produce a formal report within three months of the end of the calendar year. The Committee report was completed in March 2018 and was presented to the Board at its meeting on 27 April 2018.

A breach of controls was identified in 2017, which involved eight invoices from a single supplier of services, with a total value of €3,296, being incorrectly paid to a different supplier. Additional verifications are being implemented with regard to the processing of invoices to prevent a re-occurrence. The Board has issued legal correspondence to the supplier who was incorrectly paid with regard to recovering the amount in question.

The amount involved in the breach of control above is not material, and there were no material losses or frauds incurred by the Board in 2017.

#### **Delegation of functions**

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, most recently updated in November 2016 to incorporate the additional requirements set out in the 2016 revised Code of Practice for the Governance of State Bodies, provides a clear and comprehensive summary of the principal aspects of corporate governance for the Board and senior management.

A financial fraud prevention policy for the Board was updated in 2015.

The majority of the current Board was appointed in November 2016 and was briefed on Board roles and responsibilities. A similar briefing was provided to Board members who have been appointed subsequently.

### **Risk management**

Risk Management forms an integral part of the Business Planning process. 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.

A formal risk materialisation reporting system is in place that records any risks that materialised or near miss occurrences. Both the Risk Register and the risk materialisation report are updated on a twice yearly basis and are noted at a meeting of the Board.

The Board has also a range of reports available on the legal case management system that are used to identify and proactively manage risk cases.

One of the functions of the Audit and Risk Committee of the Board is to provide an independent opinion on the adequacy of the Board's risk management arrangements.

The Audit and Risk Committee met on six occasions in 2017.

### **Budgetary and financial controls**

The Board has a comprehensive budgeting system that includes approval by the statutory Board of annual budgets and monitoring of monthly financial reports.

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 eight occasions during 2016. In addition to the monthly financial reports, the Committee also considered a mid year review of finances.

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.

### **Internal audit**

The Board has an Internal Audit function whose annual audit programme is approved by the Audit and Risk Committee of the statutory Board and one of those functions is to review all aspects of internal financial controls. The Audit and Risk 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 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 Finance Committee, the Audit and Risk Committee and the statutory Board, which ensures that issues raised are acted upon.

The Audit and Risk 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.

### **Confirmation of Board's oversight role**

We confirm that during the year ended 31 December 2017, the Board, through its Finance Committee and Audit and Risk Committee, and through the Board itself, continued to monitor and review the effectiveness of the Board's system of internal controls.

No weaknesses in internal control resulted in material losses, contingencies or uncertainties which require disclosure in the financial statements or the auditor's report on the financial statements.

### **Confirmation of procurement compliance**

The Legal Aid Board ensures that there is an appropriate focus on good practice in purchasing and that procedures are in place to ensure compliance with all relevant guidelines.

In 2017 a total of 12 supply arrangements were identified with a total value of €1,270,266 which were procured without a competitive process. These are broken down as follows:

- 3 existing supply contracts were extended/rolled over with a value of €497,654.
- 2 situations arose where there was a single suitable supplier available and the value of this contract was €89,098.
- 3 local arrangements/tenders were entered in to with a value of €110,785.
- 4 other procurements with a value of €572,729 have mainly arisen as an interim measure while the finalisation of centralised purchasing arrangements in the Office of Government Procurement is awaited.

Apart from two sole supplier cases, the Legal Aid Board has already put contracted arrangement in place for four cases and is taking steps to put tenders in place in 2018 for the remaining six cases.

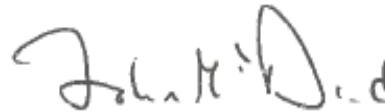
**Confirmation that Statement has been reviewed**

The Board reviewed this Statement on 19 July 2018 and approved it as being an accurate reflection of the control system in operation during the reporting period.



Philip O'Leary  
Chairperson

Date: 6/12/18



John McDaid  
Chief Executive

Date: 6<sup>th</sup> December 2018

# REPORT OF THE COMPTROLLER & AUDITOR GENERAL



## Ard Reachtaire Cuntas agus Ciste Comptroller and Auditor General

### Report for presentation to the Houses of the Oireachtas

#### Legal Aid Board

##### Opinion on financial statements

I have audited the financial statements of the Legal Aid Board for the year ending 31 December 2017 as required under the provisions of section 20 (2) of 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, including a summary of significant accounting policies.

In my opinion, the financial statements give a true and fair view of the assets, liabilities and financial position of the Legal Aid Board at 31 December 2017 and of its income and expenditure for 2017 in accordance with Financial Reporting Standard (FRS) 102 — *The Financial Reporting Standard applicable in the UK and the Republic of Ireland*.

##### Basis of opinion

I conducted my audit of the financial statements in accordance with the International Standards on Auditing (ISAs) as promulgated by the International Organisation of Supreme Audit Institutions. My responsibilities under those standards are described in the appendix to this report. I am independent of the Legal Aid Board and have fulfilled my other ethical responsibilities in accordance with the standards.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

##### Report on information other than the financial statements, and on other matters

The Legal Aid Board has presented certain other information together with the financial statements. This comprises the governance statement and Board members' report and the statement on internal control. My responsibilities to report in relation to such information, and on certain other matters upon which I report by exception, are described in the appendix to this report.

##### Non competitive procurement

I draw attention to the statement on internal control which discloses that in 2017 there were instances where the Legal Aid Board incurred material expenditure where the relevant goods and services had not been procured by way of a competitive process. The statement on internal control also sets out the steps taken or planned by the Legal Aid Board to address these weaknesses.

Seamus McCarthy  
Comptroller and Auditor General

20 December 2018

# REPORT OF THE COMPTROLLER & AUDITOR GENERAL

## Appendix to the report

### Responsibilities of Board members

The governance statement and Board members' report sets out the Board members' responsibilities. The Board is responsible for

- the preparation of financial statements of the Legal Aid Board in the form prescribed under section 20 (1) of the Civil Legal Aid Act 1995
- ensuring that the financial statements give a true and fair view in accordance with FRS 102
- ensuring the regularity of transactions
- assessing whether the use of the going concern basis of accounting is appropriate, and
- such internal control as they determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### Responsibilities of the Comptroller and Auditor General

I am required under section 20 (2) of the Civil Legal Aid Act 1995 to audit the financial statements of the Legal Aid Board and to report thereon to the Houses of the Oireachtas.

My objective in carrying out the audit is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement due to fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with the ISAs, I exercise professional judgment and maintain professional scepticism throughout the audit. In doing so,

- I identify and assess the risks of material misstatement of the financial statements whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- I obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal controls.
- I evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures.
- I conclude on the appropriateness of the use of the going concern basis of accounting and, based on the audit evidence obtained, on whether a material uncertainty

exists related to events or conditions that may cast significant doubt on the Legal Aid Board's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my report. However, future events or conditions may cause the Legal Aid Board to cease to continue as a going concern.

- I evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

### Information other than the financial statements

My opinion on the financial statements does not cover the other information presented with those statements, and I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, I am required under the ISAs to read the other information presented and, in doing so, consider whether the other information is materially inconsistent with the financial statements or with knowledge obtained during the audit, or if it otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact.

### Reporting on other matters

My audit is conducted by reference to the special considerations which attach to State bodies in relation to their management and operation. I report if there are material matters relating to the manner in which public business has been conducted.

I seek to obtain evidence about the regularity of financial transactions in the course of audit. I report if there is any material instance where public money has not been applied for the purposes intended or where transactions did not conform to the authorities governing them.

I also report by exception if, in my opinion,

- I have not received all the information and explanations I required for my audit, or
- the accounting records were not sufficient to permit the financial statements to be readily and properly audited, or
- the financial statements are not in agreement with the accounting records.


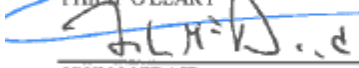
## LEGAL AID FUND

### STATEMENT OF INCOME AND EXPENDITURE AND RETAINED REVENUE RESERVES for the year ended 31 December 2017

	Note	2017		2016	
		€	€	€	€
<b>Income</b>					
State funding	2	39,708,000		36,188,000	
Net deferred funding for pensions	3c	(408,013 )		(330,041 )	
Contributions from aided persons		1,616,281		1,557,855	
Costs recovered		622,205		343,525	
Other income	4	248,235		229,396	
			41,786,708		37,988,735
<b>Expenditure</b>					
Salaries and related expenses	6a	20,941,225		20,740,951	
Pension Costs	3a	(200,399 )		(122,483 )	
Fees to board members		79,587		30,830	
Accommodation and establishment expenses	9	4,416,984		4,868,273	
Legal fees and expenses	10	14,921,226		9,984,224	
General administration	11	2,130,665		2,111,654	
Depreciation	12	533,576		424,269	
Audit fee		17,000		13,300	
			42,839,864		38,051,018
<b>Deficit for the year before appropriations</b>			(1,053,156 )		(62,283 )
Transfer to capital account	5		(195,930 )		(415,011 )
<b>Deficit for the year after appropriations</b>			(1,249,086 )		(477,294 )
Opening balance as at start of year			(8,338,640 )		(7,861,346 )
Closing balance as at end of year			(9,587,726 )		(8,338,640 )

All income and expenditure for the year 31 December 2017 relates to continuing activities at the balance sheet date.

The statement of cash flows, together with Notes 1 to 19, form part of these financial statements.

  
 PHILIP O'LEARY  
  
 JOHN MCDAUID



Chairperson Date 6/12/18  
 Chief Executive Date 6<sup>th</sup> Dec 2018



**STATEMENT OF OTHER COMPREHENSIVE INCOME**  
*for the year ended 31 December 2017*

		2017 €	2016 €
Deficit before appropriations		(1,053,156)	(62,283)
Experience losses on retirement benefit obligations	3 d	(11,000)	(461,000)
Changes in assumptions underlying the present value of retirement benefit obligations		-	-
<b>Actuarial loss in the year</b>	3 b	(11,000)	(461,000)
<b>Adjustment to retirement benefits funding</b>		11,000	461,000
<b>Total comprehensive income for the year</b>		(1,053,156)	(62,283)

The statement of cash flows, together with Notes 1 to 19, form part of these financial statements.

  
 PHILIP CLEARY  
  
 JOHN MCDAUID

Chairperson Date 6/12/18  
 Chief Executive Date 6<sup>th</sup> December 2018

**STATEMENT OF FINANCIAL POSITION**  
as at 31 December 2017

	Note	2017		2016	
		€	€	€	€
<b>Property, plant and equipment</b>	<b>12</b>		1,324,024		1,128,094
<b>Current assets</b>					
Cash at bank and on hand		5,455,634		3,258,128	
Receivables	<b>13</b>	<u>1,058,687</u>		<u>1,027,661</u>	
		6,514,321		4,285,789	
<b>Current liabilities (amounts falling due within one year)</b>					
Payables	<b>14</b>	14,640,000		10,828,335	
Clients' funds	<b>15</b>	<u>1,462,047</u>		<u>1,796,094</u>	
		16,102,047		12,624,429	
<b>Net current liabilities</b>			<u>(9,587,726)</u>		<u>(8,338,640)</u>
<b>Total assets less current liabilities before retirement benefit obligations</b>			<b>(8,263,702)</b>		<b>(7,210,546)</b>
Deferred retirement benefits funding	<b>3 c</b>	13,627,987		13,999,362	
Retirement benefits obligations	<b>3 b</b>	<u>(13,627,987)</u>		<u>(13,999,362)</u>	
		-		-	
<b>Total net liabilities</b>			<u><b>(8,263,702)</b></u>		<u><b>(7,210,546)</b></u>
<b>Represented by:</b>					
Retained revenue reserves		(9,587,726)		(8,338,640)	
Capital account	<b>5</b>	<u>1,324,024</u>		<u>1,128,094</u>	
		<u><b>(8,263,702)</b></u>		<u><b>(7,210,546)</b></u>	


The statement of cash flows, together with Notes 1 to 19, form part of these financial statements.

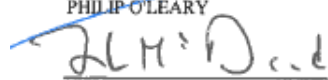
 PHILIP O'LEARY	Chairperson	Date <u>6/12/18</u>
 JOHN MCDAUID	Chief Executive	Date <u>6<sup>th</sup> December 2018</u>

**STATEMENT OF CASH FLOWS**  
*for the year ended 31 December 2017*

	Note	2017 €	2016 €
<b>Net cash flows from operating activities</b>			
Excess expenditure over income		(1,053,156)	(62,283)
Depreciation of property, plant and equipment		533,576	424,269
Decrease/(increase) in bank interest receivable		-	22,616
Increase in debtors		(30,978)	(1,684)
Increase in creditors		3,815,556	455,991
(Decrease)/increase in Client Funds		(336,355)	938,753
<b>Net cash inflow / (outflow) from operating activities</b>		<u>2,928,643</u>	<u>1,777,662</u>
<b>Cash flows from investing activities</b>			
Payments to acquire fixed assets		(731,336)	(837,451)
Interest paid on client settlements		(191)	(2,310)
<b>Net cash flows from investing activities</b>		<u>(731,527)</u>	<u>(839,761)</u>
<b>Cash flows from financing activities</b>			
Bank Interest Received		390	4,137
<b>Net cash flows from financing activities</b>		<u>390</u>	<u>4,137</u>
<b>Increase/(decrease) in cash and cash Equivalents</b>		2,197,506	942,038
Cash and cash equivalents at 1 January		<u>3,258,128</u>	<u>2,316,090</u>
Cash and cash equivalents at 31 December		<u><u>5,455,634</u></u>	<u><u>3,258,128</u></u>

Notes 1 to 19 form part of these financial statements

  
 PHILIP O'LEARY  
 Chairperson

  
 JOHN MCDAUID  
 Chief Executive

Date 6/12/18

Date 6<sup>th</sup> Dec 2018

**NOTES TO THE FINANCIAL STATEMENTS**  
*for the year ended 31 December 2017*

**1 Accounting policies**

**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 2016, 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 2017 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.

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 2017 shows an excess of liabilities over assets of €8,263,702. 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 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 2017 was approximately €22,000. There were no bad debts written off in 2017.

**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 2017, 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 2017 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:

	2017	2016
Subhead:	€	€
C.5 Grant	39,708,000	36,188,000

## 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.

<b>(a) Analysis of total retirement benefits charged to Expenditure</b>			
		<b>2017</b>	<b>2016</b>
		€	€
Interest on retirement benefit obligations		253,000	320,000
Employee contributions		(453,399)	(442,483)
		<u>(200,399)</u>	<u>(122,483)</u>
<b>(b) Movement in net retirement benefits liability during the financial year</b>		<b>2017</b>	<b>2016</b>
		€	€
Net liability at 1 January		14,025,000	13,868,403
Interest Costs		253,000	320,000
Actuarial loss		11,000	461,000
Retirement benefits paid in the year		(661,013)	(650,041)
Net liability at 31 December		<u>13,627,987</u>	<u>13,999,362</u>
<b>(c) Deferred Funding Asset for retirement benefits</b>			
The Legal Aid Board recognises these amounts as an asset corresponding to the unfunded deferred liability for retirement benefits 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 retirement benefits 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 retirement benefits recognised in the Income and Expenditure Account was as follows:			
		<b>2017</b>	<b>2016</b>
		€	€
Funding recoverable in respect of current year retirement benefits		253,000	320,000
State grant applied to pay retirement benefits		(661,013)	(650,041)
		<u>(408,013)</u>	<u>(330,041)</u>
The deferred funding asset for retirement benefits as at 31 December 2017 amounted to €13.63 million (€13.99 million in 2016).			
<b>(d) History of defined benefit obligations</b>			
	<b>2017</b>	<b>2016</b>	<b>2015</b>
	€	€	€
Defined benefit obligations	13,627,987	13,999,362	13,868,403
Experience (losses)/gains on scheme liabilities amount	(11,000)	(461,000)	(913,000)
Percentage of the present value of the scheme liabilities	-3%	-3%	-7%
<b>(e) General Description of the scheme</b>			
The retirement benefits 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 (6 April 2018) by a qualified independent actuary taking account of the requirements of the FRS in order to assess the scheme liabilities at 31 December 2017.			

The principal actuarial assumptions were as follows:		
	<b>2017</b>	<b>2016</b>
Rate of increase in salaries	2.5%	2.5%
Rate of increase in pensions in payment	2.5%	2.5%
Discount Rate	1.9%	1.9%
Inflation Rate	1.8%	1.8%
The average future life expectancy according to the mortality tables used to determine the pension liabilities were as follows:		
	<b>2017</b>	<b>2016</b>
Male aged 65	21.2	21.1
Female aged 65	23.7	23.6

#### 4 Other income

	<b>2017</b>	<b>2016</b>
	€	€
Interest received and receivable	2,226	3,120
Sundry receipts	246,009	226,276
	<u>248,235</u>	<u>229,396</u>

#### 5 Capital Account

	€	€
Balance as at 1 January 2017		1,128,094
Transfer from Income and Expenditure Account		
- Income used to purchase fixed assets	729,506	
- Income amortised in year in line with depreciation of assets	(533,576)	
		<u>195,930</u>
Balance as at 31 December 2017		<u>1,324,024</u>

#### 6 a) Employee numbers and costs

As at 31 December, 2017, 422.2 whole time equivalents were employed in the Board. This is in accordance with the Delegated Sanction from the Department of Public Expenditure and Reform which applies from 1 January 2015 to 31st December 2018. The average number of employees in the Board during the year was 417.2 (2016 - 411). Employees and related costs were as follows:

	<b>2017</b>	<b>2016</b>
	€	€
Salaries	19,269,697	19,146,425
Employer PRSI	1,671,528	1,594,526
	<u>20,941,225</u>	<u>20,740,951</u>

€ 643,581 was deducted from staff by way of pension related deductions and was paid over to the Department of Justice and Equality.

#### b) Employee Numbers by Salary Category

Salary Category	Number of Employees 2017	Number of Employees 2016
€60,000 to €69,999	91	77
€70,000 to €79,999	16	34
€80,000 to €89,999	24	16
€90,000 to €99,999	4	8
€100,000 to €109,999	3	-
€110,000 to €119,999	-	-
€120,000 to €129,999	1	1

7 Chief Executive Officer Salary and Expenses

	2017 €	2016 €
CEO salary	126,607	122,171
CEO expenses	1,952	1,840
	<u>128,559</u>	<u>124,011</u>

The CEO received salary payments of € 126,607. No performance related scheme is in place for the CEO.

The CEO also received an amount of € 1,952 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 for such schemes.

8 Board members Fees and Expenses

	2017 €	2016 €
Board members fees	79,587	30,830
Board members expenses	13,308	8,351
	<u>92,895</u>	<u>39,181</u>

A new Board was appointed on November 8th, 2016. No fees were paid to the new Board until March 2017.

Board Members	Fees	Board Members	Fees
Philip O'Leary	13,971	Ellen O'Malley Dunlop	9,946
Nuala Jackson	8,981	Tom Brennan	9,946
Deirdre Burke	9,117	Freda McKittrick	9,946
Gordon Jeyes	8,981	Kieran Corcoran*	1,397
Nuala Egan	7,302		

\* External member of audit committee

9 Accommodation and establishment expenses

	2017 €	2016 €
Rents	2,734,796	2,811,489
Cleaning	250,422	244,887
Lighting and heating	292,993	304,678
Maintenance - Premises	580,192	874,201
Maintenance - Equipment	558,581	633,018
	<u>4,416,984</u>	<u>4,868,273</u>

10 Legal fees and expenses

	2017 €	2016 €
Counsel fees	4,954,336	4,471,996
Witness/Ancillary fees (incl. expert witness fees)	977,973	950,421
Private Practitioner Schemes (includes International Protection)	3,503,104	2,614,170
Abhaile Scheme	3,736,677	130,808
Professional Negligence Liabilities*	796,355	651,831
Other professional fees	319,882	533,892
Other expenses (includes training)	632,899	631,106
	<u>14,921,226</u>	<u>9,984,224</u>

\*At December 31st 2017, the Board was subject to a number of claims in respect of Professional Negligence. As at year end, the Board has accrued € 634,000 (2016 - €586,000) in respect of these matters.

11 General administration

	2017 €	2016 €
Stationery and office expenses	369,654	406,206
Books and printing	104,945	117,046
Postage and telephone	986,343	933,210
Insurance	35,153	35,170
Travel and subsistence	634,570	620,022
	<u>2,130,665</u>	<u>2,111,654</u>



## 12 Property, plant and equipment

	Leases €	Office Furniture €	Equipment & Computers €	Premises Fit Out €	Total €
<b>Cost</b>					
Balance at start of year	2,292,177	1,763,685	5,181,770	4,187,315	13,424,947
Acquisitions	-	0	446,275	283,231	729,506
Disposals	(666,843)	0	(34,722)	(51,690)	(753,255)
Balance at end of year	1,625,334	1,763,685	5,593,323	4,418,856	13,401,198
<b>Depreciation of fixed assets</b>					
Balance at start of year	2,292,177	1,756,377	4,707,084	3,541,215	12,296,853
Charge in year	-	2,697	347,833	183,046	533,576
Disposals	(666,843)	-	(34,722)	(51,690)	(753,255)
Balance at end of year	1,625,334	1,759,074	5,020,195	3,672,571	12,077,174
Net book value at 31 December 2017	-	4,611	573,128	746,285	1,324,024
Net book value at 31 December 2016	-	7,308	474,686	646,100	1,128,094

## 13 Receivables

	2017 €	2016 €
Debtors - deposit interest	131	83
Prepayments		
- Rent	173,576	157,713
- Maintenance - Premises, Computers & Equipment	252,571	195,106
- Salaries	76,098	63,504
- Other	227,711	282,485
- Practising Certificates	328,600	328,770
	1,058,687	1,027,661

## 14 Payables

	2017 €	2016 €
Amounts falling due within one year:		
Creditors	746,756	199,333
Accruals	13,893,244	10,629,002
	14,640,000	10,828,335

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 2017, the amount provided for in relation to unbilled cases was €12,129,264 (2016 - €8,566,988)

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.

### Contingent Liability

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

	2017 €	2016 €
Client funds held at 1 January (Gross)	1,796,094	858,528
Interest	(16,877)	(18,058)
Client funds held at 1 January (Net of Interest)	1,779,217	840,470
<i>Add</i> Awards/settlements received during 2017	8,739,293	7,147,147
<i>Less</i> Settlements paid out, including interest allowed and costs recovered	(9,071,279)	(6,208,400)
Client funds held at 31 December	1,447,231	1,779,217
Interest accruing on client funds held	14,816	16,877
Total due to clients	1,462,047	1,796,094

## 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 €17,900,801 in future years as at 31 December 2017 in respect of leases expiring as follows:

	€
2018	650,178
2019-2022	588,291
2023 onwards	16,662,332
	<u>17,900,801</u>

### (b) Commitments in respect of Legal Fees

Commitments in respect of Legal Fees

Counsel Fees and Private Practitioner Schemes

	2017 €	2016 €
Open cases certified at 1 January	15,910,713	15,923,593
Additional fees certified	11,836,112	7,309,933
Payments	<u>(8,779,252)</u>	<u>(7,322,813)</u>
	18,967,573	15,910,713
Provided for at 31 December	<u>(12,129,264)</u>	<u>(8,566,988)</u>
Outstanding commitments at 31 December	<u>6,838,309</u>	<u>7,343,725</u>

At 31 December 2017, 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 2017, the Legal Aid Board had provided for legal fees of €12,129,264 and had outstanding commitments in the amount of € 6,838,309.

## 17 Movement of cash

	2017 €	2016 €
Balance at 1 January	3,258,128	2,316,090
Net cash inflow/outflow	2,197,506	942,038
Balance at 31 December	<u>5,455,634</u>	<u>3,258,128</u>

## 18 Holiday Pay Accrual

Prior to the introduction of FRS 102, 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 €646,476 in holiday pay at 31 December 2016. The accrual for holiday pay as at 31 December 2017 is €513,347.

## 19 Approval of Financial Statements

The Financial Statements were approved by the Board on 22nd June 2018.