

ANNUAL REPORT 2019



**An Bord Um
Chúnammh Dlíthiúil**
Legal Aid Board

Providing access to justice since 1979



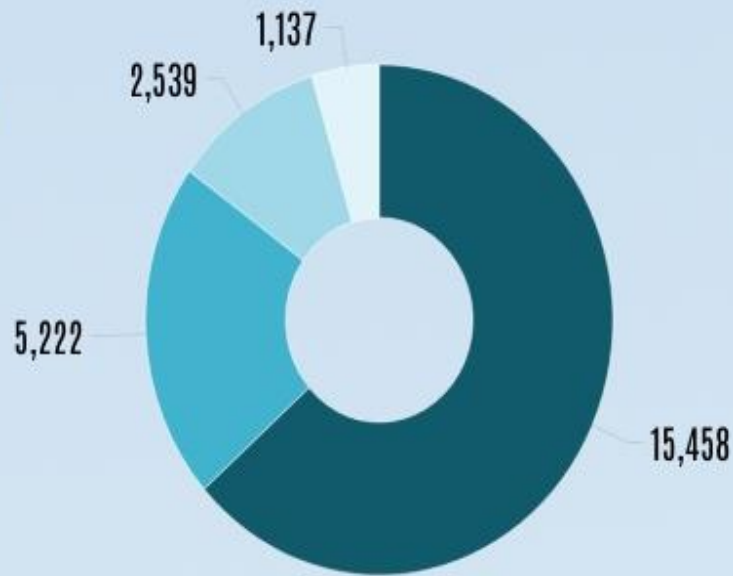
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Key Developments of 2019

Applications in 2019

There were 24,356 applications for the Board's services in 2019 of which 15,458 were for Civil Legal Aid, 2,539 for International Protection and 1,137 related to the Abhaile Scheme. 5,222 persons applied for Family Mediation services.



Civil Legal Aid	15,458	Family Mediation	5,222
International Protection	2,539	Abhaile	1,137

No. of Referrals to District Court Family Law Private Solicitor Panels



The number of referrals to the District Court Private Solicitors have increased from 5,224 in 2014 to 7,839 in 2019.

Referrals to the International Protection Private Solicitor Panels have increased from 818 in 2014 to 2,061 in 2019.

32%

In 2019 approximately 32% 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.

64%

64% or 11, 539 of applicants received either a priority service or were referred to a private solicitor. Most of the cases referred out to solicitors on the Board's private solicitor panels were referred immediately or shortly after the person had applied for legal aid.

6,191

6,191 civil legal aid cases were completed by the end of the year, representing a 6% increase on 2018.

67%

11,643 Family Law cases were handled in 2019 representing 67% of civil legal aid cases handed over the course of the year.

1,710

1,710 International Protection cases were handled in 2019 slightly up from 1,673 in 2018.

3,907

3,970 claims were authorised under the Garda Station Legal Advice Revised Scheme in 2019.

540

There were 540 solicitor consultations claimed on foot of Abhaile vouchers and 352 legal aid certificates granted for Circuit Court Personal Insolvency Application Reviews.

4,176

4,176 Brief Fees processed for High Court Bail applications under the Custody Issues Scheme.

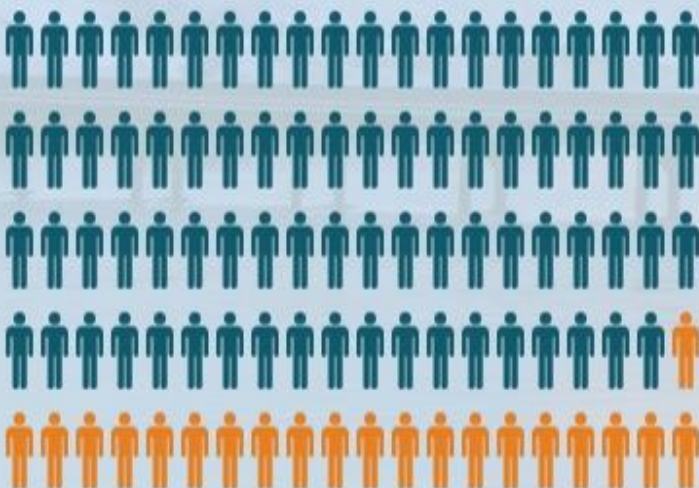
197

197 Legal Aid certificates were granted for Personal Insolvency Arrangement appeals to the High Court, up from 34 in 2018.

ABHAILE

FREE MORTGAGE ARREARS SUPPORT

In 2019 a total of 2,611 new couples attended family mediation availing of 11,317 sessions including information sessions given to one party only. 1,212 formal agreements were reached. A total of 3,256 family mediation cases were closed in 2019.



2,611

New Couples availed of the Family Mediation service in 2019

554

of these New Couples availed of Court Based Mediation



Mission

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

Vision

Our vision is to provide access to justice by enabling the resolution of disputes and the vindication of people's rights in the most appropriate manner while keeping in mind the dignity of the person, the nature of the dispute and the impact of the dispute on the parties immediately involved and wider society.

Values

- The client, access to justice and problem solving being central to our decision making.
- High professional and ethical standards in the provision of all of our services at all times delivered impartially and with professionalism and integrity
- A focus on learning, innovation and problem solving in the delivery of services in response to an ever changing legal and social environment
- Effective leadership at all levels and enabling staff to make the best use of their abilities and skills
- A culture that promotes a team ethic and respect for the human dignity of the client and that of the colleague
- The provision of good value for money
- Openness and transparency
- Effective governance and accountability relationships and structures with the Department of Justice and Equality, Government and the public

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, 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. 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 sixteen family mediation offices. Contact details can be found on the Board’s website.

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 Ad-hoc Legal Aid Scheme are provided through private solicitors and barristers.

3. Obtaining Civil Legal Aid Legal Services

Save for the Abhaile Scheme (see page 33), 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, nor is a 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. 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 Ad-hoc Legal Aid 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 2019 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.

8. Corporate Governance

The current Board was appointed by the then Tánaiste and Minister for Justice and Equality, Frances Fitzgerald TD, on 8th November 2016. Membership of the Board is set out on page 9.

Further details are available in the Governance Statement and Board Members Report on page 62.

The Board

The Board as of 31 December 2019:

Philip O'Leary

Chairperson

Anne-Marie Blaney

Civil Servant (Staff Member) (resigned September 2019)

Tom Brennan

Chartered Accountant

Deirdre Burke

Solicitor (resigned November 2019)

Martina Colville

Department of Justice and Equality (resigned July 2019)

Betty Dinneen

Civil Servant (Staff Member) (appointed December 2019)

Angela Denning

Department of Public Expenditure and Reform (resigned August 2019)

Eoin Dormer

Department of Public Expenditure and Reform (appointed December 2019)

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)

Ellen O'Malley Dunlop

Chairperson of the National Women's Council of Ireland

Rachel Woods

Department of Justice and Equality (appointed September 2019)



Chairperson's Foreword

I am pleased to present the 2019 Annual Report of the Legal Aid Board.

I am preparing these words at a time in 2020 when so much has changed on account of the Coronavirus COVID-2019. The restrictions that have been placed on our daily lives have very significantly impacted on the immediate demand for the Board's services and the capacity of and manner in which the Board provides those services.

I am very conscious that the restrictions may be placing extra pressure on some family relationships that may already have been under strain. I am also conscious of the impact of the economic crisis that COVID-19 has and will give rise to. These are likely to give rise to a very significant 'delayed' demand for the Board's services and many of those experiencing difficult family situations or finding themselves with financial problems brought on or exacerbated by the crisis, will need legal advice and representation in increasing numbers as the restrictions unwind. The Board is keenly focused at the moment on making itself as 'agile' as possible in order to meet the needs of those who are going to need its services, in addition of course to those who are receiving its services but who may not be able to engage face to face with a lawyer or a family mediator at the moment.

In terms of 2019 it is disappointing to have to report that the numbers waiting for legal services at the end of the year had increased to a figure of 2,019 from a figure of 1,754 at the start of the year. This was counter to a trend that had seen the numbers waiting reducing year on year over the previous five or six years. I am able to report that the numbers waiting for a first appointment have reduced very significantly since the end of 2019 though I am cautious in terms of the impact of the COVID-19 restrictions and the extent to which it may be delaying a demand for the Board's services. The Board is reflecting carefully upon how it can meet any surge in demand that may arise as we emerge from the crisis.

It remained the case in 2019 that the majority of those seeking legal services from the Board did so in relation to a family problem and I have previously expressed a wish that the Family Courts Bill would be progressed, given its potential to provide for significant improvements in how family problems are resolved. Unfortunately the Heads of a Bill have yet to be published though I am hopeful that a new government

will take advantage of the considerable work that is already done and publish a draft General Scheme or the Heads of a Bill during the course of 2020.

During the course of 2019 we were able to establish two more co-located law centre and family mediation offices – in Letterkenny and Portlaoise. This brings to six the number of co-locations and at the end of the year two further co-locations were planned. I remain strongly of the view that the co-located model can offer better options to help many of those experiencing family breakdown. I also believe that alternatives to a court process are going to become more important as long as social distancing requirements restrict the level of business that courts can conduct. I acknowledge that there is work to be done to maximise the effectiveness from the user's perspective of law centres and family mediation offices working side by side and indeed I am confident that the current crisis will spur us on in terms of making mediation a conventional rather than an alternative option of dispute resolution in the family law arena. During the course of 2019 we concluded the piloting in Kilkenny of a trial 'model' office, which is a co-located office, and took lessons from that pilot which we are working to implement.

I am always conscious that legal aid and advice are critical pillars in ensuring access to justice. While the predominant area of demand for services is in the area of family breakdown and relationship difficulties as is the case in other civil legal aid jurisdictions, there are other very significant areas of law where the availability of the Board's legal services is necessary to properly vindicate people's rights. 2019 saw an increase in both the numbers seeking international protection in the State and the numbers applying for legal aid for representation in relation to their international protection claims. This is a potentially vulnerable group of persons and it is important that their rights are protected.

2019 saw a government decision to extend the Abhaile Scheme, on foot of which the Board facilitates legal advice and sometimes representation to persons at risk of losing their home on account of mortgage arrears, to the end of 2021. This is welcome, particularly in the light of the impact that the looming economic crisis is likely to have.

In terms of vindicating rights, one group of persons whose rights may at times be at risk are the elderly. While we have enacted good legislation in the Assisted Decision Making (Capacity) Act 2015 to help ensure that the rights of elderly people are vindicated, the commencement of this legislation remains outstanding and I would welcome progress on the implementation of that legislation including the legal aid aspects of it.

An issue that I have highlighted during my tenure to date as Board Chairperson is the fact that the financial eligibility criteria for legal aid and advice have not been substantially changed since 2006. I may be repeating myself here but I remain very conscious that there is no discretion or capacity to provide services to persons who may be marginally

outside the financial limits. There is significant potential at the moment for ‘poverty traps’ to arise. An example is that HAP support, which is a State support to help people find homes, can have the effect of bringing the same people outside the financial eligibility threshold. The Board’s Executive is engaged with the Department of Justice and Equality in relation to the financial eligibility criteria. I would welcome early progress towards a new framework in this area.

The Board continues to administer three Schemes that are more related to criminal legal aid namely the Garda Station Legal Advice Scheme, the Criminal Assets Bureau Legal Aid Scheme and the Legal Aid – Custody Issues Scheme. The proposed transfer of responsibility to the Board for the main criminal legal aid scheme, which transfer requires legislation, did not progress during 2019 and legislation to give effect to the transfer remains outstanding.

The Board remains committed to the highest standards of corporate governance. Recognising that the Board has a presence in almost every county, during 2019 the Board met in Portlaoise as well as at the Board’s principal offices in Cahirciveen, Co. Kerry and in Dublin. It took the opportunity while in Portlaoise to officially open new co-located premises there, the opening being conducted by the Minister for Justice and Equality, Charlie Flanagan.

I wish to thank Ms Anne-Marie Blaney, Ms Deirdre Burke, Ms Martina Colville and Ms Angela Denning, all of whom stood down from the Board during 2019, for their service and to wish them well in the new roles that each of them have moved on to. Ms Rachel Woods, Ms Betty Dinneen and Mr Eoin Dormer were all appointed to the Board in 2019 and have already proved themselves to be significant contributors.

I want to express my continuing gratitude firstly to the Board’s staff for their on-going commitment, dedication and professionalism in the delivery of services to customers and secondly to the private solicitors and barristers who are similarly at the kernel of providing a meaningful service. The crisis has required significant changes in how many of the Board’s staff and also how private solicitors and barristers go about their business. That change has happened virtually overnight. The organisation has had to move very quickly to greatly enhance its capacity for staff to work remotely and it has done so. It is a testament to people’s commitment, resilience and professionalism that this has happened even if we’re not at the end point yet.

I would also like to acknowledge the continued support of the Minister for Justice and Equality and the officials in his Department who have supported the Board’s business.

Finally I want to note the milestone of the Board reaching its 40 year anniversary. When Gerry Collins T.D., Minister for Justice appointed the first Legal Aid Board on the 21st of December, 1979, he stressed the importance of the Scheme of Civil Legal Aid and Advice as an instrument by which the concept of equality before the law could be

brought substantially nearer to realisation in practice. Equality may always remain an aspiration, rather than a reality, however the right to equality should be responsive to those who are disadvantaged, demeaned, excluded, or ignored. Over the past 40 years the Legal Aid Board has played a substantial role in redressing disadvantage by providing access to justice to people who could otherwise not afford to participate fully in the legal process.

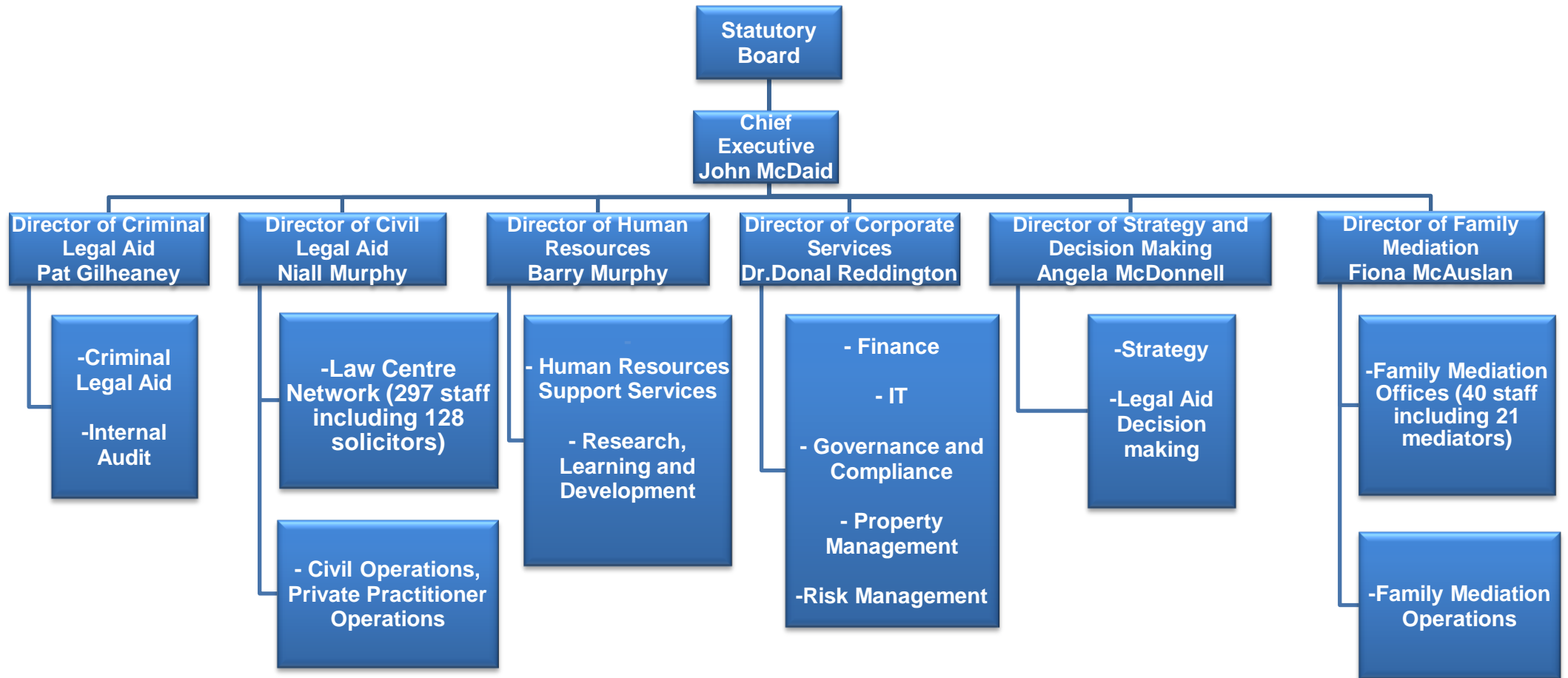
Philip O'Leary

Chairperson

Head Office Executive Staff

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

Structure





Introduction by the Chief Executive

I am pleased to introduce the Board's Annual Report for 2019.

In 2019 there were 17,997 new applications to law centres which was a decrease of just under 1.5% on the number of applications in 2018. (This figure excludes applications on foot of the Abhaile Scheme). As has been the case in every year since its inception, the majority of applicants seeking services from the Board did so in relation to a family problem. Of the 17,997 applications, approximately 78% involved a family matter. The numbers seeking services in relation to international protection matters rose from 2,079 in 2018 to 2,539 in 2019.

The Abhaile Scheme is part of the State's response to the mortgage debt problem and it 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. The Scheme was established in July 2016. In 2019 there was an increase in the number of persons seeking legal consultations on foot of the Scheme - from 782 in 2018 up to 1,169 in 2019 (though it is notable that there were 1,933 such consultations in 2017). The number of legal aid certificates granted to take proceedings to have proposed Personal Insolvency Applications approved by the Circuit Court dropped from 591 to 352 though notably the number of legal aid certificates granted to appeal these cases to the High Court rose from 34 to 197. While the Scheme was originally established to the end of 2019 during the course of the year it was formally extended to 2021.

Speedy access to the Board's services and to the justice system generally, has always been a priority for the Board. As of the 31st December 2019 there were 2,019 persons waiting for legal services which was an increase of 265 on the figure of 1,754 at the start of the year. It is disappointing to have to report this as the trend in recent years has been downward. (At the time of preparing this introduction the numbers waiting for a first consultation have dropped significantly though the longer term impact of the Coronavirus COVID-19 on waiting times and waiting numbers remains to be seen). It is worth noting that the majority of applicants are either prioritised or 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 while most persons seeking legal aid for family law cases in the District Court are granted a legal aid certificate on demand or shortly afterwards.

In 2019 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 two 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 2019 there was a 9.5% increase (to a figure of 7,839) in the use of private solicitors for private disputes in the District Family Court on the figure for 2018. Private solicitors are used to a much lesser extent in divorce and separation cases in the Circuit Court – only 10 such cases were referred to private solicitors in 2019, down from 63 in 2018. 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. 71 referrals were made in 2019, down from 94 such referrals in 2018.

On the family mediation side the Board continued in 2019 to provide family mediation services in eight full time offices and nine part time offices and to pursue its policy of co-locating its law centres and family mediation offices where this was opportune. The objective of the co-location model 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.

While the Board had in 2018 piloted a ‘mandatory group information scheme’ in Cork whereby persons seeking legal aid for family law matters where a dependent child is involved, were required to attend an information session about the option of family mediation before they could be granted a legal aid certificate for court representation, it was not clear from the evaluation that continuing the pilot was a good use of the Board’s mediation resources, particularly in circumstances where the compellability only applied to those seeking mediation who were also seeking legal services from the Board.

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. The number of new mediation cases showed a very small increase of just five to a figure of 334. I am confident that with the joint efforts of the Board and the Courts Service can result in more people seeking to resolve their problem by using mediation rather than by seeking a remedy in the District Court.

The Board held its annual conference in September and again we adopted the theme of reform of the family justice area. The event brought together a number of judges, senior officials in the Department of Justice and Equality and the Department of Children and Youth Affairs, lawyers practising in the area of family law, family mediators and NGO’s with an interest in the family justice area. The appetite for reform and for improving the client experience was evident and I am hopeful that we can work with other stakeholders to build on what appears to be the consensus that improvements in how family problems are resolved, are needed.

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 did not progress in 2019.

I want to acknowledge the contribution of our staff, the Board's greatest resource. The commitment of staff, their resilience and their willingness to learn, develop, and adapt is critical to the Board's work. At the time of preparing this introduction we are in the midst of the Coronavirus COVID-19 crisis and never has that commitment, resilience and willingness to adapt been more important in the pursuit of serving the members of the public that we are tasked to serve. I also must recognise and acknowledge the contribution of the private solicitors and barristers whose work is critical to the provision of legal aid and who similarly have shown themselves to be committed and agile in seeking to vindicate their clients' rights.

Finally I wish to express thanks to the Minister for Justice and Equality, and the Secretary General of the Department and his staff for their on-going engagement and support.

John McDaid
Chief Executive



40th Anniversary of civil legal aid in Ireland

The Board celebrated forty years in existence on 21st December 2019. In December 1979, following on from the report of the Pringle Committee and the seminal case of *Airey v. Ireland* (1979–80) 2 EHRR 305, the Government formally laid for the first time a comprehensive Scheme of Civil Legal Aid and Advice before both Houses of the Oireachtas. On 21st December 1979, it appointed the first members of the Legal Aid Board established to run the Scheme, among them the Board's first Chairperson, Ms Mella Carroll. Major milestones in the Board's development include:

- The opening of the first law centres in 1980,
- the commencement of state-funded family mediation in 1986,
- landmark legislation such as the introduction of no-fault judicial separation in 1989 and divorce in 1996,
- the creation of the first panel of private solicitors for District Court cases in 1993,
- the placing of civil legal aid on a statutory footing in 1995 and family mediation on a statutory footing in 2001,
- the establishment of a specialised service for asylum seekers in 1999,
- the transfer of the responsibility for family mediation to the Board in 2011,
- the establishment of the Abhaile scheme in 2016,
- the opening of the first co-located law centre and family mediation office in 2016.



**Providing
 access to
 justice
 since 1979**

40th Anniversary of civil legal aid in Ireland

The Board plans to mark the 40th anniversary of civil legal aid in Ireland throughout the year 2019-20. Some of the events already in train at the end of 2019 included:



- A leaflet was designed and published to mark the anniversary detailing major events that took place over the 40 years of civil legal aid (and over 30 years of family mediation services).
- An event commemorating 40 years of civil legal aid was organised and took place in St Lawrence's Church, Technological University Dublin on 23rd January 2020. The keynote address was delivered by the Hon Frank Clarke, Chief Justice of Ireland and other invited guests from the judiciary, Board members, and staff spoke as part of a panel discussion. The highlight of the evening for many will have been the presentation of certificates to long-serving staff of the Board (including those with long service with the Family Support Agency and its predecessors providing family mediation services).
- A new logo was unveiled for the 40th anniversary event and has been adopted by the Board as its new corporate logo.

The Board plans to continue to mark its 40th anniversary throughout 2020.

3,000
people helped

75
staff employed

97,000
people helped

282
staff employed

140,000
people helped

370
staff employed

305,000
people helped

470
staff employed

1979–1989

1977 Pringle Report
The Committee on Civil Legal Aid and Advice recommended the introduction of a comprehensive scheme of civil legal aid and advice.



1979 Airey v. Ireland
Right to civil legal aid in complex cases was recognised by European Court of Human Rights.

Scheme of Civil Legal Aid and Advice
The Scheme was laid before both Houses of the Oireachtas and the Legal Aid Board was established on 21st December 1979.

1980 The first law centres
Seven law centres were opened. The first solicitors were hired and administrative staff seconded from the Department of Justice.

1986 State-funded family mediation starts
The first State-funded family mediation office opened in Dublin with four part-time mediators.

1989 The Judicial Separation and Family Law Reform Act 1989
No-fault judicial separation introduced and jurisdiction conferred on the Circuit Court.



1990–1999

1991 Development Plan
Fifteen new law centres opened between 1991 and 1997.



1993 First solicitor panel established
Solicitors in private practice provided civil legal aid for first time on a contract basis.

1995 Civil Legal Aid Act 1995
Civil legal aid was placed on a statutory footing.

1995 The divorce referendum took place

1996 First Statutory Board was appointed



1997 The Family Law (Divorce) Act 1996
Divorce was put on a statutory footing.



1999 The Refugee Legal Service is established
Legal Services for asylum seekers is provided by the Board.

2000 –2009

2001 Head Office moves to Cahirciveen
Our purpose-built headquarters in Cahirciveen, Co Kerry was opened.



Artist, Martina Hanley, LAB

Family mediation on a statutory footing
The Family Support Agency was established with a statutory remit to provide family mediation services.

2004 O'Donoghue v. Legal Aid Board
Landmark judgement – target waiting period of four months to receive a non-priority service was endorsed.

2006 The Board established a new law centre to provide services in medical negligence cases.

2009 Dolphin House office
Office opened to provide a priority service to persons seeking family law remedies in Dublin.

Legal services to potential victims of human trafficking
Services commenced to persons identified by the Garda National Immigration Bureau as potential victims of human trafficking.



2010–2019

2011 The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 was introduced

Mediation at Dolphin House, Dublin Metropolitan District Court
A new initiative with the Court Service began.

The Board began to provide legal services for complainants in certain sexual assault cases.



Family mediation
The Board took responsibility for State-funded family mediation services, taking on 45 new staff from the Family Support Agency.



2011-2012 Criminal legal aid ad-hoc schemes

Management of the Garda Station, CAB and Custody Issues Schemes was transferred to the board.

2016 Abhaile
The Board provides the legal services element of the scheme set up for insolvent persons in danger of having their home repossessed.

ABHAILE

2016-2019 First co-location in Dublin

The first law centre and mediation centre located in the same premises opened.

Further co-located family mediation and law centres opened in Dundalk, Kilkenny, Tallaght, Portlaoise and Letterkenny.

Services Provided in 2019

The Legal Aid Board provides assistance to clients in the following areas:

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

Civil Legal Aid

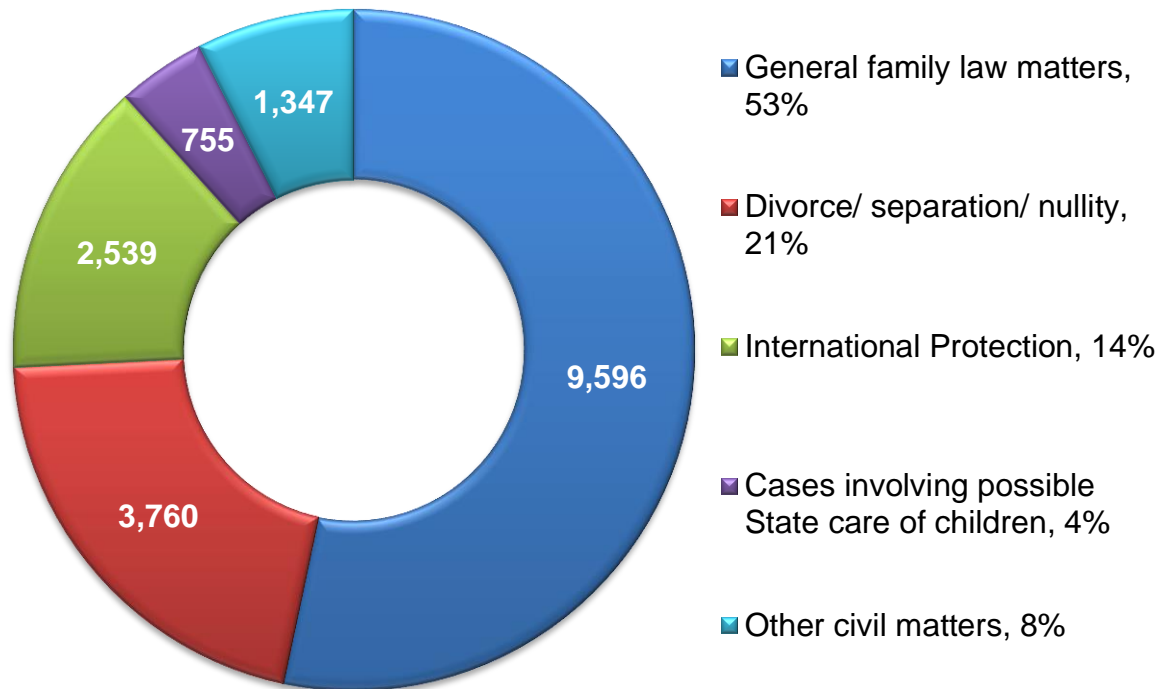
Demand for the service

17,997 applicants sought civil legal aid services from the Board's law centres in 2019. The type of problems for which the Board provides legal services extends to most areas of civil law although in 2019, as has been the case since the Board's inception in 1980, the majority of applicants sought services in relation to family problems.

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.

Table 1 - Number of applicants 2014 - 2019

Year	2014	2015	2016	2017	2018	2019
General	15,531	15,256	14,991	15,611	16,169	15,458
International protection	902	1,537	1,658	1,489	2,079	2,539
Total	16,433	16,793	16,649	17,100	18,248	17,997

Chart 1 - Number of applications by case type 2019

Law Centres

Legal aid and advice was handled through the Board's law centres in 17,419 cases in 2019. Table 2 provides information on case numbers in law centres. As in 2018 the figure includes

persons provided services in relation to applications for international protection in the State and is not directly comparable with 2016 and previous years.

Table 2 - Cases handled in law centres

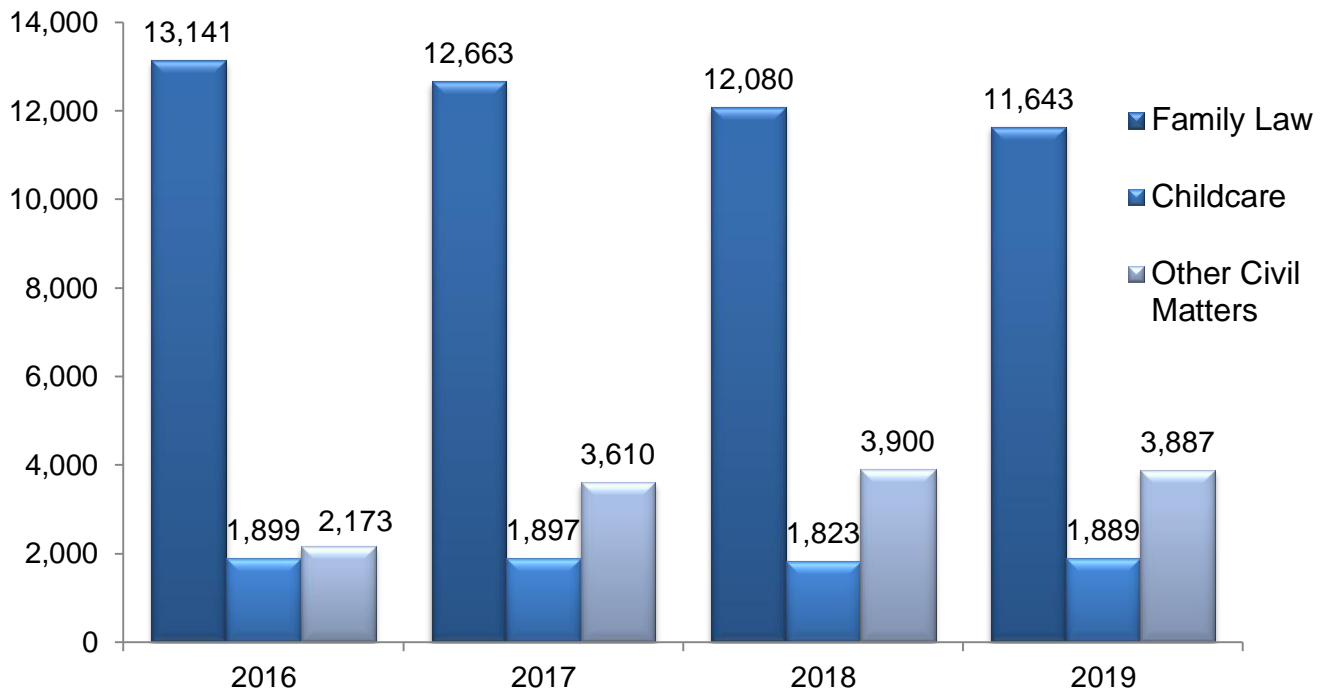
Year	2014	2015	2016	2017*	2018*	2019*
Total	18,338	17,959	17,213	18,170	17,803	17,419

*Including international protection cases

Legal aid and advice cases

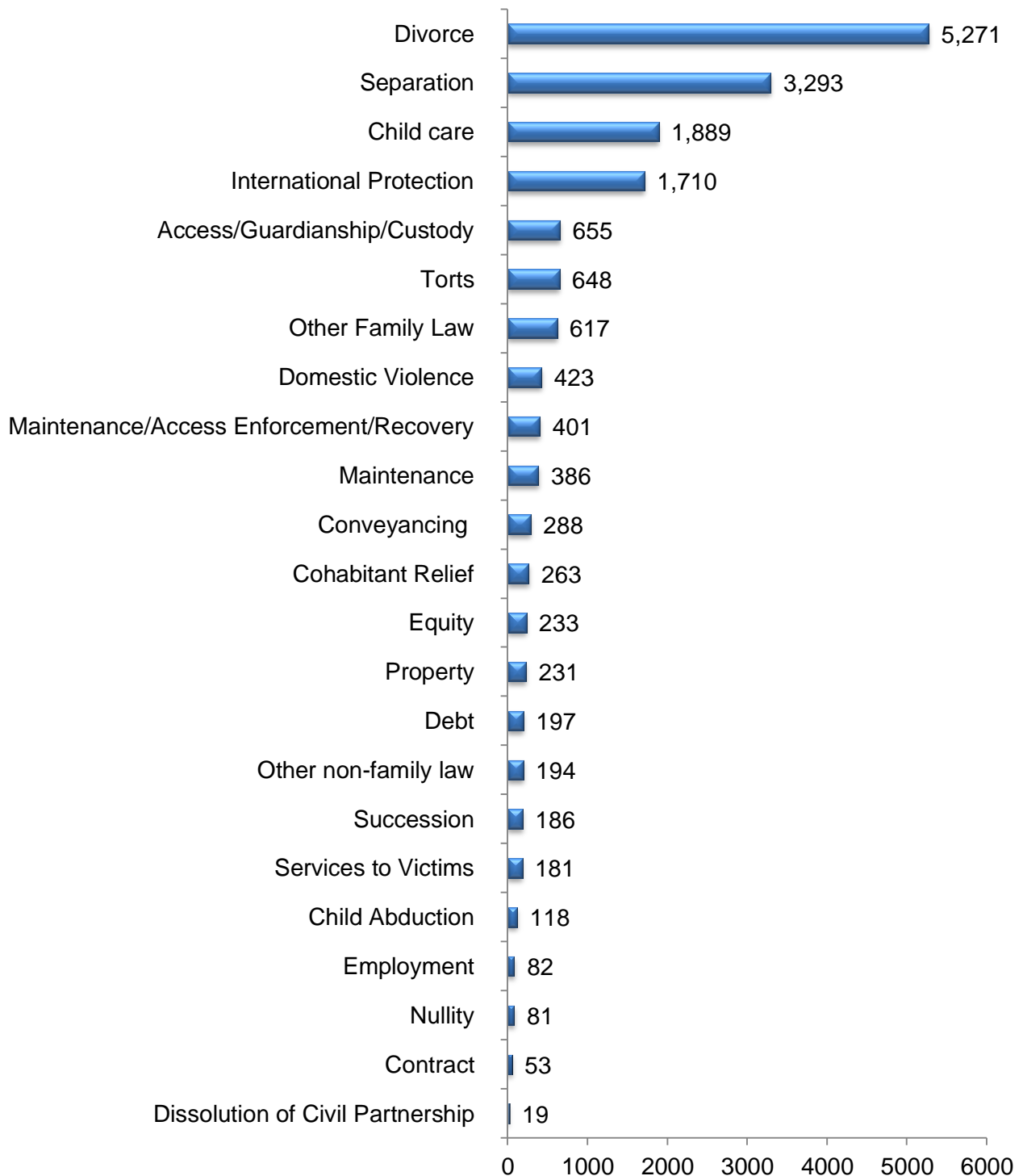
Chart 2 below highlights that family law continues to constitute the predominant area in which the Board provides legal

services. Of the cases handled in 2019, 67% were in the private family law area.

Chart 2 - Cases handled 2016 - 2019

A more detailed breakdown of the main issues in respect of which legal services were provided in 2019 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 2019**New Cases**

As can be seen from Table 3 below, there was a decrease in the number of new cases taken on in the law

centre network in 2019 compared to 2018.

Table 3 - New Cases in law centre

Year	2014	2015	2016	2017*	2018*	2019*
New Cases	6,300	6,264	6,119	6,299	6,221	5,717

*Including 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 2019. 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 2019; year of application

Year	Pre- 2015	2015	2016	2017	2018	2019
Number	1,824	1,050	1,737	3,232	5,005	4,571

Cases completed

Of the 17,419, cases handled in the law centres in 2019, 6,191 (36%) were completed by the end of the year. Table 5 below shows how this number

compares with the number of completed cases in other recent years. Table 6 gives an age profile of those cases closed in 2019 by subject matter.

Table 5 - Numbers of cases closed

Year	2014	2015	2016	2017*	2018*	2019*
Cases Closed	5,757	6,059	5,699	6,052	5,852	6,191

*Including international protection cases

Table 6 - Cases completed in 2019; length of time open

Case Type	<1 Year	1-2 Year	2-3 Years	3+ Years	Total
International Protection	134	239	152	3	528
Child care	240	142	102	146	630
Divorce/Separation/Nullity	588	657	533	1024	2,802
Non-Family Law	492	185	71	142	890
Other Family Law	802	280	124	135	1,341
Totals	2,256	1,503	982	1,450	6,191

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 37% of divorce,

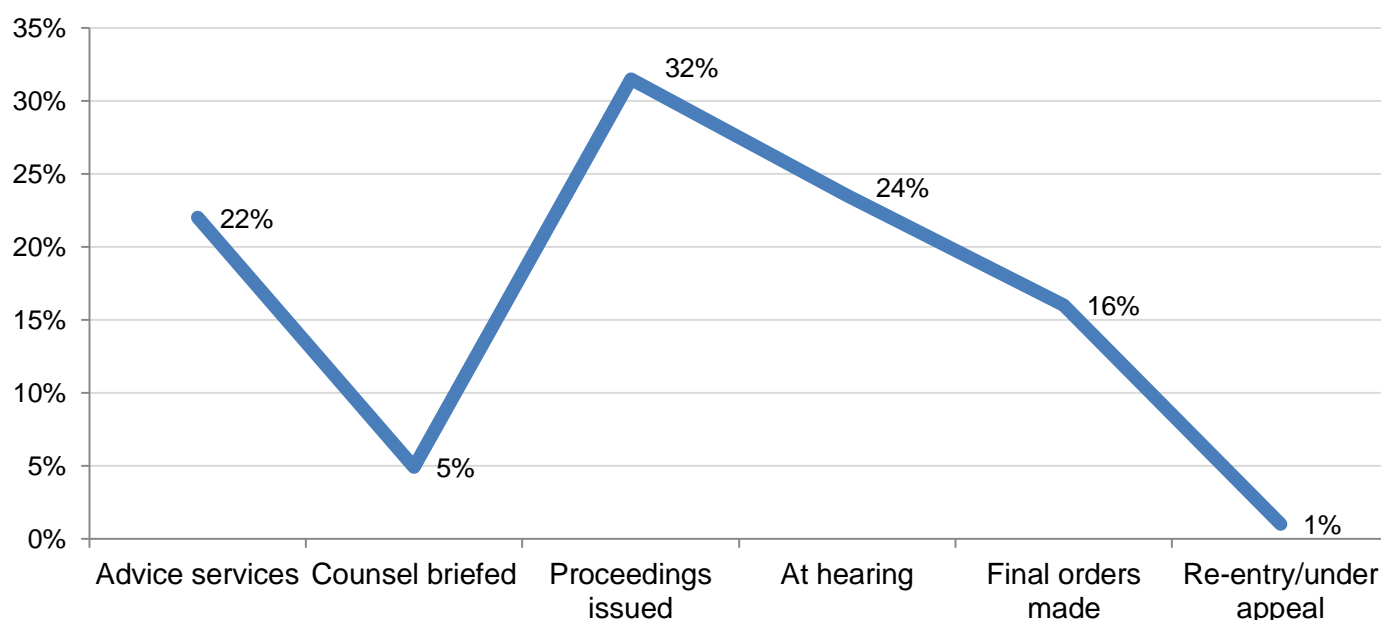
separation and nullity cases completed in 2019 had been on-going for longer than three years, compared to 23% of childcare cases and 10% of other family law matters.

Cases on Hand

Chart 4 below gives a percentage breakdown of the status of all of the Board's active cases as of the 31st

December 2019 excluding international protection.

Chart 4 - Civil and Family Law cases active as at 31 December 2019



Timeliness of the service

2019 saw an increase in the numbers of applicants waiting for legal services at the end of the year compared to at the start of the year. The numbers waiting for a substantive service as of the end of the year was higher than it was at the start as

is evidenced by the figures in Table 7. Table 7 sets out the number of persons waiting on the 31st December 2019 and on the same date in the previous five years, for legal services with a solicitor.

Table 7 - The number of persons waiting on the 31st December 2019

Year	2014	2015	2016	2017	2018	2019
Number Waiting	3,412	2,319	1,864	1,776	1,754	2,019

The longest wait in weeks, as of the 31st December 2019, 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. A number of law centres continued to provide advice only (triage) services as an adjunct to full services. The number of law centres in 2019 doing so increased from 2 to 4.

Priority Service

The Board continued to provide a priority service where it considered that an immediate, or near immediate, service was needed. In 2019 approximately 32% 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 its care, and cases that had statutory time limits close to expiry.

In addition to the cases given formal 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. The total number and percentage of applicants who received either a priority service or were swiftly referred to a private practitioner referral to a private practitioner was 11,539 and 64% respectively.

Table 8 below provides a breakdown by case type of numbers of cases that were given priority or in respect of whom a swift referral was made.

Table 8 – Breakdown by case type of cases that received priority service

Case Type	Total
Child Care	629
Child Abduction	65
Family Law, including Domestic Violence	8,005
International Protection	2,607
Legal Services for victims of crime	47
Medical Negligence, Personal Injuries, and other Civil cases	186

Table 9 - Waiting times in Law Centres on the 31st December 2019

Law Centre	Law centres not operating triage	Triage Appointment	Further waiting time where triage appointment previously given
Athlone		22	8
Blanchardstown	26		
Castlebar	12		
Cavan	12		
Clondalkin	17		
Cork-Popes Quay	16		
Cork-South Mall	41		
Dundalk	19		
Ennis		15	7
Finglas	50		
Galway - Francis St	16		
Galway - Seville House		12	10
Jervis St	52		
Kilkenny	39		
Letterkenny	13		
Limerick	15		
Longford	25		
Monaghan	14		
Navan		38	9
Nenagh	31		
Newbridge	7		
Portlaoise	13		
Sligo	21		
Smithfield	32		
Tallaght	15		
Tralee	25		
Tullamore	18		
Waterford	21		
Wexford	20		
Wicklow	20		

Victim of Crime Case Study

(The facts have been edited to ensure anonymity and compliance with the in camera rule)

The Board was notified that an application pursuant to section 3(1) Criminal Law (Rape) Act 1981 would be moved in a rape trial that had commenced. The defendant's lawyers were seeking permission from the Judge to question the complainant about certain aspects of her sexual history.

The Board was contacted by the Director of Public Prosecutions requesting representation for the complainant. In these circumstances there is no requirement for a complainant to satisfy the merits tests nor is there a need to pay a financial contribution. A legal aid certificate was granted for the purpose of representation for the specific application to the Judge. A solicitor and barrister were appointed to represent the complainant.

The defendant's lawyers proposed to cross-examine the client on whether she was involved in other relationships at the time of the alleged rape. The client was given legal advice regarding the proposed cross-examination. She was advised as to the issues of relevance, admissibility and the statutory test contained within section 3 of the Act. The client advised her lawyers of her willingness to answer certain questions but expressed some reluctance to be questioned on certain other information. After some negotiation between the lawyers representing the complainant and those representing the defendant it was agreed, with the complainant's consent, that certain questions only, would be put to the complainant in front of the jury. The Judge was given a copy of the questions. The jury was then recalled and the case proceeded with the Judge ensuring that the questioning of the complainant remained within the framework that had been agreed.

Use of Solicitors Panels

Generally, the Legal Aid Board can provide civil legal aid and advice in one of two ways:

- By providing advice and/or representation through a law centre,
- By referring the case to a private solicitor who is a member of one of the Board's solicitors' panels.

The Board primarily utilises private solicitors in District Court family law matters, international protection, and Abhaile cases. A smaller amount of matters are referred out in connection with judicial separation/divorce, coroners' inquests, and child care cases. The panels are as follows:

- **District Court Family Law:** covers matters in the District Court and on appeal to the Circuit Court under the Domestic Violence Act 2018, the Guardianship of Infants Act 1964 and the Family Law (Maintenance of Spouses and Children) Act 1976.
- **Abhaile:** covers advice in relation to repossession cases, a duty solicitor service at the county registrars' courts for repossession cases, and applications to the Circuit Court and High Court under section 115A of the Personal Insolvency Act 2012.
- **International Protection:** covers assistance to asylum seekers in making an application for international protection in the State,

including an appeal of a negative recommendation at first instance to the International Protection Appeals Tribunal and representations in relation to permission to remain.

- **Coroners Inquests:** Covers representation for a single family member of the deceased at certain inquests, primarily involving “death while in the care of the State” situations and maternal deaths. A very small number of referrals are made to this panel each year.
- **Judicial Separation and Divorce:** Covers judicial separation and divorce proceedings in the Circuit Court. A limited number of referrals are made to this panel each year.
- **Child Care Pilot:** This covers legal aid to parents of children who are the subject of applications by the Child and Family Agency (Tusla) to be taken into the care or under the supervision of the Agency. This panel operates on a pilot basis primarily in counties Dublin, Cork, Donegal, and Wexford. The

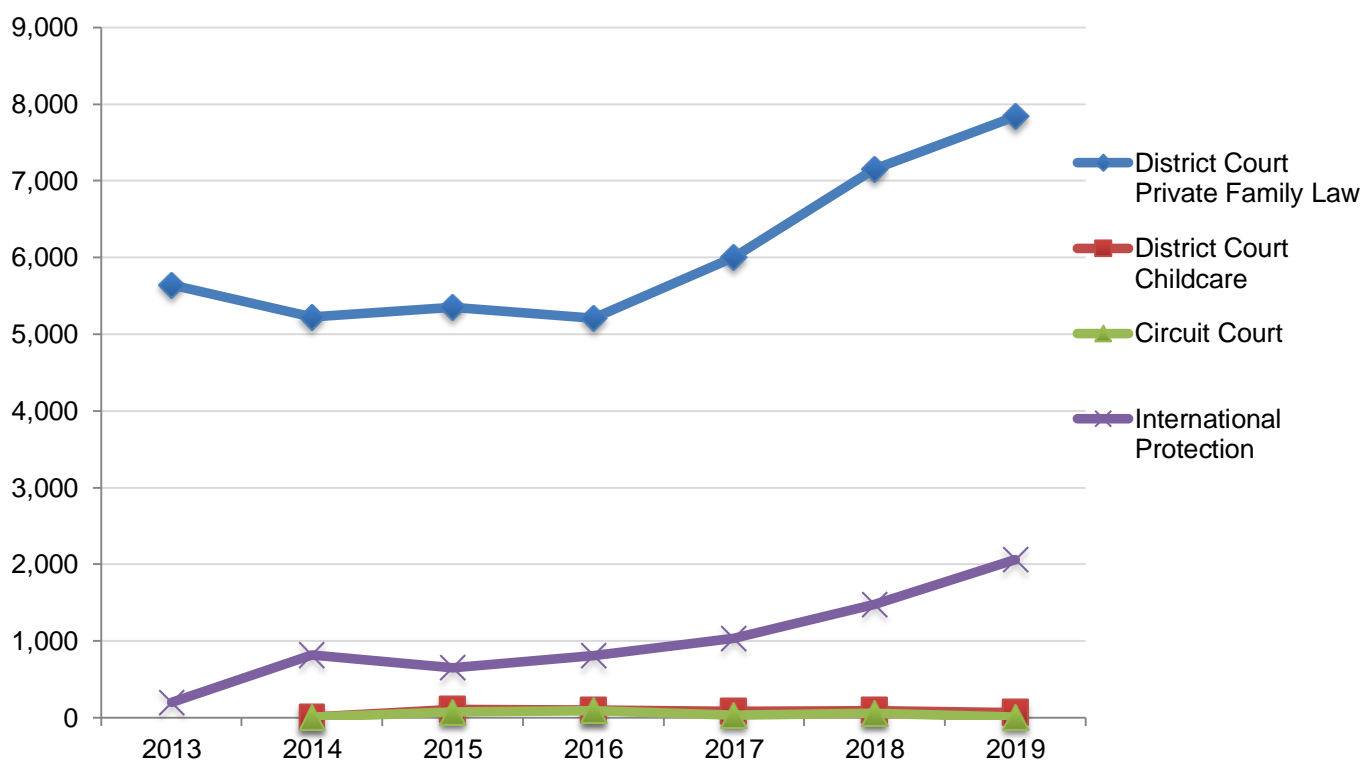
number of referrals to this panel is strictly limited.

As can be seen the services of private solicitors are engaged across a breadth of case types. However it remains the case that law centres provide services in the vast majority of child care and judicial separation/divorce matters, a significant number of international protection matters (through Smithfield, Cork Popes Quay, and Galway Seville House law centres) and a minority of District Court family law matters. Law centres also provide services exclusively in all matters for which a solicitors panel does not exist – for example all personal injuries and other tort cases, consumer and contract law, cohabitant relief, probate, wills, and succession cases.

Table 10 shows the number of referrals in relation to the District Court Family Law, Circuit Court Judicial Separation and Divorce, International Protection, and Child Care Pilot panels in 2019 and for each of the years 2013-2018. As can be seen from Chart 5, the overall number of referrals to these panels has increased every year since 2014 and it has increased by 61% since 2016.

Table 10 - Number of Referrals per Year

	2013	2014	2015	2016	2017	2018	2019
District Court Private Family Law	5,640	5,224	5,351	5,208	6,002	7,154	7,839
District Court Childcare		7	106	103	88	94	71
Circuit Court		10	77	89	30	63	10
International Protection	197	818	653	810	1,035	1,479	2061
Total	5,837	6,059	6,187	6,210	7,155	8,790	9,981

Chart 5 - Number of Referrals per Year

Family Law Case Study

(The facts have been edited to ensure anonymity and compliance with the in camera rule)

The client attended at a Law Centre having been served with divorce proceedings. Following a meeting with a solicitor an application for a Legal Aid Certificate to defending the proceedings was made. As client met the financial eligibility criteria the application was granted. On account of the particular circumstances of the case permission to retain a barrister was also granted. The possibility of attending a family mediator was explored with the client however it became apparent, following discussion by the client's solicitor with the solicitor representing the client's spouse, that the particular circumstances of the case meant that mediation was not a meaningful option. The matter proceeded to a formal Case Progression hearing before the County Registrar. The issues before the court were what should happen with the family home, and the pension rights of both parties. Financial discovery was made and a settlement meeting was arranged.

Following extensive settlement talks an agreement was reached between the parties. A Decree of Divorce was granted with the wife to become the sole owner of the family home in exchange for a lump sum to be paid to the client. The client also retained their private pension and orders were made including a Pension Adjustment Order which was served on the Trustees of the relevant Pension Scheme. The lump sum was subsequently paid to the client and the Board's costs were deducted from the lump sum though a portion of the costs due, was waived. The client was satisfied with the outcome and felt that it would provide security and stability for the future.

The Abhaile Scheme was put in place in 2016 for people whose home is in mortgage arrears. Its services include financial advice, legal advice and insolvency advice. It is funded and supported by the Department of Employment Affairs and Social Protection and the Department of Justice and Equality with the support of the Money Advice and Budgeting Service, the Insolvency Service of Ireland and the Citizens Information Board along with the Legal Aid Board.

The Abhaile Scheme is fully funded by the State. If a borrower qualifies for the Scheme, there is no cost for them to use the services provided. To qualify the applicant must meet all four of the following conditions:

- Be in mortgage arrears on their home;
- Be insolvent (as defined under the Personal Insolvency Act 2012).
- Be at risk of losing their home due to arrears.
- The home is reasonable to the person's needs.

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 potential 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 Registrars 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.

The Abhaile Scheme has been extended to 2021.

Since the inception of the Scheme the consultation solicitor aspect has dropped from a high of 898 consultation payment claims in 2017 with 118 claims for further negotiations the same year to 540 claims for consultations and 48 for further negotiations in 2019.

As the Scheme has developed there has been an increase in the take up of legal

aid services for the purpose of challenging creditors' refusals to approve personal insolvency arrangements and subsequently applications to appeal same in the High Court.

When the Abhaile Scheme was first put in place the terms and conditions of the Abhaile solicitor panel provided for an automatic grant of the services of Junior Counsel for Circuit Court Personal Insolvency Arrangement Reviews due to personal insolvency being a new area of law.

These terms and conditions were amended from 1st March 2019 and the services of Junior Counsel are no longer automatically granted. As with all other cases dealt with by the Board, Counsel is only sanctioned where it considers that there are legal complexities and/or particular circumstances that require the involvement of Counsel. In each case, it is necessary for the solicitor to set out clearly the reasons why Counsel is considered necessary.

Services provided on behalf of the Board under the scheme during 2018 and 2019 are outlined in Table 11 below.

Table 11 – Services provided under Abhaile 2018 & 2019

Year	2018	2019
Legal advice vouchers issued by MABS	782	1,169
Consultations claimed on foot of MABS voucher	536	540
Authority granted to conduct further negotiations	48	48
Number of duty solicitor days scheduled	461	493
Duty Solicitor Advice provided at County Registrar Court	3,022	2,676
Legal Aid certificates granted for Circuit Court PIA reviews	591	352
Legal aid certificates granted for PIA appeals to the High Court	34	197
Counsel representation authorised (including Opinions and drafting fees)	636	407

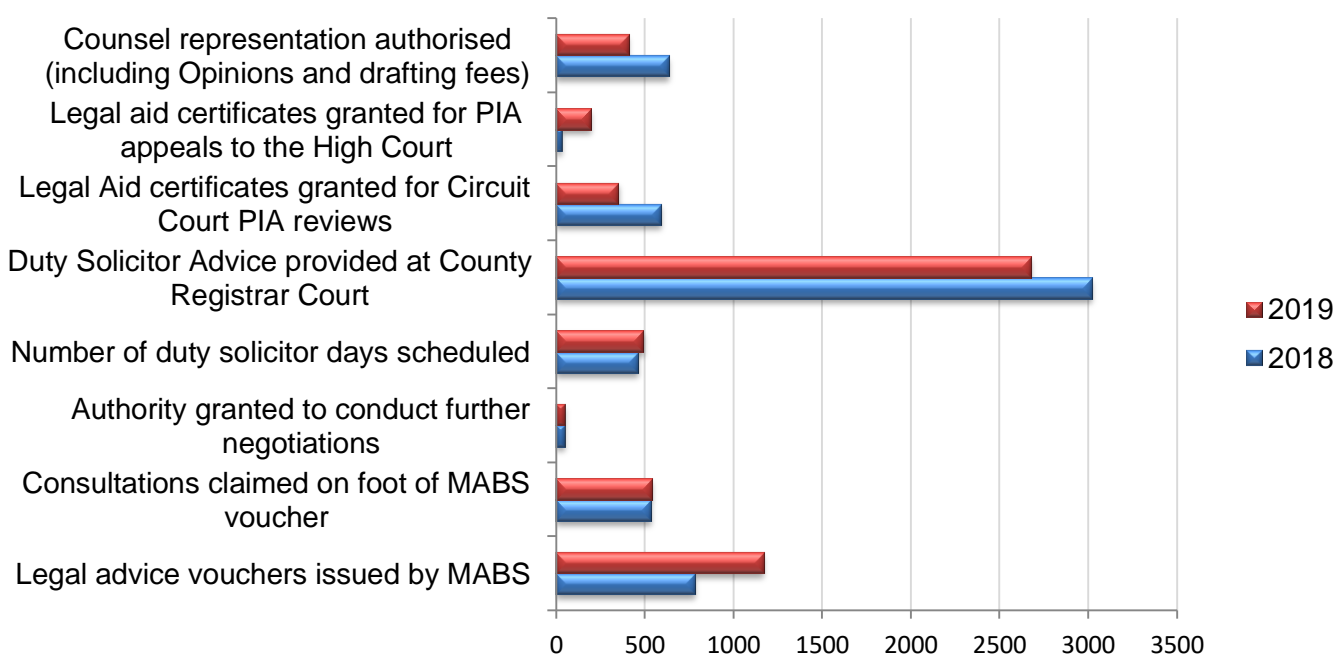


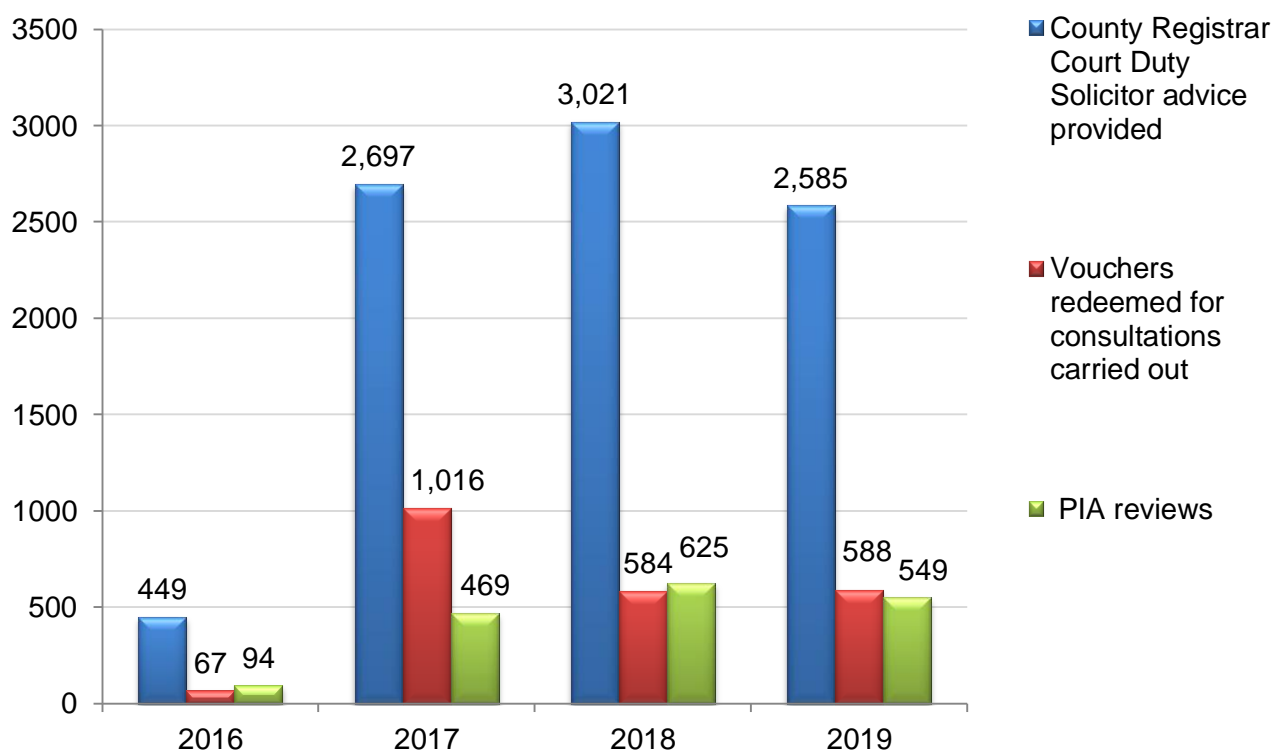
Table 12 and Chart 6 show the Abhaile consultations and representation carried out by private solicitors. As can be seen the number of persons to whom services

have been provided has declined recently (it should be noted that, in 2016, services were provided from 22nd July onwards).

Table 12 - Abhaile consultations and representation carried out by private solicitors

	2016	2017	2018	2019
County Registrar Court Duty Solicitor advice provided	449	2,697	3,021	2,585
Vouchers redeemed for consultations carried out	67	1,016	584	588
PIA reviews	94	469	625	549
Total	610	4,182	4,230	3,722

Chart 6 - Abhaile consultations and representation carried out by private solicitors



A standard fee per case is paid to private solicitors who are entered onto the Board's solicitor panels (except for the

Abhaile duty solicitor service where, because of the nature of the service, solicitors are paid for time attending court).

Abhaile Case Study

The debtors were a married couple with children ranging from pre – school to college age. One spouse was in secure employment but the other spouse had been made redundant from their regular employment and had only been able to get short-term, part-time work. The debtors kept in touch with and attempted to work with the lenders but bills and arrears began to mount up. They were in receipt of regular letters and telephone calls from lenders and had been warned of the possibility of repossession proceedings on account of mounting mortgage arrears. Their home was in substantial negative equity. The household income was over the Mortgage to Rent threshold.

The couple met with MABS and subsequently with a Personal Insolvency Practitioner (PIP). The PIP believed that the debtors were eligible for an arrangement under the Personal Insolvency Act 2012 and that such an arrangement would also allow a better return for creditors than bankruptcy. The proposed arrangement would also see the debtors retaining ownership of family home with a sustainable mortgage. The PIP proposed a 12 month mortgage moratorium to allow the couple deal with unsecured creditors. Upon completion of the twelve month period the Debtors would continue to make regular payments to the secured creditors in respect of the loans provided. It was proposed that the mortgage balance be written down to the current market value with the remaining balance being warehoused until the end of the mortgage term.

The Personal Insolvency Arrangement was rejected at the creditors meeting. The debtors then applied through the PIP for a Section 115A review by the Circuit Court of their proposed arrangement. Legal Aid was applied for and a legal aid certificate was granted. The application was refused in the Circuit Court due to issues around sustainability and affordability however a legal aid certificate was again granted for an appeal to the High Court and the High Court approved the insolvency proposal.

On foot of the Personal Insolvency Arrangement, the family retained their home which might otherwise have been repossessed by the lending institution.

International Protection Services

International Protection Services

The number of persons seeking legal services from the Board for international protection applications in 2019 was 2,539. This was an increase 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 13 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.

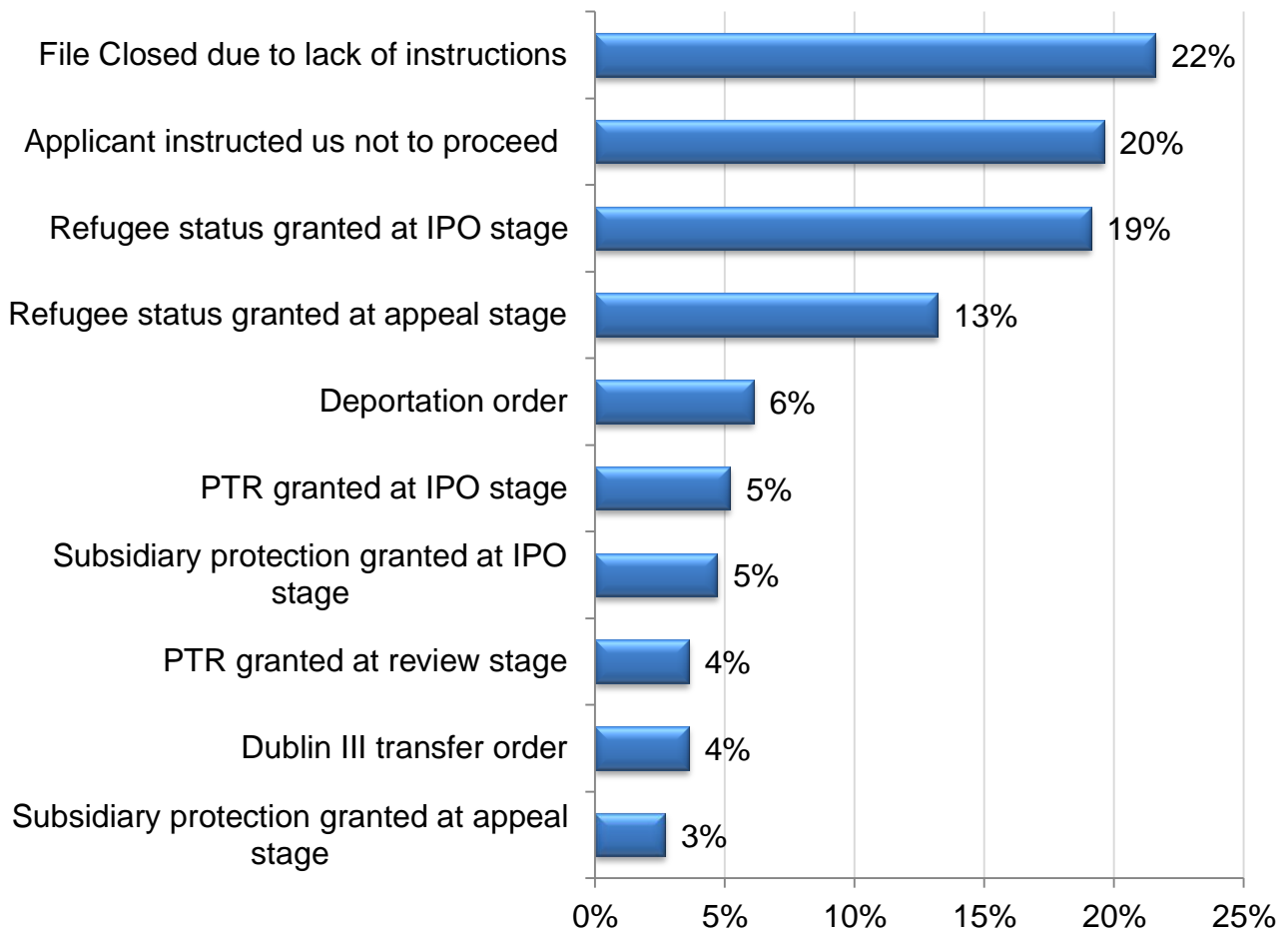
Table 13 - International protection applications

Year	2013	2014	2015	2016	2017	2018	2019
LAB Applications	708	902	1,537	1,658	1,489	2,079	2,539
International Protection Office (IPO) Applications	946	1,448	3,276	2,244	2,406	3,673	4,781

International Protection case outcomes

The breakdown of outcomes recorded in international protection cases is shown in Chart 7 below. An additional 36 cases were closed after the applicant had

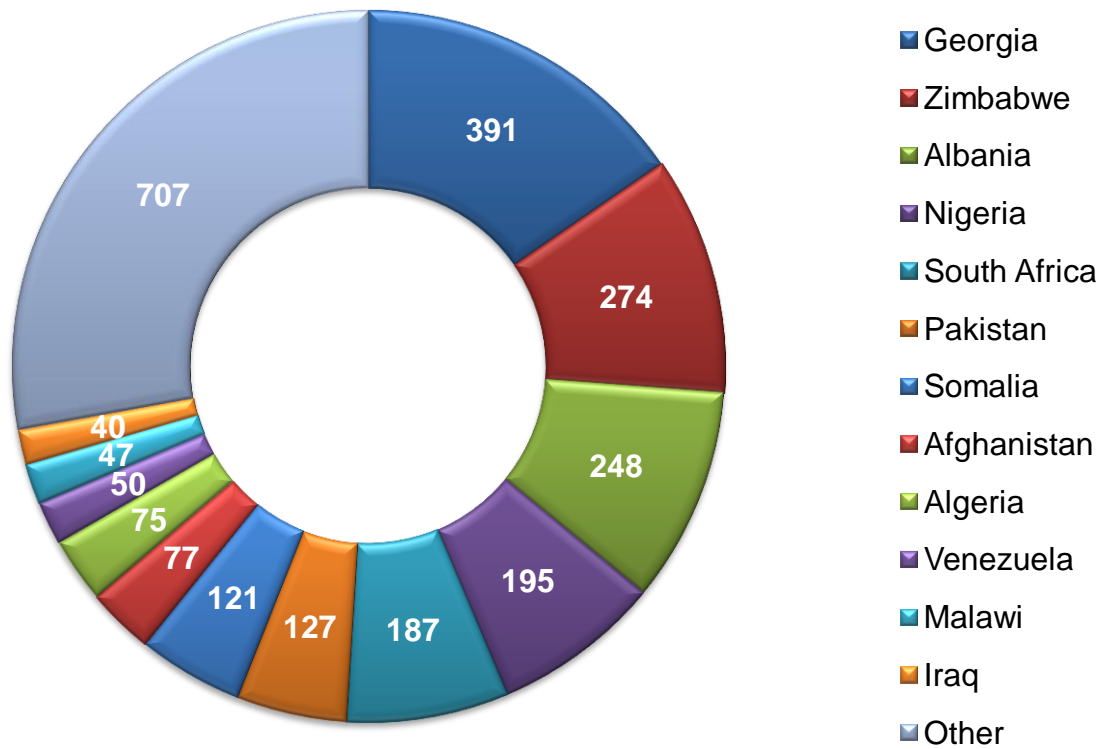
received legal advice and a further 60 cases were closed after legal aid was provided and no case outcome recorded.

Chart 7 - International Protection case outcomes 2019***Country of Origin***

Of the 2,539 new applicants for legal services in relation to international protection claims, 391 came from Georgia, 274 from Zimbabwe, 248 from

Albania, 195 from Nigeria and 187 from South Africa as shown in Chart 8. The remaining 1,244 of applicants came from a wide variety of countries. Applicants came from over 92 countries in total.

Chart 8 - Country of Origin Registration 2019



Country of Origin Registration 2019



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. In 2019, 44 unaccompanied minors applied for legal services. This figure does not include accompanied or age disputed minors which are also handled by the Unit.

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.

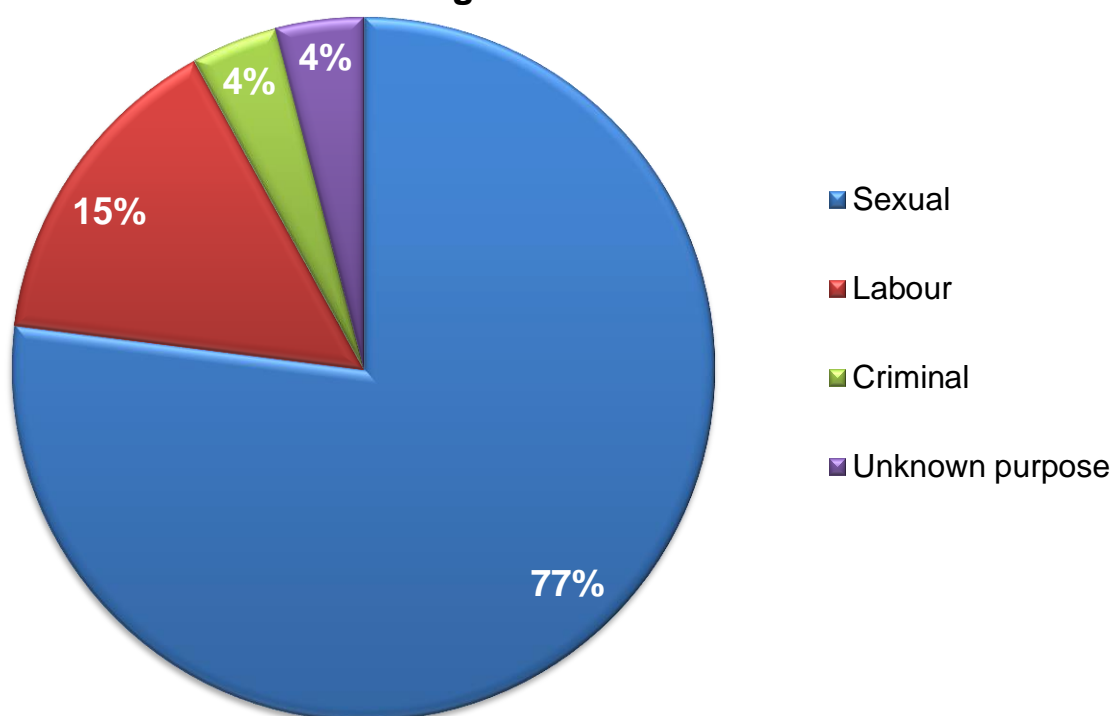
The Board provides legal services to persons identified as potential victims of

The Unit has well-developed interagency relationships with the International Protection Office and the Child and Family Agency. 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 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, and 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 2019 nine potential victims of human trafficking referred to the Board by An Garda Síochána applied for legal services. One of these cases related to labour exploitation, eight to sexual exploitation, and one to criminal purposes.

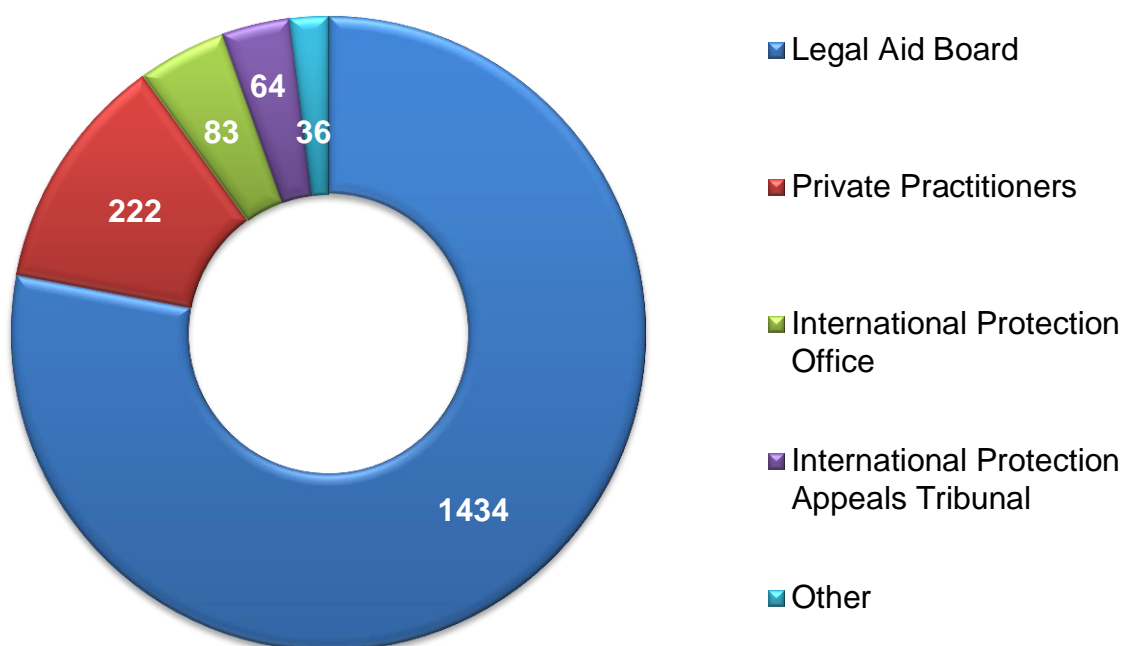
Chart 9 - Human trafficking cases referred to the Board during 2019



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 2019, the RDC received 1,747 COI queries, a 12% increase in COI queries received on 2018. The RDC query service provided a total of 1,839 COI query responses, an 8% increase on the 2018 figure. The unit also operates an interagency library service and provides a legal research function for staff of the Board. 458 queries were processed by the LAB library. Chart 10 shows the breakdown of completed COI queries for 2019 by requestor.

Chart 10 - Completed COI Queries by Requestor in 2019

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

- Mistreatment of LGBT persons in Zimbabwe
- Treatment of victims of forced marriage in Pakistan
- Discrimination against people with HIV in Malawi
- Treatment of failed asylum seekers in Ghana
- Treatment of the Hazara people in Afghanistan
- Gender violence in Albania and the police response

The RDC continued to work closely with the European Asylum Support Office, International Protection Office and International Protection Appeals Tribunal and other users of its services in 2019 by providing training and by strengthening co-operation and meeting the various needs of its users.

International Protection Case study
(The facts have been edited to ensure anonymity)

The Board's client was from a country in Africa and arrived in the State as an unaccompanied minor. She was initially placed in the care of Tusla. Her application for international protection, which was based on her membership of several particular social groups including as a former victim of trafficking, was rejected by the International Protection Office largely on credibility issues. She then sought legal assistance and advice from the Legal Aid Board after being referred to the Board by the Gardai as a potential victim of human trafficking.

An NGO who was supporting our client as a victim of trafficking provided information that was of use in establishing the client's credibility. An expert's report prepared by Spiritan Asylum Services Initiative (SPIRASI) found that the client was suffering from post traumatic stress disorder or PTSD.

The negative international protection recommendation was appealed and detailed submissions were made on the negative credibility findings of the International Protection Office. Further country of origin information was also submitted. At the appeal hearing the Tribunal, noting all of the evidence, found that the client's claim was coherent, plausible and on balance capable of being believed and recommended her for a grant of refugee status.

Family Mediation

Family Mediation Service

Family mediation services help couples who have decided to separate or divorce, who have already separated, or who have never lived together but have a child together 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 solutions but to facilitate the parties in dispute to come up with their own solutions.

The Board has sixteen family mediation offices in total. Six of these are co-located with law centres in Jervis House, Dundalk, Tallaght, Kilkenny, Letterkenny and Portlaoise. The service also has one full time court based service in the District Family Court in Dublin (Dolphin House). There are also a number of part time court based services including in courts in Cork, Naas, Ennis, Dundalk, Limerick, Carlow, Castlebar, Sligo and Letterkenny.

Family Mediation Process

Mediation looks to enhance the clients' own ability to negotiate their differences and empower collaborative decision making. There are three basic types of successful outcome which the Board's mediators work towards:

Settlement: This type of mediation focuses on simply the settlement of issues and does not look at changing the negotiating relationship of the clients.

Resolution: This type of agreement focuses on changing and enhancing the

negotiation relationship of the clients, believing that this creates a better and more durable agreement. The techniques used are aimed at facilitating better problem solving capacity in the clients. There is an emphasis on joint sessions, where trust can be built.

Transformation: This is where the parties transform their understanding of each other and thereby improve their relationship. This sort of outcome works with conflict as a creative and enhancing opportunity and is centred on empowering the parties to find a new way forward.

The Board's family mediation services primarily practice a resolution based model, whereby all issues between the parties are mediated to resolution and a written agreement can be drafted, if this is the clients' wish. The court based mediation services tend to focus on the single issues that are due to come before the Court.

Applying for family mediation services

Persons can apply to avail of the Board's family mediation services at any of its family mediation offices.

Services provided

In 2019 a total of 2,611 new couples attended mediation availing of 11,317 sessions, including information sessions given to one party only, resulting in 1,212 agreements. There were a total of 3,256 mediation cases closed in 2019. This included those carried over from 2018.

The number of agreements recorded includes full written or recordable verbal agreements. It does not include interim agreements, partial agreements or outcomes where the parties agree between themselves and do not wish

anything recorded, this particularly refers to cases where there has been reconciliation or a resolution of a particular communication issue or misunderstanding that is now considered resolved.

Table 14 – Total Cases, Sessions and Agreements 2019

	2017			2018			2019		
	All Issues (couples)	Court Based	Total	All Issues (couples)	Court Based	Total	All Issues (couples)	Court Based	Total
New Cases*	2,149	623	2,772	1,807	475	2,282	2,057	554	2,611
Total Joint Mediation Sessions	6,788	1,129	7,917	6,888	1,233	8,121	7,700	1,534	9,234
Total Information Sessions	634	1,645	2,279	284	1,792	2,076	466	1,617	2,083
Total Agreements	836	362	1,198	870	348	1,218	849	363	1,212

*A new case is defined as two clients (a couple) agreeing to mediate. This does not include information sessions that may have taken place.

Table 15 – Cases Closed 2019

	2017	2018	2019
Total Cases Closed (including Information Sessions)	3,355	3,394	3,256
Cases not progressed to Mediation	902	810	512
Total Mediation Cases Closed (excluding cases opened but not progressed beyond Information Sessions)	2,453	2,584	2,744

All Issues Mediation

In the general family mediation offices 2,057 new cases were commenced in 2019 with 7,700 mediation sessions attended. 849 mediated cases reached

formal agreement in 2019. It should be noted that non court referred cases have also been dealt with in Limerick, Tallaght, Jervis Street, Carlow and Ennis.

Table 16 - Demand / service provision 2019 (All Issues)

	New Cases		Total Mediation Sessions		Reached agreement	
	2018	2019	2018	2019	2018	2019
Athlone	127	126	473	422	57	51
Blanchardstown	174	221	900	903	133	108
Carlow	4	57	16	166	0	37
Castlebar	61	63	187	129	24	11
Cork	132	143	473	701	84	115
Dundalk	33	56	191	184	15	17
Ennis	17	49	22	201	3	59
Galway	181	187	788	598	96	84
Jervis Street***	218	295	706	925	103	319
Kilkenny	37	37	161	181	26	50
Letterkenny	98	58	333	256	31	29
Limerick*	118	141	532	614	47	50
Mullingar	N/A	9	N/A	0	N/A	0
Portlaoise	81	57	293	250	28	32
Raheny	1	N/A	55	N/A	5	N/A
Sligo	45	57	160	152	25	21
Tallaght**	185	252	634	1,018	75	115
Tralee	63	69	213	194	36	29
Waterford	122	90	398	465	42	51
Wexford	110	90	353	341	40	34
Total	1,807	2,057	6,888	7,700	870	1,212

*Includes Thurles, Nenagh & Clonmel

**Includes Naas

***Includes Dolphin House

Waiting times

Comparative waiting times for Family Mediation offices at the end of 2019, 2018, and 2017, are as follows:

Table 17 – Family Mediation Office Waiting Times

Office	2017	2018	2019
Athlone	24	12	20
Blanchardstown	8	20	16
Castlebar	12	8	24
Cork	24	28	14
Dundalk	20	36	10
Galway	16	8	12
Jervis House	16	16	16
Kilkenny		20	8
Letterkenny	16	16	16
Limerick	6	12	20
Portlaoise	14	16	24
Sligo	12	8	18
Tallaght	14	16	16
Tralee	12	6	8
Waterford	32	6	6
Wexford	12	16	8

Court based mediation

Table 18 shows the level of mediation and information giving about mediation, taking place in court or on foot of referrals from a Court. A total of 554 new cases were commenced in 2019.

There was a total of 3,151 mediation or information sessions held comprising 913 1st contact information sessions, 704 2nd contact information sessions and 1,534 mediation sessions. 363 agreements were reached.

In conjunction with the Court Service a new service delivery model was introduced in Dolphin House (March 2019). This involved administrative staff

providing information to clients and if they agree to engage in the mediation process they were then offered a pre-mediation session with a mediator.

Table 18 - Court-Based Mediation Initiatives

Office	New Cases (1 st Joint Mediation Session)		1 st contact Info sessions		2 nd contact Info sessions	
	2018	2019	2018	2019	2018	2019
Carlow	0	42	2	83	0	48
Cork	17	62	21	67	21	61
Dolphin	329	334	900	575	446	464
Dundalk	15	10	23	17	16	11
Ennis	34	27	52	47	44	29
Kilkenny	34	33	61	26	45	19
Limerick	7	14	15	34	14	27
Naas	34	14	72	28	41	20
Mullingar	N/A	6	N/A	8	N/A	7
Tipperary*	5	12	10	28	9	18
Total	475	554	1,156	913	636	704

*Nenagh & Clonmel District Court

	Mediation Sessions		Total Sessions		Agreements	
	2018	2019	2018	2019	2018	2019
Carlow	0	82	2	213	0	25
Cork	49	165	91	293	16	11
Dolphin	655	690	2,001	1729	234	220
Dundalk	77	47	116	75	9	17
Ennis	154	180	250	256	31	44
Kilkenny	135	93	241	138	29	22
Limerick	24	96	53	157	3	3
Naas	114	151	227	199	22	8
Mullingar	N/A	1	N/A	16	N/A	0
Tipperary*	25	29	44	75	4	13
Total	1,233	1,534	3,025	3,151	348	363

*Nenagh & Clonmel District Court

Co-Location Referrals

The first co-located law centre and family mediation office was established in Jervis House, Dublin 1 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.

Family Mediation Case Study (The facts have been edited to ensure anonymity)

The couple had been in a relationship for a period of time. They were not married. Both had children from previous relationships and had forged a good relationship with each other's children all of whom got on well together.

However, their relationship broke down and by the time they came to mediation 12 months later, they were no longer able to communicate with each other. The children not only lost contact with the other adult but also with the other children of the blended family.

Both parents had been represented by Legal Aid Board solicitors on a number of applications relating to access and maintenance arrangements regarding the child of the relationship.

The clients were very cautious about coming to mediation and openly stated that they would not be there had their solicitors not recommended it. However as trust was built by and with the mediator, they learned how to hear what the other was saying, rather than what had been said in the past. Fears and worries were expressed about the future and both parties noted their concerns around the children who had lost an amount of emotional support in their lives on account of the separation.

A parenting plan was developed that involved not just the child of the relationship but also the other children. A regular maintenance payment was agreed. The agreements were ruled upon in the District Court and both parties acknowledged that they would try to resolve any future issues through discussion or mediation rather than court applications.



Official opening of Portlaoise Co-located Law Centre and Family Mediation Office, 21st June 2019

Left to right: Heather Blundell, Christina McEvoy, Mary Bennett, Pat O'Sullivan - Solicitor, Aisling O'Meara - Mediator, Philip O'Leary - Chair of the Legal Aid Board, Charlie Flanagan - Minister for Justice & Equality, John McDaid - Chief Executive, Katie Gilhooly - Managing Solicitor, Catherine Paisley, Naomi Coonan - Solicitor, Rosie Palmer.



Cutting the ribbon at the official opening of Portlaoise Co-located Law Centre and Family Mediation Office, 21st June 2019.

Left to right: Aisling O'Meara - Mediator, Sean Fleming TD, Katie Gilhooly - Managing Solicitor, Charlie Flanagan - Minister for Justice & Equality, Philip O'Leary - Chairperson of the Legal Aid Board, John McDaid - Chief Executive, Fiona Grant Thomas - Regional Manager.



Legal Aid Board Annual Conference 2019

Andrew Field, Mary T O'Connor, John McDaid, X, John Sugrue.



Legal Aid Board Annual Conference 2019

Philip O'Leary – Chair of the Legal Aid Board, John McDaid – Chief Executive, Oonagh Buckley – Deputy Secretary General, Department of Justice and Equality, and Donal Reddington.



Legal Aid Board Annual Conference 2019

Oonagh Buckley– Deputy Secretary General, Department of Justice and Equality , Freda McKittrick – Board member and Angela McDonnell.

Legal Aid Board delegation attending the Oireachtas Joint Committee on Justice and Equality – Angela McDonnell, Joan Crawford, John McDaid, Catherine Ryan, Caoimhghín Ó Caoláin TD (Committee Chair), Philip O'Leary and Andrew Field.



Criminal Legal Aid

Criminal Assets
Bureau Ad-hoc Legal
Aid Scheme

Garda Station Legal
Advice Revised
Scheme

Legal Aid - Custody
Issues Scheme

Overview of 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. They are as follows:

- The Garda Station Legal Advice Revised Scheme
- The Legal Aid – Custody Issues Scheme
- The Criminal Assets Bureau Ad-hoc Legal Aid Scheme

These three schemes do not have a statutory footing.

Garda Station Legal Advice Revised Scheme

This is a non statutory scheme which caters for persons who are detained in Garda Stations. Those who satisfy certain criteria, including a financial eligibility threshold of €20,316, 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.

Table 19 - Garda Station Legal Advice Revised Scheme Expenditure

Year	2016	2017	2018	2019*
Expenditure	€1,711,000	€1,864,000	€1,948,000	€1,715,000

*figures include VAT

Table 20 - Garda Station Legal Advice Revised Scheme statistical report 2019

No.	Description	Count	2019 *
1	Total cost of authorised claims this year		€1,409,200
2	Overall number of claims authorised during the year	3,970	€1,409,200
3	Total number of solicitor firms that had authorised claims during the year	241	€1,409,200
4	Total number of claims authorised during the year under the <i>Offences Against the State Acts</i> legislation	118	€69,800
5	Total number of claims authorised during the year under the <i>Criminal Justice Act, 1984-2006</i> legislation	3,508	€1,113,600
6	Total number of claims authorised during the year under the <i>Criminal Justice (Drug Trafficking) Act 1996</i> legislation	266	€123,400
7	Total number of claims authorised during the year under <i>Section 50, Criminal Justice Act, 2007</i> legislation	78	€102,400
8	Total number of claims authorised for consultations only	1,793	€247,000
9	Total number of claims authorised for attendance hours only	44	€9,300
10	Total number of claims authorised for consultations and attendance hours	2,133	€1,152,900
11	Total number of individual phone consultations authorised for payment	1,945	€77,000

*figures exclude VAT

Table 21 - Garda Station Legal Advice Revised Scheme Payment Information

No.	Description	2017	2018	2019*
1	Average payment to a solicitor firm	€6,526	€6,703	€5,847
2	Average cost per solicitor claim	€370	€360	€355
3	Average cost per individual consultation	€92	€93	€94
4	Average number of claims per solicitor firm	18	19	16
5	Highest cost of an individual claim processed	€9,087	€7,487	€6,547

*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 not covered by Civil Legal Aid or the main Criminal Legal Aid Scheme. The Scheme applies to the following forms of litigation:

- Habeas Corpus (Article 40.4.2) Applications
- Supreme Court, Court of Appeal and High Court Bail Motions related to criminal matters
- Judicial Reviews that consist of or include certiorari, mandamus or prohibition and which concern criminal matters or matters where the liberty of the applicant is at issue

- Applications under Section 50 of the Extradition Act 1965, Extradition Applications and European Arrest Warrants.

A person seeking legal representation under the Scheme must notify the relevant Court at the outset of proceedings 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.

Table 22 - Legal Aid - Custody Issues Scheme Information

No.	Description	2019*
1	Number of new claims received by Board in the year	178
2	Number of individual authorised payments in the year	504
3	Number of claims generating payment in year	199
4	Total cost of claims for Chief State Solicitors Office (CSSO) cases	€1,530,661
5	Total cost of claims for Director of Public Prosecution (DPP) cases	€168,633
6	Total cost of claims for Health Service Executive (HSE) cases	€33,756
7	Total cost of claims for Mental Health Commission (MHC) cases	€46,741
8	Total cost of claims for TUSLA cases	€20,050
9	Average cost per authorised claim in year	€9,045
10	Total value of claims authorised by Board for the Scheme*	€1,800,000

*figures exclude VAT

Table 23 - Breakdown of payments for High Court Bail applications

No.	Description	2019**
1	Total cost of High Court Bail Applications	€1,108,500
2	Total number of Brief Fees processed	4,176
3	Payments to solicitors	€552,050
4	Payments to counsel	€556,300

** figures include VAT

Table 24 - Total Overall Scheme expenditure breakdown 2015 - 2019

	2015	2016	2017	2018	2019**
Expenditure	€2.75m	€3.0m	€3.2m	€2.7m	€3.2m

**figures include VAT

The Criminal Assets Bureau Ad-hoc Legal Aid Scheme

The Criminal Assets Bureau Ad-hoc Legal Aid Scheme is a non-statutory scheme that provides for legal representation to persons involved in certain types of litigation. Such proceedings 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 and it is a matter for the Court to determine whether legal aid should be granted.

The Board authorised payments in respect of 8 claims in 2019 at a cost of €34,000.

Table 25 - Total Overall Scheme expenditure breakdown 2019

No.	Description	2019*
1	Number of new claims received by Board	8
2	Number of claims with authorised payments by Board	5
3	Average cost per authorised claim	€6,823
4	Total value of claims authorised for the Scheme	€34,115

* figures exclude VAT

Table 26 - CAB expenditure 2015-2019

	2015	2016	2017	2018	2019**
Expenditure	€178,000	€99,000	€101,000	€147,000	€42,000

**figures include VAT

**Induction Day in Montague Court offices - August 2019**

*Back row – Left to right: Miriam Keegan, Jean-Anne Powell, Noel Gorman, Paul Pierse, Simon Urbanki, John McDaid CEO, Mike Flynn, Janette Murphy, Monique Fennell.
Front row – Left to right: Rose Murphy, Elaine Ellis, Eimear Ryan-Charleton, Niamh McDermott, Orla Lydon, Joan Crawford.*

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 solicitors 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, which is a decision making 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.

In 2019, there were 3,030 certificates granted by the Board's Legal Services function on foot of submissions made by law centres on behalf of applicants for family law matters and 237 for non family law cases. The Unit also granted 5,006 amendments to legal aid certificates in the year. These amendments are effectively authorisations for additional services on a certificate. 33% of these amendments were for the granting of Counsel services including brief fees, refresher and interim fees, opinions and written submissions. A further 21% of the amendments were in relation to medical, psychologist and psychiatrist reports. There were 535 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 or a medical expert to help determine the merits of the case.

Details of the number of submissions granted and refused are set out below in Table 27.

Table 27 - 2019 Submissions

Family Law Legal Aid Certificate	Non Family Law Legal Aid Certificate	Amendments	Authorisations	Waiver of Contribution	Waiver of Costs
Granted	Granted	Granted	Granted	Granted	Granted
3,030	237	5,006	535	1,159	108
Refused	Refused	Refused	Refused	Refused	Refused
35	140	45	10	35	18

Appeal Committee

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

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

In 2019, the Committee met on 15 occasions and considered 152 appeals. Five of these meetings were held on an

emergency basis on account of the urgency of the matter.

Of the 152 cases considered, the decision of the Executive was upheld in 125 cases.

There were 23 appeals where the original decision was overturned. In 6 cases, full or partial waivers of costs or contributions were granted by the Committee (out of a total of 8 sought).

Table 28 below provides some more detail.

Table 28 - Appeals

Year	2015	2016	2017	2018	2019
Total appeals	146	129	169	180	152
Decisions upheld	111	105	131	138	125
- financial criteria	31	34	57	56	59
- merits criteria	80	71	74	82	66
Decisions overturned	31	23	35	40	23
Appeals withdrawn/ resolved	4	1	3	2	4

Year	2015	2016	2017	2018	2019
Total waiver of contribution appeals	1	1	4	3	3
- overturned	1	1	1	1	2
- upheld	0	0	3	2	1
Total waiver of costs appeals	5	5	12	6	5
- overturned	5	5	10	5	4
- upheld	0	0	2	1	1

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. As part of the Board's commitment to protecting workers who raise concerns, the Board has signed the Integrity at Work Pledge to ensure that workers reporting

wrongdoing will not face penalisation and that action will be taken in response to the concerns raised.

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. No disclosures were reported to the confidential recipient in 2019.

Internal Audit Unit

The Board reviewed and strengthened its Internal Audit Function in 2018. This exercise resulted in an increased staffing complement being designated to the Internal Audit Unit and, in turn, this facilitated the introduction of a

more comprehensive audit process for the Board's Law Centres and Family Mediation Offices located across the country coupled with a higher number of audits being finalised in 2019. Further to the introduction of more in-depth audits, a three month follow up report was also introduced to ensure that the original audit recommendations were being implemented. In addition, two specialist bespoke audits were completed to comprehensively review specific on-going work processes within the Board.

The following full Audit Reports were presented to the Board's Audit and Risk Committee for consideration in 2019. In addition to the audits listed below, twenty one three month follow up reports were also presented to the Committee.

Table 29 - 2019 Audit Reports

Law Centre	Family Mediation Office	Bespoke Audits
Tralee	Letterkenny	Counsel Fee Payments
Smithfield (Dublin)	Dundalk	LAB Procurement
Monaghan	Tallaght	
Cork South	Limerick	
Finglas	Galway	
Blanchardstown	Tralee	
Castlebar	Athlone	
Ennis	Kilkenny	
Clondalkin	Castlebar	
Navan	Dolphin House	
Cavan		
Dolphin House		
Wexford		
Nenagh		
Galway (Francis Street)		
Sligo		
Kilkenny		
Tullamore		

Strategy (including strategic research)

During 2019 the Board sought to further develop its capacity to engage in the development of strategy and in particular strategic research. In January 2019 the Board recruited a research manager to lead in the conduct of strategic research. At the same time the Board established a Strategy and Opportunity Committee with a view to improving its focus on the development of strategy.

Arising from the above developments, the Board established a dedicated Strategy function in May 2019. Research is being carried out both internally and in collaboration with other departments, agencies and third level institutions.

Research Activity in 2019

Global Access to Justice Report

A substantial Country Report for Global Access to Justice was produced as part of a major international research project.

An analysis of case outcomes where the Appeal Committee of the Legal Aid Board granted a Legal Aid Certificate

This research sought to ascertain the outcome for the client, following the provision of legal services, with the basis of inclusion in the analysis by way of having an initial application for legal aid refused by the Executive but that decision having been reversed by the Appeal Committee of the Board.

Examining the length of time taken to obtain a judicial separation / divorce

This analysis sought to establish the average length of time it takes for a legally aided person to obtain a judicial separation or decree of divorce. The analysis looked at the length of time between key milestones on the Board's case management system. A report was prepared involving a sample of 146 plaintiff divorce cases from across the law centre network. The national average was eighteen months but significant regional variations were evident.

Kilkenny Project Review

An interim report was produced on the Kilkenny Project. The objectives of this research were to document the development of the Project, to review the Project outcomes to date and to outline considerations for future model service delivery offices and co-located offices. Both potential benefits and issues with the project were identified as part of the research.

Irish Research Council Funding

The Board, in conjunction with University College Cork, was successful in obtaining research funding from the Irish Research Council. The overarching aim is to conduct a qualitative and quantitative study of the workings, outputs and efficiencies of the Legal aid Board in the provision of marriage breakdown legal services. The research project, which will be conducted as a PhD thesis, *"From dispute to decree: A critical exploration of the client's journey through the Legal Aid Board's Dispute Resolution Services"* is due to commence in Q1 2020.

Financial Management

The Board's Finance Unit is responsible for the financial management of the organisation. During 2019, 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

The principal developments in relation to information and communications technology (ICT) during 2019 included the completion of a programme to replace all end-of-life PCs across the entire office network, the installation of

updated videoconferencing systems in the main administrative offices to reduce the necessity for business travel, and the development of an updated system to facilitate online applications for civil legal aid.

Official Languages Scheme

An Irish Language Scheme was approved by the Department of Culture, Heritage and the Gaeltacht in January 2019 for a period of 3 years. The Board

is in a position to facilitate both legal and family mediation services in the Irish language.

Section 42 of the Irish Human Rights and Equality Act 2014

The Board is conscious of its responsibilities on foot of the above legislation to eliminate discrimination, promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and protect

the human rights of its members, staff and the persons to whom it provides services and is implementing an Equality, Diversity, Disability and Accessibility Strategy for 2018 – 2020.

Overview of Energy Usage in 2019

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 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 30 - Energy Consumption

Year	Electricity(kWh)	Gas (kWh)	Oil (Litres)
2019	1560,708	102,146	17,000
2018	1,623,548	103,164	12,000
2017	1,511,041	95,268	15,254
2016	1,549,512	115,647	17,000

Initiatives taken during 2019

The Board has, throughout 2019, 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 2019)

Since Baseline to 2019

**Energy Performance Indicators - 2019**

LEGAL AID BOARD

FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 DECEMBER 2019

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Board Members

Chairperson	Philip O'Leary
Members	Tom Brennan
	Maurice Lawlor
	Michael O'Connell
	Angela Denning (resigned August 2019)
	Nuala Jackson
	Nuala Egan
	Gordon Jeyes
	Ellen O'Malley Dunlop
	Deirdre Burke (resigned November 2019)
	Anne-Marie Blaney (resigned September 2019)
	Freda McKittrick
	Martina Colville (resigned July 2019)
	Rachel Woods (appointed September 2019)
	Eoin Dormer (appointed December 2019)
	Betty Dineen (appointed December 2019)

Office Address Quay St.,
Cahirciveen,
Co. Kerry

Board Secretary Mary O'Connor

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

Solicitor Holmes O'Malley Sexton
Bishopsgate
Henry Street
Limerick

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

Governance Statement and Board Members' Report 2019

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 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, 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 2019.

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, Ms. Frances Fitzgerald TD, on 8th November 2016. A number of ordinary vacancies have occurred subsequently and members have been appointed to fill these vacancies by the Minister for Justice.

The table below details the appointment period for current members:

Name	Date of Appointment	Date on which term expires / expired (or the member resigned)
Philip O'Leary Chairperson	08/11/2016	01/11/2021
Anne-Marie Blaney Civil Servant (Staff Member)	08/11/2016	13/09/2019
Tom Brennan Chartered Accountant	08/11/2016	01/11/2021
Deirdre Burke Solicitor	08/11/2016	18/11/2019
Martina Colville Department of Justice	05/01/2018	31/07/2019
Angela Denning Department of Public Expenditure and Reform	25/09/2018	22/08/2019
Betty Dinneen Civil Servant (Staff Member)	05/12/2019	01/11/2021
Eoin Dormer Department of Public Expenditure and Reform	05/12/2019	01/11/2021
Nuala Egan Barrister at Law	21/02/2017	01/11/2021
Nuala Jackson Senior Counsel	08/11/2016	01/11/2021

Gordon Jeyes Former Chief Executive of Tusla, the Child and Family Agency	08/11/2016	01/11/2021
Maurice Lawlor Department of Social Protection	08/11/2016	01/11/2021
Freda McKittrick Assistant Director, Barnardos	08/11/2016	01/11/2021
Michael O'Connell Civil Servant (Staff Member)	08/11/2016	01/11/2021
Ellen O'Malley Dunlop Chairperson of the National Women's Council of Ireland	08/11/2016	01/11/2021
Rachel Woods Department of Justice	24/09/2019	01/11/2021

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 2019: Ms. Nuala Jackson (Chair, January – April), Ms. Nuala Egan (Chair, May onwards), Mr. Gordon Jeyes, Mr. Maurice Lawlor, Ms. Ellen O'Malley Dunlop. Substitutes: Ms. Deirdre Burke, Mr. Philip O'Leary, Ms. Martina Colville, Ms. Angela Denning.

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 on-going basis. The members of the Audit and Risk Committee in 2019 were: Ms. Ellen O'Malley Dunlop (Chairperson of Committee), Mr. Gordon Jeyes, Mr. Michael O'Connell, Ms. Martina Colville, Mr. Tom Brennan, and Mr. Michael Flynn (external member of Committee, appointed in January 2019).

Finance and Effectiveness Committee

The Finance and Effectiveness Committee members for 2019 were as follows: Mr. Tom Brennan (Chair of Committee), Mr. Maurice Lawlor, Mr. Michael O'Connell, Mr. Philip O'Leary, Ms. Angela Denning. 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.

Strategy and Opportunity Committee

The role of the Strategy and Opportunity 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 2019 were Ms. Freda McKittrick (Chairperson of Committee - May 2019), Ms. Anne Marie Blaney, Ms. Deirdre Burke, Ms. Nuala Egan, Ms. Nuala Jackson, Mr. Philip O'Leary.

Performance Committee

The Performance Committee is set up to consider the objectives of the Chief Executive and the extent to which those objectives have been achieved. Its members in 2019 were Mr. Philip O'Leary, Ms. Freda McKittrick, Ms. Ellen O'Malley Dunlop and Mr. Tom Brennan (appointed in July 2019). The Committee was chaired by the Board Chairperson.

Family Mediation Committee

The role of the Family Mediation Committee was 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, Ms. Nuala Egan, and Mr. Derek Fish (Staff member). The Committee was discontinued in July 2019. This was in line with recommendations from the Board Effectiveness and Evaluation review which was carried out in the first half of 2018 and the recommendation was on the basis that a Strategy and Opportunity Committee should address the need to consider the strategic development of family mediation services.

Governance Committee (ad-hoc)

The Governance Committee was established on a temporary basis to oversee the implementation of the recommendations in the external Board review. The members of the Committee were Mr. Gordon Jeyes (Chairperson of Committee), Ms. Martina Colville, Ms. Freda McKittrick, and Mr. Philip O'Leary. The Committee held its last meeting on the 24th January 2019.

Schedule of Attendance, Fees and Expenses

In 2019, the Board held 10 Board meetings, seven of which were held in Dublin, two in Cahirciveen, and one in Portlaoise. A schedule of attendance at the Board and Committee meetings for 2019 is set out below.

Name	Number of Board meetings attended	Fees 2019 €	Expenses 2019 €
Philip O'Leary (Chair)	10	11,970	1,663
Anne-Marie Blaney⁴	6	0	95
Tom Brennan	9	8,538	32
Deirdre Burke⁶	5	6,962	0
Martina Colville²	5	0	0
Angela Denning³	6	0	0
Nuala Egan	9	8,538	0
Nuala Jackson	7	7,695	0
Gordon Jeyes	9	7,695	433
Maurice Lawlor	10	0	1,225
Freda McKittrick	9	8,538	0
Michael O'Connell	10	0	754
Ellen O'Malley Dunlop	9	8,538	315
Rachel Woods⁵	2	0	0
Micheal Flynn (External member of Audit and Risk Committee¹)	-	1,197	0

1. Michael Flynn was appointed in January 2019
2. Ms. Martina Colville resigned from the Board in July 2019
3. Ms. Angela Denning resigned from the Board in August 2019
4. Ms. Anne-Marie Blaney resigned from the Board in September 2019
5. Ms. Rachel Woods was appointed to the Board in September 2019
6. Ms. Deirdre Burke resigned from the Board in November 2019

Note: Anne-Marie Blaney, Maurice Lawlor, Michael O'Connell, Martina Colville, Angela Denning, Betty Dinneen and Eoin Dormer who are public servants, did not receive a Board fee under the One Person One Salary principle.

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

	Appeals	Audit and Risk	Family Mediation	Finance and Effectiveness	Governance	Performance	Strategy and Opportunity
Number of Committee meetings held	12	4	2	7	1	3	4
Philip O'Leary				7	1	3	4
Anne-Marie Blaney			1				1
Tom Brennan	1	4		6			
Martina Colville	2	1			1		
Deirdre Burke	3		2				2
Angela Denning	3			5			
Nuala Egan	11		1				4
Nuala Jackson	10		2	2			1
Gordon Jeyes	6	4			1		1
Maurice Lawlor	8			7			
Freda McKittrick	3		1		1	3	4
Michael O'Connell		4		7			
Ellen O'Malley Dunlop	8					2	
Rachel Woods	1	1					
Michael Flynn (External member of Audit and Risk Committee)		4					

Note: Mr. Eoin Dormer and Ms. Betty Dinneen were appointed to the Board on 5 December 2019, after the Board's schedule of meetings for the year was completed.

Key Personnel Changes

Ms. Martina Colville resigned from the Board in July 2019, Ms. Angela Denning resigned from the Board in August 2019, and Ms. Anne-Marie Blaney resigned from the Board in September 2019. Ms. Rachel Woods was appointed to the Board in September 2019. Ms. Deirdre Burke resigned from the Board in November 2019.

Mr. Eoin Dormer and Ms. Betty Dinneen were appointed to the Board in December 2019.

Mr. Michael Flynn was appointed as external member of the Audit and Risk Committee in January 2019.

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 shown in note 6(b) to the Financial Statements 2019.

Key Management Personnel

Key management personnel in the Legal Aid Board are the Chief Executive, the Director of Civil Legal Aid, the Director of Human Resources, the Director of Strategy and Decision Making, the Director of Mediation, the Director of Criminal Legal Aid, and the Director of Corporate Services.

The total value of employee benefits for key management personnel is set out below:

	2019 €	2018€
Pay	704,541	685,541

The key management personnel are members of an unfunded defined benefit public sector scheme and their pension entitlements do not extend beyond the standard entitlements for such schemes.

Consultancy Costs

	2019 €	2018 €
Legal Advice – Property	287,218	321,956
Human Resources / IT	122,935	125,323
Total	410,153	447,279

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.

	2019 €	2018 €
Professional Negligence Liabilities	(71,500)	(129,696)
Legal Fees – Legal proceedings	65,443	188,097
Total	(6,057)	58,401

Travel and Subsistence Expenditure

Travel and subsistence expenditure is categorised as follows:

		2019 €	2018 €
Domestic			
	Board*	22,047	24,929
	Employees	595,921	595,445
International			
	Board*	0	0
	Employees	2,837	8,824
Total		620,805	629,198


*Includes travel and subsistence of €4,517 paid directly to Board members in 2019 (2018: € 9,054). The balance of €17,530 relates to expenditure paid by the Legal Aid Board on behalf of the Board members.

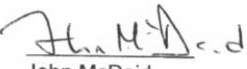
Hospitality Expenditure

Hospitality expenditure of €180 was incurred by the Board during 2019 in connection with the attendance of Board solicitors at Judges' dinners.

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 in 2019.


Philip O'Leary
Chairperson
Date: 18th December 2020


John McDaid
Chief Executive
Date: 18th December 2020

Legal Aid Board

Statement on the System of Internal Controls 2019

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 February 2020.

The Audit and Risk Committee is required to produce a formal report within three months of the end of the calendar year. The Committee's report was completed in February 2020 and was presented to the Board at its meeting on 23 April 2020.

A breach of controls was identified in 2019, in which the sum of €200, part of a client's contribution, went missing from the safe in a law centre. A subsequent investigation by line management was carried out, and also an internal audit. It was not possible to identify the exact cause of the loss. The incident highlighted inadequacies in the design and implementation of controls relating to the management of cash in law centres, and a number of changes were identified.

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 2019.

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, was updated in January 2019 to reflect recommendations in a governance review. It provides a clear and comprehensive summary of the principal aspects of corporate governance for the Board and senior management.

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 reviewed at a meeting of the Audit and Risk Committee, and 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 four occasions in 2019.

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 and Effectiveness 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 2019. 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 and Effectiveness 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 and Effectiveness Committee, the Audit and Risk Committee and the statutory Board, which ensures that issues raised are acted upon.

Internal Audit of engagement of Counsel and the processing of the Counsel Fees

In the final quarter of 2019, the Board's internal audit function completed a detailed audit on the engagement of Counsel (barristers) by the Board and the processing of the Counsel Fees arising in 2018. The audit identified a range of issues requiring attention by the executive regarding the application of controls in this area. Following presentation of the internal audit report to the Audit and Risk Committee in November 2019, the Committee directed the Executive to address the issues raised as a priority. The Executive reported to the Committee on a number of occasions in 2020 regarding progress towards implementation of the changes required. The Executive will continue to review and reform the governance of the process and will report to the Audit & Risk Committee on an ongoing basis on this matter.

Confirmation of Board's oversight role

We confirm that during the year ended 31 December 2019, the Board, through its Finance and Effectiveness 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.

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 2019 a total of eleven supply arrangements were identified with a total value of €706,158 which were procured without a competitive process. These are broken down as follows:


- 3 contracts with a combined value of € 147,574 are considered non – competitive but compliant as there was a single suitable supplier available.
- 3 contracts with a value of € 108,167 are considered non – competitive but compliant as it was a situation which related to emergency repairs to telephone and air conditioning systems, and emergency building works.


- 1 contract with a value of €141,000 is considered to be non – competitive and non – compliant as it relates to expenditure incurred on the continuation of existing data communications services pending the completion of the Board’s transition to the Government Networks virtual private network (VPN).
- 3 contracts with a value of € 209,158 are considered to be non – competitive and non – compliant as these involved continuation of expenditure where a contract had expired, which have since been replaced by new contracts.
- 1 contract with a value of €100,259 is considered non-competitive and non-compliant as it involved continuation of expenditure where a contract had expired, as an interim measure while the finalisation of centralised purchasing arrangements in the Office of Government Procurement is awaited.

The Legal Aid Board is working to replace remaining non-compliant procurement arrangements during 2020.

Confirmation that Statement has been reviewed

The Board reviewed this Statement on 24 September 2020 and approved it as being an accurate reflection of the control system in operation during the reporting period.


Philip O'Leary
Chairperson
Date: 18th December 2020


John McDaid
Chief Executive
Date: 18th December 2020



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 2019 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 2019 and of its income and expenditure for 2019 in accordance with Financial Reporting Standard (FRS) 102 — *The Financial Reporting Standard applicable in the UK and the Republic of Ireland*.

Emphasis of matter - pension liabilities

I draw attention to the Legal Aid Board's accounting policy for retirement benefit obligations in note 1 to the financial statements.

Staff of the Legal Aid Board recruited since 1 January 2013 accrue retirement benefits under the terms of the Single Public Service Pension Scheme (SPSPS). The financial statements do not recognise the liabilities. Discussions are ongoing between the Legal Aid Board and the Department of Public Expenditure and Reform about how those future liabilities will be met.

My opinion is not modified in respect of this matter.

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.

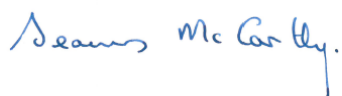
Report on information other than the financial statements, and on other matters

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.

Report of the C&AG (continued)

Controls over engagement of counsel and payment of counsel fees

I draw attention to the statement on internal control which refers to the findings of an internal audit of the processes for the engagement of counsel and for the payment of counsel fees during 2018. The statement on internal control also explains how the Legal Aid Board is ensuring that the weaknesses identified in the internal audit report are addressed.



Seamus McCarthy
Comptroller and Auditor General

21 December 2020

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 2019

	Note	2019		2018	
		€	€	€	€
Income					
State funding	2	40,796,000		40,275,000	
Net deferred funding for pensions	3c	32,895		30,019	
Contributions from aided persons		1,519,256		1,545,986	
Costs recovered		816,534		784,656	
Other income	4	282,489		387,353	
			43,447,174		43,023,014
Expenditure					
Salaries and related expenses	6a	22,314,297		21,276,140	
Pension Costs	3a	260,000		250,000	
Fees to board members		69,671		70,553	
Accommodation and establishment expenses	9	4,825,892		4,625,051	
Legal fees and expenses	10	15,408,371		16,016,371	
General administration	11	2,574,976		2,419,915	
Depreciation	12	817,792		662,007	
Audit fee		24,500		16,000	
			46,295,499		45,336,037
Deficit for the year before appropriations			(2,848,325)		(2,313,023)
Transfer to capital account	5		(354,155)		(584,541)
Deficit for the year after appropriations			(3,202,480)		(2,897,564)
Opening balance as at start of year			(12,485,290)		(9,587,726)
Closing balance as at end of year			(15,687,770)		(12,485,290)

All income and expenditure for the year 31 December 2019 relates to continuing activities at the statement of financial position date. The statement of cash flows, together with Notes 1 to 19, form part of these financial statements.



Philip O'Leary
Chairperson
Date: 18th December 2020

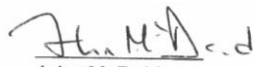

John McDaid
Chief Executive
Date: 18th December 2020

STATEMENT OF OTHER COMPREHENSIVE INCOME*for the year ended 31 December 2019*

		2019 €	2018 €
Deficit before appropriations		(2,848,325)	(2,313,023)
Experience losses on retirement benefit obligations	3d	(1,375,000)	(782,000)
Changes in assumptions underlying the present value of retirement benefit obligations		-	-
Actuarial loss in the year	3b	(1,375,000)	(782,000)
Adjustment to retirement benefits funding		1,375,000	782,000
Total comprehensive income for the year		(2,848,325)	(2,313,023)

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



Philip O'Leary
Chairperson
Date: 18th December 2020

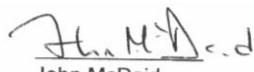

John McDaid
Chief Executive
Date: 18th December 2020

STATEMENT OF FINANCIAL POSITION*as at 31 December 2019*

	Note	2019		2018	
		€	€	€	€
Property, plant and equipment	12		2,262,720		1,908,565
Current assets					
Cash at bank and on hand		2,799,185		6,103,722	
Receivables	13	1,054,237		981,007	
		<u>3,853,422</u>		<u>7,084,729</u>	
Current liabilities (amounts falling due within one year)					
Payables	14	18,302,579		17,612,948	
Clients' funds	15	1,238,613		1,957,071	
		<u>19,541,192</u>		<u>19,570,019</u>	
Net current liabilities			(15,687,770)		(12,485,290)
Total assets less current liabilities before retirement benefit obligations			(13,425,050)		(10,576,725)
Deferred retirement benefits funding	3c	14,986,849		14,009,160	
Retirement benefits obligations	3b	(14,986,849)		(14,009,160)	
		<u>-</u>		<u>-</u>	
Total net liabilities			<u>(13,425,050)</u>		<u>(10,576,725)</u>
Represented by:					
Retained revenue reserves			(15,687,770)		(12,485,290)
Capital account	5		2,262,720		1,908,565
			<u>(13,425,050)</u>		<u>(10,576,725)</u>

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



Philip O'Leary
Chairperson
Date: 18th December 2020

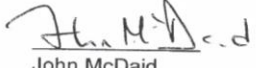

John McDaid
Chief Executive
Date: 18th December 2020

STATEMENT OF CASH FLOWS
for the year ended 31 December 2019

	Note	2019 €	2018 €
Net cash flows from operating activities			
Excess expenditure over income		(2,848,325)	(2,313,023)
Depreciation of property, plant and equipment		817,792	662,007
Decrease/(increase) in bank interest receivable		-	0
Increase in debtors		(73,361)	77,549
Increase in creditors		702,494	2,969,692
(Decrease)/increase in Client Funds		(724,977)	493,306
Net cash inflow/ (outflow) from operating activities		(2,126,377)	1,889,531
Cash flows from investing activities			
Payments to acquire fixed assets		(1,177,808)	(1,240,687)
Interest paid on client settlements		(351)	(756)
Net cash flows from investing activities		(1,178,159)	(1,241,443)
Cash flows from financing activities			
Bank Interest Received		0	0
Net cash flows from financing activities		0	0
Increase/(decrease) in cash and cash Equivalents		(3,304,536)	648,088
Cash and cash equivalents at 1 January		6,103,722	5,455,634
Cash and cash equivalents at 31 December		2,799,185	6,103,722

Notes 1 to 19 form part of these financial statements


Philip O'Leary
Chairperson
Date: 18th December 2020


John McDaid
Chief Executive
Date: 18th December 2020

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 31 December 2019

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

In 2019, the Board operated out of 44 premises throughout the country.

Basis of preparation

The financial statements of the Legal Aid Board for the year ended 31 December 2019 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 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.

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 2019 shows an excess of liabilities over assets of € 13,425,050. 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 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 2019 was approximately €91,730. There were no bad debts written off in 2019.

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 2019, 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

Civil Service Superannuation Scheme

a) General staff

As at 31 December 2019, there are 333 general staff of the Board who are in the civil service superannuation scheme and the pension liabilities for these staff are not included in the Board's financial statements. Staff pension contributions in respect of these 333 staff are remitted by the Board to the Department of Justice.

b) Solicitor Staff

As at 31 December 2019, there are 132 solicitor staff of the Board who are in the civil service superannuation scheme and the pension liabilities for these staff are not included in the Board's financial statements. Staff pension contributions in respect of these 132 solicitor staff are retained by the Board and used to fund the payment of superannuation to solicitors who retired or left the Board prior to June 2014.

Single Public Services Pension Scheme ('Single Scheme')**a) General Staff**

The Board operates the Single Public Services Pension Scheme ('Single Scheme') which is a defined benefit scheme for pensionable public servants appointed on or after 1 January 2013. As at 31 December 2019, there were 124 general staff who were members of the single scheme. The Single Scheme members' contributions of general staff are remitted to the Department of Public Expenditure and Reform (DPER). The Board is in discussion with DPER as to the recognition of this pension liability. At present, the pension liability for these staff is not included in the Board's financial statements.

b) Solicitor Staff

The Board operates the Single Public Services Pension Scheme ('Single Scheme') which is a defined benefit scheme for pensionable public servants appointed on or after 1 January 2013. As at 31 December 2019, there were 44 solicitor staff who were members of the single scheme. The Single Scheme members' contributions of solicitor are retained by the Board and are used to fund the payment of superannuation to solicitors who retired or left the Board prior to June 2014.

The Board is in discussion with DPER as to the retention of pension contributions and the recognition of this pension liability. At present, the pension liability for these staff is not included in the Board's financial statements.

Solicitor staff retired or resigned prior to June 2014

The financial statements reflect the pension liability of solicitor staff who retired or resigned from the Board prior to June 2014. At that date, the Minister designated all Board solicitor staff as civil servants.

Administration of certain Legal Aid Schemes

The Board administers certain legal aid schemes on behalf of the Department of Justice, 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 Subhead B.12 and B.13. 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 as follows:

Subhead:	2019 €	2018 €
C.4 Grant	40,796,000	40,275,000

The Board received a letter from the Department of Justice acknowledging its financial position and confirming that it will continue to be funded.

3 Retirement benefit obligations

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

(a) Analysis of total retirement benefits charged to Expenditure		
	2019 €	2018 €
Interest on retirement benefit obligations	260,000	250,000
Employee contributions	(430,207)	(430,846)
	(170,207)	(180,846)
(b) Movement in net retirement benefits liability during the financial year		
	2019 €	2018 €
Net liability at 1 January	14,009,160	13,627,987
Interest Costs	260,000	250,000
Actuarial loss	1,375,000	782,000
Retirement benefits paid in the year	(657,311)	(650,827)
Net liability at 31 December	14,986,849	14,009,160

(c) Deferred Funding Asset for retirement benefits

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, the Board has no evidence that this funding policy will not continue to meet such sums in accordance with current practice.

	2019 €	2018 €
Funding recoverable in respect of current year retirement benefits	260,000	250,000
State grant applied to pay retirement benefits	(657,311)	(650,827)
Refundable contributions retained to meet current costs	430,207	430,846
	32,895	30,019

(d) History of defined benefit obligations

	2019 €	2018 €	2017 €
Defined benefit obligations	14,986,849	14,009,160	13,627,987
Experience (losses)/gains on scheme liabilities amount	(1,375,000)	(782,000)	(11,000)
Percentage of the present value of the scheme liabilities	0%	0%	-3%

The deferred funding asset for retirement benefits as at 31 December 2019 amounted to €14.99 million (€14 million in 2018).

(e) General Description of the scheme

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 (July 27th 2020) by a qualified independent actuary taking account of the requirements of the FRS in order to assess the scheme liabilities at 31 December 2019.

The principal actuarial assumptions were as follows:

	2019	2018
Rate of increase in salaries	0.0%	0.0%
Rate of increase in pensions in payment	2.0%	2.0%
Discount Rate	1.0%	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:

	2019	2018
Male aged 65	21.5	21.4
Female aged 65	23.9	23.8

4. Other income

	2019 €	2018 €
Interest received and receivable	(13,395)	(1,162)
Sundry receipts	295,884	388,515
	282,489	387,353

5. Capital Account

	€	€
Balance as at 1 January 2019		1,908,565
Transfer from Income and Expenditure Account		
- Income used to purchase fixed assets	1,171,947	
- Income amortised in year in line with depreciation of assets	(817,792)	354,155
Balance as at 31 December 2019		2,262,720

6 a) Employee numbers and costs

As at 31 December, 2019, 420 (2018:433) whole time equivalents were employed in the Board.

The average number of employees in the Board during the year was 428 (2018 - 430.8).

Employees and related costs were as follows:

	2019	2018
	€	€
Salaries	20,472,882	19,521,717
Employer PRSI	1,841,415	1,754,423
	<u>22,314,297</u>	<u>21,276,140</u>

€ 590,908 was deducted from staff by way of additional superannuation contribution and was paid over to the Department of Justice and Equality.

b) Employee Numbers by Salary Category

Salary Category	Number of Employees 2019	Number of Employees 2018
€60,000 to €69,999	57	52
€70,000 to €79,999	24	19
€80,000 to €89,999	18	21
€90,000 to €99,999	9	3
€100,000 to €109,999	5	5
€110,000 to €119,999	-	-
€120,000 to €129,999	-	-
€130,000 to €139,999	-	-
Above €140,000	1	0

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Chief Executive Officer Salary and Expenses

	2019	2018
	€	€
CEO salary	145,411	139,646
CEO expenses	<u>2,206</u>	<u>2,055</u>
	<u>147,617</u>	<u>141,701</u>

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

	2019	2018
	€	€
Board members fees	69,671	70,553
Board members expenses	<u>22,047</u>	<u>24,928</u>
	<u>91,718</u>	<u>95,481</u>

Board Members	Fees	Board Members	Fees
Philip O'Leary	11,970	Ellen O'Malley Dunlop	8,538
Nuala Jackson	7,695	Tom Brennan	8,538
Deirdre Burke	6,962	Freda McKittrick	8,538
Gordon Jeyes	7,695	Michael Flynn*	1,197
Nuala Egan	8,538		

* External member of audit committee

9 Accommodation and establishment expenses

	2019 €	2018 €
Rents	2,683,096	2,688,088
Cleaning	249,136	235,995
Lighting and heating	248,999	272,674
Maintenance - Premises	816,026	823,802
Maintenance - Equipment	828,635	604,492
	<u>4,825,892</u>	<u>4,625,051</u>

10 Legal fees and expenses

	2019 €	2018 €
Counsel fees	3,997,501	4,054,318
Witness/Ancillary fees (incl. expert witness fees)	1,391,159	1,271,955
Private Practitioner Schemes (includes International Protection)	5,756,138	4,871,371
Abhaile Scheme	3,248,693	4,728,866
Professional Negligence*	(6,057)	58,401
Other professional fees	410,153	447,279
Other expenses (includes training)	610,785	584,181
	<u>15,408,371</u>	<u>16,016,371</u>

*At December 31st 2019, the Board was subject to a number of claims in respect of Professional Negligence. As at year end, the Board has accrued € 406,946 (2018 - €514,087) in respect of these matters.

11 General administration

	2019 €	2018 €
Stationery and office expenses	462,014	418,325
Books and printing	84,095	119,374
Postage and telephone	1,357,973	1,119,755
Insurance	50,089	133,263
Travel and subsistence	620,805	629,198
	<u>2,574,976</u>	<u>2,419,915</u>

12 **Property, plant and equipment**

	Leases	Office Furniture	Equipment & Computers	Premises Fit Out	Total
	€	€	€	€	€
Cost					
Balance at start of year	1,625,334	1,585,393	4,616,982	5,325,853	13,153,562
Acquisitions	-	14,517	321,911	835,519	1,171,947
Disposals	0	0	(258,778)	0	(258,778)
Balance at end of year	1,625,334	1,599,910	4,680,115	6,161,372	14,066,731
Depreciation of fixed assets					
Balance at start of year	1,625,334	1,581,392	4,087,904	3,950,367	11,244,997
Charge in year	0	3,115	344,087	470,590	817,792
Disposals	0	0	(258,778)	0	(258,778)
Balance at end of year	1,625,334	1,584,507	4,173,213	4,420,957	11,804,011
Net book value at 31 December 2019	-	15,403	506,902	1,740,415	2,262,720
Net book value at 31 December 2018	-	4,001	529,078	1,375,486	1,908,565

13 **Receivables**

	2019	2018
	€	€
Debtors - deposit interest	0	0
Prepayments		
- Rent	131,868	128,076
- Maintenance - Premises, Computers & Equipment	284,641	237,296
- Salaries	189,071	78,351
- Other	125,252	213,699
- Practising Certificates	323,405	323,585
	<u>1,054,237</u>	<u>981,007</u>

14 Payables

	2019	2018
	€	€
Amounts falling due within one year:		
Creditors	221,091	357,382
Accruals	18,081,489	17,255,566
	<u>18,302,579</u>	<u>17,612,948</u>

The Legal Aid Board estimates the value of unbilled live cases each year to arrive at the amounts disclosed within the accounts as a provision. The amount is an estimate of the expenditure required to settle any obligation at the statement of financial position date. In 2019, the amount provided for in relation to unbilled cases was €16,359,301 (2018 - €15,712,760)

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

	2019	2018
	€	€
Client funds held at 1 January (Gross)	1,957,071	1,462,047
Interest	<u>(12,212)</u>	<u>(14,816)</u>
Client funds held at 1 January (Net of Interest)	1,944,859	1,447,231
<i>Add</i> Awards/settlements received during 2019	7,892,592	15,623,710
<i>Less</i> Settlements paid out, including interest allowed and costs recovered	<u>(8,604,048)</u>	<u>(15,126,082)</u>
Client funds held at 31 December	1,233,403	1,944,859
Interest accruing on client funds held	5,210	12,212
Total due to clients	<u>1,238,613</u>	<u>1,957,071</u>

16 Commitments

(a) Commitments under operating leases

The Board occupies premises at Cahirciveen, Co. Kerry and operates out of 43 other centres throughout the country. The Board has commitments to pay rent of € 18,640,060 in future years as at 31 December 2019 in respect of leases expiring as follows:

	€
2020	2,684,719
2021-2024	8,163,713
2025 onwards	7,791,628
	<u>18,640,060</u>

(b) Commitments in respect of Legal Fees

Commitments in respect of Legal Fees

Counsel Fees and Private Practitioner Schemes

	2019 €	2018 €
Open cases certified at 1 January	22,532,067	18,967,573
Additional fees certified	12,383,130	13,903,414
Payments	<u>(12,700,465)</u>	<u>(10,338,920)</u>
	22,214,732	22,532,067
Provided for at 31 December	<u>(16,359,301)</u>	<u>(15,712,760)</u>
Outstanding commitments at 31 December	<u>5,855,431</u>	<u>6,819,307</u>

At 31 December 2019, 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 2019, the Legal Aid Board had provided for legal fees of €16,359,301 and had outstanding commitments in the amount of € 5,855,431.

17 Movement of cash

	2019 €	2018 €
Balance at 1 January	6,103,722	5,455,634
Net cash inflow/outflow	(3,304,537)	648,088
Balance at 31 December	<u>2,799,185</u>	<u>6,103,722</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 €331,738 in holiday pay at 31 December 2018. The accrual for holiday pay as at 31 December 2019 is €555,177.

19 Approval of Financial Statements

The Financial Statements were approved by the Board on September 24th 2020.

