**Meeting of Consultative Panel – 15th March, 2016**

**Bar Council Offices, Distillery Building, 145-151 Church Street, Dublin 7**

**Attendance:**

The following attended the meeting:

Mr John McDaid, Chief Executive, Chair of the Panel

Ms Sinead Harrison, Women’s Aid

Ms Shirley Coulter, Bar Council

Ms Ann Marie O’Connor, MABS

Mr Ciaran Finlay, FLAC

Ms Polly Phillimore, Director, Mediation Services

Ms Andrea McDermott, AMEN

Ms Eileen Fitzgerald, Citizens Information Board

Mr Stephen Collins, Irish Refugee Council

Mr Noel Gorman, Legal Aid Board, Secretary

**Apologies:**

Ms Joan O’Mahony, Law Society and O’ Mahony’s Solicitors

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|  | Item for discussion | Person responsible | Discussions | Actions/Decisions |
| 1 | Minutes of meeting of 4st November and matters arising | CEO  Secretary | Matters arising from the previous minutes were discussed. Mr McDaid confirmed that he had not received a proposal on the single procedure from Mr O’Dwyer. It was noted that there had been engagement with the Bar Council last year and that it was anticipated that a submission on fees would be made.  There were two suggested changes to the draft minutes circulated from the previous Panel meeting in November.  Minutes agreed and will be posted to the Board’s website. |  |
| 2 | Service Delivery update | CEO | Mr McDaid confirmed that the number of applications for civil legal aid this year is similar to the number of applications at the same time last year. Reducing waiting times at law centres remains a top priority for the Board.  Demand for legal services in asylum and related matters has increased significantly compared to the same time last year. There has been no advancement in relation to any implications for, or expectations of, the Board in terms of any changes in international protection patterns. Mr McDaid indicated that it was his understanding that the Department of Justice and Equality wished to commence the ‘single procedure’ provisions of the International Protection Act 2015 in July.  Ms Phillimore confirmed the average waiting times for mediation sessions of 8/12 weeks. It was also noted that new premises that the Board was taking in Jervis Street will provide for co-location of family mediation and legal services.  The Freedom of Information Act 2014 will require the Board to publish as much information about the work that it does on its website, which it is hoped may pre-empt some FOI requests that would otherwise arise. More information should be published shortly.  The Panel was informed that the Board’s new website is expected to go live by June.  Responding to a question from Ms Fitzgerald about interactivity on the website Mr McDaid confirmed that the website would not be fully interactive initially, although there should be a facility for applying for legal services on-line. There will be scope to develop further interactive functions.  Mr McDaid informed the Panel that the Board has not been made aware of any further developments following the consultation process by the Department of Children and Youth Affairs in relation to the Guardian ad Litem Service. |  |
| 3 | Children and Family Relationships Act 2015 - impact |  | Mr McDaid confirmed that the provisions of the Children and Family Relationships Act 2015 in relation to the voice of the child had commenced. At this early stage it was difficult to assess how it is working in practice and that there are no Regulations in place in relation to this specific provision of the Act.  Ms Harrison also confirmed that it was too early to assess but noted that the lack of clarity is leading to Judges implementing the Act differently. |  |
| 4 | Interagency scheme to assist persons facing repossession proceedings |  | Mr McDaid provided an overview of the Government’s interagency scheme which will provide assistance to people who are facing repossession proceedings. When it is up and running MABS will act as the gateway to the scheme. There are three legal aspects to the proposed scheme. The Board will: (1) pay a solicitor from an external panel to provide a one off legal advice consultation for insolvent homeowners who are at risk of losing their homes, (2) provide for a duty solicitor in the Circuit Court on repossession days to provide legal representation for those subject to repossession proceedings and (3) subject to a merits test, provide legal aid to a debtor where creditors refuse a Personal Insolvency Arrangement (PIA) proposal and the debtor / Personal Insolvency Practitioner wish to appeal the refusal to the Court.  Mr McDaid noted that as of relatively recently, 11,000 repossession proceedings had issued against people who are in mortgage arrears. The target date for the commencement of the interagency scheme is mid April.  Ms O’Connor confirmed that there are 23.5 money advisors countrywide who are acting as court mentors at present and that, of some 20% of people who attend court proceedings, about one third are referred to MABS. It was noted that debtors who actively engage even at a late stage can put in place an arrangement with the banks.  Mr McDaid in a response to a question from Mr Finlay confirmed that the usual merits test would apply to the legal aid aspect of the scheme. |  |
| 5 | Assisted Decision Making (Capacity) Act 2015 |  | Mr McDaid confirmed that this Act, which had been signed into law last December, provides for the transfer to the Legal Aid Board of the responsibility of legal representation at a mental health tribunal. The provision is subject to a commencement order. Mr McDaid indicated that it did not appear likely that the capacity provisions of the Act would be commenced this year. Mr Finlay queried as to how the Board would recover its costs in capacity cases where the Act enabled / required it to do so and in response Mr McDaid stated that Regulations would need to deal with this issue. Mr McDaid also confirmed that free legal advice would be available to both the person allegedly lacking capacity and to the person making an application to the court in relation to that person. Ms Fitzgerald stated that there were many complexities surrounding this Act. | . |
| 6 | Improving engagement | Mr McDaid | Improving engagement will remain an agenda item for future meetings as the Board values feedback on current concerns and issues affecting stakeholders. It was noted that the Board is considering introducing a feedback card for people who use the services provided in Law Centres. |  |
| 7 | Regulation of Lobbying Act 2015 |  | Mr McDaid confirmed that he is a Designated Public Official as defined in the Regulation of Lobbying Act 2015. There was a discussion as to whether Panel members should register on the Register of Lobbying website which is maintained by the Standards in Public Office Commission. It was generally agreed that there is the potential to engage in lobbying at these Panel meetings. It was noted that by posting the terms of reference for the Panel, the membership and the minutes of the meetings there may be an exemption from the requirement to record the communication. | Mr McDaid to discuss with Ms Fitzgerald. |
| 8 | Terms of reference for the Panel | Panel | The Draft Terms of Reference for the Board’s External Consultative Panel were circulated by email to Panel members prior to this meeting. | Secretary to post agreed Terms of Reference to the Board’s website |
| 9 | Bar Council – role, pro-bono scheme etc. | Ms Coulter | In her presentation Ms Coulter outlined details of the strong brand that is the Bar of Ireland, the business and structures of its committees including the executive members of staff and confirmed the addition of a new Department for Regulation.  As well as providing specialist advocacy and advisory services the Bar is engaged in a wide variety of pro bono work, such as the Voluntary Assistance Scheme in which voluntary legal assistance is provided by barristers to charities, non-government organisations and to civic society groups such as MABS and Citizens Information. The Bar also encourages schools nationwide to apply for places to a transition year programme where 20% of available places are given to DEIS schools.  The Bar provides advocacy training, fellowships and internships and is a supporter of the legal profession’s ‘Calcutta Run’. |  |
| 10 | Tour de Table | Mr Collins  Mr Finlay  Ms Coulter  Ms McDermott  Ms Fitzgerald  Ms O’Connor  Ms Harrison | It was noted that the Irish Refugee Council did extensive lobbying on the International Protection Bill and that the Bill was put through without any of their suggested amendments. It is expected that litigation will occur around some aspects of the Act.  Mr McDaid confirmed that some provisions of the International Protection Act commenced last week.  A copy of FLAC’s report on Accessing Justice in Hard Times - the impact of the economic downturn on the scheme of civil legal aid in Ireland was made available to Panel members. Mr Finlay confirmed that the vacant position of Director of FLAC had yet to be filled following the recent departure of Noeline Blackwell. Mr Finlay also highlighted the potential for an inconsistent approach by the Board to the waiver of client contributions.  Following consideration and improvements to the communication side for the Law Library and its membership focus will be on policy initiatives.  Amen confirmed that an outreach clinic for male victims of domestic violence is due to take place in Monaghan on 22th March.  The Citizens Information Board will be holding information sessions on leave to remain in April.  MABS will continue to engage with the Board with regard to the proposed interagency scheme to assist persons facing repossession proceedings.  Women’s Aid is disappointed that the Board is not seeking an amendment to the Civil Legal Aid Regulations with a view to abolishing the financial contribution in domestic violence cases. Women’s Aid would like the Board to consider the matter again. |  |
| 11 | AOB |  | Mr Finlay raised the issue of Travellers who are facing eviction, particularly in relation to the lack of capacity to provide legal representation. | Mr McDaid to discuss this matter with Mr Finlay |
| 12 | Date of next meeting |  | The Panel’s next meeting will take place in the FLAC offices @ 11 on Tuesday, 12th July. |  |