Meeting of Consultative Panel – 14th November, 2017

MABS National Development, Commercial House, Westend Commercial Village, Blanchardstown, Dublin 15.

Attendance:

The following attended the meeting:

Mr John McDaid, Chief Executive, Chair of the Panel

Ms Susan Shanahan, Citizens Information Board

Ms Shirley Coulter, Council of the Bar of Ireland

Ms Eilis Barry, FLAC

Ms Monica Hynds, Barnardos

Ms Carol Dunne, MABS

Mr Noel Gorman, Legal Aid Board, Secretary

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|  | Item for discussion | Person responsible | Discussions | Actions/Decisions |
| 1 | Minutes of meeting of 11h July and matters arising | CEO  Secretary | Matters arising from the previous minutes were discussed.  There were suggested changes to the draft minutes circulated from the previous Panel meeting in July. Minutes were agreed and will be posted to the Board’s website in compliance with the Lobbying Act. | Secretary |
| 2 | Service Delivery update | CEO | The Board’s anticipated spend on the Abhaile Scheme has not yet been realised which has led to a saving on expenditure on this scheme for 2017.  Members were asked to put forward suggestions in order to reinvigorate the membership of the External Consultative Panel.  The abolition of contributions in domestic violence cases before the District Court is under consideration by the Minister. The Civil Legal Aid Regulation would require amendment to remove the contribution in these cases.  It was noted that the Voice of the Child in family law proceedings remains an issue for the judiciary. There has been no update from the Department regardingthe introduction of Regulations.  Mr McDaid confirmed that the demand for legal services to the end of October was 14,500, slightly less when compared to 14,800 applications for the same period in 2016  It was noted that waiting times vary between law centres, which in some centres is linked to staffing issues.  The number of persons awaiting services on the applications record on 1st November 2017 was 2,000, which is slightly up on 1st January 2017 figure of 1,800.  Mr McDaid informed the Panel that the Board is in a better financial position to accommodate referrals under the District Court Private Practitioner scheme, with minor restrictions only applying.  Panel members were informed that Fiona McAuslan was appointed as Director of Family Mediation, taking over from Polly Phillimore who has retired.  Legislation is in place to transfer responsibility for the provision of legal representation at Mental Health tribunals to the Board. The Board is working with the Mental Health Commission to transfer this function, possibly within the next 12 months. | Mr McDaid to provide details about referrals to Ms Barry |
| 3 | Abhaile update |  | Mr McDaid confirmed that the Board is currently assessing the Abhaile scheme and is engaged with both of the Departments involved and with other agencies regarding the review of the scheme.  Ms Dunne informed Panel members that a meeting was due to take place between interested parties in MABs National Development on 15th November.  Ms Barry confirmed that FLAC made a submission to the Department of Justice and Equality providing analysis of current developments in the resolution of mortgage arrears and the review of the Personal Insolvency Act.  Ms Coulter confirmed that barristers continue to provide assistance in repossession matters under the Voluntary Assistance Scheme and noted that there is a scheme for solicitors but not for barristers. In this regard the Bar recently outlined its views in a letter to the Board. Ms Coulter said that there is an increasing demand to access the services provided by VAS.  According to Ms Dunne there is now a crossover in some family law proceedings and the Abhaile scheme and that issues arise regarding the duty solicitor.  Mr McDaid said that when a court is scheduled to sit a duty solicitor is rostered, however Ms Dunne pointed out that when a case is moved to the Judges list a money advisor will be present but no duty solicitor.  Mr McDaid informed Panel Members that the Board had been notified of 1,724 consultation vouchers and that 350 PIA review legal aid certificates were granted in in 2017 to date. It was also identified in a recent High Court judgement that a PIA review application initiated by a debtor rather that a PIP would fail. | BAR, CIB and MABS to liaise on the impact that the Abhaile Scheme is having on each organisation  Ms Barry to forward a copy of the submission to the Secretary |
| 4 | Mediation Act |  | Panel members were informed that the Mediation Act was passed in October. The Commencement Order will come into effect from 1st January, 2018. The Act facilitates the introduction of a standard scheme of mandatory information in family law matters. A scheme is not expected to be in place for some time. |  |
| 5 | International Protection Act 2015 / update on the introduction of the ‘single procedure’ |  | There is a decrease in applications for legal services in connection with International Protection, which was 1,200 from 1st January 2017 to 1st November 2017, compared to 1,400 for the same period in 2016. However applications for international protection in the State have increased in the year to date. |  |
| 6 | Corporate Plan 2018 - 2020 |  | Prior to the meeting a draft copy of the Board’s Corporate Plan 2018 - 2020 was circulated to Panel members. The deadline for formal submissions is the end of November.  Mr McDaid confirmed that the draft Plan could be circulated to interested parties by Panel members. |  |
| 7 | Annual conference 17th November 2017 |  | A draft agenda was circulated about the upcoming Annual Conference which will take place in the Department of Justice and Equality, 51 St Stephen’s Green. This year’s theme is around the barriers that preclude effective participation of parents in the child care process. Panel members were invited to attend. | Members to express their interest to the Secretary via email |
| 8 | MABS – current issues |  | Discussed under the Abhaile heading |  |
| 9 | Tour de Table | Ms Coulter  Ms Shanahan  Ms Hynds  Ms Barry  Mr McDaid | Two Denham Fellows started a Barrister-at-Law degree programme in the Kings Inns in October. The closing date for applications this year is 20th November.  The Citizens Information Board and the Legal Aid Board will be meeting in December to discuss common interests relating to service provision and co-location. CIB is also undertaking a restructuring programme within MABS and CIB companies.    A Guardian ad Litem supports children to have their voice heard in certain types of legal proceedings. However there is an inconsistency in practice in how matters are dealt with between courts.  FLAC recently made a submission to the Courts Service in relation to The Courts Service Statement of Strategy 2018-2020  FLAC is planning an event with Women’s Aid on 5th December, is currently engaged in drafting a new strategic plan and is considering hosting a conference on Access to Justice early in the new year.  There is a meeting next month to consider continuing the Joint Programme on Access of Roma and Traveller Women to Justice (JUSTROM) in Ireland  The Panel was informed about the Board’s pilot project in Kilkenny and a proposed meeting with service providers to discuss service delivery, trial innovations and staff placements. This meeting is due to take place in Jan/Feb 2018. | Ms Barry to provide a copy of the submission to the Secretary  .  Ms Barry to provide background on Traveller accommodation, waiting lists and standards in halting sites to Mr McDaid |
| 10 | AOB |  | No other business matters arose. |  |
| 11 | Date of next meeting |  | The next meeting of the Panel will take place in the Board’s offices in Montague Court on 21st March 2018 @ 11 am. |  |