

ANNUAL REPORT 2016



Legal Aid Board

An Bord Um Chúnamh Dlíthiúil



Mission

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

Vision

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

Values

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

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Overview

1. Function and Purpose

The Legal Aid Board is the statutory, independent body responsible for the provision of **civil legal aid and advice** to persons of modest means, in accordance with the provisions of the Civil Legal Aid Act 1995 (the “Act”). The Act was amended by Section 54 of the Civil Law (Miscellaneous Provisions) Act 2011 which gave the Board the additional responsibility to provide a **family mediation** service. The Board’s remit is in the process of being further expanded, following a Government decision in 2010, to include within the Board’s remit, the management and administration of the various **criminal legal aid** schemes previously administered by the Department of Justice and Equality. Responsibility for the administration of the Garda Station Legal Advice Scheme transferred to the Board on the 1st October 2011 and for the Legal Aid - Custody Issues Scheme (formerly titled the Attorney General’s Scheme) on the 1st June 2012. The administration of the Criminal Assets Bureau Ad-hoc Legal Aid Scheme transferred to the Board on the 1st January 2014.

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 eight full time offices and nine part time offices.

Services in the three criminal legal aid ad-hoc schemes currently under the Board’s remit, the Garda Station Legal

Advice Scheme and the Legal Aid - Custody Issues Scheme, and the Criminal Assets Bureau Legal Aid Scheme is provided through private solicitors and barristers.

3. Obtaining Civil Legal Aid Legal Services

A person seeking legal services in civil cases must apply to any of the Board's law centres and must complete an application form, stating the subject matter on which legal advice and/or aid is sought and giving details of income and any capital resources.

The Board seeks to ensure that a person who qualifies for civil legal aid (legal services) will be offered an appointment with a solicitor within a maximum period of four months from the time the application is completed or will be offered earlier legal advice if it is not possible to provide full legal services within four months. A priority service is provided in certain cases including cases involving domestic violence, child abduction, applications by the State (Tusla) to take children into care or under supervision, and cases that have statutory time limits close to expiry.

4. Eligibility and Payment for Civil Legal Aid Legal Services

There are financial eligibility criteria which the vast 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. The law centre advises a person of the actual contribution in each individual case. In the event that a person recovers money or property arising from the case, the Board may seek to recover the cost to the Board of providing legal services to the client.

5. Obtaining Family Mediation Services

A person seeking to avail of mediation to assist with the resolution of a family problem must apply to any of the Board's family mediation offices. Contact details for the Board's family mediation offices can be found on www.legalaidboard.ie. The second party also needs to contact the same office to confirm his/her interest in attending mediation. Once both parties have confirmed that they wish to mediate they will be offered an appointment as soon as possible. There is no requirement for an applicant to meet financial eligibility criteria and there is no charge for the service.

6. Criminal Legal Aid Ad-hoc Schemes

There are five criminal legal aid schemes, three of which are administered by the Board.

Persons detained under certain legislation in Garda stations may be entitled to legal advice under the Garda Station Legal Advice Revised Scheme by way of telephone and / or in-person consultations in the Garda station. They may also be entitled to legal advice by way of the attendance of a solicitor with them at Garda interviews. A person seeking legal advice under the Garda Station Legal Advice Revised Scheme must make their request to the Custody Officer in the Garda Station where they are detained. They must complete the standard Application Form and provide details of their financial means to ensure that they satisfy the financial eligibility threshold.

The Legal Aid - Custody Issues Scheme provides for payment of legal costs on the recommendation of the Court to the Legal Aid Board in certain types of litigation not covered by the civil legal aid scheme or the main criminal legal aid scheme. A person seeking legal representation under the Scheme must notify the relevant Court at the earliest possible opportunity of their intention to apply for the Scheme's provisions. The Court will then decide if a recommendation should be made to the Board to grant legal aid. It is then a matter for the Board to decide, in accordance with the terms of the Scheme, to either

grant or refuse legal aid under the Scheme.

The Criminal Assets Bureau (CAB) Ad-hoc Scheme provides for payments to be made in respect of certain legal costs in certain types of litigation on the decision of the Court. These include, but are not limited to, cases where a person is a Respondent in any court proceedings brought by the Criminal Assets Bureau under the Proceeds of Crime Act 1996, Revenue Acts and Social Welfare legislation. A person seeking legal representation under the Scheme must notify the relevant Court at the earliest possible opportunity.

Legislation providing for the transfer to the Board of the main Criminal Legal Aid Scheme is expected to be published shortly.

Further details of the three ad-hoc schemes that the Board administers and the outturn for 2016 are provided later in the Report.

7. Head Office

The Board's head office is located in Cahirciveen, County Kerry where 47 staff are located. Some head office functions are carried out from Dublin.



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 Tánaiste and Minister for Justice and Equality, Frances Fitzgerald TD, on 8th November 2016. The previous Board's term of office expired on 10th October 2016. Membership of the previous and current Board is set out at page 7.

The statutory Board has responsibility for:

- the strategic direction of the organisation;
- determining policy and monitoring its implementation;
- overseeing the proper and effective management of the organisation;
- monitoring the implementation of effective financial procedures and providing accountability;
- approving and monitoring budgets; and
- making certain reserved decisions.

The *Code of Practice for the Governance of State Bodies* was revised in 2016 and the Board updated its Corporate Governance Manual in November 2016, to reflect the additional requirements. The Board continues to maintain the standards of corporate governance set out in the updated *Code of Practice for the*

8. Corporate Governance

Governance of State Bodies. This involves:

- at Board level, the use of six committees to assist it in achieving its objectives and in the effective discharge of its responsibilities (see below);
- a defined division of roles between the Board, the Chairperson and the Chief Executive;
- submission to the Minister of an annual report that meets the requirements of the Code;
- an internal audit function that operates effectively and as required; and
- a code of conduct that incorporates procedures to deal with any conflict of interest issues.

In 2016, the previous Board held 9 Board meetings, five of which were held in Dublin, two in Cahirciveen, one in Cork and one in Tralee.



Pictured above: John McDaid (Chief Executive), Frances Fitzgerald TD (Minister for Justice & Equality) and Muriel Walls (Chair)

open the co located legal and mediation offices at Jervis House.

Attendance at the nine Board meetings in 2016 was as follows:

Member	No. of meetings	Member	No. of meetings
Ms Muriel Walls (Chair)	9	Mr John O’Gorman	8
Ms Carol Baxter	7	Mr Philip O’Leary	8
Ms Mary Dalton	3	Mr Micheál O’Connell	8
Mr David Denny	8	Ms Michelle O’Neill	8
Mr Dave Garvey	8	Mr Ger Power	8
Ms Kate Hayes	9		
Ms Joy McGlynn	5		

The current Board held its first meeting on 1st December 2016 in Dublin and there was full attendance.

The committees of the previous Board met as follows in 2016

Appeal Committee	10
Audit and Risk Committee	5
Family Mediation Committee	3
Finance Committee	4
Human Resources Committee	1
Performance Committee	2
Policy and Reform Committee	5

The Board’s Corporate Governance Manual provides a clear and comprehensive summary of the principal aspects of corporate governance as it affects the Board and senior management. Board members have been fully informed of their legal responsibilities and are familiar with statutory provisions relevant to their position and the key organisational issues, policies and strategies that inform their role.

The Audit and Risk Committee of the Board incorporates one independent external member, Mr Kieran Corcoran, in line with the requirements of the Code of Practice for the Governance of State Bodies. Payment and non-payment of fees to Board members were in line with the Code of Practice for the Governance of State Bodies.

Chairperson's Foreword



This is the first annual report that I am presenting on behalf of the Legal Aid Board as Chairperson. I would like to thank the members of the previous Board who ended their terms of office in October 2016 and in particular Muriel Walls, the previous Chairperson, for her hard work and outstanding contribution to the Board.

The very good work of the Board continues apace and it is clear from the contents of this report that both the breadth and extent of the work undertaken is considerable. In 2016, recognising that the organisation has law centres and mediation offices nationwide, the

statutory Board held meetings in Dublin, Cahirciveen, Tralee and Cork.

The Tánaiste and then Minister for Justice and Equality, Frances Fitzgerald, opened the first co-located law centre/family mediation office in Jervis Street in October 2016. This welcome development continues the ongoing commitment of the Board in making mediation a conventional rather than an alternative option of dispute resolution in the family law arena.

Due to the hard work of the Board's staff and the support of the Department there was a 20% reduction in the numbers waiting for services at the Board's law centres at the end of 2016 compared to the start of the year. This was the fourth successive year in which there was a significant decrease. At the end of 2016 the number of persons waiting for legal services was down to 1,864 from a figure of over 5,000 in 2013.

The Board welcomes the significant involvement of the organisation in the Abhaile scheme, set up to address difficulties arising in mortgage arrears, and addressing resolutions to same. The value of this advice cannot be underestimated in circumstances where, on foot of relatively new legislation, solutions that were not there in the past may now exist to problems of potential homelessness.

The commitment of the Board to public childcare cases and their evolving complexity continues to challenge our staff and budget. I very much welcome the objective set out in *Better Outcomes, Brighter Futures – The National Policy Framework for Children and Young People 2014 – 2020* to review and reform as necessary the Child Care Act 1991. The Board supports and endorses engagement with all stake-holders including the Department of Justice and Equality, the Courts Service, Tusla and the Judiciary to

provide the best system and best outcomes for the children and families affected. I also recognise that there is scope for developing the manner of giving effect to the voice of the child in private family law disputes and that this is an issue to which the Board can contribute.

“The Board welcomes the significant involvement of the organisation in the Abhaile scheme, set up to address difficulties arising in mortgage arrears”

The Board continues its work in the area of International Protection and welcomes the new procedures introduced on foot of the International Protection Act 2015 for the consideration of international protection claims. The new procedures will hopefully reduce the length of time for consideration of cases.

The Board welcomes its involvement in the area of criminal legal aid. The Board has been managing the Garda Station Legal Advice Scheme, the Criminal Assets Bureau Legal Aid Scheme and the Legal Aid – Custody Issues Scheme for some time now and this is in anticipation of legislation to transfer responsibility for the main Criminal Legal Aid Scheme to the Board. I look forward to the publication of draft legislation in this regard.

I would particularly like to thank Board staff for their hard work and commitment to the Organisation. The Board provides an essential bridge in the access to justice journey for those of modest means and I am always impressed with the staff’s commitment, dedication and professionalism. Board staff often deal with clients at a time when crises, whether of a family nature or otherwise, envelop them. The challenge for the Board, in light of increased demands on the services and where the Government rightly seeks best in class service and value for its financial commitment, is that we harness the existing resources and provide the best and most appropriate service delivery nationwide as is possible.

I would also like to acknowledge the continued support that the Department of Justice and Equality and the Minister have given the Board which support has enabled the Board to carry out its very important role in society.

Philip O’Leary
Chairperson

The Board

The Board up to October 2016:

Muriel Walls
Chairperson

Mary Dalton
Civil Servant (Staff Member)

David Denny
Department of Public Expenditure and Reform

David Garvey
Chartered Accountant

Kate Hayes
Business Person

Joy McGlynn
Child and Family Agency

Micheál O'Connell
Barrister at Law

John O'Gorman
Solicitor (Staff Member)

Michelle O'Neill
Barrister at Law

Ger Power
Department of Social Protection

Carol Baxter
Department of Justice and Equality

Philip O'Leary
(Solicitor, reappointed as Chairperson)

The Board as at the 31st December 2016:

Philip O'Leary
Chairperson

Anne-Marie Blaney
Civil Servant (Staff Member)

Tom Brennan
Chartered Accountant

Deirdre Burke
Solicitor

David Gilbride
Department of Justice and Equality

Nuala Jackson
Senior Counsel

Gordon Jeyes
Former Chief Executive of Tusla, the Child and Family Agency

Maurice Lawlor
Department of Social Protection

Freda McKittrick
Assistant Director, Barnardos

Michael O'Connell
Civil Servant (Staff Member)

Evelyn O'Connor
Department of Public Expenditure and Reform

Ellen O'Malley Dunlop
Adjunct Professor of Law

Head Office Executive Staff

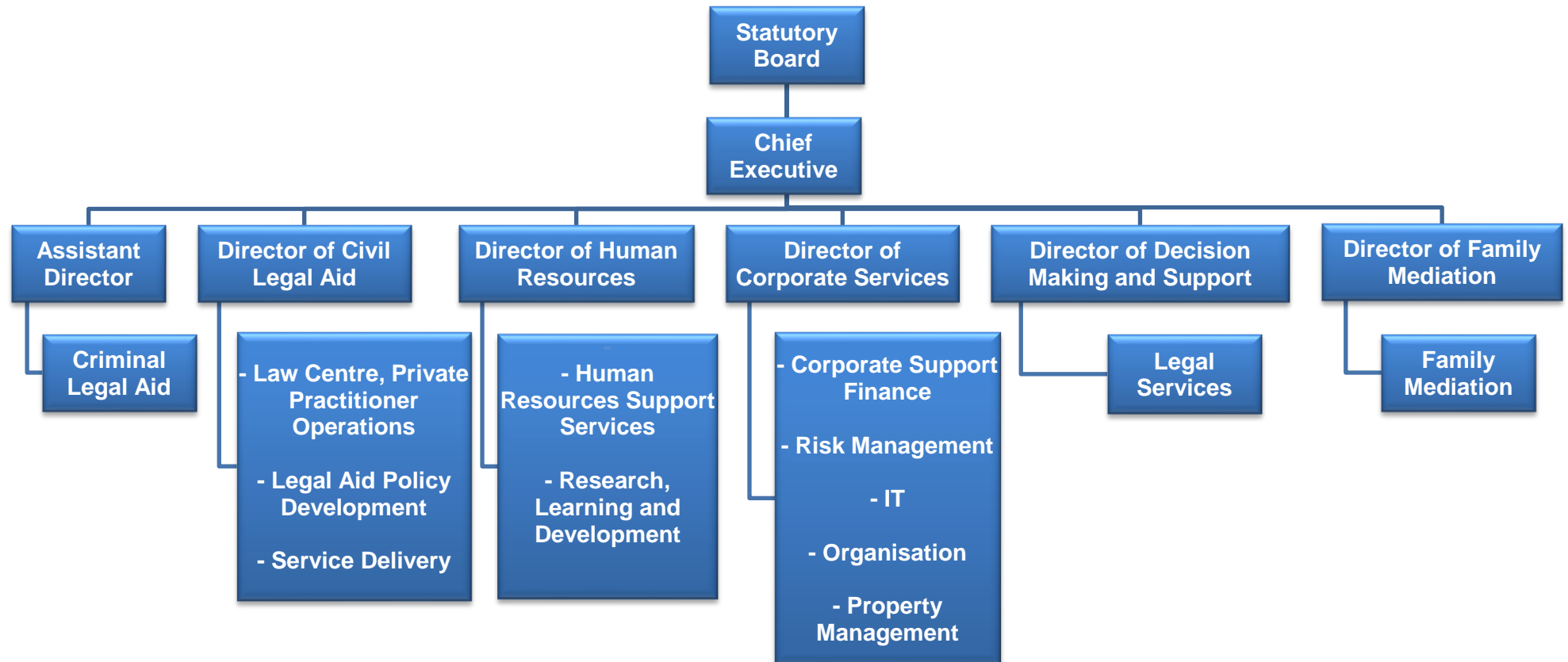
Chief Executive Officer:	John McDaid
Director of Civil Legal Aid:	Niall Murphy
Director of Human Resources:	Pat Fitzsimons/Barry Murphy*
Director of Corporate Services:	Eileen Bowden
Director, Specialist Legal Services:	Frank Caffrey**
Director of Decision Making and Support:	Angela McDonnell**
Director of Family Mediation Services:	Polly Phillimore
Assistant Director, Criminal Legal Aid:	Pat Gilheaney
Financial Controller:	Joan Enright
Secretary to the Board:	Clare Kelly/Mary O'Connor***
Auditors:	Comptroller and Auditor General
Solicitors:	Mason Hayes and Curran
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

*Pat Fitzsimons left on secondment in August 2016 and was replaced by Barry Murphy.

** Frank Caffrey retired in August 2016 Angela McDonnell commenced role in August 2016

*** Clare Kelly left on secondment in November 2016 and was replaced by Mary O'Connor

Structure



Introduction by the Chief Executive



I am pleased to introduce the Board's Annual Report for 2016.

In 2016 there were almost 16,650 new applications to law centres which was a very marginal reduction on the number of applications in 2015. It does indicate a level of stabilisation in terms of demand as the level of demand in 2014 was similar. The demand for the Board's services peaked in 2011 when over 19,600 persons sought services from the Board. One feature in 2016 was the Board's involvement in the Abhaile Scheme which effectively increased the demand for services. As the Report

notes the Scheme involves the provision of legal advice, and in certain limited circumstances legal aid, to persons who are insolvent and at risk of losing their family home. The Scheme was initiated in July and formally launched in October and while the level of demand for the legal aspects of the Scheme was modest in 2016, the likelihood is that the demand will considerably increase in 2017.

Speedy access to the Board's services and to the justice system generally, remains a key priority for the Board. Matters improved in 2016. As of the 31st December 2016 there were 1,864 persons waiting for legal services which was a reduction from the figure of 2,319 at the start of the year. This continues a welcome trend over the last three or four years and I am glad to be able to report that the average waiting time at the Board's law centres reduced by approximately two weeks during 2016. It is important to emphasise that a requirement to wait for services only applies in certain circumstances. There are significant numbers of situations which are either prioritised or where an applicant is effectively given an "on demand" service. Cases involving domestic violence and cases involving applications by Tusla to take children into care or under supervision are always prioritised.

In 2016 civil legal aid services continued to be provided using a mixed model of employed staff including solicitors in the Board's network of 30 law centres and three specialist offices, and private solicitors paid on a fee per case basis. The law centres and specialist offices remain the point of application for persons seeking legal services from the Board, save for cases on foot of the Abhaile Scheme where the 'gateway' to services is generally the Money Advice and Budgeting Service. Private solicitors are used primarily for private family law matters in the District Court, for the purpose of advice and representation to persons seeking international protection from the State, and for the purpose of the Abhaile Scheme. In 2016 there

was a significant increase in the number of cases for divorce and separation in the Circuit Court that were referred to private solicitors. The Board continued to operate a limited scheme involving the use of private solicitors to represent parents in applications by the Child and Family Agency to have children taken into its care. This scheme operated in Counties Dublin, Donegal and Wexford and was very effective in ensuring the speedy delivery of legal services to parents in these cases.

**“As of the 31st December 2016
there were 1,864 persons waiting
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reduction from the figure of 2,319
at the start of the year”**

It is still the case that the majority of applicants seeking services from the Board do so in relation to a family problem. Of the 16,649 applications to law centres in 2016 approximately 81% involved a family matter (this figure excludes applications on foot of the Abhaile Scheme). This percentage is the same as it was in 2015 and the predominance of applications for legal aid or advice in relation to family problems is consistent with the pattern of demand in other jurisdictions. The numbers seeking services in relation to international protection matters rose from 1,537 to a figure of 1,648. This is over twice the level of demand there was for these services in 2013 (708) though still very considerably less than fourteen or fifteen years ago when the demand for legal services in this area consistently exceeded 5,000 applications per year. The commencement at the end of 2016, of the ‘single procedure’ provisions in the International Protection Act 2015 is welcome and they should stream-line the international protection process for the benefit of all.

On the family mediation side the Board continues to provide family mediation services in eight full time offices and nine part time offices. I remain strongly of the view that mediation can offer a better option to the resolution of a significant number of family disputes and there is continued scope for increasing the numbers seeking to resolve their differences using a family mediation process. In 2016 the Board continued to operate pilots in Cork, Athlone and Castlebar that involved requiring persons seeking legal aid for family law matters where a dependent child is involved, to attend an information session about the option of family mediation before they could be granted a legal aid certificate for court representation. There is data in the Report in relation to the number of information sessions and the number of joint mediations. What I take from the data is that if a person attends an information session they are more likely to be willing to try out mediation but there remains a very significant challenge in persuading both parties to a dispute to opt for the mediation option. This is in spite of the fact that the Board’s family mediation services are available to all (there is no financial eligibility requirement) and that the services are free.

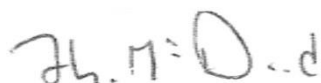
One very welcome development in 2016 was the opening of the Board's first co-located law centre and family mediation office. The centre / office is in Jervis St in the centre of Dublin and hopefully will in time allow for more seamless availability of both service to clients. At the end of the year further co-location plans were in place for at least three other locations.

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 effectively and more modified initiatives involving the Courts remain in place in Naas, Cork, Limerick and Co Tipperary. Further initiatives of this nature were commenced in Tralee, Dundalk and Ennis.

A government decision to transfer responsibility for the administration of criminal legal aid to the Board remains in place. The Board is already 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 the main criminal legal aid scheme requires a legislative intervention which has yet to be enacted; however, the Board continues to work closely with the Department of Justice and Equality in anticipation of the transfer.

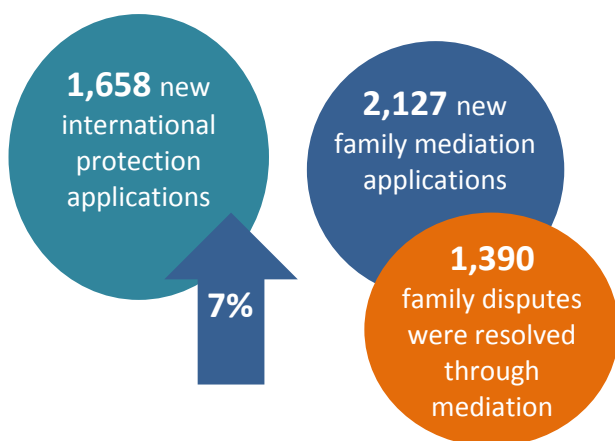
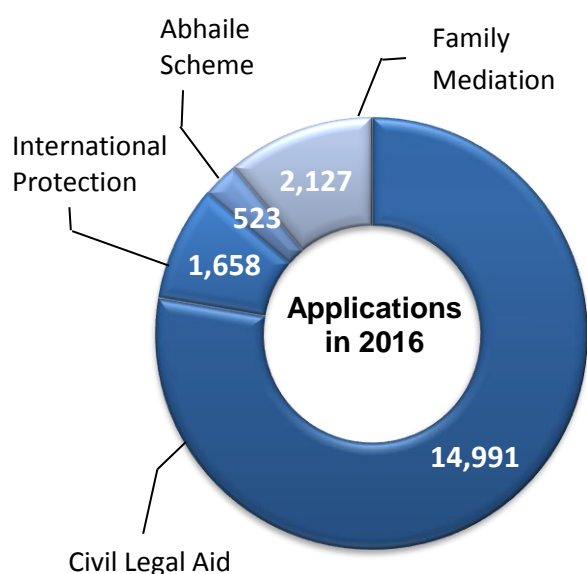
Staff in all areas of the Board have shown great commitment to the client base and to the organisation. I want to acknowledge their contribution. Many of them are at the 'coal face' of service delivery and are advising, representing or mediating with persons who are often experiencing very difficult and traumatic situations in their lives. To be engaged in that 'coal face' experience as a career requires great commitment and resilience. It is also important to acknowledge the contribution of the private solicitors and barristers whose work is critical to the provision of civil legal aid

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



John McDaid
Chief Executive

Key Developments in 2016



- ✓ There were **19,299** applications made in 2016 of which **14,991** were for civil legal aid, **1,658** for international protection, **2,127** (couples) for family mediation and **523** under the Abhaile scheme.
- ✓ **The number of persons waiting for legal services continued to fall.** There were **1,864** waiting at the end of the year, representing a **reduction of 20%** from 2015 and a significant decrease for the 4th successive year, down from over 5,000 in 2013.
- ✓ **Waiting Times** for an appointment with a solicitor in civil legal aid cases were **reduced by a national average of 2 weeks** and average waiting times were reduced in two thirds of the law centres. 8 law centres reduced their average waiting times by 4 weeks or more.
- ✓ The number of persons applying for international protection related services **increased for the 5th successive year. 1,658** applications were received, an **increase of 7%** on the previous year and over twice as many applications received than in 2013 when **applications were at their lowest.**
- ✓ **2,872** cases were dealt with by the Board's Family Mediation service in 2016 of which **2,127** were new applications. **1,390** family disputes were resolved through mediation without recourse to litigation.

Criminal Assets Bureau Ad-hoc Legal Aid Scheme

Garda Station Legal Advice Revised Scheme

Legal Aid – Custody Issues Scheme

198
new
non-bail
CIS cases

2,234
High Court
Bail Brief
Fees
processed



- ✓ **€98,500** was spent on the Criminal Assets Bureau Legal Aid Scheme in 2016, a significant saving on the €177,835 spent in 2015. The spend under the Scheme has fallen consistently since 2011 when a figure of €1.1 million was recorded.
- ✓ During 2016, the Board processed almost **4,300** claims in respect of over **8,700 Garda Station detainee consultations** and almost **7,400 hours for attendance** at interviews.
- ✓ The Board has introduced **significant reforms** to the Custody Issues Scheme. These include the **introduction of a new claims system** and the publication of a **Scheme Provisions and Guidance Document**, which for the first time, provided a comprehensive guide to the Scheme's provisions.
- ✓ The Board is one of a number of bodies/agencies involved in the “**Abhaile – Free Mortgage Arrears Support**” scheme which commenced in July 2016. The scheme provides financial and legal assistance for insolvent persons who are in danger of having their home repossessed.
- ✓ The legal assistance element involves three potential strands: a solicitor consultation service, a “duty solicitor” service and a scheme of legal aid for applicants to take a court review of a proposed personal insolvency arrangement that has not met with creditor approval.
- ✓ A new website was designed and upgraded for a more user friendly approach to the provision of information.

Service Provided in 2016

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

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

Civil Legal Aid

Demand for the service

16,649 applicants (excluding Abhaile Scheme) sought civil legal aid services from the Board's law centres in 2016 with 14,991 of these relating to matters other than international protection. The type of problems for which the Board provides legal services extends to most areas of civil law although in 2016, as has been the case since the Board's inception in 1980, the majority of applicants continued to seek services in relation to

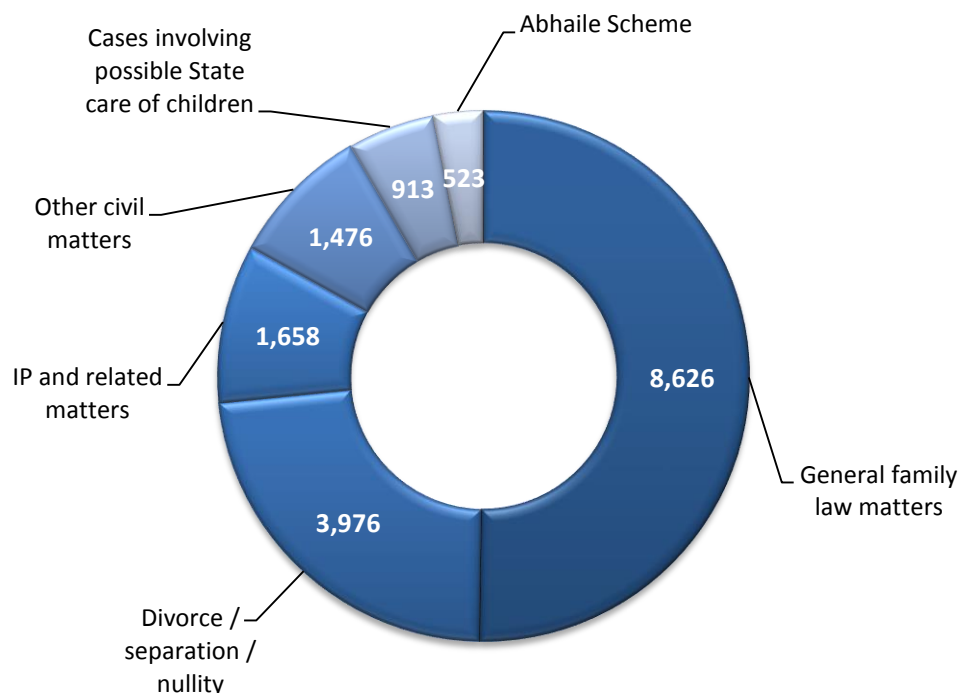
family problems. The total number of cases (excluding international protection and related matters and cases where assistance was provided under the Abhaile scheme) in which legal services were provided by the Board in 2016 was 17,213. Table 1 gives the number of persons who applied for services to the Board in 2016 and the five previous years. Chart 1 gives the breakdown of applications by case type.

Table 1 - Number of applications 2011-2016

Year	2011	2012	2013	2014	2015	2016
General	18,657	16,870	16,851	15,531	15,256	14,991
IP and related matters	979	725	708	902	1,537	1,658
Abhaile Scheme	-	-	-	-	-	523
Total	19,636	17,595	17,559	16,433	16,793	17,172

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 - Applications by case type 2016



Law Centres

Legal aid and advice was provided through the Board's general law centres in 17,213 cases in 2016 which was a

slight decrease on 2015 as can be seen from Table 2. Comparative information for the previous years is set out.

Table 2 - Cases handled in law centres

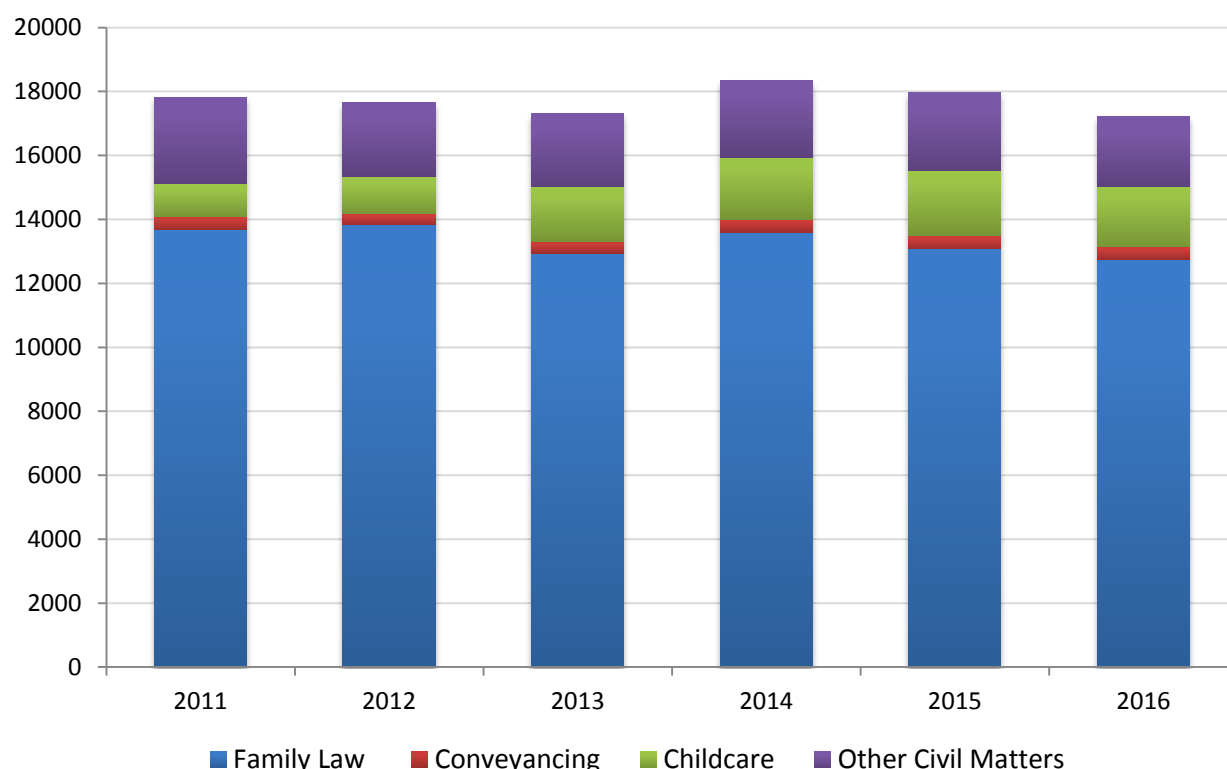
Year	2012	2013	2014	2015	2016
Total	17,652	17,304	18,338	17,959	17,213

Legal aid and advice cases

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

services. Of the cases handled in 2016, 74% were in the private family law area.

Chart 2 - Legal Aid and Advice Cases 2011-2016

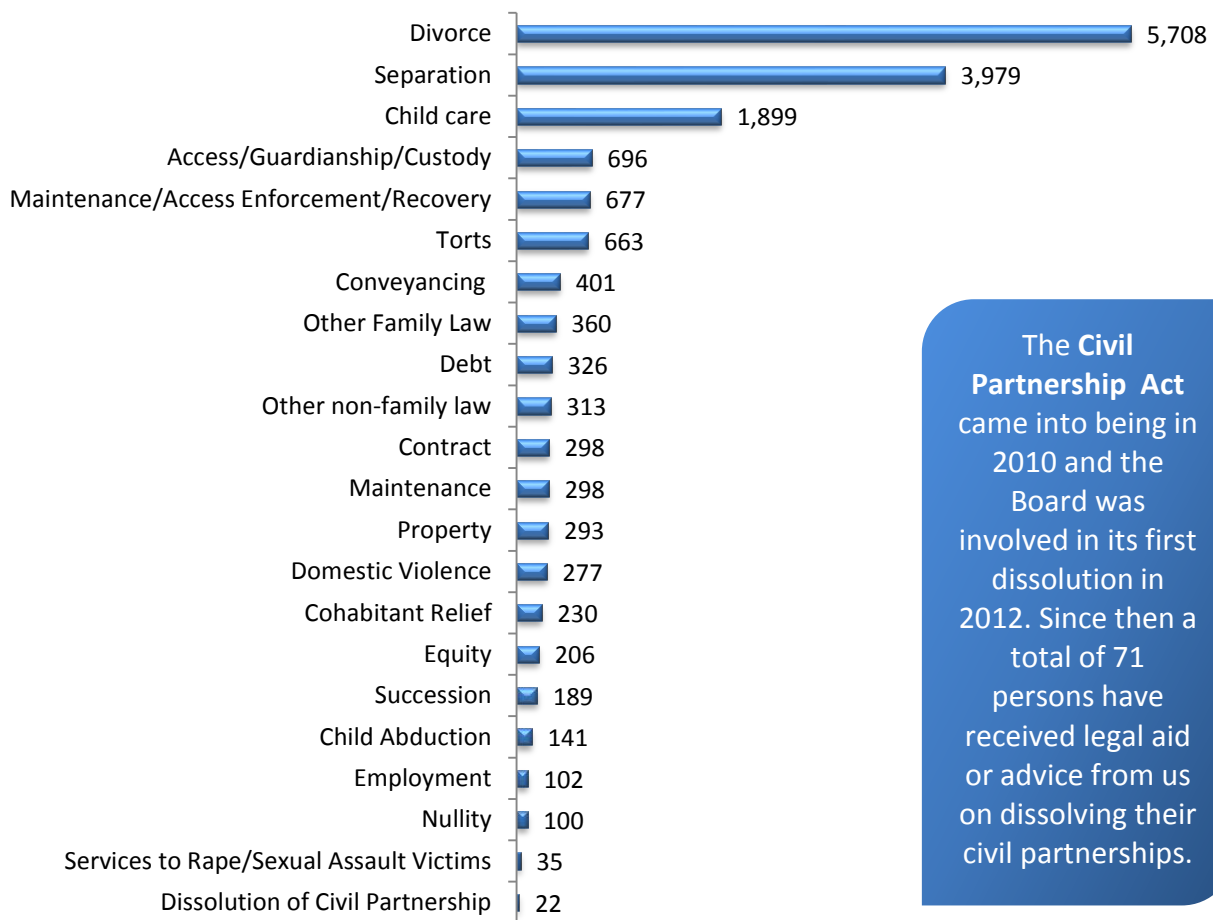


A more detailed breakdown of the main issues in respect of which legal services were provided in 2016 is provided in Chart 3 below. In a significant number of separation and divorce cases, advice was also given on matters such as maintenance, domestic violence, and child welfare. Such additional advices are not separately recorded in the 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 only.

Growth in Childcare

The number of Childcare cases handled by the Board increased by 45% between 2012 and 2013 and this increase has been maintained since.

Chart 3 - Cases by Subject Matter 2016



Case turnover

As can be seen from Table 3 below, there was a slight decrease in the number of new cases taken on in the law centre network in 2016 compared to 2015. This reflects in part a lower number of advice

only first consultations needed as waiting lists reduced in a number of locations and it was possible to give a substantive service from the date of the first appointment with a solicitor.

Table 3 - New cases in law centres (excludes International Protection)

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

Duration of cases

Table 4 below provides an age profile of cases in which legal services were provided by law centres in 2016. 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 and the 'year file opened' refers to the date of the applicant's application and not the date of the first consultation with a solicitor.

Table 4 – Cases handled in 2016; year file opened

Year	Pre-2013	2013	2014	2015	2016
Number	3,303	2,005	2,686	4,268	4,951

Cases completed

Of the 17,213 cases handled in the law centres in 2016, 5,699 (33%) were completed by the end of the year. Table

5 below shows how this number compares with the number of completed cases in other recent years.

Table 5 - Numbers of cases closed

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

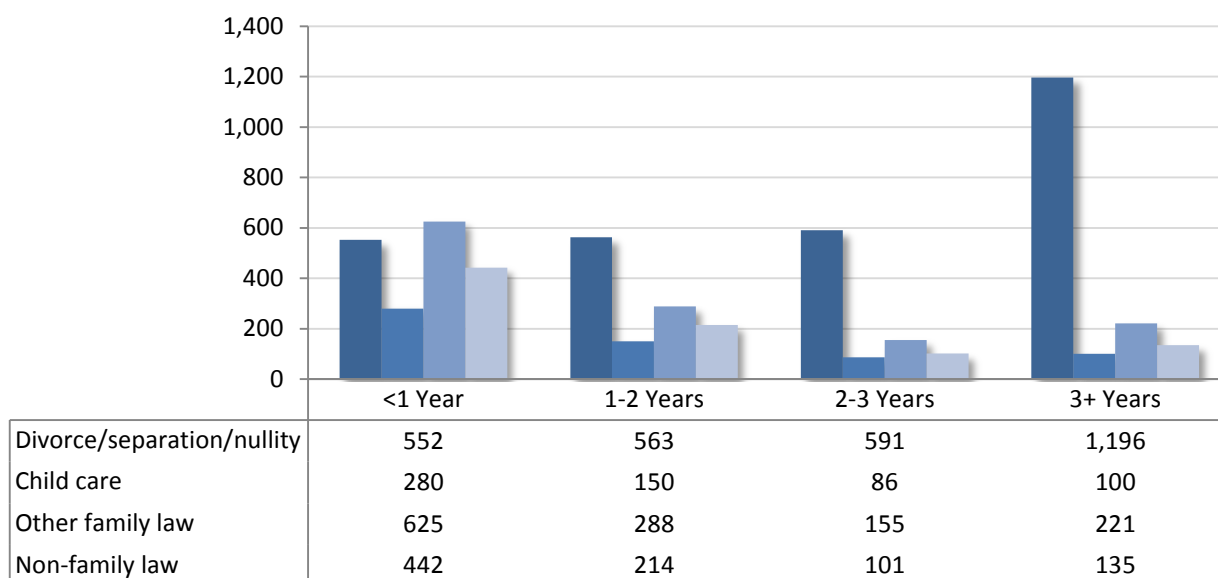
Chart 4 gives an age profile of those cases closed in 2016 by subject matter. It can be seen from this table that divorce, separation and nullity cases generally take longer to reach completion than most other family law matters.

Approximately 42% of divorce, separation and nullity cases completed in 2015 had been ongoing for longer than three years, compared to 18% of childcare cases and 19% of other family law matters.

Sample Personal Injuries Case: June* suffered a slip and fall in the nursing home where she was residing, resulting in an injury. On account of mental health issues and a relation acted as her 'next friend' for the purpose of the proceedings. The matter ultimately proceeded to the High Court for assessment of damages and an actuarial report was obtained to calculate the impact of any award on her benefits on foot of the Fair Deal Scheme, her Medical Card and Social Protection entitlements. Various medical reports were obtained on June's behalf. The matter ultimately concluded with a significant award. The award reflected general damages and anticipated costs for the plaintiff to include contributions to her nursing home and loss of non-contributory pension.

*The names provided in our sample cases are fictitious

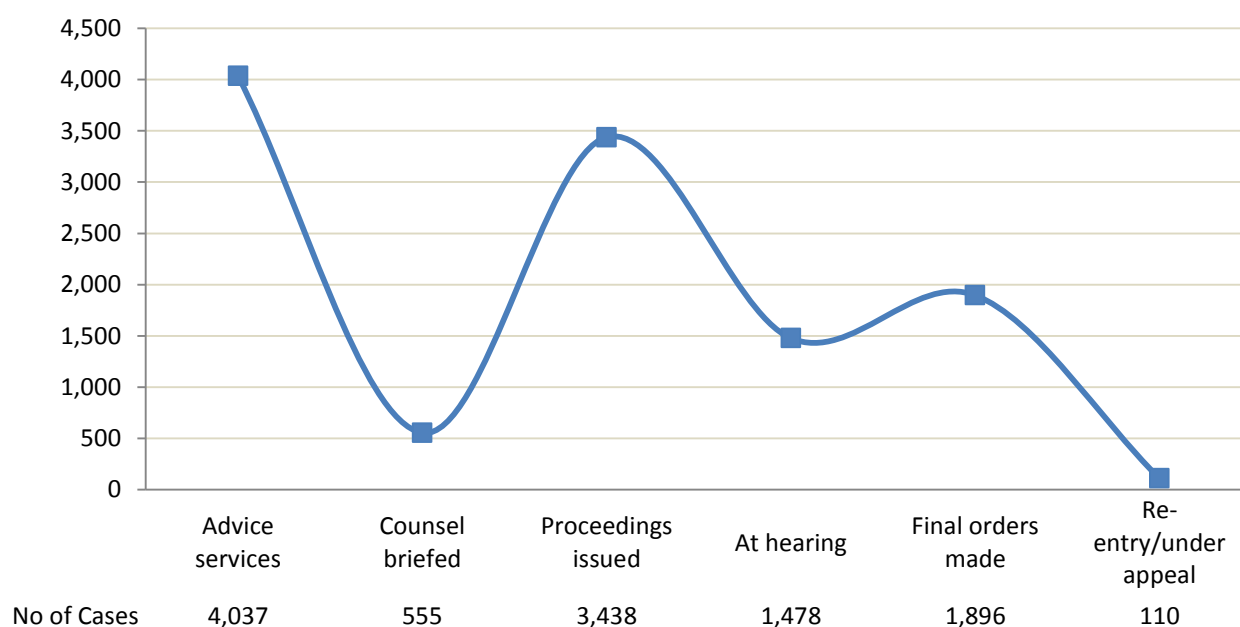
Chart 4 - Cases Completed in 2016 - length of time open



Cases on Hand

Chart 5 below gives the status of all of the Board's active cases as of the 31st December 2016

Chart 5 - Cases active as at 31 December 2016



Private Practitioners in Family Law Matters

Private solicitors, also known as private practitioners (PPs), are engaged by the Board to provide legal aid services to complement the service provided by law centres. Private solicitors are currently used for certain family law matters in the District Court (such as domestic violence, maintenance, guardianship and custody / access cases). The Scheme for involving private solicitors in divorce and separation matters in the Circuit Court was restarted in late 2015 and this continued in 2016. 94 cases were referred to private practitioners under this scheme in 2016. Furthermore, the Board continued with a limited pilot scheme utilising private solicitors in cases involving applications by the State (Tusla) to take children into care. 103

such cases were referred to private solicitors in 2016.



A breakdown is given in Table 6 of the number of legal aid certificates granted to enable representation to be provided in the District and Circuit Courts by solicitors in private practice who are on the Board's panels.

Table 6 – Private Practitioners certificates granted

	2012	2013	2014	2015	2016
District Court family law	5,077	5,640	5,224	5,351	5,208
District Court Childcare (pilot Project)	N/A	N/A	7	106	103
Circuit Court	5	0	10	77	89
Abhaile Consultations	-	-	-	-	11
Circuit Court PIA reviews	-	-	-	-	94
Total	5,082	5,640	5,241	5,534	5,505

Fees paid to PPs for District Court family law cases are generally 10 -15% of the fee payable for Circuit Court cases.

Timeliness of the service

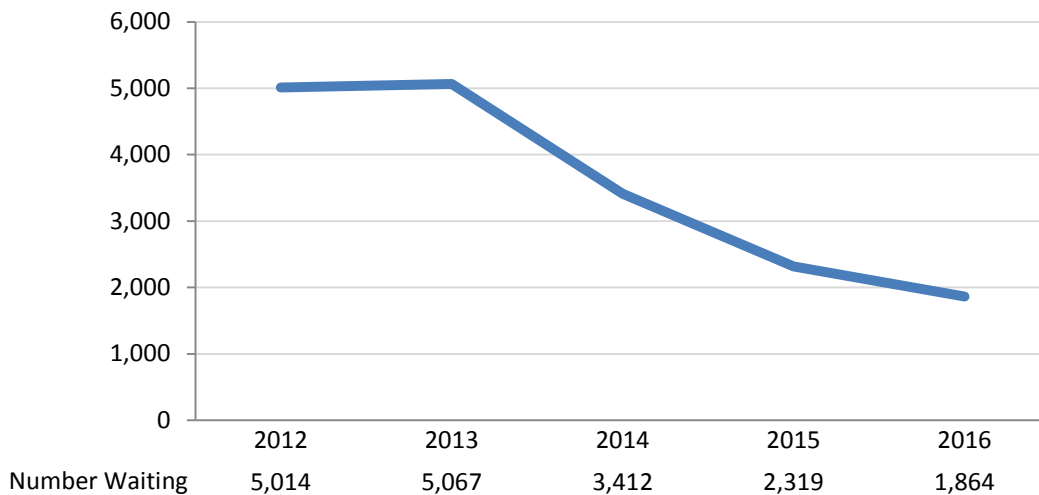
There has been significant pressure on waiting times for legal services caused by the increase in demand that came with the economic downturn. The reduction in demand from a peak in 2011 has been of some assistance in

lessening the pressure. 2016 saw a further reduction in the numbers of applicants waiting and a reduction in waiting times at most law centres. The number of people waiting for a substantive service as of the end of the

year was 455 fewer than it was at the start of 2016 as shown in Chart 6. Chart 6 sets out the number of persons waiting

for legal services with a solicitor on the 31st December 2016 and on the same date in the previous four years.

Chart 6 - Number of Persons Waiting

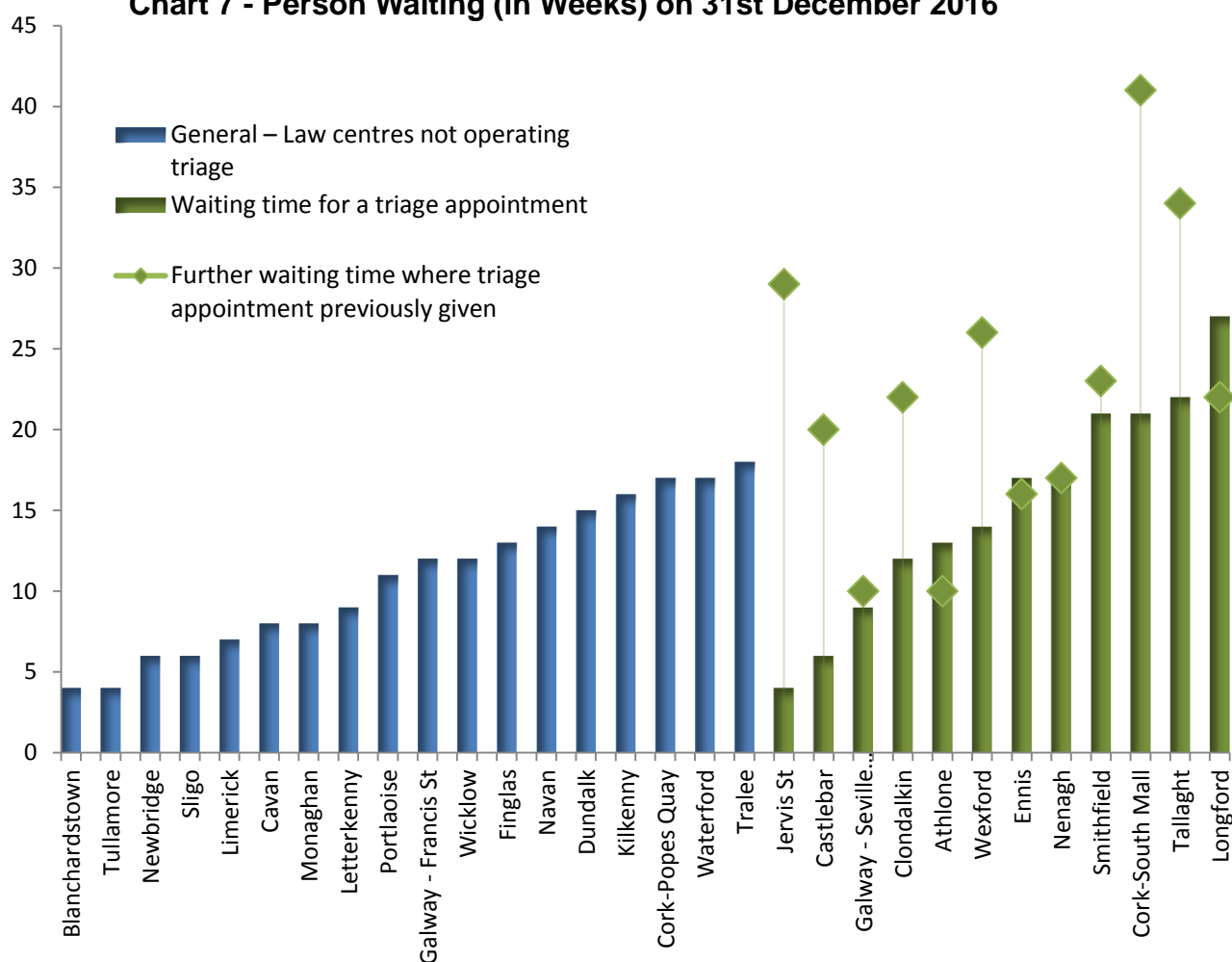


A number of initiatives were introduced or maintained to seek to minimise the impact of waiting times on applicants. The most significant of these was the continuation of the 'triage' approach in a number of law centres. The aim of the triage approach is to ensure that all applicants get a level of legal advice in a timely fashion. The model is that if an applicant is unlikely to get a full legal service within four months of applying, s/he should get a preliminary or 'triage' appointment with a solicitor within six weeks. At a number of locations the need for this service ceased as waiting times fell below four months. Of the 1,864 persons who were waiting for services on the 31st December 2016, 505 had had a first or 'triage' consultation with a solicitor. The re-introduction of the Circuit Court Private Practitioner Scheme at the end of 2015 contributed to the reduction in waiting times at certain locations. The person waiting longest (in weeks) as of the 31st December 2016 is set out for the various law centres in Chart 7 below.

It must be emphasised that this table gives a snapshot of waiting times at a particular point in time. Waiting times fluctuate depending on demand and on the capacity of each law centre to offer appointments to new clients.

Divorce Sample Case: The Board represented Mary throughout her divorce proceedings which ran from 2015 to 2016. Mary was residing in the family home and was the primary carer for the dependant children of the marriage - her husband worked full time and lived in private rented accommodation. The family home was in negative equity. The divorce was granted and included in its terms a regular maintenance order for the dependent children of the marriage while permitting an exclusive right of residence to Mary and the children in the family home until the children are no longer dependent. Mary is to be fully responsible for the mortgage. Joint custody and access arrangements are to continue and mutual orders are in place that neither party is to inherit on the death of the other.

Chart 7 - Person Waiting (in Weeks) on 31st December 2016



Average Waiting Times

The average time waited for a 1st consultation (excluding priority cases) with a solicitor in civil legal aid cases was reduced from 11 weeks in 2015 to 9 weeks in 2016. Overall, average waiting times were reduced in two thirds of law centres with 8 law centres reducing their average waiting times by 4 weeks or more since 2015 and an additional 7 law centres reducing their waiting times by 2 weeks or more.

Priority Service

The Board continued to provide a priority service where it considered that an immediate, or near immediate, service was needed. In 2016 approximately 19% of first appointments were for prioritised matters. These included cases of domestic violence, child abduction, cases involving applications by the State (Tusla) to take children into care, and cases that had statutory time limits close to expiry. In addition to the cases given priority in the law centres, most of the cases referred out to solicitors on the Board's private practitioner panels were referred immediately or shortly after the person had applied for legal aid.

Abhaile – Free Mortgage Arrears Support

In January 2016, the Tánaiste and then Minister for Justice and Equality and the then Minister for Social Protection announced a scheme of financial and legal assistance for insolvent persons who were at risk of having their home repossessed. The Board was asked to arrange for the provision of the legal assistance element. Other organisations involved in the provision of services are MABS National Development CLG and local Money Advice and Budgeting Services, the Insolvency Service of Ireland, and the Citizens Information Board. The Scheme became operative in July 2016 and was formally launched in October 2016 under the title “Abhaile – Free Mortgage Arrears Support”.

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 latter element is not yet in place). The legal assistance element, which normally follows on from financial assistance, involves three strands:

1. 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.
2. A novel “duty solicitor” service, where solicitors are rostered to attend repossession lists at county registrar’s courts. The solicitor may offer advice on the court procedure to the person and may (if permitted by the County Registrar) speak on behalf of the person and make an application for the proceedings to be adjourned so that the person can seek legal representation.
3. A scheme of legal aid for applications to take a court review of a personal insolvency arrangement that has been rejected by a person’s creditors.

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

Services provided on behalf of the Board under the scheme are outlined in Table 7. The scheme is expected to run for three years.

Table 7 - Service Provided	2016
No. of legal advice vouchers issued by MABS	429
Legal aid certificates granted for PIA court reviews	94
No. of duty solicitor days rostered	139
Abhaile Consultations	11

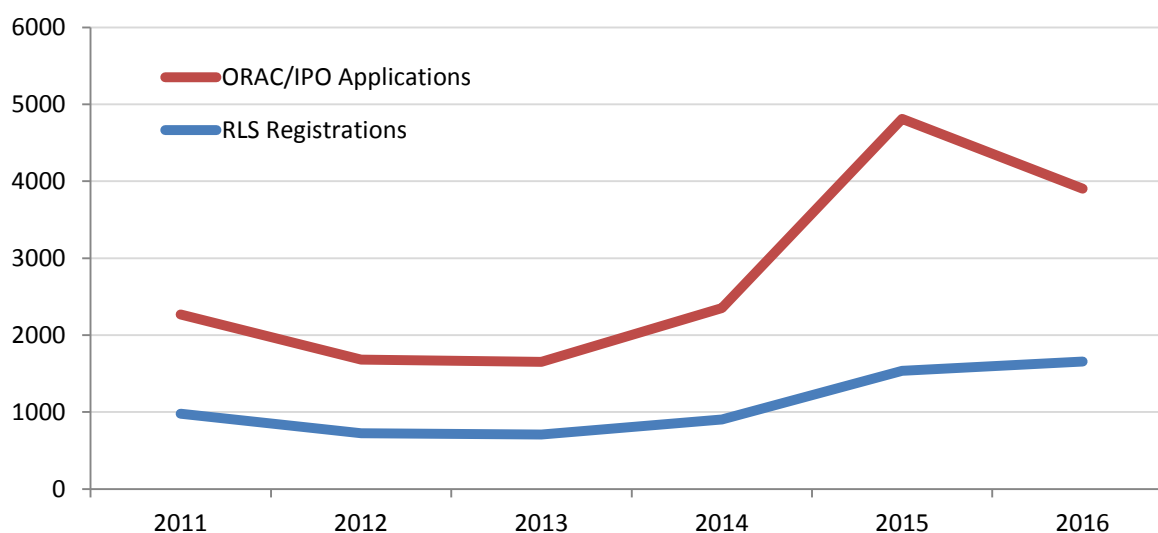
International Protection Services

International Protection Services

The number of persons seeking legal services for international protection applications in 2016 was 1,658, an increase of 7% 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. Chart 8 shows the number of new applications for legal services from the Board for international protection matters and also the number of persons who sought asylum in the State from the Office of the Refugee Applications Commissioner (ORAC), now the International Protection Office (IPO).

Chart 8 - International Protection Applications



International Protection and Children

The Board continues to operate a dedicated Children's Unit located in Dublin to handle international protection applications by unaccompanied minors. Staff in the Unit have relevant specialised training. The Unit has well-developed interagency relationships with the Office of the Refugee Applications Commissioner (ORAC) (Now the International Protection Office) and the Child and Family Agency with whom regular meetings take place to deal with issues of mutual interest. In addition to preparing pre-interview

submissions for separated children, the Unit also provides these clients with legal services in relation to family tracing and family re-unification.

Legal aid certificates for international protection/subsidiary protection matters

The Board granted 1,035 legal aid certificates in international protection cases in 2016 to enable representation before the Refugee Appeals Tribunal (RAT) (now the International Protection Appeals Tribunal, or IPAT). The RAT/IPAT decided or decide appeals

against recommendations of ORAC/IPO, to refuse a grant of asylum or a grant of subsidiary protection. The figures in recent years in terms of representation by law centres and by private solicitors are not directly comparable as the Board included both subsidiary protection and asylum matters on the same Legal Aid Certificate when a case was handled internally whereas two separate certificates were issued where the

service was provided by a private solicitor (under the new single procedure from 2017, one Certificate will cover all matters whether in-house or for a private solicitor). Table 8 shows the breakdown between the numbers of certificates in which representation was provided by law centre solicitors and by private solicitors and barristers, acting on behalf of the Board.

Table 8 - Legal Aid certificates granted – asylum and related matters

Year	2011	2012	2013	2014	2015	2016
Law Centre solicitors	210	171	122	172	164	209
Private solicitors - Asylum	360	231	197	351	394	810
Private solicitors - Subsidiary Protection	-	-	-	467	259	-
Barristers instructed by the RLS	79	47	46	20	29	16
Total	649	449	365	1,010	846	1,035

Human trafficking

Since 2009 the Board has been providing legal services on certain matters to persons identified by the Garda National Immigration Bureau (GNIB) as potential victims of human trafficking under the Criminal Law (Human Trafficking) Act 2008. There is no requirement to satisfy the Board's financial eligibility or merits criteria for these cases and a potential victim of human trafficking is not required to make a financial contribution to the Board. The service is provided by Board employees who have received specialised training in human trafficking issues. The Board provides legal services to persons identified as potential victims of human trafficking on their rights in relation to a range of issues including their status in the State, seeking international protection, seeking redress through the

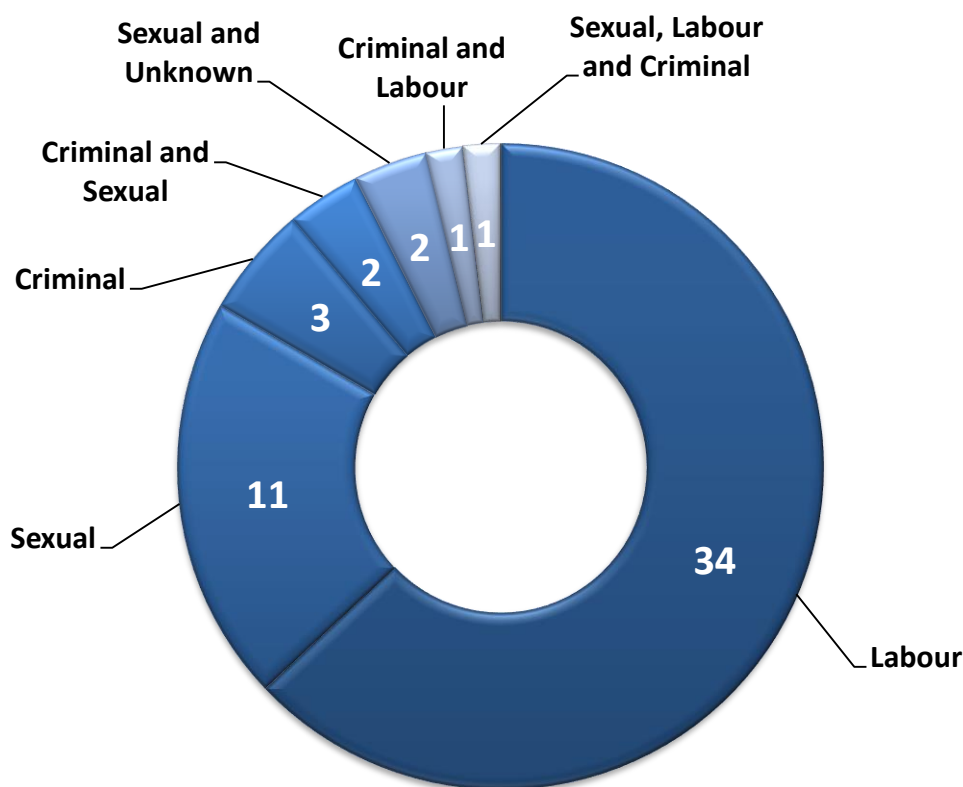
employment protection legislation (legal advice only), information on what is involved in a criminal trial, information on compensation and information on voluntary return home.



Chart 9 shows the breakdown of new registrations for human trafficking services for 2016. While there were 62 notifications by the Gardaí during the year, eight chose not to register for services. At the end of December 2016, 149 potential victims of human trafficking

were still registered as clients of the Board. Of these, 100 were female and 49 were male, 146 were adults (eleven aged-out minors), two were unaccompanied minors and one was an accompanied minor.

Chart 9 - Human Trafficking cases referred to the Board during 2016



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

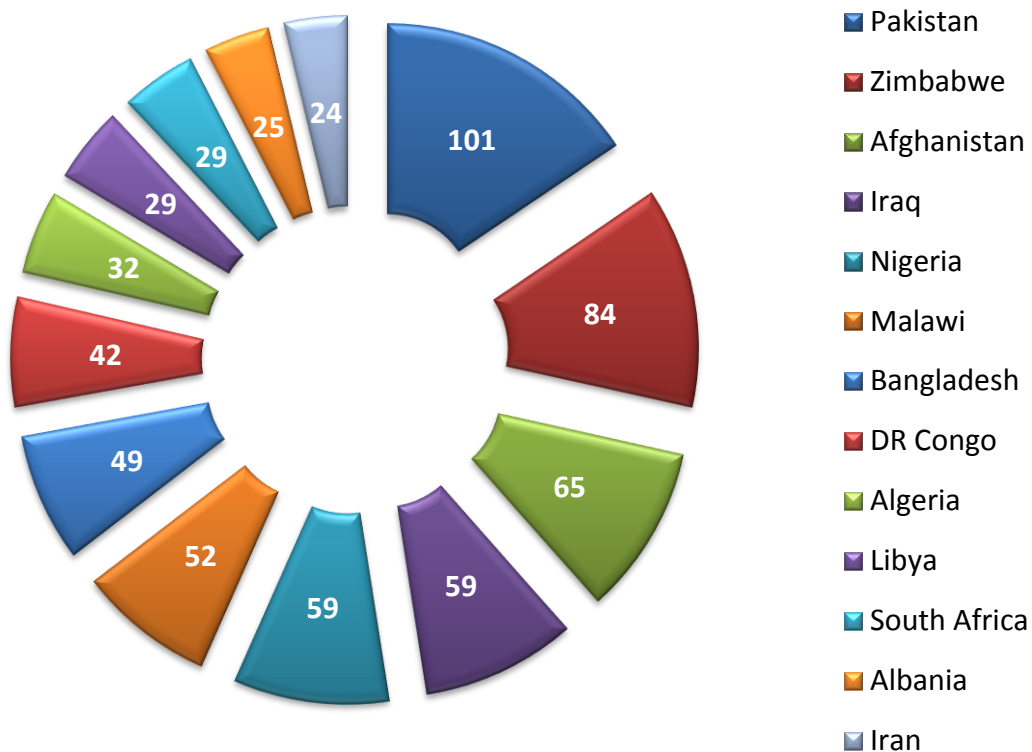
public and other agencies may also use the RDC to conduct their own research. The RDC continues to maintain a close working relationship with the UNHCR. In 2016, the RDC query service provided a total of 1,092 query responses, a small increase on the 2015 figure. The unit also operates an interagency library service and provides a legal research

function for staff of the Board. Approximately 70% of queries related to COI, with the remaining 30% split between legal and library queries.

The country which gave rise to the largest single number of queries in 2016 was Pakistan followed closely by Zimbabwe, though the fact that queries in relation to each of these represented

about 5% of total queries shows the diversity of countries from which asylum seekers originate. The main countries subject to COI queries are set out in Chart 10 below which shows countries with more than 20 queries representing 64% of all COI queries.

Chart 10 - COI Queries received during 2016



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

- Activities of ISIS in Syria and Iraq
- Freedom of religion and freedom of expression in Malaysia
- The internal registration system in China and the difficulty of relocating to a different city or province
- Discrimination against people with HIV in Malawi
- The Awami League in Bangladesh
- Treatment of failed asylum seekers in Ghana
- The Hazara people in Afghanistan
- Criminal gangs in Ukraine
- Gender violence in Albania and the police response

- Treatment of converts to Christianity in Iran
- The Jammu Kashmir Peoples National Party (JKPNP) in Pakistan
- M23 rebels in the Democratic Republic of the Congo

The RDC continued to work closely with the ORAC (now IPO) and other users of its services in 2016 with a view to strengthening co-operation and meeting the various needs of its users. Of particular importance was customising the provision of COI to meet the requirements arising from new subsidiary protection procedures introduced in late 2013 and preparation for anticipated legislation regarding a

single procedure for protection applications.

Two editions of the RDC's periodical, *The Researcher*, were published in 2016. These were made available internally and to relevant external agencies. There is now a total of 37 Country Marriage Packs, 28 Country Adoption Packs and 40 Country Information Packs. There are approximately 80 'mini' Country information packs which were prepared in response to demand from ORAC regarding SP issues. All packs are catalogued and available on the E-Library and have an update schedule.

International protection Sample Case:

Maria from a Central American country sought advice from the Board in relation to her application for international protection. She sought protection on the basis that she and her daughter would risk persecution by her ex-husband who had harassed and abused her for years. The client had identity documentation, police reports, hospital reports and other documents to support her claim.

Country of origin information was sought from the Refugee Documentation Centre and representations were made on her behalf to the Office of the Refugee Application Commissioner (ORAC).

Maria was interviewed by ORAC. The decision-maker found that the repeated harassment and abuse over a prolonged period of time constituted a severe violation of human rights, and based on the submitted country of origin information and other documentary evidence, it was unlikely that she would get protection in her home country from this abuse in the future. Maria was granted refugee status.

Family Mediation

The Board became responsible for the provision of the State funded family mediation services in November 2011 following the enactment of the Civil Law (Miscellaneous Provisions) Act 2011. State funded services have been available since 1986.

Family Mediation is a free, confidential service in which a professional mediator assists those involved in relationship breakdown to negotiate the terms of their separation or divorce.

It is a national service based in 17 locations; there are eight full-time offices (Jervis House, Dolphin House, Blanchardstown, Raheny, Tallaght, Cork, Galway and Limerick) and nine part-time offices open for mediation 2 to 3 days a week. Table 9 shows the number of couples who attended a first mediation session in 2016 though the figure excludes those who attended on foot of one of the Board's court related mediation projects. Table 10 gives a breakdown of the numbers.

Table 9 - Couples who attended a first mediation session during 2013-2016

Mediation office	2013	2014	2015	2016
Dolphin House (see below)				
Blanchardstown	199	186	171	149
Jervis House	206	145	211	215
Raheny	81	87	107	100
Tallaght	149	151	151	171
Athlone	56	84	61	54
Castlebar	52	90	68	45
Cork	128	94	59	112
Dundalk	74	80	71	36
Galway	128	109	158	184
Letterkenny	33	42	38	36
Limerick	119	125	61	87
Portlaoise	55	84	76	69
Sligo	33	33	43	41
Tralee	60	67	59	61
Waterford	67	84	63	48
Wexford	50	65	73	96
TOTAL	1,490	1,526	1,470	1,504

Table 10 - Figures for General Mediation offices 2016

2016	Carried into 2016	New Clients	No. of Mediated sessions	Agreement	Carried over to 2017
Jervis House	110	215	916	117	97
Limerick	30	87	330	39	34
Cork	56	112	578	77	27
Galway	71	184	832	107	64
Wexford	37	96	431	65	23
Dundalk	39	36	201	25	14
Tallaght	75	171	733	108	57
Blanchardstown	80	149	633	76	56
Raheny	74	100	515	69	23
Athlone	38	54	295	40	8
Castlebar	20	45	189	24	15
Tralee	17	61	266	41	17
Waterford	15	48	213	28	17
Letterkenny	18	36	186	26	14
Portlaoise	49	69	251	26	41
Sligo	16	41	163	17	40
Total	745	1,504	6,732	885	547

Total Cases Dealt with in 2016 **2,872**

Total Cases Dealt with in 2015 **2,261**

The total number of couples dealt with in 2016 (including court based initiatives and mandatory information projects) was 2,872 of which 1,390 reached agreement. 547 couples in the mediation process were carried forward to 2017.

In 2015, there were 2,261 couples in mediation, of which 867 reached agreement. 745 couples were carried forward into 2016.

Court based initiatives

The Board continued or commenced a number of court based mediation initiatives. A full time mediator presence was maintained in the District Family Court in Dublin (Dolphin House). Mediators attended a number of other

court venues on the days family law cases were heard. Their attendance involved giving information to one or both parties to the dispute and subject to the two parties agreeing, conducting a mediation process.

Table 11 - Court-Based Initiatives

Dolphin House	2014	2015	2016
1st Contact information sessions	1,108	1,052	863
2nd Contact information sessions	635	551	479
First Joint Mediation sessions	435	407	348
Subsequent mediation sessions	808	766	581
Agreements	351	421	337

Cork Court Project	2014	2015	2016
1st Contact information sessions	88	92	57
2nd Contact information sessions	103	70	43
First Joint Mediation sessions	40	52	26
Subsequent mediation sessions	121	112	71
Agreements	41	31	23

Naas Court Project	2014	2015	2016
1st Contact information sessions	115	123	101
2nd Contact information sessions	87	71	69
First Joint Mediation sessions	70	56	44
Subsequent mediation sessions	144	108	76
Agreements	45	47	37

Tipperary Court Project	2014	2015	2016
1st Contact information sessions	105	72	79
2nd Contact information sessions	72	72	53
First Joint Mediation sessions	39	41	47
Subsequent mediation sessions	82	139	108
Agreements	11	25	23

Limerick Court Project	2014	2015	2016
1st Contact information sessions	30	60	51
2nd Contact information sessions	30	55	51
First Joint Mediation sessions	12	38	37
Subsequent mediation sessions	38	87	74
Agreements	3	12	13

Tralee Court Project (Commenced Sept)	2016
1st Contact information sessions	3
2nd Contact information sessions	2
First Joint Mediation sessions	1
Subsequent mediation sessions	2
Agreements	0

Dundalk Court Project (Commenced Nov)	2016
1st Contact information sessions	4
2nd Contact information sessions	2
First Joint Mediation sessions	1
Subsequent mediation sessions	1
Agreements	0

Ennis Court Project (Commenced Nov)	2016
1st Contact information sessions	17
2nd Contact information sessions	10
First Joint Mediations sessions	11
Subsequent mediation sessions	5
Agreements	6

All of the above projects are to be reviewed and evaluated in 2017.

Law Centre / Family Mediation Office Mandatory Information Projects

This initiative – requiring all applicants to Law Centres for separation cases where children are involved to receive mandatory information on mediation in the local family mediation office before

their application for a legal aid certificate to take court proceedings is processed – commenced in Cork in July 2014 and in Athlone and Castlebar in late 2014.

Table 12 - Mandatory Information Projects

Cork: July 2014 To Dec 2016	2014	2015	2016
Ist Information sessions	134	198	228
2nd Information sessions	59	76	79
First Joint mediation sessions	18	42	53
Subsequent mediation sessions	37	137	120
Agreements	3	33	41

Athlone: Nov 2014 to Dec 2016	2014	2015	2016
1st information sessions	16	128	114
2nd information sessions	3	36	28
First Joint mediation sessions	1	27	23
Subsequent mediation sessions	1	66	66
Agreements	0	13	14

Castlebar: Nov 2014 to Dec 2016	2014	2015	2016
1st information session	6	80	127
2nd information sessions	2	24	48
First Joint mediation sessions	0	12	32
Subsequent mediation sessions	4	31	63
Agreements	0	3	11

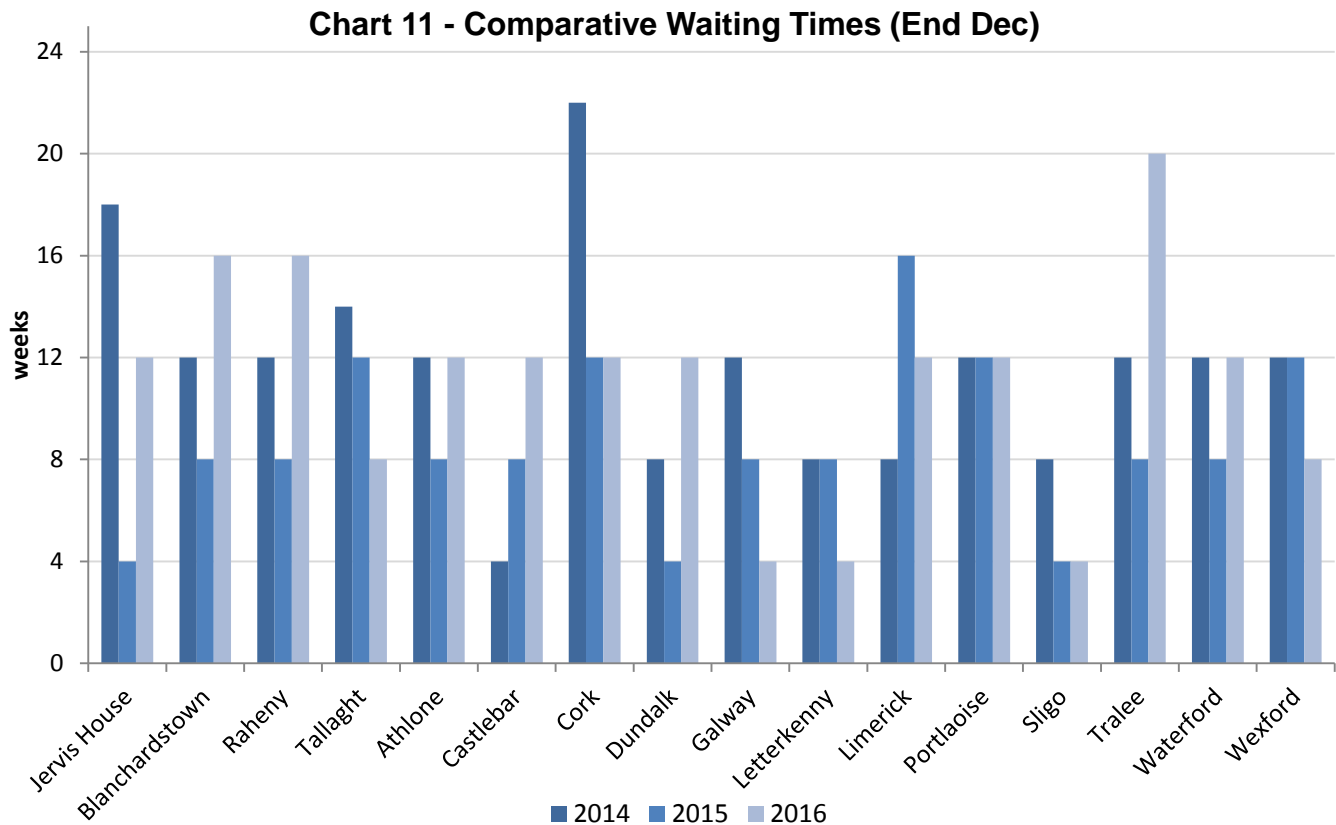
Co-Location of the Law Centre and Family Mediation Office in Jervis House, Dublin

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

take-up of mediation on account of the co-location. This will continue to be monitored, and changes made to procedures as considered necessary.

Waiting times

Chart 11 shows the comparative waiting times at the end of 2014, 2015, and 2016 as follows:



*Waiting times are calculated from the date both parties confirm interest in attending mediation to the date they are offered their first appointment.

*The only offices exceeding the 8 to 12 weeks waiting time target on the 31st December 2016 were Blanchardstown (16 weeks,) Raheny (16 weeks) and Tralee (20 weeks).

Sample Case: Access and Guardianship (mediated outcome)

Bill, a young unmarried father had never resided with the mother of their child. Following the birth, Bill had only seen his child on a few occasions and felt he was being deliberately excluded from contact with the child. He was not named as the father on the birth certificate.

When he sought legal aid, his application for access to and to be appointed a legal guardian of the child had already been issued, and a date given for the court hearing. Law Centre staff explained to him that his case might be suitable for mediation and referred him to our mediation services. They also explained to him the benefits of a mediated outcome over a contested hearing. As the case was listed for hearing within ten days, the mediator contacted the mother who confirmed that she would be open to a mediated settlement on access. The mediator met with both parties on two occasions. The parties agreed that access would take place in the mother's parents' home and the mother agreed to the father being appointed a guardian. The case was notified to the judge as having been successfully mediated. The parties agreed that the only formal order required from the court was that appointing the father a guardian as they were satisfied that access could be agreed between them on an ongoing basis.

Criminal Legal Aid

Criminal Assets Bureau Ad-hoc Legal Aid Scheme

Garda Station Legal Advice Revised Scheme

Legal Aid - Custody Issues Scheme

Criminal Legal Aid Ad-hoc Schemes

While the Board's remit was originally confined to civil legal aid, in 2010 the Government made a decision to transfer responsibility for the administration and management of the various Criminal Legal Aid Schemes from the Department of Justice and Equality to the Board. The following Schemes are the subject of the decision:

- Criminal Legal Aid Scheme
- Garda Station Legal Advice Ad-hoc Scheme
- Attorney General's Ad-hoc Scheme
- Criminal Assets Bureau Ad-hoc Legal Aid Scheme
- District Court (Counsel) Ad-hoc Scheme.

The administrative remit for three of the above Schemes has now been transferred to the Board. The first scheme to be transferred was the Garda Station Legal Advice Scheme on 1st October 2011. The Legal Aid - Custody Issues Scheme (originally entitled the Attorney General's Ad-hoc Scheme) was the next to transfer, on 1st June 2012. The Criminal Assets Bureau (CAB)

Ad-hoc Scheme was then transferred to the Board on 1st January 2014.

Legislation is necessary to transfer responsibility for the main Criminal Legal Aid Scheme and it is expected that a Bill will be published in 2017.

Garda Station Legal Advice Revised Scheme

The Garda Station Scheme provides free legal advice to persons detained in Garda Stations who qualify under specific qualifying criteria.

As had been anticipated, the figures for 2016 show a considerable increase in expenditure. This is primarily due to the fact that solicitors are now entitled to claim for time spent attending Garda interviews and any waiting time associated with these interviews, as well as for telephone and in-station consultations. This is likely to increase further in the coming years as those who interact with the Revised Scheme become more acquainted with its provisions.

Overall expenditure (inc. VAT) on the Scheme in recent years is set out in Table 13 below as follows:

Table 13 - Expenditure on Garda Station Legal Advice Scheme 2011-2016

Description	2011	2012	2013	2014	2015	2016
Expenditure	€1,173,000	€887,000	€812,000	€1,010,000	€1,444,000	€1,711,000

**** figures include VAT**

During 2016, the Board processed almost 4,300 claims in respect of over 8,700 Garda Station detainee

consultations and almost 7,400 hours for attendance at interviews.

Table 14 - Garda Station Legal Advice Revised Scheme statistical report for 2016

No	Description	Count	Amount *
1	Total cost of authorised claims this year (inc. mileage) Excluding VAT		€1,396,305
2	Overall number of claims authorised during the year (of which included claims for attendance hours)	4,258 (1,656)	€1,396,305
3	Total number of solicitor firms that had authorised claims during the year	236	€1,396,305
4	Of the total claims authorised, number of claims which included consultations only	2,602	€360,641
5	Of the total claims authorised, number of claims which included attendance hours only	44	€10,180
6	Of the total number of claims authorised, number of claims which included both consultations and attendance hours	1,612	€1,025,484
7	Total number of claims authorised during the year under the Offences Against the State Acts legislation (of which included a claim for attendance hours)	209 (114)	€134,236
8	Total number of claims authorised during the year under the Criminal Justice Act, 1984-2006 legislation (of which included a claim for attendance hours)	3,726 (1,388)	€1,004,967
9	Total number of claims authorised during the year under the Criminal Justice (Drug Trafficking) Act 1996 legislation (of which included a claim for attendance hours)	261 (118)	€113,964
10	Total number of claims authorised during the year under Section 50, Criminal Justice Act, 2007 legislation (of which included a claim for attendance hours)	62 (36)	€143,138
11	Total number of claims authorised during the year in respect of Extension Hearings	35	€7,142
12	Total number of individual day consultations authorised (excl. attendance for interviews) during the year in respect of a daytime period visit (8am – 8pm)*	4,093	€398,233

13	Total number of individual night consultations authorised (excl. attendance for interviews) during the year in respect of a night-time period visit (8pm – 8am)*	1,099	€145,416
14	Total number of individual consultations authorised (excl. attendance for interviews) during the year in respect of a weekend or bank holiday period visit*	1,162	€153,863
15	Total number of individual phone consultations authorised during the year	2,418	€95,766
16	Total number of hours for day attendance for interview (excl. consultations) between 8am - 8pm*	4,645	€334,440
17	Total number of hours for night / WE / BH attendance for interview (excl. consultations) between 8pm – 8am*	2,708	€251,844
18	Average number of hours per claim (for claims which included attendance hours)	4.44	

Table 15 - Payments (exc. VAT)

No.	Description	2014	2015	2016
1	Average payment to a solicitor firm	€3,476	€4,500	€5,920
2	Average cost per solicitor claim	€193	€270	€330
3	Average cost per individual consultation	€86	€88	€90
4	Average number of claims per solicitor firm	18	17	18
5	Highest cost of an individual claim processed	€6,469	€5,876	€10,575

Legal Aid – Custody Issues Scheme

The purpose of this Scheme is to provide, in certain circumstances, legal aid to persons who need it but who cannot afford it and where the proceedings are not covered by either the Civil Legal Aid or the Criminal Legal Aid Scheme. Access to the Scheme is subject to a recommendation by the relevant Court to the Board that the provisions of the Scheme be made available to the applicant. The Scheme is an administrative, non-statutory arrangement whereby payments are made in respect of legal costs in the following forms of litigation:

- Habeas Corpus (Article 40) Applications
- Supreme Court, Court of Appeal and High Court Bail Motions
- 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.

Since taking on responsibility for the administration of the Scheme in 2012, the

Board has introduced significant reforms to the process. This includes the introduction of a new claims system and the publication of a Scheme Provisions and Guidance Document which, for the first time, provided a comprehensive guide to the Scheme's provisions. The Board also introduced a database to enhance the implementation of the Scheme. This has resulted in increased efficiency in the processing of claims, an enhanced statistical capability for management information and the

strengthening of the governance measures. The database was designed to apply to both the non-bail and the High High Court Bail sides of the Scheme (see (see below)). The Scheme operates under two separate administrative streams, one dealing with High Court Bail applications in criminal matters and a second (non-Bail) dealing with all other legal proceedings (including Court of Appeal and Supreme Court Bail) falling under the Scheme's provisions. A range of statistics pertaining to the operation of the Scheme is set out in the tables below.

Table 16 - Legal Aid Custody Issues Scheme General (non bail) statistics 2016

No	Description	2015	2016
1	New cases received by Board from solicitors in the year	234	198
2	Claims received back after consultation with CSSO	147	165
3	Claims received back after consultation with DPP	17	18
4	Claims received back after consultation with HSE	4	7
5	Claims received back after consultation with MHC	0	2
6	Claims awaiting a response from CSSO at end of year	72	69
7	Claims awaiting a response from DPP at end of year	3	2
8	Claims awaiting a response from HSE at end of year	6	1
9	Claims awaiting a response from MHC at end of year	0	1
10	Claims awaiting a response from Tusla at end of year	0	2
11	Claims returned to solicitors under query during year	10	20
12	Claims authorised by Board for payment in year	195	214
13	Total cost of claims for CSSO cases (173 cases in 2015 and 187 cases in 2016)	€1,197,000	€1,464,336
14	Highest cost of a CSSO related claim in year	€57,664	€73,407
15	Total cost of claims for DPP cases (17 cases in 2015 and 17 cases in 2016)	€87,000	€153,744
16	Highest cost of a DPP related claim in year	€13,729	€35,218
17	Total cost of claims for HSE cases (5 cases in 2015 & 7 cases in 2016)	€72,000	€136,385
18	Highest cost of a HSE related claim in year	€30,413	€27,385
19	Total cost of claims for MHC cases (3 cases in 2016)	n/a	€32,915

20	Highest cost of a MHC related claim in 2016	n/a	€16,012
21	Average cost per authorised claim in year	€6,953	€8,352
22	Total value of claims authorised by Board for the Scheme*	€1,356,000	€1,787,380

figures exclude VAT

Table 17 - Breakdown of payments in respect of HC bail applications (inc. VAT) 2016

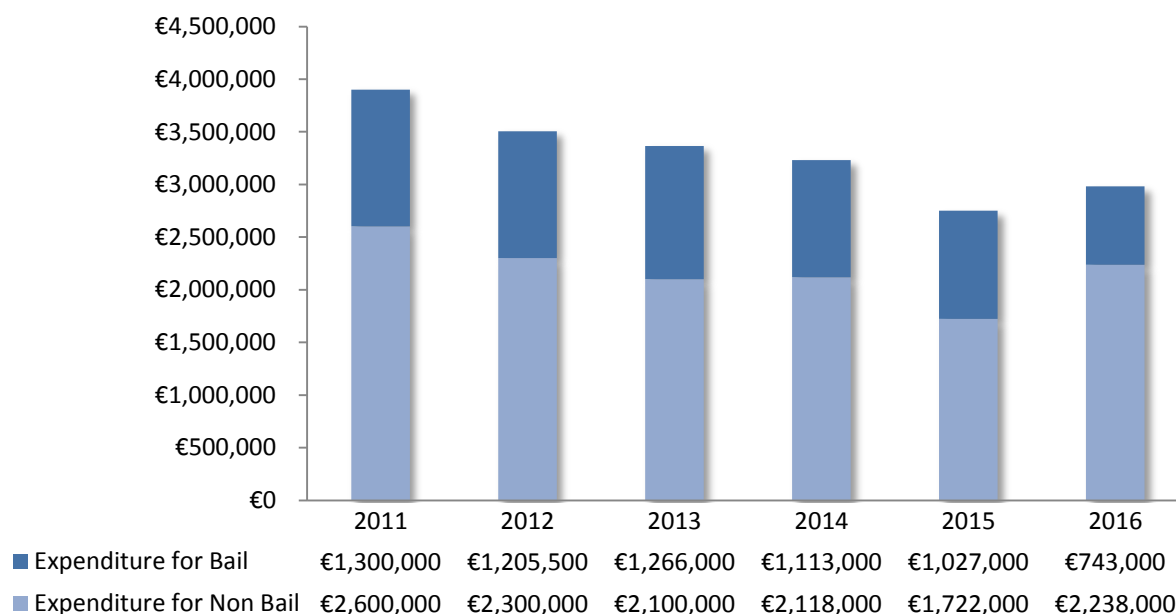
No.	Description	Amount **
1	Total cost of High Court Bail Applications	€743,000
2	Total number of Brief Fees processed	2,234
3	Payments to solicitors	€440,000
4	Payments to counsel	€300,000
5	Payments to interpreters / translators	€1,900

**** figures include VAT**

Expenditure on the Legal Aid – Custody Issues Scheme in 2016 was €3 million, an increase of €0.25 million on the 2015 figure. The spend under this Scheme had fallen consistently since 2011 when an expenditure figure of €3.9 million was

recorded. The increase in 2016 can be largely associated with an increased number of cases coupled with a number of individual files which generated higher than normal expenditure.

Chart 12 - Legal Aid Custody Issues Scheme expenditure breakdown 2011-2016



Criminal Assets Bureau (CAB) Ad-hoc Legal Aid Scheme

The CAB Scheme is an administrative, non-statutory arrangement whereby payments are made in respect of certain legal costs and types of litigation. The Scheme applies to the following types of cases:

- Where a person is a Respondent in any court proceedings brought by, or in the name of, the Criminal Assets Bureau or its Chief Bureau Officer or any member of the Criminal Assets Bureau, including court proceedings under the Proceeds of Crime Act 1996, Revenue Acts or Social Welfare Acts;
- Social Welfare Appeals made to the Circuit Court under Section 307 of the Social Welfare Consolidation Act 2005 where the Criminal Assets Bureau is a Respondent;
- Tax Appeals under the Taxes Acts where the Criminal Assets Bureau or its Chief Bureau Officer or any member of the Criminal Assets

Bureau is the Respondent and/or the Defendant;

- Applications made by the Director of Public Prosecutions under Section 39 of the Criminal Justice Act 1994.

The grant of legal aid under the CAB Scheme is a matter for the Court with the appropriate jurisdiction to deal with the specific case.

The Scheme is demand led and expenditure in 2016 totalled €98,500 which is a reduction of under 45% on the 2015 figure. The Board authorised payments in respect of 10 cases in 2016, compared to seven in 2015. However, given the specialised nature of the cases involved, it is not possible to make projections in relation to future activity and expenditure as might be possible with other Schemes. Cases can run for a number of years with a number of individuals involved in each case, and a single complex case coming to a conclusion in one year may significantly affect the overall expenditure for that year under the Scheme.

Table 18 - CAB ad-hoc legal aid scheme general statistics 2016

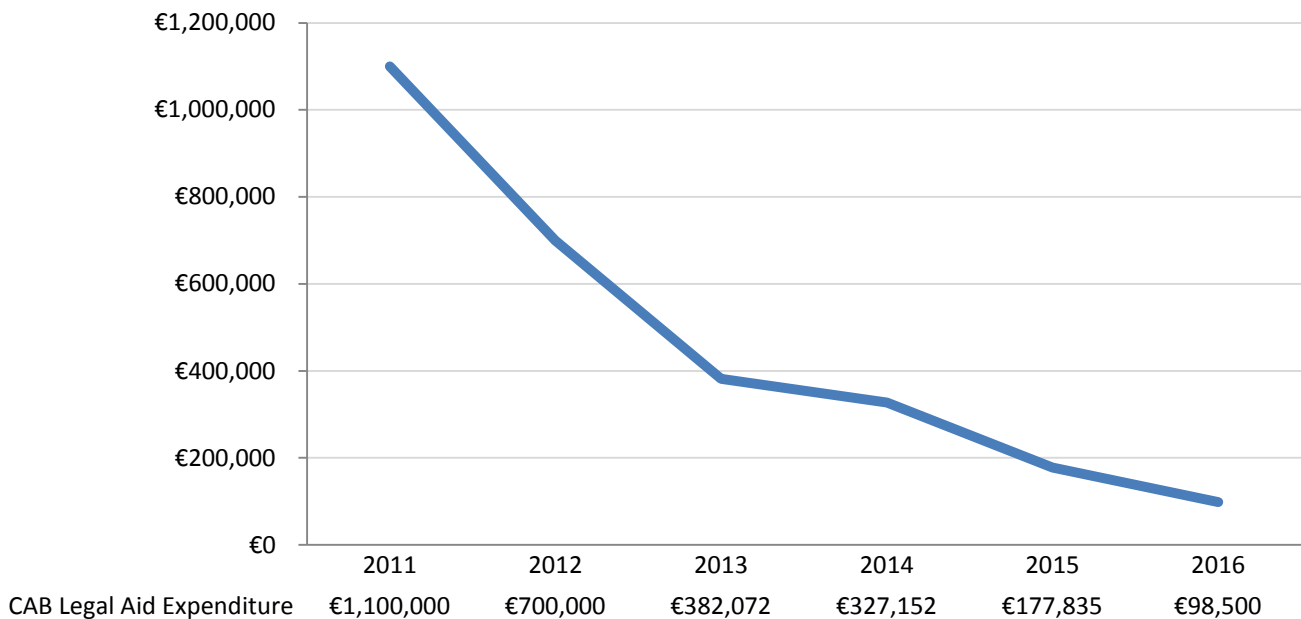
No.	Description	Amount *
1	No. of live cases taken over from the Department on 1/01/ 2014	14
2	Number of new cases received by Board from solicitors in 2016	10
3	Number of cases received back after consultation with CAB	8
4	Number of cases received back after consultation with DPP	1
5	Number of cases awaiting a response from CAB at 31/12/16	0
6	Number of cases awaiting a response from DPP at 31/12/16	1
7	Number of cases returned to solicitors under query during 2016	3
8	Number of cases authorised by Board for payment in 2016	11
9	Highest cost of a CAB claim in 2016	€14,838
10	Highest cost of a DPP claim in 2016	€3,452
11	Average cost per authorised claim in 2016	€8,157
12	Total value of claims authorised for the Scheme in 2016	€89,725

* figures exclude VAT

Chart 13 shows that the amount spent on on the Criminal Assets Bureau Legal Aid Scheme was €98,500 in 2016, a decrease on the figure of €177,835 in 2015. Spending under this Scheme has

has fallen consistently since 2011 when an expenditure figure of €1.1 million was recorded. This is directly related to the ongoing reducing number of cases arising in what is a demand led Scheme.

Chart 13 - CAB legal aid scheme annual expenditure 2011-2016



Sample Child Abduction Case:

Jorge sought the return of his child to the country in which the child had been born and previously lived. Proceedings on foot of the child abduction legislation were instituted by a Law Centre on behalf of Jorge. A key issue in the case was whether he had given consent to the mother travelling to and staying in Ireland for an indefinite period, and if he had not consented, whether he subsequently consented or acquiesced in the child remaining in Ireland indefinitely.

In a very detailed judgment the Court in the first instance noted that child abduction proceedings do not involve long term decisions about where a child should live, but relate instead to the issue of whether the child should be returned to their country of habitual residence so that the Courts there would make those decisions.

The Court found that the child had been habitually resident in the country of his birth at the time of the removal and that Jorge had legal rights of custody. The Court also found that the law required the mother to prove that there was a consent or acquiescence in the true sense of that term and that she had not done so. The Court found that there was no 'grave risk' attaching to the return of the child to his birth country.

Supporting Service Delivery

By virtue of its business model, the Legal Aid Board relies on a central support structure to facilitate and manage the delivery of services through its law centre network and other means. This central support structure is based in the Board's Head Office in Cahirciveen and a support office in Dublin.

Legal Services Support / Civil Legal Aid

The grant or refusal of civil legal aid certificates is governed by the Civil Legal Aid Act, 1995, and associated Regulations. The Board's operating model allows local law centres to grant civil legal aid certificates for most family law District Court cases, which tend to be less complex and less expensive cases. Whilst many of these cases are dealt with directly by the relevant law centre, the majority are allocated to private practitioners on the Board's District Court panel.

For cases which require representation in the Circuit or Higher Courts, the decision-making function rests with the Board's Legal Services Section, which is based in Cahirciveen. The decision to grant or refuse legal aid is made on foot of a submission from the relevant law centre 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 2016, there were 3,525 certificates granted by Legal Services Unit on foot of submissions made by law centres on behalf of applicants, on a par with the previous year. The Unit also granted 4,863 amendments to legal aid certificates in the year, an increase of 8% on the previous year. These amendments are effectively authorisations for additional services on a certificate, such as a barrister or a medical report. There were 557 authorisations given on cases prior to a decision on whether a legal aid certificate should be granted; these were primarily to enable an opinion to be sought from a barrister to help determine the merits of certain cases.

There were 232 formal refusals of legal aid on the merits criteria in 2016, with a further 65 refusals of amendments and other authorisations. Applicants who are refused a legal aid certificate or an amendment enabling further services to be provided, have the right of appeal to an Appeal Committee of the Board. Details of the number of cases appealed and the outcomes are set out below.

Appeal Committee

The Appeal Committee is a statutory sub-committee of the Board that decides on cases where a person makes an appeal against a decision of the executive. Most of the cases that come before it relate to decisions to refuse legal aid certificates.

In 2016, the Committee met on 13 occasions and heard 129 appeals. Of

these, the decision of the executive was upheld in 105 cases. There were 23 appeals where the original decision was overturned. In 4 cases, full or partial waivers of contributions were granted by the committee (out of a total of 4 sought). Table 18 below provides an outline of the position.

Table 19 - Appeals Committee

	2012	2013	2014	2015	2016
Total number of appeals	172	156	165	146	129
Number of decisions upheld	138	116	131	111	105
- Financial criteria	29	12	33	31	34
- Merits criteria	109	104	98	80	71
Number of decisions overturned	28	38	26	31	23
Appeals withdrawn/resolved	6	1	6	4	1

Protected Disclosures

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

The Policy sets out the principles underpinning the development and maintenance of an ethical culture in the organisation and the operational details of how protected disclosures are to be made by workers in the Board. A confidential recipient was appointed. No disclosures were reported to the confidential recipient in 2016.

Internal Audit

Reports on audits of the following Law Centres were presented to the Board's Audit and Risk Management

Committee by the internal auditors for consideration and approval by the Committee: Athlone, Cork North. Cork South, Galway, Gardiner Street, Kilkenny, Longford, Tullamore, *Medical Negligence, Sligo, Tullamore*, Wicklow and Wexford Audits of the Family Mediation Services in Jervis House and Raheny were also presented. None of the audits presented during the year made any material findings. The Committee also considered the audit exercise on the Legal Services Unit function. The responses were noted and there were no material findings.

Financial Management

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

During 2016, the Unit continued to support the work of the Board through maintenance of effective accounting systems. Regular financial reports, together with periodic expenditure analysis reports were provided to Management, the Board's Finance Committee and the Board to assist in the effective management of the Board's budget. The Unit facilitated the annual audit carried out on behalf of the Comptroller and Auditor General.

Information and Communications Technology

A key focus of the ICT Unit of the Board during 2016 was on replacing infrastructure. The ICT infrastructure that supported our main legal case management system was replaced to ensure scalability for the future.

The new Legal Aid Board website was launched in 2016. In addition, new databases were developed for the provision of family mediation services and for the Criminal Legal Aid schemes that are administered by the Board.

Official Languages Scheme

The revised second Scheme has been in place since August 2014. The Board is continuing to monitor and update this Scheme. The principle development in 2016 was the identification of as number of staff who will have their capacity assessed and receive appropriate Irish language training in 2017.

Energy Usage 2016

Managing energy usage

The Board has a network of 49 offices throughout the country. The main source of energy is electricity, with gas heating in six offices and oil heating in the Cahirciveen head office.

The Board performance is measured by using an Energy Performance Indicator (EnPI). The Boards EnPI has improved by 1.5% on 2015 and by 14.9% since 2009.

Total energy consumption for the Board in 2016 is 1,835,738 kwh. The energy consumed comprises of Grid Electricity 1,564,467 kwh and Fossil: 271,271 kwh

Actions undertaken in 2016

In 2016 the Board undertook a number of initiatives to improve our energy performance, including:

- Participation of the Board's head office in Cahirciveen in the OPW *Optimising Power at Work* initiative. This programme has been embedded in the office. It is monitored on a monthly basis. Reduction of energy consumption by 29.1% since 2009. In terms of total CO₂ production it has decreased by -24.3%, since 2008 or by -25,768Kg. Normalised for weather variations, CO₂ has decreased by -33.3%, since 2008 or by -35,276Kg
- The Board entered partnership with the SEAI to assist in achieving the Government's aim to improve public sector energy efficiency by 33% in

2020. This campaign was rolled out to all staff reminding them to conserve energy and to turn off computers, lights etc. when not in

use. This has contributed greatly to achieving a level of energy efficiency.

Finance

The Board's financial statements for 2016 are shown at Appendix 1.

Income

The following are some comments on the sources of the Board's income.

(a) Grant

As in previous years, most of the Board's income consists of a grant received from the Department of Justice and Equality. Funding provided by the Government in 2016 was €36.188 million, as compared with €32.471 million in 2015.

(b) Contributions

Persons who are provided with legal services pay a contribution related to their income and, in some cases, their capital resources. The minimum contribution for legal advice was increased to €30 in September 2013 from €10 and the minimum contribution for representation in court was increased to €130 from €50. This minimum contribution can be waived in cases of hardship. Contributions received in 2016 (€1,557,855) were 3% higher than in 2015 (€1,516,559).

(c) Recovery of costs

The Board may recover the cost of providing legal services from:

- i. 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
- ii. from the legally aided person out of monies/property received by the person as a result of the provision of legal services.

The amount of costs recovered can vary significantly from year to year, especially if a legally aided person obtains an award for costs in a case in which the other party is in a position to meet the costs. This does not generally arise in family law cases, which form the bulk of the Board's caseload. Costs recovered in 2016 (€343,525) were much lower than in 2015 (€649,691).

Expenditure

The following are comments on the major items of expenditure shown in the 2016 financial statements:

1) Salaries

Salary and related costs increased by €1,475,258 (7.7%) in 2016. This was mainly due to the impact of the Haddington Road agreement and an increase in staff numbers.

2) Accommodation and establishment costs

Expenditure in this area was similar to that of 2015.

3) Legal fees and expenses

There are a number of differing elements covered in this heading - see Note 10 to the accounts - and comment is provided on each of the various headings comprising the total as follows:

(i) Counsel fees

Expenditure on counsel fees increased by €256,339 (6%) when compared with 2015.

The accrual for counsel fees, where work has been undertaken but not yet presented for payment at December 31st 2016, stands at €4.485 million which is €20,000 lower than at the end of 2015.

The following table shows the trend in expenditure on counsel fees in respect of legal aid and advice over the past seven years.

Table 20 Counsel Fees

Year	Fees
2010	€4,793,475
2011	€4,889,622
2012	€5,032,263
2013	€4,493,286
2014	€4,318,914
2015	€4,215,657
2016	€4,471,996

(ii) Witness/Ancillary fees (expert witnesses etc.)

These case-related expenses are the additional expenses incurred by the Board, over and above counsel fees, in providing a civil legal aid and advice service to members of the public. The expenditure amount under this heading is derived from the requirements of the cases handled by the Board in any particular year.

Legal Fees (Expert witnesses etc.) were €950,421 in 2016 which was an increase of 22% when compared to 2015.

(iii) Private practitioner scheme

Expenditure on the private practitioner scheme was €2.614 million in 2016, which was 13% lower than the 2015 outturn

At December 31st 2016, the accrual for private practitioner fees, where work has been incurred but not yet presented for payment, stood at €3.547 million. The accrual for 2015 was €4.165 million.

(iv) Abhaile scheme

The Abhaile Scheme commenced during July 2016. The scheme provides financial and legal assistance for insolvent persons who are in danger of having their home repossessed. Expenditure in 2016 was €130,808.

(v) Professional mediation fees

In 2015, €314,952 was paid to mediators for work carried out on behalf of the Family Mediation Service. No expenditure was incurred under this heading in 2016 as the mediators became employees of the Board during July 2015.

(vi) Professional negligence liabilities

Expenditure under this heading is as a result of the Board being subject to a number of claims in respect of Professional Negligence. Expenditure in 2016 was €651,831 which was a significant increase on the 2015 expenditure of €338,337.

(vii) Other professional fees

Costs under this heading relate to the engagement by the Board of professionals to provide independent legal advice and other professional services to the Board. Expenditure in 2016 was €533,892.

(viii) Other expenses

Costs under this heading relate to practising certificates and training expenditure incurred by the Board. Expenditure under this heading in 2016 was €631,106 remaining close to the 2015 outturn.

4) General administration

Costs under this heading were 4.5% higher in 2016 at €2.112 million.

The following graph shows a breakdown of expenditure by the Board over the last five years.

Chart 14 - Expenditure Categories 2012-2016

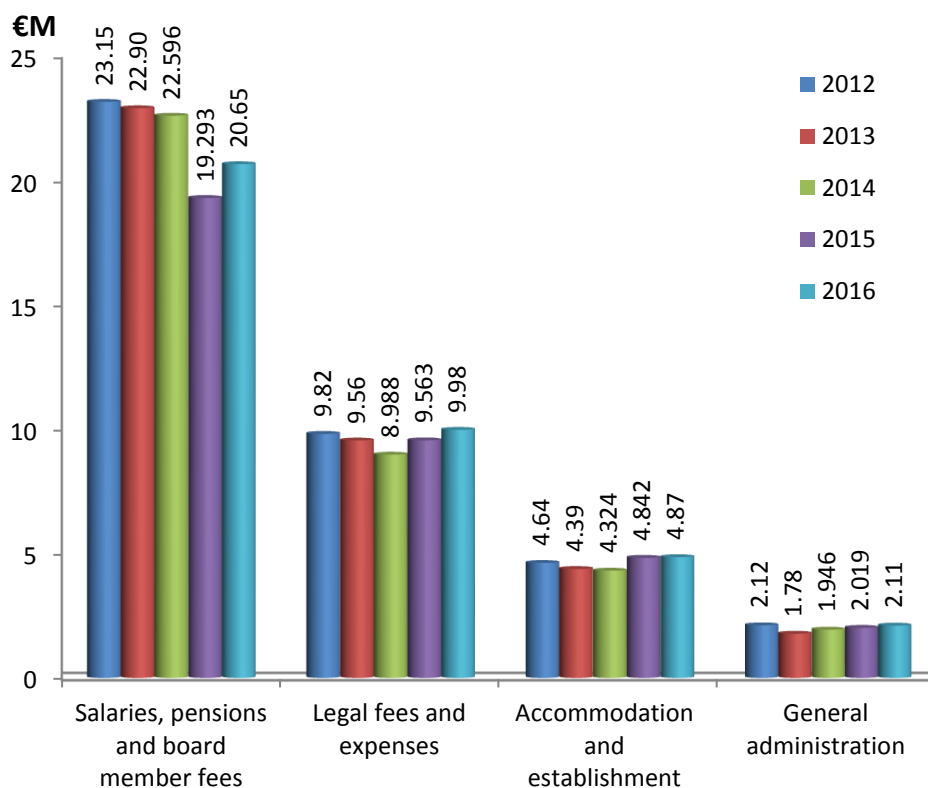
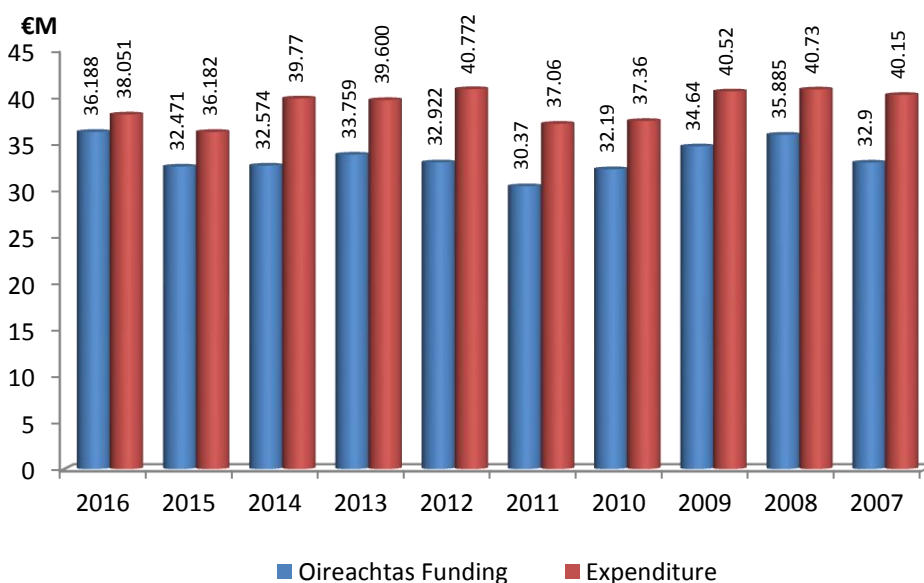


Chart 15 below shows the relationship between Oireachtas funding and actual expenditure over the last ten years.

Chart 15 - Oireachtas Funding vs. Expenditure



Cash at bank and on hand

The Statement of financial position shows that the Board had €3.26 million on hand at the end of 2016. This included €1.804 million held on behalf of clients. It can be seen from Note 15 to the accounts that the throughput of client funds in 2016 was €6.208 million. This arises from cases where, as a result of legal advice or representation in court, clients received monies either from the other party or from the disposal of property. All such monies are initially lodged to the Legal Aid Client Fund Account before being returned to clients less, in some cases, an amount in respect of costs incurred by the Board in providing legal services. The cash at bank figure, apart from client funds, is similar to the level of expenditure incurred by the Board each month and is considered to be a reasonable level of funding to have on hand at any one time.

Prompt Payment of Accounts Act, 1997

Section 4 of the Prompt Payment of Accounts Act, 1997 requires the Board to pay for the supply of goods or services by the *prescribed payment date*. This date is currently 15 days after the receipt of an invoice, or a lesser period as may be specified in a written contract. If the Board fails to make payment by the prescribed payment date, interest is payable to the supplier. Procedures ensure that the Board complies in all material respects with the requirements of the Act. The total amount of late payment interest paid to suppliers of goods and services during 2016 amounted to €0.

APPENDIX 1

Financial statements for the year ended 31 December 2016

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LEGAL AID BOARD

FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 DECEMBER 2016

Board Members

Chairperson	Philip O'Leary
Members	Tom Brennan
	Maurice Lawlor
	Michael O'Connell
	Evelyn O'Connor
	David Gilbride
	Nuala Jackson
	Nuala Egan
	Gordon Jeyes
	Elaine O'Malley Dunlop
	Deirdre Burke
	Anne-Marie Blaney
	Freda McKittrick

Office Address	Quay St., Cahirciveen, Co. Kerry
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Board Secretary	Mary O'Connor
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Banker	Allied Irish Banks 24 Main Street, Cahirciveen, Co. Kerry
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Solicitor	Mason Hayes and Curran South Bank House, Barrow Street, Dublin 4
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Auditor	Comptroller and Auditor General 3A Mayor Street Upper, Dublin 1
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STATEMENT OF BOARD RESPONSIBILITIES

Section 20 of the Civil Legal Aid Act, 1995 requires the Board to keep, in such form as may be approved by the Minister for Justice and Equality, with the consent of the Minister for Finance, all proper and usual accounts of any moneys received or expended by it.

In preparing those Financial Statements, the Board is required to:

- select suitable accounting policies and then 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 the Fund 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 proper books of account which disclose with reasonable accuracy at any time the financial position of the Legal Aid Board and which enable it to ensure that the financial statements comply with Section 20 of the Act. The Board is also responsible for safeguarding the assets of the Legal Aid Board and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.



Philip O'Leary
Chairperson

Thomas Brennan Board
Member

20th Nov 2017

Statement on Internal Controls

Legal Aid Board

Board responsibilities

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

2. 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 Management Committee

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

i) The Audit and Risk Management Committee continually reviews the effectiveness of controls and monitors the action taken by management to resolve any issues that are identified. Review of effectiveness of control during 2016 included:

- At the beginning of 2016, an Audit and Risk Management Plan was adopted by the Audit and Risk Management Committee, and additional resources were assigned to the Board's internal audit function in light of the workload associated with it.
- In May, the Director of Civil Legal Aid reported to the Audit and Risk Management Committee on progress in developing an effective remote auditing process.
- The Board's IT Unit developed a new report was on the Board's EOS IT system to assist in identifying and reporting on risk areas.
- A governance audit of the Legal Services Unit of the Board was carried out by the Internal Audit team and the report of this audit was presented to the Committee.

The Audit and Risk Management Committee is required to produce a formal report within three months of the end of the calendar year. The Committee report was completed in February 2017 and was presented to the Board in conjunction with the Management response at its meeting on 27 April 2017.

ii) A single incidence of breach of controls was identified in 2016, involving a shortfall in legal aid contributions to the value of €230. Additional checks have been put in place in the Law Centre concerned, and the Board's internal auditor has carried out an audit of the Law Centre and made recommendations which have been implemented.

iii) 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 2016.

Delegation of functions

iv) The management and executive functions of the Board are delegated to the Chief Executive and senior management of the organisation by resolutions of the statutory Board, which monitors and reviews the work of senior management.

The Chief Executive reports to the Board at its monthly meetings and the Chief Executive and senior management also report to it through its various committees. A Corporate Governance Manual, most recently updated in November 2016 to incorporate the additional requirements set out in the 2016 revised Code of Practice for the Governance of State Bodies, provides a clear and comprehensive summary of the principal aspects of corporate governance for the Board and senior management.

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

The current Board was appointed in November 2016 and was briefed on Board roles and responsibilities.

Risk management

v) 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.

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 Management Committee of the Board is to provide an independent opinion on the adequacy of the Board's risk management arrangements.

The Audit and Risk Management Committee met on five occasions in 2016.

Budgetary and financial controls

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

The Finance Committee is a committee of the Board which considers the Board's finances in detail and reports to the Board on the financial affairs and policies of the Board. This includes the review of budgets and financial reports, the recommendation of approval of the Board's annual accounts to the Board and detailed consideration of financial matters in order to make appropriate

recommendations to the Board and to advise management. Decisions are taken either by the Board or by management, as appropriate, having regard to the recommendations and advice of the Committee.

The Finance Committee met on five occasions during 2016. In addition to the monthly financial reports, the Committee also considered a mid year review of finances.

vii) The Board has clearly defined financial instructions and procedures, including delegated spending and authorisation limits and segregation of duties, approved by resolution of the statutory Board. In addition, the statutory Board has reserved approval of expenditure on contracts with value in excess of €65,000, while the Finance Committee of the statutory Board is notified of all contracts with value in excess of €10,000 and less than €65,000.

Internal audit

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

The Audit and Risk Management Committee expanded the role of the Internal Audit function in 2012 to include an examination of other relevant matters in law centres in addition to assessing the adequacy of internal financial controls. This role was further expanded by the Committee in 2015 to include remote auditing of law centres to enhance the internal audit function.

Audit by Department of Justice and Equality

The Internal Audit Unit of the Department of Justice and Equality conducted an audit of the Board's procedures with regard to service contractors. The report recommended that the Board put in place a protocol for the governance of contractors and this is being implemented.

Confirmation of Board's oversight role

I confirm that during the year ended 31 December 2016, the Board, through its Finance Committee and Audit and Risk Management Committee, and through the Board itself, continued to monitor and review the effectiveness of the Board's system of internal controls.

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

Confirmation of procurement compliance

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

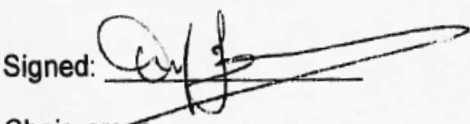
The Legal aid Board complied with the guidelines with the exception of 9 supply arrangements to the total value of €758,304. These are broken down as follows:

- 1 proprietary purchase accounted for a total of €33,366
- 1 existing supply contract was extended/rolled over with a value of €53,864
- 1 situation arose where there was a single suitable supplier available and the value of this contract was €61,331
- 2 local arrangements/tenders were entered in to with a value of €85,529
- 4 other procurements with a value of €524,214 have mainly arisen while the finalisation of centralised tenders in the Office of Government Procurement is awaited.

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

Confirmation that Statement has been reviewed

The Board reviewed this Statement on 22 September 2017 and approved it as being an accurate reflection of the control system in operation during the reporting period.

Signed: 
Chairperson

Date 20th November 2017



Comptroller and Auditor General

Report for presentation to the Houses of the Oireachtas

Legal Aid Board

I have audited the financial statements of the Legal Aid Board for the year ended 31 December 2016 under 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. The financial statements have been prepared in the form prescribed under section 46 of the Act, and in accordance with generally accepted accounting practice.

Responsibilities of the Board

The Board is responsible for the preparation of the financial statements, for ensuring that they give a true and fair view and for ensuring the regularity of transactions.

Responsibilities of the Comptroller and Auditor General

My responsibility is to audit the financial statements and to report on them in accordance with applicable law.

My audit is conducted by reference to the special considerations which attach to State bodies in relation to their management and operation.

My audit is carried out in accordance with the International Standards on Auditing (UK and Ireland) and in compliance with the Auditing Practices Board's Ethical Standards for Auditors.

Scope of audit of the financial statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements, sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of

- whether the accounting policies are appropriate to the Legal Aid Board's circumstances, and have been consistently applied and adequately disclosed
- the reasonableness of significant accounting estimates made in the preparation of the financial statements, and
- the overall presentation of the financial statements.

I also seek to obtain evidence about the regularity of financial transactions in the course of audit.

In addition, I read the Legal Aid Board's annual report to identify material inconsistencies with the audited financial statements and to identify any information that is apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by me in the course of performing the audit. If I become aware of any apparent material misstatements or inconsistencies, I consider the implications for my report.

Opinion on the financial statements

In my opinion, the financial statements:

- give a true and fair view of the assets, liabilities and financial position of the Legal Aid Board as at 31 December 2016 and of its income and expenditure for 2016; and
- have been properly prepared in accordance with generally accepted accounting practice.

In my opinion, the accounting records of the Legal Aid Board were sufficient to permit the financial statements to be readily and properly audited. The financial statements are in agreement with the accounting records.

Matters on which I report by exception

I report by exception if I have not received all the information and explanations I required for my audit, or if I find

- any material instance where money has not been applied for the purposes intended or where the transactions did not conform to the authorities governing them, or
- the information given in the Legal Aid Board's annual report is not consistent with the related financial statements or with the knowledge acquired by me in the course of performing the audit, or
- the statement on internal financial control does not reflect the Legal Aid Board's compliance with the Code of Practice for the Governance of State Bodies, or
- there are other material matters relating to the manner in which public business has been conducted.

Non competitive procurement

I draw attention to the statement on internal control which discloses that in 2016 there were instances where the Legal Aid Board incurred material expenditure where the relevant goods and services had not been procured by way of a competitive process. The statement on internal control also sets out the steps taken or planned by the Legal Aid Board to address these weaknesses.

Seamus McCarthy
Comptroller and Auditor General
6 December 2017

LEGAL AID FUND


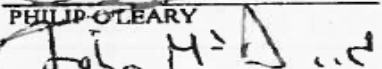
STATEMENT OF INCOME AND EXPENDITURE AND RETAINED REVENUE RESERVES

For the year ended 31 December 2016

	Note	2016		2015	
		€	€	€	€
Income					
State funding	2	36,188,000		32,471,000	
Net deferred funding for pensions	3c	(330,041)		(43,371)	
Contributions from aided persons		1,557,855		1,516,559	
Costs recovered		343,525		649,691	
Other income	4	<u>229,396</u>		<u>248,790</u>	
			37,988,735		34,842,669
Expenditure					
Salaries and related expenses	6a	20,740,951		19,265,693	
Pension Costs	3a	(122,483)		303,255	
Revenue Commissioners tax provision	6a	0		(276,189)	
Fees to board members		30,830		39,672	
Accommodation and establishment expenses	9	4,868,273		4,841,775	
Legal fees and expenses	10	9,984,224		9,563,388	
General administration	11	2,111,654		2,019,291	
Depreciation	12	424,269		408,678	
Audit fee		<u>13,300</u>		<u>16,700</u>	
			38,051,018		36,182,263
Deficit for the year before appropriations			(62,283)		(1,339,594)
Transfer to capital account	5		<u>(415,011)</u>		<u>(119,079)</u>
Deficit for the year after appropriations			(477,294)		(1,458,673)
Opening balance as at start of year			<u>(7,861,346)</u>		<u>(6,402,673)</u>
Closing balance as at end of year			<u><u>(8,338,640)</u></u>		<u><u>(7,861,346)</u></u>

All income and expenditure for the year 31 December 2016 relates to continuing activities at the balance sheet date.


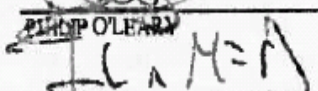
The statement of cash flows, together with Notes 1 to 19, form part of these financial statements.

 PHILIP O'LEARY	Chairperson	Date <u>20th Nov 2017</u>
 JOHN MCDAUID	Chief Executive	Date <u>20th Nov 2017</u>

STATEMENT OF OTHER COMPREHENSIVE INCOME
for the year ended 31 December 2016

		2016 €	2015 €
Deficit before appropriations		(62,283)	(1,339,594)
Experience losses on retirement benefit obligations	3 d	(461,000)	(913,000)
Changes in assumptions underlying the present value of retirement benefit obligations		-	-
Actuarial loss in the year	3 b	(461,000)	(913,000)
Adjustment to retirement benefits funding		461,000	913,000
Total comprehensive income for the year		(62,283)	(1,339,594)


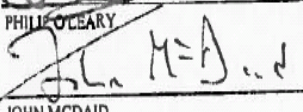
The statement of cash flows, together with Notes 1 to 19, form part of these financial statements.

 JOHN MCDAID	Chairperson Date <u>20th November 2017</u>
 JOHN MCDAID	Chief Executive Date <u>20th November 2017</u>

**STATEMENT OF FINANCIAL
POSITION**
as at 31 December 2016

	Note	2016		2015	
		€	€	€	€
Property, plant and equipment	12		1,128,094		713,083
Current assets					
Cash at bank and on hand		3,258,128		2,316,090	
Receivables	13	<u>1,027,661</u>		<u>1,028,136</u>	
		4,285,789		3,344,226	
Current liabilities (amounts falling due within one year)					
Payables	14	10,828,335		10,347,044	
Clients' funds	15	<u>1,796,094</u>		<u>858,528</u>	
		12,624,429		11,205,572	
Net current liabilities			<u>(8,338,640)</u>		<u>(7,861,346)</u>
Total assets less current liabilities before retirement benefit obligations			(7,210,546)		(7,148,263)
Deferred retirement benefits funding	3 c	13,999,362		13,868,403	
Retirement benefits obligations	3 b	<u>(13,999,362)</u>		<u>(13,868,403)</u>	
			-		-
Total net liabilities			<u><u>(7,210,546)</u></u>		<u><u>(7,148,263)</u></u>
Represented by:					
Retained revenue reserves		(8,338,640)		(7,861,346)	
Capital account	5	<u>1,128,094</u>		<u>713,083</u>	
		<u><u>(7,210,546)</u></u>		<u><u>(7,148,263)</u></u>	

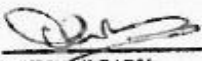
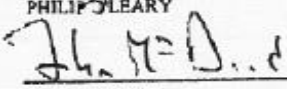
The statement of cash flows, together with Notes 1 to 19, form part of these financial statements.

 Chairperson Date 20th November 2017
 Chief Executive Date 20th November 2017
 JOHN MCDAUID

STATEMENT OF CASH FLOWS
for the year ended 31 December 2016

	Note	2016 €	2015 €
Net cash flows from operating activities			
Excess expenditure over income		(62,283)	(1,339,594)
Depreciation of property, plant and equipment		424,269	408,678
Decrease/(increase) in bank interest receivable		22,616	(25,739)
Increase in debtors		(1,684)	(29,184)
Increase in creditors		455,991	366,895
Increase in Client Funds		938,753	0
Net cash inflow / (outflow) from operating activities		<u>1,777,662</u>	<u>(618,944)</u>
Cash flows from investing activities			
Payments to acquire fixed assets		(837,451)	(527,757)
Interest paid on client settlements		(2,310)	(7,848)
Net cash flows from investing activities		<u>(839,761)</u>	<u>(535,605)</u>
Cash flows from financing activities			
Bank Interest Received		4,137	32,645
Net cash flows from financing activities		<u>4,137</u>	<u>32,645</u>
Increase/(decrease) in cash and cash Equivalents		942,038	(1,121,904)
Cash and cash equivalents at 1 January		2,316,090	3,437,994
Cash and cash equivalents at 31 December		<u>3,258,128</u>	<u>2,316,090</u>

Notes 1 to 19 form part of these financial statements

 PHILIP CLEARY	Chairperson	Date <u>20th Nov 2017</u>
 JOHN MCDAUID	Chief Executive	Date <u>20th Nov 2017</u>

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 31 December 2016

1. Accounting policies

General

The Legal Aid Fund, which is provided for under Section 19 of the Civil Legal Aid Act, 1995, is managed by a Legal Aid Board appointed by the Minister for Justice and Equality. The Fund consists of all the financial resources of the Board. In 2016, the Board operated out of 50 premises throughout the country.

Basis of preparation

The financial statements of the Legal Aid Board for the year ended 31 December 2016 have been prepared in accordance with FRS 102, the financial reporting standard applicable in the UK and Ireland issued by the Financial Reporting Council (FRC), as promulgated by Chartered Accountants Ireland.

The financial statements have been prepared under the accruals method of accounting, except where stated below, and in accordance with generally accepted accounting principles under the historical cost convention and in the form approved by the Minister for Justice and Equality with the consent of the Minister for the Department of Public Expenditure and Reform.

Going Concern

The Legal Aid Board is a statutory body established under the Civil Legal Aid Act 1995. The financing of the Board's activities is predominantly met by grant and exchequer funding from the Department of Justice and Equality.

During the financial year the Board carried out a comprehensive exercise for the purpose of assessing the Board's accrued liabilities figure, in particular, Counsel Fees and the Private Practitioner service.

The statement of financial position at 31 December 2016 shows an excess of liabilities over assets of €8,338,640. This deficit arises from the timing difference between receipt of funding to pay liabilities for legal services when they are due for payment and the provision for these liabilities that is recognised in these accounts under the accruals method of accounting.

A letter of ongoing support has been received from the Secretary General of the Department of Justice and Equality confirming that the Board's activities will be funded into the future. The Board takes the view that the going concern accounting convention applies to the accounts which represent the operations of the Board as long as the provisions of the Civil Legal Aid Act 1995 remain in existence.

The Board knows of no review of its operations or intention to suspend its activities or

merge it with other organisations. It has therefore been considered appropriate to adopt a going concern basis for the preparation of these financial statements.

State grants

Income under this heading is accounted for on a cash receipts basis.

Contributions from aided persons

Due to the nature of this income, i.e. contributions from persons of modest means, it is considered prudent to account for such income on a cash receipts basis. The estimated amount collectable at 31 December 2016 was approximately €25,000. There were no bad debts written off in 2016.

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 2016, on foot of awards or settlements made in favour of clients represented by the Board. The Board may recover therefrom the total cost of providing such legal services and the balance is paid to the persons represented.

Capital Account

The capital account represents the unamortised amount of income used to purchase property, plant and equipment.

Retirement benefit obligations

The Legal Aid Board operates a defined benefit pension scheme, which is funded annually on a pay as you go basis from monies available to it, including monies provided by the Department of Justice and Equality and from contributions deducted from solicitors' salaries.

The Minister for Justice and Equality signed an order making all solicitors in the Board civil servants with effect from 1 June 2014 pension liabilities for this group passed to the Department of Public Expenditure and Reform's central Vote for Superannuation from that date.

The only liability left with the Board is for solicitor pensioners who retired prior to 1 June 2014 and their dependents. The Department of Justice and Equality have been asked to identify a legislative vehicle to facilitate the transfer of this liability to the Superannuation Vote for civil service pensions. In the interim, the Board is still required to recognise a liability for this group and this is reflected in the statement for the 2016 accounts.

Retirement benefit liabilities represent the present value of future pension payments earned by pre-June 2014 pensioners. Deferred retirement benefit funding represents the corresponding asset to be recovered in future periods from the Department of Justice and Equality.

Retirement benefit costs reflect financing costs for pre-June pensioners in the period and are shown net of staff pension contributions which are retained by the Legal Aid Board. An amount corresponding to the retirement benefit charge is recognised as income to the extent that it is recoverable, and offset by grants received in the year to discharge retirement benefit payments.

Actuarial gains or losses arising on scheme liabilities are reflected in the statement of comprehensive income and a corresponding adjustment is recognised in the amount recoverable from the Department of Justice and Equality.

Non solicitor staff are members of the civil service pension scheme which is accounted for in the Superannuation Vote.

Provisions

A provision is recognised when an obligation (whether legal or constructive) arises as a result of a past event and when it is probable that a transfer of economic benefit will be required to settle the obligation and that it can be reliably estimated.

The Legal Aid Board estimates the value of unbilled live cases each year to arrive at the amounts disclosed within the accounts as a provision. The amount is an estimate of the expenditure required to settle any obligation at the statement of financial position date.

In estimating the provision, the Board has adopted prudent measurement techniques based on the latest data available. Improved data capture methods have been utilised in the Board's estimate for the current year. No income is anticipated for cases that may recover costs.

Administration of certain Legal Aid Schemes

The Board administers certain legal aid schemes on behalf of the Department of Justice and Equality, these being the Garda Station Legal Advice ad-hoc scheme, the Attorney General ad-hoc scheme and the Criminal Assets Bureau ad-hoc scheme which was transferred to the Board with effect from 1 January 2014. The costs of administering these schemes continue to be met from the Department of Justice and Equality Subhead C.4. and C.5. A Government decision in 2010 determined that the main criminal legal aid scheme should come under the administration of the Board. This requires a legislative change and publication of a Criminal Legal Aid Bill is awaited.

2. State funding

State Funding was received from Vote 24 - Office of the Minister for Justice and Equality as follows:

Subhead:	2016 €	2015 €
C.5 Grant	36,188,000	32,471,000

3. Retirement benefit obligations

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

(a) Analysis of total retirement benefits charged to Expenditure		
	2016	2015
	€	€
	Interest on retirement benefit obligations	700,000
	Employee contributions	(394,745)
	(122,483)	303,255
(b) Movement in net retirement benefits liability during the financial year	2016	2015
	€	€
	Net liability at 1 January	12,998,774
	Interest Costs	700,000
	Actuarial loss	913,000
	Retirement benefits paid in the year	(743,371)
	Net liability at 31 December	13,868,403
(c) Deferred Funding Asset for retirement benefits		
<p>The Legal Aid Board recognises these amounts as an asset corresponding to the unfunded deferred liability for retirement benefits on the basis of the set of assumptions described above and a number of past events. These events include the statutory basis for the establishment of the superannuation scheme, and the policy and practice currently in place in relation to funding public service retirement benefits including contributions by employees and the annual estimate process. While there is no formal agreement regarding these specific amounts with the Department of Justice and Equality, the Board has no evidence that this funding policy will not continue to meet such sums in accordance with current practice.</p> <p>The net deferred funding for retirement benefits recognised in the Income and Expenditure Account was as follows:</p>		
	2016	2015
	€	€
Funding recoverable in respect of current year retirement benefits	320,000	700,000
State grant applied to pay retirement benefits	(650,041)	(743,371)
	(330,041)	(43,371)
<p>The deferred funding asset for retirement benefits as at 31 December 2016 amounted to €13.99 million (€13.87 million in 2015).</p>		
(d) History of defined benefit obligations		
	2016	2015
	€	€
Defined benefit obligations	13,999,362	12,998,774

Experience (losses)/gains on scheme liabilities amount	(461,000)	(913,000)	30,443,000
Percentage of the present value of the scheme liabilities	-3%	-7%	234%

The cumulative actuarial gain recognised in the Statement of Comprehensive Income amounts to € 36,014,683.

(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 (9 June 2017) by a qualified independent actuary taking account of the requirements of the FRS in order to assess the scheme liabilities at 31 December 2016.

The principal actuarial assumptions were as follows:

	2016	2015
Rate of increase in salaries	2.5%	2.5%
Rate of increase in pensions in payment	2.5%	2.5%
Discount Rate	1.9%	2.4%
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:

	2016	2015
Male aged 65	21.1	22
Female aged 65	23.6	25

4. Other Income

	2016 €	2015 €
Interest received and receivable	3,120	25,739
Sundry receipts	226,276	223,051
	229,396	248,790

5. Capital Account

	€	€
Balance as at 1 January 2016		713,083
Transfer from Income and Expenditure Account		
-Income used to purchase fixed assets		
-Income amortised in year in line with depreciation of assets	839,280	
	(424,269)	<u>415,011</u>
Balance as at 31 December 2016		<u>1,128,094</u>

6. a) Employee numbers and costs

As at 31 December, 2016, 422.5 whole time equivalents were employed in the Board. This is in accordance with the Delegated Sanction from the Department of Public Expenditure and Reform which applies from 1 January 2015 to 31st December 2018. The average number of employees in the Board during the year was 411 (2015 - 391). Employee and related costs were as follows:

	2016 €	2015 €
Salaries	19,146,425	17,797,470
Cost of Secondment	0	28,828
Employer PRSI	<u>1,594,526</u>	<u>1,439,395</u>
	<u>20,740,951</u>	<u>19,265,693</u>

€ 708,705 was deducted from staff by way of pension related deductions and was paid over to the Department of Justice and Equality.

The Legal Aid Board took over responsibility for the Family Mediation Service from the Family Support Agency (FSA) on 1st November 2011. The Board retained a number of mediators as employees and a number of mediators on a contract for services basis i.e. a strictly business to business contract between two firms on a buyer and supplier basis. During the course of 2014 the Revenue Commissioners raised concerns about the status of the contract for service with mediators and expressed the view that they should be subject to PAYE/PRSI as employees and not contractors. The Revenue Commissioners raised assessments for 2012, 2013 and 2014 on the basis that the individuals concerned were employees. All mediators were given employee status and became members of the Superannuation and Spouses and Children's Pension Scheme. The Board has not retained any mediators on a contract for services basis since.

For those mediators impacted by the settlement with the Revenue Commissioners, their service between 1st January 2012 and 30th June 2015 was re-classified as temporary service as an employee of the Board. They received balancing payments totalling €222,026 (of which €136,000 was paid in 2016 with the remainder paid in early 2017) for public holidays and annual leave entitlements and were also required to pay a contribution of 1.5% of gross pay for the Spouses and Children's Pension Scheme. A provision of €700,000 was included in the 2014 Financial Statements which was based on the Board's estimate as to the potential liability to Revenue on foot of a revenue audit on the contract for mediator services. A payment of €423,811 was made to the Revenue Commissioners in November 2015 in full and final settlement of this liability. The negative figure of €276,189 is the excess of the 2014 provision over the 2015 payment.

b) Employee Numbers by Salary Category

Salary Category	Number of Employees 2016	Number of Employees 2015
€60,000 to €69,999	77	91
€70,000 to €79,999	34	23
€80,000 to €89,999	16	22
€90,000 to €99,999	8	8
€100,000 to €109,999	0	0
€110,000 to €119,999	0	0
€120,000 to €129,999	1	1

7. Chief Executive Officer Salary and Expenses

	2016	2015
	€	€
CEO salary	122,171	122,171
CEO expenses	1,840	2,231
	<u>124,011</u>	<u>124,402</u>

The CEO received salary payments of €122,171. No performance related scheme is in place for the CEO.

The CEO also received an amount of €1,840 in respect of expenses.

The CEO is part of a unfunded defined benefit public sector scheme and his pension entitlements do not extend beyond the standard entitlements in the public sector defined benefit superannuation scheme.

8. Board members fees and expenses

	2016 €	2015 €
Board members fees	30,830	39,672
Board members expenses	8,351	13,936
	39,181	53,608

A new Board was appointed on November 8th, 2016. The Chairperson is Mr. Philip Ó'Leary.

The other members appointed to the Board are:

Anne-Marie Blaney, Michael O'Connell, Thomas Brennan, Deirdre Burke, David Gilbride, Nuala Jackson, Gordon Jeyes, Maurice Lawlor, Freda McKittrick, Ellen O'Malley Dunlop and Evelyn O'Connor.

Nuala Egan joined the Board in February 2017
No fees were paid to the Board until March 2017.

Board Members	Fees	Board Members	Fees
David Garvey	5,980	Philip O'Leary	5,980
Catherine Hayes	5,980	Michelle O'Neill	5,980
Micheál O'Connell	5,980	Kieran Corcoran	930
		(External member of the audit committee)	

9. Accommodation and establishment expenses

	2016 €	2015 €
Rents	2,811,489	2,827,841
Cleaning	244,887	234,849
Lighting and Heating	304,678	289,336
Maintenance – Premises	874,201	1,008,233
Maintenance – Equipmen	633,018	481,516
	<u>4,868,273</u>	<u>4,841,775</u>

10. Legal fees and expenses

	2016 €	2015 €
Counsel fees	4,471,996	4,215,657
Witness/Ancillary fees (incl. expert witness fees)	950,421	779,770
Private Practitioner Schemes (including Subsidiary Protection)	2,614,170	3,015,619
Abhaile Scheme	130,808	0
Professional Mediation Fees	0	314,952
Professional Negligence Liabilities*	651,831	338,337
Other professional fees	533,892	272,547
Other expenses (including training)	631,106	626,506
	<u>9,984,224</u>	<u>9,563,388</u>

*At December 31st 2016, the Board was subject to a number of claims in respect of Professional Negligence. As at year end, the Board has accrued €586,000 (2015 - €127,764) in respect of these matters.

11. General administration

	2016 €	2015 €
Stationary and office expenses	406,206	353,905
Books and printing	117,046	95,376
Postage and telephone	933,210	942,487
Insurance	35,170	33,221
Travel and subsistence	620,022	594,302
	<u>2,111,654</u>	<u>2,019,291</u>

12. Property, plant and equipment

	Leases €	Office Furniture €	Equipment and Computers €	Premises Fit Out €	Total €
Cost					
Balance at start of year	2,292,177	1,999,537	5,162,961	3,557,127	13,011,802
Acquisitions	-	1,107	207,985	630,188	839,280
Disposals	-	(236,959)	(189,176)	-	(426,135)
Balance at the end of year	2,292,177	1,763,685	5,181,770	4,187,315	13,424,947
Depreciation of fixed assets					
Balance at start of year	2,292,177	1,979,693	4,577,338	3,449,511	12,298,719
Charge in year	-	13,643	318,922	91,704	424,269
Disposals	-	(236,959)	(189,176)	-	(426,135)
Balance at the end of year	2,292,177	1,756,377	4,707,084	3,541,215	12,296,853
Net book value at 31 December 2016	-	7,308	474,686	646,100	1,128,094
Net book value at 31 December 2015	-	19,844	585,623	107,616	713,083

13. Receivables

	2016 €	2015 €
Debtors – deposit interest	83	2,243
Prepayments		
- Rent	157,713	173,846
- Maintenance – Premises, Computers and Equipment	195,106	230,547
- Salaries	63,504	44,672
- Other	282,485	263,013
- Practising Certificates	328,770	313,815
	1,027,661	1,028,136

14. Payables

	2016 €	2015 €
Amounts falling within one year		
Creditors	199,333	254,398
Accruals	10,629,002	10,092,646
	10,828,335	10,347,044

The Legal Aid Board estimates the value of unbilled live cases each year to arrive at the amounts disclosed within the accounts as a provision. The amount is an estimate of the expenditure required to settle any obligation at the balance sheet date. In 2016, the amount provided for in relation to unbilled cases was €8,566,988 (2015 - €8,672,827). 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.

In addition 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

	2016 €	2015 €
Client funds held at 1 January (Gross)	858,528	1,126,591
Interest	(18,058)	(28,286)
Client funds held at 1 January (Net of Interest)	840,470	1,098,305
<i>Add</i> Awards/settlements received during 2016	7,147,147	4,756,821
<i>Less</i> Settlements paid out, including interest allowed and costs recovered	(6,208,400)	(5,014,656)
Client funds held at 31 December	1,779,217	840,470
Interest accruing on client funds held	16,877	18,058
Total due to clients	1,796,094	858,528

16. Commitments

(a) Commitments under operating leases

The Board occupies premises at Cahirciveen, Co. Kerry and operates out of 49 other centres throughout the country. The Board has commitments to pay rent of €19,112,524 in future years as at 31 December 2016 in respect of leases expiring as follows:

	€
2017	2,285,980
2018-2021	7,588,356
2022 onwards	9,238,188
	19,112,524

(b) Commitments in respect of Legal Fees

Commitments in respect of Legal Fees
Counsel Fees and Private Practitioner Schemes

	2016 €	2015 €
Open cases certified at 1 January	15,923,593	14,546,839
Additional fees certified	7,309,933	7,754,003
Payments	(7,322,813)	(6,377,249)
Provided for at 31 December	15,910,713	15,923,593
Outstanding commitments at 31 December	(8566,988)	(8,672,827)
	7,343,725	7,250,766

17. Movement of cash

	2016 €	2015 €
Balance at 1 January	2,316,090	3,437,994
Net cash inflow/outflow	942,038	(1,121,904)
Balance at 31 December	3,258,128	2,316,090

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 €615,354 in holiday pay at 31 December 2015. The accrual for holiday pay as at 31 December 2016 is €646,476.

19. Approval of Financial Statements

The Financial Statements were approved by the Board on 22nd September 2017.