**Meeting of External Consultative Panel**

**29th June, 2021**

**Via Zoom Video Conference**

Attendance:

The following attended the meeting:

John McDaid, CEO, Legal Aid Board

Brendan Hennessy, Society of Saint Vincent de Paul

Aoife Kelly-Desmond, Mercy Law

Sarah, Mercy Law

Edel Hackett, Safe Ireland

Gary Lee, Ballymun Community Law Centre

Mary Roche, Treoir

Fiona Donson, UCC Traveller Equality and Justice Project

Karen Kiernan, One Family

Mary Henderson, Immigrant Council of Ireland

Geralyn McGarry, Citizens Information Board

Anne Staunton, Rainbows Ireland

Stephanie Lord, FLAC

Paul Joyce, FLAC

Katie Mannion, Irish Refugee Council

Ciara Kenny, Women’s Aid

Joan O’Mahony, Law Society

Julie Ahern, Children’s Rights Alliance

Rose Wall, Community Law & Mediation

Fiona McAuslan, Director of Family Mediation, Legal Aid Board

Barbara Egan, Principal Managing Solicitor, International Protection, Legal Aid Board

Philip O’Leary, Chairperson, Legal Aid Board

Ellen O’Malley Dunlop, Board Member, Legal Aid Board

Catherine Keane, Board Member, Legal Aid Board

Nuala Egan, Board Member, Legal Aid Board

Joan Crawford, Regional Manager, Legal Aid Board

Tomás Keane, Secretary to the Panel, Legal Aid Board

Apologies:

Catherine Cosgrave, IRC

Eavan Ward

Orla O’Connor, National Women’s Council of Ireland

Fiona Wright, Courts Service of Ireland

Christopher McCann, FLAC

Ger O’Brien, MABS

Clodagh Hopkins, Law Society

Monica Hynds, Barnardos

Mary Condell, SAGE Advocacy

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|  | Item for discussion | Person responsible | Discussions | Actions/Decisions |
| 1. | Membership update of the External Consultative Panel | CEO | The CEO welcomed all attendees and noted that the purpose of the Panel is for the LAB to have an opportunity to engage with key stakeholders in relation to LAB services and to listen and learn about members services and issues of concern to members’ in relation to the Board’s services. The meeting commenced with all members introducing themselves to the panel. |  |
| 2. | Draft minutes of meeting of 2nd February, 2021 and matters arising. | CEO  Secretary | The CEO invited members to approve the draft minutes of the meeting of the 2nd February 2021 and noted that they would be regarded as approved unless any member reverted to the Secretary within 10 days of today’s meeting. The minutes will then be published on the LAB website. One correction is to add Edel Hackett to the list of Attendees. | All/Secretary |
| 3. | Update on service delivery issues (combined with Tour de Table) to include:   * The treatment of the HAP in the Board’s assessment for financial eligibility; * The work of the Family Justice Oversight Group and the pilot modelling of a family dispute resolution centre in Limerick; * Abhaile related services including a review being initiated; * Initiative to better support the legal needs of Travellers; * Recommendations from the O’Malley Group Report; * COVID-19 and its current impact; * General legal services; * Family mediation services; * International Protection matters; * Civil legal aid review. | CEO | The CEO noted that the issue of treatment of HAP in financial eligibility has been a concern. He noted that as per a communication to Panel members, the LAB is no longer treating HAP as income for the purpose of financial eligibility, operative from the 28th May, 2021. The LAB database is being reviewed to check applications over a 6 month period to identify those cases that may have been refused legal aid where there was a HAP aspect in the calculation and asking those people to reapply. The CEO noted there may be in or around 800 cases involved. He noted that any person is always entitled to re-apply.  The Panel sought clarity in relation to the phrase *‘in general the accommodation allowance of €8,000 will not be applied’* used in the notice issued. The Panel also asked how the figure of 800 had been arrived at and what methodology is being applied to determine the number of persons refused on the basis of HAP. The Panel further queried whether applicants found to be refused on the basis of HAP would be triaged through the law centres due to the delay they would have experienced.  The CEO clarified that the phrase *‘in general’* is not intended to suggest that there will be circumstances where a State housing payment will be taken into account as income, but rather it is intended so as not to fetter the discretion of decision makers in any future circumstances where it may be deemed appropriate to grant the accommodation allowance to a person in receipt of a State housing support.  The LAB’s database is being mined to identify cases where there is HAP within the financial calculation. Law centres are working back through cases over a 6 month period. This does not preclude any person from re-applying. The CEO asked that if any Panel member is aware of persons who may benefit from the revised arrangements, they would encourage them to re-apply. The Panel queried the 6 month period. The CEO will reflect on that concern though he noted a time period had to be set.  The CEO confirmed that the LAB will place a notice in a prominent place on the Board’s website. The Panel suggested that the LAB undertake a publicity campaign and contact other front line services in order to better communicate the change.  The CEO confirmed that the LAB is reviewing the financial eligibility assessment and regulations again to seek to ensure that its interpretation is entirely consistent with regulations. That review will be completed in the next couple of weeks. The CEO suggested that members may make submissions to the LAB on aspects of the LAB’s interpretation of the regulations. However, it would be more appropriate for submissions in relation to the regulations and financial eligibility criteria themselves to be made in the context of the Civil Legal Aid Review.  The CEO described the composition of the Family Justice Oversight Group which includes the LAB, judiciary and the Department. Its purpose is to design an improved family justice system. It is also monitoring the progress of the Family Court Bill. The Group is aiming to publish a ‘Vision’ document in Spring 2022 for the future of the family justice system. The Group meets on a monthly basis and is in the information gathering stage at present. It has received a number of presentations including in relation to legal aid, the voice of the child, future family law venues and pre-litigation information. Many organisations on this panel have made submissions. A public consultation phase also took place. A third consultation piece involves engagement with children, this piece has yet to take place.  The CEO informed the Panel of the piloting of a family dispute resolution centre in Limerick. There has been extensive consultation with themed meetings. This is a two year project with the goal of modelling an optimum family dispute resolution centre. It is anticipated that in time there will be some element of centralised regionalisation of family courts with 13 or 14 venues rather than the broader spread that currently exists. The CEO also noted that the Courts Services Family Law Development Committee met yesterday. The CEO noted that the Panel met in March to look at the family justice system and many useful suggestions were received.  KK/One Family: There are also two advisory groups to the Oversight Group; the NGO Group and the Legal and Academic Group. One Family are part of the NGO group. The NGO group has eight members and terms of reference. The NGO Group’s work includes developing pathways for all family law users and it will feed into the Oversight Group. KK also noted that the Family Law Development Committee is a sub Committee of the Board of the Courts Service. KK is the chair of the Committee which will advise the Courts Service Executive and Board around family law reform issues.  EH/Safe Ireland: Noted that it is positive to hear that the issue of mediation and its appropriateness in certain circumstances is being examined by the Group. It is important that the Group keeps in mind that there is often mistrust for survivors of domestic violence and the issue where 999 calls went unanswered increased this mistrust.  JO’M/Law Society: JO’M sits on the National Monitoring Committee re: domestic, sexual and gender based violence and is aware that the Gardai have specialised units though they are not nationwide. It is a problem when accessing trained Gardai. She noted the potential for law centres to have dedicated domestic violence units and the benefit that could bring in terms of linking in with other domestic violence services. The National Monitoring Committee is developing a new strategy for the next 5 years and JO’M invited communication or submissions from Panel members.  MH/ICI: There is concern that people who had calls cancelled may then have believed that they would not be listened to or entitled to support. In terms of migrant communities, there have been positive reports about interaction with Gardai. There is an issue in relation to legal practitioners. MH noted that immigrants who experience domestic violence may not be getting coherent legal services as lawyers acting in domestic violence cases may have no experience of immigration law and vice versa. This can lead to a situation where a person may have multiple people acting for them.  It is important that all practitioners are aware of domestic violence guidelines re: immigration status. The ICI is engaged in a number of outreach projects, details of which will be circulated to the Panel. MH noted that people who are going to practitioners for assistance with these matters may be directed to the ICI who have a great deal of experience in this area.  FMcA/LAB: The Family Mediation service of the Board is seeking to review and update full policy and procedures and is aware that there is a need to have more interactive relationships with NGOs, particularly in terms of the safety issue.  The CEO noted that the LAB is keen to do more to develop better awareness of the Board’s services. This Panel is a very useful opportunity to build that awareness. The CEO invited Panel members to offer comment on what further actions the LAB can take.  RW/CLM: The key is to work with organisations on the front line and working with marginalised groups. It is important to speak with staff of those organisations so that they can make the community aware. Also, outreach work through an online forum could be explored. There are many benefits given it is easier to have geographical reach now via a platform such as zoom.  BH/St Vincent de Paul: Informing volunteers as well as the end users is important. SVP use videos and animation to show the journey with sample cases. This can assist in showing people the process rather than just the ‘front door’.  JO’M/Law Society: It may be worthwhile including an article on legal aid for publication that could be tailored to the community. There is a magazine *‘Panorama’* and it covers the South Dublin area. An article from the LAB would be welcome.  GMcG/CIB: The LAB and CI have worked together to look into possible regional projects through Citizens Information services in order to raise awareness. CIB is anxious to progress those with the Board.  JC/LAB: Meetings have taken place on three occasions with Citizens Information in order to improve engagement between the services and build mutual awareness of each other’s services. The next step is to build local contacts between regional development officers and the LAB regional managers.  AS/Rainbows Ireland: 13 organisations came together to apply for a particular funding with regard to training that was advertised. This was in relation to supporting key and front line workers who work with families.  A training needs analysis was conducted. One key item that emerged was to build an understanding and knowledge of the legal aid system in relation to parental separation. A series of integrated webinars were delivered from April to June by members of LAB and Treoir. On average 200 people attended. RI is in process of completing an evaluation. Recordings of the webinars were made and will be available. Feedback has been very positive. RI will share the results of the evaluation as a possible training piece.  GL/BCLC: Just over two thirds of BCLC clients are people with disabilities. GL noted that having disability representatives on this panel would be worthy of consideration, particularly in light of the UN Convention on rights of persons with disability.  GMcG: CIB has a mandate to advocate for people with disabilities and supports that National Advocacy Service (NAS) for people with disabilities. Re: the State Report on the UN Convention, CIB made a submission which drew on feedback from NAS on issues for people with disability re: legal rights.  The CEO noted that there a governance review of the Abhaile Scheme is being initiated to be followed by a broader review. There are three aspects to the Legal Support Component of the Scheme; a consultation service with a solicitor re a mortgage debtor’s options; a duty solicitor service at the County Registrar’s Repossession List; and legal aid and representation for persons who are taking personal insolvency arrangement review cases to the Circuit Court. The Abhaile Scheme is in place since 2016. It is formally a time-bound Scheme though it may well be extended.  PJ/ FLAC: Queried the timeframe for the review. The PUP infrastructure will be unwound and this may give rise to increased pressure on mortgages. Some people have been unable to attend services and get assistance. FLAC is about to embark on a series of papers on the pandemic and consumer debt to published over the next few months. Abhaile only offers services to people in mortgage debt. Arising out of the pandemic, unsecured debt may be become a greater problem. FLAC is hoping that the review will lead to the Abhaile service being available on a wider basis. It is a complicated picture and it is not clear that the State is prepared for a spike in consumer debt cases that may arise with the re-opening of society.  CEO: Legislation to remove the insolvency date of 1st January 2015 has been enacted and commenced. There is potential for more people to be seeking the services of the Abhaile Scheme as a result. There is no indication at the moment that the focus of the Abhaile Scheme will change beyond persons at risk of losing their homes. The governance review began this week, but in terms of the review itself, it is expected to initiate this year, but unclear when it will start or finish.  PJ/FLAC: There is also a point of concern re: counsel for Circuit Court appeals of refusals of PIAs. FLAC have been told that access to counsel is restrictive to argue appeals and financial institutions are well represented and there have been a number of adverse in s.115A outcomes in the courts.  CEO: The issue identified has been conveyed to the LAB through a number of PIPs. It is an active conversation. There is a relatively small cohort of practitioners operating in this field.  The LAB has engaged with FLAC in this area. A ‘Project’ solicitor has been appointed with the first project to improve legal supports to travellers. It is anticipated that there will be close engagement with Fiona Donson and FLAC’s Traveller Support Project. Susan Fay Solicitor is the appointee who will lead the project. A number of other staff will be trained on legal needs of travellers and the cultural aspect.  FD/UCC Traveller Equality and Justice Project: The appointment is welcome and is a very positive initiative.  AK-D/Mercy Law: Mercy Law solicitors have spoken with Susan about this project and are eager to be involved in a supporting capacity and providing training on the housing aspect.  RW/CLM: This development is welcomed and CLM have also engaged with Susan.  CEO: A key recommendation for the LAB is free legal advice is available to victims and that the availability of this advice is not limited to circumstances where a prosecution has been initiated.  JC/LAB: JC provided an update on how law centres have been providing services during the pandemic. Though offices were closed, consultations took place by phone. Settlement hubs will continue as well as a number of initiatives that were beneficial to clients. LAB was conscious of the need to establish a system in Dublin for domestic violence clients. A duty solicitor rota of LAB solicitors was put in place at Dolphin House. A more normalised service is now available. Telephone and video consultations continue though law centre offices are now open to the public.  FMcA/LAB: The LAB is now in position to provide room based mediation. There will be a level of restriction based on local COVID-19 requirements. This year has seen the biggest change in how mediators work with clients with the move to telephone and video conferencing. The impacts of this change will be assessed. A new professional practice workgroup has been established that will advise on issues that arise. It is hoped this can help to build a better dialogue in a more focussed way to develop how we work.  BE/LAB: BE provided an update on the current situation in the area of International Protection. The IPAT hearings have moved completely to an AV setting and will remain in this manner to September. In June there have been 30 hearings and there are at least 28 scheduled for July. The IPAT User Group noted that there was a 6% decline in 2020, though this year the rate of hearings remains at a 2020 level. Much of the work in 2021 involved ensuring supports are in place for clients. It has been an evolving situation. Engagement with the various State services has been really useful. There has been a shift in the Human Trafficking area with a change in the focus of the Gardai in terms of the identification of victims.  KM/IRC: There are 5,100 cases pending at IPO. That is where the real delay lies. IRC have a report on impact of delays coming out next week. There is a mental heath crisis among people seeking international protection. The IRC would like the LAB to provide full representation to applicants for family reunification, or at a minimum to provide information on the impact that aging out has on a family reunification application of a person who was underage at the time of their original IP application.  The IRC notes that there are over 4,000 people in the process who haven’t had a vulnerability assessment. The IRC would like applications to be made for assessments to the Accommodation Service so that appropriate accommodation can be provided for those with vulnerabilities.  MH/ICI: It is important that applicants are made aware of the timelines of the family reunification process at the outset of their applications for IP. There have been delays in relation to the accommodation centre that is due to be set up by IPAS to house victims of trafficking who are in the IP system. There are changes expected in the victim of trafficking Identification process with a draft bill by the end of the year.  CEO: The review is in the Department of Justice plan for 2021 as a Q3 deliverable in terms of its initiation. It is expected to be a comprehensive review and will be externally led. No further detail or draft terms of reference are available at present. | The LAB will look to identify and communicate with agencies to assist in sharing the message re: change in approach to HAP.  Information re: number of applicants found ineligible due to HAP cases will be identified and brought before the panel at the next meeting.  Placement of HAP Notice in prominent place of LAB website.  Domestic Violence and Immigration guidelines and information re: upcoming training and outreach projects to be circulated to the panel.  Action: CEO will contact National Disability Authority to put someone forward as a potential member. |
| 4. | Tour de Table |  | PO’L: noted that progress is being made and it is heartening to see initiatives getting off the ground, in particular the Traveller initiative. The LAB’s remit in terms of outreach and training is being met. Also, engagement with a group representing people with disabilities should be a priority for the LAB.  SL/FLAC: Re: Commencement of Assisted Decision Making Capacity Act, an enquiry was made as to what actions is the LAB taking.  The CEO clarified that there has yet to be a detailed engagement with the Department in relation to the regulations regarding the legal aid aspects that will be relevant upon commencement of the key provisions. There was significant engagement at the time of the drafting of legislation. He noted that the detail of the regulations will need to be reflected upon.  MR/ Treoir: The Board’s Traveller Project appointment is very welcome. Including all marginalised groups as part of discussion on reform is important.  AK-D/Mercy Law: Mercy Law receive a large volume of queries that fall outside of its remit. It can be a struggle to place people in the appropriate legal support forum. An expansion of supports for people with housing issues is required.  GMcG/CIB: The Citizens Information service is operating online and additional service routes were provided through the information portal. People are coming to Citizens Information as an initial contact and quite a range of issues are seen. CIB have a lot of partnerships with many organisations in the various areas.  AS/Rainbows: Noted the value of listening to all participants at today’s meeting. Rainbows look forward to further engagement.  CK/Women’s Aid: Women’s Aid sees the exclusion of HAP as a very positive development. Women’s Aid at Dolphin House is now operating a drop-in service on a full time basis now.  NE: Noted the value of today’s meeting in terms of learning. The statutory Board is very keen to explore how services are provided to people who may be unaware of the LAB. Attending this meeting is such a valuable learning opportunity for all Board members.  EH/Safe Ireland: Safe Ireland can help with the dissemination of information for the LAB, e.g. the HAP change. Safe Ireland approached the Courts Service about domestic violence services becoming a trusted intermediary for remote courts. Progress has been made and there will be a pilot project.  GL/BCLC: Noted that it was positive to learn that the LAB is engaging in a very practical way with those who are marginalised, though a great deal more resources may be required to continue with this work.  KM/IIRC: It was noted that the White Paper on direct provision refers to the need for increased legal aid and more resources around the IP process. The IRC is open to supporting the LAB on any engagement re: resources.  KK: One Family can assist with sharing information re: HAP and would welcome an easy to read graphic on HAP to share.  SL/FLAC: FLAC published annual report for 2020 online. Details on services provided are included. |  |
| 5. | AOB |  | N/A |  |
| 6. | Date of next meeting. |  | Next meeting to be held in October. | CEO/Secretary |