

# Legal Aid Board

ANNUAL REPORT 2021



An Bord Um  
Chúnamh Dlíthiúil  
Legal Aid Board

## **OUR VISION**

**We will be instrumental in ensuring access to justice to those most in need, through a highly motivated and trained workforce, external providers and working with stakeholders across the justice framework and beyond.**



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

Providing access to justice since 1979

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An Bord Um  
Chúnamh Dlíthiúil  
Legal Aid Board

# Overview

## OUR PURPOSE

**We are an independent statutory body responsible for the provision of civil legal aid and advice, family mediation and vulnerable witness related services and for the administration of a number of ad hoc legal aid schemes. We are a key strategic partner and a civil agency of the Department of Justice.**


# 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 Civil Legal Aid Act 1995 (the “Act”) was amended by Section 54 of the Civil Law (Miscellaneous Provisions) Act 2011 which gave the Board the additional responsibility to provide a family mediation service.**

**The Board’s remit is in the process of being further expanded, following a Government decision, to include within the Board’s remit the management and administration of the various criminal legal aid schemes previously**

**administered by the Department of Justice and Equality. Responsibility for the administration of the Garda Station Legal Advice Scheme, the Legal Aid - Custody Issues Scheme (formerly titled the Attorney**



**General's Scheme) and the Criminal Assets Bureau Ad-hoc Legal Aid Scheme has transferred to the Board.**

**Legal advice, in terms of the Board's remit in civil cases, is any oral or written advice given by a solicitor or**

**barrister, including writing letters and negotiations.**

**Legal aid is representation by a solicitor or barrister in court proceedings. A person must first obtain a legal aid certificate, which specifies the legal**

**services being granted, and, in civil cases, must pay the legal aid contribution specified on the certificate. Legal services are provided across a wide range of civil law matters.**

# Service Provision

**Civil legal aid and advice is provided primarily through a network of law centres by solicitors employed by the Board. There are 34 full time and 3 part-time law centres.**

**Contact details for the Board's law centres can be found on [www.legalaidboard.ie](http://www.legalaidboard.ie).**

**Services are also provided by solicitors in private practice who are engaged by the Board on a case-by-case basis.**

**Specific law centres in Dublin, Cork and Galway include an international**

**protection speciality and there are also dedicated units in Dublin dealing with personal injury and/or medical negligence cases and cases involving children at risk.**

**The Board also operates a specialised Refugee Documentation Centre, which provides an independent and**





**professional research and library service for all of the main bodies involved in the international protection process.**

**Family mediation services are provided through sixteen family mediation offices. Contact details can be found on the Board's website.**

**Services in the three**

**criminal legal aid ad-hoc schemes currently under the Board's remit, the Garda Station Legal Advice Scheme and the Legal Aid - Custody Issues Scheme, and the Criminal Assets Bureau Ad-hoc Legal Aid Scheme are provided through private solicitors and barristers.**

# Obtaining Civil Legal Aid Legal Services

**Save for certain matters, e.g. the Abhaile Scheme (see page 34), 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.**



# Eligibility and Payment for Civil Legal Aid Legal Services

**There are financial eligibility criteria which the majority of civil legal aid applicants must meet in order to be eligible for legal services.**

**Furthermore the legal services provided by the Board are subject in most cases to the applicant paying a financial contribution and thus are not 'free'. The legal advice contribution is assessed on the applicant's disposable income, i.e. income after certain deductions. The legal aid contribution is assessed on the applicant's**

**disposable income and disposable capital. The minimum contribution is €30 for legal advice and €130 for legal aid. No fee is payable by applicants who are seeking advice and / or representation in cases (involving Tusla) to have their child taken into care or under supervision, nor is a contribution payable in domestic**

**violence cases in the District Court. The law centre advises a person of the actual contribution in each individual case. In the event that a person recovers money or property arising from the case, the Board may seek to recover the cost to the Board of providing legal services to the client.**

# Obtaining Family Mediation Services

**A person seeking to avail of mediation to assist with the resolution of a family problem must apply to any of the Board's family mediation offices.**

**The second party also needs to contact the same office to confirm his/her interest in attending mediation. Once both parties have confirmed that they wish to mediate they will be offered an**

**appointment as soon as possible. There is no requirement for an applicant to meet financial eligibility criteria and there is no charge for the service.**





# Criminal Legal Aid Ad-hoc Schemes

There are five criminal legal aid schemes, three of which are administered by the Board. Legislation providing for the transfer to the Board of the main Criminal Legal Aid Scheme is awaited.

**Persons detained under certain legislation in Garda stations may be entitled to legal advice under the Garda Station Legal Advice Revised Scheme by way of telephone and / or in-person consultations in the Garda station. They may also be entitled to legal advice by way of the attendance of a solicitor with them at Garda interviews. A person**

**seeking legal advice under the Garda Station Legal Advice Revised Scheme must make their request to the Custody Officer in the Garda Station where they are detained. They must complete the standard Application Form and provide details of their financial means to ensure that they satisfy the financial eligibility threshold.**

**The Legal Aid - Custody Issues Scheme provides for payment of legal costs on the recommendation of the Court to the Legal Aid Board in certain types of litigation not covered by the civil legal aid scheme or the main criminal legal aid scheme. A person seeking legal representation under the Scheme must notify the relevant Court at the earliest possible**

opportunity of their intention to apply for the Scheme's provisions. The Court will then decide if a recommendation should be made to the Board to grant legal aid. It is then a matter for the Board to decide, in accordance with the terms of the Scheme, to either grant or refuse legal aid under the Scheme.

**The Criminal Assets Bureau Ad-hoc Legal**

**Aid Scheme provides for payments to be made in respect of certain legal costs in certain types of litigation on the decision of the Court. These include, but are not limited to, cases where a person is a Respondent in any court proceedings brought by the Criminal Assets Bureau under the Proceeds of Crime Act 1996, Revenue Acts and Social Welfare legislation.**

**A person seeking legal representation under the Scheme must notify the relevant Court at the earliest possible opportunity.**

**Further details of the three ad-hoc schemes that the Board administers and the outturn for 2021 are provided later in the Report.**

# Corporate Governance

## Head Office

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

## Corporate Governance

The term of office of the Board appointed by the then Tánaiste and Minister for Justice and Equality, Frances Fitzgerald TD, on the 8th November 2016 expired on the 31st October 2021 and a new Board was appointed by the Minister for Justice Helen McEntee TD which took office on the 1st November 2021. Membership of both the outgoing and the new Board is set out on page 5. Further details are available in the Governance Statement and Board Members Report on page 60.



# The Board

The Board as of 31 December 2021:

**Ms Nuala Jackson, Senior Counsel**

Chairperson

**Michael Bourke**

Retired solicitor

**Patrick Durcan**

Retired District Court Judge

**Nuala Egan**

Barrister at Law

**Gordon Jeyes**

Former Chief Executive of Tusla, the Child and Family Agency

**Catherine Keane**

Solicitor with Cartoon Saloon, Kilkenny

**Maurice Lawlor**

Department of Social Protection

**Freda McKittrick**

Assistant Director, Barnardos

**Marianne Nolan**

Department of Public Expenditure and Reform

**Niamh O'Hanlon**

Civil Servant (Staff Member)

**Tracy O'Keeffe**

Department of Justice

**Catherine Ryan**

Civil Servant (Staff Member)

**Liam Ryan**

Solicitor with Downing Courtney and Larkin

# Chairperson's Foreword

I am pleased to present the 2021 Annual Report of the Legal Aid Board. I wish to begin by expressing my thanks to the Minister for Justice Ms. Helen McEntee T.D. for her decision to appoint me as Chairperson of the Legal Aid Board in November 2021.

It is a privilege to lead this organisation which has achieved so much for those needing access to justice for over four decades and I look forward to advancing this objective over the next five years.

I would like to pay a special tribute to my predecessor Philip O'Leary, whose term as Chairperson concluded in 2021. Philip led the Board through a time of significant change, including the introduction of the Abhaile Scheme for home-owners in mortgage distress, and the development of the Board's co-location strategy which brought together the delivery of civil legal aid and family mediation services in locations throughout the country. Philip also provided essential leadership during COVID-19 crisis. I would also wish to acknowledge the dedication and commitment of all Board members between 2016 and 2021.

The challenges posed by the pandemic continued during 2021. We worked within the varying levels of Government restrictions to maintain the availability of our services to the public and ensuring that our central services were maintained to support the organisation throughout the country. Without the flexibility, responsibility and engagement of personnel within the organisation, this would not have been possible and I wish to wholeheartedly thank them for their work over these difficult times.

We further developed our capacity to deliver services remotely, while also maintaining our ability to provide services on-site and to attend in-person Court proceedings when this

was required. Our staff supported clients through the combined difficulties of their legal and family breakdown situations, and the added challenges of navigating the legal system through the changing levels of pandemic restrictions.

We continued to drive change in our own processes, expanding the use of telephone first consultations with clients and also video consultations where this is beneficial. Whereas in the pre-pandemic era the use of telephone for client consultations may have been perceived as somehow lesser to an in-person appointment, many clients welcomed and continue to welcome the availability of this service. It provides greater flexibility to clients in terms of their existing work, family or other commitments. Of course, as a client matter is progressed

there will generally be a need for in-person consultation between solicitor and client at key points.

We continued to engage extensively with stake-holders. The Board's Consultative Panel, a Panel which seeks to hear the views of organisational stake-holders and to share information with those stake-holders, met on a number of occasions in 2021. The Board recognises that many of the Panel members, particularly NGOs, are key 'gateways' for the Board's services.

It is a concern of the Board that there may be people who need the Board's services but are not aware of them and the opportunity to deepen relationships with the stakeholder organisations and build better awareness. I am confident that this will help us reach more of those who need our services. In 2021 we commenced a project to engage with members of the Travelling Community in terms of access to justice. The project remains at its early stages but I hope it will serve as a foundation for a deepening engagement between the Board and marginalised groups in society more widely.

The financial eligibility criteria for legal aid and advice have not been substantially changed since 2006. There is no discretion or capacity to provide services to persons who may be marginally outside the financial limits. This effectively reduces access to our services over time. This is because people of the most limited economic means may typically have a higher nominal income than was the case in 2006 but are equally, if

**The financial eligibility criteria for legal aid and advice have not been substantially changed since 2006. There is no discretion or capacity to provide services to persons who may be marginally outside the financial limits. This effectively reduces access to our services over time.**



not more disadvantaged now as their living costs have increased at a faster pace over that period. I look forward to a favourable outcome to the Board's submissions on this matter to the Department of Justice and the Department of Public Expenditure and Reform.

I welcome the Department of Justice's commitment to a broad review of the civil legal aid scheme. We look forward to working with the Department and inputting into the review. I am confident that the review will result in an improved civil legal aid system.

A significant challenge the Board experienced in 2021 was around recruitment and in particular the recruitment of solicitors. The Board was compelled by public pay policy to advertise for new solicitors on the first point of the applicable pay scale and in a manner and at a remuneration level distinct from other public bodies that employ solicitors. As a result, the Board found it increasingly difficult to recruit solicitors. As we emerge from the pandemic and demand for the Board's services return to pre-pandemic levels, it is of the utmost importance that recruitment is promoted and facilitated, as otherwise the resultant challenges will lead to longer waiting times for those requiring legal aid to access justice. I welcome the support of the Department of Justice on this matter and I very much welcome the positive developments in this regard in recent times. The Legal Aid Board, however, remains greatly dependent upon its private practitioner panels in the provision of services, especially at District Court level. I would like

to thank the legal practitioners who participate in these panels and invite others to consider such participation. We will continue using our best endeavours to ensure that the service conditions of all those providing this important assistance to the Board are appropriate and reasonable.

The Board continues to administer three Schemes that are related to criminal legal aid namely the Garda Station Legal Advice Scheme, the Criminal Assets Bureau Legal Aid Scheme and the Legal Aid – Custody Issues Scheme. I welcome the renewed commitment to progress the necessary legislative changes to transfer responsibility to the Board for the main criminal legal aid scheme, and the Board will work with the Department to assist this process.

The Board has worked with stakeholders in the sphere of mediation to find an agreed basis for the establishment of a Mediation Council. Such a body would be of significance in terms of setting and upholding standards for the mediation sector as a whole, encompassing both the Legal Aid Board's directly employed mediators, and also those that operate in the private and non-profit arenas.

The Board remains committed to the highest standards of corporate governance. With a partial relaxation of pandemic restrictions at times during 2021, the Board was able to meet in person on a number of occasions, while reverting to the video conference format where this was necessary. Meetings of the Board's Committees continued to take place

mainly by video conference. The statutory Board worked closely with the Executive to address issues arising from the pandemic.

I want to express my gratitude to the Board's staff for their commitment, dedication, resilience and professionalism during 2021. Staff have always remained committed to serving the users of our services, not infrequently a person on the margins of society or a person going through a very difficult period in their life. I am also obliged to the private solicitors, barristers and others who provided services to clients in those difficult circumstances.

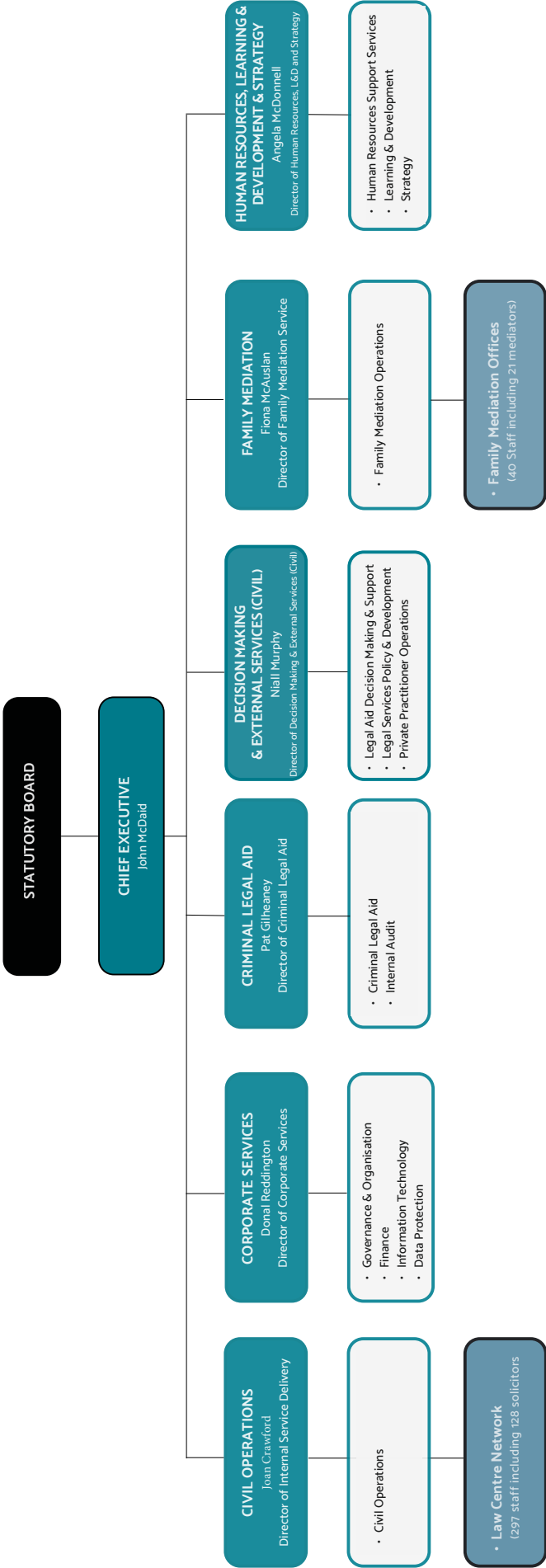
I would also like to acknowledge the continued support of the Minister for Justice and the officials in her Department who have supported the Board's business.

**Nuala Jackson SC**  
**Chairperson**

## Head Office Executive Staff

<b>Chief Executive Officer:</b>	John McDaid
<b>Director of Internal Service Delivery (Civil):</b>	Joan Crawford
<b>Director of Decision making and External Services (Civil):</b>	Niall Murphy
<b>Director of Human Resources, Learning and Development, and Strategy:</b>	Angela McDonnell
<b>Director of Corporate Services:</b>	Dr. Donal Reddington
<b>Director of Family Mediation Services:</b>	Fiona McAuslan
<b>Director of Criminal Legal Aid:</b>	Pat Gilheaney
<b>Financial Controller:</b>	Joan Enright
<b>Secretary to the Board:</b>	Mary T. O'Connor
<b>Auditors:</b>	Comptroller and Auditor General
<b>Solicitors:</b>	Holmes O'Malley Sexton
<b>Head Office:</b>	Quay St., Cahirciveen, Co. Kerry Phone: 066 947 1000 LoCall: 0818 615 200
<b>Dublin Office:</b>	48/49 North Brunswick St., George's Lane, Dublin 7 Phone: 01 646 9600
<b>Website:</b>	<a href="http://www.legalaidboard.ie">www.legalaidboard.ie</a>

# Structure



# Introduction by the Chief Executive

I am pleased to introduce the Board's Annual Report for 2021. Needless to say, it, along with 2020, were unique years for all of us in the light of the impact of COVID-19 and the measures taken to minimise the spread of the disease.

Our operating arrangements varied at different times during the year depending on the restrictions that were in place at the particular time. As a generalisation, while there was more activity than in 2020, the level of demand for the Board's services was still less than it was pre-pandemic and a delayed demand may well yet materialise.

Demand at our law centres increased by approximately over 6% on the level of demand in 2020 though it was still 15% less than it was in 2019. The numbers seeking legal services for international protection matters increased by almost 25% though it is worth noting that as I prepare this introduction the level of demand for services in this area is increasing exponentially.

## Core Priority

It remained a core priority for us to ensure that legal representation would, regardless of what restrictions were in place, be readily available for urgent matters and in particular to deal with situations involving domestic violence and cases where Tusla had concerns about the welfare of a child or children. Given that our services were categorised as essential, we were also able to keep our law centres open in order to provide representation in both of these case types and indeed in many other matters. Private solicitors on our panels continued to provide services to legally aided persons in spite of the restrictions and I am glad to be able to report that no situation came to my attention during the course of the year where a legally

aided person was left without legal representation for an urgent matter.

As noted in the Report the numbers waiting at the end of the year for legal services was 1,279 which was 309 fewer than at the start of the year. This is welcome though I fully appreciate that it is not optimal to have people waiting for services in circumstances where they may be experiencing considerable upheaval in their lives. It is important to note that the majority of applicants, 66% in 2021, either had their cases prioritised or were quickly referred to a private solicitor on one of the Board's panels.

## Abhaile

The Abhaile Scheme is part of the State's response to mortgage debt problems and it includes 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 facilitates legal consultations with private solicitors to allow mortgage debtors get legal advice and it also involves the presence of 'duty' solicitors in repossession courts for the purpose of assisting unrepresented persons. The number of legal consultation vouchers issued fell in 2021 to 587, a 13% drop on the 2020 figure. The number of duty solicitor days attended rose marginally compared to 2020 but still remained below pre-pandemic levels, a drop that was no doubt partly attributable to the cancellation of many of the court sittings on account of the pandemic. The third legal component of the Scheme, legal representation to take personal insolvency cases to the Circuit or the High Court, saw activity decrease in the Circuit Court (324 legal aid certificates compared to 414 in 2020) with fewer appeals to the



High Court (101 compared to 148 in 2020). The fact that oral evidence is not generally given in these cases enabled them to be heard 'virtually' much more easily than cases that require such evidence.

### **Mediation**

On the family mediation side there was a marginal drop in the number of new cases that we were able to process. The experience was that mediation works best when the parties are in a room with a mediator and for significant periods during 2021 this was not possible. The mediation staff adapted to a telephone model and also a video-conferencing model in addition to the 'in person' model when it could be delivered, enabling 1,512 new cases to be taken on. On-line and telephone mediation has served some people well in the sense of the convenience that no doubt all of us have experienced at times on account of being able to participate from our homes rather than having to travel to a venue.

Rather than hold its own Annual Conference, the Board joined with the Chief Justice (now retired) Frank Clarke, the Bar Council, the Law Society and FLAC to organise a two day event on the theme of access to justice. The event was extremely useful and will not doubt be a source of material that can influence developments such as the anticipated review of civil legal aid, which review the Board very much welcomes.

The Board continued to be responsible for the administration of three ad-hoc schemes: the Legal Aid - Custody Issues Scheme, the Garda Station Legal Advice Revised Scheme and the Criminal Assets Bureau Legal Aid Scheme. The transfer of responsibility

for the administration of the main criminal legal aid scheme requires a legislative intervention and progress on this remained outstanding at the end of 2021. I would very much like to see this progress sooner rather than later in order to ensure administrative coherence in relation to the various criminal and quasi criminal schemes.

### **Challenges**

The year was not without its challenges, addressing issues presented by the pandemic being the most obvious one, but particularly as the year progressed, recruitment became more challenging and we had to engage in significant workforce planning in order to maintain services and in anticipation of new areas of work. One clear opportunity is to re-think how we go about our work and what positive lessons we can take from the experience of the pandemic.

In terms of opportunity, at the end of 2021 we were preparing for the anticipated commencement of key provisions of the Assisted Decision Making (Capacity) Act 2015 which will involve a significant legal aid component that will help support vulnerable adults. We also anticipate legislative changes to enable us to provide more support to victims of sexual offences, a development which is very welcome.

### **Appreciation**

I want to reiterate my thanks to and appreciation of our staff. In spite of the difficulties caused by the pandemic we were able to provide services to most of those who sought them in a timely or reasonably timely manner and this was down to the hard work and commitment of those in the organisation, both those on the front-line providing services directly

to clients and those in the support functions enabling that front-line service delivery. Those support services supported approximately 45 different sites quite apart from the enablement that facilitated staff working from home at times.

I should re-state that for civil legal aid services we operate a mixed model of delivery involving both our law centres and private solicitors who are paid on a fee per case basis. The contributions of those private solicitors who often work for fees that could in no way be described as generous, is very significant and the civil legal aid system depends on them. Our model of delivery is also dependent on barristers whose work is critical to the provision of legal aid and they have shown great commitment and agility to meet the needs of the Board's clients in the exceptional circumstances that prevailed again in 2021.

Personally I want to acknowledge the work that the outgoing Board did and the leadership it provided to the organisation. I also believe it would be appropriate for me to single out the outgoing Chairperson for his leadership to the Board and the organisation, the principled commitment that he gave to it and the support that he gave me.

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

**John McDaid**  
**Chief Executive**

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# Services Provided in 2021

## OUR MISSION

**Our Mission is to deliver timely, effective, inclusive and just resolution of family and civil disputes to those most in need of our assistance, through high quality legal representation and advice and / or mediation and to manage other aspects of legal aid which have been entrusted to us.**

# Civil Legal Aid

## Demand for the service

15,291 applicants sought civil legal aid services from the Board's law centres in 2021. The type of problems for which the Board provides legal services extends to most areas of civil law although in 2021, as has been the case since the Board's inception in 1980, the majority of applicants sought services in relation to family problems.

It should be noted that not every applicant is provided with legal services. A number of applicants do not pursue their application when they are offered an appointment. Chart 1 gives the approximate breakdown of applications by case type.

## Legal aid and advice cases

Chart 2 highlights that family law continues to constitute the

predominant area in which the Board provides legal services. Of the cases handled in 2021, 67% were in the private family law area.

A more detailed breakdown of the main issues in respect of which legal services were provided in 2021 is provided in Chart 3 (see page 28). It is likely that in relation to a significant number of separation and divorce cases, advice was also given on matters such as maintenance, domestic violence and child welfare. Such additional advices are not separately recorded in the above figures.

In addition, it should be noted that applicants often apply for legal services in relation to, for example, both domestic violence and custody/access or custody/access and maintenance. For the purposes of this chart a client

in receipt of aid or advice for multiple family law issues has been categorised in relation to the principal matter for which they obtained legal services.

## New cases

The number of new cases taken on in the law centres in 2021 and in recent years is set out in Table 3. The capacity to take new cases is impacted by a number of factors including the capacity to complete cases in hand.

## Duration of cases

Table 4 provides an age profile of cases in which legal services were provided by law centres in 2021. 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.

## Chart 1

### Number of applications by case type 2021

59.6% General Family Law Matters

19.5% Divorce/Separation/Nullity

9.7% International Protection & Human Trafficking

4.7% Cases involving possible State Care of children

6.5% Other civil matters

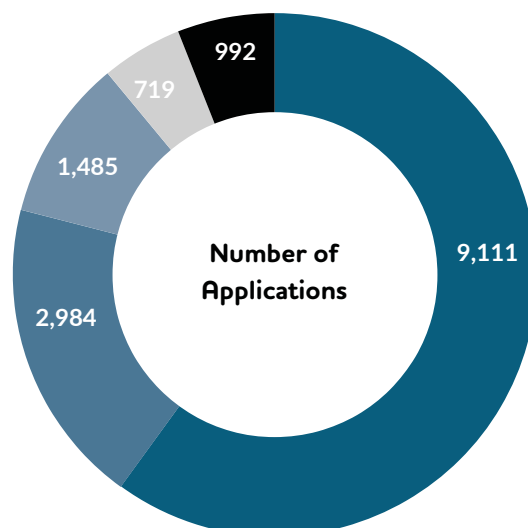


Table 1

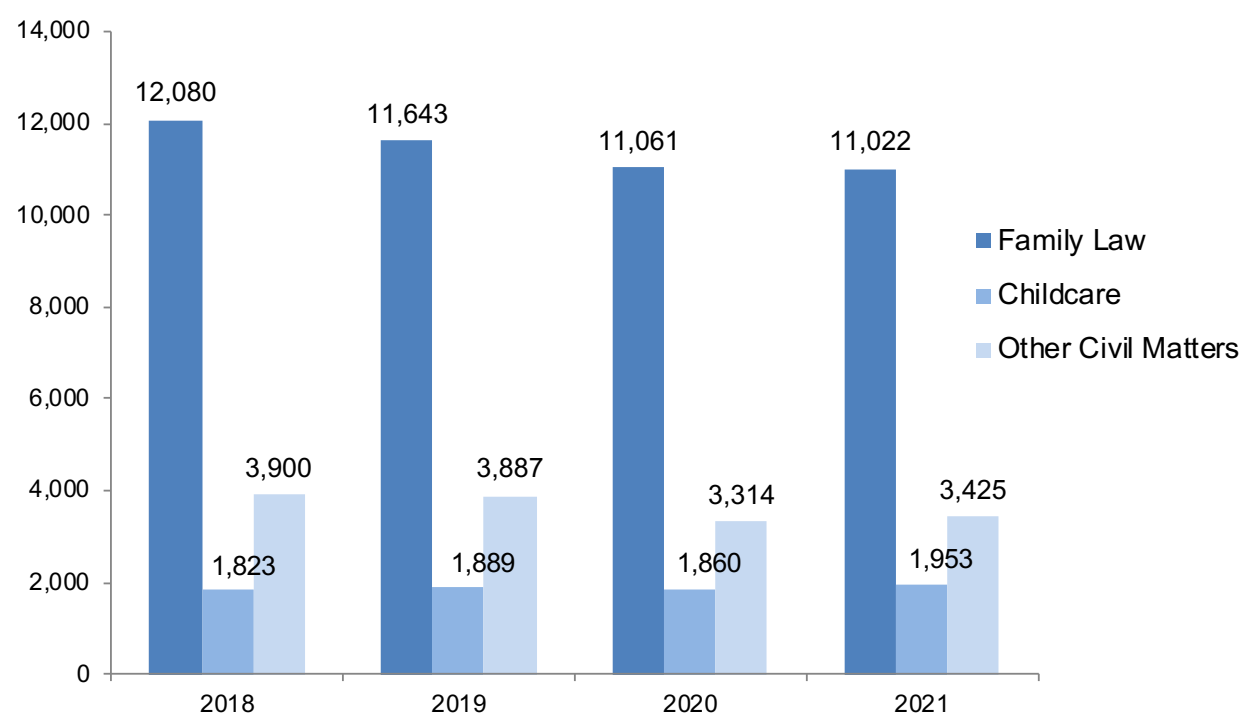
	2016	2017	2018	2019	2020	2021
<b>Number of applicants</b>						
General	14,991	15,611	16,169	15,458	13,209	13,827
International Protection	1,658	1,489	2,079	2,539	1,174	1,464
<b>Total</b>	<b>16,649</b>	<b>17,100</b>	<b>18,248</b>	<b>17,997</b>	<b>14,383</b>	<b>15,291</b>

<b>Table 2</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Cases handled in law centres</b>						
<b>Total</b>	17,213	18,170	17,803	17,419	16,235	16,400

<b>Table 3</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>New cases in law centres</b>						
<b>Total</b>	6,119	6,299	6,221	5,717	5,261	5,025

## Chart 2

### Cases Handled 2018-2021



<b>Table 4</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Cases handled in 2021: year of application</b>						
<b>Total</b>	1,851	1,301	2,107	3,224	4,153	3,764

# Civil Legal Aid

## Cases completed

Of the 16,400 cases handled in the law centres in 2021, 4,903 (30%) were completed by the end of the year. Table 5 shows how this number compared with the number of completed cases in other recent years. Table 6 gives an age profile of those cases closed in 2021 by subject matter.

It can be seen from Table 6 that divorce, separation and nullity cases generally take longer to reach completion than most other family law matters. Approximately 38% of divorce, separation and nullity cases completed in 2021 had been on-going for longer than three years, compared to 26% of childcare cases and 12% of other family law matters.

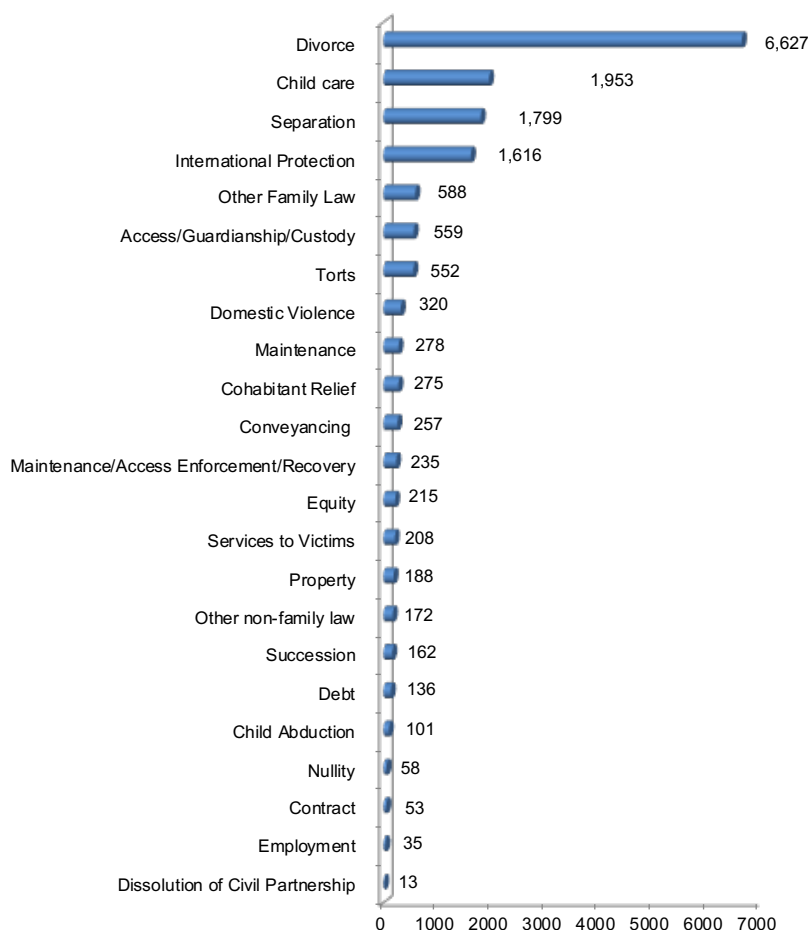
## Cases on Hand

Chart 4 gives a percentage breakdown of the status of all of the law centres' active cases as of the 31st December 2021 excluding international protection.

## Timeliness of the service

2021 saw a decrease in the number of applicants waiting for legal services at the end of the year compared to at the start of the year. Table 7 sets out the number of persons waiting on the 31st December 2021 and on the same date in the previous five years, for legal services with a solicitor.

**Chart 3 Cases by subject matter 2021**



**Table 5**

	2016	2017	2018	2019	2020	2021
<b>Number of cases closed</b>						
<b>Total</b>	5,699	6,052	5,852	6,191	4,841	4,903

**Table 6**

	<1 Year	1-2 Year	2-3 Years	3+ Years	Total
<b>Cases completed in 2021: length of time open</b>					
International Protection	73	90	82	112	357
Child care	216	149	80	155	600
Divorce/Separation/Nullity	339	365	339	643	1,686
Non-Family Law	556	235	164	283	1,238
Other Family Law	502	267	133	120	1,022
<b>Total</b>	1,686	1,106	798	1,313	4,903

## 2021 saw a decrease in the number of applicants waiting for legal services at the end of the year compared to at the start of the year.

The longest wait in weeks, as of the 31st December 2021, is set out for the various law centres in Table 9 (see page 30). It must be emphasised that this table gives a snapshot of waiting times at a particular point in time. Waiting times will go up and down depending on demand and on the capacity of each law centre to offer appointments to new clients.

### Priority Service

The Board continued to provide a

priority service where it considered that an immediate, or near immediate, service was needed. In 2021 approximately 33% of first appointments were for prioritised matters. These included cases of domestic violence, child abduction, cases involving applications by the State to take children into its care, and cases that had statutory time limits close to expiry.

In addition to the cases given formal priority in the law centres, most of

the cases referred out to solicitors on the Board's private practitioner panels were referred immediately or shortly after the person had applied for legal aid. The total number and percentage of applicants who received either a priority service or were swiftly referred to a private practitioner was 10,020 and 66% respectively.

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

## Chart 4

### Civil and Family Law Cases Active at 31st December 2021

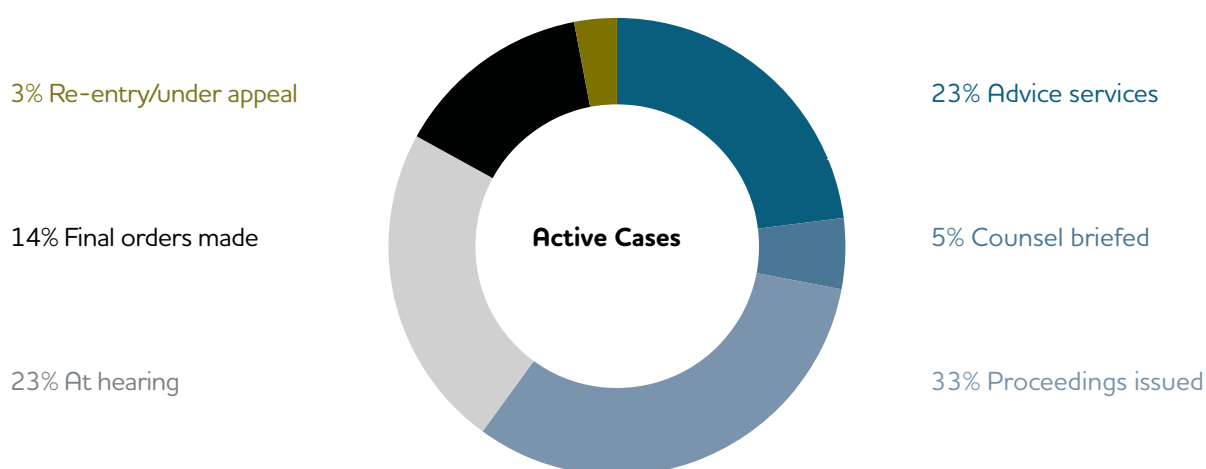


Table 7

	2016	2017	2018	2019	2020	2021
<b>Number of persons waiting on the 31st December 2021</b>						
<b>Total</b>	1,864	1,776	1,754	2,019	1,588	1,279

Table 8

	Priority within law centre	Referred to private practitioner	Total
<b>Breakdown by case type of cases that received priority service</b>			
Child Care	596	57	653
Child Abduction	59	0	59
Family Law, including Domestic Violence	196	7,396	7,592
International Protection	576	914	1,490
Legal Services for victims of crime	50	0	50
Medical Negligence, Personal Injuries, and other Civil cases	176	0	176

# Waiting Times

**A snapshot as of the 31st December 2021 for the longest wait in weeks, for legal services with a solicitor at each law centre.**

Table 9

Waiting Times (weeks)

Waiting times in law centres on the 31st December 2021	
Athlone	54
Blanchardstown	21
Castlebar	13
Cavan	16
Clondalkin	24
Cork - Pope's Quay	17
Cork - South Mall	10
Dundalk	17
Ennis	33
Finglas	21
Galway - Francis Street	28
Galway - Seville House	12
Jervis Street	21
Kilkenny	13
Letterkenny	5
Limerick	10
Longford	14
Monaghan	13
Navan	22
Nenagh	10
Newbridge	27
Portlaoise	16
Sligo	10
Smithfield	27
Tallaght	22
Tralee	13
Tullamore	3
Waterford	26
Wexford	13
Wicklow	16

# Case Study

## Case Study - Wardship and the Assisted Decision-Making (Capacity) Act 2015

In 2021, the Board represented a person with intellectual difficulties whose parents had passed away leaving him living alone in the family home, managing his own affairs.

Family members felt he could not care for himself and petitioned to make him a ward of court.

There are many adults in our community who lack the capacity to manage their own affairs to various degrees. Some people may be able to manage most of the daily challenges life presents but need help with more complex matters or with matters in certain aspects of their lives, whereas others may be unable to manage most or all of those challenges. There are people dealing with challenges on every degree of that spectrum.

With a view to protecting such a vulnerable person and his or her property, that person may be made a ward of court. However, the law governing wardship is the Lunacy Regulation (Ireland) Act 1871, which provides that a person either is or is not capable of managing his or her own affairs.

A new act, the Assisted Decision-Making (Capacity) Act 2015, due to commence in June 2022 will introduce a new system where, instead of a person becoming a ward of court, the Act will provide three support options where a person may appoint a decision-making assistant to help with decisions, a co-decision maker with whom decisions would be jointly made or a decision-making representative who would make decisions on behalf of those without capacity to do so for themselves.

The wardship application for the Board's client was heard by the High Court. Medical evidence found him to be of unsound mind for the purpose of the 1871 act and the petitioner argued he should be admitted to wardship. Ordinarily he would have been made a ward of court, however, the Board made representations to the Court arguing that making our client a ward of court would not benefit him and seeking an interim solution that could be put in place until the commencement of the new Act, which, it was submitted, was more proportionate and fact sensitive.

The Court agreed with the board's submissions and proposed a mechanism to protect the client's family home while awaiting the commencement of the new act, leaving interim supports in place and, most importantly, not making the client a ward of court.

**The Board has a number of solicitor panels in place for different case types. Solicitors agree to be members of those panels and are paid fees per case depending on the terms and conditions of each panel.**



## **The Board currently has the following solicitor panels in place:**

### **District Court Private Family Law Panel**

This covers matters in the District Court and on appeal to the Circuit Court under the Domestic Violence Act 2018, the Guardianship of Infants Act 1964 and the Family Law (Maintenance of Spouses and Children) Act 1976.

### **Abhaile Panel**

This covers advice in relation to repossession cases, a duty solicitor service at the county registrars' courts for repossession cases, and representation in certain applications to the Circuit Court and High Court under section 115A of the Personal Insolvency Act 2012.

### **International Protection Panel**

This covers assistance and representation to persons seeking

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

### **Coroners' Inquests**

The Board operates a private practitioner panel for the provision of legal aid to family members in respect of inquests relating to certain deaths which are prescribed in the Coroners Acts (usually deaths in custody or maternal deaths). Typically the numbers of legal aid certificates issued per year for these cases is low. Under the authority conferred by section 24 of the Coroners Act 1962, the Attorney General ordered that fresh inquests be held into the deaths of 48 people who died at the Stardust Nightclub on the night of the 14th February 1981. During 2021, the

Minister for Justice signed regulations exempting the family members who are being represented in this inquest from the legal aid financial eligibility requirements and the Board issued legal aid certificates to all 48 family members. At the end of 2021, the inquests were still at the preliminary hearing stage.

### **Judicial Separation and Divorce**

This panel covers judicial separation and divorce proceedings in the Circuit Court.

### **Child Care Pilot**

This covers representation of parents of children who are the subject of applications by the Child and Family Agency (Tusla) to be taken into the care or under the supervision of the Agency. This panel operates primarily in counties Dublin, Cork, Donegal, and Wexford. The number of referrals to



## Services delivered using private solicitors

this panel is strictly limited.

Private solicitors primarily provide legal aid services in District Court family law matters, international protection applications and cases on foot of the Abhaile Scheme. They are also used in connection with a limited number of judicial separation / divorce cases, coroners' inquests, and child care cases.

As can be seen the services of private solicitors are engaged across a breadth of case types. However it remains the case that law centres provide services

in the vast majority of child care and judicial separation / divorce matters, a significant number of international protection matters (through Smithfield, Cork Popes Quay, and Galway Seville House law centres) and a minority of District Court family law matters.

Law centres also provide services exclusively in all matters for which a solicitors' panel does not exist – for example all personal injuries and other tort cases, consumer and contract law, cohabitant relief, probate, wills, and succession cases.

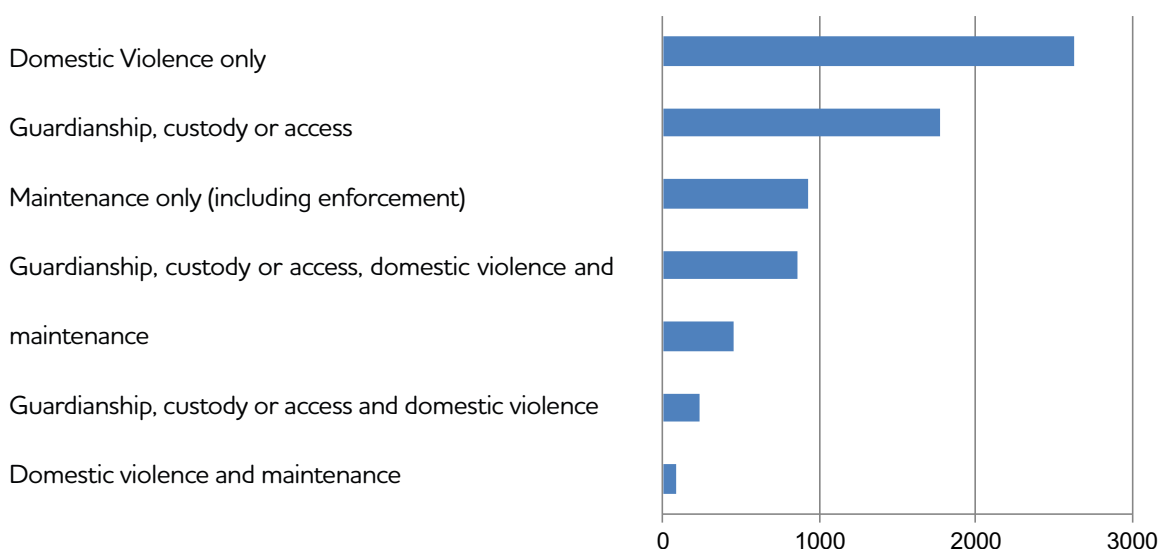
Table 10 shows the number of referrals in relation to the District Court Family Law, Circuit Court Judicial Separation and Divorce, International Protection, Coroners' Inquests and Child Care Pilot panels in 2021 and for each of the years 2015–2021.

Chart 5 gives a breakdown of the issues for which legal aid certificates were issued for private family law matters in the District Court. As can be noted, in a significant number of cases there was more than one issue for which the client was granted legal aid.

<b>Table 10</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Number of referrals per year</b>						
District Court Private Family Law	5,208	6,002	7,154	7,839	6,042	6,961
District Court Child Care	103	88	94	71	47	55
Circuit Court	89	30	63	10	7	145
International Protection	810	1,035	1,479	2,061	941	918
Coroner's Inquest	16	11	4	14	7	50
<b>Total</b>	<b>6,226</b>	<b>7,166</b>	<b>8,794</b>	<b>9,995</b>	<b>7,044</b>	<b>8,129</b>

### Chart 5

#### Legal aid certificates granted in the District Court on foot of the District Court PP Scheme in 2021



# Abhaile Free Mortgage Arrears Support

The Abhaile Scheme was put in place in 2016 for people whose home is in mortgage arrears. Its services include financial advice, legal advice and insolvency advice.

It is funded and supported by the Department of Social Protection and the Department of Justice with the support of the Money Advice and Budgeting Service (MABS), the Insolvency Service of Ireland and the Citizens Information Board along with the Legal Aid Board. Originally established as a three year scheme it is presently extended until at least the end of 2022.

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

1. Be in mortgage arrears on their home;
2. Be insolvent (as defined under the Personal Insolvency Act 2012).
3. Be at risk of losing their home due to arrears.

4. The home is reasonable to the person's needs.

The Scheme works on the basis that a person applies to their local MABS service who will "triage" the person and identify the financial and/or legal services the person requires. It is also possible to apply for certain types of assistance through a personal insolvency practitioner. The financial assistance element of the scheme involves the provision of services by a dedicated MABS mortgage arrears advisor, a personal insolvency practitioner, or an accountant. The legal assistance element, which normally follows on from financial assistance, involves three potential strands:

- A solicitor consultation service, involving the provision of a single legal advice consultation. In certain circumstances authority might be granted to conduct negotiations

to settle pending repossession proceedings.

- A "duty solicitor" service, where solicitors are rostered to attend repossession lists at County Registrars' Courts. The solicitor may offer advice on the court procedure to the person and may (if permitted by the County Registrar) speak on behalf of the person and make an application for the proceedings to be adjourned so that the person can seek legal representation.
- A scheme of legal aid for applications to take a court review of a personal insolvency arrangement (PIA) that has been rejected by a person's creditors.

Since the inception of the Scheme the consultation solicitor aspect has dropped from a high of 898 consultation payment claims in

**THE ABHAILE SCHEME IS FULLY FUNDED BY THE STATE. IF A BORROWER QUALIFIES FOR THE SCHEME, THERE IS NO COST FOR THEM TO USE THE SERVICES PROVIDED.**



<b>Table 11</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Services provided under Abhaile</b>						
Legal advice vouchers issued	429	1,933	782	1,169	674	587
Consultations claimed on foot of MABS voucher	58	1,015	536	540	346	219
Authority granted to conduct further negotiations	9	1	48	48	51	25
Number of duty solicitor days scheduled	139	507	461	493	264	272
Duty solicitor advice provided at County Registrars' Courts	449	2,697	3,022	2,676	924	1,136
Legal aid certificates granted for first instance PIA reviews	94	466	591	352	414	324
Legal aid certificates granted for PIA appeals to the High Court (Counsel included)	0	3	34	197	148	101
Counsel representation authorised (including Opinions)	94	491	636	407	259	139

2017 with 118 claims for further negotiations the same year to 219 claims for consultations and 25 for further negotiations in 2021. As in previous years a feature of the solicitor consultation aspect was that less than half of all vouchers issued by MABS were ultimately redeemed.

The Personal Insolvency (Amendment) Act 2021 was commenced in mid-2021 and introduced two significant changes to the law regarding court reviews of personal insolvency arrangements. The first is that the date of 1st January 2015 has been removed from the definition of "relevant debt". This means that a

borrower no longer needs to have been in arrears on that date or having been in arrears entered into an alternative repayment arrangement before that date. This is intended to open up access to the court review to those whose debt arose after 1st January 2015.

While in principle this was expected to drive further demand this has not occurred and demand has seen a modest decrease in 2021. This may not be entirely attributable to Covid-19 as demand held firm in 2020 notwithstanding the pandemic.

The other change, which is more procedural in nature, is that the

statutory deadline for instituting section 115A proceedings has increased to 28 days following the creditors meeting from 14 days.

Services provided on behalf of the Board under the scheme during the period 2016-2021 are outlined in Table 11.

## Originally established as a three year scheme Abhaile is presently extended until at least the end of 2022.

Chart 6 shows the Abhaile consultations and representation carried out by private solicitors. As can be seen the number of persons to whom services have been provided has declined recently (it should be noted

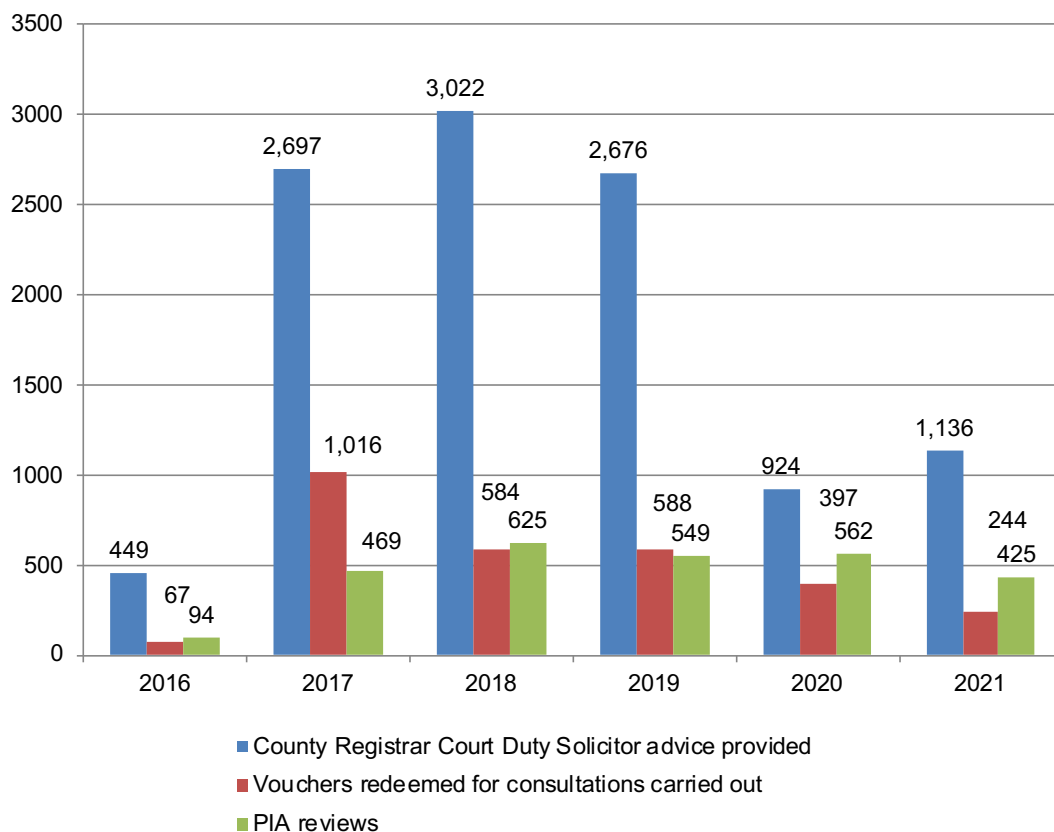
that, in 2016, services were provided from 22nd July onwards).

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

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

### Chart 6

#### Abhaile consultations and representation carried out by private solicitors



# Case Study

## Abhaile

The debtors were a couple with no dependants. Both parties had their income reduced during an economic downturn. One of the parties then became unable to remain in employment due to ill health. The other party remained in full time employment, however the couple were unable to service their full monthly debts and so arrears continued to grow. There was significant negative equity in the home and there was also significant unsecured debt involving two creditors.

The debtors contacted MABS who advised that they qualified for the Abhaile scheme due to their insolvency and mortgage arrears. The debtors attended a Personal Insolvency Provider (PIP) having received a voucher from MABS for the consultation. The PIP first applied to the Circuit Court for a protective certificate offering the debtors protection from their creditors during the insolvency process.

The PIP formulated a proposed Personal Insolvency Arrangement (PIA) in order to return the debtors to solvency and allow them to retain their home. During the creditor's meeting the secured creditor (i.e. the mortgage lender) voted against the proposal and both of the unsecured creditors voted for it. In order for a PIA to be approved it must be approved by creditors representing 65% of all debts including creditors representing 50% of secured debts and creditors representing 50% of unsecured debts.

The proposal was thus not approved by either the overall threshold or the secured creditors threshold as required

under the Personal Insolvency Acts 2012-2021. The PIP then decided to make an application under section 115A of the legislation for an order confirming the coming into effect of the PIA notwithstanding that it had not been approved at the creditors' meeting.

In order for a Section 115A court review of the PIA to be applied for (in circumstances where there is more than one creditor) it is necessary for at least one class of creditors to accept the proposed Arrangement, by a majority of over 50 per cent of the value of the debts owed to the class. The debts must include a "relevant debt", that is the mortgage on the debtor's principal private residence must be in arrears or having previously been in arrears must be the subject of an alternative repayment arrangement agreed between the debtor and the lender. These criteria had been met in this case.

The PIP on behalf of the debtor made an application for legal aid. As the application met all of the grounds for eligibility, and there was merit to the grounds provided for applying, legal aid was granted to institute proceedings for section 115A relief.

A solicitor from the Legal Aid Board's Abhaile panel was chosen to represent the couple in Court. The mortgage provider lodged a Notice of Objection against the proposed Personal Insolvency Arrangement. The grounds of the Objection included reference to the financial status of the couple and the terms of the PIA as the objecting creditor was of the opinion that the

terms could not be met. The objecting creditor also referred to an earlier proposal they had made to the PIP as they felt this was unreasonably rejected.

The solicitor argued the sustainability of the PIA and the benefit of same over the counter proposal of the creditor to the Court and the Court approved the insolvency proposal allowing the debtors to remain in their home while taking control of their debts with affordable repayments.



## International Protection Services

The number of persons seeking legal services from the Board for international protection applications in 2021 was 1,464. This was an increase of 25% on the previous year.



### International protection and related matters

Services in international protection and related matters are provided in three of the Board's law centres, namely Smithfield (Dublin), Pope's Quay (Cork) and Seville House (Galway) and also by private solicitors on a panel. Table 12 shows the number of new applications for legal services from the Board for international protection matters and also the number of persons who

sought protection in the State.

### International Protection case outcomes

The breakdown of outcomes recorded in international protection cases is shown in Chart 7 below. An additional 36 cases were closed after the applicant had received legal advice and a further 60 cases were closed after legal aid was provided and no case outcome recorded.

### Country of Origin

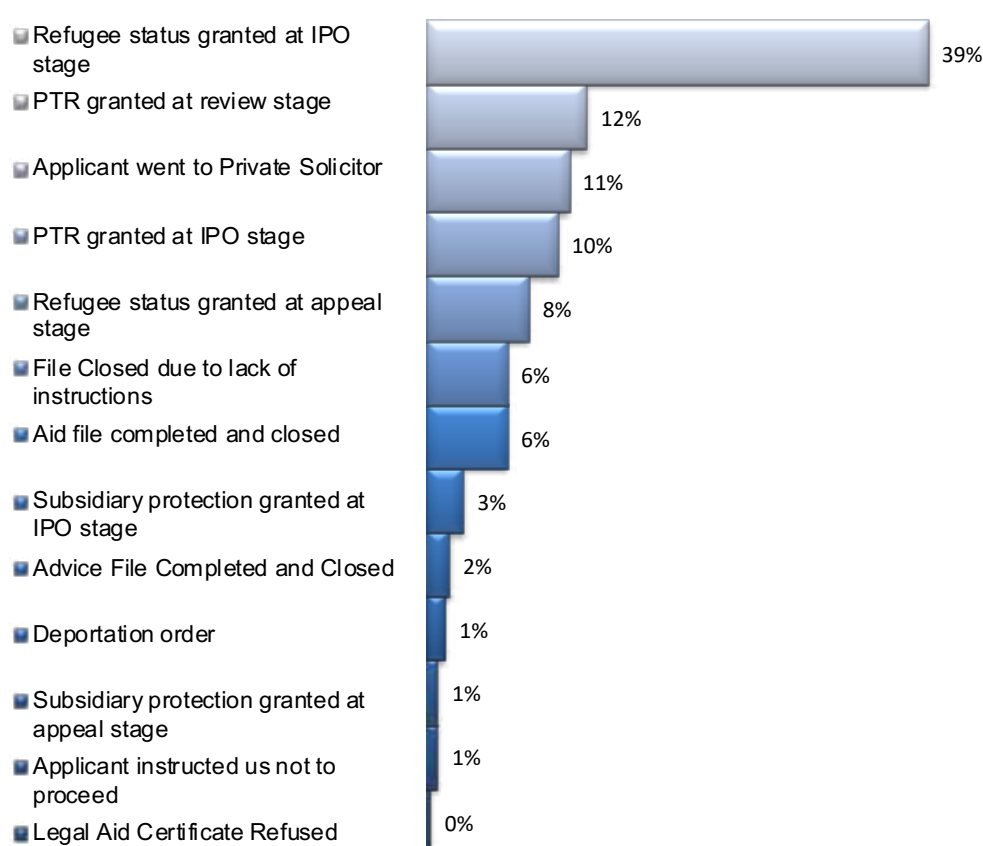
Of the 1,464 new applicants for legal services in relation to international protection claims, 222 came from Somalia, 199 from Nigeria, 158, from Afghanistan, 95 from Georgia, 85 from Algeria and 69 from Zimbabwe as shown in Chart 8. The remaining 636 of applicants came from a wide variety of countries. Applicants came from over 72 countries in total.

**Table 12**

	2016	2017	2018	2019	2020	2021
<b>International Protection Applicants</b>						
Legal Aid Board	1,658	1,489	2,079	2,539	1,174	1,464
International Protection Office	2,244	2,406	3,673	4,781	1,566	2,649

## Chart 7

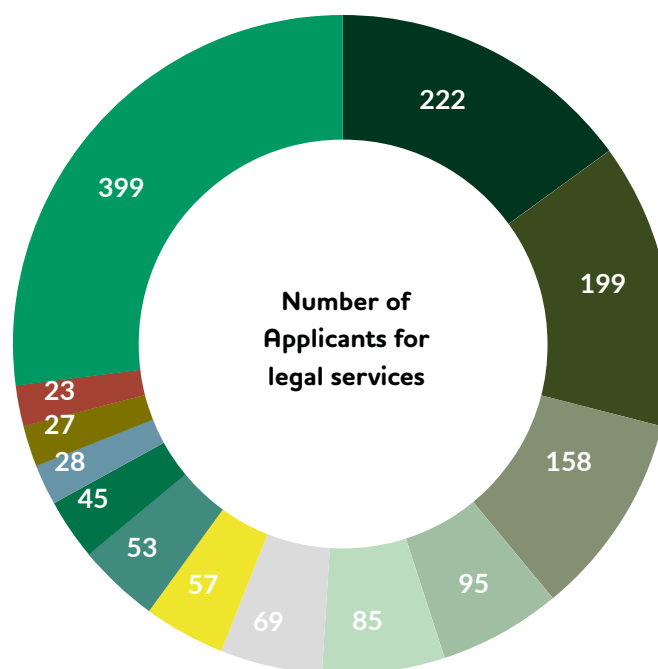
### International Protection Case Outcomes 2021



## Chart 8

### Country of Origin Registration 2021

- Somalia
- Nigeria
- Afghanistan
- Georgia
- Algeria
- Zimbabwe
- South Africa
- Pakistan
- Botswana
- Albania
- Syria
- El Salvador
- Other



#### International Protection and Children

The Board continued to have a dedicated Children's Unit located in Dublin to handle international protection applications by unaccompanied minors. In 2021, 48 unaccompanied minors applied for legal services. This figure does not include accompanied or age disputed minors which are also handled by the Unit.

The Unit has well-developed interagency relationships with the International Protection Office and the Child and Family Agency. In addition to preparing pre-interview submissions for separated children, the Unit also provides these clients with legal services in relation to family tracing and family re-unification.

#### Human trafficking

The Board provides legal services on certain matters to persons identified by the Garda National Immigration Bureau (GNIB) as potential victims of human trafficking under the Criminal Law (Human Trafficking) Act 2008.

There is no requirement to satisfy the Board's financial eligibility or merits criteria for these cases and a potential victim of human trafficking is not required to make a financial contribution to the Board.

The service is provided by Board employees who have received specialised training in human trafficking issues.

The Board provides legal services to persons identified as potential victims of human trafficking on their rights in

relation to a range of issues including their status in the State, seeking international protection, seeking redress through the employment protection legislation (legal advice only), information on what is involved in a criminal trial, information on compensation, and information on voluntary return home. The Board also provide representation in court in a criminal trial where a victim's past sexual history is raised.

During 2021, 22 potential victims of human trafficking referred to the Board by An Garda Síochána applied for legal services. Nine of these cases related to labour exploitation and thirteen to sexual exploitation.



# Refugee Documentation Centre

The Refugee Documentation Centre (RDC) is an independent service operating under the aegis of the Board. The main role of the Centre is to provide an objective research and query service for key organisations involved in the international protection process, with a particular focus on providing Country of Origin information (COI). Members of the public and other agencies may also use the RDC to conduct their own research.

In 2021, the RDC received 823 COI queries, a 9% decrease in COI queries received in 2020. The RDC query service provided a total of 813 COI query responses, a 14% decrease

on the 2020 figure. The unit also operates an interagency library service and provides a legal research function for staff of the Board. Chart 10 shows the breakdown of completed COI queries for 2021 by requestor.

A sample of COI research requests that were delivered in 2021 includes the following:

- Situation of women and girls under the Taliban regime in Afghanistan
- Limitations on freedom of expression in Egypt
- The law on same-sex relationships in Iraq

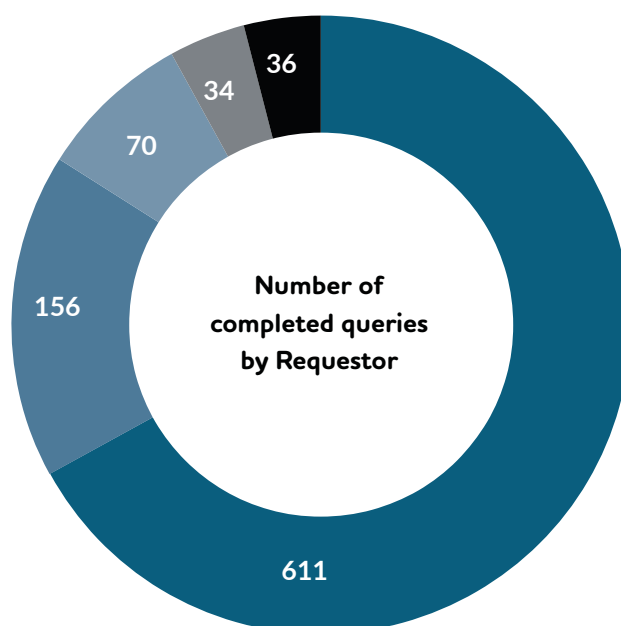
- Forced marriage in Malawi
- The situation regarding Covid-19 in Nepal
- Ethnic conflict in Somalia
- Human rights abuses in Syria

The RDC continued to participate actively in inter-agency learning and collaboration in 2021, working closely with service users and stakeholders including the European Union Agency for Asylum (formerly EASO), the International Protection Office and International Protection Appeals Tribunal.

## Chart 9

### Completed COI Queries by Requestor in 2021

- Legal Aid Board
- Private Practitioners
- International Protection Appeals Tribunal
- International Protection Office
- Other (NGOs, Dept. Justice & Equality, International Organisations, etc.)



# Case Study

## International Protection

The Board's client was from a country in Western Asia who had sought legal advice and assistance in relation to his international protection application with the International Protection Office (IPO).

Shortly after he registered with the Law Centre he was offered advice and assistance before he submitted his international protection questionnaire. He was given a further appointment for targeted legal advice in advance of his interview and submissions were made highlighting particular aspects of his case.

His claim, which was based on his political opinion, was rejected by the IPO who determined that he had not established a well founded fear of persecution and key aspects of his claim lacked credibility. A further finding was made under section 39 (4) of the International Protection Act that the applicant's country of origin was a safe country of origin – this determination can limit the applicant to a paper only appeal with no automatic right to an oral hearing. Extensive submission were lodged with the notice of appeal arguing that it was in the interests of justice for an oral hearing to be conducted, noting that the applicant's ability to address credibility issues would be severely limited were he restricted to a paper only appeal. Relevant case law on this particular issue was also submitted together with the notice of appeal. The Tribunal acceded to the request for an oral hearing of the appeal based on the Law Centre's submissions.

The oral appeal was heard over four separate occasions before the Tribunal

during which the applicant provided extensive and detailed evidence in an attempt to address the negative credibility findings of the IPO. Post hearing submissions were lodged on his behalf by the Law Centre to address further issues that had arisen during the hearings. In its decision the International Protection Appeals Tribunal found that, having heard the applicant's detailed testimony in person, all material elements of his claim were credible and determined that he had established a well founded fear of persecution and recommended that he be declared to be a refugee.

(The facts have been edited to ensure anonymity)



# Family Mediation

## Family Mediation Services

The Board's family mediation service is free with universal access to services in 16 locations: ten full-time offices (Athlone, Blanchardstown, Cork, Dolphin House, Galway, Jervis House, Limerick, Portlaoise Tallaght, and Wexford) and 9 part-time offices (Carlow, Castlebar, Dundalk, Ennis, Kilkenny, Letterkenny, Sligo, Tralee and Waterford) open for mediation 3 to 4 days a week. As well as room based mediation, the Board offered online and telephone mediation, during COVID-19 restrictions.

The Board offers family mediation to clients who are separating or divorcing, in order to negotiate the terms of their agreement. It also offers family mediation to clients, in order to resolve issues such as parenting disputes, access, guardianship and maintenance. The three terms used in the data sets are described below:

### Pre – Mediation:

Each applicant meets the mediator and discusses the issues they wish to mediate. The mediator assesses the case, which includes screening for domestic abuse and capacity to mediate. The applicant may not continue forward to mediation and/or the mediator may decide that the case

is not appropriate for mediation.

### Commenced Cases:

A case commences when all parties agree to proceed with mediation and the Agreement to Mediate is signed by all three parties. The mediation process will take a number of sessions, depending on the complexity of the mediation. When the case completes, the case is closed.

### Reached Agreement:

These can be: Full Mediated Settlements for Divorces, Single Issue (such as parenting or maintenance), Partial, Interim or Verbal. Some agreements will be legalised by solicitors, become Court Orders or be kept between the parties to the agreement.

- Pre-mediation traditionally had been done in one joint Intake Session, with separate sessions within that. In the past two years, this practice has been changed to meeting each party first in shorter separate sessions. This is partly due to the practices during COVID-19 restrictions but also brings the Board in line with current international practice for domestic abuse screening. The Board's policy and procedures for 2022 will require all mediators to

do separate sessions, as part of general best practice.

- For 2021, separate pre-mediation sessions are recorded but, where a mediator still did pre-mediation as part of the first joint session, they are not. The 2021 figure for total number of mediated sessions excludes pre-mediation and writing up agreement sessions.
- The "New Case commenced" and "Total Number of Mediated Sessions" comparative figures between 2021 and previous years, highlight a marginal reduction in the 2021 figure for "New Cases commenced" with a significant decrease for the "Total number of mediated sessions". Mediation throughout 2021 continued to be a blend of face to face, online and/or telephone conferencing.
- While the session figures relate to sessions held in 2021, the Agreement figure can include cases started in the previous year.
- Throughout 2021 mediation has been done by a combination of telephone, video conferencing and face to face sessions.

Table 13

	2017	2018	2019	2020	2021
<b>Total New Cases*</b>					
All issues (couples)	2,149	1,807	2,057	1,091	1,186
Court based	623	475	554	251	326
Telephone Helpline cases	-	-	-	248	-
<b>Total</b>	<b>2,772</b>	<b>2,282</b>	<b>2,611</b>	<b>1,590</b>	<b>1,512</b>

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

<b>Table 14</b>	<b>2017</b>		<b>2018</b>		<b>2019</b>		<b>2020</b>		<b>2021</b>	
<b>Joint Mediation Sessions &amp; Information Sessions</b>										
	Joint Mediation Sessions	Information Sessions	Joint Mediation Sessions	Information Sessions	Joint Mediation Sessions	Information Sessions	Joint Mediation Sessions	Information Sessions	Joint Mediation Sessions	Information Sessions
All issues (couples)	6,788	634	6,888	284	7,700	466	7,563	438	5,716	1,340
Court based	1,129	1,645	1,233	1,792	1,534	1,617	1,886	780**	1,233	971**
Telephone Helpline cases	-	-	-	-	-	-	1,906	733	-	-
<b>Total</b>	<b>7,917</b>	<b>2,279</b>	<b>8,121</b>	<b>2,076</b>	<b>9,234</b>	<b>2,083</b>	<b>11,355</b>	<b>1,951</b>	<b>6,949</b>	<b>2,311</b>

\*\*Additional court cases completed in Full-time offices.

<b>Table 15</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Total Agreements</b>					
All issues (couples)	836	870	849	581	819
Court based	362	348	363	162	187
Telephone Helpline cases	-	-	-	173	-
<b>Total</b>	<b>1,198</b>	<b>1,218</b>	<b>1,212</b>	<b>916</b>	<b>1,006</b>

\*\*\* The cumulative figure for agreements is not linked to the actual cases counted in the cumulative figure for New Cases, as there is a time lag between cases started and cases finished. For example, an agreement in 2021 may arise from a case started in 2020.

<b>Table 16</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Cases closed</b>					
Total cases closed (including information sessions)	3,355	3,394	3,256	2,687	3,867
Cases not progressed to mediation	902	810	512	695	665
Total mediation cases closed (excluding cases opened, but not progressed beyond information sessions/pre-mediation sessions)	2,453	2,584	2,744	1,992	3,202

**Table 17**

	<b>New Cases 2021</b>	<b>Total Mediation Sessions</b>	<b>Reached agreement in 2021</b>
<b>Demand/Service Provision 2021 (All issues)</b>			
Athlone	59	222	43
Blanchardstown	171	800	125
Carlow	26	171	17
Castlebar	-	-	-
Cork	71	462	42
Dundalk	39	183	19
Ennis	10	77	11
Galway	87	453	56
Jervis Street***	109	678	94
Kilkenny	49	238	53
Letterkenny	34	211	18
Limerick*	69	312	28
Mullingar	20	130	15
Portlaoise	44	214	27
Sligo	31	94	10
Tallaght**	69	408	39
Tralee	42	162	32
Waterford	77	171	56
Wexford	36	89	20
<b>Total</b>	<b>1,043</b>	<b>5,075</b>	<b>705</b>

\* Includes Thurles, Nenagh & Clonmel, \*\* Includes Naas., \*\*\* Includes Dolphin House.

**Table 18**

	<b>1st Pre-Mediation Session</b>	<b>2nd Pre-Mediation Session</b>	<b>Total Mediation Sessions</b>	<b>Reached Agreement</b>
<b>Family Mediation Law Centre Referrals 2021</b>				
Athlone	26	26	48	5
Blanchardstown	3	3	21	3
Carlow	3	3	13	3
Castlebar	-	-	-	-
Cork	21	17	74	7
Dolphin House	1	1	-	2
Dundalk CL	11	11	36	3
Ennis	13	13	52	13
Galway	-	-	-	-
Jervis Street CL	5	4	22	3
Kilkenny CL	5	4	9	5
Letterkenny CL	4	5	23	4
Limerick	50	20	112	23
Mullingar	10	10	44	5
Nenagh	8	9	40	12
Portlaoise CL	10	10	32	4
Sligo	1	1	13	2
Tallaght CL	15	15	72	14
Tralee	5	5	14	5
Waterford	-	-	-	-
Wexford	3	3	16	3
<b>Total</b>	<b>194</b>	<b>160</b>	<b>641</b>	<b>114</b>

<b>Table 19</b>	<b>New Cases (1st Joint Mediation Session)</b>	<b>Total Sessions</b>	<b>Agreements</b>
<b>Court Based Mediation Initiatives 2021</b>			
Athlone	3	3	0
Carlow	18	67	15
Cork	27	113	20
Dublin Family Court	176	385	100
Dundalk	4	17	0
Ennis	21	72	17
Jervis House	39	162	17
Kilkenny	5	10	2
Limerick	19	80	8
Mullingar	6	37	4
Sligo	4	8	1
Tallaght	0	3	1
Tipperary*	1	0	0
Tralee	2	6	1
Wexford	1	0	1
<b>Total</b>	<b>326</b>	<b>963</b>	<b>187</b>

\* Nenagh District Court.

<b>Table 20</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Family Mediation Office Waiting Times</b>					
Athlone	24	12	20	49	8
Blanchardstown	8	20	16	24	12
Castlebar	12	8	24	Vacant	26
Cork	24	28	14	24	14
Dundalk	20	36	10	32	24
Galway	16	8	12	16	12
Jervis House	16	16	16	24	24
Kilkenny	-	20	8	8	15
Letterkenny	16	16	16	20	6
Limerick	6	12	20	12	15
Portlaoise	14	16	24	28	10
Sligo	12	8	18	15	10
Tallaght	14	16	16	36	15
Tralee	12	6	8	24	10
Waterford	32	6	6	16	4
Wexford	12	16	8	28	10

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





# Case Study

## Family Mediation

John and Mary had been married for a number of years and were living separately for about 12 months at the time of their first mediation session. They had one relatively young child together. Both had teenage children from previous relationships. Both worked full-time.

Both parties were honest about the high level of on-going conflict and the fact that this was a barrier to improving their situation. They each had access to legal advice from their solicitors outside of mediation and between mediation sessions.

The initial challenge in mediation was to support improved communication to facilitate the process and better outcomes for their children. The parties identified the parenting "handovers" for access as a flash-point where there would frequently be harsh words exchanged between them. The mediator explored how these interactions could be improved for the benefit of their daughter. Significant work was done around parenting communication. Both parents engaged well and short-term aims were set, with a review at subsequent sessions. During the process, the parties reported significant improvement in terms of how these hand-overs were working for them and their daughter.

Both spoke of the difficulties arising from their children (who had all been part of a single family unit during their relationship) now having fractured relationships with each other and their parents as a result of the separation.

The issue of the children's relationships with their parent and step-parent, and each other was core to the mediation. The parties explored how to support all of the children. They agreed steps to encourage and support the children engaging with each other.

The mediation also helped address property and financial issues and ultimately it proved possible for the parties to agree arrangements in relation to financial support and also in relation to the parties living arrangements.

At the end of mediation there was a significant de-escalation of conflict and a greater ability to work collaboratively. There was a written settlement, covering issues in relation to the children but also in relation to property and financial support. The parties also agreed that the written settlement would form the basis of a consent divorce.

# Criminal Legal Aid

There are five Criminal Legal Aid Schemes and the Board is currently responsible for the administration and management of three of them. They are as follows:

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

These three schemes do not have a statutory footing.

## Garda Station Legal Advice Revised Scheme

This is a non statutory scheme which caters for persons who are detained in Garda Stations. Those who satisfy

certain criteria, including a financial eligibility threshold of €20,316, are entitled to legal advice under the Garda Station Legal Advice Revised Scheme by way of telephone and/or

in-station consultations with a solicitor and also to legal advice by way of the attendance of a solicitor with them at a Garda / detainee interview.

**Table 21**

	2018	2019	2020	2021
<b>Garda Station Legal Advice Revised Scheme Expenditure</b>				
Expenditure	€1.948m	€1.715m	€1.983m	€1.888m

**Table 22**

	Count	2021*
<b>Garda Station Legal Advice Revised Scheme Statistical Report</b>		
1. Total cost of authorised claims this year.		€1,530,622
2. Overall number of claims authorised during the year.	4,177	€1,530,622
3. Total number of solicitor firms that had authorised claims during the year.	212	€1,530,622
4. Total number of claims authorised during the year under the Offences Against the State Acts.	101	€70,107
5. Total number of claims authorised during the year under the Criminal Justice Act, 1984-2006.	3,710	€1,167,784
6. Total number of claims authorised during the year under the Criminal Justice (Drug Trafficking) Act 1996.	259	€134,687
7. Total number of claims authorised during the year under Section 50, Criminal Justice Act, 2007.	107	€158,043
8. Total number of claims authorised for consultations only.	1,967	€258,775
9. Total number of claims authorised for attendance hours only.	54	€13,061
10. Total number of claims authorised for consultations and attendance hours.	2,156	€1,271,833
11. Total number of individual phone consultations authorised for payment.	2,219	€452,961

\* Figures exclude VAT.

<b>Table 23</b>	<b>2019</b>	<b>2020*</b>	<b>2021*</b>
<b>Garda Station Legal Advice Revised Scheme Payment Information</b>			
1. Average payment to a solicitor firm.	€5,847	€7,028	€7,220
2. Average cost per individual solicitor claim.	€355	€358	€366
3. Average cost per individual consultation.	€94	€93	€93
4. Average number of claims per solicitor firm.	16	20	20
5. Highest cost of an individual claim processed.	€6,547	€6,826	€6,693
6. Highest total payments to a single solicitor firm.	€122,500	€78,230	€70,995

\* Figures exclude VAT.

<b>Table 24</b>	<b>2019</b>	<b>2020*</b>	<b>2021*</b>
<b>Number of detainees who accessed the Scheme in year</b>			
1. Total number of times a detainee accessed the Scheme in year.	4,155	4,534	3,698
2. Total number of detainees who accessed the Scheme more than five times in year.	39	8	12
3. Highest number of times an individual accessed the Scheme in year.	7	14	7



### The Legal Aid - Custody Issues Scheme

The Legal Aid - Custody Issues Scheme is an administrative, non-statutory arrangement whereby legal costs payments are made in certain types of litigation not covered by Civil Legal Aid or the main Criminal Legal Aid Scheme.

The Scheme applies to the following forms of litigation:

- Habeas Corpus (Article 40.4.2) Applications

- Supreme Court, Court of Appeal and High Court Bail Motions related to criminal matters
- Judicial Reviews that consist of or include certiorari, mandamus or prohibition and which concern criminal matters or matters where the liberty of the applicant is at issue
- Applications under Section 50 of the Extradition Act 1965, Extradition Applications and European Arrest Warrants.

A person seeking legal representation

under the Scheme must notify the relevant Court at the outset of proceedings of their intention to apply for the Scheme's provisions. Depending on the type of proceedings and the financial circumstances of the applicant, the Court will then decide if a recommendation should be made to the Board to grant legal aid. It is then a matter for the Board to decide, in accordance with the terms of the Scheme, to either grant or refuse legal aid under the Scheme.

**Table 25**

	2017	2018	2019	2020	2021
<b>Total Overall Scheme expenditure breakdown 2017 - 2021</b>					
Expenditure	€3.2m	€2.7m	€3.2m	€4.3m	€6.0m

**Table 26**

	2021*
<b>Legal Aid - Custody Issues Scheme Information (Non-Bail side of Scheme)</b>	
1. Number of new claims received by Board in the year.	223
2. Number of individual authorised payments in the year.	589
3. Number of claims generating payment in year.	235
4. Total cost of claims for Chief State Solicitors Office (CSSO) cases.	€2,127,718
5. Total cost of claims for Director of Public Prosecution (DPP) cases.	€209,297
6. Total cost of claims for Health Service Executive (HSE) cases.	€63,846
7. Total cost of claims for Mental Health Commission (MHC) cases.	€25,318
8. Total cost of claims for TUSLA cases.	€0
9. Average cost per authorised claim in year.	€10,324

\* Figures exclude VAT.

Note: The bail aspect of the Legal Aid – Custody Issues Scheme is fully administered by the Department of Justice.

### The Criminal Assets Bureau Ad-hoc Legal Aid Scheme

The Criminal Assets Bureau Ad-hoc Legal Aid Scheme is a non-statutory scheme that provides for legal representation to persons involved in certain types of litigation. Such proceedings include, but are not

limited to, cases where a person is a Respondent in any court proceedings brought by the Criminal Assets Bureau under the Proceeds of Crime Act 1996,

Revenue Acts and Social Welfare legislation. A person seeking legal representation under the Scheme

must notify the relevant Court at the earliest possible opportunity and it is a matter for the Court to determine whether legal aid should be granted

The Board authorised payments in respect of 7 claims in 2021 at a cost of €410,059 (vat inclusive).

<b>Table 27</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020*</b>	<b>2021*</b>
<b>CAB expenditure 2017-2021</b>					
Expenditure	€101,000	€147,000	€42,000	€69,000	€410,059

\* Figures include VAT.

<b>Table 28</b>	<b>2021**</b>
<b>Total Overall Scheme expenditure breakdown 2021</b>	
1. Number of new claims received by Board.	10
2. Number of claims with authorised payments by Board.	7
3. Average cost per authorised claim.	€47,420

\*\* Figures exclude VAT.

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# Supporting Service Delivery

# Legal Aid Decision Making

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, representation is provided in the majority of them by private solicitors on the Board's District Court panel.

For cases which require representation in the Circuit or Superior Courts, the decision-making function rests with the Board's Decision Making Unit. The decision to grant or refuse legal aid is made on foot of a submission from the applicant's solicitor, which sets out the relevant facts and seeks to apply the law to those facts including the merit criteria of the Civil Legal Aid Act 1995. The authority for case-related expenditure, such as briefing a barrister or procuring expert reports, also rests with the Decision Making Unit.

In 2021, there were 10,445 certificates granted to applicants for family law matters and 172 for non

family law cases. In addition, there were 975 legal aid certificates granted in International Protection matters, 425 certificates issued for personal insolvency arrangement appeals and 50 legal aid certificates issued for the coroner's court (including 48 in respect of the Stardust Inquests).

Refusals are made where Legal Services decides that a submission does not meet the merit criteria set out in the Civil Legal Aid Act 1995.

Refusals are also made where an applicant does not meet the financial eligibility criteria and seeks a formal decision from the Decision Making

Unit. Decisions of the Decision Making Unit can be appealed to an Appeal Committee of the Board.

The Decision Making Unit also granted 4,835 amendments to legal aid certificates in the year. These amendments are effectively authorisations for additional services on a certificate. 1,662 of these amendments involved the granting of barrister services including brief fees, refresher and interim fees, opinions and written submissions.

A further 1,086 of the amendments were in relation to medical, psychologist and psychiatrist reports.

**Table 29**

	Granted	Refused
<b>Number of Submissions Granted and Refused</b>		
Family Law Legal Aid Certificate	10,445	25
International Protection	975	0
Personal Insolvency applications	425	16
Non Family Law Legal Aid Certificate	172	63
Amendments	4,835	171
Authorisations	405	2
Waiver or reduction of Contribution	794	61
Waiver of Costs	120	24
Termination & Revocation of Legal Aid Certificate	62	5



There were 405 authorisations given on cases prior to a decision on whether a legal aid certificate should be granted; these were primarily to enable an opinion to be sought from a barrister or a medical expert to help determine the merits of certain cases.

The Board may terminate or revoke legal advice or legal aid services on the grounds set out in the Civil Legal Aid Act 1995 and regulations.

There were 62 terminations granted in 2021. Grounds include that an applicant has sought such termination but also include that the applicant was no longer eligible financially to receive such services, that he or she failed to pay an outstanding contribution or, in the majority of instances, that he or she had behaved in an unreasonable manner. Any such decisions can be

appealed to the Appeal Committee of the Board.

Details of the number of submissions granted and refused are set out below in Table 29.

### Appeal Committee

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

In 2021, the Committee met on 14 occasions and considered 167 appeals. One of these meetings was held on an emergency basis on account of the urgency of the matter and on three occasions the Committee held additional meetings to hear deferred

appeals.

Of the 167 appeals considered, the decision of the Executive was upheld on 136 occasions. There were 31 appeals where the original decision was overturned.

Of the 136 Executive decisions affirmed, 57 pertained to financial ineligibility and 79 related to the application of the "merits" criteria. 45 of those "merits" criteria cases involved requests for Junior Counsel in the context of proceedings to review personal insolvency arrangements (Abhaile cases) and the Committee refused 42 of those 45 appeals.

In 8 cases, full or partial waivers of costs or contributions were granted by the Committee (out of a total of 10 sought).

**Table 30**

	2017	2018	2019	2020	2021
<b>Appeals: 2017-2021</b>					
Total number of appeals (less deferrals)	169	180	151	124	167
Number of decisions upheld	131	138	125	99	136
- Financial criteria	57	56	59	37	57
- Merits criteria	74	82	66	62	79
Number of decisions overturned	35	40	23	25	31

### Protected Disclosures

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

The Board signed up to Transparency International Ireland's "Integrity at Work" programme in 2017. As part of the Board's commitment to protecting workers who raise concerns, the Board has signed the Integrity at Work Pledge to ensure that workers reporting wrongdoing will not face penalisation and that action will be taken in response to the concerns raised.

The Policy sets out the principles underpinning the development and maintenance of an ethical culture in the organisation, the operational details of how protected disclosures are to be made by workers in the Board and how those disclosures are to be considered.

The Board has appointed a confidential recipient. No disclosures were reported to the confidential recipient in 2021.

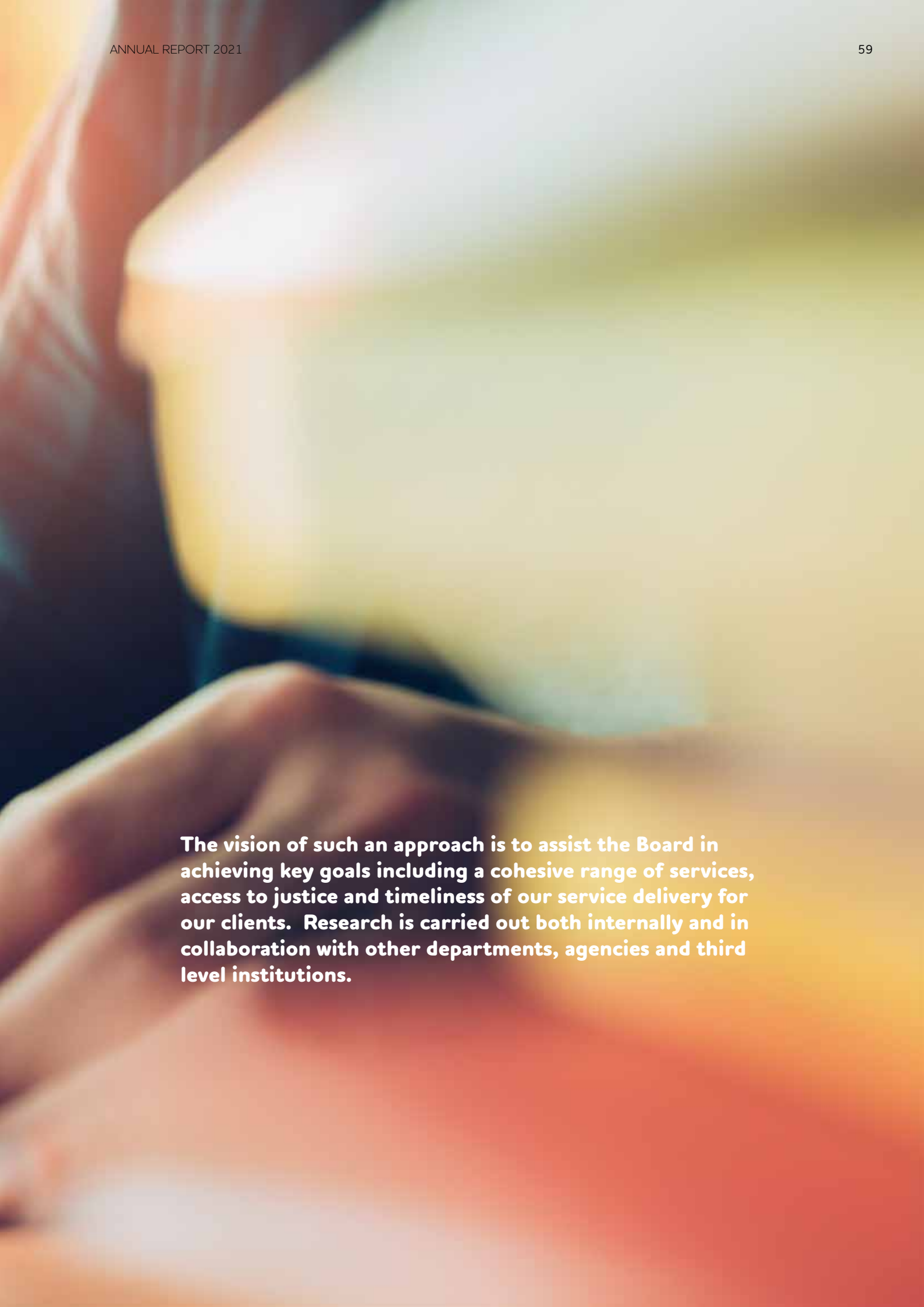
### Internal Audit Unit

The Internal Audit Unit's work has traditionally entailed visits by Auditors to the Board's various offices dispersed throughout the country to carry out audits. However, due to the on-going COVID-19 pandemic, remote auditing continued to be the model of auditing in 2021 with no on-site visits taking place. Twelve law centre audits were commenced in 2021, ten of which were completed. There were five mediation office audits, four of which were completed. Three bespoke audits of head office support offices and internal systems were also commenced in 2021.

## Research

A close-up photograph of a person's hands holding a yellow pencil, poised to write on a piece of paper. The background is softly blurred, showing a stack of books and other papers on a desk, suggesting a research or study environment. The lighting is warm and natural, coming from the right side of the frame.

**The Research Manager is responsible for identifying and prioritising research topics, monitoring research that is carried out and enhancing the quality of both the research process and the research findings with a primary objective being the exploration and examination of new approaches to service delivery.**



**The vision of such an approach is to assist the Board in achieving key goals including a cohesive range of services, access to justice and timeliness of our service delivery for our clients. Research is carried out both internally and in collaboration with other departments, agencies and third level institutions.**

## Research Activity 2021

### OUTREACH WITH HIGHER EDUCATION INSTITUTES (HEIS)



Outreach has been conducted with several HEIs with a view to developing new strategic research collaborations. Initial conversations about research possibilities on areas of shared interest have been held with a number of researchers with relevant specialisations

One such conversation has led to the development of an inter-disciplinary research consortium based in NUI Galway, including an expert in alternative dispute resolution (ADR) and experts in statistics and longitudinal data analysis. The consortium is currently developing a grant proposal to be submitted to the Irish Research Council (IRC) at the end of November. If successful, the grant will support a prospective longitudinal study on mediation outcomes.

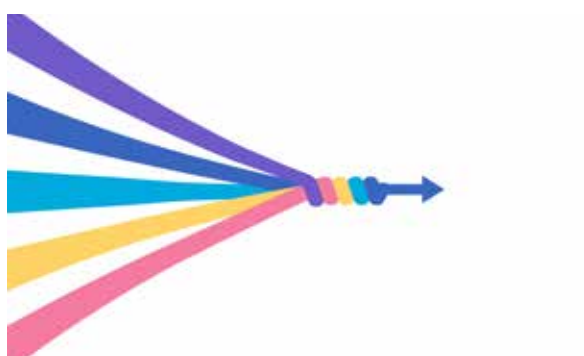
### DOCTORAL RESEARCH PROJECT ON MEDIATION IN CASES OF CHILD ABDUCTION



The doctoral student based at NUI Maynooth who is collaborating with the Legal Aid Board (LAB) to conduct research about mediation in cases of child abduction has submitted her application for ethical approval to the university's ethical review board.

A research agreement has been provided to the student for review and signature, in preparation for the commencement of data collection in the New Year.

### **DOCTORAL RESEARCH PROJECT ON THE CLIENT JOURNEY THROUGH MEDIATION FOR SEPARATION AND DIVORCE**



The researcher has submitted a request for the aggregate data required to inform the quantitative strand of the research. The data will cover the period from 2014-2021.

This request will be facilitated by the Research Manager. Retrospective analysis of descriptive statistics in the quantitative phase will inform the content of the interview schedules for the subsequent qualitative data gathering.

### **COMMENCEMENT OF NEW RESEARCH PROJECT EXAMINING LEGAL CAPABILITY**



A new collaboration proposal was received from a doctoral student based at the University of Liverpool, who is developing plans to conduct an inter-disciplinary project relating to legal capability and barriers to access to justice.

The proposal has been reviewed and two initial discussions have been held to develop its content and explore the potential mutual benefit of collaboration. The researcher will submit a LAB research policy compliance form for review, which will inform the final decision about whether to proceed with the collaboration.

# Financial Management

The Board's Finance Unit is responsible for the financial management of the organisation. During 2021 the Unit continued to support the work of the Board through maintenance of effective accounting systems against the background of the COVID-19 pandemic.

In 2021 the Finance Unit processed over €44.4 million in payments to suppliers, including approx. €23.5 million in Pay Expenditure and nearly €20.8 million in Non-Pay Expenditure. The processing of payments to suppliers involved over 16,300 invoices during 2021. In addition the Unit brought over €47.5 million to account on the Income side of the Budget, which included €44.5 million in Grant payments from the Department of Justice. Full details of the Board's financial position for 2021 are contained in the Financial Statements for 2021 which will accompany this Report.

The Finance Unit is obliged to send in quarterly returns to the Department of Justice in regards to prompt payments on general invoices. As a result of the measures taken to maintain the timely processing of invoices, the Board was not liable to any interest under prompt

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The Finance Unit is obliged to send in quarterly returns to the Department of Justice in regards to prompt payments on general invoices. As a result of the measures taken to maintain the timely processing of invoices, the Board was not liable to any interest under prompt

payment legislation in 2021.

The Board was subject to an audit by the Internal Audit section of the Department of Justice from July 2021. The Review of Internal Control Report was issued by the Department in February 2022. It concluded that the Board has an effective system of internal controls in place and included recommendations of low to medium priority aimed at improving existing controls.

Regular financial reports, together with periodic expenditure analysis reports were provided to Management, the Finance and Effectiveness Committee and the statutory Legal Aid Board to assist in the effective management of the Board's budget against the backdrop of COVID-19.



# Information and Communications Technology

In 2021 the Board added a Live Chat facility, enabling members of the public to obtain information in real time from a member of staff about the Board's services, how to apply, and related matters. The Live Chat was also available to persons seeking information on the Board's mediation services.

The IT Unit further strengthened the remote access facilities for staff who were required to work remotely at various times due to the COVID-19 pandemic. New security software was added to the firewall and remote access devices. Once this initial work was completed and the laptops were configured, every staff member of the Board had the facility to work remotely.

Court hearings and hearings of the International Protection Appeals Tribunal continued online using various video conferencing technologies. The IT Unit configured the Board's

desktop PC's and laptops to allow access to these hearings by Board staff representing clients as required.

The Board made progress on updating its core server hardware during 2021. This formed a precursor for the new case management system that will be developed in 2022. As part of the hardware upgrade, and in response to the increase in cyber-crime activity, particularly new forms of malware that can encrypt backup data as well as primary data, the Board purchased a new cyber-secure backup system. Configuration commenced in late 2021.

The analysis commenced for a new case management system to replace the existing system. The new case management system is to incorporate a number of additional features and to avail of new technologies available. The most notable of these is the creation

of a client portal for clients to log into and access documentation associated with their case.

The firewall solution used in the Board was updated with additional security features for scanning attempted intrusion, malware and cyber-attacks. The email system was also upgraded to protect official Board email addresses from being duplicated or spoofed.

## Official Languages Scheme

An Irish Language Scheme was approved by the Department of Culture, Heritage and the Gaeltacht in January 2019 for a period of 3 years. The Board is in a position to facilitate both legal and family mediation services in the Irish language.

## Section 42 of the Irish Human Rights and Equality Act 2014

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

and protect the human rights of its members, staff and the persons to whom it provides services. One specific action it took in 2021 was to initiate a pilot project to better support the legal needs of the Traveller community. A solicitor and a support staff member have been specifically assigned to this project.

# Overview of Energy Usage in 2021

The Board is currently on course to reach a reduction of 32.5% consumption (over a 2009 baseline). Returns are made to the Sustainable Energy Authority of Ireland (SEAI) on an annual basis, and the performance scorecard, based on these returns is outlined below.

The table below shows the levels of energy consumed in Board offices over the last four years.

## Initiatives taken during 2021

The Board has, throughout 2021, continued to work with the Office of Public Works (OPW) via its Optimising

Power @ Work campaign to focus on staff awareness campaigns, behavioural change and minor works projects that generate savings in energy usage. The Board is currently in the process of upgrading its office network, which includes upgrades to the lighting and heating systems.

Table 31	2018	2019	2020	2021
<b>Energy Consumption</b>				
Electricity (kWh)	1,623,548	1,560,708	1,439,744	1,373,607
Gas (kWh)	103,164	102,146	138,808	135,659
LPG (Litres)	0	0	8,231	23,695
Oil (Litres)	12,000	17,000	9,000	0

## Chart 10

### Progress against baseline (2009 to end 2021)

#### Since Energy Efficiency Baseline to 2021

Energy Savings: 32.5% lower



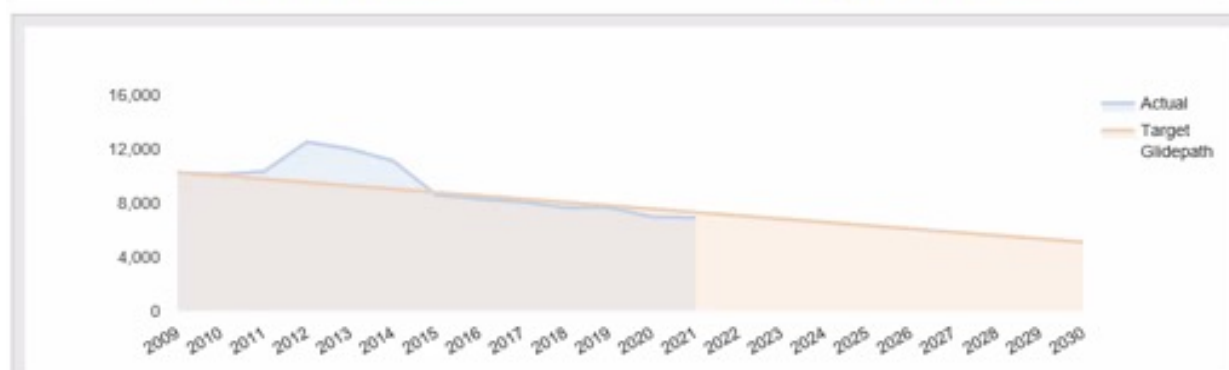
Change in Energy Consumption: 16.0% lower



#### Energy Performance Indicators - 2021

2021 EnPI = 6,959  $\frac{\text{kWh}}{\text{FTE Employee}}$

Target EnPI = 5,155  $\frac{\text{kWh}}{\text{FTE Employee}}$



#### Level 2 Energy Performance Indicators (2021)

0.9% better than 2020



32.5% better than energy efficiency baseline



35.0% improvement required by 2030



Electricity = 6,245  $\frac{\text{kWh}}{\text{FTE Employee}}$

Thermal = 714  $\frac{\text{kWh}}{\text{FTE Employee}}$

Transport = 0  $\frac{\text{kWh}}{\text{FTE Employee}}$

1.2% better than 2020



1.9% worse than 2020



0.0% worse than 2020







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# **Governance Statement and Board Members Report 2021**

# Governance Statement and Board Members' Report 2021

## Governance

The Legal Aid Board is accountable to the Minister for Justice and is responsible for ensuring good governance and performs this task by setting strategic objectives and targets and taking strategic decisions on all key business issues. The regular day-to-day management, control and direction of the Legal Aid Board are the responsibility of the Chief Executive and the senior management team. The Chief Executive and the senior management team must follow the broad strategic direction set by the Board, and must ensure that all Board members have a clear understanding of the key activities and decisions related to the entity, and of any significant risks likely to arise. The Chief Executive acts as a direct liaison between the Board and management of the Legal Aid Board.

## Board Responsibilities

The functions of the statutory Board are set out in Section 5 of the Civil Legal Aid Act 1995 (as amended) – “the Act” – and its responsibilities are set out in the Board’s Governance Manual, as follows:

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

Section 20 of the Act requires the Board to keep in such form as may be approved by the Minister for Justice, with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of the resources of the Board.

In preparing these financial statements, the Board of the Legal Aid Board is required to:

- select suitable accounting policies and apply them consistently,
- make judgements and estimates that are reasonable and prudent,
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that it will continue in operation, and
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements.

The Board is responsible for keeping adequate accounting records which disclose, with reasonable accuracy at any time, its financial position and enables it to ensure that the financial statements comply with Section 20 of the Act. The maintenance and integrity of the corporate and financial information on the Legal Aid Board’s website is the responsibility of the Board.

The Board is responsible for approving the annual plan and budget. It approved the 2021 budget at its meeting on 21 January 2021. At the Board’s meeting on 25 February 2021, a Statement of Strategy 2021 – 2023 was approved. At that same meeting, the Board also reviewed the Organisational Priorities for 2021. A mid-year review of the budget, Statement of Strategy and Organisational Priorities took place at the Board meeting on 22 July 2021, and a full-year review of these took place at the meeting on 20 January 2022.

The Board is also responsible for safeguarding its assets and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

The Board considers that the financial statements of the Legal Aid Board give a true and fair view of the financial performance and the financial position of the Legal Aid Board at 31 December 2021.

### Board Structure

The Civil Legal Aid Act 1995 makes provision for the appointment of a Chairperson and 12 ordinary members to the Board. The current Board was appointed by the Minister for Justice Ms. Helen McEntee TD, on 10th November 2021.

The tables below details the appointment period for the outgoing and current Board members who served during 2021:

<b>Table 32</b>	<b>Date of first Appointment (and date of re-appointment where applicable)</b>	<b>Date on which term expired / Board member resigned</b>
<b>Legal Aid Board 2016-2021</b>		
<b>Philip O'Leary</b> , Chairperson 2011-2021	11/10/2011 (08/11/2016) re-appointed	01/11/2021
<b>Nuala Jackson</b> , Senior Counsel	08/11/2016	01/11/2021
<b>Tom Brennan</b> , Chartered Accountant	08/11/2016	01/11/2021
<b>Betty Dinneen</b> , Civil Servant (Staff Member)	05/12/2019	01/11/2021
<b>Eoin Dormer</b> , Department of Public Expenditure and Reform	05/12/2019	01/11/2021
<b>Nuala Egan</b> , Barrister at Law	21/02/2017	01/11/2021
<b>Catherine Keane</b> , Solicitor, Cartoon Saloon	09/06/2020	01/11/2021
<b>Gordon Jeyes</b> , Former Chief Executive of Tusla, the Child and Family Agency	08/11/2016	01/11/2021
<b>Maurice Lawlor</b> , Department of Social Protection	08/11/2016	01/11/2021
<b>Freda McKittrick</b> , Assistant Director, Barnardos	08/11/2016	01/11/2021
<b>Michael O'Connell</b> , Civil Servant (Staff Member)	08/11/2016	01/11/2021
<b>Tracy O'Keeffe</b> , Department of Justice	22/07/2021	01/11/2021
<b>Ellen O'Malley Dunlop</b> , Chairperson of the National Women's Council of Ireland	08/11/2016	01/11/2021
<b>Rachel Woods</b> , Department of Justice	24/09/2019	30/04/2021

<b>Table 33</b>	<b>Date of first Appointment (and date of re-appointment where applicable)</b>	<b>Date on which term expired / Board member resigned</b>
<b>Legal Aid Board 2021-2026</b>		
<b>Nuala Jackson</b> , Chairperson 2021-2026	08/11/2016 (10/11/2021) re-appointed	09/11/2026
<b>Nuala Egan</b> , Barrister at Law	21/02/2017 (10/11/2021) re-appointed	09/11/2026
<b>Catherine Keane</b> , Solicitor, Cartoon Saloon	09/06/2020 (10/11/2021) re-appointed	09/11/2026
<b>Gordon Jeyes</b> , Former Chief Executive of Tusla, the Child and Family Agency	08/11/2016 (10/11/2021) re-appointed	09/11/2026
<b>Maurice Lawlor</b> , Department of Social Protection	08/11/2016 (10/11/2021) re-appointed	09/11/2026
<b>Freda McKittrick</b> , Assistant Director, Barnardos	08/11/2016 (10/11/2021) re-appointed	09/11/2026
<b>Tracy O’Keeffe</b> , Department of Justice	22/07/2021 (10/11/2021) re-appointed	09/11/2026
<b>Michael Patrick Bourke</b> , Solicitor (retired)	10/11/2021	09/11/2026
<b>Patrick Durcan</b> , Retired District Court Judge	10/11/2021	09/11/2026
<b>Marianne Nolan</b> , Department of Public Expenditure and Reform	10/11/2021	09/11/2026
<b>Niamh O’Hanlon</b> , Civil Servant (staff member)	10/11/2021	09/11/2026
<b>Catherine Ryan</b> , Civil Servant (staff member)	10/11/2021	09/11/2026
<b>Liam Ryan</b> , Solicitor	10/11/2021	09/11/2026

The Board has established six committees, as follows:

### Appeal Committee

The Appeal Committee is a statutory committee of the Board, which considers requests by legal aid applicants for decisions made by the executive in a particular case to be reversed. It comprised the following members in 2021:

#### Legal Aid Board 2016-2021

January to June 2021: Ms. Nuala Egan (Chair), Ms. Nuala Jackson, Mr. Gordon Jeyes, Ms. Catherine Keane and Ms. Ellen O’Malley-Dunlop. Additional members: Mr. Tom Brennan, Mr. Maurice Lawlor, Ms. Freda McKittrick, Mr. Philip O’Leary.

July to October: Ms. Nuala Egan (Chair), Ms. Nuala Jackson, Mr. Gordon Jeyes, Ms. Catherine Keane and Ms. Ellen O’Malley-Dunlop. Additional members: Mr. Tom Brennan, Mr. Maurice Lawlor, Ms. Freda McKittrick, Mr. Philip O’Leary.

The Appeal Committee of the 2016-2021 Board met on eleven occasions in 2021.

#### Legal Aid Board 2021-2026

November to December 2021: Ms. Nuala Egan (Chair), Mr. Michael Bourke, Mr. Maurice Lawlor, Ms. Marianne Nolan, Mr. Liam Ryan.

The Appeal Committee of the 2021-2026 Board met on three occasions in 2021.

### Audit and Risk Committee

The Audit and Risk Committee considers organisational and other risks identified in the risk assessment reports or otherwise and reports to the main Board on the extent to which such risks are managed or mitigated in a structured and on an on-going basis. The members of the Audit and Risk Committee in 2020 were as follows:

**Legal Aid Board 2016-2021**

January to April 2021: Ms. Rachel Woods (Chair), Ms. Betty Dinneen, Ms. Catherine Keane, Mr. Eoin Dormer -. Mr. Michael Flynn (external member of Committee).

May to October 2021: Mr. Gordon Jeyes (Chair), Ms. Betty Dinneen, Ms. Catherine Keane, Mr. Eoin Dormer. Mr. Michael Flynn (external member of Committee).

The Audit and Risk Committee of the 2016-2021 Board met on four occasions in 2021.

**Legal Aid Board 2021-2026**

November to December 2021: Mr. Gordon Jeyes (Chair), Ms. Nuala Egan, Ms. Freda McKittrick, Ms. Tracy O' Keeffe, Ms. Catherine Ryan, Mr. Michael Flynn (external member of Committee).

The Audit and Risk Committee of the 2021-2026 Board did not meet in 2021.

**Finance and Effectiveness Committee**

The Committee considers the Board's finances in detail and reports to the Board on the financial affairs and policies of the Board. This includes the review of budgets and financial reports, the approval of the Board's annual accounts and detailed consideration of financial matters in order to make appropriate recommendations to the Board and to advise management. The Committee's membership in 2021 was as follows:

**Legal Aid Board 2016-2021**

January to October 2021: Mr. Tom Brennan (Chair), Mr. Eoin Dormer, Ms. Nuala Jackson, Mr. Maurice Lawlor, Mr. Michael O'Connell and Mr. Philip O'Leary.

The Finance and Effectiveness Committee of the 2016-2021 Board met on five occasions during 2021.

**Legal Aid Board 2021-2026**

November to December 2021: Ms. Catherine Keane (Chair), Ms. Marianne Nolan, Mr. Patrick Durcan, Ms. Nuala Jackson, Mr. Gordon Jeyes, Mr. Michael Flynn (external member of Committee).

The Finance and Effectiveness Committee of the 2021-2026 Board held one meeting in 2021.

**Strategy and Opportunity Committee**

The role of the Strategy and Opportunity Committee is to consider matters relating to new areas of work of the Board and any relevant areas of reform in relation to the approaches adopted by the Board. The Committee considers Board policy and interpretation of legislation and reports and makes recommendations to the Board as deemed appropriate. The members of the Committee in 2020 were as follows:

**Legal Aid Board 2016-2021**

January to October 2021: Ms. Freda McKittrick (Chair), Ms. Nuala Egan, Mr. Gordon Jeyes, Mr. Philip O'Leary, Mr. Michael O'Connell.

The Strategy and Opportunity Committee of the 2016-2021 Board met on four occasions in 2021.

**Legal Aid Board 2021-2026**

November to December 2021: Ms. Catherine Ryan (Chair), Mr. Michael Bourke, Mr. Patrick Durcan, Ms. Nuala Egan, . Ms. Niamh O'Hanlon, Ms. Tracy O'Keeffe.

The Strategy and Opportunity Committee of the 2021-2026 Board did not meet in 2021.



### **Performance Committee**

The Performance Committee is set up to consider the objectives of the Chief Executive and the extent to which those objectives have been achieved. Its members in 2021 were as follows:

#### **Legal Aid Board 2016-2021**

January to October 2021: Mr. Philip O'Leary (Chair), Mr. Tom Brennan, Ms. Freda McKittrick, Ms. Ellen O'Malley Dunlop. The Committee was chaired by the Board Chairperson.

The Performance Committee of the 2016-2021 Board held two meetings in 2021.

#### **Legal Aid Board 2021-2026**

November to December 2021: Mr. Gordon Jeyes (Chair), Ms. Nuala Jackson Ms. Freda McKittrick.

The Performance Committee of the 2021-2026 Board held one meeting in 2021.

### **Culture Committee (ad-hoc)**

#### **Legal Aid Board 2016-2021**

The Culture Committee was established on a temporary basis to examine the culture of the organisation and to make recommendations to the Board in this regard. Its members were Mr. Maurice Lawlor (Chair), Mr. Tom Brennan, Ms. Betty Dinneen, Mr. Philip O'Leary. In addition the following staff representatives were co-opted to the Culture Committee for the duration of its deliberations: Ms. Jacqui Lacey, Ms. Stella O'Rourke, Ms. Pauline Eustace.

This Committee held its final meeting in January 2021.

#### **Legal Aid Board 2021-2026**

Not applicable.

### **Key Personnel Changes**

The details of the Board appointments in November 2021 are set out above.

### **Matters specifically reserved to the Board itself**

In compliance with the requirement in the Code of Practice for the Governance of State Bodies, the Board has a formal schedule of matters specifically reserved to it for decision to ensure that the direction and control of the body is firmly in its hands. In the case of the Legal Aid Board, the matters specifically reserved are:

- Significant acquisition, disposal and retirement of assets. The Board must approve acquisitions, disposals and retirement of assets with an anticipated value at or above a threshold level of €65,000. The Board is to be notified of any acquisitions/disposals/retirement of assets with a value at or above €10,000.
- No contract valued over €65,000 can be entered into, directly or by way of draw down, without the prior approval of the Board. The Finance and Effectiveness Committee is to be notified of the awarding of contracts with a value over €10,000.
- Approval of terms of major contracts.
- Assurances of compliance with statutory and administrative requirements in relation to the approval of the appointment, number, grading, and conditions of all staff, including remuneration and superannuation;
- Approval of the Annual Budget;
- Approval of the Board's Corporate Plans which are prepared every 3 years;
- Approval of the annual report and financial statements consistent with the Board's obligations under the 1995 Act.
- Approval of recommendations to the Minister for the amendment of legislation;
- Approval of Board policy documents which it is proposed to publish or disseminate;

- Responsibility for systems of internal financial and other controls;
- Delegated authority levels and risk management policies;
- Appointment, remuneration and assessment of the performance of, and succession planning for, the Chief Executive; and
- Significant amendments to the pension benefits of the Chief Executive and staff (which may require Ministerial approval).

The Code of Practice provides that the Board should meet at least twice a year without executive Board members or management present to discuss any matters deemed relevant.

In the case of the Legal Aid Board, Section 4 (6) of the 1995 Act states that the Board shall hold such and so many meetings as may be necessary for the performance of its functions.

### **Delegations to Management**

Under the provisions of Section 10(2) of the Civil Legal Aid Act, 1995, the Board may assign certain functions to the Chief Executive. It has formally assigned responsibility for the day to day management of the provision of a legal aid and advice service to the Chief Executive, subject to the provisions of the Civil Legal Aid Act, 1995 and any Regulations made under the Act.

Specifically, the Board has assigned the following particular functions to the Chief Executive:

- reporting to and advising the Board on the operation of the legal aid and advice service;
- ensuring that the service is administered in the most efficient and cost effective manner;
- decision making in relation to the provision of legal aid and advice in individual cases;
- management of the dissemination, for the benefit of those for whom its services are made available, of information in relation to those services and their availability;
- the nomination of solicitors and barristers for the purpose of providing a person with legal aid and advice or the referral of a person to the solicitors' panel as appropriate;
- liaison between the Board and relevant interests including its clients and the public generally;
- monitoring and evaluating the performance of the law centres and their staff;
- maintaining a high standard of communication with the Board, law centres and staff;
- subject to any policy directives of the Minister and / or of the Board, policy development and the formulation and implementation of suitable strategies;
- management of the Board's resources, including physical resources;
- management of human resource matters; and
- financial management, including the keeping of appropriate accounts and records as provided for in Section 20 of the Civil Legal Aid Act, 1995.

In turn, the Chief Executive may, with the consent of the Board, specify any of these functions to be performed by a member of staff. The Board's resolutions set out the decisions taken by the Board in these matters.

The Chief Executive is accountable to the Public Accounts Committee (PAC) of the Oireachtas. This is on the basis that the financial statements of the State body are audited by the Comptroller and Auditor General and laid before the Oireachtas in accordance with the State body's governing legislation.

### Schedule of Attendance

In 2021, the Board held 11 Board meetings. The meetings took place in a combination of videoconference and in-person formats, depending on the level of COVID-19 restrictions in place at the time. A schedule of attendance at the Board and Committee meetings for 2021 is set out below.

<b>Table 34</b>	<b>Number of 2016-2021 Board meetings attended</b>	<b>Number of 2021-2026 Board meetings attended</b>	<b>Fees 2021 €</b>	<b>Expenses 2021 €</b>
<b>Schedule of Attendance</b>				
Philip O'Leary (Chair)	9	N/A	9,975	1,061
Tom Brennan	9	N/A	5,771	271
Betty Dinneen	8	N/A		66
Eoin Dormer	7	N/A		
Michael O'Connell	9	N/A		273
Ellen O'Malley Dunlop	9	N/A	5,771	499
Rachel Woods	3	N/A		
Nuala Egan	9	2	7,695	
Nuala Jackson (Chair November 2021)	8	2	8,408	
Gordon Jeyes	9	2	7,695	131
Catherine Keane	8	2	7,695	237
Maurice Lawlor	8	2		213
Freda McKittrick	9	2	7,695	
Tracy O'Keeffe	2	2		
Michael Bourke	N/A	2		
Patrick Durcan	N/A	2		
Marianne Nolan	N/A	2		
Niamh O'Hanlon	N/A	2		
Catherin Ryan	N/A	2		
Liam Ryan	N/A	2		
Michael Flynn (External member of Audit and Risk Committee)			898	

*Note: Betty Dinneen, Eoin Dormer, Michael O'Connell, Rachel Woods, Maurice Lawlor, Marianne Nolan, Niamh O'Hanlon, Tracy O'Keeffe, and Catherine Ryan, who are public servants, did not receive a Board fee under the One Person One Salary principle.*

### Disclosures Required by the Code of Practice for the Governance of State Bodies (2016)

The Board is responsible for ensuring that the Legal Aid Board has complied with the requirements of the Code of Practice for the Governance of State Bodies ("the Code"), as published by the Department of Public Expenditure and Reform in August 2016. The following disclosures, which are required by the Code, will be included in a more detailed Governance Statement and Board Members' Report that will accompany the Board's 2021 Financial Statements:

- Employees Short-Term Benefits Breakdown
- Consultancy Costs
- Legal Costs and Settlements
- Travel and Subsistence Expenditure
- Hospitality Expenditure

## **Risk Management**

The Board has carried out an appropriate assessment of the State body's principal risks. These include issues relating to cyber security, health and safety at Board offices, data protection, and the availability of sufficient skilled staff to ensure the effective delivery of services to clients.

The Board has a comprehensive set of internal controls across all of its functional areas. These are reviewed annually by the Audit and Risk Committee and the Board. There is a programme of regular reporting to the Board on developments in relation to risk, including a Risk Register and Risk Materialisation Report.

## **Internal Review**

In line with Section 4.6 of the Code of Practice for the Governance of State Bodies 2016, an internal review of the Board and its Committees was carried out in 2021. This review consisted of a survey to each Board member on a range of matters relating to the operation of the Board and the engagement between the Board and the Executive. As part of the process, there was also a survey of Board members in respect of each Board Committee to which they were appointed.

## **Public Spending Code**

The Board seeks to obtain maximum value for all of its expenditures. Its primary area of non-pay expenditure is in the referral of client cases to private legal practitioners. The fee rates for such referrals are set out by the Board in the terms and conditions for the panels of private legal practitioners.

In other procurements, the Board operates under Public Procurement Guidelines, and utilises the Office of Government Procurement centralised purchasing arrangements wherever this is possible.

The Board did not undertake any new programmes of expenditure in 2021.

## **Statement of Compliance**

The Board has adopted the Code of Practice for the Governance of State Bodies (2016) and has put procedures in place to ensure compliance with the Code. The Legal Aid Board was in compliance with the Code of Practice for the Governance of State Bodies in 2020.

A section-by-section review of the Board's compliance with the Code was carried out in November 2020. The following matters in relation to the Board's compliance with the Code were identified:

- The development of a system of performance measurement for major expenditure items. This remains to be addressed and will receive further attention during 2022.
- The publication of a new Customer Action Plan. This process of preparing this plan was substantially advanced during 2021 and is approaching completion. Also the publication of the Board's codes of conduct for Board members and staff on the Board's website, and the Protected Disclosures report for 2019. These updates are in the process of publication.
- Putting in place a procedure to allow for a Board member (who is not a public servant already foregoing their fee under the One Person One Salary Rule) to waive their fee, and minor amendments to the arrangements for a Board meeting in the event of a conflict of interest. This process is now in place.
- The resourcing of the Board's Internal Audit function, and minor updates to the terms of reference for the Audit and Risk Committee. These matters have been since addressed.
- The requirement to submit unaudited accounts to the Department of Justice within two months of year-end. A revised Department of Public Expenditure and Reform Circular 24/2021, issued in November 2021 requires State bodies to submit their Financial Statements to the Comptroller and Auditor General within three months of the end of the financial period. This deadline will be met and a copy of the unaudited Financial Statements will be provided to the

Department of Justice.

Nuala Jackson SC

Chairperson

John McDaid

Chief Executive



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

Providing access to justice since 1979



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