



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

Providing access to justice since 1979

Annual Report

2022



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Purpose

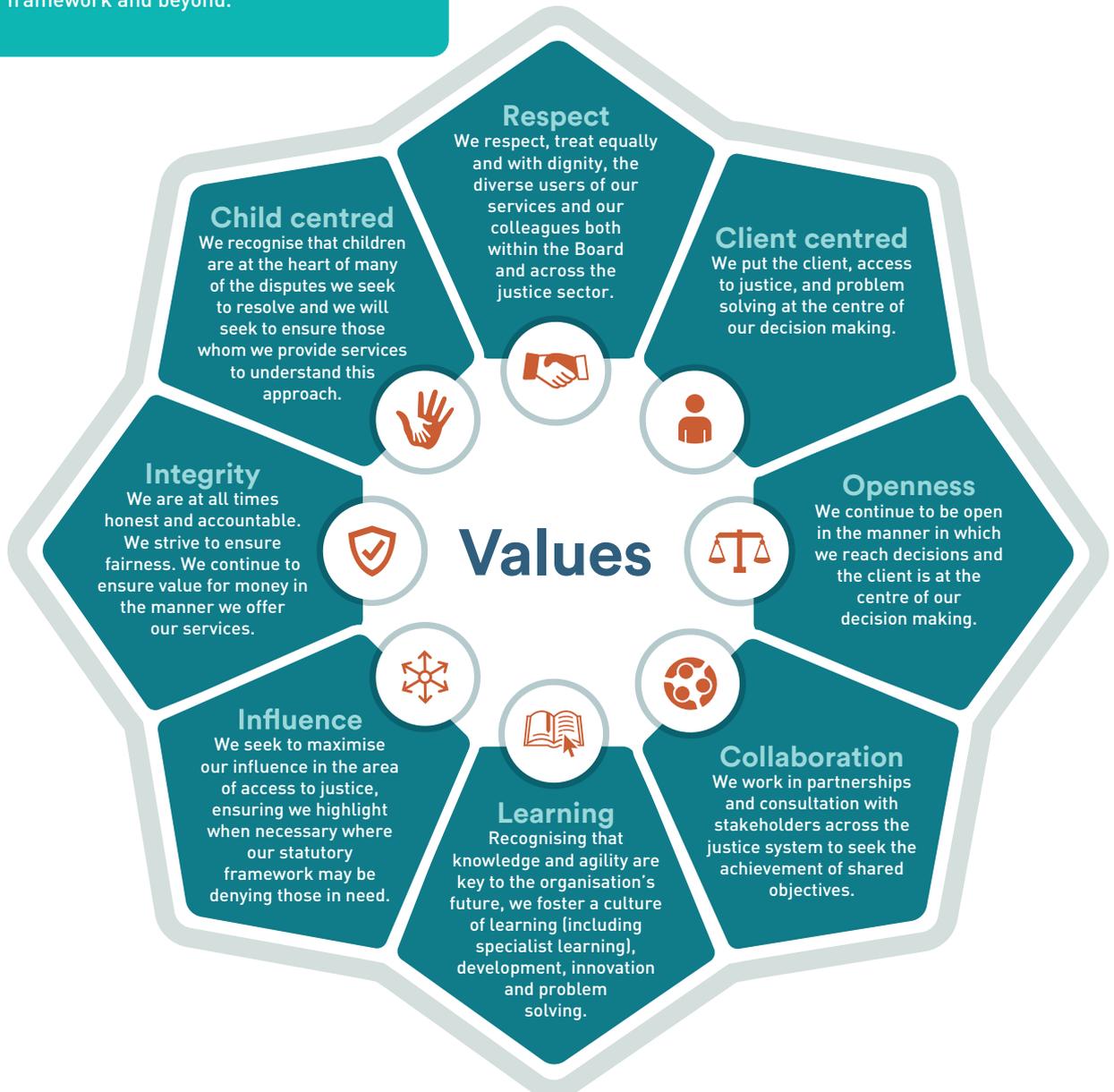
We are an independent statutory body responsible for the provision of civil legal aid and advice, family mediation and vulnerable witness related services and for the administration of a number of ad hoc legal aid schemes. We are a key strategic partner and a civil agency of the Department of Justice.

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.

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.



Overview



Function and Purpose

The Legal Aid Board is the statutory, independent body responsible for the provision of civil legal aid and advice to persons of modest means, in accordance with the provisions of the Civil Legal Aid Act 1995 (the “Act”). The Act was amended by Section 54 of the Civil Law (Miscellaneous Provisions) Act 2011 which gave the Board the additional responsibility to provide a family mediation service. The Board’s remit is in the process of being further expanded, following a government decision, 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. 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 have already 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. 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 parties involved in the international protection process.

Family mediation services are provided through 16 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, 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 the Abhaile Scheme, 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 that 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 in the dispute also needs to contact the same office to confirm their 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.

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.

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 statutes. 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. Legislation providing for the transfer to the Board of the main Criminal Legal Aid Scheme is awaited.

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

Under Section 4 (1) of the Civil Legal Aid Act 1995, the Board shall consist of a chairperson and 12 ordinary members, appointed by the Minister for Justice. In respect of the twelve ordinary members, Section 4(3) (b) of the Act states that not less than five of the ordinary members of the Board shall be men, and not less than five shall be women.

The current Legal Aid Board was appointed by the Minister for Justice Helen McEntee TD and took office on the 1st November 2021. Membership of the Board is set out on page 12. Further details are available in the Governance Statement and Board Members' Report.

As of 31 December 2022, there were seven female and five male ordinary members of the Board, with zero positions vacant. The Board therefore meets the legal requirement under Section 4 (3) (b) of the Civil Legal Aid Act 1995.



The Board

The Board as of 31 December 2022:

Nuala Jackson, Senior Counsel	Chairperson
Michael Bourke	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

Statement by the Chairperson



“our laws could be perfect [and we know they are not] and our judges could be latter day Solomons, but it would mean nothing if a party cannot come into court and seek the enforcement of those laws. As he [Clarke CJ]] said on that occasion: “ ... it would little avail a party whose position those laws favoured, if that party has not reasonable access to a court to ensure, if all other means of resolution fail, that their position is vindicated.”

O'Donnell CJ, Second Conference of the Chief Justice's Working Group on Access to Justice (February 2023), (reflecting comments of his predecessor, Clarke CJ, at the first such conference in 2021).

I am pleased to present the Legal Aid Board Annual Report for 2022. Chairing the Legal Aid Board's statutory board is a privilege, a

challenge, and a responsibility, all interwoven into a singular role.

First and foremost, it is a privilege to lead an organisation that has steadfastly provided and facilitated access to justice for many years. In 2022 alone, our Law Centres handled an impressive 16,477 cases, complemented by an additional 13,245 cases serviced through various private practitioner schemes. This commitment to providing access to justice is the cornerstone of our mission.

Our focus extends beyond litigation to encompass dispute resolution, a facet of our work that fills us with pride. In 2022, the Board's free and universally accessible mediation service provided such service to 1,503 couples in a dispute, offering flexible service delivery through telephone, video conferencing, and in-person sessions. The expansion of co-located mediation services alongside legal service offices and our involvement in leading advanced training for mediators underscore our dedication to promoting mediation as an integral component of our services.

Chairing the Legal Aid Board also entails the privilege of collaborating with a dedicated and diligent team of mediators, lawyers, and administrative professionals. Furthermore, our engagement with non-governmental organisations through our External Consultative Panel is a crucial aspect of our outreach efforts, strengthening our

commitment to community involvement.

Reflecting upon the breadth of legal issues addressed by the Legal Aid Board, including international protection, personal insolvency, assisted decision-making, family law, public child care, personal injuries, child abduction, and judicial review, underscores the organisation's profound impact.

I wish to express my appreciation for the unwavering dedication of our statutory board members. Their generosity of time, deep commitment to our mission, and willingness to assume additional responsibilities for the betterment of the Board are unsurpassed. Notably, two new sub-committees were established in 2022 - the People and Culture Committee and the Environment Committee, furthering our commitment to Environmental, Social, and Governance (ESG) initiatives.

The challenge results from sometimes feeling between a rock and a hard place, or the meat in the sandwich! The provision of necessary legal aid services is dependent upon statutory eligibility criteria being at a level which enables us to reach those who require such services. Current eligibility levels often mandate refusal in circumstances of need. At the other end, the provision of necessary legal aid services requires that there be adequate supply of legal professionals to do so. The mixed model has served and continues to serve the public well, but recruitment challenges are severe in the context of ongoing remuneration constraints, as is the attractiveness of legal aid work

for private solicitors under the current fee structure.

In addressing the responsibility that we hold to enable access to the means to resolve disputes, I return to the words of the Chief Justice, O'Donnell CJ, reflecting on the First Access to Justice Conference (2021), which have a resonance in this context:

"... an increased recognition that the umbrella phrase "access to justice" is not a single issue but is multi-factorial and involves issues such as education and outreach to inform people of the law and their rights, as well as what is traditionally understood as legal assistance and legal aid. It brought it home to me that access to courts and to litigation, as important as that is, forms only a part of access to justice."

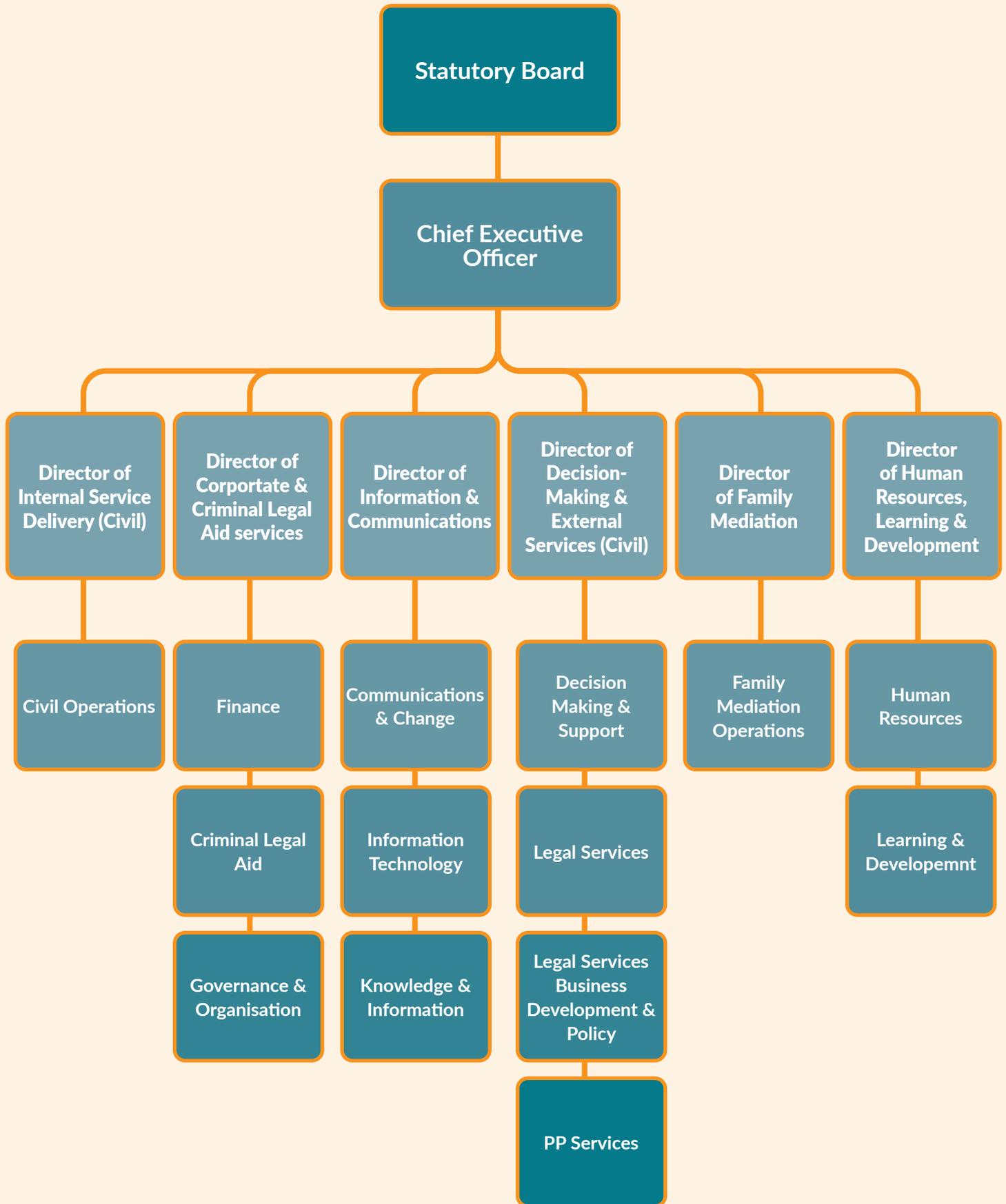
Within the Legal Aid Board, we are fortunate to reflect upon many years of committed service and we look forward to the report of the Civil Legal Aid Review and the new perspectives which will emerge therefrom.

Nuala Jackson, SC
Chairperson

Head Office Executive Staff

The Board as of 31 December 2022:

Chief Executive Officer	John McDaid
	*Ms Joan Crawford was appointed CEO on April 1st, 2023
Director of Internal Service Delivery (Civil)	Joan Crawford
Director of Family Mediation	Fiona McAuslan
Director of Decision Making and External Services (Civil)	Niall Murphy
Director of Human Resources, Learning and Development	Angela McDonnell
Director of Corporate and Criminal Legal Aid Services	Donal Reddington
Director of Information and Communications	Gareth Clifford
Financial Controller	Joan Enright
Secretary to the Board	Mary T. O'Connor
Auditors	Comptroller and Auditor General
Solicitors	Holmes O'Malley Sexton
Head Office	Quay St., Cahirciveen, Co. Kerry; Phone: 066 9471000
Dublin Office	48/49 North Brunswick St., George's Lane, Dublin 7; Phone: 01 6469600
Website	www.legalaidboard.ie



Introduction by the Chief Executive



In 2022, we began to unfold the challenges of delivering services amidst the ongoing Covid-19 pandemic, gradually moving towards a new normal. As the last of the restrictions were lifted in February 2022, we faced decisions regarding the permanence of changes we had implemented in service delivery. Notably, our introduction of a Blended Working Policy for Legal Aid Board staff became a pivotal change. Following extensive consultations, this policy was formally implemented in November 2022 and has since been embraced by our staff.

Throughout the year, applications for legal advice and aid surged, primarily driven by an increase in requests for international protection, resulting in an overall 35% increase and a 368% increase in international protection applications. This upward trend is anticipated to persist into 2023. The

increased demand placed significant pressure on our services, prompting efforts to recruit additional staff. However, recruiting entry-level solicitors, particularly in the Dublin area, remains a considerable challenge. This issue also impacted the recruitment of mediators. In response, the Board offered nine traineeships to potential mediators to expand the candidate pool.

We continued to prepare for the anticipated introduction of the Assisted Decision Making (Capacity) Act 2015 in 2022, though it had not been commenced by year-end. The Legal Aid Board is pleased to be actively engaged in the development and implementation of the first Family Justice Strategy and is represented on the Civil Legal Aid Review Group, reflecting our commitment to enhancing access to justice and innovative family law problem-solving.

The Board successfully organised several conferences in 2022, including on Domestic Violence and Coercive Control, which received significant attendance and positive feedback. Throughout the year, we prioritised the well-being of our staff through team-building events, staff engagement forums, support mechanisms, and well-being programs.

I am delighted to announce the establishment of the Minceir Traveller Legal Service on a permanent basis following a successful pilot program. I extend my gratitude to the consultative group of

Traveller organisations for their invaluable support with the original project and feedback on same.

Our Abhaile Scheme, which provides legal advice and, in some cases, legal aid to insolvent individuals at risk of losing their family homes, issued a total of 301 legal consultation vouchers in 2022. The number of duty solicitor days scheduled was 262. Additionally, the family mediation service continued to offer court-based mediation and appointments in mediation offices and co-located centres.

Our hybrid service delivery model, combining in-house and private solicitor panels, has proven effective. We extend our appreciation to the private practitioners and barristers on our panels for their dedication to legal aid work.

Lastly, I want to commend our exceptional Board staff for their unwavering dedication and hard work, often in demanding circumstances. I also acknowledge the steadfast commitment of our statutory board for their leadership and individual contributions in driving our organisation forward.

In conclusion, I express my gratitude to the Minister for Justice, the Secretary General of the Department, and their staff for their ongoing support.

Joan Crawford
Chief Executive

Services Provided in 2022



Civil Legal Aid

Demand for the service

There were 20,705 applicants who sought civil legal aid services from the Board's Law Centres in 2022. The type of problems for which the Board provides legal services extends to most areas of civil law although in 2022, 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 also 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 below highlights that family law continues to constitute the predominant area in which the Board provides legal services. Of the cases handled in 2022, 63% were in the private family law area. A more detailed breakdown of the main issues in respect of which legal services were provided in 2022 is provided in Chart 3. It is common 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

As can be seen from Table 3 below, there was an increase in the number of new cases taken on in the law centre network in 2022 compared to 2021.

Duration of cases

Table 4 below provides an age profile of cases in which legal services were provided by Law Centres in 2022. 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, effectively bringing the case over from one year to the next

Cases completed

Of the 16,477 cases handled in the Law Centres in 2022, 5,561 (34%) were completed by the end of the year. Table 5 below 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 2022 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 42% of divorce, separation and nullity cases completed in 2022 had been ongoing for longer than three years, compared to 27% of childcare cases and 15% of other family law matters.

Cases on Hand

Chart 4 below gives a percentage breakdown of the status of all of the Board's active cases as of 31st December 2022, excluding international protection.

Timeliness of the service

The year 2022 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. This is evidenced by the figures in Table 7. Table 7 sets out the number of persons waiting on the 31st December 2022 and on the same date in the previous five years, for legal services with a solicitor. The longest wait in weeks, as of the 31st December 2022, is set out for the various Law Centres in Table 8 below. 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 2022 approximately 44% of first appointments were for priority 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 15,444 and 75% respectively.

Table 9 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.

Services delivered using private solicitors

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 panels currently in place are as follows:

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. As can be seen from Table 10, the number of referrals to the international protection panel exponentially increased to the point where more cases were referred to the Panel in 2022 than in the four previous years combined. This is as a consequence of a significant increase in applications for international protection in the State in the same period. In response, the Board re-opened this panel to new entrants and re-advertised it. Towards the end of 2022 the Board also began plans to establish a sub-panel of barristers to provide services in this area in order to mitigate the increased demand.

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. During 2022, demand was relatively in line with years prior to 2020, noting that in 2021 there

was a increase in referrals related to the new Stardust Fire Inquests.

Judicial Separation and Divorce: This covers judicial separation and divorce proceedings in the Circuit Court. The Board continued to make increased use of this panel in 2022 following a period of several years in which referrals were strictly controlled.

Public Law Child Care Pilot: This heading 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. From 1st October 2022, the previous pilot panel that operated in counties Dublin, Cork, Donegal, and Wexford was brought to an end and the Panel was thereafter placed on a permanent, nationwide footing. The removal of the geographic restrictions has led to an increase in referrals over recent years, although the full effect of this is unlikely to be seen until 2023. Individual Law Centres remain restricted in the number of cases they can refer to the panel each month.

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 2022 and for each of the years 2018-2022.

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, 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 the end of 2023.

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:

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

The consultation solicitor aspect has dropped every year from its peak in 2017 and this is the first year since then that has shown an

increase in consultation payment claims with over half of all vouchers issued by MABS being redeemed. Requests for authority to conduct further negotiations have continued the year-on-year decline.

In 2021, the Department of Justice and the Department of Social Protection commissioned Deloitte to carry out a review of the governance of Abhaile. The report was delivered in March 2022 and the Board has now implemented the overwhelming majority of the recommendations relating to the legal advice and assistance services. A second high level strategic review was commissioned from Indecon in mid-2022 and the Board has engaged fully with that review including delivering a submission. The review reported in July 2023 and essentially recommended that the Abhaile Scheme continue for a further time-limited period on generally the same model as has been the case up until now, with some minor changes to the scope of certain services. On foot of the review the Government has taken a decision to extend Abhaile through to 31st December 2027.

Services provided on behalf of the Board under the scheme during the period 2018-2022 are outlined in Table 11 below.

International Protection Services

The number of persons seeking legal services from the Board for international protection applications in 2022 was 6,858. This was an increase of 368% on the previous year. Services in international protection and related matters are provided in three of the Board's Law Centres, namely Smithfield (Dublin), Pope's Quay (Cork) and Seville House (Galway) and also by private solicitors on a panel. Table 12 shows the number of new applications for legal services to 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 6 below.

Country of Origin

Among the 6,858 new applicants for legal services in relation to international protection claims, 1,307 came from Somalia, 1,123 from Georgia, 835 from Algeria, 576 from Zimbabwe, 474 Nigeria, 389 from Afghanistan, 235 from Botswana, 217 from South Africa, 102 from Egypt, 97 from Pakistan, 88 from Morocco and 83 from Albania as shown in Chart 7.

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 2022, 47 unaccompanied minors applied for legal services. This figure does not include accompanied or age-disputed minors whose cases are also handled by the Unit.

The Unit has well-developed interagency relationships with the International Protection Office and the Child and Family Agency. The Unit also provides clients with legal services in relation to family tracing and family reunification

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 provides representation in court in a criminal trial where a victim's past sexual history is raised.

During 2022, 27 potential victims of human trafficking referred to the Board by the Garda Síochána applied for legal services, of which 11 cases related to labour exploitation and 12 to sexual exploitation. Please see chart 8

Family Mediation Services

The Board's family mediation service is free with universal access to services in 16 locations: 10 full-time offices (Athlone, Blanchardstown, Cork, Dolphin House, Galway, Jervis House, Limerick, Portlaoise Tallaght, and Wexford) and 11 part-time offices (Carlow, Castlebar, Dundalk, Ennis, Kilkenny, Letterkenny, Mullingar, Nenagh, Sligo, Tralee and Waterford) open for mediation 3 to 4 days a week. As well as room-based mediation, the Board offered online and phone mediation, as part of delivering a service.

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 both parties and the mediator. 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.

Please note:

- 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 requires all mediators to do separate sessions, as part of general best practice.
- For 2022, 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 2022 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 2022 and previous years highlight a marginal reduction in the 2022 figure for "New Cases commenced" with a significant decrease for the "Total number of mediated sessions". Mediation throughout 2022 continued to be a blend of face to face, online and/or telephone conferencing.
- While the session figures relate to sessions held in 2022, the Agreement figure can include cases started in the previous year. For example, the Agreements completed in 2022 in Ennis not only relate to the First Joint sessions for that year but to cases started in 2021 and concluded in 2022.
- Throughout 2022 mediation was performed by a combination of telephone, video conferencing and face to face sessions.

Criminal Legal Aid

Overview of Criminal Legal Aid Ad-hoc Schemes

There are five Criminal Legal Aid Schemes and the Board is currently responsible for the administration and management of three of them. These three schemes do not have a statutory footing. They are as follows:

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

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. See tables 21, 22, 23, 24, 25, and 26.

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.

The bail aspect of the Legal Aid – Custody Issues Scheme is fully administered by the Department of Justice. See table 26 and 27.

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 statutes. 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 such claims in 2022 at a cost of €42,245 (including VAT). See table 28 and 29.

Tables

Data Relating to Civil Legal Aid

Table 1: Number of applicants 2018 – 2022

Year	2018	2019	2020	2021	2022
General	16,169	15,458	13,209	13,827	13,849
International protection	2,079	2,539	1,174	1,464	6,858
Total	18,248	17,997	14,383	15,291	20,705

Chart 1 - Number of applications by case type 2022

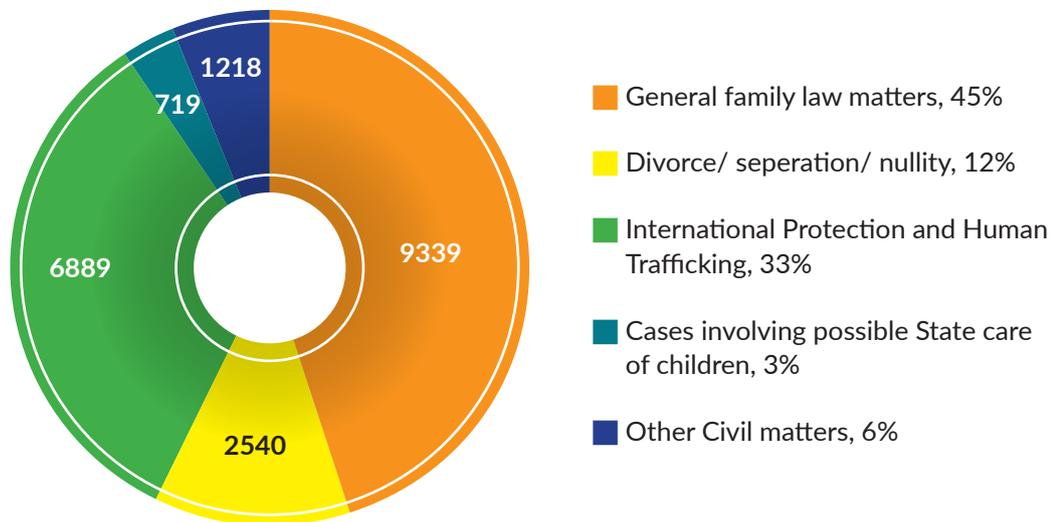


Table 2: Cases handled in Law Centres

Year	2018	2019	2020	2021	2022
Total	17,803	17,419	16,236	16,400	16,477

Chart 2 - Cases handled in Law Centres 2018-2022

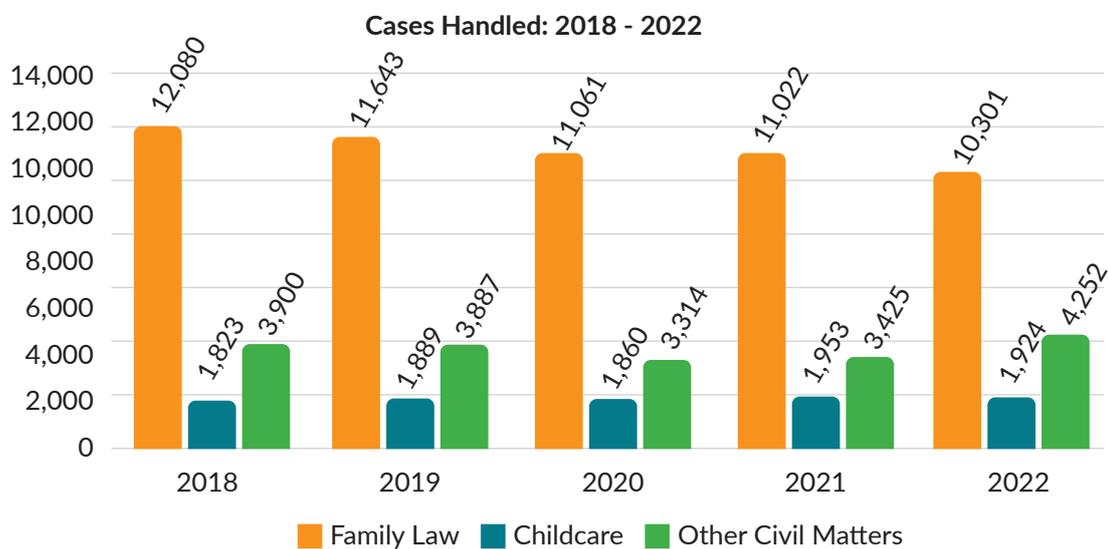


Chart 3 - Cases by subject matter 2022

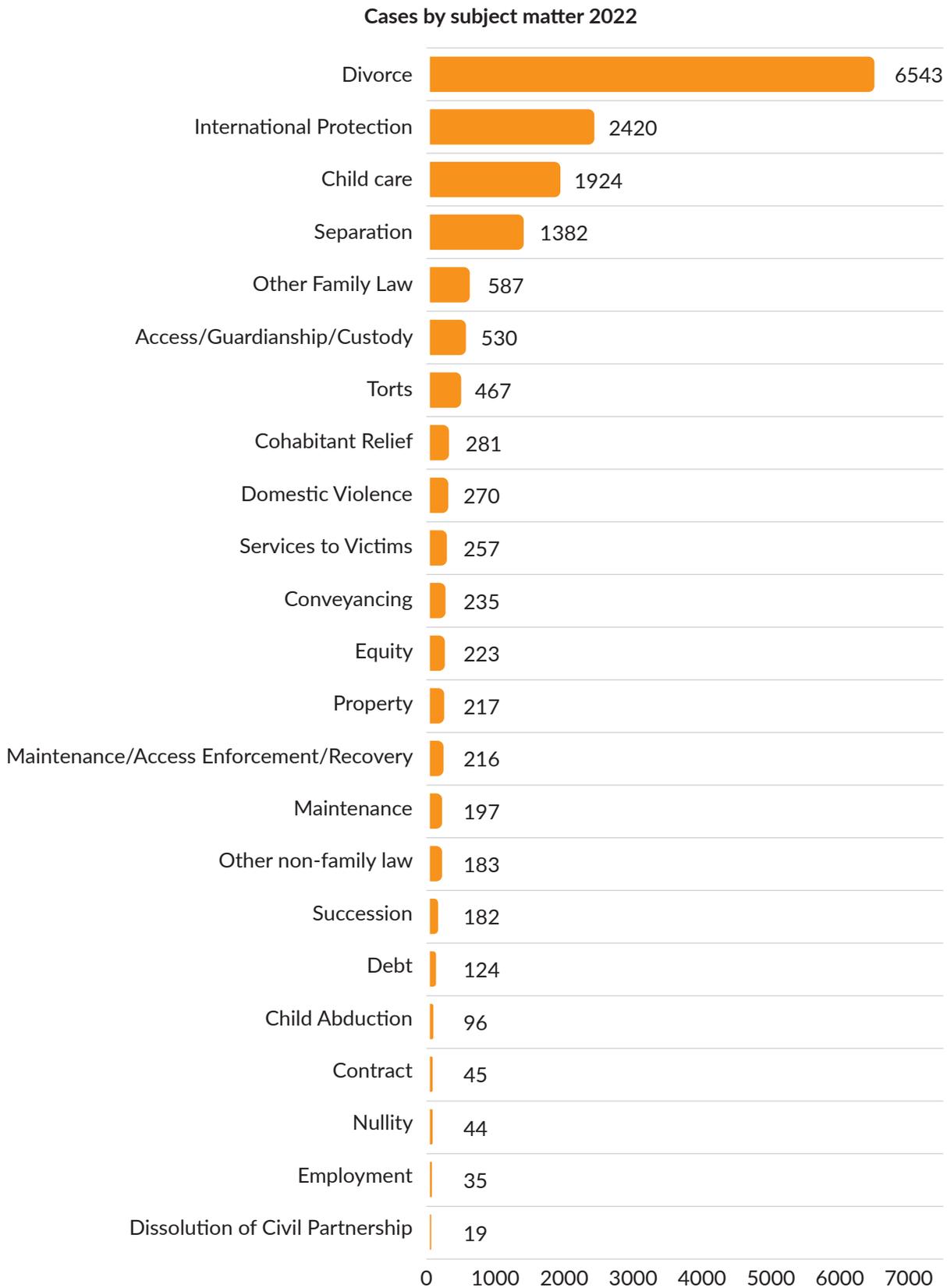


Table 3: New Cases in Law Centres

Year	2018	2019	2020	2021	2022
New Cases	6,221	5,717	5,261	5,025	5,289

Table 4: Cases handled in 2022; year of application

Year	2018	2019	2020	2021	2022
Number	1,460	2,215	2,702	3,796	4,137

Table 5: Numbers of cases closed

Year	2018	2019	2020	2021	2022
Cases Closed	5,852	6,193	4,841	4,903	5,561

Table 6: Cases completed in 2022; length of time open

Case Type	<1 Year	1-2 Year	2-3 Years	3+ Years
International protection	186	141	194	264
Child care	241	147	94	175
Divorce/separation/nullity	429	456	503	1007
Non-family law	403	142	64	198
Other family law	433	231	115	138
Totals	1,692	1,117	970	1,782

Chart 4: Civil and Family Law Cases Active at 31st December 2022

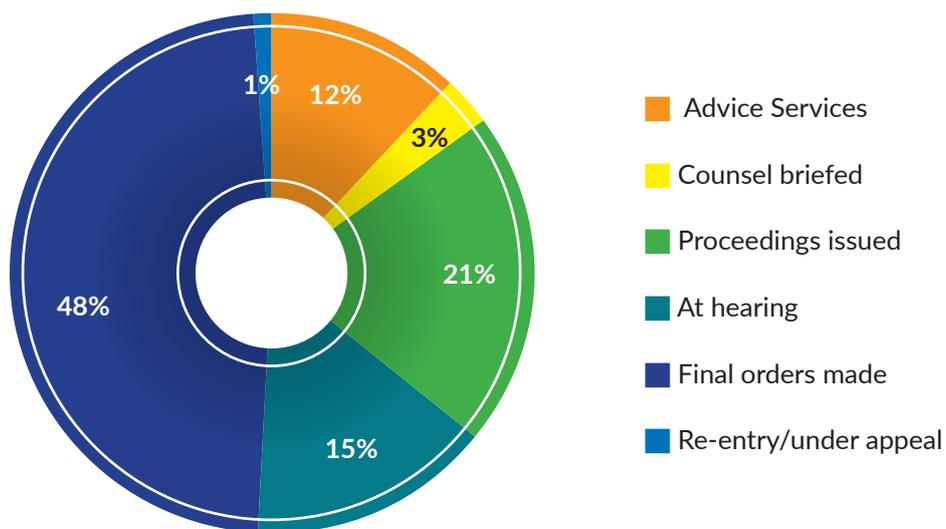


Table 7: The number of persons waiting on the 31st December 2022

Year	2018	2019	2020	2021	2022
Number Waiting	1,754	2,019	1,588	1,279	950

Table 8: Waiting times in Law Centres on the 31st December 2022

Law Centre	Waiting for 1st Consultation (weeks)
Athlone	6
Blanchardstown	21
Castlebar	34
Cavan	16
Clondalkin	13
Cork - Pope's Quay	8
Cork - South Mall	8
Dundalk	21
Ennis	17
Finglas	5
Galway - Francis St	5
Galway - Seville House	13
Jervis St	11
Kilkenny	9
Letterkenny	12
Limerick	24
Longford	28
Monaghan	8
Navan	20
Nenagh	10
Newbridge	13
Portlaoise	18
Sligo	16
Smithfield	21
Tallaght	23
Tralee	6
Tullamore	12
Waterford	16
Wexford	8
Wicklow	15

Table 9: Breakdown by case type of cases that received priority service

Case Type	Total
Child Care	678
Child Abduction	54
Family Law, including Domestic Violence	7,538
International Protection	6,939
Legal Services for victims of crime	91
Medical Negligence, Personal Injuries, and other Civil cases	144

Table 10: Number of Referrals per Year

	2018	2019	2020	2021	2022
District Court Private Family Law	7,154	7,839	6,042	6,961	7,086
District Court Childcare	94	71	47	55	92
Circuit Court	63	10	7	145	327
International Protection	1,479	2,061	941	918	5,725
Coroners' Inquest	4	14	7	50	15
Total	8,794	9,995	7,044	8,129	13,245

Chart 5: Legal aid certificates granted in the District Court on foot of the District Court PP Scheme in 2022

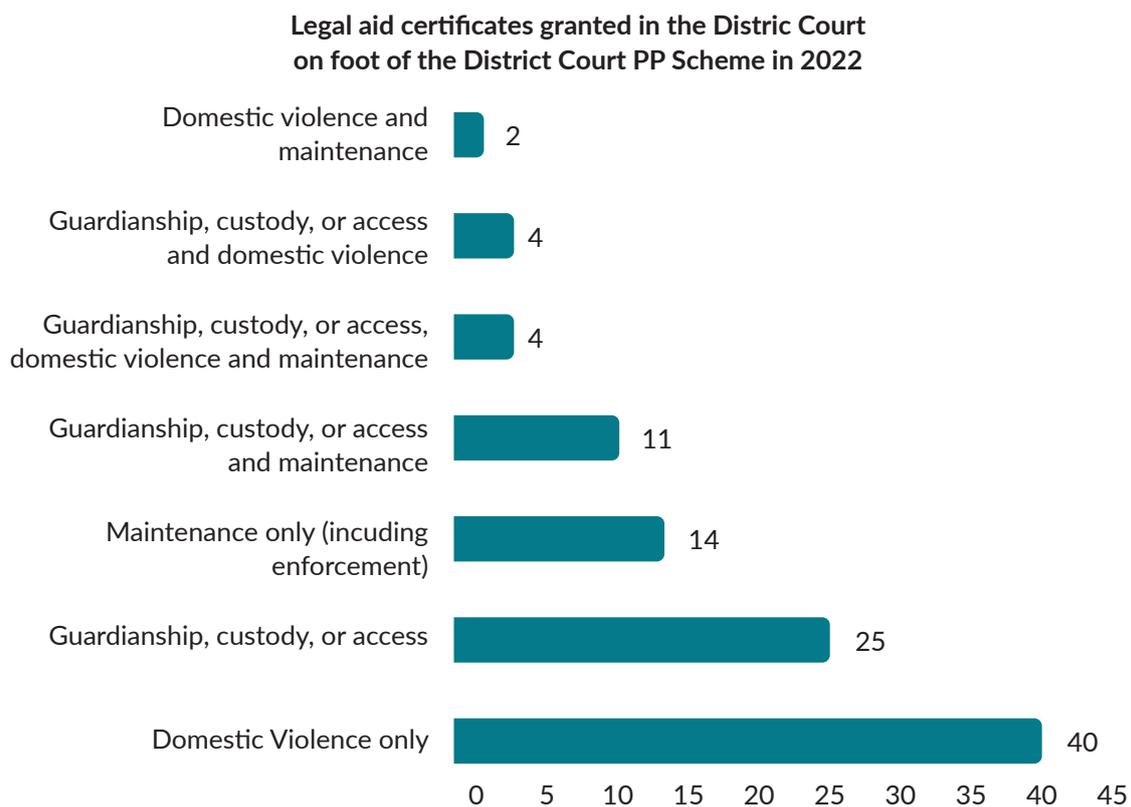


Table 11: Services provided under Abhaile 2018 - 2022

Year	2018	2019	2020	2021	2022
Consultations claimed on foot of MABS voucher	536	540	346	219	301
Authority granted to conduct further negotiations	48	48	51	25	12
Number of duty solicitor days scheduled	461	493	264	272	262
Legal Aid certificates granted for first instance PIA reviews	591	352	414	324	254
Legal aid certificates granted for PIA appeals to the High Court & Supreme Court (Counsel included)	34	197	148	101	70
Counsel representation authorised in Circuit Court (including Opinions)	636	407	259	139	41

Table 12: International protection applications

Year	2017	2018	2019	2020	2021	2022
LAB Applications	1,489	2,079	2,539	1,174	1,464	6,858
International Protection Office (IPO) Applications	2,406	3,673	4,781	1,566	2,649	13,651

Chart 6: International Protection case outcomes 2022

International Protection Case Outcomes 2022	Total	%
Refugee status granted at IPO stage	258	32.9%
PTR granted at IPO stage	151	19.2%
PTR granted at review stage	113	14.4%
Aid file completed and closed	104	13.2%
Advice File Completed and Closed	51	6.5%
Refugee status granted at appeal stage	41	5.2%
Applicant went to Private Solicitor	26	3.3%
File Closed due to lack of instructions	17	2.2%
Subsidiary protection granted at IPO stage	8	1.0%
Applicant instructed us not to proceed	5	0.6%
Deportation order	5	0.6%
Legal Aid Services Withdrawn	3	0.4%
IPA-Dublin III transfer order at IPO stage	2	0.3%
Subsidiary protection granted at appeal stage	1	0.1%
Total	785	

Chart 7: Country of Origin Registration 2022

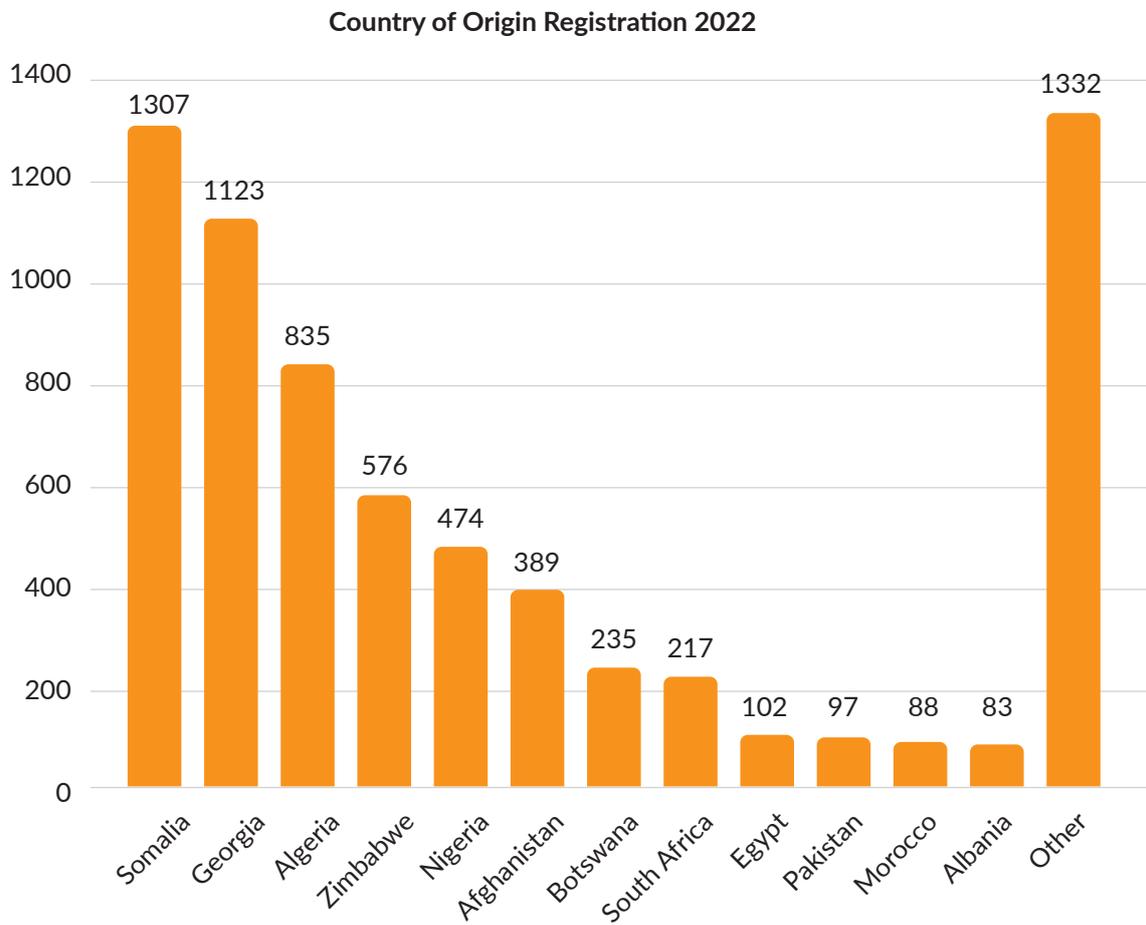
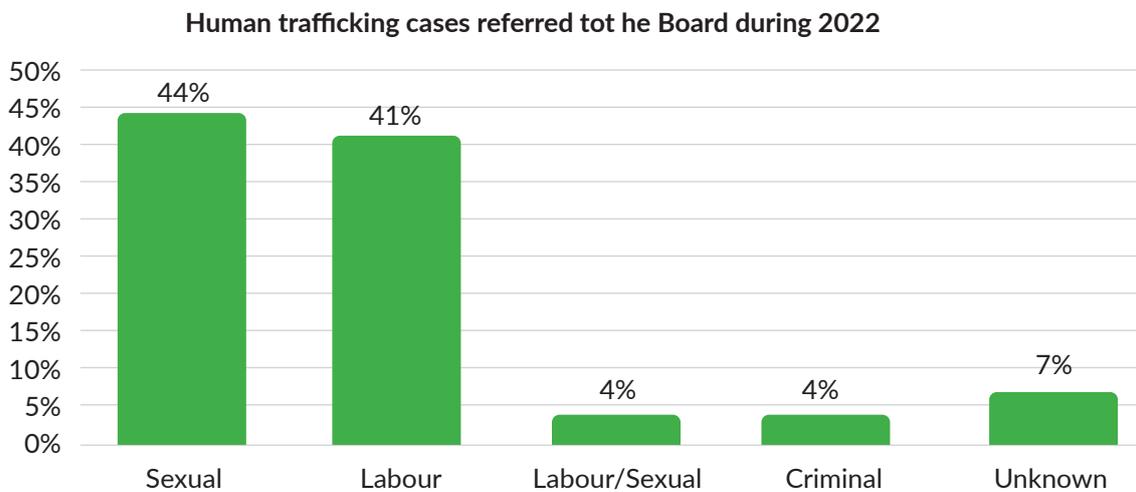


Chart 8: Country of Origin Registration 2022



Data Relating to Family Mediation

Table 13: Total New Cases* 2018-2022

	2018	2019	2020	2021	2022
All Issues (couples)	1,807	2,057	1,091	1,186	1,148
Court Based	475	554	251	326	355
Telephone Helpline Cases	--	--	248	--	--
Total	2,282	2,611	1,590	1,512	1,503

*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.

Table 14: Total Joint Mediation Sessions and Information Sessions 2018-2022

	Sessions	All Issues (Couples)	Court Based	Telephone Helpline Cases	Total
2018	Joint	6,888	1,233	-	8,121
	Information	284	1,792	-	2,076
2019	Joint	7,700	1,534	-	9,234
	Information	466	1,617	-	2,083
2020	Joint	7,563	1,886 [^]	1,906	11,355
	Information	438	780 ^{**}	733	1,951
2021	Joint	5,716	1,233	-	6,949
	Pre Mediation	1,340	971 ^{**}	-	2,311
2022	Joint	5,201	910 ^{**}	-	6,111
	Pre Mediation	2,494	992 ^{**}	-	3,486

**Additional court cases completed in Full-time offices

Table 15: Total Agreements 2018-2022

	2018	2019	2020	2021	2022
All Issues (couples)	870	849	581	819	726
Court Based	348	363	162	187	291
Telephone Helpline Cases	--	--	173	--	
Total	1,218	1,212	916	1,006	1,017

Note: 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 2022 may arise from a case started in 2021.

Table 16: Cases Closed 2018-2022

	2018	2019	2020	2021	2022
Total Cases Closed (including Information Sessions)	3,394	3,256	2,687	3,867	3,196
Cases not progressed to Mediation	810	512	695	665	796
Total Mediation Cases Closed (excluding cases opened but not progressed beyond Information Sessions/Pre-mediation Sessions)	2,584	2,744	1,992	3,202	2,400

Table 17: Demand / service provision 2022

Centre	New Cases 2022	Total Mediation Sessions	Reached agreement 2022
Athlone	41	150	24
Blanchardstown	97	517	67
Carlow	59	243	30
Castlebar	11	31	10
Cork	175	780	108
Dolphin House	313	724	234
Dundalk	44	212	24
Ennis	39	188	42
Galway	121	509	73
Jervis Street	137	716	89
Kilkenny	35	149	37
Letterkenny	39	153	18
Limerick*	105	503	54
Mullingar	10	59	16
Portlaoise	37	200	32
Sligo	31	145	29
Tallaght	73	288	68
Tralee	49	240	33
Waterford	33	128	16
Wexford	54	176	13
Total	1,503	6,111	1,017

*Includes Nenagh

Table 18: Family Mediation Law Centre Referrals 2022

Centre	1st Pre-Mediation Session	2nd Pre-Mediation Session	Total Mediation Sessions	Reached Agreement
Athlone	10	10	19	4
Blanchardstown	0	0	0	0
Carlow	4	4	15	2
Castlebar	5	5	10	3
Cork	21	16	54	6
Dolphin House	1	0	0	1
Dundalk	4	4	21	6
Ennis	11	10	28	10
Galway	4	4	18	2
Jervis Street	1	1	4	3
Kilkenny	3	3	13	1
Letterkenny	9	9	23	4
Limerick	19	19	46	7
Mullingar	4	4	11	5
Nenagh	1	1	3	3
Portlaoise	3	3	19	2
Sligo	2	2	5	1
Tallaght	4	3	21	4
Tralee	5	5	6	1
Waterford	1	1	0	0
Wexford	1	1	3	0
Total	113	105	319	65

Table 19: Family Mediation Law Centre Referrals 2022

Office	New Cases (1st Joint Mediation Session)	Total Sessions	Agreements
Athlone	3	8	2
Blanchardstown	0	0	0
Carlow	20	24	12
Castlebar	1	4	1
Cork	36	24	26
Dolphin	245	289	193
Dundalk	0	0	1
Ennis	12	29	17
Galway	3	5	1
Jervis House	5	49	16
Kilkenny	2	5	5
Letterkenny	0	0	0
Limerick	13	38	7
Mullingar	3	12	4
Nenagh	1	2	1
Portlaoise	5	3	3
Sligo	3	4	2
Tallaght	0	0	0
Tralee	3	6	0
Waterford	0	0	0
Wexford	0	0	0
Total	355	502	291

Table 20: Family Mediation Office Waiting Times

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

Office	2018	2019	2020	2021	2022
Athlone	12	20	49	8	32
Blanchardstown	20	16	24	12	24
Carlow			8	15	14
Castlebar	8	24	Vacant	26	Vacant
Cork	28	14	24	14	7
Dundalk	36	10	32	24	11
Galway	8	12	16	12	10
Jervis House	16	16	24	24	16
Kilkenny	20	8	8	15	14
Letterkenny	16	16	20	6	8
Limerick	12	20	12	15	5
Portlaoise	16	24	28	10	20
Sligo	8	18	15	10	12
Tallaght	16	16	36	15	22
Tralee	6	8	24	10	2
Waterford	6	6	16	4	7
Wexford	16	8	28	13	10

Data Relating to Criminal Legal Aid

Table 21: Annual Expenditure of claims processed under the Scheme by the Financial Shared Services (inclusive of VAT)*

Year	Number of claims authorised for payment	Annual Expenditure*
2018	4,307	€1,948,000
2019	3,970	€1,715,000
2020	4,534	€1,983,000
2021	4,177	€1,888,000
2022	3,266	€1,435,000

*The expenditure figures above are **inclusive** of VAT and represent the final expenditure figures as collated by the Financial Shared Services Section. Accordingly, as the expenditure figures in Table 1 were drawn from the Department of Justice's IT system they will, by necessity, differ in some instances with the financial figures included elsewhere in this Annual Report which were drawn from the Board's database.

Table 22: Garda Station Legal Advice Revised Scheme Payment Information

	2020	2021	2022
The highest cost for an individual claim processed	€6,826	€6,693	€6,690
Average cost per individual consultation*	€108	€110	€107

* Excluding extension hearings.

The expenditure figures above are **exclusive** of VAT.

Table 23: Detainees who accessed the scheme by year

	2020	2021	2022
Number of detainees who accessed the Scheme	4,533	4,178	3,267

Table 24: Expenditure by type of detention

	Description	Number	Cost of claims processed*
1	Claims authorised under the Offences Against the State Acts legislation	85	€54,336
2	Claims authorised under the Criminal Justice Act, 1984-2006 legislation	2913	€928,171
3	Claims authorised under the Criminal Justice (Drug Trafficking) Act 1996 legislation	189	€94,974
4	Claims authorised under Section 50, Criminal Justice Act, 2007 legislation	80	€114,289
5	Total Authorised Claims	3267	€1,191,770
6	Add: Value of mileage claims authorised		€15,074
7	Total Expenditure		€1,206,844

Table 25: Expenditure by category of solicitor engagement

Consultations/Extension Hearings		Number	Cost
1	Claims authorised in respect of Extension Hearings	14	€2,821
2	Individual client consultations authorised (excl attendance for interviews) in respect of a daytime period visit (8am-8pm)	3724	€362,047
3	Individual client consultations authorised (excl attendance for interviews) in respect of a night-time period visit (8pm-8am)	863	€113,948
4	Individual client consultations authorised (excl attendance for interviews) in respect of a weekend or bank holiday period visit	932	€123,201
5	Individual phone consultations authorised	1735	€68,689
6	Total consultations authorised	7268	€670,706
Attendances		Number (hours)	Cost
7	Authorised day attendance hours for Garda interview (excl consultation) between 8am-8pm	4447	€320,184
8	Authorised night attendance hours/ WE/ BH attendance for Garda interview (excl consultation) between 8pm-8am	2106	€200,880
9	Total authorised hours at Garda interview	6553	€521,064
10	Total value of authorised hearings, consultations and attendances		€1,191,770

Table 26: Total Overall Scheme expenditure breakdown 2018 - 2022

	2018	2019	2020*	2021*	2022*
Expenditure	€2.7m	€3.2m	€4.3m	€6.0m	€4.1m

*figures include VAT

Table 27: Legal Aid - Custody Issues Scheme Information (Non- Bail side of Scheme)

Consultations/Extension Hearings		Number
1	New claims received by Board in the year	186
2	Individual authorised payments in the year	463
		Cost**
3	Total cost of claims for Chief State Solicitors Office (CSSO) cases	€1,647,974
4	Total cost of claims for Director of Public Prosecution (DPP) cases	€133,054
5	Total cost of claims for Health Service Executive (HSE) cases	€140,229
6	Total cost of claims for Mental Health Commission (MHC) cases	€55,954
7	Total cost of claims for TUSLA cases	€0
8	Average cost per authorised claim in year	€10,630

**figures exclude VAT

Table 28: Expenditure on CAB-related cases 2018-2022

	2018	2019	2020*	2021*	2022*
Expenditure	€147,000	€42,000	€69,000	€410,059	€42,245

*figures includes VAT

Table 29: Total overall Scheme breakdown 2022

No.	Description	2022
1	Number of new claims received by Board	4
2	Number of claims with authorised payments by Board	6
3	Average cost per authorised claim	€6,808**

**figure excludes VAT

Case Studies



Case Study – Child Care

The client made an application for legal services on foot of her two young children being admitted into care on foot of a care order under section 18 of the Child Care Act 1991. A Legal Aid Certificate was granted on a priority basis to her to defend the proceedings. The client was estranged from the father of the children and she had primary care and control of the children. The father had his own independent legal representation.

The mother had previously consented to a short voluntary care order as she had to attend rehabilitation in respect of an alcohol problem. She had made significant strides in dealing with this issue; the children had been returned to her care and the file was closed by the Child & Family Agency. Matters deteriorated once again for the client due to a lack of family support or assistance from the father of the children and throughout the pandemic this was exacerbated due to the lack of educational support for the children. The client had previously attended AA support groups in person but could no longer do so and did not have the facilities to attend online meetings. A neighbour rang the Gardai when they saw her return to her apartment with alcohol. The client was aggressive towards the Gardai when they arrived at the apartment and they invoked section 12 and thereafter the CFA sought an Emergency Care Order in respect of the children.

The client sought urgent legal advice from a Legal Aid Board solicitor who explained the Child Care Proceedings process to her and also the ramifications of a Care and Supervision Order being made in respect of her children. The solicitor advised the client in relation to what steps she was required to take to seek rehabilitation of the children into her care. The solicitor was also a conduit between the client and the CFA and a support service to enable her to immediately re-engage with her substance misuse support services and fully co-operate with the CFA. With the continual engagement of her solicitor ensuring that

the client understood the court process, had confirmations of dates for attendance at court and access in a manner she could manage and understand and ensure her engagement with professionals, the client attended court every month in relation to the CFA's applications for Interim Care Orders and proved to the court and CFA her commitment to the children's return to her care.

A proposal for reunification was agreed between the client and the CFA. This included the formation of a safety plan and a network who would meet regularly to support the client in her care of the children. Semi-supervised access was introduced and the solicitor negotiated the trajectory for such access with the CFA so that access moved on to unsupervised access and thereafter overnight and weekend access. Consideration was given in relation to whether an order for access was required to secure this access taking place, however it was agreed with the client that this was not necessary due to the level of positive engagement between the client and the CFA following the solicitor's advice and encouragement.

On the basis that the client continued to engage with services in respect of her alcohol misuse, the children were returned to the client who, in the interim, had managed to secure new and more suitable accommodation with the assistance and support of her solicitor, the Guardian Ad Litem and the CFA due to the positive relationships that were garnered throughout the proceedings.



Case Study – Divorce

The client attended at a law centre having been served with divorce proceedings by his wife’s solicitor. The client was financially assessed and found to be eligible for legal aid. He was granted a legal aid certificate for the purpose of representation in the proceedings. The parties were referred to the Board’s family mediation service and they were treated with priority as the husband was a Law Centre client. With the assistance of the mediator they had been able to reach an agreement in relation to property matters but they had not been able to reach an agreement in relation to maintenance, access and custody issues concerning their three children.

The client raised welfare concerns and as a result the Court directed the preparation of

a section 47, Family Law Act 1995 report. Various recommendations were contained within the report, however the other party did not agree and the matter proceeded to a full contested hearing. The Judge heard evidence from both parties and the assessor. After hearing the evidence the Judge granted the parties a divorce and made a number of ancillary orders including an order directing a custody arrangement including the time and duration of access, that maintenance be paid by the wife for each of the children in a certain amount until each child reached 18 years of age or 23 if they remained in full time education and that each party retain their own pensions on the basis that the other party would not claim against the pension. The client was satisfied with the outcome and felt that it would allow him to get on with his life with some security for the children.

Case Study – Abhaile

The debtor was working full time with one child in school. Her mortgage exceeded the current market value of her home by €37,000 and she is in arrears of €18,000. The debtor had full responsibility for the payments since her marriage break up. Arrears had grown to the value of €75,000 and so the mortgage was restructured. The debtor was adhering to the terms of the restructure albeit with difficulty. Although performing, the loan has since been sold to an investment fund by the original lender and the mortgage interest rates have risen substantially since then reaching 6.50% and with the prospect of further increases to come. Further arrears have formed to the value of €18,000. Due to the restructure the debtor was unable to move to a lender who would offer a more favourable interest rate.

The debtor contacted MABS who issued her with a voucher for a consultation with a Personal Insolvency Provider (PIP). The PIP formulated a proposed Personal Insolvency Arrangement (PIA) in order to return the debtor to solvency and allow them to retain their home.

This proposal included a mortgage extension and a write down which would bring the amount owed down to the current market value. The amount due to be written off would be treated as unsecured debt. During the one year period of the PIA interest only payments would be made to the mortgage. After the debtor's reasonable living expenses were calculated there would be a monthly amount of €400 available to service the one year PIA. This €400 per month would pay the PIP fee as well as a dividend towards the unsecured debt. Post PIA full capital and interest payments would be made to the mortgage with the mortgage interest rate being fixed at 1%

variable for the remainder of the mortgage term which would be extended to 360 months.

As the sole creditor did not approve the personal insolvency plan and the PIP believed that the debtor satisfies the eligibility criteria and the PIA complies with the mandatory requirements, the PIP made an application for a court review of the PIA.

In order to qualify, the debts must include a "relevant debt", 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 debtor in Court. The creditor lodged a Notice of Objection against the proposed Arrangement. The grounds of the Objection included reference to the creditor's financial status as well as unfair prejudice to the creditor as the term extension proposal is excessive and the costs of enabling the debtor to continue to reside in their home are disproportionately large. The solicitor argued the sustainability of the PIA and the benefit of same over the counter proposal of the creditor to the Court. The Court approved the insolvency proposal allowing the debtor to remain in her home while taking control of her debts with affordable repayments.

Case Study – International Protection

The Board's client sought and obtained advice, assistance and representation regarding her application for International Protection.

The client recounted details of the persecution she suffered owing to her political opinion/imputed political opinion and her membership of a particular social group (including gender and ethnicity) and her fear of future persecution.

The current government in her country of origin regularly curtails the right to free speech, in particular where opinions expressed are deemed critical of the government.

As a result of her involvement in social and gender activism and with the youth in her country of origin, the client was approached twice and death threats were made to her by State security officers.

Following her substantive interview with the International Protection Office ('IPO'), a recommendation was made to refuse to grant refugee status and to refuse to grant subsidiary protection status, but to grant permission to remain.

The client instructed her solicitor to appeal to the International Protection Appeals Tribunal (IPAT) but declined an oral hearing, preferring for the case to be decided 'on the papers' only. Comprehensive written submissions with country of origin information were submitted to the IPAT.

The IPAT stated that while seeing and hearing an Appellant can be important in assessing their credibility, there is no reason why a case cannot be considered purely on the arguments made on paper. The IPAT noted that the claim was compelling and the threats to kill were sufficiently serious to constitute persecution. The IPAT therefore overturned the recommendation of the IPO and directed that the Appellant be declared a refugee.

Case Study – Family Mediation

Mary and John were in a relationship and not married. They separated when their daughter, Anna, was 8 months old. Anna is now 3 years of age. They did not get on well at all, with most arguments being in relation to access.

Mary said John was inconsistent and unreliable around the access, being regularly late and cancelling when work got in the way. She would like more structure, reliability, and punctuality and for them to be able to discuss Anna's needs. John said Mary was controlling and everything had to be on her terms. She decided what happened and, as he has no legal rights, he had to live with it. When he asked for changes, she would be annoyed. They would argue. John said he accommodated Mary when she needed help and he would like the same in return.

They had not been to Court and did not want to, but both were ready to do so if the other was being unreasonable.

The first session was very tense, each party arguing their point of view and not listening to the other. At this stage, the Mediator helps both parties have a more productive conversation. This involves intervening to slow down the conversation and de-escalate the arguing. Helping each hear the other and find a new way of explaining how they feel about what has happened. They discussed the effect of each on the other, taking time to describe how it made them feel. When the session moved to talking about Anna and the potential effect on her, both agreed that they did not want this to continue. They wanted the best for her and agreed that how they currently behaved towards each other was not the best thing for her. Finding this common ground gave Mary and John a platform to build agreement.

In the second session, the Mediator helped mediate a new understanding of how they wanted to parent together. A parenting plan was drawn up. The plan took all concerns into account by delivering a structured access plan that allowed for flexibility with notice. They each would take responsibility for their time with their daughter and would only be changed when absolutely necessary. Mary agreed to share some of the driving, and they agreed to sign the forms to give John joint guardianship.

Having arrived separately to the Mediation and unable to look at each other, they left comfortable with the other and able to communicate effectively.

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 and External Services Directorate. 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 Decision Making and External Services.

In 2022, there were 10,254 certificates granted to applicants for family law matters and 194 for non-family law cases. In addition, there were 5,798 legal aid certificates granted in International Protection matters, 324 certificates issued for personal insolvency arrangement appeals and 15 legal aid certificates issued for coroners' inquests. Refusals are made where Decision Making and External 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 and External Services. Decisions of Decision Making and External Services can be appealed to an Appeal Committee of the Board.

Decision Making and External Services also granted 5,151 amendments to legal aid certificates in the year. These amendments are effectively authorisations for additional services on a certificate. 1,542 of these amendments involved the granting of barrister services including brief fees, refresher and interim fees, opinions and written submissions.

A further 1,452 of the amendments were in relation to medical, psychologist and psychiatrist reports. There were 447 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 135 terminations of legal aid certificates granted in 2022. 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 30.

Table 30: Number of Submissions Granted and Refused

	Granted	Refused
Family Law Legal Aid Certificate	10,254	17
International Protection	5,798	0
Personal Insolvency applications	324	7
Non Family Law Legal Aid Certificate	194	72
Amendments	5,151	59
Authorisations	447	4
Waiver or reduction of Contribution	851	42
Waiver of Costs	167	34
Termination & Revocation of Legal Aid Certificate	135	2
Instalment Arrangement	301	0
Coroners' Inquest Certificates	15	0

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 2022, the Committee met on 12 occasions and considered 115 appeals. One of these meetings was held on an emergency basis on account of the urgency of the matter.

Of the 115 appeals considered, the decision of the Executive was upheld on 106 occasions. There were 9 appeals where the original decision was overturned.

Of the 106 Executive decisions affirmed, 43 pertained to financial ineligibility and 63 related to the application of the "merits" criteria.

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

Table 31: Appeals: 2018 – 2022

	2018	2019	2020	2021	2022
Total number of appeals (less deferrals)	180	151	124	167	115
Number of decisions upheld	138	125	99	136	106
- Financial criteria	56	59	37	57	43
- Merits criteria	82	66	62	79	63
Number of decisions overturned	40	23	25	31	9



Of the 106 Executive decisions affirmed, 43 pertained to financial ineligibility and 63 related to the application of the “merits” criteria.

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 2022.

Internal Audit Unit

The Board's Internal Audit Unit provides an independent and objective internal audit service working to Internal Audit Standards. Internal Audit scope and coverage extends to all the organisation's Directorates, units and relevant activities. The Board has an Internal Audit Charter 2021-2025 which states: "The Internal Audit function, with strict accountability for confidentiality and safeguarding records and information, is authorised to have full, free and unrestricted access to any and all of the Board's records, physical properties and personnel pertinent to carrying out any engagement, subject to any legal limitations.

Eleven law centre audits were commenced in 2022, eight of which were completed. Six law centre audits commenced in 2021 were completed and presented to the Board's

Audit and Risk Committee in 2022. Q3 saw a return to on-site visits as part of the audit process. Four audits of family mediation offices were completed and presented to the Audit and Risk Committee in 2022. Two bespoke audits of the head office support offices and internal systems were carried out in 2022 with an audit of the Board's Learning and Development Unit completed in Q4 2022. In Q4, the Department of Justice commenced an audit of the Criminal Legal Aid Schemes falling under the remit of the Board.

Research

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 2022

DOCTORAL RESEARCH PROJECT ON MEDIATION IN CASES OF CHILD ABDUCTION

The doctoral student based at NUI Maynooth, who is collaborating with the Board to conduct research about mediation in cases of child abduction has completed their data collection and qualitative research interviews and is preparing for the data analysis stage of her project. The researcher will be presenting the preliminary findings of the research to the Board in the 2023.

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

The researcher has mostly completed their data collection and has conducted a number of interviews with Board solicitors and mediators, with the support of the Research Manager. Such interviews and data collection are set to be completed in 2023. The researcher is set to commence their data analysis and the drafting of the Doctoral research in 2023.

DOCTORAL RESEARCH EXAMINING LEGAL CAPABILITY

The researcher is currently in the data collection stage of this project, having conducted interviews with service providers, as well as clients. Such interviews were held with the ethical approval of the University of Liverpool, for which the researcher applied at the beginning of the year. The researcher is set to complete data collection in 2023.

MASTERS RESEARCH EXAMINING WELLBEING IN THE LEGAL PROFESSION

The Board has been supporting a research project carried out by a master's student, which examines the vicarious trauma and wellbeing in legal professionals, and will seek to quantify the impact of legal work on the mental health of practitioners. The findings of the research will be presented to the Board in the following months.

INTERNAL RESEARCH EXAMINING THE CLIENT EXPERIENCE

The Research Manager has commenced a new research project, which seeks to conduct qualitative research into the experience of clients in accessing services and the Law Centres. In light of this, an electronic client survey for the family mediation service has been designed, with roll-out planned to take place shortly.

RESEARCH PROJECT ON PUBLIC AWARENESS OF THE LEGAL AID BOARD

In order to increase client satisfaction and to aid Board policy development, the Research department has undertaken a study into public awareness of the Legal Aid Board. In light of this, a survey was conducted in person with over 200 participants at the National Ploughing Championships. Amongst others, the research showed that only 54.1% of respondents were previously familiar with the work of the Board, and no participants stated that the Board would be their main source of information or help if they were dealing with legal issues. Based on such results, the Research Manager has proposed further projects to be commenced and further policies to be followed.

Financial Management

The Board's Finance Unit is responsible for the financial management of the organisation. During 2022 the Unit continued to support the work of the Board through maintenance of effective accounting systems. In 2022 the Finance Unit processed over €48.9 million in payments to suppliers, including approx. €25.9 million in Pay Expenditure and nearly €23 million in Non-Pay Expenditure. The processing of payments to suppliers involved over 20,400 invoices during 2022. In addition the Unit brought over €48.6 million to account on the Income side of the Budget, which included €45.2 million in Grant payments from the Department of Justice. Full details of the Board's financial position for 2022 are contained in the Financial Statements for 2022 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 for any interest under prompt payment legislation in 2022.

The Board was subject to an audit by the Internal Audit section of the Department of Justice from July 2021 onwards. The Review of Internal Control Report was issued by the Department in February 2022. It concluded that the Board had 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.

Information Technology

In 2022 the Board increased its Cyber Security presence by adding a number of additional real time protection products to guard against Cyber activity.

The IT Unit further strengthened the remote access facilities for the Legal Aid Board's Blended Working Policy. All staff members have been issued with laptops and mobile phones and can securely access the Legal Aid Board network remotely.

The Board made further progress on updating its core server hardware and software during 2022. The full estate of servers was upgraded to the latest operating systems in preparation for the upgrade of application software in 2023. The Board also upgraded its backup system to protect all data held on the network.

The IT Unit commenced the rollout of the underlying infrastructure that will provide guest Wi-Fi in all of its offices.

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.

The Board has established Minceir/Traveller Legal Support Service with a solicitor and a support staff member specifically assigned to provide legal services to members of the Traveller community to include, subject to the normal legal aid rules, litigating on behalf of clients in relation to accommodation issues, applications on foot of section 19 of the Intoxicating Liquor Act 2003 and other legal matters.

This service works with law centre staff and other Board colleagues to develop the capability within the organisation to provide legal services to members of the Traveller community. The solicitor also works with Government Departments and Non Government Agencies to explore how the Board can better support Traveller communities by raising general awareness of legal rights and entitlements.

In 2022, the Board reported 6.27% of employees with a disability under the definition in the Disability Act 2005 following a census of all staff. The Board has set a strategic goal of identifying measures and putting in place appropriate solutions to ensure equality of opportunity at all levels of the organisation for those not represented at a level similar to the broader community. The Board considers requests for reasonable accommodation as set out on the Code of Practice for the Employment of People with Disabilities in the Civil Service on a regular basis.

Overview of Energy Usage

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

Table 32: Energy Consumption

Year	Electricity(kWh)	Gas (kWh)	LPG (Litres)	Oil (Litres)
2022	1,389,590	142,248	20783	0
2021	1,373,607	135,659	23695	0
2020	1,439,744	138,808	8,231	9,000
2019	1560,708	102,146	0	17,000
2018	1,623,548	103,164	0	12,000

The Board achieved a 38.4% reduction of energy 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 Board did, throughout 2022, continue to

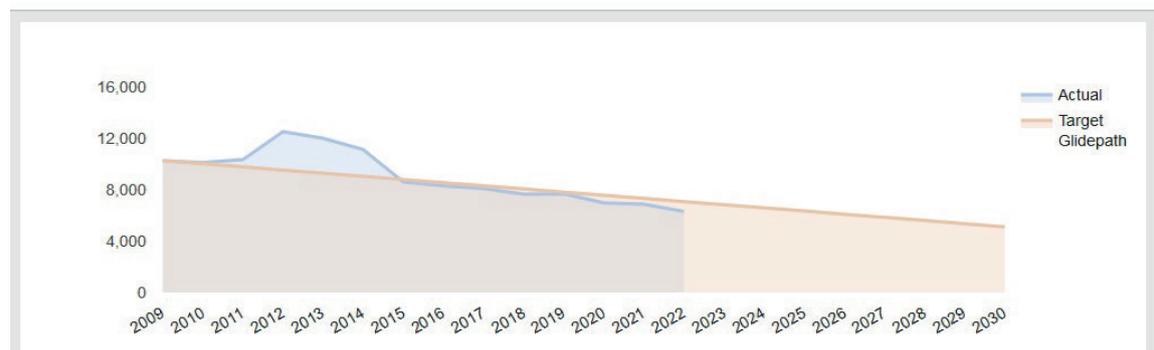
work with the Office of Public Works (OPW) via its Optimising Power @ Work campaign to focus on staff awareness campaigns, behavioural change and minor works projects that generate savings in energy usage. The Board is currently in the process of upgrading its office network, which includes upgrades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

Since Energy Efficiency Baseline to 2022

Energy Savings: 38.4% lower	
Change in Energy Consumption: 16.7% lower	

Energy Performance Indicators - 2022

2022 EnPI = 6,349 $\frac{\text{kWh}}{\text{FTE Employees}}$	Target EnPI = 5,155 $\frac{\text{kWh}}{\text{FTE Employees}}$
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Level 2 Energy Performance Indicators (2022)

8.1% better than 2021		Electricity = 5,724 $\frac{\text{kWh}}{\text{FTE Employees}}$	7.6% better than 2021	
38.4% better than energy efficiency baseline		Thermal = 625 $\frac{\text{kWh}}{\text{FTE Employees}}$	12.5% better than 2021	
23.2% improvement required by 2030		Transport = 0 $\frac{\text{kWh}}{\text{FTE Employees}}$	0.0% worse than 2021	

Human Resources

Gender Pay Gap Reporting

The Gender Pay Gap Information Act 2021 introduced the legislative basis for gender pay gap reporting in Ireland. Regulations under the Act came into operation on 31 May 2022. The Legal Aid Board published its gender pay gap report in December 2022. Our snapshot date is 24 June 2022. The reporting period covered 25 June 2021 to 24 June 2022 with the gender pay gap being the difference in the average hourly wage of men and women across the organisation. The mean gender pay gap for the Legal Aid Board indicates that, on average, men are paid 10.07% higher than women. Employees of the Board are Civil Servants and the Board has equal pay for men and women in the same grades. The Board's full report for 2022 is available on its website.

Staffing

As of the 31 December 2022, the Legal Aid Board had a headcount of 526 staff equating to a full time equivalent of 484.41. In the Board's Law Centre Network, there were 125.93 solicitors, 68.93 paralegals and 128.8 support staff. In the family mediation service, there were 24.93 family mediators, four managing mediators together with 18.8 support staff in both family mediation offices and operations. In Head Office, which includes the decision making and support for our private practitioner services, there were 102.6 staff including the Chief Executive Officer and a number of Directors.

Turnover of staff in 2022 was significant at 31%. The Board holds a recruitment licence from the Commission for Public Service Appointments and continues to recruit across its network of service delivery offices and support services. Competitions are carried out in accordance with the Code of Practice set by the CPSA under the Public Service Management (Recruitment and Appointments) Act 2004. We recruited 131 staff in 2022.

A new staff liaison officer was put in place at the start of 2022. This officer supports staff in their transition to the Board and is the first step of the induction process.

Trainee Mediator Programme

In 2022, the Legal Aid Board offered an Advanced Family Mediation Trainee Programme to train mediators to work in the family mediation area and to meet the current eligibility criteria to apply for a position as a family mediator in the Legal Aid Board. The programme included substantive and legal knowledge on separation and divorce such as parenting, financial support and property division, pensions, family law and social welfare as it relates to separating couples. It also included process issues such as intake, screening, managing budgetary information and writing family mediation settlement agreements. It encompassed three stages:-

Stage 1: Family Mediation Knowledge Training Course

Stage 2: The Co-Mediation Phase

Stage 3: Mediating Solo Phase

Nine mediators entered Part 2 of the Advanced Family Mediation Trainee Programme in Q3 of 2022 and are due to finalise their training early in 2023.

Staff Support and Wellbeing Programme

To contribute towards building a healthy, productive workforce and making the Legal Aid Board a great place to work through programmes, services, policy development and program planning the Board launched its Staff Support and Wellbeing Programme in June 2022. The Programme consists of five dimensions of employee health and wellbeing of:-

- Work/life balance
- Personal Growth
- Physical and Social Working Environment



*Employees of
the Board are Civil
Servants and the Board
has equal pay for men and
women in the same
grades.*

- Leadership and Managerial Practices
- Health Resources

The Board will continue to revise this programme in recognition that having a dedicated and professional workforce is central to the service the Board offers and to support that workforce in use achieving its strategic goals.

Employee Engagement

In July 2022, the Board launched its Employee Engagement Policy. The purpose of the Board's engagement policy is to raise awareness of the importance of engagement among leaders as a means of meeting the Board's mission and its organisational objectives. Employee engagement will be driven by a series of 6 themes which aim to bring about positive attitudes and behaviours to colleagues at all levels and thus enable high performance. In September 2022, the Board did a pulse check of employment engagement within the organisation. This reported employee engagement levels to be "average". The Board continues to work to maintain this score and improve upon it through the roll out of specific, leadership and staff orientated initiatives.

Blended Working

The Board introduced a Blended Working Policy and Operating Procedures in December 2022. This policy was drafted following consultation with staff and was a welcome development in the transition to a post pandemic working environment.

Conferences

The Legal Aid Board led a number of conferences in 2022.

The Impact of Conflict Conference 2022

The Impact of Conflict Conference was an online conference that took place on the 1st of March 2022. It attracted over 270 attendees. The conference aimed to assist practitioners and stakeholders in understanding the impact of conflict and trauma, and in managing negative reactions to emotionally difficult work.

In particular it looked at enhancing service design and delivery through trauma-informed practice. That is, building awareness of the impact of trauma and conflict into services can help ensure that clients feel safe and empowered.

It also highlighted the need to understand the impact of trauma and conflict on service providers. The conference noted that working with people experiencing trauma and family conflict can have a significant impact on family justice professionals. Acknowledging this impact and taking action to manage it is important to protect providers' wellbeing and the quality and sustainability of services they deliver.

Speakers on the day included:

- Dr Sharon Lambert , Lecturer in Applied Psychology, UCC
- Dr Caoimhe NicDhomhnaill, Clinical Psychologist specialising in child and adolescent psychology and psychotherapy
- Judge Petria McDonnell, Judge of the Circuit Court
- Marc Mason, therapist and former barrister
- Stephanie Coggans, Legal Aid Board Managing licitor from Monaghan Law Centre
- Julia McAuliffe, Legal Aid Board Mediator, Tallaght Family Mediation Office
- Rosemary Keogh, Chief Executive of the Irish Wheelchair Association
- Dr Paul D'Alton Clinical Psychologist and Associate Professor in Psychology, UCD
- Freda McKittrick, member of the Legal Aid Board and Chairperson of its People and Culture Committee

Working with Victims of Sexual Crime Conference 2022

The Working with Victims of Sexual Crime Conference took place on the 15th June 2022 via Zoom with over 200 attendees.

During this conference speakers discussed complainant and witness representation in prosecutions for certain sexual offences. In

particular the event covered the Board's remit in providing legal services to a complainant in a prosecution for certain sexual offences who wish to seek advice about the matter.

Speakers on the day included:

- Thomas O'Malley, S.C
- Lisa O'Reilly, Solicitor, the Office of the Director of Public Prosecutions
- Niamh McGuinness, Higher Executive Officer, Legal Aid Board
- Lorraine Lynch, Psychologist, Co-founder – Business Psychology Academy
- Áine Connaire, Psychotherapist, Co-founder – Business Psychology Academy
- Dympna Kenny, General Manager at V-SAC, Victim Support at Court
- Dr Clóna Saidléar, Executive Director of Rape Crisis Network Ireland
- Jane McGowan, B.L.
- Mr. Justice Alexander Owens
- Nuala Egan, B.L.

Domestic Violence & Coercive Control Conference 2022

The Domestic Violence & Coercive Control Conference 2022 took place on the 16th February 2022 via Zoom with over 360 attendees. Speakers for this conference were representative of a range of stakeholders who have a wealth of experience in dealing with people and families who have experienced domestic violence and coercive control. The aim of this conference was to help assist in promoting mutual learning and understanding among stakeholders who operate in the area.

Speakers on the day included:

- Patrice Cooney, Legal Aid Board Managing Solicitor, Cork North Law Centre
- Detective Sergeant Laura Sweeney, Domestic Abuse Intervention & Policy Unit, The Garda Síochána

- Caroline Counihan BL, Safe Ireland and Legal Policy Director at Rape Crisis Network Ireland
- Carmel Donnelly, Assistant Principal Probation Officer, The Probation Service
- Caroline Moran, Senior Prosecutor, The Office of the Director of Public Prosecutions
- Eithne Muldoon, Senior Prosecutor, The Office of the Director of Public Prosecutions
- Gemma Hughes, Community and Volunteer Co-Ordinator, Aoibhneas Women's Refuge

Governance Statements & Board Members' Report 2022



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 2022 budget at its meeting on 20 January 2022. A Statement of Strategy for the period 2021 – 2023 was approved by the previous Board in February 2021. Reflecting the objectives in that Statement of Strategy, a set of organisational priorities for 2022 was reviewed by the Board in January 2022.

The Board reviewed the level of expenditure against the budgeted figures in April 2022 and November 2022. A full-year review of the budgetary outturn and the implementation of the organisational priorities for 2022 took place at the Board meeting on 19 January 2023.

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

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 current Board members who served during 2022:

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

The Board has established seven committees, as follows:

Appeal Committee

The Appeal Committee is a statutory committee of the Board, and comprised the following members in 2022:

Ms. Nuala Egan (Chair), Mr. Michael Bourke, Mr. Maurice Lawlor, Ms. Marianne Nolan, Mr. Liam Ryan.

This committee considers requests by legal aid applicants for decisions made by the executive in a particular case to be reversed.

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 2022 were as follows:

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

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 2022 was as follows:

Ms. Catherine Keane (Chair), Ms. Marianne Nolan, Mr. Patrick Durcan, Ms. Nuala Jackson, Mr. Gordon Jeyes, Mr. Michael Flynn – External Member.

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 2022 were as follows:

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

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 2022 were as follows:

Mr. Gordon Jeyes (Chair), Ms. Nuala Jackson, Ms. Freda McKittrick.

People and Culture Committee

The role of the People and Culture Committee is to consider policies procedures and actions as they relate to staff and the organisational culture and will report and make recommendations to the Board as deemed appropriate.

The membership of the Committee in 2022 was as follows:

Ms. Freda McKittrick (Chair), Ms. Niamh O'Hanlon, Mr. Maurice Lawlor, Mr. Liam Ryan, Ms. Stephanie Coggans (Staff member), Ms. Aisling O'Meara (Staff member), Mr. Jonathan Coyle (Staff member).

Environment Committee

The Environment Committee was established in 2022 to consider matters relating to the Government's policies in response to the challenges of climate change, to monitor

and oversee the organisation's compliance with these policies, and to examine areas of potential reform in the Board's own practices and policies that would assist in further reducing the climate and environmental impact of its operations.

The Committee members in 2022 were as follows:

Ms. Freda McKittrick (Shared Committee Chair), Ms. Nuala Egan (Shared Committee Chair), Ms. Tracy O'Keeffe, Ms. Cathy Farrell (Staff Member), Ms. Helena Murphy (Staff Member), Mr. Michael O'Connell (Staff Member).

Key Personnel Changes

There were no changes to the membership of the Board during 2022. Among the Executive Management Team, Mr. Pat Gilheaney retired from the role of Director of Criminal Legal Aid and Internal Audit in February 2022. Mr. Gareth Clifford was appointed Director of Information and Communications in June 2022.

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.

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 2022. 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 2022.

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 2022.

Financial Details

A more comprehensive Governance Statement and Board Members' Report, including financial details, will accompany the Board's Financial Statements 2022.

Nuala Jackson SC
Chairperson

Joan Crawford
Chief Executive





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

Providing access to justice since 1979

Quay St., Cahirciveen, Co. Kerry
066 947 1000

local 1890 615 200

48/49 North Brunswick St., George's Lane, Dublin 7
01 696 9600

info@legalaidboard.ie
www.legalaidboard.ie