

# ANNUAL REPORT 2018



**Legal Aid Board**

An Bord Um Chúnamh Dlíthiúil



## Mission

Our mission is to enable the effective resolution of civil disputes through the delivery of efficient and accessible legal aid and family mediation services and to effectively manage and administer the State's criminal legal aid schemes.

## Vision

Our vision is to provide access to justice by enabling the resolution of disputes and the vindication of people's rights in the most appropriate manner while keeping in mind the dignity of the person, the nature of the dispute and the impact of the dispute on the parties immediately involved and wider society.

## Values

- The client, access to justice and problem solving being central to our decision making.
- High professional and ethical standards in the provision of all of our services at all times delivered impartially and with professionalism and integrity
- A focus on learning, innovation and problem solving in the delivery of services in response to an ever changing legal and social environment
- Effective leadership at all levels and enabling staff to make the best use of their abilities and skills
- A culture that promotes a team ethic and respect for the human dignity of the client and that of the colleague
- The provision of good value for money
- Openness and transparency
- Effective governance and accountability relationships and structures with the Department of Justice and Equality, Government and the public

# Contents

Overview.....	2
The Board.....	6
Chairperson's Foreword.....	9
Introduction by the Chief Executive.....	14
Key Developments in 2018.....	17
Services Provided in 2018.....	19
Civil Legal Aid.....	19
Abhaile – Free Mortgage Arrears Support.....	29
International Protection Services.....	31
Family Mediation.....	36
Criminal Legal Aid.....	43
Supporting Service Delivery.....	48

## Overview

### 1. Function and Purpose

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

**Legal advice**, in terms of the Board’s remit in civil cases, is any oral or written advice given by a solicitor or barrister, including writing letters and negotiations.

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

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

### 2. Service Provision

Civil legal aid and advice is provided primarily through a network of law centres by solicitors employed by the Board. There are 30 full time and 12 part-time law centres. Contact details for the Board’s law centres can be found on [www.legalaidboard.ie](http://www.legalaidboard.ie). Services are also provided by solicitors in private practice who are engaged by the Board on a case-by-case basis.

Specific law centres in Dublin, Cork and Galway include an international protection speciality and there are also dedicated units in Dublin dealing with personal injury and/or medical negligence cases and cases involving children at risk.

The Board also operates a specialised Refugee Documentation Centre, which provides an independent and professional research and library service for all of the main bodies involved in the international protection process.

**Family mediation** services are provided through eight full time offices and nine part time offices. Contact details can be found on the Board’s website.

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

### **3. Obtaining Civil Legal Aid Legal Services**

Save for the Abhaile Scheme (see page 27), a person seeking legal services in civil cases must apply to any of the Board's law centres and must complete an application form, stating the subject matter on which legal advice and/or aid is sought and giving details of income and any capital resources.

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

### **4. Eligibility and Payment for Civil Legal Aid Legal Services**

There are financial eligibility criteria which the 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.

### **5. Obtaining Family Mediation Services**

A person seeking to avail of mediation to assist with the resolution of a family problem must apply to any of the Board's family mediation offices. The second party also needs to contact the



same office to confirm his/her interest in attending mediation. Once both parties have confirmed that they wish to mediate they will be offered an appointment as soon as possible. There is no requirement for an applicant to meet financial eligibility criteria and there is no charge for the service.

## **6. Criminal Legal Aid Ad-hoc Schemes**

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

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

The Legal Aid - Custody Issues Scheme provides for payment of legal costs on the recommendation of the Court to the Legal Aid Board in certain types of litigation not covered by the civil legal aid scheme or the main

criminal legal aid scheme. A person seeking legal representation under the Scheme must notify the relevant Court at the earliest possible opportunity of their intention to apply for the Scheme's provisions. The Court will then decide if a recommendation should be made to the Board to grant legal aid. It is then a matter for the Board to decide, in accordance with the terms of the Scheme, to either grant or refuse legal aid under the Scheme.

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

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

Further details of the three ad-hoc schemes that the Board administers and the outturn for 2018 are provided later in the Report.

## **7. Head Office**

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



## 8. Corporate Governance

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 then Tánaiste and Minister for Justice and Equality, Frances Fitzgerald TD, on 8<sup>th</sup> November 2016. Membership of the Board is set out at page 5.

The statutory Board has responsibility for:

- making certain reserved decisions.
- The *Code of Practice for the Governance of State Bodies* was revised in 2016 and the Board updated its Corporate Governance Manual in November 2016, to reflect the additional requirements. The Board continues to maintain the standards of corporate governance set out in the updated *Code of Practice for the Governance of State Bodies*. This involves:
- at Board level, the use of seven committees to assist it in achieving its objectives and in the effective discharge of its responsibilities (see below);
  - a defined division of roles between the Board, the Chairperson and the Chief Executive;
  - submission to the Minister of an annual report that meets the requirements of the Code;
  - an internal audit function that operates effectively and as required; and
  - a code of conduct that incorporates procedures to deal with any conflict of interest issues.
- In 2018, the Board held 10 Board meetings, five of which were held in Dublin, two in Cahirciveen, one in Clondalkin, one in Kilkenny and one in Wexford.

# The Board

**The Board as of 31 December 2018:**

**Philip O’Leary**

Chairperson

**Anne-Marie Blaney**

Civil Servant (Staff Member)

**Tom Brennan**

Chartered Accountant

**Deirdre Burke**

Solicitor

**Martina Colville**

Department of Justice and Equality

**Angela Denning**

Department of Public Expenditure and Reform

**Nuala Egan**

Barrister at Law

**Nuala Jackson**

Senior Counsel

**Gordon Jeyes**

Former Chief Executive of Tusla, the Child and Family Agency

**Maurice Lawlor**

Department of Social Protection

**Freda McKittrick**

Assistant Director, Barnardos

**Michael O’Connell**

Civil Servant (Staff Member)

**Ellen O’Malley Dunlop**

Chairperson of the National Women’s Council of Ireland



**Attendance at the 10 meetings in 2018 was as follows:**

<b>Member</b>	<b>No. of meetings</b>	<b>Member</b>	<b>No. of meetings</b>
<b>Mr. Philip O'Leary (Chair)</b>	10	<b>Ms. Nuala Jackson</b>	8
<b>Ms. Anne-Marie Blaney</b>	10	<b>Mr. Gordon Jeyes</b>	8
<b>Mr. Tom Brennan</b>	8	<b>Mr. Maurice Lawlor</b>	9
<b>Ms. Deirdre Burke</b>	9	<b>Mr. Freda McKittrick</b>	9
<b>Ms. Martina Colville*</b>	7	<b>Mr. Michael O'Connell</b>	10
<b>Ms. Angela Denning**</b>	2	<b>Ms. Evelyn O'Connor***</b>	7
<b>Ms. Nuala Egan</b>	8	<b>Ms. Ellen O'Malley Dunlop</b>	10

\*Ms. Martina Colville was appointed to the Board in January 2018

\*\*Ms. Angela Denning was appointed to the Board in September 2018

\*\*\*Ms. Evelyn O'Connor resigned from the Board in August 2018

**The committees of the Board met as follows in 2018:**

<b>Committee</b>	<b>No. of meetings</b>
<b>Appeal Committee</b>	17
<b>Audit and Risk Committee</b>	5
<b>Family Mediation Committee</b>	4
<b>Finance Committee</b>	9
<b>Governance Committee*</b>	2
<b>Human Resources Committee**</b>	4
<b>Performance Committee</b>	2
<b>Policy and Reform Committee</b>	5

\*The Governance Committee was set up as an ad-hoc committee following an external Board review in 2018.

\*\*The Human Resources Committee ceased in October 2018.

The Board utilises an in-house corporate governance manual to provide a clear and comprehensive summary of the principal aspects of corporate governance as it affects the Board and senior management. Board members have been fully informed of their legal responsibilities and are familiar with statutory provisions relevant to their position and the key organisational issues, policies and strategies that inform their role.

### **External Board Review**

An external evaluation of the Legal Aid Board was carried out in the first half of 2018 by Governance Ireland.

The Review contained a number of recommendations on the operation of the Board and its Committees, as well as ten minor action points. It also included a review of the main corporate governance documents used in the Board, highlighting specific issues for attention.

The Audit and Risk Committee of the Board incorporates one independent external member, Mr Kieran Corcoran, in line with the requirements of the Code of Practice for the Governance of State Bodies. Mr Corcoran stepped down from the role in November 2018 and was replaced by Mr Michael Flynn. Payment and non-payment of fees to Board members were in line with the Code of Practice for the Governance of State Bodies.

The Review was published in full on the Board's website. At its meeting in July 2018, the Board approved the establishment of a Governance Committee to oversee the implementation of the recommendations in the External Board Review.



## Chairperson's Foreword

I am pleased to present the 2018 Annual Report of the Legal Aid Board.

2018 saw a marginal reduction in the numbers waiting for legal services at the Board's law centres. At the end of the year the number of persons waiting for legal services stood at 1,754. This was the sixth successive year in which there was a decrease (from over 5,000 in 2013). I look forward to seeing further progress in this key performance metric. The Board and I are very conscious that any delay in the provision of legal advice or representation to someone in need of its services has the potential to add to the difficulty that the person is experiencing.

I am very conscious that the majority of those who present to the Board for assistance do so in relation to a family problem. I recognise that the effectiveness and efficiency of the family justice system are critical issues from the Board's perspective both in terms of serving the needs of its clients and of ensuring that the Board's resources are used to best effect. The Board continues to engage with other key stakeholders in relation to potential improvements that can be made to the system of resolving family disputes and I welcome this. I strongly believe that if issues such as a Family Courts Bill can be progressed this will have a positive impact on how family problems are resolved.

I am glad to report that there has been good progress with the pilot 'model office' project in Kilkenny. Among the actions taken were the establishment of a mediation office and a much more structured and pro-active engagement with local stakeholders and the public. This project will be formally reviewed in 2019 and I look forward to the outcome of that review and what lessons we can learn and replicate in other offices.

2018 saw significant progress in one of the Board's key objectives, namely the co-location of Family Mediation Centres with Law Centres. The Board opened its third and fourth co-located offices in Kilkenny and in Tallaght during the year. At the end of the year there was progress towards co-location in two further locations. Taken with the increasing presence of the Board's mediation staff in court venues, particularly at District Family Court sittings, this reflects the ongoing commitment of the Board in making mediation a conventional rather than an alternative option of dispute resolution in the family law arena.

While I have noted that the majority of those seeking the Board's services do so in relation to a family problem it is very important to remember that the Board's functions are much broader – legal aid and advice are critical pillars in ensuring access to

justice. One area that the Board has been providing support in is in relation to the Abhaile Scheme, established in 2016 to support persons at risk of losing their home on account of mortgage arrears. A feature of 2018 was the substantial increase in the number of persons who sought legal aid to challenge creditors' refusals to approve Personal Insolvency Arrangements. The Abhaile Scheme is funded to the end of 2019 and it remains to be seen if it or some other form of support is provided to mortgage debtors thereafter.

An issue that I have highlighted during my tenure to date as Board Chairperson is the fact that the financial eligibility criteria for legal aid and advice have not been substantially changed since 2006. I am also very conscious that there is no discretion or capacity to provide services to persons who may be marginally outside the financial limits. There is significant potential at the moment for 'poverty traps' to arise. An example is that HAP support, which is a State support to help people find homes, can have the effect of bringing the same people outside the financial eligibility threshold. The Board's Executive is engaged with the Department of Justice and Equality in relation to the financial eligibility criteria and I would very much welcome early progress on this.

One development that I have been keen to promote is the establishment of a more comprehensive research function within the Board. I am pleased to say that a full time research officer was appointed in 2018 and a Research Oversight Group was established. I recognise that legal aid is not an area that has been significantly researched and I have no doubt of the benefit in the longer term of being able to take a more evidence based approach to decision making.

The Board continues to support the delivery of the criminal legal aid schemes, in particular the Garda Station Legal Advice Scheme, the Criminal Assets Bureau Legal Aid Scheme and the Legal Aid – Custody Issues Scheme. Legislation is expected in due course to transfer responsibility for the main Criminal Legal Aid Scheme to the Board and I look forward to the publication of draft legislation. I also welcome any progress towards the commencement of the provisions of the Assisted Decision Making (Capacity) Act 2015 which I believe will offer considerably enhanced protections to a cohort of vulnerable people.

The Board remains committed to the highest standards of corporate governance. An external evaluation of the Board's effectiveness was completed in 2018. The Review Report endorsed the manner in which the Board goes about its business while at the same time giving useful advice as to how things can be done better. Recognising that the Board has a presence in almost every county, during 2018 the Board met in Wexford and Kilkenny as well as at the Board's principal offices in Cahirciveen, Co. Kerry and in Dublin. It took the opportunity to officially open new offices in both of these locations, the openings being conducted by Minister Paul Kehoe (Wexford) and Minister Charlie Flanagan (Kilkenny).

I wish to thank Ms Evelyn O'Connor, who stood down from the Board during 2018, for her service and to wish her well in her challenging new role.

I wish to express my continuing gratitude firstly to the Board's staff for their ongoing commitment, dedication and professionalism in the delivery of services to customers and secondly to the private solicitors and barristers who are similarly at the kernel of providing a meaningful service. Our aim is to provide the best outcome to the service user by the best means available and we must continually challenge ourselves in that commitment. I would also like to acknowledge the continued support of the Minister for Justice and Equality and his Department.

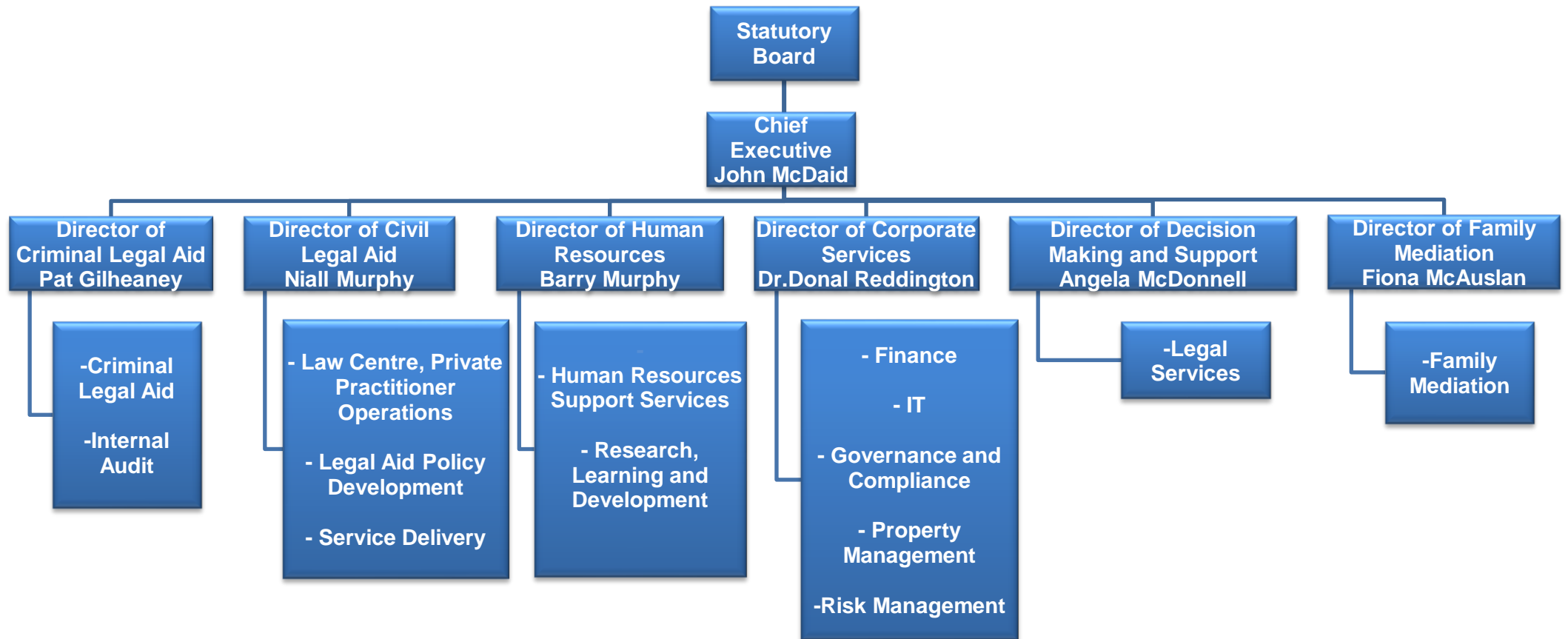
**Philip O'Leary**  
Chairperson

# Head Office Executive Staff

<b>Chief Executive Officer:</b>	John McDaid
<b>Director of Civil Legal Aid:</b>	Niall Murphy
<b>Director of Human Resources:</b>	Barry Murphy
<b>Director of Corporate Services:</b>	Dr. Donal Reddington
<b>Director of Decision Making and Support:</b>	Angela McDonnell
<b>Director of Family Mediation Services:</b>	Fiona McAuslan
<b>Director of Criminal Legal Aid:</b>	Pat Gilheaney
<b>Financial Controller:</b>	Joan Enright
<b>Secretary to the Board:</b>	Mary O'Connor
<b>Auditors:</b>	Comptroller and Auditor General
<b>Solicitors:</b>	Holmes O'Malley Sexton
<b>Head Office:</b>	Quay St. Cahirciveen Co. Kerry Phone: 066 9471000 LoCall 1890 615200 Fax: 066 9471035
<b>Dublin Office:</b>	48/49 North Brunswick St George's Lane Dublin 7 Phone: 01 6469600
<b>Website:</b>	<a href="http://www.legalaidboard.ie">www.legalaidboard.ie</a>



# Structure





## Introduction by the Chief Executive

I am pleased to introduce the Board's Annual Report for 2018.

In 2018 there were 18,248 new applications to law centres which was an increase of just under 7% on the number of applications in 2017. (This figure excludes applications on foot of the Abhaile Scheme). As has been the case in every year since its inception, the majority of applicants seeking services from the Board did so in relation to a family problem. Of the 18,248 applications, approximately 84% involved a family matter. The numbers seeking services in relation to international protection matters rose from 1,358 to 2,079.

The Abhaile Scheme is part of the State's response to the mortgage debt problem and it involves the provision of legal advice, and in certain limited circumstances legal aid, to persons who are insolvent and at risk of losing their family home. The Scheme was established in July 2016. In 2018 there was a very considerable drop in the number of persons seeking legal consultations on foot of the Scheme (from 1,933 in 2017 down to 782). Against that however the number of legal aid certificates granted to take proceedings to have proposed Personal Insolvency Applications approved by the Courts rose from 469 in 2017 to 625. The Scheme was established to the end of 2019 and it remains to be seen if it is maintained or if other supports are put in place.

Speedy access to the Board's services and to the justice system generally, has always been a priority for the Board. As of the 31<sup>st</sup> December 2018 there were 1,754 persons waiting for legal services which was a reduction from the figure of 1,776 at the start of the year. While the reduction is very marginal, a key objective is to reduce the number further with a consequent reduction in waiting times. There are significant numbers of situations which are either prioritised or where an applicant is effectively given an "on demand" service. Cases involving domestic violence and cases involving applications by Tusla to take children into care or under supervision are always prioritised while most persons seeking legal aid for family law cases in the District Court are granted a legal aid certificate on demand or shortly afterwards.

In 2018 civil legal aid services continued to be provided using a mixed model of employed staff including solicitors in the Board's network of 30 law centres and two specialist offices, and private solicitors paid on a fee per case basis. Private solicitors are used primarily for private family law matters in the District Court and for advice and representation to persons seeking international protection from the State, in addition to the services they provide on foot of the Abhaile Scheme. In 2018 there was a 19% increase (to a figure of just over 7,150) in the use of private solicitors for private disputes in the District Family Court on the figure for 2017. Private solicitors are used to a lesser extent in divorce and separation cases in the Circuit Court – 63 such cases were referred to private solicitors in 2018. The Board continued to operate a limited scheme involving

the use of private solicitors to represent parents in applications by the Child and Family Agency to have children taken into its care. This scheme operated in Counties Dublin, Donegal and Wexford and was very effective in ensuring the speedy delivery of legal services to parents in these cases. 94 referrals were made in 2018.

On the family mediation side the Board continued in 2018 to provide family mediation services in eight full time offices and nine part time offices and to pursue its policy of co-locating its law centres and family mediation offices where this was opportune. The objective of the co-locations is to encourage more persons seeking legal services in relation to a family dispute to seek to resolve the dispute with the assistance of a mediator rather than through a court process.

In 2018 the Board piloted a 'mandatory group information scheme' involved requiring persons seeking legal aid for family law matters where a dependent child is involved, to attend an information session about the option of family mediation before they could be granted a legal aid certificate for court representation. Previously individual information sessions had been mandated on a pilot basis but an evaluation questioned whether the time investment was the best use of the Board's resources. The revised scheme was being evaluated at the end of the year.

The joint initiative between the Board and the Courts Service which makes family mediation freely available on site at the District Family Court in Dublin continued to operate and showed positive signs in terms of take up. The number of persons who attended the family mediation office for a first information session increased by 20% to 1,406 and I hope that we can maintain this progress. There is a strong sense that the environment on the fourth floor, where the family mediation office is, is more conducive to a resolution of a dispute than the often overcrowded general waiting area for the courts. More modified initiatives involving the presence of mediators at the Courts were in place in Naas, Limerick, Clonmel, Nenagh, Ennis and Dundalk.

The Board held its annual conference in September and the theme of the conference as reform of the family justice area. The event brought together a number of judges, senior officials in the Department of Justice and Equality and the Department of Children and Youth Affairs, lawyers practising in the area of family law, family mediators and NGO's with an interest in the family justice area. What was abundantly clear was the appetite for reform and for improving the client experience.

The Board continued to be responsible for the administration of three ad-hoc schemes: the Legal Aid - Custody Issues Scheme, the Garda Station Legal Advice Revised Scheme and the Criminal Assets Bureau Legal Aid Scheme. The transfer of responsibility for the administration of the main criminal legal aid scheme requires a legislative intervention which has yet to be enacted.

I want to acknowledge the contribution of our staff. I have consistently sought to convey internally, two messages that I regard as key. The first is that the client must be at the centre of all of the Board's decision making. We must always keep the clients' interests at

the heart of what we do. The second is that staff are the Board's greatest resource. The commitment of staff, their resilience and their willingness to learn and develop, is critical to the Board's work and I want to use this opportunity to acknowledge all of the really good work that our staff do, often in very challenging circumstances. I also must recognise and acknowledge the contribution of the private solicitors and barristers whose work is critical to the provision of legal aid.

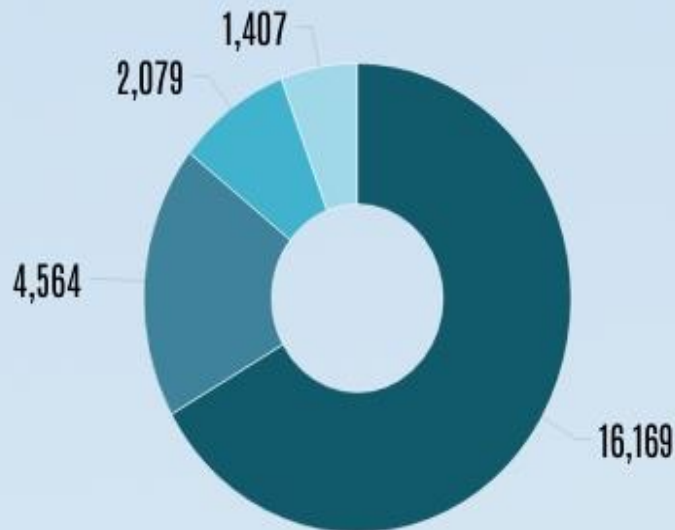
Finally I wish to express thanks to the Minister for Justice and Equality, and the Secretary General of the Department and his staff for their ongoing engagement and support.

John McDaid  
Chief Executive

# Key Developments of 2018

## Applications in 2018

There were 24,219 applications made in 2018 of which 16,169 were for civil legal aid, 2,079 for international protection and 1,407 related to the Abhaile Scheme. 4,564 persons applied for family mediation services.



Civil Legal Aid	16,169	Family Mediation	4,564
International Protection	2,079	Abhaile	1,407

### No. of Persons Waiting for Legal Services



The number of persons waiting for legal services continued to fall. There were 1,754 waiting at the end of the year, a further reduction from 2017 and a decrease for the 6th successive year, down from over 5,000 in 2013.



Applications for civil legal aid increased 3% from 15,745 in 2017 to 16,169 applications in 2018.



There were 2,079 applications for international protection, a 53% increase on 1,358 applications received in 2017.





1,807

New Family  
Mediation (All  
Issues) Cases

475

New Court Based  
Mediation Cases

In 2018 a total of 2,282 new cases attended mediation availing of 10,197 sessions, including information sessions given to one party only, resulting in 1,218 agreements. There were a total of 2,584 mediation cases closed in 2018.

31%

The Criminal Assets Bureau (CAB) Ad-hoc Legal Aid Scheme figure in 2018 totalled €147,000 (VAT inclusive) which is an increase of 31% on the 2017 figure.

Applications under the Abhaile scheme decreased from 2,402 in 2017 to 1,407 in 2018 though there was a significant increase in demand for the more resource intensive Personal Insolvency Application Reviews.

4,307

During 2018, the Board processed 4,307 claims in respect of the Garda Station Legal Advice Revised Scheme with the total cost of authorised claims amounting to €1,548,400.

**ABHAILE**

FREE MORTGAGE ARREARS SUPPORT



## Services Provided in 2018

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

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

### Civil Legal Aid

#### ***Demand for the service***

18,248 applicants sought civil legal aid services from the Board's law centres in 2018. The type of problems for which the Board provides legal services extends to most areas of civil law although in 2018, as has been the case since the Board's inception in 1980, the majority of

applicants sought services in relation to family problems.

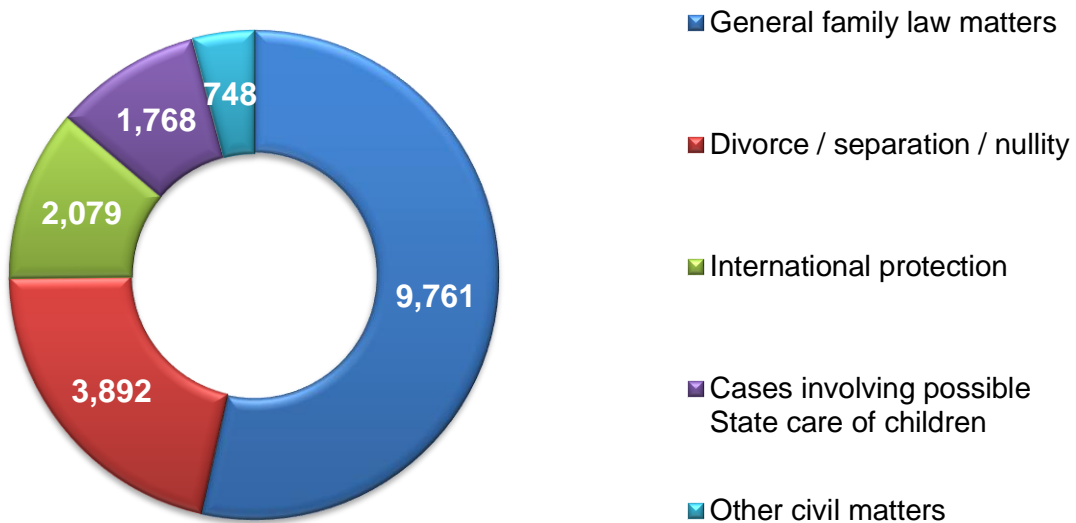
The total number of cases in which legal services were handled through the Board's law centre network in 2018 was in the region of 17,803.

**Table 1 - Number of applications 2013-2018**

Year	2013	2014	2015	2016	2017	2018
<b>General</b>	16,851	15,531	15,256	14,991	15,611	16,169
<b>International protection</b>	708	902	1,537	1,658	1,489	2,079
<b>Total</b>	<b>17,559</b>	<b>16,433</b>	<b>16,793</b>	<b>16,649</b>	<b>17,100</b>	<b>18,248</b>

It should be noted that not every applicant is provided with legal services. A number of applicants do not pursue their application when they are offered

an appointment. Chart 1 gives the approximate breakdown of applications by case type.

**Chart 1 - Number of applications by case type 2018**

### Law Centres

Legal aid and advice was handled through the Board's law centres in over 17,803 cases in 2018. Table 2 provides information on case numbers in law centres. As in 2017 the figure includes

persons provided services in relation to applications for international protection in the State and is not directly comparable with 2016 and previous years.

**Table 2 - Cases handled in law centres**

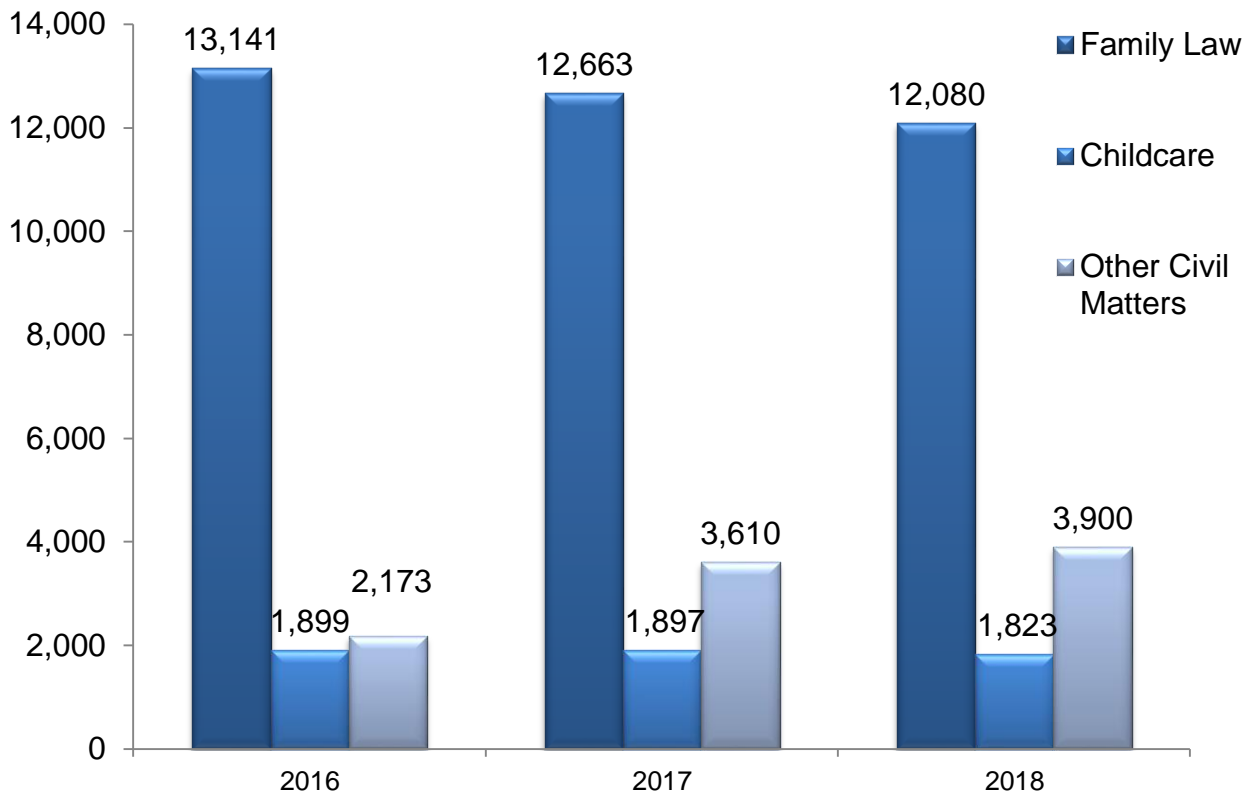
Year	2013	2014	2015	2016	2017*	2018*
<b>Total</b>	17,304	18,338	17,959	17,213	18,170	17,803

\*Including international protection cases

### ***Legal aid and advice cases***

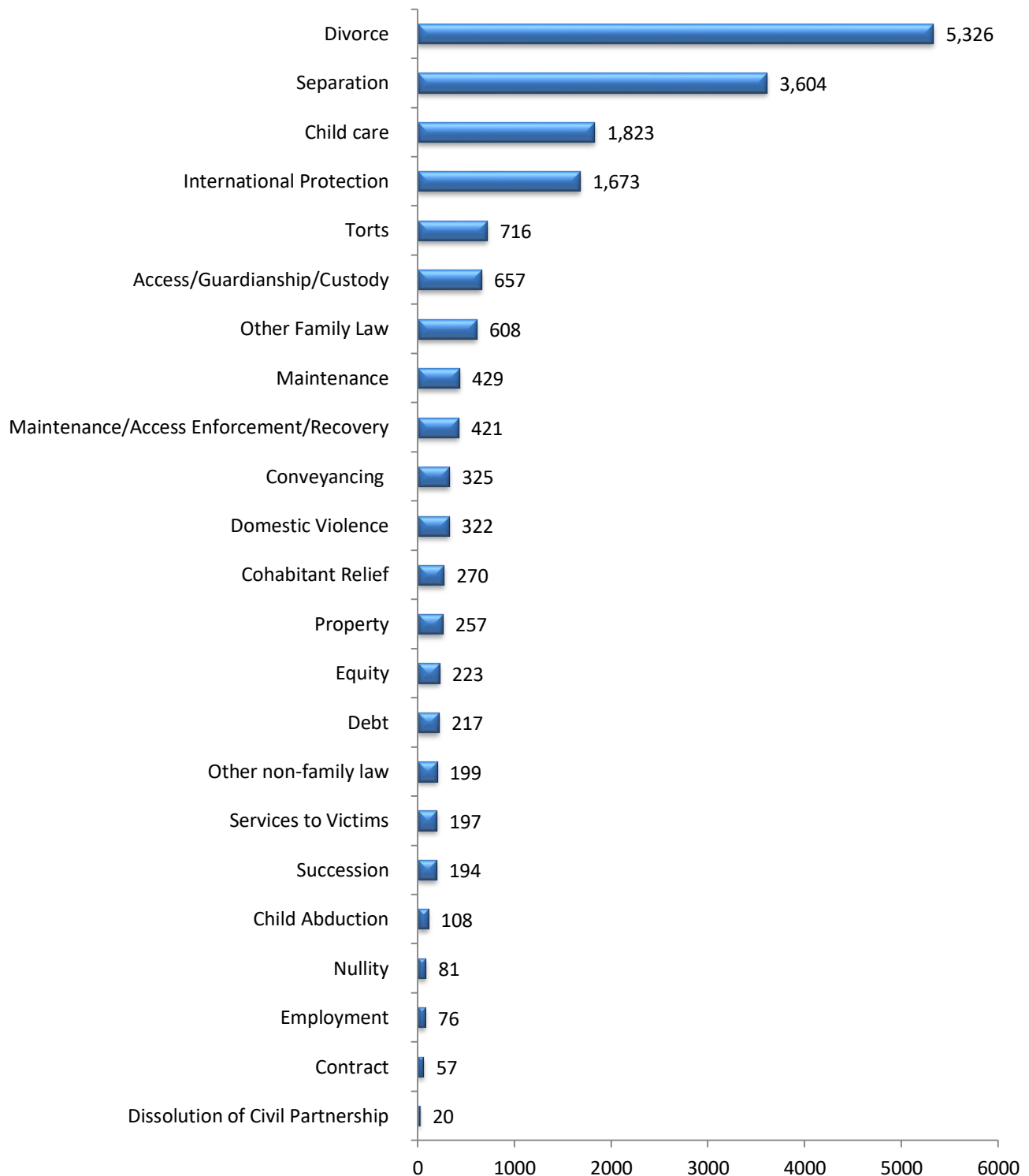
Chart 2 below highlights that family law continues to constitute the predominant area where the Board provides legal

services. Of the cases handled in 2018, 66% were in the private family law area.

**Chart 2: Cases 2016-2018**

A more detailed breakdown of the main issues in respect of which legal services were provided in 2018 is provided in Chart 3. It is likely that in relation to a significant number of separation and divorce cases, advice was also given on matters such as maintenance, domestic violence, and child welfare. Such additional advices are not separately recorded in the above figures. In addition

it should be noted that applicants often apply for legal services in relation to, for example, both domestic violence and custody/access, or custody/access and maintenance. For the purposes of this chart a client in receipt of aid or advice for multiple family law issues has been categorised in relation to the principal matter for which they obtained legal services.

**Chart 3 - Cases by subject matter 2018**

**Case turnover**

As can be seen from Table 3 below, there was a slight decrease in the number of new cases taken on in the law

centre network in 2018 compared to 2017.

**Table 3 - New Cases in law centre**

Year	2013	2014	2015	2016	2017*	2018*
<b>New Cases</b>	6,650	6,300	6,264	6,119	6,299	6,221

\*Including international protection cases

**Duration of cases**

Table 4 below provides an age profile of cases in which legal services were provided by law centres in 2018. 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.

**Table 4 - Cases handled in 2018; year of application**

Year	Pre-2014	2014	2015	2016	2017	2018
<b>Number</b>	1,859	1,044	1,616	2,792	5,391	5,101

**Cases completed**

Of the 17,803 cases handled in the law centres in 2018, 5,852 (33%) were completed by the end of the year. Table 5 below shows how this number

compares with the number of completed cases in other recent years. Table 6 gives an age profile of those cases closed in 2018 by subject matter.

**Table 5 - Numbers of cases closed**

Year	2013	2014	2015	2016	2017*	2018*
<b>Cases Closed</b>	4,910	5,757	6,059	5,699	6,052	5,852

\*Including international protection cases

**Table 6 - Cases completed in 2018; length of time open**

Case Type	<1 Year	1-2 Year	2-3 Years	3+ Years	Total
International protection	164	208	4	1	377
Child care	201	139	75	116	531
Divorce/separation/nullity	653	639	512	938	2,742
Non-family law	513	208	69	113	903
Other family law	682	326	144	147	1,299
<b>Totals</b>	<b>2,213</b>	<b>1,520</b>	<b>804</b>	<b>1,315</b>	<b>5,852</b>

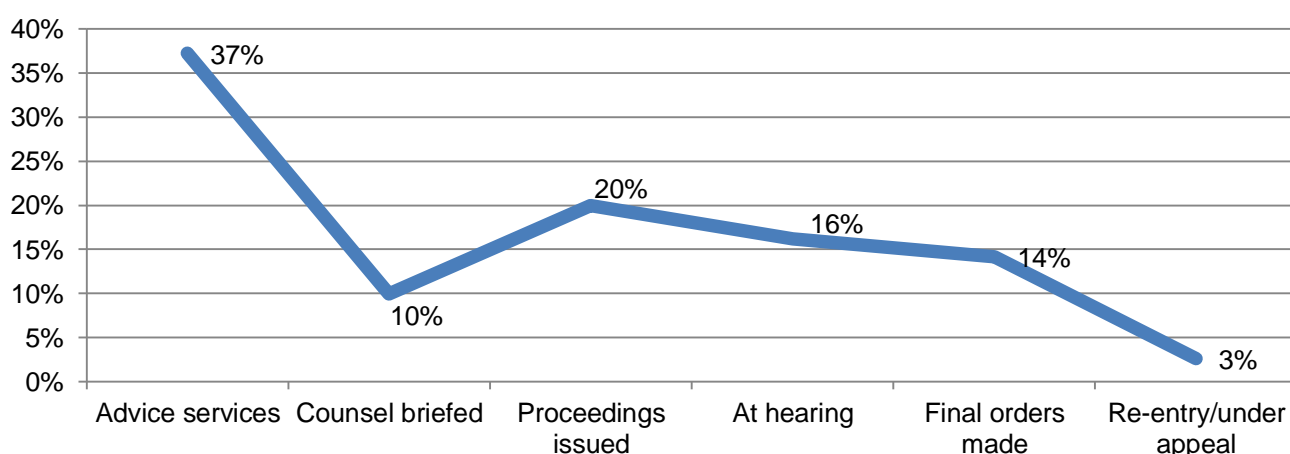
It can be seen from Table 6 that divorce, separation and nullity cases generally take longer to reach completion than most other family law matters. Approximately 47% of divorce,

separation and nullity cases completed in 2018 had been on-going for longer than three years, compared to 9% of childcare cases and 22% of other family law matters.

### **Cases on Hand**

Chart 4 below gives the status of all of the Board's active cases as of the 31<sup>st</sup> December 2018. This type of

information helps the Board in monitoring the progress of cases.

**Chart 4 - Case active as at 31 December 2018**



### ***Use of Solicitors Panels***

Private solicitors are engaged by the Board to provide legal aid services to complement the service provided by law centres. Private solicitors are currently used for certain family law matters in the District Court (such as domestic violence, maintenance, guardianship and custody / access cases). Private solicitors were used to a very limited extent in 2018 for divorce and separation cases in the Circuit Court. The Board continued with a limited pilot involving private solicitors in cases involving

applications by the State (Child and Family Agency) to take children into care. 94 such cases were referred to private solicitors. Services in relation to the Abhaile Scheme are provided entirely by private solicitors who have received specific training.

A breakdown is given in Table 7 of the number of legal aid certificates granted to enable representation to be provided in the District and Circuit Courts by solicitors in private practice who are on the Board's panels.

**Table 7 - The number of new cases in which private solicitors provided representation**

Year	2013	2014	2015	2016	2017	2018
<b>District Court private family law</b>	5,640	5,224	5,351	5,208	6,002	7,154
<b>District Court Childcare (pilot Project)</b>	N/A	7	106	103	88	94
<b>Circuit Court</b>	0	10	77	89	30	63
<b>Abhaile consultations</b>				429	1,933	782
<b>Circuit Court PIA reviews</b>				94	469	625
<b>International Protection</b>	197	818	653	810	1,035	1,479
<b>Total</b>	<b>5,837</b>	<b>6,059</b>	<b>6,187</b>	<b>6,733</b>	<b>9,557</b>	<b>10,197</b>

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

### Timeliness of the service

2018 saw a relatively small reduction in the numbers of applicants waiting for legal services at the end of the year compared to at the start of the year. The numbers waiting for a substantive service as of the end of the year was 22

less than it was at the start as is evidenced by the figures in Table 8. Table 8 sets out the number of persons waiting on the 31st December 2018 and on the same date in the previous five years for legal services with a solicitor.

**Table 8 - The number of persons waiting on the 31<sup>st</sup> December 2018**

Year	2013	2014	2015	2016	2017	2018
<b>Number Waiting</b>	5,067	3,412	2,319	1,864	1,776	1,754

The maximum waiting time in weeks, as of the 31st December 2018 is set out for the various law centres in Table 9 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.

**Table 9 - Waiting times in Law Centres on the 31<sup>st</sup> December 2018**

Law Centre	Law centres not operating triage	Triage Appointment	Further waiting time where triage appointment previously given
Athlone	7		
Blanchardstown	44		
Castlebar	10		
Cavan	18		
Clondalkin	12		
Cork-Popes Quay	28		
Cork-South Mall	22		
Dundalk	18		
Ennis		21	17
Finglas	46		
Galway - Francis St	9		
Galway - Seville House		8	8
Jervis St	15		
Kilkenny	17		
Letterkenny	8		
Limerick	11		
Longford		26	29
Monaghan	12		
Navan		19	15
Nenagh	16		
Newbridge	11		
Portlaoise	18		
Sligo	7		
Smithfield	28		
Tallaght	21		
Tralee	32		
Tullamore	6		
Waterford	14		
Wexford	8		
Wicklow	17		

### **Priority Service**

The Board continued to provide a priority service where it considered that an immediate, or near immediate, service was needed. In 2018 approximately 30% of first appointments were for prioritised matters. These included cases of domestic violence, child abduction, cases involving applications by the State

to take children into care, and cases that had statutory time limits close to expiry.

In addition to the cases given priority in the law centres, most of the cases referred out to solicitors on the Board's private practitioner panels were referred immediately or shortly after the person had applied for legal aid.

### **Family Law Case Study**

The client attended at a law centre having been served with divorce proceedings by her husband's solicitor. The client was financially assessed and found to be eligible for legal aid. She was granted a legal aid certificate for the purpose of representation in the proceedings. The parties had attended marriage guidance counselling and they had also attended with a family mediator. With the assistance of the mediator they had been able to reach an agreement in relation to care and contact arrangements for the children of the marriage but they had not been able to reach agreement on property or financial issues.

The client was given legal advice and a settlement meeting took place involving the parties' legal representatives but again it did not result in a settlement. The matter proceeded in court and both parties gave evidence in relation to their financial circumstances, financial needs, work histories and their plans and aspirations for the future. After hearing the evidence the Judge granted the parties a divorce and she made a number of ancillary orders including an order that the family home remain in the parties joint names and that it be sold and the proceeds split when the youngest child reached 23 years of age, that pending that the client have the right to reside in the house to the exclusion of her husband, that maintenance be paid by the husband for each of the children in a certain amount until each child reached 23 years of age or was no longer dependent 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 her to get on with her life with some security for the children.

## Abhaile – Free Mortgage Arrears Support

During 2018 the Board continued its involvement in the Abhaile Scheme, the Government's scheme of financial and legal assistance for insolvent persons who are in danger of having their home repossessed. Other organisations involved in the provision of services are MABS National Development CLG and local Money Advice and Budgeting Services, the Insolvency Service of Ireland, and the Citizens Information Board.

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

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

negotiations to settle pending repossession proceedings.

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

Of note in 2018 was the considerable drop in the use of the consultation solicitor aspect of the Scheme while at the same time the increased take up of legal aid services for the purpose of challenging creditors refusals to approve personal insolvency arrangements. Services provided on behalf of the Board under the scheme are outlined in Table 10 below.

**Table 10 – Services provided under Abhaile**

Year	2016	2017	2018
Number of legal advice vouchers issued by MABS*	429	1,933	782
Number of duty solicitor days rostered	139	507	493
Legal aid certificates granted for PIA court reviews	94	469	625

### Abhaile Case Study

The debtor ran into difficulties with her mortgage after both she and her husband were made redundant during the economic downturn. They had a number of children. The debtor sought to engage with the lending institution to find a sustainable solution to her debt issue but could not come to an agreement. The mortgage creditor was threatening to seek repossession of the property. The debtor engaged the service of a personal insolvency practitioner and made a personal insolvency proposal to her creditors. The creditors rejected the proposal and the debtor sought to institute proceedings under s115A of the Personal Insolvency Act 2012 (as amended) -applying to the court to order for approval of the proposed personal insolvency arrangement notwithstanding its rejection at the creditors meeting. Legal aid was granted for the application.

The debtor's proposal, put forward by her Personal Insolvency Practitioner, sought to extend the term of the mortgage and also to bring the mortgage in line with the current market value of her home – effectively writing off the negative equity. The debtor further proposed a number of monthly instalments as a full and final settlement of her unsecured debts. Having carefully considered the proposal and the rights of both the debtor and the creditors, the Circuit Court approved the coming into effect of the insolvency proposal notwithstanding its earlier rejection by the creditors.



## International Protection Services

### *International Protection Services*

The number of persons seeking legal services from the Board for international protection applications in 2018 was 2,079. This was an increase of 28% 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 11 shows the number of new applications for legal services from the Board for international protection matters and also the number of persons who sought protection in the State from the Minister for Justice and Equality.

**Table 11 - International protection applications**

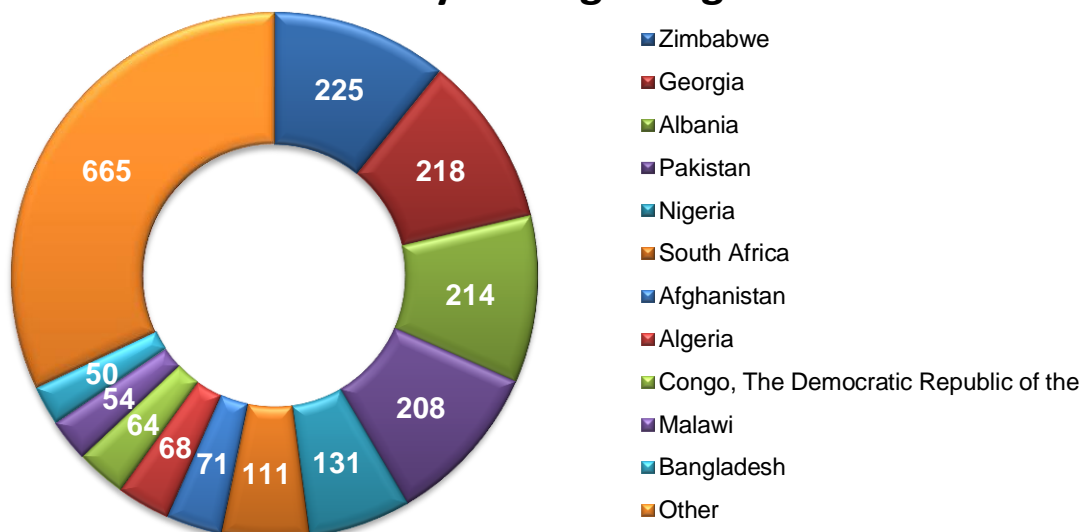
Year	2013	2014	2015	2016	2017	2018
<b>LAB Applications</b>	708	902	1,537	1,658	1,489	2,079
<b>International Protection Office (IPO) Applications</b>	946	1,448	3,276	2,244	2,406	3,673

### *Country of Origin*

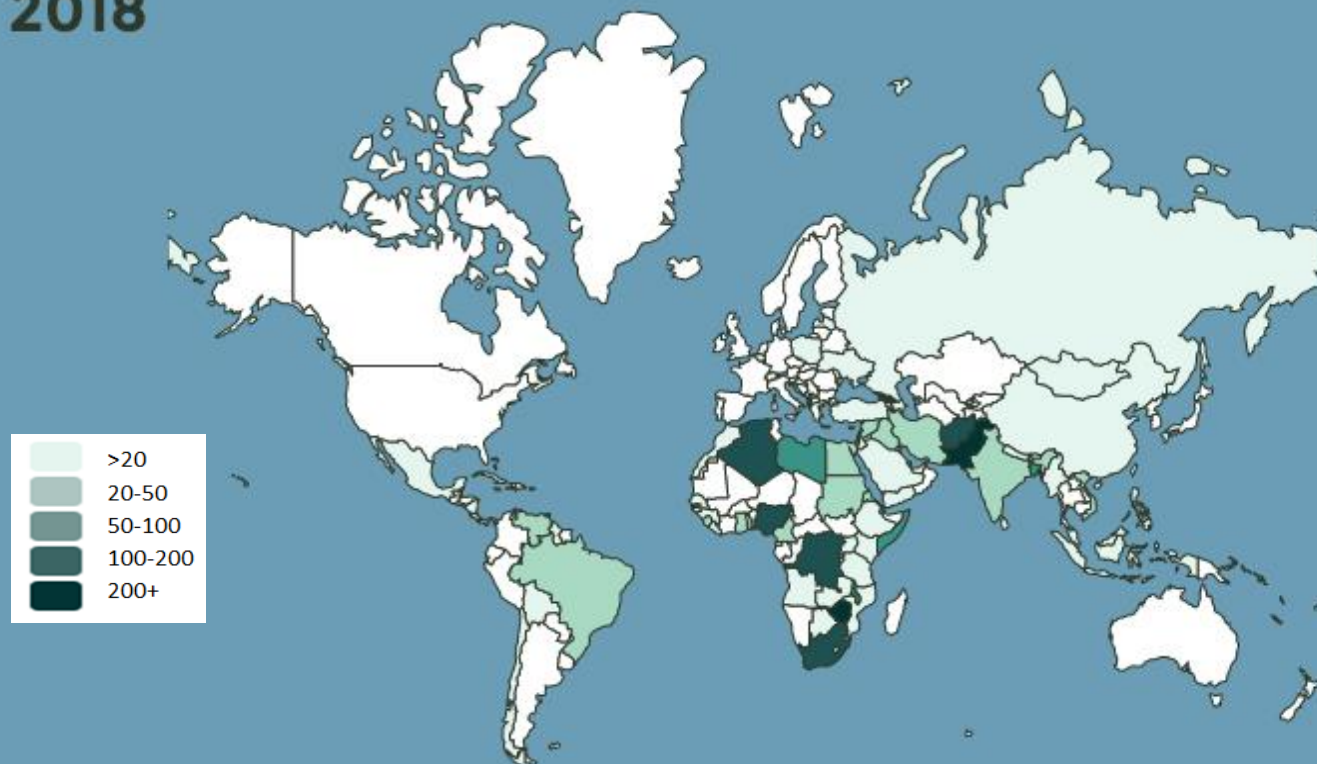
Of the 2,079 new applicants for legal services in relation to international protection claims, 225 came from Zimbabwe, 218 from Georgia, 214 from

Albania, 208 from Pakistan and 131 from Nigeria. The remaining 1,083 applicants came from a wide variety of countries. Applicants came from over 90 countries in total.

**Chart 5 - Country of Origin Registration 2018**



## Country of Origin Registration 2018



### ***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. The Unit has well-developed interagency

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

### ***Human trafficking***

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

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.

There is no requirement to satisfy the Board's financial eligibility or merits criteria for these cases and a potential

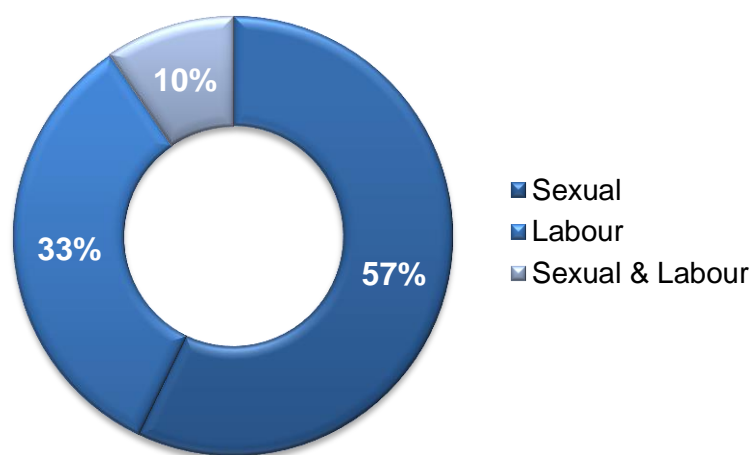
The Board provides legal services to persons identified as potential victims of human trafficking on their rights in

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

criminal trial where a victim's past sexual history is raised.

During 2018 21 potential victims of human trafficking referred to the Board by An Garda Síochána applied for legal services. Seven of these cases related to labour exploitation, 12 to sexual exploitation, and two to sexual & labour exploitation.

**Chart 6 - Human trafficking cases referred to the Board during 2018**



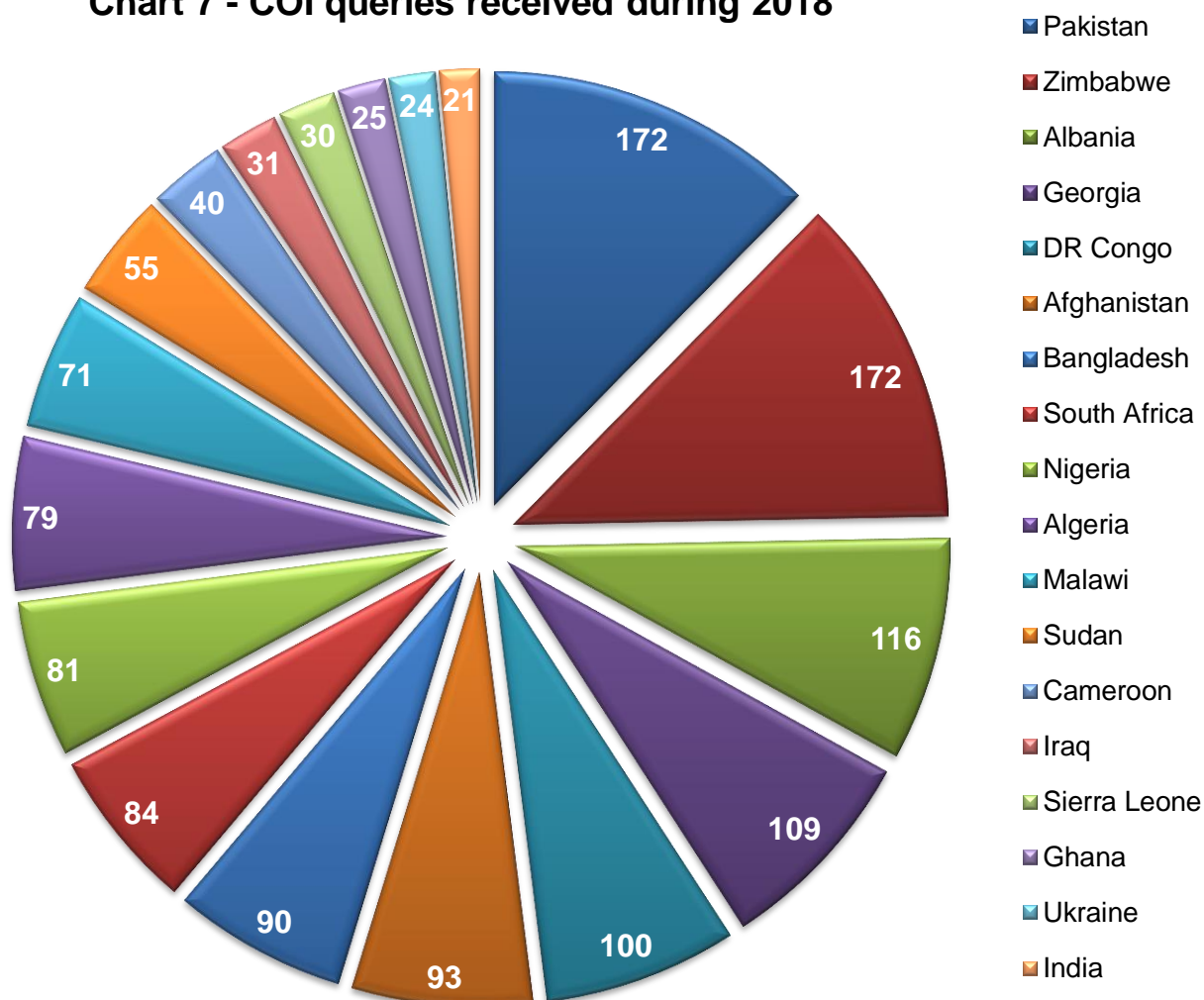
### The Refugee Documentation Centre

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

In 2018, the RDC received 1,541 COI queries, a 17% increase in COI queries received on 2017. The RDC query

service provided a total of 1,707 COI query responses, a 51% increase on the 2017 figure. The unit also operates an interagency library service and provides a legal research function for staff of the Board. 1,129 queries were processed by the LAB library.

The main countries subject to COI queries are set out in Chart 7 below which shows countries with more than 20 queries representing 82% of all COI queries. The countries which gave rise to the largest single number of queries in 2018 were Pakistan and Zimbabwe.

**Chart 7 - COI queries received during 2018**

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

- Mistreatment of LGBT in Zimbabwe
- Victims of forced marriage in Pakistan
- Discrimination against people with HIV in Malawi
- Treatment of failed asylum seekers in Ghana

- The Hazara people in Afghanistan
- Gender violence in Albania and the police response

The RDC continued to work closely with the European Asylum Support Office, International Protection Office and International Protection Appeals Tribunal and other users of its services in 2018 by providing training and by strengthening co-operation and meeting the various needs of its users.

### International Protection Case study

A client from Eastern Europe applied for International Protection based on a well founded fear of persecution / serious harm as a result of domestic violence. Her application was refused by the International Protection Office but a positive recommendation for refugee status was made on appeal. The International Protection Appeals Tribunal accepted the client's credibility, and in particular noted that inconsistencies relied on by the International Protection Office were down to serious errors in translation which were discovered when the original language documents were furnished. The International Protection Appeals Tribunal determined that the client's evidence at the hearing was 'detailed, coherent and consistent'. Country of Origin information supported the Applicant's claim, and the Tribunal found that the evidence regarding the prevalence of abuse of women and girls in her country indicated a clear failure on the part of the State to tackle this problem.

In a separate case the client's claim for international protection was based on fear of persecution due to her connection to a religious movement in her (African) country of origin. That religious movement was seen as a political threat to the government. She had been raped and imprisoned for a time as a result of this connection. She fled the country leaving a number of children behind.

She was first interviewed in the Office of the Refugee Applications Commissioner who issued a negative decision relying on adverse credibility findings. An appeal was filed by her legal aid solicitor on her behalf and a request was made to the International Protection Appeals Tribunal for an appeal "on the papers" due to the client's mental health issues. This was acceded to and a detailed submission was made. There was extensive engagement by the solicitor with the Tribunal over several months. Each potential negative finding was put to the Appellant in order to ensure that the constitutional guarantee with regard to fair procedures was respected.

Owing to a change in the legislative procedures the case was referred back to the International Protection Office (formerly the Office of the Refugee Applications Commissioner) and the client was granted permission to remain. Having regard to the fact that permission to remain does attract family reunification rights and would not have entitled the client to make applications for her children to come to Ireland a further appeal was filed on behalf of the client to the International Protection Appeals Tribunal. The Tribunal recommended that she be granted subsidiary protection which does attract family reunification rights.



## Family Mediation

### ***Family Mediation Service***

Family mediation services help couples who have decided to separate or divorce, who have already separated, or who have never lived together but have a child together to negotiate their own terms of agreement, taking into account the needs and interests of all involved. The mediator's role is not to come up with solutions but to facilitate the parties in dispute to come up with their own solutions.

The Board has sixteen family mediation offices in total. Four of these are co-located with law centres in Jervis House, Dundalk, Tallaght and Kilkenny. Co-located offices in Letterkenny and Portlaoise were due to open in early 2019. The service also has one full time court based service in the District Family Court in Dublin (Dolphin House). There are seven part time court based services in the following locations - Clonmel, Cork, Naas, Ennis, Dundalk, Limerick, Nenagh. New court services were due to commence in early 2019 in Carlow, Castlebar, Sligo and Letterkenny.

### ***Family Mediation Process***

Mediation looks to enhance the clients' own ability to negotiate their differences and empower collaborative decision making. There are three basic types of successful outcome which the Board's mediators work towards:

**Settlement:** This type of mediation focuses on simply the settlement of issues and does not look at changing the negotiating relationship of the clients.

**Resolution:** This type of agreement focuses on changing and enhancing the negotiation relationship of the clients, believing that this creates a better and more durable agreement. The techniques used are aimed at facilitating better problem solving capacity in the clients. There is an emphasis on joint sessions, where trust can be built.

**Transformation:** This is where the parties transform their understanding of each other and thereby improve their relationship. This sort of outcome works with conflict as a creative and enhancing opportunity and is centred on empowering the parties to find a new way forward.

The Board's family mediation services primarily practice a resolution based model, whereby all issues between the parties are mediated to resolution and a written agreement can be drafted, if this is the clients' wish. The court based mediation services tend to focus on the single issues that are due to come before the Court.

### ***Applying for family mediation services***

Persons can apply to avail of the Board's family mediation services at any of its family mediation offices.

### ***Services provided***

In 2018 a total of 2,282 new cases attended mediation availing of 10,197 sessions, including information sessions given to one party only, resulting in 1,218 agreements. There were a total of 2,584 mediation cases closed in 2018. This included those carried over from 2017.

The number of agreements recorded includes full written or recordable verbal agreements. It does not include interim agreements, partial agreements or outcomes where the parties agree between themselves and do not wish

anything recorded, this particularly refers to cases where there has been reconciliation or a resolution of a particular communication issue or misunderstanding that is now considered resolved.

**Table 12 – Total Cases, Sessions and Agreements 2018**

	<b>New Cases*</b>	<b>Total Joint Mediation Sessions</b>	<b>Total Information Sessions</b>	<b>Total Agreements</b>
<b>All Issues (couples)</b>	1,807	6,888	284	870
<b>Court Based</b>	475	1,233	1,792	348
<b>Total</b>	<b>2,282</b>	<b>8,121</b>	<b>2,076</b>	<b>1,218</b>

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

**Table 13 – Cases Closed 2018**

	<b>Total</b>
<b>Total Cases Closed (including Information Sessions)</b>	3,394
<b>Cases not progressed to Mediation</b>	810
<b>Total Mediation Cases Closed (excluding cases opened but not progressed beyond Information Sessions)</b>	2,584

### All Issues Mediation

In the general family mediation offices 1,807 new cases were commenced in 2018 with 6,888 mediation sessions attended. 870 mediated cases reached

formal agreement in 2018. It should be noted that non court referred cases are dealt with in Carlow Courthouse and Ennis Courthouse where the family mediator is based.

**Table 14 - Demand / service provision 2018 (All Issues)**

Centre	New Cases 2018	Total Mediation Sessions	Reached agreement 2018
Athlone	127	473	57
Blanchardstown	174	900	133
Carlow	4	16	0
Castlebar	61	187	24
Cork	132	473	84
Dundalk	33	191	15
Ennis	17	22	3
Galway	181	788	96
Jervis Street	218	706	103
Kilkenny	37	161	26
Letterkenny	98	333	31
Limerick	118	532	47
Portlaoise	81	293	28
Raheny	1	55	5
Sligo	45	160	25
Tallaght	185	634	75
Tralee	63	213	36
Waterford	122	398	42
Wexford	110	353	40
<b>Total</b>	<b>1,807</b>	<b>6,888</b>	<b>870</b>



## Waiting times

Comparative waiting times for Family Mediation offices at the end of 2018, 2017, 2016, 2015, 2014 and 2013 are as follows:

**Table 15 – Family Mediation Office Waiting Times**

Office	2013	2014	2015	2016	2017	2018
<b>Athlone</b>	8	12	8	12	24	12
<b>Blanchardstown</b>	10	12	8	16	8	20
<b>Castlebar</b>	12	4	8	12	12	8
<b>Cork</b>	16	22	12	12	24	28
<b>Dundalk</b>	4	8	4	12	20	36
<b>Galway</b>	10	12	8	4	16	8
<b>Jervis House</b>	10	18	4	12	16	16
<b>Kilkenny</b>						20
<b>Letterkenny</b>	10	8	8	4	16	16
<b>Limerick</b>	16	8	16	12	6	12
<b>Portlaoise</b>	16	12	12	12	14	16
<b>Sligo</b>	6	8	4	4	12	8
<b>Tallaght</b>	10	14	12	8	14	16
<b>Tralee</b>	14	12	8	20	12	6
<b>Waterford</b>	10	12	8	12	32	6
<b>Wexford</b>	14	12	12	8	12	16

## Court based mediation

Table 16 shows the level of mediation and information giving about mediation, taking place in court or on foot of referrals from a Court. A total of 475 new cases were commenced in 2018.

There was a total of 3,025 mediation sessions held comprising 1,156 1<sup>st</sup> contact information sessions, 636 2<sup>nd</sup> contact information sessions and 1,233 mediation sessions. 348 agreements were reached.

**Table 16 - Court-Based Mediation Initiatives**

Office	New Cases (1 <sup>st</sup> Joint Mediation Session)	1 <sup>st</sup> contact Info sessions	2 <sup>nd</sup> contact Info sessions	Mediation Sessions	Total Sessions	Agreements
<b>Carlow</b>	0	2	0	0	2	0
<b>Clonmel</b>	0	3	2	2	7	0
<b>Cork</b>	17	21	21	49	91	16
<b>Dolphin</b>	329	900	446	655	2,001	234
<b>Dundalk</b>	15	23	16	77	116	9
<b>Ennis</b>	34	52	44	154	250	31
<b>Kilkenny</b>	34	61	45	135	241	29
<b>Limerick</b>	7	15	14	24	53	3
<b>Naas</b>	34	72	41	114	227	22
<b>Nenagh</b>	5	7	7	23	37	4
<b>Total</b>	<b>475</b>	<b>1,156</b>	<b>636</b>	<b>1,233</b>	<b>3,025</b>	<b>348</b>

### Co-Location Referrals

The first co-located law centre and family mediation office was established in Jervis House, Dublin 1 in the autumn of 2016. Protocols have been put in place to try and facilitate a greater take-up of mediation on account of the co-location.

This will continue to be monitored, and changes made to procedures as considered necessary. By the end of 2018 there were further co-located offices in Tallaght, Kilkenny and Dundalk. Referrals were also made from other law centres.

### Mandatory Group Information Sessions about Mediation

In 2018, the family mediation service piloted Mandatory Group Information Sessions in the Cork Family Mediation Centre. These were provided to some of the Board's family law clients as a mandatory requirement. Applicants for a private family law matter in Cork who had a dependent child were required to attend an information session, before being granted a legal aid certificate for court proceedings. Specifically, applicants for a

District Court matter in Area 19 were required to attend, along with all applicants for Circuit Court matters. Applicants for legal services for a domestic violence remedy were not subject to mandatory information. The sessions were delivered in a conference style setting with an opportunity for participants to speak with the mediator after the session.

**Table 18 - Cork Mandatory Group Information Projects**

<b>Cork Mandatory Group Information Projects To December 2018</b>	
<b>No. Of Group Sessions</b>	26
<b>Total Attendance</b>	220

A total of 220 people attended a group information session. There were twenty-six group sessions conducted in 2018. Group sizes ranged between 4 and 19. The largest group of attendees was 14 and the smallest 3. Of the total 1<sup>st</sup> contact attendees, 26% had a 2<sup>nd</sup> contact

invited and attend. 78% of these couples progressed to joint mediation, and 56% of those are still active. 44% have concluded. Of those, 50% have agreements. The pilot finished at the end of 2018.

## Family Mediation Case Study

A husband and wife seeking a divorce, contacted the Board's family mediation services. The couple had lived apart for 6 years and the relationship was very fraught. They were unable to discuss much outside mediation. This including arrangements for their children, who were effectively acting as "go betweens" between their parents.

Five mediation sessions were held and the issues negotiated included the family home, arrangements for the children, financial support for the children and a personal injuries award which the husband was expecting in coming months. They were both able to consult with their own solicitor (each being advised by law centre solicitors) on a couple of occasions during the mediation process.

All matters were agreed and a full final mediation agreement was completed. The agreement included a parenting plan for the children and ground rules as to how the parents would communicate with each other. The mediator had facilitated a child consultation session, which had enabled the children to express their wishes and feelings about the separation. This helped the parents understand what decisions they needed to make for their children. Formal divorce proceedings were instituted and a divorce was granted on consent and with agreed terms of settlement approved by the Court.

The relationship between the parties significantly improved. One helpful factor was that they could discuss their options in a safe place with a third party shaping the negotiation. They were able to consider the legal advice in a non adversarial environment. The conflict and de-escalated sufficiently to allow them to parent together.

## Criminal Legal Aid

Criminal Assets  
Bureau Ad-hoc Legal  
Aid Scheme

Garda Station Legal  
Advice Revised  
Scheme

Legal Aid - Custody  
Issues Scheme

### 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. 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

These three schemes do not have a statutory footing.

#### ***Garda Station Legal Advice Revised Scheme***

This is a non statutory scheme which caters for persons who are detained in Garda Stations. Those who satisfy certain criteria, including a financial eligibility threshold of €20,316, are entitled to legal advice under the Garda Station Legal Advice Revised Scheme by way of telephone and / or in-station consultations with a solicitor and also to legal advice by way of the attendance of a solicitor with them at a Garda / detainee interview

**Table 19 - Garda Station Legal Advice Revised Scheme Expenditure**

Year	2015	2016	2017	2018**
<b>Expenditure</b>	€1,444,000	€1,711,000	€1,864,000	€1,948,000

\*\*figures include VAT

**Table 20 - Garda Station Legal Advice Revised Scheme statistical report 2018**

No.	Description	Count	2018 *
1	Total cost of authorised claims this year		€1,548,400
2	Overall number of claims authorised during the year	4,307	€1,548,400
3	Total number of solicitor firms that had authorised claims during the year	231	€1,548,400
4	Total number of claims authorised during the year under the <i>Offences Against the State Acts</i> legislation	177	€127,200
5	Total number of claims authorised during the year under the <i>Criminal Justice Act, 1984-2006</i> legislation	3,820	€1,204,500
6	Total number of claims authorised during the year under the <i>Criminal Justice (Drug Trafficking) Act 1996</i> legislation	264	€137,000
7	Total number of claims authorised during the year under <i>Section 50, Criminal Justice Act, 2007</i> legislation	46	€79,700
8	Total number of claims authorised for consultations only	1,980	€262,900
9	Total number of claims authorised for attendance hours only	32	€6,100
10	Total number of claims authorised for consultations and attendance hours	2,295	€1,279,400
11	Total number of individual phone consultations authorised for payment	2,172	€86,000

\*figures exclude VAT

**Table 21 - Garda Station Legal Advice Revised Scheme Payment Information**

No.	Description	2016	2017	2018*
1	Average payment to a solicitor firm	€5,920	€6,526	€6,703
2	Average cost per solicitor claim	€330	€370	€360
3	Average cost per individual consultation	€90	€92	€93
4	Average number of claims per solicitor firm	18	18	19
5	Highest cost of an individual claim processed	€10,575	€9,087	€7,487

\*figures exclude VAT

### **The Legal Aid - Custody Issues Scheme**

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

- Habeas Corpus (Article 40.4.2) Applications
- Supreme Court, Court of Appeal and High Court Bail Motions related to criminal matters
- Judicial Reviews that consist of or include certiorari, mandamus or prohibition and which concern

criminal matters or matters where the liberty of the applicant is at issue

- Applications under Section 50 of the Extradition Act 1965, Extradition Applications and European Arrest Warrants.

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

**Table 22 - Legal Aid - Custody Issues Scheme Information**

No.	Description	2018*
1	Number of new claims received by Board in the year	146
2	Number of individual authorised payments in the year	376
3	Number of claims generating payment in year	144
4	Total cost of claims for Chief State Solicitors Office (CSSO) cases	€995,573
5	Total cost of claims for Director of Public Prosecution (DPP) cases	€127,400
6	Total cost of claims for Health Service Executive (HSE) cases	€12,700
7	Total cost of claims for Mental Health Commission (MHC) cases	€84,148
8	Total cost of claims for TUSLA cases	n/a
9	Average cost per authorised claim in year	€8,471
10	Total value of claims authorised by Board for the Scheme*	€1,220,000

\*figures exclude VAT

**Table 23 - Breakdown of payments for High Court Bail applications**

No.	Description	2018**
1	Total cost of High Court Bail Applications	€1,192,000
2	Total number of Brief Fees processed	4,644
3	Payments to solicitors	€608,000
4	Payments to counsel	€584,000

\*\* figures include VAT

**Table 24 - Total Overall Scheme expenditure breakdown 2013 - 2018**

	2013	2014	2015	2016	2017	2018**
<b>Expenditure</b>	€3.4m	€3.2m	€2.75m	€3.0m	€3.2m	€2.7m

\*\*figures include VAT

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

The Criminal Assets Bureau Ad-hoc Legal Aid Scheme is a non-statutory scheme that provides for legal representation to persons involved in certain types of litigation. Such proceedings include, but are not limited to, cases where a person is a Respondent in any court proceedings brought by the Criminal Assets Bureau under the Proceeds of Crime Act 1996,

Revenue Acts and Social Welfare legislation. A person seeking legal representation under the Scheme must notify the relevant Court at the earliest possible opportunity and it is a matter for the Court to determine whether legal aid should be granted.

The Scheme is demand driven and the final output figure in 2018 totalled €147,000 (VAT inclusive) which is an increase of 31% on the 2017 figure. The Board authorised payments in respect of 7 claims in 2018, compared to 8 claims in 2017.



**Table 25 - Total Overall Scheme expenditure breakdown 2018**

No.	Description	2018*
1	Number of new claims received by Board	6
2	Number of claims with authorised payments by Board	7
3	Average cost per authorised claim	€17,243
4	Total value of claims authorised for the Scheme	€120,700

\* figures exclude VAT

**Table 26 - CAB expenditure 2015-2018**

	2015	2016	2017	2018**
<b>Expenditure</b>	€178,000	€99,000	€101,000	€147,000

\*\*figures include VAT

## Supporting Service Delivery

### ***Legal Services Support / Civil Legal Aid***

The grant or refusal of civil legal aid certificates is governed by the Civil Legal Aid Act, 1995, and associated Regulations. The Board's operating model allows local law centres to grant civil legal aid certificates for most family law District Court cases, which tend to be less complex and less expensive cases. Whilst many of these cases are dealt with directly by the relevant law centre, the majority are allocated to private 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 Legal Services function. The decision to grant or refuse legal aid is made on foot of a submission from the client's solicitor, which sets out the relevant facts and seeks to apply the law to those facts. The authority for case-related expenditure, such as briefing a barrister or procuring expert reports, also rests with Legal Services. This is a central part of the cost-control and governance role of the Support function.

In 2018, there were 3,364 certificates granted by the Board's Legal Services function on foot of submissions made by law centres on behalf of applicants, which mirrored the demand of the previous year. The Unit also granted 5,835 amendments to legal aid certificates in the year, an increase of 11% on the previous year. These amendments are effectively authorisations for additional services on a certificate, such as a barrister or a medical report. There were 904 authorisations given on cases prior to a decision on whether a legal aid certificate should be granted; these were primarily to enable an opinion to be sought from a barrister to help determine the merits of certain cases.

There were 248 formal refusals of legal aid on the merits criteria in 2018, with a further 55 refusals of amendments and other authorisations. Applicants who are refused a legal aid certificate or an amendment enabling further services to be provided, have the right of appeal to an Appeal Committee of the Board. Details of the number of cases appealed and the outcomes are set out below.

### ***Appeal Committee***

The Appeal Committee is a statutory sub-committee of the Board that decides on cases where a person makes an appeal against a decision of the executive.

The majority of cases that come before it relate to decisions to refuse legal aid certificates.

In 2018, the Committee met on 17 occasions and considered 180 appeals.

Of these, the decision of the executive was upheld in 138 cases.

There were 40 appeals where the original decision was overturned. In 8 cases, full or partial waivers of costs or contributions were granted by the committee (out of a total of 13 sought).

Table 27 below provides an outline of the position.

**Table 27 - Appeals**

	2014	2015	2016	2017	2018
<b>Total number of appeals</b>	165	146	129	169	180
<b>Number of decisions upheld</b>	131	111	105	131	138
<b>- Financial criteria</b>	33	31	34	57	56
<b>- Merits criteria</b>	98	80	71	74	82
<b>Number of decisions overturned</b>	26	31	23	35	40
<b>Appeals withdrawn/resolved</b>	6	4	1	3	2

### ***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.

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 2018.

### ***Internal Audit***

The Internal Audit function in the Board was reviewed and strengthened in 2018. A new post of Head of Internal Audit (at Director level) was created along with the appointment of the first full-time Internal Auditor at HEO level.

In addition two part time Auditors work in the Internal Audit Unit. A full review of the audit process for the Board's law

centres and family mediation offices was completed with a more comprehensive audit process being introduced. In addition, a three month follow up report was introduced to ensure that the original audit recommendations were being implemented.

Reports on audits completed by the Internal Auditors on the following law centres were presented to the Board's Audit and Risk Committee for consideration:

Athlone, Cork North, Dundalk, Galway – Seville House, Jervis Street, Longford, Letterkenny, Tallaght, Wicklow, Montague, Smithfield and Newbridge.

Reports on audits completed on the family mediation offices in Blanchardstown, Cork and Portlaoise were also presented to the Committee. Finally, three specialised audits on Complaints, Legal Services decision making, and the induction process for new staff were presented to the Committee in 2018.

All the above reports were considered by the Committee which met on five occasions in 2018.

### ***Financial Management***

The Board's Finance Unit is responsible for the financial management of the organisation. During 2018, the Unit continued to support the work of the Board through maintenance of effective accounting systems. Regular financial reports, together with periodic expenditure

analysis reports were provided to Management, the Board's Finance Committee and the Board to assist in the effective management of the Board's budget. The Unit facilitated the annual audit carried out on behalf of the Comptroller and Auditor General.

### ***Information and Communications Technology***

The principal developments in relation to information and communications technology (ICT) during 2018 included the migration of the Board's inter-office communications to the Government's virtual private network, and the rollout of card payment terminals in all law centres.

With regard to the Government VPN, the Board's IT Unit engaged with Government Networks and external contractors to connect over 90% of the Board's law centres, mediation centres, and administrative offices to the VPN. This will enable the deployment of a number of innovative technological solutions that were not previously feasible due to bandwidth constraints. It will also improve the reliability of inter-office data communications, and will realise significant cost savings.

Electronic card payment terminals were rolled out to every law centre in the country, providing Board clients with additional options regarding the payment of the contribution for civil legal aid or advice.

Significant progress was made on the replacement of end-of-life PCs across the entire office network.

### ***Official Languages Scheme***

At the end of 2018 work was ongoing on the preparation of a new Scheme for the use of the Irish language. 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 was conscious in 2018 of its responsibilities on foot of the above legislation to eliminate discrimination, promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and protect the human rights of its members, staff

and the persons to whom it provides services. One action taken in furtherance of this responsibility was the adoption of a Equality, Diversity, Disability and Accessibility Strategy for 2018 – 2020.

### ***Overview of Energy Usage in 2018***

The Board is currently on course to meet its statutory obligation to reduce energy consumption by 33% by 2020 (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 offices included in this report consumed the following levels of energy over the last three years.

**Table 28 - Energy Consumption**

Year	Electricity(kWh)	Gas (kWh)	Oil (Litres)
<b>2018</b>	1,623,548	103,164	12,000
<b>2017</b>	1,511,041	95,268	15,254
<b>2016</b>	1,549,512	115,647	17,000
<b>2015</b>	1,523,587	120,859	17,000

### ***Initiatives taken during 2018***

The Board has, throughout 2018, continued to work with the Office of Public Works (OPW) via its Optimising Power @ Work campaign to focus on staff awareness campaigns, behavioural change and minor

works projects that generate savings in energy usage.

## Progress against baseline (2009 to end 2018)

Since Baseline to 2018



### Energy Performance Indicators - 2018



**LEGAL AID BOARD**

**FINANCIAL STATEMENTS**

**FOR THE YEAR ENDED 31 DECEMBER 2018**



<b>Page No.</b>	<b>Contents</b>
55	Information
56	Governance Statement and Board Members' Report
65	Statement on Internal Control
69	Report of the Comptroller and Auditor General
71	Statement of income and expenditure and retained revenue reserves
72	Statement of other comprehensive income
73	Statement of financial position
74	Statement of cash flows
75	Notes to the financial statements

**Board Members**

<b>Chairperson</b>	Philip O'Leary
<b>Members</b>	Tom Brennan
	Maurice Lawlor
	Michael O'Connell
	Angela Denning (appointed September 2018)
	Nuala Jackson
	Nuala Egan
	Gordon Jeyes
	Ellen O'Malley Dunlop
	Deirdre Burke
	Anne-Marie Blaney
	Freda McKittrick
	Martina Colville
	Evelyn O'Connor (resigned August 2018)

<b>Office Address</b>	Quay St., Cahirciveen, Co. Kerry
-----------------------	--

<b>Board Secretary</b>	Mary O'Connor
------------------------	---------------

<b>Banker</b>	Allied Irish Banks 24 Main Street, Cahirciveen, Co. Kerry
---------------	--

<b>Solicitor</b>	Holmes O'Malley Sexton Bishopsgate Henry Street Limerick
------------------	---

<b>Auditor</b>	Comptroller and Auditor General 3A Mayor Street Upper, Dublin 1
----------------	---

## Legal Aid Board

### Governance Statement and Board Members' Report 2018

#### Governance

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 is accountable to the Minister for Justice and Equality 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 and Equality, 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.

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

The Board considers that the financial statements of the Legal Aid Board give a true and fair view of the financial performance and the financial position of the Legal Aid Board at 31 December 2018.

## 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 then Tánaiste and Minister for Justice and Equality, Ms. Frances Fitzgerald TD, on 8<sup>th</sup> November 2016. A number of ordinary vacancies have occurred subsequently and members have been appointed to fill these vacancies by the Minister for Justice and Equality, Mr. Charles Flanagan T.D.

The table below details the appointment period for current members:

Name	Date of Appointment	Date on which term expires / expired
<b>Philip O'Leary</b> Chairperson	08/11/2016	01/11/2021
<b>Anne-Marie Blaney</b> Civil Servant (Staff Member)	08/11/2016	01/11/2021
<b>Tom Brennan</b> Chartered Accountant	08/11/2016	01/11/2021
<b>Deirdre Burke</b> Solicitor	08/11/2016	01/11/2021
<b>Nuala Egan</b> Barrister at Law	21/02/2017	01/11/2021
<b>Nuala Jackson</b>	08/11/2016	01/11/2021

Senior Counsel		
<b>Gordon Jeyes</b> Former Chief Executive of Tusla, the Child and Family Agency	08/11/2016	01/11/2021
<b>Maurice Lawlor</b> Department of Social Protection	08/11/2016	01/11/2021
<b>Freda McKittrick</b> Assistant Director, Barnardos	08/11/2016	01/11/2021
<b>Michael O'Connell</b> Civil Servant (Staff Member)	08/11/2016	01/11/2021
<b>Ellen O'Malley Dunlop</b> Chairperson of the National Women's Council of Ireland	08/11/2016	01/11/2021
<b>Evelyn O'Connor</b> Department of Public Expenditure and Reform	08/11/2016	27/08/2018 (Resigned from the Board on this date)
<b>Martina Colville</b> Department of Justice and Equality	05/01/2018	01/11/2021
<b>Angela Denning</b> Department of Public Expenditure and Reform	25/09/2018	01/11/2021

The Board has established seven committees, as follows:

### ***Appeal Committee***

The Appeal Committee is a statutory committee of the Board, and comprises the following members in 2018: Ms. Nuala Jackson (Chair), Ms. Nuala Egan, Mr. Gordon Jeyes, Mr. Maurice Lawlor, Ms. Ellen O'Malley Dunlop. Substitutes: Ms. Deirdre Burke, Ms. Evelyn O'Connor (until August 2018), Mr. Philip O'Leary, Ms. Martina Colville (from November 2018) Ms. Angela Denning (from November 2018).

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 ongoing basis. The members of the Audit and Risk Committee in 2018 are: Ellen O'Malley Dunlop (Chairperson of Committee), Mr. Gordon Jeyes, Mr. Michael O'Connell, Ms. Martina Colville, and Mr. Kieran Corcoran (external member of Committee, resigned in November 2018).

The Committee communicates with the Board, the Chief Executive and senior management, as appropriate, in relation to any significant shortfalls in the business

control and/or risk management environments that come to the attention of and are of concern to the audit committee.

It also has the responsibility of reviewing the annual internal audit plan and monitoring implementation of the plan throughout the year. The Committee reviews the significant findings and recommendations of the internal audit function and monitors the action taken by management to resolve any issues that have been identified. The Committee advises and makes recommendations to the Board, the Chief Executive and senior management, as appropriate, on any matters pertaining to the internal audit function within the Board.

### ***Finance Committee***

The Finance Committee members are as follows: Mr. Tom Brennan (Chair of Committee), Mr. Maurice Lawlor, Mr. Michael O'Connell, Ms. Evelyn O'Connor (until August 2018), Mr. Philip O'Leary, Ms. Angela Denning (from November 2018). 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.

### ***Policy and Reform Committee***

The role of the Policy and Reform 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 2018 are Mr. Philip O'Leary (Chairperson of Committee), Ms. Anne Marie Blaney, Ms. Deirdre Burke, Ms. Nuala Egan, Ms. Nuala Jackson, Ms. Freda McKittrick.

### ***Human Resources Committee***

The role of the Human Resources Committee is to consider issues which impact on human resources within the Board. The Committee reviews policy documents and other papers on HR matters being considered, in order to make appropriate recommendations to the Board and to advise management. Decisions are taken either by the Board or by management, as appropriate, having regard to the recommendations and advice of the Committee. The members of the Committee in 2018 are: Ms. Evelyn O'Connor (Chairperson of Committee) (until August 2018), Mr. Tom Brennan, Mr. Gordon Jeyes, Ms. Freda McKittrick (Acting Chairperson of Committee from September 2018), and Ms.

Martina Colville. Substitute: Ms. Nuala Egan. The Committee ceased in October 2018.

### ***Performance Committee***

The Performance Committee is a sub-committee of the HR Committee set up to consider the objectives of the Chief Executive and the extent to which those objectives have been achieved. Its members are Mr. Philip O'Leary, Ms. Freda McKittrick, and Ms. Evelyn O'Connor (until August 2018). The Committee is chaired by the Board Chairperson.

### ***Family Mediation Committee***

The role of the family mediation committee is to consider and make recommendations to the Board on matters relating to the provision of family mediation services by the Board and family mediation matters generally. The members of the Committee are Ms. Deirdre Burke (Chair of Committee), Ms. Anne-Marie Blaney, Ms. Nuala Jackson, Ms. Freda McKittrick, Ms. Nuala Egan, and Mr. Derek Fish (Staff member).

The Committee makes recommendations to the Board on future processes and practices. It also considers the future focus of the service in the light of the resources available, anticipated demand and legislative and other changes as well as existing and proposed synergies between law centres and family mediation offices.

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

An external Board Effectiveness and Evaluation review was carried out in the first half of 2018. At its meeting in July 2018, the Board approved the establishment of a Governance Committee to oversee implementation of the recommendations in the external Board review. The members of the Committee are Mr. Gordon Jeyes (Chairperson of Committee, Ms. Martina Colville, Ms. Freda McKittrick, and Mr. Philip O'Leary.

### **Schedule of Attendance, Fees and Expenses**

In 2018, the Board held 10 Board meetings, five of which were held in Dublin, two in Cahirciveen, one in Clondalkin, one in Kilkenny and one in Wexford. A schedule of attendance at the Board and Committee meetings for 2018 is set out below.



Name	Number of Board meetings attended	Fees 2018 €	Expenses 2018 €
Philip O'Leary (Chair)	10	11,970	2,737
Anne-Marie Blaney	10	0	1,189
Tom Brennan	8	8,530	0
Deirdre Burke	9	7,876	1,288
Nuala Egan	8	8,530	0
Nuala Jackson	8	7,695	0
Gordon Jeyes	8	7,695	678
Maurice Lawlor	9	0	1,709
Freda McKittrick	9	8,530	0
Michael O'Connell	10	0	1,452
Evelyn O'Connor*	7	0	0
Ellen O'Malley Dunlop	10	8,530	0
Martina Colville**	7	0	0
Angela Denning***	2	0	0
Kieran Corcoran (External member of Audit and Risk Committee****)	N/A	1,197	0

\*Ms. Evelyn O'Connor resigned from the Board in August 2018

\*\*Ms. Martina Colville was appointed to the Board in January 2018

\*\*\*Ms. Angela Denning was appointed to the Board in September 2018

\*\*\*\* Mr. Kieran Corcoran resigned as the external member of Audit and Risk Committee in November 2018

Note: Anne-Marie Blaney, Maurice Lawlor, Michael O'Connell, Evelyn O'Connor, Martina Colville, and Angela Denning, who are public servants, did not receive a Board fee under the One Person One Salary principle.

A schedule of attendance at Committee meetings is set out below.

	Appeals	Audit and Risk	Family Mediation	Finance	Governance*	Human Resources**	Performance	Policy and Reform
Number of Committee meetings held	17	5	4	9	2	4	2	5
Attendance by Board members								
Philip O'Leary				9	2		2	5
Anne-Marie Blaney			4					5
Tom Brennan				8		1		
Deirdre Burke	7		4					4
Nuala Egan	14		2					3
Nuala Jackson	15		3					4
Gordon Jeyes	11	4			2	3		
Maurice	13			6				

<b>Lawlor</b>								
<b>Freda McKittrick</b>			4		2	4	2	3
<b>Michael O'Connell</b>		5		9				
<b>Evelyn O'Connor</b>	2			4		3		
<b>Ellen O'Malley Dunlop</b>	15	5						
<b>Martina Colville</b>		2			1	4		
<b>Angela Denning</b>				1				
<b>Kieran Corcoran (External member of Audit and Risk Committee)</b>		4						

\*The Governance Committee was set up as an ad-hoc committee following an external Board review in 2018.

\*\*The Human Resources Committee ceased in October 2018.

### Key Personnel Changes

Ms. Evelyn O'Connor resigned from the Board in August 2018. Ms. Martina Colville was appointed to the Board in January 2018, and Ms. Angela Denning was appointed to the Board in September 2018. Mr. Kieran Corcoran resigned from the Audit and Risk Committee in November 2018.

On the senior management team, Mr. Pat Gilheaney was appointed Director of Criminal Legal Aid in April 2018.

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

The Board is responsible for ensuring that the Legal Aid Board has complied with the requirements of the Code of Practice for the Governance of State Bodies ("the Code"), as published by the Department of Public Expenditure and Reform in August 2016. The following disclosures are required by the Code:

### ***Employees Short-Term Benefits Breakdown***

Employees' short-term benefits in excess of €60,000 are shown in note 6(b) to the Financial Statements 2018.

### ***Consultancy Costs***

	<b>2018 €</b>	<b>2017 €</b>
Legal Advice – Property	321,956	157,919
Human Resources / IT	125,323	161,963
Total	447,279	319,882

### ***Legal Costs and Settlements***

The table below provides a breakdown of amounts recognised as expenditure in the reporting period in relation to settlements or judgements in legal actions taken against the Legal Aid Board, and the legal fees associated with these actions.

It does not include legal fees incurred by the Board on behalf of its clients in the normal course of business (these are shown in Note 10 to the Financial Statements), or general legal advice on other matters received by the Legal Aid Board, which is disclosed in Consultancy Costs above.

	<b>2018 €</b>	<b>2017 €</b>
Professional Negligence Liabilities	(129,696)	518,903
Legal Fees – Legal proceedings	188,097	277,452
Total	58,401	796,355

### ***Travel and Subsistence Expenditure***

Travel and subsistence expenditure is categorised as follows:

		<b>2018 €</b>	<b>2017 €</b>
<b>Domestic</b>			
	Board*	24,929	11,605
	Employees	595,445	614,923
<b>International</b>			
	Board*	0	1,703
	Employees	8,824	5,879
Total		629,198	634,110

\*Includes travel and subsistence of €9,054 paid directly to Board members in 2018 (2017: € 6,112). The balance of €15,875 relates to expenditure paid by the Legal Aid Board on behalf of the Board members. The increase in domestic travel and subsistence for Board members in 2018 was due to (a) additional travel by Board members in connection

with the External Board Evaluation. (This is required every three years under the Code of Practice for the Governance of State Bodies 2016); (b) a training event for Board members on issues of corporate governance which was held during 2018; and (c) upward pressure on the cost of accommodation.

### ***Hospitality Expenditure***

Hospitality expenditure of €851 was incurred by the Board during 2018 in connection with the hosting of the annual meeting of the Joint Consultative Committee of legal aid agencies in Ireland and the UK jurisdictions.

### ***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 full compliance with the Code of Practice for the Governance of State Bodies for 2018.

  
Philip O'Leary  
Chairperson

Date: 20/12/19

## Legal Aid Board

### Statement on the System of Internal Controls 2018

#### **Board responsibilities**

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

Any such system can provide only reasonable and not absolute assurance against material error. In considering the effectiveness of internal controls the Board has regard, among other things, to the requirements of the Code of Practice for the Governance of State Bodies 2016.

#### **Audit and Risk Committee**

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

The Audit and Risk Committee continually reviews the effectiveness of controls and monitors the action taken by management to resolve any issues that are identified.

The annual review of the effectiveness of control was carried out in February 2019.

The Audit and Risk Committee is required to produce a formal report within three months of the end of the calendar year. The Committee's report was completed in March 2019 and was presented to the Board at its meeting on 21 March 2019.

A breach of controls was identified in 2018, which involved a number of invoices being incorrectly filed in an office of the Board. As a consequence, the Board was required to pay prompt payment interest and charges totalling €1,837.76. The procedure for processing invoices has been amended to prevent a re-occurrence of this issue.

The amount involved in the breach of control above is not material, and there were no material losses or frauds incurred by the Board in 2018.

#### **Delegation of functions**

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

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

The majority of the current Board was appointed in November 2016 and was briefed on Board roles and responsibilities. A similar briefing was provided to Board members who have been appointed subsequently.

### **Risk management**

Risk Management forms an integral part of the Business Planning process. The Board has adopted and implemented a clearly defined Risk Management Policy and maintains a formal Risk Register that documents business risks and associated mitigations, controls and actions for all aspects of the Board's activities through the application of risk analysis techniques to its business objectives.

A formal risk materialisation reporting system is in place that records any risks that materialised or near miss occurrences. Both the Risk Register and the risk materialisation report are updated on a twice yearly basis and are noted at a meeting of the Board.

The Board has also a range of reports available on the legal case management system that are used to identify and proactively manage risk cases.

One of the functions of the Audit and Risk Committee of the Board is to provide an independent opinion on the adequacy of the Board's risk management arrangements.

The Audit and Risk Committee met on five occasions in 2018.

### **Budgetary and financial controls**

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

The Finance Committee is a committee of the Board which considers the Board's finances in detail and reports to the Board on the financial affairs and policies of the Board. This includes the review of budgets and financial reports, the recommendation of approval of the Board's annual accounts to the Board and detailed consideration of financial matters in order to make appropriate recommendations to the Board and to advise management. Decisions are taken either by the Board or by management, as appropriate, having regard to the recommendations and advice of the Committee.

The Finance Committee met on nine occasions during 2018. In addition to the monthly financial reports, the Committee also considered a mid year review of finances.

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

**Internal audit**

The Board has an Internal Audit function whose annual audit programme is approved by the Audit and Risk Committee of the statutory Board and one of those functions is to review all aspects of internal financial controls. The Audit and Risk Committee reviews the work and recommendations of the Internal Audit function and monitors the action taken by management to resolve any issues that have been identified.

The Committee also reviews all significant reports received by the Board from the external auditors, including management's responses to these and makes recommendations on the issues raised.

Correspondence with the Comptroller and Auditor General, including the audit Management Letter, and any issues raised, are brought to the attention of the Finance Committee, the Audit and Risk Committee and the statutory Board, which ensures that issues raised are acted upon.

In 2018, the internal audit function was strengthened by the appointment of a Head of Internal Audit at Director (Principal Officer) level. The role is carried out by the Director of Criminal Legal Aid. An experienced internal auditor, who had previously carried out internal audit work in addition to other duties, was assigned to internal audit work on a full-time basis. In conjunction with the above, the Internal Audit Function was reformed in 2018 to improve its performance and reach across the Board's offices, systems and functions.

**Confirmation of Board's oversight role**

We confirm that during the year ended 31 December 2018, the Board, through its Finance Committee and Audit and Risk Committee, and through the Board itself, continued to monitor and review the effectiveness of the Board's system of internal controls.

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

**Confirmation of procurement compliance**

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

In 2018 a total of eight supply arrangements were identified with a total value of €916,653 which were procured without a competitive process. These are broken down as follows:

- 2 contracts with a combined value of €112,022 are considered non – competitive but compliant as there was a single suitable supplier available.
- 1 contract with a value of €46,777 is considered non – competitive but compliant as it was a situation which related to emergency flood repairs.
- 1 contract with a value of €326,697 is considered to be non – competitive and non – compliant as it relates to expenditure incurred on the continuation of existing data



- communications services pending the completion of the Board's transition to the Government Networks virtual private network (VPN).
- 1 contract with a value of €274,718 is considered non – competitive and non – compliant as it involved the roll-over of a contract as an interim measure while the finalisation of centralised purchasing arrangements in the Office of Government Procurement is awaited.
- 2 contracts with a combined value of €100,391 are considered non – competitive and non – compliant as they were situations involving the roll – over of contracts while a competitive procurement was being completed during 2018.
- 1 contract with a value of €56,048 is considered non – competitive and non – compliant as it involved the roll – over of a contract whilst a new procurement process was undertaken. The new contract was awarded in 2018.

The Legal Aid Board is working to replace remaining non-compliant procurement arrangements during 2019.

**Confirmation that Statement has been reviewed**

The Board reviewed this Statement on 18 July 2019 and approved it as being an accurate reflection of the control system in operation during the reporting period.

  
Philip O'Leary  
Chairperson

Date: 17<sup>th</sup> December 2019

  
John McDaid  
Chief Executive

Date: 17<sup>th</sup> December 2019

**REPORT OF THE COMPTROLLER & AUDITOR GENERAL**
**Ard Reachtaire Cuntas agus Ciste**  
**Comptroller and Auditor General**
**Report for presentation to the Houses of the Oireachtas****Legal Aid Board****Opinion on financial statements**

I have audited the financial statements of the Legal Aid Board for the year ending 31 December 2018 as required under the provisions of section 20 (2) of the Civil Legal Aid Act 1995. The financial statements comprise

- the statement of income and expenditure and retained revenue reserves
- the statement of comprehensive income
- the statement of financial position
- the statement of cash flows and
- the related notes, including a summary of significant accounting policies.

In my opinion, the financial statements give a true and fair view of the assets, liabilities and financial position of the Legal Aid Board at 31 December 2018 and of its income and expenditure for 2018 in accordance with Financial Reporting Standard (FRS) 102 — *The Financial Reporting Standard applicable in the UK and the Republic of Ireland*.

**Basis of opinion**

I conducted my audit of the financial statements in accordance with the International Standards on Auditing (ISAs) as promulgated by the International Organisation of Supreme Audit Institutions. My responsibilities under those standards are described in the appendix to this report. I am independent of the Legal Aid Board and have fulfilled my other ethical responsibilities in accordance with the standards.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

**Report on information other than the financial statements, and on other matters**

The Legal Aid Board has presented certain other information together with the financial statements. This comprises the governance statement and Board members' report and the statement on internal control. My responsibilities to report in relation to such information, and on certain other matters upon which I report by exception, are described in the appendix to this report.

**Non compliance with procurement rules**

I draw attention to the statement on internal control which discloses there were material instances of non-compliance with national procurement rules in respect of contracts that operated in 2018. The statement on internal control also sets out the steps taken or planned by the Legal Aid Board to address these weaknesses.

**Seamus McCarthy**  
**Comptroller and Auditor General**

19 December 2019

## Appendix to the report

### Responsibilities of Board members

The governance statement and Board members' report sets out the Board members' responsibilities. The Board is responsible for

- the preparation of financial statements of the Legal Aid Board in the form prescribed under section 20 (1) of the Civil Legal Aid Act 1995
- ensuring that the financial statements give a true and fair view in accordance with FRS 102
- ensuring the regularity of transactions
- assessing whether the use of the going concern basis of accounting is appropriate, and
- such internal control as they determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### Responsibilities of the Comptroller and Auditor General

I am required under section 20 (2) of the Civil Legal Aid Act 1995 to audit the financial statements of the Legal Aid Board and to report thereon to the Houses of the Oireachtas.

My objective in carrying out the audit is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement due to fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with the ISAs, I exercise professional judgment and maintain professional scepticism throughout the audit. In doing so,

- I identify and assess the risks of material misstatement of the financial statements whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- I obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal controls.
- I evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures.
- I conclude on the appropriateness of the use of the going concern basis of accounting and, based on the audit evidence obtained, on whether a material uncertainty exists

related to events or conditions that may cast significant doubt on the Legal Aid Board's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my report. However, future events or conditions may cause the Legal Aid Board to cease to continue as a going concern.

- I evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

### Information other than the financial statements

My opinion on the financial statements does not cover the other information presented with those statements, and I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, I am required under the ISAs to read the other information presented and, in doing so, consider whether the other information is materially inconsistent with the financial statements or with knowledge obtained during the audit, or if it otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact.

### Reporting on other matters

My audit is conducted by reference to the special considerations which attach to State bodies in relation to their management and operation. I report if there are material matters relating to the manner in which public business has been conducted.

I seek to obtain evidence about the regularity of financial transactions in the course of audit. I report if there is any material instance where public money has not been applied for the purposes intended or where transactions did not conform to the authorities governing them.

I also report by exception if, in my opinion,

- I have not received all the information and explanations I required for my audit, or
- the accounting records were not sufficient to permit the financial statements to be readily and properly audited, or
- the financial statements are not in agreement with the accounting records.

## LEGAL AID FUND

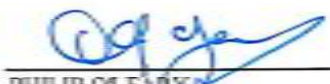
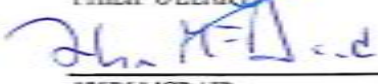
## STATEMENT OF INCOME AND EXPENDITURE AND RETAINED REVENUE RESERVES

*for the year ended 31 December 2018*

	Note	2018		2017	
		€	€	€	€
<b>Income</b>					
State funding	2	40,275,000		39,708,000	
Net deferred funding for pensions	3c	30,019		45,386	
Contributions from aided persons		1,545,986		1,616,281	
Costs recovered		784,656		622,205	
Other income	4	387,353		248,235	
			43,023,014		42,240,107
<b>Expenditure</b>					
Salaries and related expenses	6a	21,276,140		20,941,225	
Pension Costs	3a	250,000		253,000	
Fees to board members		70,553		79,587	
Accommodation and establishment expenses	9	4,625,051		4,416,984	
Legal fees and expenses	10	16,016,371		14,921,226	
General administration	11	2,419,915		2,130,665	
Depreciation	12	662,007		533,576	
Audit fee		16,000		17,000	
			45,336,037		43,293,263
<b>Deficit for the year before appropriations</b>			(2,313,023 )		(1,053,156 )
Transfer to capital account	5		(584,541 )		(195,930 )
<b>Deficit for the year after appropriations</b>			(2,897,564 )		(1,249,086 )
Opening balance as at start of year			(9,587,726 )		(8,338,640 )
Closing balance as at end of year			(12,485,290 )		(9,587,726 )

All income and expenditure for the year 31 December 2017 relates to continuing activities at the balance sheet date.

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

  
 PHILIP O'LEARY  
  
 JOHN MCDALD


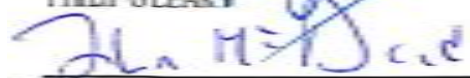
Chairperson Date 17<sup>th</sup> Dec 2019  
 Chief Executive Date 17<sup>th</sup> Dec 2019



**STATEMENT OF OTHER COMPREHENSIVE INCOME**  
*for the year ended 31 December 2018*

		2018 €	2017 €
Deficit before appropriations		(2,313,023)	(1,053,156)
Experience losses on retirement benefit obligations	3 d	(782,000)	(11,000)
Changes in assumptions underlying the present value of retirement benefit obligations		-	-
<b>Actuarial loss in the year</b>	<b>3 b</b>	<b>(782,000)</b>	<b>(11,000)</b>
<b>Adjustment to retirement benefits funding</b>		782,000	11,000
<b>Total comprehensive income for the year</b>		<b>(2,313,023)</b>	<b>(1,053,156)</b>

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

  
 PHILIP O'LEARY  
  
 JOHN MCDALD

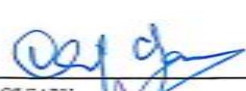
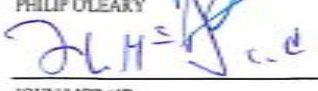
Chairperson Date: 17<sup>th</sup> December 2019  
 Chief Executive Date: 17<sup>th</sup> December 2019

## STATEMENT OF FINANCIAL POSITION

as at 31 December 2018

	Note	2018		2017	
		€	€	€	€
<b>Property, plant and equipment</b>	<b>12</b>		1,908,565		1,324,024
<b>Current assets</b>					
Cash at bank and on hand		6,103,722		5,455,634	
Receivables	<b>13</b>	981,007		1,058,687	
		<u>7,084,729</u>		<u>6,514,321</u>	
<b>Current liabilities (amounts falling due within one year)</b>					
Payables	<b>14</b>	17,612,948		14,640,000	
Clients' funds	<b>15</b>	1,957,071		1,462,047	
		<u>19,570,019</u>		<u>16,102,047</u>	
<b>Net current liabilities</b>			<u>(12,485,290)</u>		<u>(9,587,726)</u>
<b>Total assets less current liabilities before retirement benefit obligations</b>			<u>(10,576,725)</u>		<u>(8,263,702)</u>
Deferred retirement benefits funding	<b>3 c</b>	14,009,160		13,627,987	
Retirement benefits obligations	<b>3 b</b>	<u>(14,009,160)</u>		<u>(13,627,987)</u>	
		-		-	
<b>Total net liabilities</b>			<u><u>(10,576,725)</u></u>		<u><u>(8,263,702)</u></u>
<b>Represented by:</b>					
Retained revenue reserves		(12,485,290)		(9,587,726)	
Capital account	<b>5</b>	1,908,565		1,324,024	
		<u>(10,576,725)</u>		<u>(8,263,702)</u>	

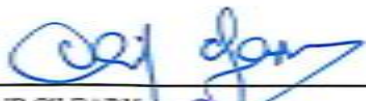
The statement of cash flows, together with Notes 1 to 19, form part of these financial statements.

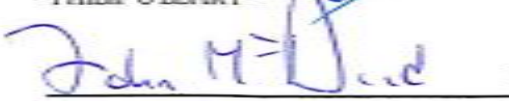
 PHILIP O'LEARY	Chairperson	Date: 17 <sup>th</sup> December 2019
 JOHN MCDALD	Chief Executive	Date: 17 <sup>th</sup> December 2019

**STATEMENT OF CASH FLOWS***for the year ended 31 December 2018*

	Note	2018 €	2017 €
<b>Net cash flows from operating activities</b>			
Excess expenditure over income		(2,313,023)	(1,053,156)
Depreciation of property, plant and equipment		662,007	533,576
Decrease/(increase) in bank interest receivable		-	0
Increase in debtors		77,549	(30,978)
Increase in creditors		2,969,692	3,815,556
(Decrease)/increase in Client Funds		493,306	(336,355)
<b>Net cash inflow / (outflow) from operating activities</b>		<u>1,889,531</u>	<u>2,928,643</u>
<b>Cash flows from investing activities</b>			
Payments to acquire fixed assets		(1,240,687)	(731,336)
Interest paid on client settlements		(756)	(191)
<b>Net cash flows from investing activities</b>		<u>(1,241,443)</u>	<u>(731,527)</u>
<b>Cash flows from financing activities</b>			
Bank Interest Received		<u>0</u>	<u>390</u>
<b>Net cash flows from financing activities</b>		<u>0</u>	<u>390</u>
<b>Increase/(decrease) in cash and cash Equivalents</b>		648,088	2,197,506
Cash and cash equivalents at 1 January		<u>5,455,634</u>	<u>3,258,128</u>
Cash and cash equivalents at 31 December		<u><u>6,103,722</u></u>	<u><u>5,455,634</u></u>

Notes 1 to 19 form part of these financial statements

  
 PHILIP O'LEARY  
 Chairperson

  
 JOHN MCDAUID  
 Chief Executive

Date: 17<sup>th</sup> December 2019

Date: 17<sup>th</sup> December 2019



## 1 Accounting policies

### General

The Legal Aid Fund, which is provided for under Section 19 of the Civil Legal Aid Act, 1995, is managed by a Legal Aid Board appointed by the Minister for Justice and Equality. The Fund consists of all the financial resources of the Board. In 2018, the Board operated out of 50 premises throughout the country.

### Basis of preparation

The financial statements of the Legal Aid Board for the year ended 31 December 2018 have been prepared in accordance with FRS 102, the financial reporting standard applicable in the UK and Ireland issued by the Financial Reporting Council (FRC), as promulgated by Chartered Accountants Ireland.

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

### Going Concern

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

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

The statement of financial position at 31 December 2018 shows an excess of liabilities over assets of €10,576,725. This deficit arises from the timing difference between receipt of funding to pay liabilities for legal services when they are due for payment and the provision for these liabilities that is recognised in these accounts under the accruals method of accounting.

A letter of ongoing support has been received from the Secretary General of the Department of Justice and Equality confirming that the Board's activities will be funded into the future.

The Board knows of no review of its operations or intention to suspend its activities or merge it with other organisations. It has therefore been considered appropriate to adopt a going concern basis for the preparation of these financial statements.

### State grants

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

### Contributions from aided persons

Due to the nature of this income, i.e. contributions from persons of modest means, it is considered prudent to account for such income on a cash receipts basis. The estimated amount collectable at 31 December 2018 was approximately €22,000. There were no bad debts written off in 2018.

### Costs Recovered

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

- (a) the other party to a dispute, either as a result of a court order or as part of an agreement to settle a dispute, or
- (b) from the legally aided person, out of moneys/property received by the person as a result of the provision of legal services.

The costs are accounted for on a cash receipts basis.

### Property, plant and equipment and related depreciation

Property, plant and equipment is shown on the statement of financial position at cost less accumulated depreciation. Depreciation, which is calculated over the useful life of the assets using the straight line method, is charged at the following annual rates:-

Leases, office furniture & equipment, and premises fit out	20%
Computer equipment	33%

A half year's depreciation is charged in the year of purchase and in the year of disposal.

### Clients' Funds

These funds represent the gross amounts plus interest accrued, which were held by the Board at 31 December 2018, on foot of awards or settlements made in favour of clients represented by the Board. The Board may recover therefrom the total cost of providing such legal services and the balance is paid to the persons represented.

### Capital Account

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

### Retirement benefit obligations

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

The only liability left with the Board is for solicitor pensioners who retired prior to 1 June 2014 and their dependents. The Department of Justice and Equality have been asked to identify a legislative vehicle to facilitate the transfer of this liability to the Superannuation Vote for civil service pensions. In the interim, the Board is still required to recognise a liability for this group and this is reflected in the statement for the 2018 accounts. The benefits paid are funded annually on a pay as you go basis.

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

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

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

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

The Legal Aid Board operates the Single Public Service Pensions Scheme (the Single Scheme), which is a defined benefit pension scheme for pensionable public servants appointed on or after 1 January 2013. Members contributions to the Single Scheme deducted from solicitors' salaries.

### Provisions

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

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

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

### Administration of certain Legal Aid Schemes

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

## 2 State funding

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

		2018	2017
Subhead:		€	€
C.5	Grant	40,275,000	36,188,000

### 3 Retirement benefit obligations

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

#### (a) Analysis of total retirement benefits charged to Expenditure

	2018 €	2017 €
Interest on retirement benefit obligations	250,000	253,000
Employee contributions	(430,846)	(453,399)
	(180,846)	(200,399)

#### (b) Movement in net retirement benefits liability during the financial year

	2018 €	2017 €
Net liability at 1 January	13,627,987	14,025,000
Interest Costs	250,000	253,000
Actuarial loss	782,000	11,000
Retirement benefits paid in the year	(650,827)	(661,013)
Net liability at 31 December	14,009,160	13,627,987

#### (c) Deferred Funding Asset for retirement benefits

The Legal Aid Board recognises these amounts as an asset corresponding to the unfunded deferred liability for retirement benefits on the basis of the set of assumptions described above and a number of past events. These events include the statutory basis for the establishment of the superannuation scheme, and the policy and practice currently in place in relation to funding public service retirement benefits including contributions by employees and the annual estimate process. While there is no formal agreement regarding these specific amounts with the Department of Justice and Equality, the Board has no evidence that this funding policy will not continue to meet such sums in accordance with current practice.

The net deferred funding for retirement benefits recognised in the Income and Expenditure Account was as follows:

	2018	2017
	€	€
Funding recoverable in respect of current year retirement benefits	250,000	253,000
State grant applied to pay retirement benefits	(650,827)	(661,013)
Refundable contributions retained to meet current costs	430,846	453,399
	30,019	45,386

The deferred funding asset for retirement benefits as at 31 December 2018 amounted to €14 million (€13.63 million in 2017).

**(d) History of defined benefit obligations**

	2018	2017	2016
	€	€	€
Defined benefit obligations	14,009,160	13,627,987	13,999,362
Experience (losses)/gains on scheme liabilities amount	(782,000)	(11,000)	(461,000)
Percentage of the present value of the scheme liabilities	0%	-3%	-3%

**(e) General Description of the scheme**

The retirement benefits scheme is a defined benefit final salary pension arrangement with benefits and contributions defined by reference to current "model" public sector scheme regulations. The scheme provides a pension (eightieths per year of service), a gratuity or lump sum (three eightieth per year of service) and spouse's and children's pensions. Normal retirement age is a member's 65th birthday, and pre 2004 members have an entitlement to retire without actuarial reduction from age 60. Pensions in payment (and deferment) normally increase in line with general public sector salary inflation.

The valuation used for FRS 17 (Revised ) disclosures has been based on a full actuarial valuation (June 7th 2019) by a qualified independent actuary taking account of the requirements of the FRS in order to assess the scheme liabilities at 31 December 2018.

The principal actuarial assumptions were as follows:

	2018	2017
Rate of increase in salaries	0.0%	2.5%
Rate of increase in pensions in payment	2.0%	2.5%
Discount Rate	1.9%	1.9%
Inflation Rate	1.8%	1.8%

The average future life expectancy according to the mortality tables used to determine the pension liabilities were as follows:

	2018	2017
Male aged 65	21.4	21.2
Female aged 65	23.8	23.7

#### 4 Other income

	2018 €	2017 €
Interest received and receivable	(1,162)	3,120
Sundry receipts	388,515	226,276
	387,353	229,396

#### 5 Capital Account

	€	€
Balance as at 1 January 2018		1,324,024
Transfer from Income and Expenditure Account		
- Income used to purchase fixed assets	1,246,548	
- Income amortised in year in line with depreciation of assets	(662,007)	
		584,541
Balance as at 31 December 2018		1,908,565

#### 6 a) Employee numbers and costs

As at 31 December, 2018, 433 (2017:422.2) whole time equivalents were employed in the Board. This is in accordance with the Delegated Sanction from the Department of Public Expenditure and Reform which applies from 1 January 2015 to 31st December 2018. The average number of employees in the Board during the year was 430.5 (2017 - 417.2). Employees and related costs were as follows:

	2018 €	2017 €
Salaries	19,521,717	19,146,425
Employer PRSI	1,754,423	1,594,526
	21,276,140	20,740,951

€ 692,367 was deducted from staff by way of pension related deductions and was paid over to the Department of Justice and Equality.

**b) Employee Numbers by Salary Category**

Salary Category	Number of Employees 2018	Number of Employees 2017
€60,000 to €69,999	52	91
€70,000 to €79,999	19	16
€80,000 to €89,999	21	24
€90,000 to €99,999	3	4
€100,000 to €109,999	5	3
€110,000 to €119,999	-	-
€120,000 to €129,999	-	-
€130,000 to €139,999	1	0

**7 Chief Executive Officer Salary and Expenses**

	2018 €	2017 €
CEO salary	139,646	126,607
CEO expenses	2,055	1,952
	<u>141,701</u>	<u>128,559</u>

The CEO received salary payments of € 139,646. No performance related scheme is in place for the CEO.

The CEO also received an amount of € 2,055 in respect of expenses.

The CEO is a member of an unfunded defined benefit public sector scheme and his pension entitlements do not extend beyond the standard entitlements for such schemes.

**8 Board members Fees and Expenses**

	2018 €	2017 €
Board members fees	70,553	79,587
Board members expenses	24,928	13,308
	<u>95,481</u>	<u>92,895</u>

Board Members	Fees	Board Members	Fees
		Ellen O'Malley	
Philip O'Leary	11,970	Dunlop	8,530
Nuala Jackson	7,695	Tom Brennan	8,530
Deirdre Burke	7,876	Freda McKittrick	8,530
Gordon Jeyes	7,695	Kieran Corcoran*	1,197
Nuala Egan	8,530		

\* External member of audit committee



**9 Accommodation and establishment expenses**

	<b>2018</b> <b>€</b>	<b>2017</b> <b>€</b>
Rents	2,688,088	2,734,796
Cleaning	235,995	250,422
Lighting and heating	272,674	292,993
Maintenance - Premises	823,802	580,192
Maintenance - Equipment	604,492	558,581
	<u>4,625,051</u>	<u>4,416,984</u>

**10 Legal fees and expenses**

	<b>2018</b> <b>€</b>	<b>2017</b> <b>€</b>
Counsel fees	4,054,318	4,954,336
Witness/Ancillary fees (incl. expert witness fees)	1,271,955	977,973
Private Practitioner Schemes (includes International Protection)	4,871,371	3,503,104
Abhaile Scheme	4,728,866	3,736,677
Professional Negligence Liabilities*	58,401	796,355
Other professional fees	447,279	319,882
Other expenses (includes training)	584,181	632,899
	<u>16,016,371</u>	<u>14,921,226</u>

\*At December 31st 2018, the Board was subject to a number of claims in respect of Professional Negligence. As at year end, the Board has accrued € 514,087 (2017 - €634,000) in respect of these matters.

**11 General administration**

	<b>2018</b> <b>€</b>	<b>2017</b> <b>€</b>
Stationery and office expenses	418,325	369,654
Books and printing	119,374	104,945
Postage and telephone	1,119,755	986,343
Insurance	133,263	35,153
Travel and subsistence	629,198	634,570
	<u>2,419,915</u>	<u>2,130,665</u>

**12 Property, plant and equipment**

	<b>Leases</b> €	<b>Office Furniture</b> €	<b>Equipment &amp; Computers</b> €	<b>Premises Fit Out</b> €	<b>Total</b> €
<b>Cost</b>					
Balance at start of year	1,625,334	1,763,685	5,593,323	4,418,856	13,401,198
Acquisitions	- 0	2,049	312,480	932,019	1,246,548
Disposals		(180,341)	(1,288,821)	(25,022)	(1,494,184)
Balance at end of year	1,625,334	1,585,393	4,616,982	5,325,853	13,153,562
<b>Depreciation of fixed assets</b>					
Balance at start of year	1,625,334	1,759,074	5,020,195	3,672,571	12,077,174
Charge in year	-	2,659	356,530	302,818	662,007
Disposals	0	(180,341)	(1,288,821)	(25,022)	(1,494,184)
Balance at end of year	1,625,334	1,581,392	4,087,904	3,950,367	11,244,997
Net book value at 31 December 2018	-	4,001	529,078	1,375,486	1,908,565
Net book value at 31 December 2017	-	4,611	573,128	746,285	1,324,024

**13 Receivables**

	<b>2018</b> €	<b>2017</b> €
Debtors - deposit interest	0	131
Prepayments		
- Rent	128,076	173,576
- Maintenance - Premises, Computers & Equipment	237,296	252,571
- Salaries	78,351	76,098
- Other	213,699	227,711
- Practising Certificates	323,585	328,600
	<u>981,007</u>	<u>1,058,687</u>

**14 Payables**

	<b>2018</b> €	<b>2017</b> €
Amounts falling due within one year:		
Creditors	357,382	746,756
Accruals	<u>17,255,566</u>	<u>13,893,244</u>
	<u>17,612,948</u>	<u>14,640,000</u>

The Legal Aid Board estimates the value of unbilled live cases each year to arrive at the amounts disclosed within the accounts as a provision. The amount is an estimate of the expenditure required to settle any obligation at the balance sheet date. In 2018, the amount provided for in relation to unbilled cases was €15,712,760 (2017 - €12,129,264)

In estimating the provision, the Board has adopted prudent measurement techniques based on the latest data available. Improved data capture methods have been utilised in the Board's estimate for the current year.

Please see Note 16 (b). No income is anticipated for cases that may recover costs.

**Contingent Liability**

The Board is subject to a number of legal cases, the outcome or quantification of any potential liability cannot be estimated with reasonable certainty at this time.

**15 Clients' funds**

	<b>2018</b> €	<b>2017</b> €
Client funds held at 1 January (Gross)	1,462,047	1,796,094
Interest	<u>(14,816)</u>	<u>(16,877)</u>
Client funds held at 1 January (Net of Interest)	1,447,231	1,779,217
<i>Add</i> Awards/settlements received during 2018	15,623,710	8,739,293
<i>Less</i> Settlements paid out, including interest allowed and costs recovered	<u>(15,126,082)</u>	<u>(9,071,279)</u>
Client funds held at 31 December	1,944,859	1,447,231
Interest accruing on client funds held	12,212	14,816
Total due to clients	<u>1,957,071</u>	<u>1,462,047</u>

**16 Commitments****(a) Commitments under operating leases**

The Board occupies premises at Cahirciveen, Co. Kerry and operates out of 49 other centres throughout the country. The Board has commitments to pay rent of €17,578,322 in future years as at 31 December 2018 in respect of leases expiring as follows:

	€
2019	598,967
2020-2023	393,568
2024 onwards	16,585,787
	<u>17,578,322</u>

#### (b) Commitments in respect of Legal Fees

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

	2018 €	2017 €
Open cases certified at 1 January	18,967,573	15,910,713
Additional fees certified	13,903,414	11,836,112
Payments	<u>(10,338,920)</u>	<u>(8,779,252)</u>
	22,532,067	18,967,573
Provided for at 31 December	<u>(15,712,760)</u>	<u>(12,129,264)</u>
Outstanding commitments at 31 December	<u>6,819,307</u>	<u>6,838,309</u>

At 31 December 2018, the Legal Aid Board had a number of ongoing cases where the matter of fees had not yet been settled. In accordance with its operating policy on these matters the Legal Aid Board makes partial provision against these fees based on a statistical model which recognises the average term to crystallise for such costs. This model is applied consistently across all cases handled. At 31 December 2018, the Legal Aid Board had provided for legal fees of €15,712,760 and had outstanding commitments in the amount of € 6,819,307.

### 17 Movement of cash

	2018 €	2017 €
Balance at 1 January	5,455,634	3,258,128
Net cash inflow/outflow	648,088	2,197,506
Balance at 31 December	<u>6,103,722</u>	<u>5,455,634</u>

### 18 Holiday Pay Accrual

Prior to the introduction of FRS 102, the Legal Aid Board had previously not accrued for holiday pay earned by employees but not availed of at the reporting date.

Under FRS 102, the financial statements must recognise such accruals. The impact of this change was the need to accrue a further €513,347 in holiday pay at 31 December 2017. The accrual for holiday pay as at 31 December 2018 is €331,738.

### 19 Approval of Financial Statements

The Financial Statements were approved by the Board on June 21st 2019

