



# ANNUAL REPORT

# 2020

[www.legalaidboard.ie](http://www.legalaidboard.ie)

# CONTENTS

04.

## CHAIRPERSON'S FOREWORD

Philip O'Leary presents the Annual Report

08.

## OVERVIEW

The Function and Purpose of the Board and an overview of services provided

12.

## INTRODUCTION BY CHIEF EXECUTIVE

John McDaid reflects on 2020

14.

## SERVICES PROVIDED IN 2020

There were 18,522 applications for the Board's services in 2020

16.

## LAW CENTRES

The law centre is the gateway for most legal services

28.

## SERVICES DELIVERED BY PRIVATE SOLICITORS

Details of services provided in family law matters, international protection and Abhaile cases

**36.**

**INTERNATIONAL PROTECTION SERVICES**

1,174 persons sought legal services in relation to international protection in 2020

**42.**

**FAMILY MEDIATION**

Statistical breakdown of mediation services provided in 2020

**48.**

**CRIMINAL LEGAL AID**

Information on the Three Schemes managed and administered by the Board

**56.**

**RESPONDING TO COVID-19**

The role of ICT in the pandemic, Legal & Mediation Helpline

**60.**

**SUPPORTING SERVICE DELIVERY**

Decision Making, Internal Audit, Human Resources and Research

**68.**

**GOVERNANCE STATEMENT**

Governance and Board Members Report

# Chairperson's Foreword

I am pleased to present the 2020 Annual Report of the Legal Aid Board.

It is stating the obvious to say that 2020 was a year like no other. We had started the year with a very successful 'Access to Justice' event at which the Chief Justice was our guest speaker. The event was marking 40 years of legal aid and we had planned a number of other events but circumstances prevailed.

The impact of COVID-19 since its onset in the country in March 2020 has been very significant in terms of the way we have lived our lives and how we have gone about our business. We have gone through periods of significant restriction in relation to our capacity to move around and to meet other people. The suddenness of the arrival of the virus on our shores left many organisations unprepared for the changes that the restrictions imposed and needing to adapt very quickly.

I am glad to be able to report that the Board rose to the challenges and continues to do so. Within a couple of days of the first 'lockdown' we had a Legal and Mediation Information Helpline established. Among other things, this service sought to assist people who were experiencing difficult family issues that were being exacerbated by the pandemic restrictions. We very quickly took steps to ensure that whatever the restrictions, legal services would be available on demand in cases involving domestic violence or children at risk. Later on in the year we established a number of 'settlement hubs' which were aimed at giving people experiencing difficult family problems, a facility to try a negotiate a resolution of the issues (in the absence of being able to do so in as timely a manner as normal through the court process). We had to effectively suspend the hubs when the Level 5 restrictions came into force though they may offer a good opportunity for us as the restrictions unwind.

While at the start of the pandemic the Board was not an organisation that was set up to accommodate working from home, thanks to the hard work of many the vast majority of staff were equipped to work remotely in a relatively short space of time. While face to face engagements with the Board's clients had to be limited for much of the year, clients were engaged with extensively both using a video-conferencing facility and by telephone. It is very welcome to be able to report that there were fewer people waiting for our legal services at

the end of the year than there were at the start of it though I realise that this was helped by a drop in demand for those services and that that drop is likely to be a delayed demand on account of the restrictions rather than the absence or falling off in the need for those services.

While the pandemic impacted on the capacity of the decision making bodies including the courts, nevertheless many courts continued to sit, on occasion in difficult circumstances. I want to commend the staff and others who were at the 'front line' of delivering services in environments that were at times, in spite of the best efforts of the Courts Service, very challenging from a COVID-19 perspective.

In addition to the significant amount of work that was undertaken in actual courthouses, work was undertaken in virtual courts. Of particular note in this regard was the level of work done in relation to personal insolvency cases on foot of the State's Abhaile Scheme, the legal component of which the Board facilitates. As oral evidence is not normally given in these cases they were and remain very conducive to virtual hearings.

One benefit that emerged from the pandemic was the use of video conferencing technology to engage more extensively with stake-holders. The Board's Consultative Panel, a Panel which seeks to hear the views of organisational stake-holders and to share information with those stake-holders, met on a number of occasions in 2020 and the virtual nature of the meetings allowed for significantly more engagement. The Board recognises that many of the Panel members, particularly NGOs, are key 'gateways' for the Board's services. It is a concern of the Board that there may be people who need the Board's services but are not aware of them and the opportunity to deepen relationships with the stake-holder organisations and build better awareness was very welcome and I have no doubt will be sustained. I am confident that this will help us reach more of those who need our services.

Most of the Board's work is in the area of family law and two very positive developments in 2020 were the publication of the General Scheme of a Family Court Bill and the establishment by the Department of Justice of a Family Justice Oversight Group with a brief to conduct a holistic review of the family justice system and how it can be improved. The



Board participates in this Group. The considerable work and impetus that the Group has established is very welcome and I am confident will lead to a 'Vision' for an improved system for resolving family disputes.

Not unrelated to the developments just mentioned, I also very much welcome the pilot project for an improved family justice system in Limerick which the Board is co-sponsoring with the Courts Service. While the Project was delayed somewhat on account of the pandemic, by the end of the year significant progress had been made with the establishment of a Project Board and a stake-holder consultation schedule mapped out. What the project seeks to do over the space of a two year period is to develop a 'model' family dispute resolution centre that has the scope to be replicated across the country.

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. There is no discretion or capacity to provide services to persons who may be marginally outside the financial limits and I have highlighted previously the significant potential for 'poverty traps' to arise. The Board has raised this issue with the Department of Justice and would welcome early progress.

A development during 2020 that I wholly endorse was the Department of Justice's commitment to a broad review of the civil legal aid scheme. The Board and I are conscious that the civil legal aid legislation dates back to 1995 and that society and events have moved on. New legal issues have arisen and there are significant amounts of new laws that have or potentially have a legal aid aspect. We look forward to working with the Department and inputting into the review. I am confident that the review will result in an improved civil legal aid system.

The Board continues to administer three Schemes that are more related to criminal legal aid namely the Garda Station Legal Advice Scheme, the Criminal Assets Bureau Legal Aid Scheme and the Legal Aid – Custody Issues Scheme. The proposed transfer of responsibility to the Board for the main criminal legal aid scheme, which transfer requires legislation, did not progress during 2020 and legislation to give effect to the transfer remains outstanding.

During 2020 the Board remained (and it remains) committed to the highest standards of corporate governance. The statutory Board quickly moved to conduct its meetings on-line when the pandemic started and I am pleased to say that there was no diminution in the activities of the statutory Board arising from the COVID-19 restrictions. Meetings of the Board and its committees took place no less frequently and the statutory Board worked closely with the Executive to address issues arising from the pandemic. One unfortunate effect was that the Board had a programme of engagement with a number of service delivery locations throughout the country and also a commitment to meetings in its Head Office in Cahirciveen but the travel and other restrictions precluded this engagement.

Ms Catherine Keane was appointed to the Board in 2020 and, although she has yet to attend an 'in person' Board meeting, she has added a significant contribution and value to the Board.

I want to express my gratitude to the Board's staff for their commitment, dedication, resilience and professionalism in what was a very challenging year. In spite of the pandemic restrictions, the staff never lost sight of the fact that they serve the end user, not infrequently a person on the margins of society or a person going through a very difficult period in their life, and by keeping this focus, the impact of the pandemic on the end user was minimised. I am also obliged to the private solicitors, barristers and others who provided services to clients in those difficult circumstances.

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

Finally, this will be the last Foreword that I write for an Annual Report. The statutory Board's term of office and my term as Chairperson will expire at the end of October. I want to acknowledge the contributions of all of my fellow Board members, both those who have previously served and those who are currently serving. All members have been extremely forthcoming with their time, commitment and expertise and have made a significant difference.

**Philip O'Leary**  
Chairperson

## THE BOARD

**Philip O’Leary**

Chairperson

**Tom Brennan**

Chartered Accountant

**Betty Dinneen**

Civil Servant (Staff Member)

**Eoin Dormer**

Department of Public Expenditure and Reform

**Nuala Egan**

Barrister at Law

**Nuala Jackson**

Senior Counsel

**Catherine Keane**

Solicitor with Cartoon Saloon, Kilkenny

**Gordon Jeyes**

Former Chief Executive of Tusla, the Child and Family Agency

**Maurice Lawlor**

Department of Social Protection

**Freda McKittrick**

Head of Guardian ad Litem Service, Barnardos

**Michael O’Connell**

Civil Servant (Staff Member)

**Ellen O’Malley Dunlop**

Adjunct Professor at the School of Law University of Limerick

**Rachel Woods**

Department of Justice and Equality

**As of 31st December, 2020**

## OUR 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.

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.

## OUR VISION



## OUR 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.

# Overview

Legal services are provided across a wide range of civil law matters. Civil legal aid and advice is provided primarily through a network of law centres by solicitors employed by the Board.

## 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 due to be 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 a number of part-time law centres. Contact details for the Board’s law centres can be found on [www.legalaidboard.ie](http://www.legalaidboard.ie). Services are also provided by solicitors in private practice who are engaged by the Board on a case-by-case basis.

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

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

**Family mediation** services are provided through sixteen family mediation offices. Contact details can be found on the Board’s website. Family mediators are also present in a number of courts.

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 32), 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 or on occasion to a mediation service at a court venue. 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 2020 are provided later in the Report.

### **7. Head Office**

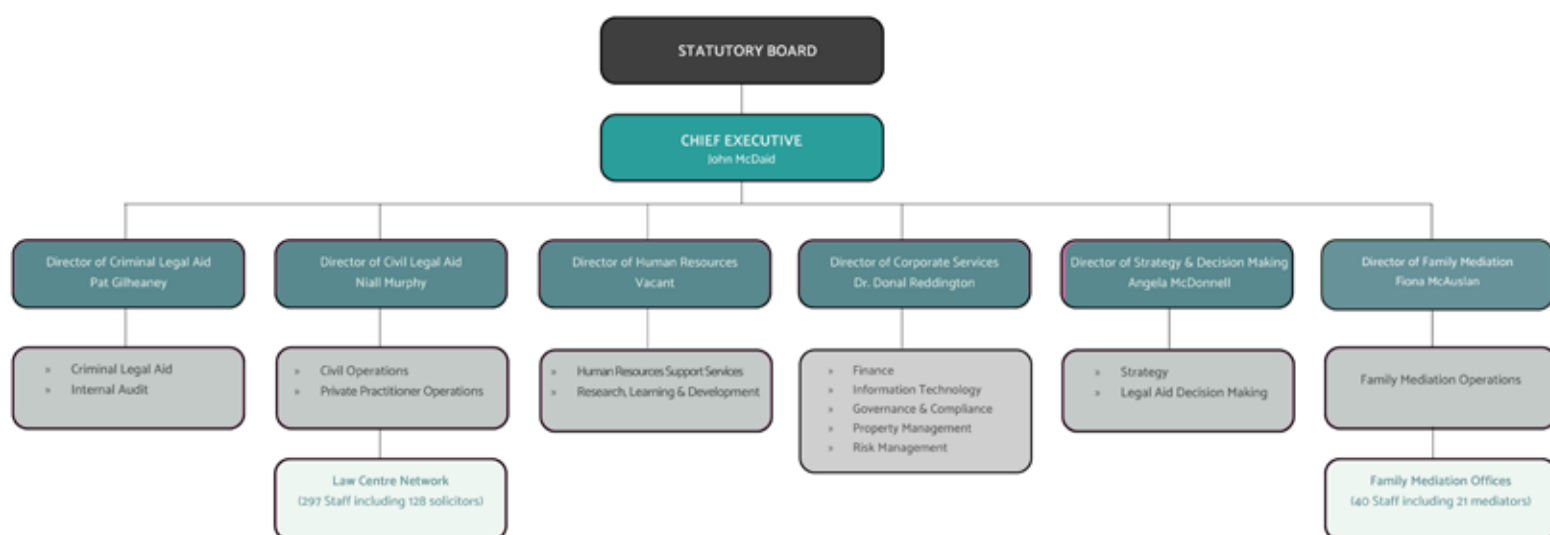
The Board's head office is located in Cahirciveen, County Kerry. Some head office functions are carried out from Dublin.

### **8. Corporate Governance**

The current Board was appointed by the then Tánaiste and Minister for Justice and Equality, Frances Fitzgerald TD, on 8th November 2016. Membership of the Board is set out on page 6.

Further details are available in the Governance Statement on page 68.

# STRUCTURE



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

Providing access to justice since 1979

# HEAD OFFICE EXECUTIVE

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

As of 31st December, 2020

# Introduction by the Chief Executive

**While 2020 was considerably impacted by COVID-19, nevertheless 14,383 applicants sought civil legal aid services from the Board's law centres in 2020.**

I am pleased to introduce the Board's Annual Report for 2020.

Needless to say, it was a year like no other. The arrival of COVID-19 on our shores and the actions taken to respond to it, including the locking down of large parts of society and the economy at various times during the year, impacted on the level of demand for our services and also the manner in which we delivered them.

Demand at our law centres dropped by approximately 20% on the level of demand in 2019. The most notable area of law where the drop occurred was not, surprisingly given the added difficulties crossing borders, in the area of International Protection which saw a 53% decrease in the numbers applying on the previous year. While the level of detail is not set out in this Report, the drop in demand generally tracked the restrictions that were in place. For example demand at the law centres in April, the first full month of significant restrictions, was 68% lower than it was in April 2019.

An area of immediate concern when the restrictions were put in place was to ensure that legal representation would be available for urgent matters and in particular to deal with situations involving domestic violence and cases where Tusla had concerns about the welfare of a child or children. We were able to very quickly establish a duty solicitor service in Dublin to ensure that no domestic violence case that was eligible for legal aid was left without representation. Given that our services were categorised as essential, we were also able to keep our law centres open to the extent that we needed to in order to provide representation in both of these case types. Many private solicitors on our panels continued to provide services to legally aided persons.

I'm pleased to be able to report that no situation came to my attention during the course of the year where a legally aided person was left without legal representation for an urgent matter.

One immediate response to the onset of the pandemic was the establishment of a Legal and Mediation Information Helpline which was of particular assistance in the earlier stages of the crisis. That assistance included giving information, legal advice and mediation assistance notably to persons experiencing difficulties with arrangements in relation to children. The Helpline was also of assistance in facilitating contact with our other offices. As the year progressed the demand for the Helpline abated to a significant extent as our law centres and family mediation offices returned towards, though not to, a greater level of normality.

As noted in the Report the numbers waiting at the end of the year for legal services was 1,588 which was 431 fewer than at the start of the year. While this drop was welcome I realise that the drop in demand may be a delayed demand rather than a falling off in the need for the Board's legal aid and advice services. Indeed it is possible that the longer term impact of the pandemic on aspects of life may result in an increase in demand for those services. The Board and I will be monitoring this carefully during the course of 2021. The fact that significant numbers of applicants have to wait for a service is always a concern to the Board though it is also important to note that the majority of applicants, 61% in 2020, either have their cases prioritised or are quickly referred to a private solicitor on one of the Board's panels.

The Abhaile Scheme is part of the State's response to mortgage debt problems and it includes the provision



of legal advice, and in certain limited circumstances legal aid, to persons who are insolvent and at risk of losing their family home. The Scheme facilitates legal consultations with private solicitors to allow mortgage debtors get legal advice and it also involves the presence of 'duty' solicitors in repossession courts for the purpose of assisting unrepresented persons. Both of these aspects of the Scheme saw significant drops in activity, notably the number of persons assisted by a duty solicitor in 2020 was 924 compared to 2,676 in 2019. This was attributable to the cancellation of many of the court sittings on account of the pandemic. The third legal component of the Scheme, legal representation to take personal insolvency cases to the Circuit or the High Court, saw activity increase in the Circuit Court (414 legal aid certificates compared to 352 in 2019) with fewer appeals to the High Court (148 compared to 197 in 2019). The fact that oral evidence is not generally given in these cases enabled them to be heard 'virtually' and thus much more easily than cases that require such evidence.

On the family mediation side there was a drop in the number of new cases that we were able to process. The experience was that mediation often works best when the parties are in a room with a mediator and for significant periods during 2020 this was not possible. The mediation staff adopted to a telephone model and also a video-conferencing model enabling 1,590 new cases to be taken on. One benefit of this model of delivery was that the absence of the capacity to have the parties in the room with a mediator meant that mediators could serve clients by telephone or video conference regardless of their physical location. Telephone mediation was particularly welcome during the course

of the first lockdown when there were not always clear answers to difficult family situations often involving contact / access arrangements with children.

The Board held its annual conference in December which was a virtual event. The theme adopted was the future of the International Protection process and we were grateful to have Catherine Day as our keynote speaker in her role as Chair of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, the Group having published its Report shortly before the Conference. I look forward to the Board being part of the conversation regarding the recommendations that are in the Report.

The Board continued to be responsible for the administration of three ad-hoc schemes: the Legal Aid - Custody Issues Scheme, the Garda Station Legal Advice Revised Scheme and the Criminal Assets Bureau Legal Aid Scheme. The transfer of responsibility for the administration of the main criminal legal aid scheme requires a legislative intervention and progress on this remained outstanding at the end of 2020.

I want to acknowledge the contribution of our staff and the resilience, flexibility and commitment shown by them in 2020. The Board's model of service delivery did not contemplate working from home or very significant levels of remote working when the pandemic started. Almost within hours of the first lockdown 40 of our staff adapted their roles to serve a telephone helpline. Our IT function scaled up our remote working capacity from having less than a third of our staff remotely enabled to a situation where by year end virtually all staff had the technical capability to work from home, that

capability including video conferencing. Our HR function ably dealt with all of the changes that the pandemic led to in terms of working arrangements while the Learning and Development aspect embraced the move to on-line learning events and delivered a comprehensive training programme. Our Organisational Support Unit supported our 45 different sites enabling them to stay open or to re-open allowing staff to work safely. Our Legal Services, Criminal Legal Aid and Finance Units adopted new ways of working to ensure payment claims were processed and paid in a timely manner.

Our family mediation staff worked to provide telephone and on-line mediation services, a more challenging model than delivering those services face to face, while our law centre staff quickly moved likewise to a telephone consultation and video conferencing model of engagement with the client. Our law centre staff also attended courts to serve the needs of the clients and at times did so in less than optimal circumstances from a COVID-19 perspective.

I also must recognise and acknowledge the contribution of the private solicitors and barristers whose work is critical to the provision of legal aid and who similarly commitment and agility to meet the needs of the Board's clients in the exceptional circumstances that prevailed for much of the year.

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

**John McDaid**  
Chief Executive

---





# SERVICES PROVIDED IN 2020

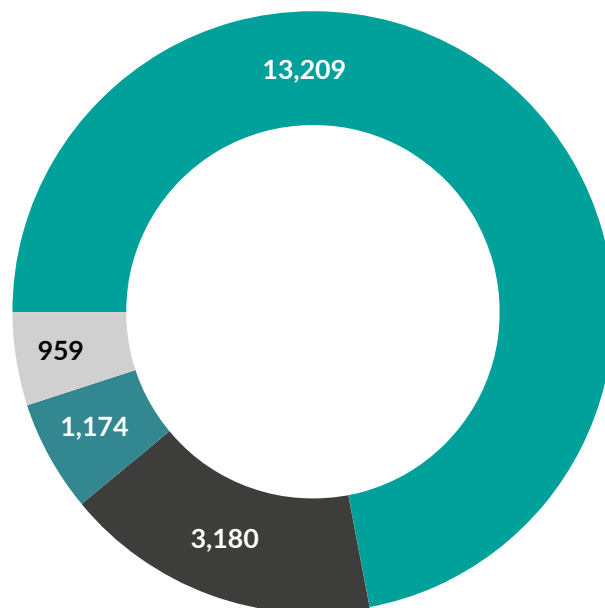




## APPLICATIONS IN 2020

There were 18,522 applications for the Board's services in 2020 of which 13,209 were for Civil Legal Aid; 1,174 for International Protection and 959 related to the Abhaile Scheme. 3,180 persons applied for Family Mediation services.

-  Civil Legal Aid
-  Family Mediation
-  International Protection
-  Abhaile Scheme



# 4,534

Claims were authorised under the Garda Station Legal Advice Revised Scheme. An increase of 14% from 2019.



# 414

Legal Aid Certificates granted for Circuit Court Personal Insolvency Reviews, an 18% increase on 2019. There was a 36% decrease in Consultations claimed on foot of Abhaile vouchers.



# SERVICES DELIVERED BY LAW CENTRES



**14,383** APPLICANTS SOUGHT CIVIL LEGAL AID SERVICES  
FROM THE BOARD'S LAW CENTRES IN 2020.



# Civil Legal Aid

## Demand for the Service

While 2020 was considerably impacted by COVID-19, nevertheless 14,383 applicants sought civil legal aid services from the Board's law centres in 2020. The type of problems for which the Board provides legal services extends to most areas of civil law although in 2020, as has been the case since the Board's inception in 1980, the majority of applicants sought services in relation to family problems.

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

## Legal Service Delivery

Generally, the Legal Aid Board can provide civil legal aid and advice in one of two ways:

1. By providing advice and/or representation through law centres staffed with solicitors, paralegals and support staff or,
2. By referring the case to a private solicitor who is a member of one of the Board's solicitors' panels.

The law centre is the gateway for most legal services i.e, persons in need of legal services should make their application to a law centre. The main exception to this is for legal services that are sought on foot of the Abhaile Scheme – the gateway for these services is primarily the Money Advice and Budgeting Service (MABS) or in some cases a Personal Insolvency Practitioner.

**IN 2020, LEGAL  
AID AND ADVICE  
WAS HANDLED  
THROUGH THE  
BOARD'S LAW  
CENTRES IN  
16,235 CASES.**

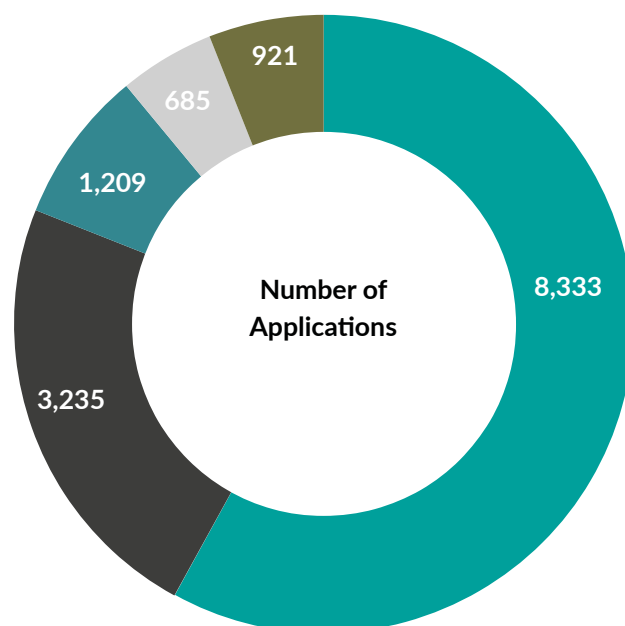
# Law Centres

The Board's law centres dealt with 16,235 cases in 2020. Table 2 provides information on case numbers in law centres. As in 2019 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.

**Chart 1** Number of applications by case type 2020

- + General Family Law Matters
- + Divorce/Separation/Nullity
- + International Protection & Human Trafficking
- + Cases involving possible State Care of children
- + Cases involving possible State Care of children



**Table 1** Number of Applicants 2015 - 2020

Year	2015	2016	2017	2018	2019	2020
General	15,256	14,991	15,611	16,169	15,458	13,209
International Protection	1,537	1,658	1,489	2,079	2,539	1,174
Total	16,793	16,649	17,100	18,248	17,997	14,383

**Table 2** Cases Handled in Law Centres 2015 - 2020

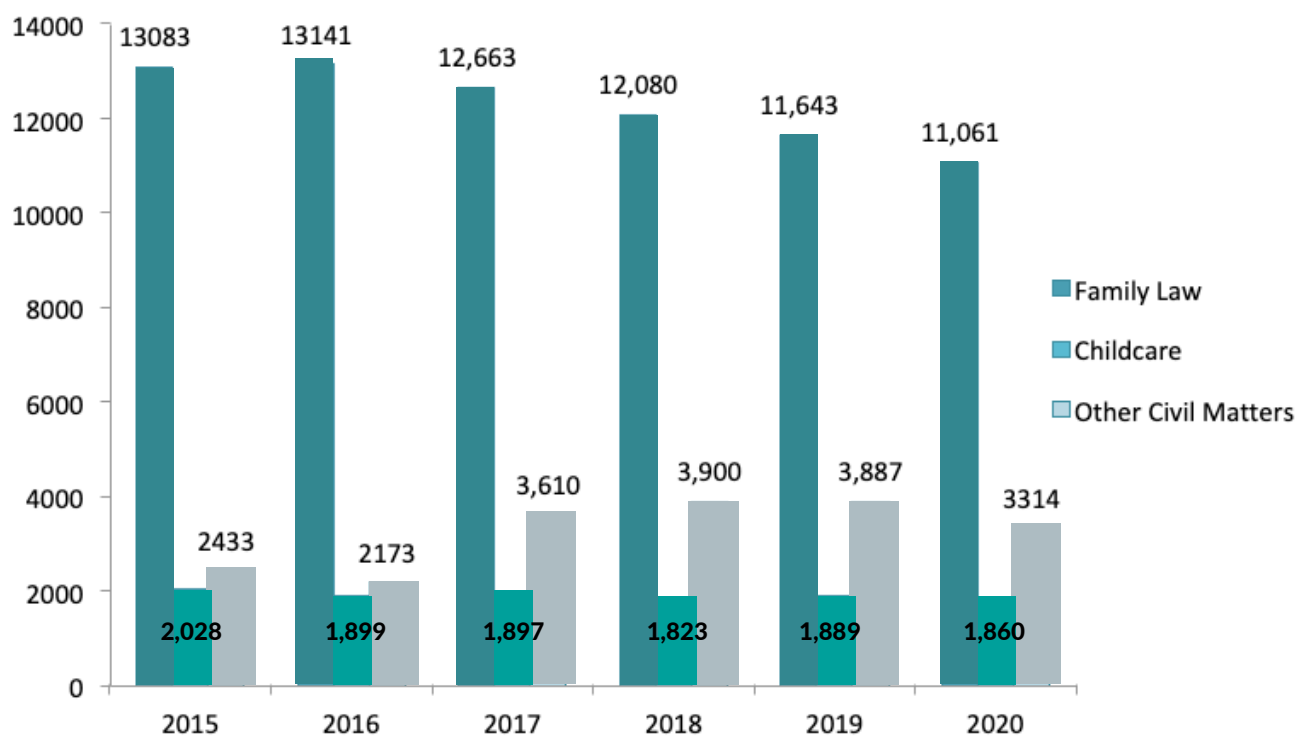
Year	2015	2016	2017*	2018*	2019*	2020*
Total	17,959	17,213	18,170	17,803	17,419	16,235

\* including International Protection cases

## Legal aid and advice cases

Chart 2 highlights that family law continues to constitute the predominant area in which the Board provides legal services. Of the cases handled in 2020, 68% were in the private family law area.

**Chart 2 Cases Handled: 2015 - 2020**



## New Cases

As can be seen from Table 3 below, there was a decrease in the number of new cases taken on in the law centre network in 2020 compared to 2019. This is likely to have been attributable to the initial impact of the pandemic as the organisation sought to transform its capacity to work from home.

**Table 3 New Cases in Law Centres 2015 - 2020**

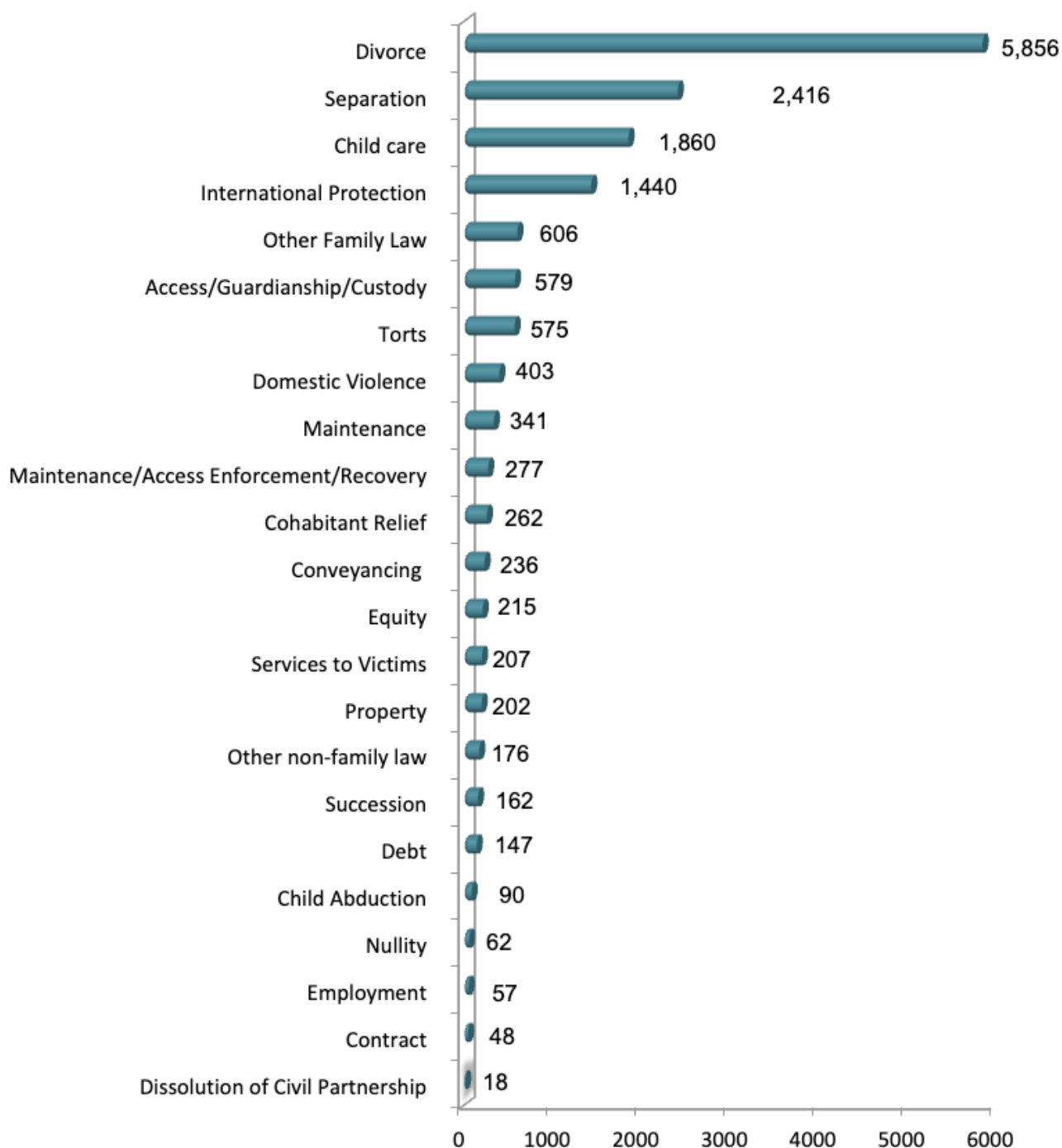
Year	2015	2016	2017*	2018*	2019*	2020*
Total	6,264	6,119	6,299	6,221	5,717	5,261

\* including International Protection cases

A more detailed breakdown of the main issues in respect of which legal services were provided in 2020 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.

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 2020**



## 4,841 CIVIL LEGAL AID CASES WERE COMPLETED BY THE END OF THE YEAR

**+68%**

11,061 FAMILY LAW CASES WERE HANDLED IN 2020 REPRESENTING 68% OF CIVIL LEGAL AID CASES HANDLED.



**54%**

REDUCTION IN THE NUMBER OF INTERNATIONAL PROTECTION APPLICATIONS COMPARED WITH 2019.

## Duration of Cases

Table 4 below provides an age profile of cases in which legal services were provided by law centres in 2020. 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 2020: Year of Application**

Year	2015	2016	2017	2018	2019	2020
Total	1,672	1,061	1,918	3,008	4,825	3,751

## Cases completed

Of the 16,235, cases handled in the law centres in 2020, 4,841 (30%) were completed by the end of the year. This is a reduction of approximately 22% on the 2019 figure. The reduced number is likely to be attributable to pandemic related delays, particularly delays in court

hearings. Table 5 below shows how this number compared with the number of completed cases in other recent years. Table 6 gives an age profile of those cases closed in 2020 by subject matter.

**Table 5 Numbers of Cases Closed**

Year	2015	2016	2017*	2018*	2019*	2020*
Total	6,059	5,699	6,052	5,852	6,191	4,841

\* including International Protection cases

**Table 6 Cases completed in 2020: length of time open**

Case Type	< 1 Year	1-2 Years	2-3 Years	3+ Years	Total
International Protection	49	112	113	82	356
Child care	180	137	78	142	537
Divorce/Separation/Nullity	474	517	372	767	2,130
Non-Family Law	397	185	59	87	728
Other Family Law	578	279	116	117	1,090
Totals	1,678	1,230	738	1,195	4,841

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 36% of divorce, separation and nullity cases completed in

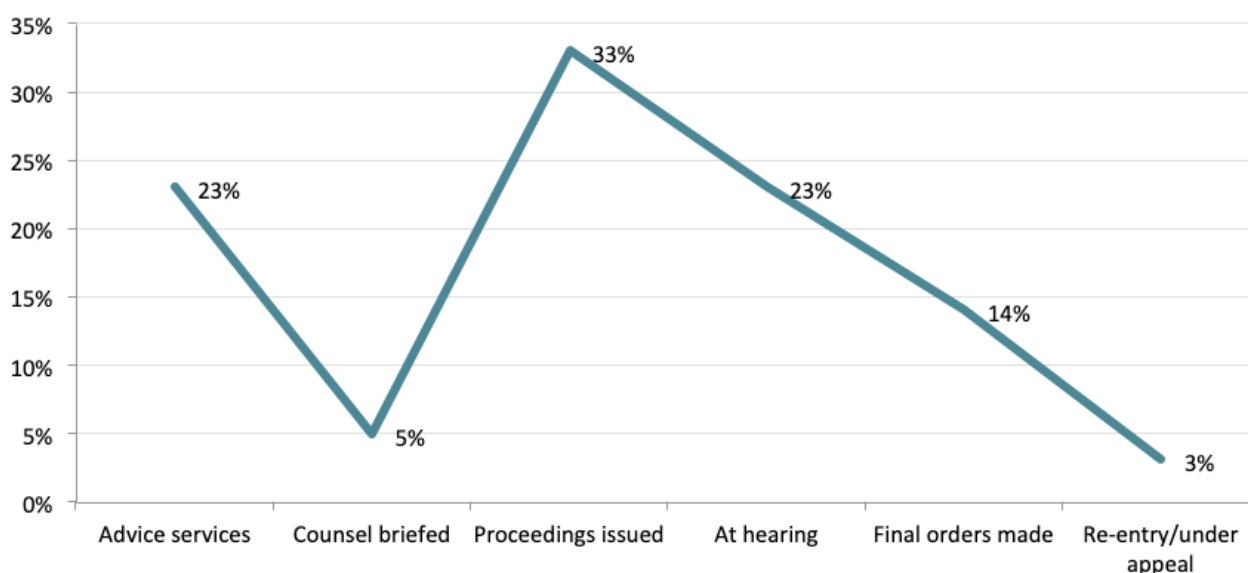
2020 had been on-going for longer than three years, compared to 26% of childcare cases and 11% of other family law matters.

## Cases on Hand

Chart 4 below gives a percentage breakdown of the status of all of the Board's active cases as of the 31st

December 2020 excluding international protection.

**Chart 4 Civil and Family Law Cases Active at 31st December 2020**



## Timeliness of Service

2020 saw a decrease in the number of applicants waiting for legal services at the end of the year compared to at the start of the year, as is evidenced by the figures in Table 7. This reduction is linked to the reduction in

demand for services on account of the pandemic. Table 7 sets out the number of persons waiting on the 31st December 2020 and on the same date in the previous five years, for legal services with a solicitor.

**Table 7 The number of persons waiting on the 31st of December 2020**

Year	2015	2016	2017	2018	2019	2020
Number Waiting	2,319	1,864	1,776	1,754	2,019	1,588

The longest wait in weeks, as of the 31st December 2020, 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. A number of law centres continued to provide advice only (triage) services as an adjunct to full services.

## Priority Service

The Board continued to provide a priority service where it considered that an immediate, or near immediate, service was needed. In 2020 approximately 28% of first appointments were for prioritised matters. These included cases of domestic violence, child abduction, cases involving applications by the State to take children into its care, and cases that had statutory time limits close to expiry.

In addition to the cases given formal priority in the law centres, most of the cases referred out to solicitors on

the Board's private practitioner panels were referred immediately or shortly after the person had applied for legal aid. The total number and percentage of applicants who received either a priority service or were swiftly referred to a private practitioner was 8,806 and 61% respectively.

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

**Table 8 Breakdown by case type of cases that received priority service**

	Priority within Law Centre	Referred to Private Practitioner	Total
Child Care	576	48	624
Child Abduction	43	0	43
Family Law, including Domestic Violence	280	6,341	6,621
International Protection	321	942	1,263
Legal Services for Victims of Crime	64	0	64
Medical Negligence, Personal Injuries and other Civil cases	191	0	191

**+8,806**

APPLICANTS RECEIVED EITHER A PRIORITY SERVICE OR WERE REFERRED TO A PRIVATE SOLICITOR.



# Child Care Case Study



During the Covid-19 pandemic in 2020, the Board provided legal services to a vulnerable mother who was served with proceedings whereby the Child and Family Agency proposed to seek an interim care order from the Court, before the new born baby would be discharged from hospital. The client had been a long standing client of the Law Centre and had made significant strides in the previous months to address concerns which the Child and Family Agency had previously raised in terms of her older children. The client's instructions were clear in that she wished for her baby to remain in her care and she was willing to engage with any interventions, therapies or supports that would be necessary, including a live in facility.

Extensive negotiations took place with the Child and Family Agency on behalf of the client. Having advised the client and explored all practical options that may assist the client in her objective of remaining with her baby, it was felt that supported accommodation could be a viable option where the client would be supported in an appropriate manner, that all relevant assessments could be conducted and that a long term plan could be created based on the result of such assessments.

An application was made to the Court in this regard and the Court heard this application on the same day as the interim care order was being contested. The Judge considered the importance of the special bond between a mother and new born baby in particular and the need for the Child and Family Agency to make every effort to protect and encourage this bond whenever possible. The Judge therefore requested that the Child and Family Agency make a formal application for funding to cover a stay in appropriate supported accommodation for the client and her baby.

(The facts have been edited to ensure anonymity)

# Victim of Crime

## Case Study

The Board was notified that an application pursuant to section 19(A) Criminal Evidence Act 1992 would be moved in a sexual offence pre trial hearing. The defendant's lawyers were seeking permission from the Judge to see the complainant's counselling records.

The Board was contacted by the Director of Public Prosecutions requesting representation for the complainant. In these circumstances there is no requirement for a complainant to satisfy the merits tests nor is there a need to pay a financial contribution. A legal aid certificate was granted for the purpose of representation for the specific application to the Judge. A solicitor and barrister were appointed to represent the complainant.

The complainant was given legal advice regarding the proposed application. The client advised her lawyers that she opposed the release of the records. The Judge ruled that the documents were of no relevance and that they made no mention of the alleged incident. The defence submitted that that in itself was relevant and as the Court was looking at the matter in a vacuum the Judge should order disclosure in the "interests of justice".

In giving its ruling the Judge held that firstly the court must look at "the probative value of the record;" and in these circumstance found that there was none and therefore he refused the application. The Judge noted that if it had found the material to be of relevance then the next step would to be enter into a balancing exercise that would have required consideration of, among other things, the right to privacy, the interests of justice, and public policy.

In giving its ruling the Court held that firstly the court must look at s. 19A(10) (b), i.e. "the probative value of the record;" and in these circumstance found that there was none and therefore the application did not proceed. The Act asks the Court to impose its own judgment on the materials.


As the court determined that there is nothing of probative value, it was not necessary to enter into the balancing test. The Court noted that if it had found the material to be of relevance then the next step would to be enter into a balancing act of the rest of the factors set out in section 19A(10); right to privacy, interest of justice, public policy, amongst other things.




(The facts have been edited to ensure anonymity)

**Table 9** Waiting Times in Weeks at Law Centres on the 31st December 2020

Law Centre	Law Centres not operating triage	Triage Appointment	Further waiting time where triage appt. previously given
Athlone		18	8
Blanchardstown	6		
Castlebar	21		
Cavan	17		
Clondalkin	17		
Cork - Pope's Quay	20		
Cork - South Mall	28		
Dundalk	27		
Ennis		14	10
Finglas	21		
Galway - Francis Street	10		
Galway - Seville House		13	8
Jervis Street	16		
Kilkenny	18		
Letterkenny	18		
Limerick	11		
Longford	26		
Monaghan	12		
Navan		16	29
Nenagh	14		
Newbridge	11		
Portlaoise	20		
Sligo	21		
Smithfield	33		
Tallaght	13		
Tralee	24		
Tullamore	12		
Waterford	12		
Wexford	11		
Wicklow	17		



# **SERVICES DELIVERED USING PRIVATE SOLICITORS**



# Solicitor panels

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

## District Court Private Family Law Panel

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

## Abhaile Panel

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

## International Protection Panel

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

## Coroners Inquests Panel

This covers representation for a single family member of the deceased at certain inquests, primarily involving "death while in the care of the State" situations and maternal deaths. A very small number of referrals are made to this panel each year.

## Judicial Separation and Divorce Panel

This covers judicial separation and divorce proceedings in the Circuit Court. A limited number of referrals are made to this panel each year.

## Child Care Pilot Panel

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

## Services Delivered using Private Solicitors

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

As can be seen the services of private solicitors are engaged across a breadth of case types. However it remains the case that law centres provide services in the vast majority of child care and judicial separation/divorce matters, a significant number of international protection matters (through Smithfield, Cork Popes Quay, and Galway Seville House law centres) and a minority of District Court family law matters.

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

Table 10 shows the number of referrals in relation to the District Court Family Law, Circuit Court Judicial Separation and Divorce, International Protection, and Child Care Pilot panels in 2020 and for each of the years 2015-2019. In 2020 there was a significant fall in referrals after seven consecutive years of the overall number of referrals increasing. This can be attributed to the COVID-19 pandemic which resulted in most non-urgent District Court matters being delayed and interviews with applicants for international protection effectively suspended by the International Protection Office.

Additionally, COVID-19 effectively created additional capacity in law centres to deal with cases in-house that would normally have been referred to the panel. In Dublin, an in-house duty solicitor service was run in Dolphin House for domestic violence applications during the initial "lockdown" phase in the Spring of 2020.

**Table 10 Number of Referrals per Year**

Year	2015	2016	2017	2018	2019	2020
District Court Private Family Law	5,351	5,208	6,002	7,154	7,839	6,330
District Court Child Care	106	103	88	94	71	47
Circuit Court	77	89	30	63	10	7
International Protection	653	810	1,035	1,479	2,061	941
<b>Total</b>	<b>6,187</b>	<b>6,210</b>	<b>7,155</b>	<b>8,790</b>	<b>9,981</b>	<b>7,325</b>

A minimalist waiting room with a grey wall, a round clock, and two empty chairs. The clock is white with black hands and a red second hand. The chairs are white with metal frames. The floor is a light grey.

# 28%

OF FIRST APPOINTMENTS AT LAW CENTRES WERE FOR PRIORITISED MATTERS, INCLUDING; DOMESTIC VIOLENCE, CHILD ABDUCTION, CASES INVOLVING APPLICATIONS BY THE STATE TO TAKE CHILDREN INTO CARE, AND CASES THAT HAD A STATUTORY TIME LIMITS CLOSE TO EXPIRY.

# 61%

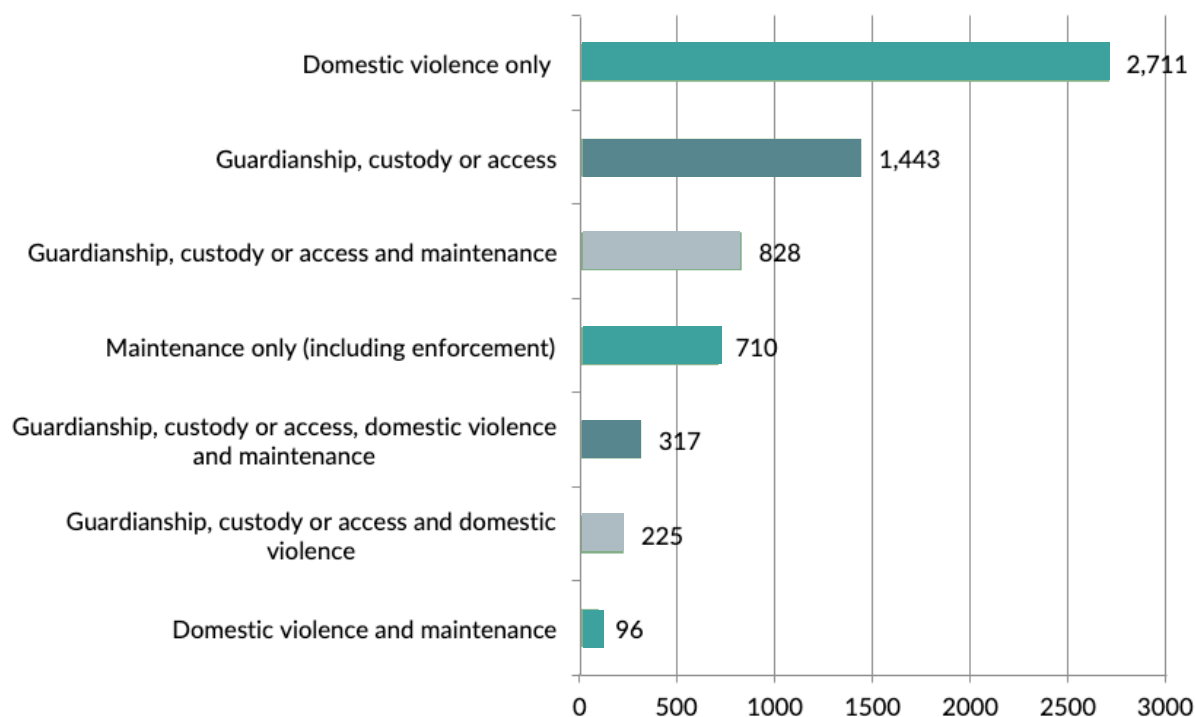
OF APPLICANTS RECEIVED EITHER A PRIORITY SERVICE OR WERE REFERRED TO A PRIVATE SOLICITOR.

MOST OF THE CASES REFERRED TO SOLICITORS ON THE BOARD'S PRIVATE SOLICITOR PANELS WERE REFERRED IMMEDIATELY OR SHORTLY AFTER THE PERSON HAD APPLIED FOR LEGAL AID.

Chart 5 gives a breakdown of the issues for which legal aid certificates were issued for private family law matters in the District Court. As can be noted, in a significant

number of cases there was more than one issue for which the client was granted legal aid.

**Chart 5 Legal aid certificates granted in the District Court on foot of the District Court PP Scheme in 2020**



### Abhaile – Free Mortgage Arrears Support

The Abhaile Scheme was put in place in 2016 to assist persons in danger of losing their home on account of mortgage arrears. Its services include financial advice, legal advice and insolvency advice. It is fully funded by the State and involves input from the Department of Employment Affairs and Social Protection, the Department of Justice, the Money Advice and Budgeting Service, the Insolvency Service of Ireland and the Citizens Information Board along with the Legal Aid Board. Originally established as a three year scheme it is presently extended until at least the end of 2021.

If a borrower qualifies for the Scheme, there is no cost to him or her to use the services provided. To qualify the applicant must meet all four of the following conditions:

- Be in mortgage arrears on their home and have been so on the 1st January 2015 or was in arrears prior to that date and had entered into an alternative

repayment arrangement with their lender.

- Be insolvent (as defined under the Personal Insolvency Act 2012).
- Be at risk of losing their home due to arrears.
- The home is reasonable to the person's needs.

The Scheme works on the basis that a person applies to their local MABS service who “triage” the person and identify the financial and/or legal services the person requires. It is also possible to apply for certain types of assistance through a personal insolvency practitioner. The financial advice 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 advice, involves three potential strands:



- A solicitor consultation service, involving the provision of a single legal advice consultation. In certain circumstances authority might be granted to conduct negotiations to settle pending repossession proceedings.
- A “duty solicitor” service, where solicitors are rostered to attend repossession lists at County Registrars’ Courts. The solicitor may offer advice on the court procedure to the person and may (if permitted by the County Registrar) speak on behalf of the person and make an application for the proceedings to be adjourned so that the person can seek legal representation.
- A scheme of legal aid for applications to take a court review of a personal insolvency arrangement (PIA) that has been rejected by a person’s creditors.

Since the inception of the Scheme the consultation solicitor aspect has dropped from a high of 898 consultation payment claims in 2017 with 118 claims for further negotiations the same year to 346 claims for consultations and 51 for further negotiations in 2020.

As the Scheme has developed there has been an increase in the take up of legal aid services for the purpose of challenging creditors’ refusals to approve personal insolvency arrangements and subsequently applications to appeal same in the High Court. A notable trend has been the significant increase in High Court appeals in 2019 and 2020. 148 legal aid certificates were granted to pursue such appeals during 2020, a reduction from 197 in 2019 but these figures compare to just 34 in 2018.

At the end of 2020 legislation was introduced into the Oireachtas to remove the requirement for the mortgage on the debtor’s principal private residence to have been in mortgage arrears on 1st January 2015 (or prior to that date and an alternative repayment arrangement being in place). It is expected that this legislation will be enacted during 2021 and this is likely to increase the number of persons eligible for the service.

Services provided on behalf of the Board under the scheme during the period 2016-2020 are outlined in Table 11.

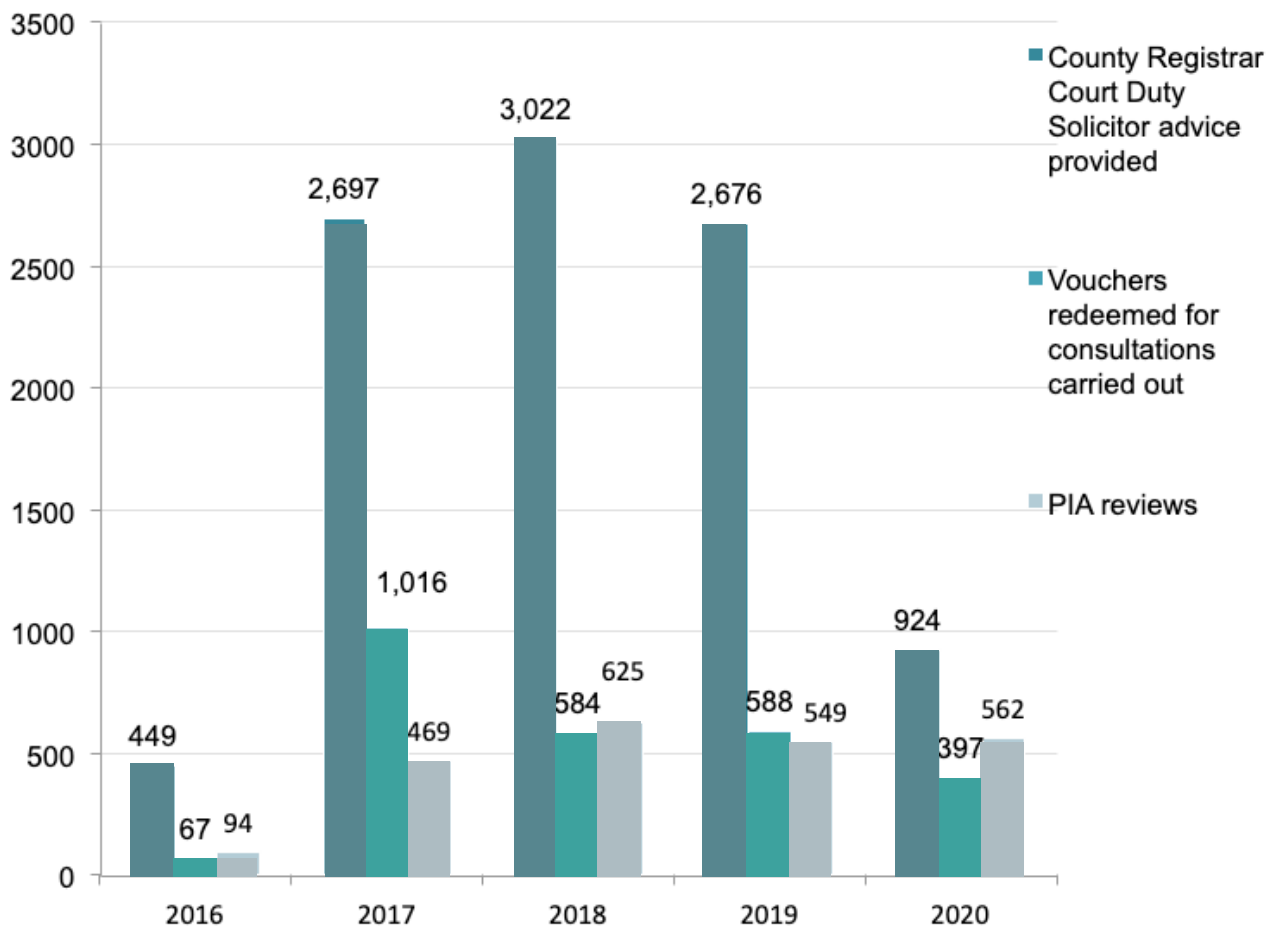
**Table 11 Services provided under Abhaile 2016 - 2020**

Year	2016	2017	2018	2019	2020
Legal Advice Vouchers issued by MABS	429	1,933	782	1,169	674
Consultations claimed on foot of MABS Voucher	58	1,015	536	540	346
Authority granted to conduct further negotiations	9	1	48	48	51
Number of Duty Solicitor Days Scheduled	139	507	461	493	264
Duty Solicitor Advice provided at County Registrars’ Courts	449	2,697	3,022	2,676	924
Legal Aid granted for First Instance PIA Reviews	94	466	591	352	414
Legal Aid granted for PIA Appeals to High Court	0	3	34	197	148
Counsel representation authorised (Including Opinions and Drafting Fees)	94	491	636	407	259

Chart 6 shows the Abhaile consultations and representation carried out by private solicitors. As can be seen the number of persons to whom services have

been provided has declined recently (it should be noted that, in 2016, services were provided from 22nd July onwards).

**Chart 6** Abhaile Consultations and Representations carried out by private solicitors



# Abhaile

## Case Study



The debtor was a single person with two dependants. He was self employed, but fell into mortgage arrears due to the recession combined with a relationship breakup. He had gained secure employment but was unable to service his debts. There was unsecured debt relating to his business.

The debtor heard an advertisement for the Money Advice and Budgeting Service (MABS) and contacted them for advice. MABS advised that he qualified for the Abhaile scheme as he was insolvent and in danger of losing his home. They referred him to a Personal Insolvency Provider (PIP) and provided a voucher for a consultation. The PIP felt that the best option in these circumstances would be a Personal Insolvency Agreement (PIA). The agreement proposal was formulated to ensure that the debtor would return to solvency and retain ownership of the family home.

A proposal was put together to restructure the mortgage with the arrears being recapitalised. A portion of the mortgage would be warehoused (held back until after the end of the mortgage term) on 0% interest and the payments would continue to be made on the balance for the agreed

term. The debtor was due a lump sum from a pension fund which would pay the warehoused amount at the end of the mortgage term. The debtor would retain the right to repay part or all of the warehoused amount at any stage prior to this if his circumstances changed.

The secured creditor voted against the proposal at the creditor's meeting. As the unsecured creditor had voted in favour of the proposal it was possible to apply to the Circuit Court for a Section 115A review of the arrangement. The secured creditor also opposed the Section 115A review. The PIP applied for legal aid and this was granted and legal representation was provided. The Circuit Court approved the insolvency proposal allowing the debtor to begin to return to solvency with affordable and sustainable repayments.



# **INTERNATIONAL PROTECTION SERVICES**

# International Protection Services

The number of persons seeking legal services from the Board for international protection applications in 2020 was 1,174. This was an decrease of 54% on the previous year. Services in international protection and related matters are provided in three of the Board's law centres, namely Smithfield (Dublin), Pope's Quay (Cork) and Seville House (Galway) and also by private solicitors on a panel. Table 12 shows the number of new applications for legal services from the Board for

international protection matters and also the number of persons who sought protection in the State. Clearly the pandemic related travel restrictions that have existed in many parts of the world since the onset of COVID-19 have impacted on the capacity to cross borders and this is likely to have been a significant factor in relation to the reduction in demand for International Protection in the State and the Board's legal services in this area.

**Table 12 Applications: Legal Aid Board v International Protection Office**

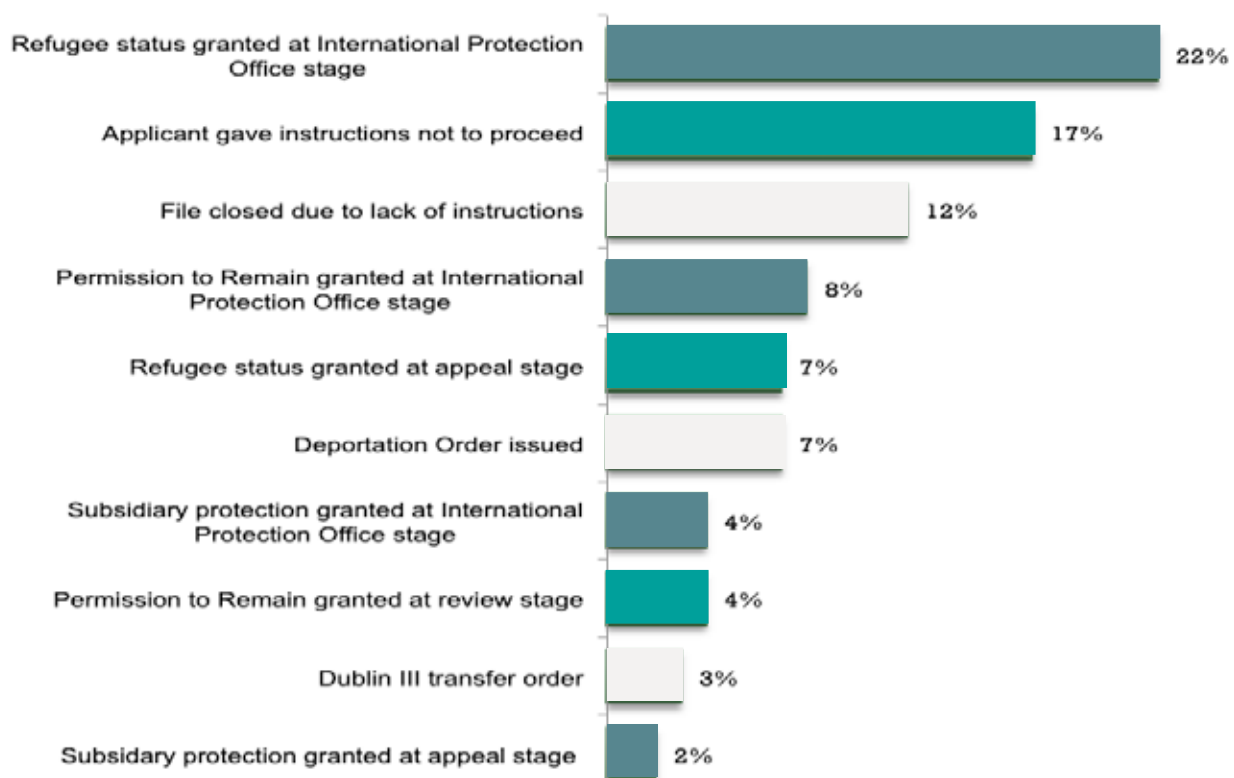
Year	2015	2016	2017	2018	2019	2020
LAB Applications	1,537	1,658	1,489	2,079	2,539	1,174
IPO Applications	3,276	2,244	2,406	3,673	4,781	1,566

## International Protection Case Outcomes

The breakdown of outcomes recorded in international protection cases is shown in Chart 7 below. An additional 36 cases were closed after the applicant had received

legal advice and a further 60 cases were closed after legal aid was provided and no case outcome recorded.

**Chart 7 International Protection Recorded Case Outcomes**



# Country of Origin Registration 2020

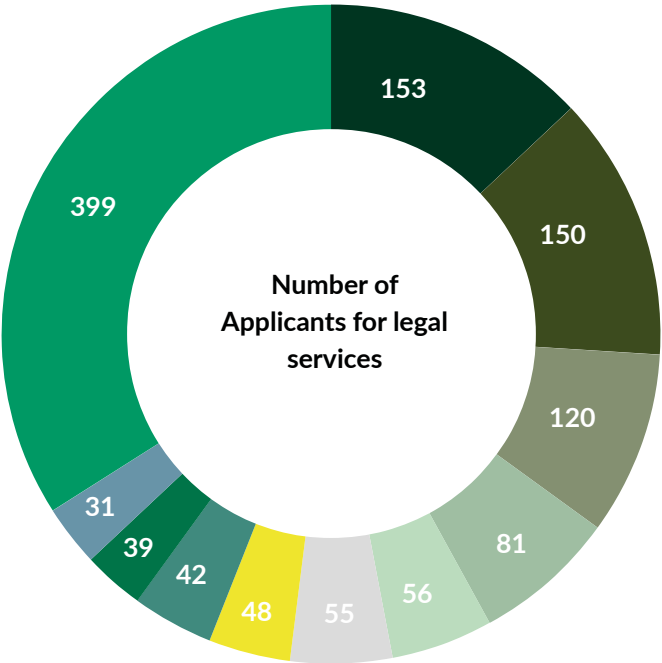


## Country of Origin

Of the 1,174 new applicants for legal services in relation to international protection claims, 153 came from Somalia, 150 from Georgia, 120 from Nigeria, 81 from Zimbabwe, 56 from Pakistan, 55 from South Africa, 48 from Afghanistan, 42 from Algeria, 39 from Albania and 31 from Malawi as shown in Chart 8. The remaining 399 applicants came from a wide variety of countries. Applicants came from over 75 countries in total.

**Chart 8** Country of Origin Registrations 2020

- Somalia
- Georgia
- Nigeria
- Zimbabwe
- Pakistan
- South Africa
- Afghanistan
- Algeria
- Albania
- Malawi
- Other





# International Protection and Children



The Board continued to have a dedicated Children's Unit located in Dublin to handle international protection applications by unaccompanied minors. In 2020, 38 unaccompanied minors applied for legal services. This figure does not include accompanied or age disputed minors whose cases are also handled by the Unit.

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

## Human trafficking cases referred to the Board during 2020

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

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

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

The Board provides legal services to persons identified as potential victims of

**74%**  
**SEXUAL**

**16%**  
**LABOUR**

**10%**  
**CRIMINAL**

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.

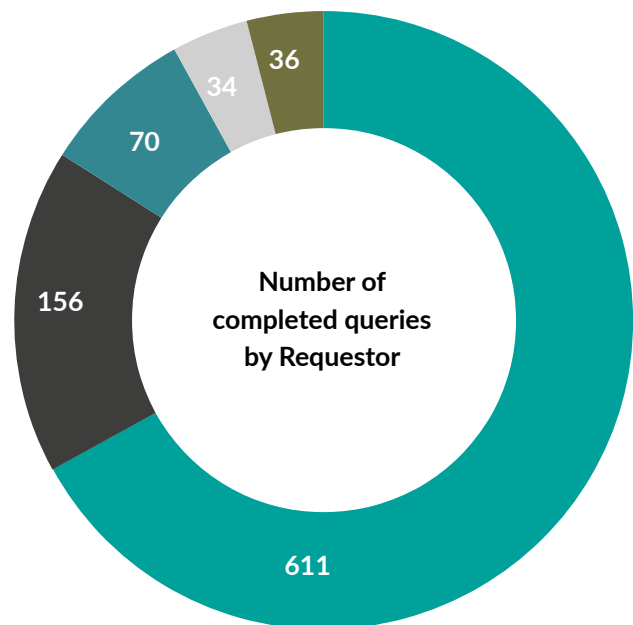
During 2020, 19 potential victims of human trafficking referred to the Board by An Garda Síochána applied for legal services. Three of these cases related to labour exploitation, fourteen to sexual exploitation, and two to criminal purposes.

# 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).

In 2020, the RDC received 907 COI queries, a 48% decrease in COI queries received on 2019. The RDC query service provided a total of 945 COI query responses, a 49% decrease on the 2019 figure. The unit also operates an interagency library service and provides a legal research function for staff of the Board. Chart 9 shows the breakdown of completed COI queries for 2020 by requestor.

**Chart 9 Completed COI Queries by Requestor in 2020**



## Completed Queries

A selected miscellany of COI queries completed during 2020 include the following:

- Al Shabaab activities in Somalia;
- state protection in Zimbabwe;
- gender based violence (GBV) in the DRC;
- female genital mutilation (FGM) in Nigeria;
- treatment of failed asylum seekers in Afghanistan;
- LGBT rights in Pakistan;
- treatment of journalists in Yemen;
- the security situation in Venezuela;
- internal relocation availability in Georgia;
- Asylum procedures in the Netherlands.

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 2020 by providing training and by strengthening co-operation and meeting the various needs of its users.



# International Protection Case Study

The Board's client was from a country in Eastern Europe who sought legal advice and assistance in advance of his International Protection interview with the International Protection Office (IPO).

His claim, which was based on his political opinion, was rejected by the IPO who determined that he had not established a well founded fear of persecution and key aspects of his claim lacked credibility.

A further finding was made that he should not be given a subsidiary protection declaration as he had failed to show substantial grounds for believing that he would face a real risk of suffering serious harm were he to be returned to his country of origin.

The negative recommendation was appealed and detailed submissions were made on his behalf to address the negative credibility

findings of the IPO. Country of origin information (COI), targeted and specific to the facts of his case, were submitted to demonstrate that he did have a well founded fear of persecution.

Extensive post hearing submissions were made to address issues that had arisen at the appeal hearing and to highlight the strength of the body of COI behind his application.

In its decision the International Protection Appeals Tribunal found that the applicant's testimony was generally credible and, having assessed the country of origin reports submitted, determined that he had established a well founded fear of persecution and recommended that he be declared to be a refugee.



(The facts have been edited to ensure anonymity)





# FAMILY MEDIATION SERVICES




916

FORMAL AGREEMENTS REACHED.



11,355

JOINT MEDIATION  
SESSIONS



2,687

FAMILY MEDIATION  
CASES CLOSED.

1,590 NEW COUPLES ATTENDED FAMILY MEDIATION

251 AVOIDED OF COURT BASED MEDIATION

248 AVOIDED OF TELEPHONE HELPLINE CASES

## Family Mediation

### Family Mediation Services

The Board's 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. Six of these are co-located with law centres; Jervis House, Dundalk, Tallaght, Kilkenny, Letterkenny and Portlaoise. The service also has one full time court based service in the District Family Court in Dublin (Dolphin House). There are a number of part time court based services including in, Cork, Naas, Ennis, Dundalk, Limerick, Nenagh, Carlow, 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 2020 a total of 1,590 new cases attended mediation availing of 11,355 sessions, including information sessions given to one party only. This resulted in 916 formal written agreements. There were a total of 2,687 mediation cases closed in 2020. This included those carried over from 2019.

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.

## All Issues Mediation

In the general family mediation offices 1,091 new cases were commenced in 2020 including 343 cases referred from a law centre to the family mediation service with 7,563 mediation sessions attended. 581 mediated cases reached formal agreement in 2020.

## Court Based Mediation

There were 251 court based mediation case commenced in 2020 with 1,886 mediation sessions attended and 162 formal mediation agreements reached. Case numbers were affected by the court closures during COVID-19 restrictions.

## Telephone/Online Mediation provided through COVID-19 Lockdown

The total number of new cases and the number of cases closed in 2020 are down substantially compared to 2019 as a result of the COVID-19 pandemic.

In 2020 following the nationwide lockdown, the Board provided an emergency telephone and online mediation service to parents where access and maintenance issues arose. A total of 733 information sessions were provided. 1,906 mediation sessions were held resulting in 173 formal agreements reached.

**Table 13 Total New Cases\* 2017 - 2020**

	2017	2018	2019	2020
All Issues (couples)	2,149	1,807	2,057	1,091
Court Based	623	475	554	251
Telephone Helpline Cases	--	--	--	248
Total	2,772	2,282	2,611	1,590

\* 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 14 Total Joint Mediation Sessions and Information Sessions 2017 - 2020**

Year	2017		2018		2019		2020	
	Joint Mediation Sessions	Information Sessions	Joint Mediation Sessions	Information Sessions	Joint Mediation Sessions	Information Sessions	Joint Mediation Sessions	Information Sessions
All Issues (Couples)	6,788	634	6,888	284	7,700	466	7,563	438
Court Based	1,129	1,645	1,233	1,792	1,534	1,617	1,886^	780**
Telephone Helpline Cases	--	--	--	--	--	--	1,906	733
<b>Total</b>	<b>7,917</b>	<b>2,279</b>	<b>8,121</b>	<b>2,076</b>	<b>9,234</b>	<b>2,083</b>	<b>11,355</b>	<b>1,951</b>

\*\* Additional court cases completed in Fulltime offices

**Table 15 Total Agreements 2017 - 2020**

	2017	2018	2019	2020
All Issues (couples)	836	870	849	581
Court Based	362	348	363	162
Telephone Helpline Cases	--	--	--	173
<b>Total</b>	<b>1,198</b>	<b>1,218</b>	<b>1,212</b>	<b>916</b>

\* The cumulative figure for agreements is not linked to the actual cases counted in the cumulative figure for New Cases, as there is a time lag between cases started and cases finished. For example, an agreement in 2020 may arise from a case started in 2019.

**Table 16 Cases Closed 2020**

	2017	2018	2019	2020
Total Cases Closed (including Information Sessions)	3,355	3,394	3,256	2,687
Cases not progressed to Mediation	902	810	512	695
<b>Total Mediation Cases Closed</b> (excluding cases opened but not progressed beyond Information Sessions)	<b>2,453</b>	<b>2,584</b>	<b>2,744</b>	<b>1,992</b>

## Court Based Mediation

Table 18 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 251 new cases were commenced in 2020. There was a total of 1,636 mediation sessions held and 162 agreements were reached.

**Table 17 Court-Based Mediation Initiatives 2020**

Office	New Cases (1st Joint Mediation Session)	Total Sessions	Agreements
Carlow	13	112	9
Cork	36	272	26
Dolphin House	147	854	89
Dundalk	3	18	1
Ennis	20	158	19
Kilkenny	4	40	11
Limerick	3	68	1
Mullingar	10	72	5
Naas	4	38	1
Tipperary*	1	4	0
SubTotal	251	1,636	162
Additional Cases from other offices		250	
Total	251	1,886	162

\* Nenagh & Clonmel District Court

**Table 18 Family Mediation Office Waiting Times in Weeks**

Year	2015	2016	2017	2018	2019	2020
Athlone	8	12	24	12	20	49
Blanchardstown	8	16	8	20	16	24
Castlebar	8	12	12	8	24	Vacant
Cork	12	12	24	28	14	24
Dundalk	4	12	20	36	10	32
Galway	8	4	16	8	12	16
Jervis House	4	12	16	16	16	24
Kilkenny				20	8	8
Letterkenny	8	4	16	16	16	20
Limerick	16	12	6	12	20	12

# Family Mediation Case Study

A middle aged married couple attended mediation following referral from a law centre where the wife had sought legal advice regarding the family home and financial support for her children. The husband had left the family home and was in another relationship. He and his new partner were expecting a child.

The parties lived separate lives for many years in the family home with each spending time alone with their two daughters, aged 17 and 10, and in general communicating messages through the children instead of directly between each other. The children get on well with each parent but are aware of the strained circumstances in the home and had an anticipation that their parents could separate.

The early mediation sessions focused on the parties commitment to communicate with each other and not through the children. The topic of new partners and the preferred method of introducing partners and/or their children was discussed and

agreed upon. This had a positive effect on the two children. With the improved communication it was possible to agree regular financial support / maintenance payments.

Both parties were happy to retain the family home until the children had finished in college and were financially independent themselves. They agreed that at that stage they would sell the home and split the proceeds equally. The agreement was reduced to writing.

The parties expressed their general satisfaction with having attended mediation and having been able to work through difficult issues without getting into a court process.



(The facts have been edited to ensure anonymity)





# CRIMINAL LEGAL AID

The Legal Aid Board is responsible for the administration and management of three of the Criminal Legal Aid Schemes:



Na Cúirteanna Breithiúnais Coiriúla  
The Criminal Courts of Justice



# 01

## 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.

# 02

## 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.

# 03

## THE CRIMINAL ASSETS BUREAU AD-HOC LEGAL AID SCHEME

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

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

The Board authorised payments in respect of 7 claims in 2020 at a cost of €69,000 (vat inclusive).

# 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:

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

These three schemes do not have a statutory footing.

## Garda Station Legal Advice Revised Scheme

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

Year	2017	2018	2019	2020
Expenditure	€1,864,000	€1,948,000	€1,715,000	€1,983,000

\*Includes VAT

**Table 20** Garda Station Legal Advice Revised Scheme statistical report 2020

No.	Description	Count	2020*
1	Total cost of authorised claims this year		€1,623,500
2	Overall number of claims authorised during the year	4,534	€1,623,500
3	Total number of solicitor firms that had authorised claims during the year	231	€1,623,500
4	Total number of claims authorised during the year under the Offences Against the State Acts	134	€91,074
5	Total number of claims authorised during the year under the Criminal Justice Act, 1984-2006	4,051	€1,251,360
6	Total number of claims authorised during the year under Criminal Justice (Drug Trafficking) Act 1996	275	€144,869
7	Total number of claims authorised during the year under Section 50, Criminal Justice Act, 2007	74	€136,078
8	Total number of claims authorised for consultations only	2,152	€275,935
9	Total number of claims authorised for attendance hours only	50	€10,481
10	Total number of claims authorised for consultations and attendance hours	2,332	€1,322,726
11	Total number of individual phone consultations authorised for payment	2,424	€95,966

\*Excludes VAT

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

No.		2018	2019	2020*
1.	Average payment to a solicitor firm	€6,703	€5,847	€7,028
2.	Average cost per individual solicitor claim	€360	€355	€358
3.	Average cost per individual consultation	€93	€94	€93
4.	Average number of claims per solicitor firm	19	16	20
5.	Highest cost of an individual claim processed	€7,487	€6,547	€6,826
6.	Highest total payments to a single solicitor firm	€138,026	€122,500	€78,230

\* Excludes VAT

**Table 22 Number of detainees who accessed the Scheme in year**

No.		2018	2019	2020
1.	Total number of times a detainee accessed the Scheme in year	4,307	4,155	4,534
2.	Total number of detainees who accessed the Scheme more than five times in year	14	39	8
3.	Highest number of times an individual accessed the Scheme in year	7	7	14

## The Legal Aid - Custody Issues Scheme

**Table 23 Total Overall Scheme expenditure breakdown 2016 - 2020**

Year	2016	2017	2018	2019	2020*
Expenditure	€3.0m	€3.2m	€2.7m	€3.2m	€4.3m

\* Includes VAT

**Table 24 Legal Aid - Custody Issues Scheme Information (Non- Bail side of Scheme)**

No.		2020*
1.	Number of new claims received by Board in the year	266
2.	Number of individual authorised payments in the year	574
3.	Number of claims generating payment in year	236
4.	Total cost of claims	€2,103,397
5.	Average cost per authorised claim in year	€8,913

\* Excludes VAT

**Table 25 Breakdown of payments for High Court Bail applications**

No.		2020*
1.	Total cost of High Court Bail Applications	€1,608,200
2.	Payments to solicitors	€721,100
3.	Payments to counsel	€887,100

\* Includes VAT

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

**Table 26 CAB Expenditure 2016 - 2020**

Year	2016	2017	2018	2019	2020*
Expenditure	€99,000	€101,000	€147,000	€42,000	€69,000

\*Includes VAT

**Table 27 Total Overall Scheme expenditure breakdown 2020**

No.		2020*
1.	Number of new claims received by Board	7
2.	Number of claims with authorised payments by Board	7
3.	Average cost per authorised claim	€8,088

\* Excludes VAT



---

# 40TH ANNIVERSARY





In January 2020 the Legal Aid Board held an event to mark the 40th anniversary of civil legal aid. Long serving staff members were presented with certificates. The keynote address was given by the Chief Justice and a panel discussion followed with staff and former staff who continue to work in the justice sector.





---

# RESPONDING TO COVID-19 PANDEMIC





# Role of ICT in addressing the COVID-19 pandemic

The onset of COVID-19 posed significant challenges in terms of managing the logistics of providing a service from 45 different sites, many of which were effectively required to remain open or to open periodically during the course of the pandemic in order to provide essential services and carry out work that could not be done from home.

The most immediate priorities were to equip offices with adequate supplies of PPE and sanitising equipment and consumables, to ensure the safety of the staff who were attending the office and also those required to attend Court hearings which continued in some circumstances, to arrange alternative cleaning schedules including deep cleans of all offices, to monitor the suitability of working from home arrangements and to put in place practical supports to enable staff to work from home and to put in place arrangements and oversee the monitoring of suitable return to work protocols in the different sites.

At the beginning of 2020, the main development in the area of information and communications technology was the launch of an updated system for online legal aid applications. This new version of the online application provided an easy to follow step-by-step process for applicants, and introduced compatibility with touch screen devices for the first time. It enabled applicants to upload copies of key documents and save an application in progress if it could not be completed immediately.

Following the onset of COVID-19 the role of information and communications technology became central to the delivery of the Board's services in ways that could not have been imagined at the start of the year. The Board immediately commenced strengthening the capacity of its remote networking infrastructure to accommodate a larger number of remote working staff. Before the pandemic there were in the region of 100 laptop computers in circulation in the Board, for a workforce of about 470. The primary mode of working was in the office and laptops were generally only used by staff travelling to a meeting or to a Court venue.

By the end of the year 440 laptops were in use along with vastly increased mobile telephony capacity. Remote access architecture was reconfigured to enable video audio engagement which facilitated attendance at virtual courts, virtual International Protection hearings, virtual engagements with clients, the use of a new digital dictation system and better internal and external engagement generally. Furthermore there were significant upgrades to network architecture and security during the year. New document sharing technology was also implemented.

online  
applications

**launch of updated  
system for legal aid  
applications**

---

remote  
networking

**strengthening  
capacity of  
infrastructure**

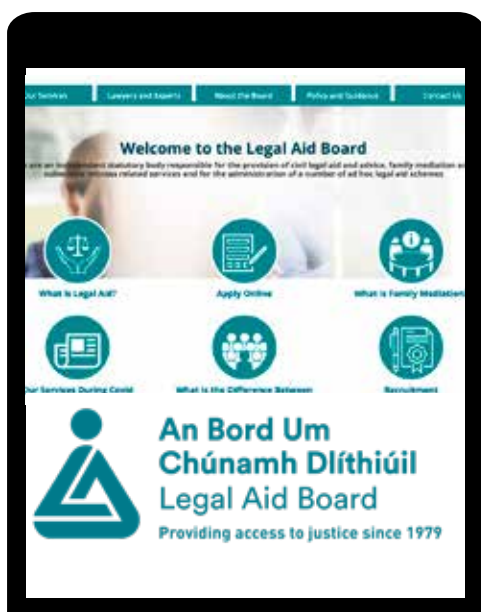
---

digital  
dictation

**& introduction of  
voice recognition  
software**

# Legal & Mediation Information Helpline

From the 27th March 2020, in line with the Government directive that only essential staff attend work, the Board effectively closed all of its law centres and mediation offices to the public, except by appointment. The majority of staff started working from home. Head Office remained open in order to provide essential services, such as the processing of payments in Legal Services and Finance, and the continuation of essential IT functions.



The Board established a national helpline on 31 March to provide information on civil legal aid and family mediation services. The helpline was staffed Monday to Friday, 10:00am to 12:30pm and 2:00pm to 4:00pm. Calls costed the same as a local call from a landline, or a call to landline from mobile networks. Callers to the helpline were triaged at first-line support level, by a member of staff.

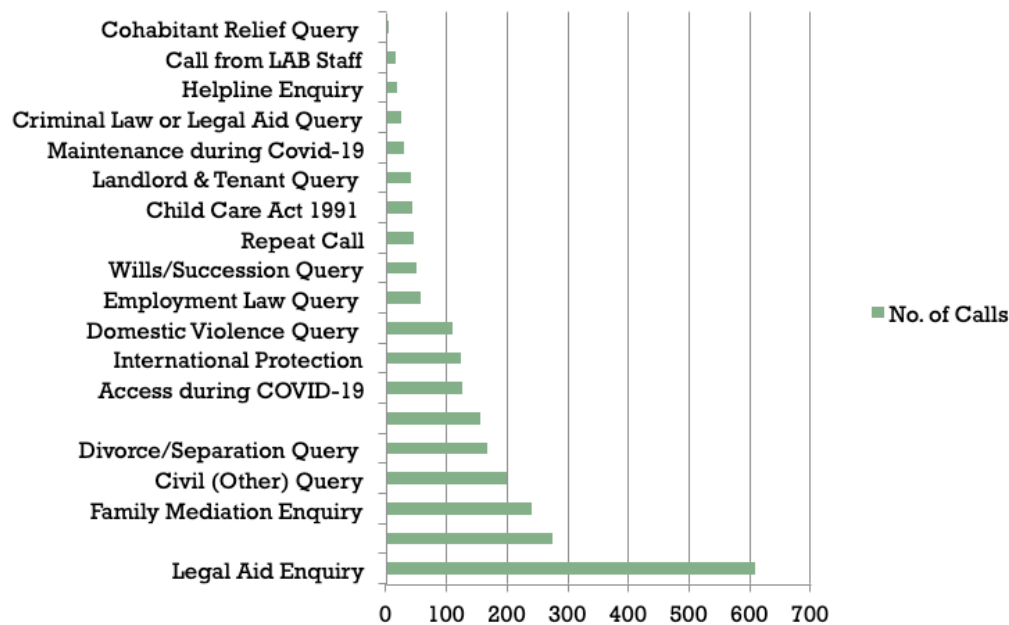
Calls were also referred to second-line support, i.e., solicitors, paralegals and family mediators. It became apparent at an early stage of planning that staff would need to be kept apprised of the latest developments in the courts, as well as particular legal problems that emerged early in the lockdown and changed as restrictions continued. While it was anticipated from an early point that domestic violence issues were likely to escalate (and it was indicated that the courts would remain open to deal with emergency domestic violence matters), the extent to which other matters such as access and maintenance would also present had not been anticipated.

The helpline recorded 2,431 calls in total over the 36 weeks the helpline was in operation. Chart 10 shows the progress of the number of calls received from Week 1 to Week 36. The average daily number of calls over the lifetime of the helpline was 16. Chart 11 shows the

**Chart 10 Weekly Calls Received: 31 March to 4 December 2020**



**Chart 11 Breakdown of Calls received by subject matter**



breakdown of the subject matter of the calls received over the lifetime of the service.

A system of 'key cards' with case type specific information was developed for helpline staff use as a guide when providing information. They included all relevant information on a particular topic, including COVID-19 specific information. The delivery of the helpline played a key role in allowing the Board to continue to provide customer services during the pandemic. Over 60 staff members nationwide participated to some extent on the helpline. The majority of callers sought information

on how to apply for civil legal services.

The Helpline closed on the 4th December after over eight months in operation, though aspects of the project, such as the continuing development of key cards, cross-training of staff, the infrastructure and the building of reporting capability have been retained.

The Helpline initiative was acknowledged by the Department of Public Expenditure and Reform when it was included as one of the Our Public Service 2020 Excellence in Customer Service Case Studies.



**2,431**

**calls received by  
4th December since  
the Helpline began**

**60+**

**staff members  
nationwide  
answered calls**

---

# **SUPPORTING SERVICE DELIVERY**



**THE GRANT OR REFUSAL OF CIVIL LEGAL AID  
CERTIFICATES IS GOVERNED BY THE CIVIL  
LEGAL AID ACT, 1995, AND ASSOCIATED  
REGULATIONS.**

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

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

**10,235  
CERTIFICATES  
WERE  
GRANTED TO  
APPLICANTS  
FOR FAMILY  
LAW MATTERS**

## Legal Services Support

In 2020, there were 10,235 certificates granted to applicants for family law matters and 202 for non family law cases. Refusals are made where Legal Services decides that a submission does not meet the merit criteria set out in the Civil Legal Aid Act 1995.

Refusals are also made where an applicant does not meet the financial eligibility criteria and seeks a formal decision from the Decision Making Unit. Decisions of the Decision Making Unit can be appealed to an Appeal Committee of the Board.

The Unit also granted 4,246 amendments to legal aid certificates in the year. These amendments are effectively authorisations for additional services on a certificate. 1,587 of these amendments involved the granting of barrister services including brief fees, refresher and interim fees, opinions and written submissions.

A further 858 of the amendments were in relation to medical, psychologist and psychiatrist reports. There were 412 authorisations given on cases prior to a

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

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

There were 61 terminations granted in 2020. Grounds include that an applicant has sought such termination but also include that the applicant was no longer eligible financially to receive such services, that he or she failed to pay an outstanding contribution or, in the majority of instances, that he or she had behaved in an unreasonable manner. Any such decisions can be appealed to the Appeal Committee of the Board.

Details of the number of submissions granted and refused are set out below in Table 28. Details of the reasons for terminations are included in Table 29.

**Table 28 Number of Submissions Granted and Refused**

No.		Granted	Refused
1.	Family Law Legal Aid Certificate	10,235	24
2.	International Protection	941	0
3.	Personal Insolvency Applications	562	27
4.	Non Family Law Legal Aid Certificate	202	210
5.	Amendments	4,246	14
6.	Authorisations	412	4
7.	Waiver or Reduction of Contribution	812	12
8.	Waiver of Costs	120	9

**Table 29 Reasons for Termination of Legal Aid 2020**

Financially Ineligible	Unreasonable Behaviour	Failure to engage	Case did not satisfy merits criteria	False Identity Involved	Non Payment of Contribution	Client Request
18	8	28	2	2	1	2

## Appeal Committee

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

In 2020, the Committee met on 11 occasions and considered 124 appeals. Two of these meetings were held on an emergency basis on account of the urgency of the matter.

Of the 124 appeals considered, the decision of the Executive was upheld on 99 occasions. There were 25

appeals where the original decision was overturned.

Of the 99 Executive decisions affirmed, 37 pertained to financial ineligibility and 62 related to the application of the “merits” criteria. 28 of those “merits” criteria cases involved requests for Junior Counsel in the context of proceedings to review personal insolvency arrangements (Abhaile cases) and the Committee refused 26 of those 28 appeals. In 7 cases, full or partial waivers of costs or contributions were granted by the Committee (out of a total of 8 sought).

**Table 30 Appeals: 2016 - 2020**

	2016	2017	2018	2019	2020
<b>Total Number of Appeals (less deferrals)</b>	129	169	180	151	124
<b>Number of Decisions Upheld</b>	105	131	138	125	99
- Financial Criteria	34	57	56	59	37
- Merits Criteria	71	74	82	66	62
<b>Number of Decisions Overturned</b>	23	35	40	23	25

## Protected Disclosures

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

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

will be taken in response to the concerns raised.

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

The Board has appointed a confidential recipient. No disclosures were reported to the confidential recipient in 2020.

## Internal Audit Unit

The Internal Audit Unit's work has traditionally entailed visits by Auditors to the Board's various offices dispersed throughout the country to carry out audits. However, the COVID-19 pandemic impacted on this and limited the Board's capacity to undertake internal audit work in

2020. Remote auditing commenced towards the end of the year and will continue to be the model of auditing until the pandemic related restrictions are lifted to the extent that will permit on-site audits.



## Statement of Strategy

In accordance with the Code of Practice for the Governance of State Bodies, the Board is obliged to produce a statement of strategy. During 2020, the Board's Statement of Strategy to cover the period 2021 to 2023 was drafted.

The strategy was informed by an extensive consultation process both internally and externally and key high level objectives that emerged were the need to develop awareness of the Board's services among persons who are likely to need them, assisting the marginalised or those in danger of marginalisation and a commitment to highlighting to the Minister where the Board believes statutory amendment may be necessary to assist those in need.

There is a commitment to drive modernisation and digital solutions throughout the organisation to ensure an efficient and accessible service which ultimately will assist in making easy access to justice a reality for everyone.

## Strategy and Plan for the Provision of Family Mediation Services 2021 - 2023

During 2020, the Board drafted a Strategy and Plan for the provision of its family mediation services. It is aligned with the Board's overall Statement of Strategy

2021 – 2023 and draws on the high level objectives in that Statement of Strategy.



## Limerick Family Court / Dispute Resolution Centre Project

The Board in partnership with the Courts Service, agreed to lead the piloting of an optimum model of delivery of a family court or resolution centre. The intention is to develop a model with a view to it becoming the standard model across the country. Limerick was chosen as the location for the pilot. The broad objectives of

the two year pilot initiative are firstly to help persons experiencing family problems to make fully informed choices about how to solve them and secondly, to ensure that the processes applied to resolving family disputes maximise participation and conclude in a timely manner.

## Other Developments of Significance

To ensure the timely availability of information in uncertain times, the Board built a section on its website containing information on the legal issues and problems that were likely to be encountered owing to the pandemic. These guides provided practical information on how certain legal problem could be managed and also signposted to appropriate services. It continued this approach through featuring in the Government's "Still Here" Campaign.

The Board actively engaged with the Department of Justice following the publication in August 2020, of the O'Malley Review of Protections for Vulnerable Witnesses

in the Investigation and Prosecution of Sexual Offences. The Board continues to work with the Department to ensure the implementation of the recommendations that are relevant to it and that can impact positively on victims.

The Board continued to engage with the Abhaile Scheme stakeholders, in particular around proceedings pursuant to section 115A of the Personal Insolvency Act 2012 (as amended), with a view to seeking appropriate changes to the Scheme to ensure it is efficient and effective for the users while also ensuring the prudent use of exchequer funding.

## Research

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

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

## Research Activity 2020

### 1. Irish Research Council Enterprise Partnership Funding

A research project, which will be conducted as a PhD thesis, "From dispute to decree: A critical exploration of the client's journey through the Legal Aid Board's Dispute Resolution Services" commenced in Q2 2020. The Board is acting as enterprise partner for the project and the research manager as a mentor to the PhD student.

### 2. Child Abduction and Mediation

In late 2020, the Board commenced supporting a PhD study Mediation for International Cross-border Child

Abduction Cases. This is a welcome collaboration as the Board is examining this area as part of our Strategy and Plan for the provision of family mediation 2021 – 2023.

### 3. The practical application of an employee engagement strategy in the Legal Aid Board

This research was a follow up study following the presentation of a situational analysis of engagement and communication in the Board. It sought to explore the practical application of an academic based approach to improving engagement scores by way of a pilot study in a Unit of the Board.

#### 4. The potential use of deprivation as a means of allocating resources of the Legal Aid Board

The paper offered a means for the relevant decision makers in the Board to consider deprivation as a factor in resource allocation. The data was prepared and projected in an objective manner following considerable analysis with the analysis having been informed by the manner in which other Irish organisations have chosen to analyse how they should allocate resources following examination of the same deprivation data.

#### 5. The Global Access to Justice Project

The Board contributed to a research project by the Global Access to Justice Project on the impact of the COVID-19 pandemic on justice systems (and legal aid systems). Both qualitative and quantitative data was compiled internally within the Board before onward transmission to the project group. The outcome of the research was published by the Global Access to Justice Project in Q2 2020.

---

### Human Resources

The Board's HR function, in common with many other areas of the organisation, experienced a significant shift in priorities in order to address pandemic related issues including; assisting with contact tracing when COVID-19 occurred within Board offices, placing staff on redeployment panels to assist with the National

testing and tracing effort, interpreting and issuing central guidance from the Department of Public Expenditure and Reform to staff and generally seeking to provide leadership in response to issues and challenges posed by the pandemic.

---

### Financial Management

The Board's Finance Unit is responsible for the financial management of the organisation. During 2020 the Unit continued to support the work of the Board through maintenance of effective accounting systems against the background of the COVID-19 pandemic. In spite of the pandemic the full range of controls in relation to finance were maintained and all payments were completed within schedule. No liabilities arose on foot of the Prompt Payments legislation.

In 2020 the Finance Unit processed over €42.8 million in payments to suppliers, including approx. €23.3 million in Pay Expenditure and nearly €19.5 million in Non-Pay Expenditure. The processing of payments to suppliers

involved over 15,100 invoices during 2020. Full details of the Board's financial position for 2020 will be contained in the Financial Statements for 2020.

Regular financial reports, together with periodic expenditure analysis reports were provided to Management, the Board's Finance and Effectiveness Committee and the Board to assist in the effective management of the Board's budget against the backdrop of COVID-19. Special arrangements were put in place to categorise expenditure that was incurred specifically as part of the Board's response to the pandemic to assist subsequent reporting and accountability obligations in this regard.

---

### Official Languages Scheme

An Irish Language Scheme previously approved by the Department of Culture, Heritage and the Gaeltacht remains in place. The Board is in a position to facilitate

both legal and family mediation services in the Irish language.

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

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

to whom it provides services and it implemented an Equality, Diversity, Disability and Accessibility Strategy for 2018 – 2020 though there is scope to develop this commitment into 2021 and beyond.

## Overview of Energy Usage in 2020

The Board is currently on course to reach a reduction of 32% consumption (over a 2009 baseline). Returns are made to the Sustainable Energy Authority of Ireland (SEAI) on an annual basis, and the performance scorecard,

based on these returns is outlined below.

The offices included in this report consumed the following levels of energy over the last four years.

**Table 31 Energy Consumption**

Year	Electricity (kWh)	Gas (kWh)	LPG	Oil (Litres)
2020	1,439,744	138,808	8,231	9,000
2019	1,560,708	102,146	0	17,000
2018	1,623,548	103,164	0	12,000
2017	1,511,041	95,268	0	15,254

## Initiatives taken during 2020

The Board has, throughout 2020, continued to work with the Office of Public Works (OPW) via its Optimising Power @ Work campaign to focus on staff awareness campaigns, behavioural change and minor works projects

that generate savings in energy usage. The Board is currently in the process of upgrading its offices network which includes upgrades to the lighting and heating systems.







# GOVERNANCE STATEMENT 2020

# Governance Statement

## Demand for the Service

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

## Board Responsibilities

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

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

**THE CHIEF  
EXECUTIVE ACTS  
AS A DIRECT  
LIAISON BETWEEN  
THE BOARD AND  
MANAGEMENT OF  
THE LEGAL AID  
BOARD.**

## Board Responsibilities

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

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

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

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

The Board is responsible for approving the annual plan and budget. It approved the 2020 budget at its meeting on 23 January 2020. At that same meeting, the Board also approved plan for the year in the form of Organisational Priorities. A mid-year review of the budget and Organisational Priorities took place at the Board meeting on 16 July 2020, and a full-year review of these took place at the meeting on 21 January 2021.

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.

**Table 32 Current Board Members: Appointment Period**

Name	Date of Appointment	Date on which term expires/expired (or member resigned)
Philip O'Leary, Chairperson	08/11/2016	01/11/2021
Tom Brennan, Chartered Accountant	08/11/2016	01/11/2021
Betty Dinneen, Civil Servant (Staff Member)	05/12/2019	01/11/2021
Eoin Dormer, Department of Public Expenditure and Reform	05/12/2019	01/11/2021
Nuala Egan, Barrister at Law	21/02/2017	01/11/2021
Nuala Jackson, Senior Counsel	08/11/2016	01/11/2021
Gordon Jeyes, Former Chief Executive of Tusla	08/11/2016	01/11/2021
Catherine Keane, Solicitor, Cartoon Saloon	09/06/2020	01/11/2021
Maurice Lawlor, Department of Social Protection	08/11/2016	01/11/2021
Freda McKittrick, Assistant Director, Barnardos	08/11/2016	01/11/2021
Michael O'Connell, Civil Servant (Staff Member)	08/11/2016	01/11/2021
Ellen O'Malley Dunlop, Chairperson of the National Women's Council of Ireland	08/11/2016	01/11/2021
Rachel Woods, Department of Justice	24/09/2019	31/04/2021

## Board Structure

The Civil Legal Aid Act 1995 makes provision for the appointment of a Chairperson and 12 ordinary members to the Board. The current Board was appointed by the then Tánaiste and Minister for Justice and Equality, Ms.

Frances Fitzgerald TD, on 8th November 2016. A number of ordinary vacancies have occurred subsequently and members have been appointed to fill these vacancies by the Minister for Justice. Table 33 details the appointment period for current members:

The Board has established six committees, as follows:

### Appeal Committee

The Appeal Committee is a statutory committee of the Board, and comprises the following members in 2020: Ms. Nuala Egan (Chair), Ms. Nuala Jackson, Mr. Gordon Jeyes, Mr. Maurice Lawlor, Ms. Catherine Keane (from 25 June 2020) and Ms. Ellen O'Malley-Dunlop. Additional

members: Mr. Tom Brennan, Ms. Rachel Woods, Ms. Freda McKittrick, Mr. Philip O'Leary.

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

### Audit and Risk Committee

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

Woods (Chair), Ms. Betty Dinneen, Mr. Tom Brennan (until 25 June 2020), Ms. Catherine Keane, (appointed June 2020), Mr. Michael O'Connell (until 25 June 2020), Mr. Eoin Dormer (from 25 June 2020). Mr. Michael Flynn (external member of Committee).

### Finance and Effectiveness Committee

The Finance and Effectiveness Committee members for 2020 were as follows: Mr. Tom Brennan (Chair), Mr. Eoin Dormer, Ms. Nuala Jackson, Mr. Maurice Lawlor, Mr. Michael O'Connell and Mr. Philip O'Leary.

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.

### Strategy and Opportunity Committee

The role of the Strategy and Opportunity Committee is to consider matters relating to new areas of work of the Board and any relevant areas of reform in relation to the approaches adopted by the Board. The Committee considers Board policy and interpretation of legislation

and reports and makes recommendations to the Board as deemed appropriate. The members of the Committee in 2020 were Ms. Freda McKittrick (Chair), Ms. Nuala Egan, Mr. Gordon Jeyes, Mr. Philip O'Leary, Mr. Michael O'Connell (from 25 June 2020).

### Performance Committee

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

2020 were Mr. Philip O'Leary, Mr. Tom Brennan, Ms. Freda McKittrick, Ms. Ellen O'Malley Dunlop. The Committee was chaired by the Board Chairperson.



## Culture Committee

The Culture Committee was established on a temporary basis to examine the culture of the organisation and to make recommendations to the Board in this regard. Its members were Mr. Maurice Lawlor (Chair), Mr. Tom Brennan, Ms. Betty Dinneen, Mr. Philip O'Leary.

## Key Personnel Changes

Ms. Catherine Keane was appointed to the Board on 9th June 2020.

## Matters specifically reserved to the Board itself

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

- Significant acquisition, disposal and retirement of assets. The Board must approve acquisitions, disposals and retirement of assets with an anticipated value at or above a threshold level of €65,000. The Board is to be notified of any acquisitions/disposals/retirement of assets with a value at or above €10,000.
- No contract valued over €65,000 can be entered into, directly or by way of draw down, without the prior approval of the Board. The Finance and Effectiveness Committee is to be notified of the awarding of contracts with a value over €10,000.
- Approval of terms of major contracts.
- Assurances of compliance with statutory and administrative requirements in relation to the approval of the appointment, number, grading, and conditions of all staff, including remuneration and superannuation;
- Approval of the Annual Budget;
- Approval of the Board's Corporate Plans which are prepared every 3 years;
- Approval of the annual report and financial statements consistent with the Board's obligations under the 1995 Act.
- Approval of recommendations to the Minister for the amendment of legislation;
- Approval of Board policy documents which it is proposed to publish or disseminate;
- Responsibility for systems of internal financial and other controls;
- Delegated authority levels and risk management policies;
- Appointment, remuneration and assessment of the performance of, and succession planning for, the Chief Executive; and
- Significant amendments to the pension benefits of the Chief Executive and staff (which may require Ministerial approval).
- The Code of Practice provides that the Board should meet at least twice a year without executive Board members or management present to discuss any matters deemed relevant.
- In the case of the Legal Aid Board, Section 4 (6) of the 1995 Act states that the Board shall hold such and so many meetings as may be necessary for the performance of its functions.

## Delegations to Management

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

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

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

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

The Chief Executive is accountable to the Public

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

## Schedule of Attendance

In 2020, the Board held 10 Board meetings. The meetings in January and February took place in Dublin. With the onset of the COVID-19 pandemic, from March 2020 meetings of the Board took place primarily via videoconference, with some taking a hybrid format

involving a subset of members attending from the Board's head office and the remainder attending by videoconference. A schedule of attendance at the Board and Committee meetings for 2020 is set out at Tables 34 and 35 respectively.

**Table 33 Board Attendance**

Name	Number of Board meetings attended	Fees 2020 €
Philip O'Leary, Chairperson	10	11,970.00
Tom Brennan	10	7,695.00
Betty Dinneen	9	0
Eoin Dormer	6	0
Nuala Egan	10	7,695.00
Nuala Jackson	7	7,695.00
Gordon Jeyes	8	7,695.00
Catherine Keane	6	4,312.58
Maurice Lawlor	9	0
Freda McKittrick	9	7,695.00
Michael O'Connell	9	0
Ellen O'Malley Dunlop	10	7,695.00
Rachel Woods	9	0

- **Note 1:** Details of the expenses paid to members of the Board will be set out in a more detailed Governance Statement and Board Members' Report that will accompany the Board's 2020 Financial Statements.
- **Note 2:** Maurice Lawlor, Michael O'Connell, Betty Dinneen, Rachel Woods, and Eoin Dormer, who are public servants, did not receive a Board fee under the One Person One Salary principle.
- **Note 3:** Catherine Keane was appointed to the Board on the 9th June, 2020.

## Key Management Personnel

Key management personnel in the Legal Aid Board are the Chief Executive, the Director of Civil Legal Aid, the Director of Human Resources, the Director of Strategy

and Decision Making, the Director of Mediation, the Director of Criminal Legal Aid, and the Director of Corporate Services.

The Chief Justice of Ireland Mr. Justice Frank Clarke with the Chairperson and the Chief Executive.



**Table 34 Committee Attendance**

Name	Appeals	Audit & Risk	Culture	Finance & Effectiveness	Performance	Strategy & Opportunity
Number of Committee Meetings Held	11	5	5	8	2	4
Philip O'Leary, Chairperson	1		5	8	2	4
Tom Brennan		2	4	8	2	
Betty Dinneen		3	4			2
Eoin Dormer	1	2		5		
Nuala Egan	11					4
Nuala Jackson	6			4		
Gordon Jeyes	7					4
Catherine Keane	7	3				
Maurice Lawlor	2		4	8		1
Freda McKittrick	2				2	4
Michael O'Connell		3		6		2
Ellen O'Malley Dunlop	11				2	1
Rachel Woods	2	5				
Michael Flynn (External member of Audit and Risk Committee)		5				

- Note 1: Michael Flynn is an external member of the Board's Audit and Risk Committee and was paid fees of €1,197.00 in 2020.

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

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

2020 Financial Statements:

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

### Risk Management

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

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

## Internal Review

In line with Section 4.6 of the Code of Practice for the Governance of State Bodies 2016, an internal review of the Board and its Committees was carried out in 2020. This review consisted of a survey to each Board member on a range of matters relating to the operation of the

Board and the engagement between the Board and the Executive. As part of the process, there was also a survey of Board members in respect of each Board Committee to which they were appointed.

## Public Spending Code

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

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

The Board did not undertake any new programmes of expenditure in 2020.

## Statement of Compliance

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

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

- The development of a system of performance measurement for major expenditure items.
- The publication of a new Customer Action Plan, and also the publication of the Board's codes of conduct for Board members and staff on the Board's website,

and the Protected Disclosures report for 2019.

- Putting in place a procedure to allow for a Board member (who is not a public servant already foregoing their fee under the One Person One Salary Rule) to waive their fee, and minor amendments to the arrangements for a Board meeting in the event of a conflict of interest.
- The resourcing of the Board's Internal Audit function, and minor updates to the terms of reference for the Audit and Risk Committee.
- The requirement to submit unaudited accounts to the Department of Justice within two months of year-end.

All of the matters above are being addressed in 2021.

**Philip O'Leary**

**Chairperson**

**John McDaid**

**Chief Executive**

## ANNUAL REPORT 2020



An Bord Um  
Chúnamh Dlíthiúil  
Legal Aid Board



Quay St., Cahirciveen, Co. Kerry  
066 947 1000  
locall 1890 615 200

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

[info@legalaidboard.ie](mailto:info@legalaidboard.ie)  
[www.legalaidboard.ie](http://www.legalaidboard.ie)