**Meeting of External Consultative Panel**

**10th September 2024**

**Via Zoom Video Conference**

Attendance:

Joan Crawford, CEO, Legal Aid Board

Emily Sherlock, Director of Internal Service Delivery (Civil), Legal Aid Board

Catherine Fahy, Regional Manager, Legal Aid Board

Ronan Deegan, Assistant Director, Legal Aid Board

Fiona McAuslan, Director of Family Mediation, Legal Aid Board

Claire Castinel. Managing Solicitor, Legal Aid Board

Julia Hull, Managing Solicitor, Legal Aid Board

Niamh McGuinness, Assistant Director, Legal Aid Board

Kevin Rogers, Secretary to the Panel, Legal Aid Board

Toni Monaghan, Regional Manager, Legal aid Board

Joanne Condon, National Advocacy Service for People with Disabilities

Síun Hurley, Law Society/O’Donovan Solicitors

Katie Mannion, Irish Refugee Council

Donna Parau, RCNI

Monica Hynds, Barnardos

Deirdre Browne, Council of the Bar of Ireland

Jimmy Glynn, MABS

Anna Birbeck, Exchange House Ireland

Sinead Baggott, Community Law and Mediation

Rose Morris, Citizens Information Board

Mary Henderson, Immigrant Council of Ireland

Fiona Wright, Courts Service

Aoife Langdon, Safe Ireland

Apologies:

Andrea McDermott, Men’s Aid

Gayle Smith, Treoir

Marcella Stakem, SVP

Eavan Ward, Women’s Aid

Samantha Williams, Traveller Education Justice Project – UCC

Niall Quinn, Council of the Bar of Ireland

Rose Wall, Community Law and Mediation

Julie Ahern, Children’s Rights Ireland

Aoife Kelly Desmond, Mercy Law

Jacinta Brack, Irish Traveller Movement

Catherine Cosgrave, Immigrant Council of Ireland

Paul Dornan, Ballymun Community Law Centre

Karen Kiernan, One Family

Ger O’Brien, MABS

Cormac Quinlan, Tusla

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|  | Item for discussion | Person responsible | Discussions | Actions/Decisions |
| 1. | Membership update of the External Consultative Panel | ES/LAB | ES/LAB: Provided an update of the panel membership and acknowledged the engagement and collaboration of our colleagues who have left the panel, who are, Dermot Sreenan – MABS, Mary Condell – Sage Advocacy, Geralyn McGarry – CIB and Caroline Couhinan – Safe Ireland and thanked them for their commitment and participation. ES also welcomed all new members to the panel, who are, Anna Birbeck – Exchange House Ireland, James Glynn – MABS, Rose Morris – CIB and Niall Quinn – Council of the Bar of Ireland.  JC/LAB: Thanked all members for attending and outlined the reasons for this panel to the members and noted it’s an extremely helpful forum for all. |  |
| 2. | Draft minutes of meeting of 11th April 2024 and matters arising | ES/Secretary | ES/LAB: Invited members to approve the draft minutes of the meeting of the 11th April 2024. All members approved the minutes and these will now be published on the LAB website. | Action: Minutes to be published on LAB website once approved. |
| 3. | Update on service delivery issues (combined with Tour de Table) to include:   * International Protection; * Abhaile related services; * The Assisted Decision Making Act (as amended) * Family mediation services * Initiative to better support the legal needs of Travellers * General legal services; * Tour de Table | JH/LAB | JH/LAB: Similar update to report from the last meeting as the applications continue to increase. Our Cork north law centre has received more applications to date in 2024 than received in 2023. Clinics are run in direct provision centres as part of the work of the Cork north law centre as we have clients spread all over the Munster region. This proves invaluable to meet new clients and also keep in contact with current clients who can keep us up to date with their circumstances, some who have been waiting well over a year for their interview or appeal hearing. All 3 offices that deal with International Protection are all still working really well together and are facing huge demand and are heavily relying on the Private Practitioner panel. The International Protection Appeals Tribunal (IPAT) which is based in Dublin seem to be moving away from holding mainly remote hearings to holding more in person hearings which is causing issues with clients and solicitors travelling to Dublin. The EU Migration Pact was mentioned and it was noted that this will involve change in legislation and procedures & practice and there will be a lot of work involved for that change. We are engaging with the Department of Justice and other agencies so we are involved with that change.  ES/LAB: We are involved in a number of the workstreams in relation to the preparation for the EU Migration Pact.  SH/Law Society: Asked if the budget for International Protection will have an impact or effect on the overall budget for the Legal Aid Board and will it impact other areas of the Board.  ES/LAB: We will be seeking additional funding and hope that no other budget will be affected.  JC/LAB: Last year we were able to get additional funding for International Protection and a separate submission will be made to the Department for extra funding in 2025 considering the volume of work that will come our way once The EU Migration Pact comes into effect. This will not affect any other budget lines.  RD/LAB: Since the 4th June 2024 applicants are now able to apply for a 2nd voucher where it has been 3 years since the last voucher which is a big development in Abhaile related services. Only 2 have been issued to date but it is something we will monitor. It was noted that MABS issue the vouchers and we pay for it once the service has been rendered. As part of a Strategic review by the Government the Abhaile related services have been extended to 2027. We have had 313 vouchers issued so far this year with 136 redeemed which is roughly 15% less than received in the same time in 2023. It was noted that roughly 50% of all vouchers issued are ever redeemed. Our Duty Solicitor Service continues to run effectively and similar to last year with 270 court sittings. Interestingly, for the first time in a number of years legal aid for proceedings under section 115A of the Personal Insolvency Act 2021 has risen and 233 legal aid certs have been granted to date which is a 35% increase on the same period in 2023.  NMcG/LAB: We are continuing to see high numbers of applications in relation to Part 5 applications and a relatively low number of applications in relation to Part 6 applications. Between January 1st 2024 and August 31st 2024, we have received 540 Part 5 applications and 93 Part 6 applications. The demand for other provisions under the act remains quite low with 6 applications for Co-Decision Making Agreements, 14 for Enduring Powers of Attorney, 1 for Advanced Healthcare Directives and 55 for Decision Making Assistance Agreements. Approximately 56% of cases have been referred to private practitioners (PP) so far this year. Applications can be processed by any law centre within the network and thereafter can be directed to a designated law centre or referred to a PP by the receiving law centre. We are continuing to work with stakeholders including the HSE, Office of Wards of Court, Sage Advocacy and The National Advocacy Service for People with Disabilities in raising awareness on legal aid. A presentation was recently made to The National Advocacy Service on general civil legal aid and part of this contained a specific part on how to apply for matters in relation to Assisted Decision Making. We also have a new leaflet that is available in all law centres which covers the different case types under the Act and the criteria for applying for legal aid in those cases. We are also still awaiting the updated regulations regarding the Assisted Decision-Making Act (as amended).  ES/LAB: This is an area of law that is still developing and we are all still learning about it.  JC/NAS: We are seeing an issue regarding some of the private practitioner (PP) panels and they are not necessarily covering all locations and there is a requirement for some people to travel quite far and as we support people with disabilities this is proving very challenging for some of them. Would the PP’s be restricted to geographical areas?  RD/LAB: Explained how the PP Panels work and noted that when a solicitor signs up to a panel, they indicate what areas they are able to serve. It was noted that it hasn’t been flagged with us that there has been an issue regarding this particular panel but if there are local issues in particular areas, we will be happy to look at that.  JC/NAS: We have families looking to make a Decision-making representative (DMR) application under The Assisted Decision-Making Act but don’t qualify for legal aid and many can’t afford the fees that can be anywhere from €3,000 to €10,000. This is then leaving people in limbo and a DMR application is not progressing where there may be significant issues and concerns regarding decisions that have to be made. Has this come to the attention of LAB as much as it has ours?  NMcG/LAB: This hasn’t been brought to our attention but we would hope that the Civil Legal Aid Review will make some recommendations regarding the financial eligibility threshold and we may then be in a position to support more individuals  FMcA/LAB: All members of the panel were provided with a briefing note on the Family Mediation Service networking and engagement and a separate document outlining all the different external agencies the Family Mediation Service has engaged with. FMcA then outlined the reasoning for providing these and noted in some ways these are in parallel with the work we are doing with the Family Justice Strategy where we are providing information sessions and presentations. We have a managing mediator team of 5 and they have been tasked with revitalising the local connections post covid and looking to build on the connections we already have. District Court work was mentioned and it was suggested that Regional Manager Noreen Fitzpatrick could update the panel on this at the next meeting. We are currently tendering for child inclusive mediation training for our mediation staff which will be a redevelopment/upgrade of our child inclusive work and we will be looking at a campaign to go along side that in 2025. It was suggested that Regional Manager David Gray could update the panel on this at a future meeting. Our private practitioner panel is still working really well and we are currently conducting a review of that panel but expect it to stay in place. Mediators continue to apply to join the panel which we expect will give us a broader reach geographically than we might have a present.  CC/LAB: We are currently dealing with 62 cases which is a 20% increase on the 52 cases we were dealing with in April 2024 at the last meeting. These are broken down as follows, 32 Discrimination cases, 28 Housing cases and 2 classed as Other. CC encouraged everybody to apply for legal aid even if they are unsure if the case can be taken on as we can provide an advice service if we cannot act for the applicant. We have seen a recent increase in litigations we are dealing with in the unit. In April 2024 we had 7 cases in court and at present we have 9 cases in court including 1 JR. We received 2 applications for another JR & Eviction proceedings. We are to initiate 26 discrimination proceedings and have a further 4 clients under the risk of eviction. By the end of the year a minimum of 50% of our caseload will be litigation compared to 14% in April 2024. Our resources in the unit remain unchanged with 1 Solicitor and 1 clerical officer. We have set up an evolutive/dynamic waiting list to adapt to case management, while preserving ability to intervene immediately in emergency cases. We have increased the outreach of the unit to increase its visibility. We have reactivated the Consultative Committee of the Minceir/Traveller Legal Support Service with National Traveller Organisations to advise us on how to best promote the interests of travellers within LAB. New Traveller Cultural Awareness Training to be organised soon with LAB frontline staff. We are also talking with the committee about the design of differential communication tools to increase access to “hard-to-reach” clients and a survey will be circulated with Traveller advocates to advertise our service.  AB/Exchange House Ireland: Is there any representative from Exchange House Ireland on the Consultative Committee?  CC/LAB: We will look at the possibility of a representative from Exchange House Ireland to join the Consultative Committee.  TM/LAB: Our Ballymun Law & Mediation Centre was launched in May 2024 and was a great success with a lot of media attention. Minister McEntee, members of the Judiciary, Courts Service, local councillors and many stakeholders including some attending the meeting today. The object of the opening was to create a national awareness of the unit and the Legal Aid Board and to encourage greater stakeholder engagement and communication. This is something we hope to build on in the future. We received 9681 applications this time last year and year to date in 2024 we have received 10970 which is roughly a 12% increase. This is separate to the applications received for International Protection. We have seen a drop in our waiting lists in our Dundalk Law Centre by 42 weeks and in our Tallaght Law Centre by 12 weeks which we are delighted about. We have still struggled with waiting times in some law centres particularly in the North West mainly due to the decline in the private practitioner panels and we are actively looking at ways we can improve service delivery for our clients in those areas. We have seen some new areas of law introduced recently that would be within the services that are provided by the Legal Aid Board which are Protection of victims of stalking and the enactment of Parts 1 – 5 of the Criminal Law (Sexual Offences and Human Trafficking) Act 2024. We are hoping that the Civil Legal Aid Review will be available before the end of the year. The forthcoming Family Courts Bill is still at its early stages but will also have a major impact on the work we do in the Legal Aid Board.  JG/MABS: Noted he works for MABS Support who are the national development company for MABS who assist the regional companies. Dermot Sreenan was the representative for MABS on this panel and has since left the company and JG is the possible full-time replacement representative for MABS.  DB/Council of the Bar of Ireland: Attending this meeting in lieu of Niall Quinn who couldn’t make this meeting and is usually the representative on behalf of the Bar of Ireland at this meeting.  AB/Exchange House Ireland: Made everyone aware of the services in Exchange House Ireland and noted the different services they provide. AB discussed her own role as a Domestic Abuse senior social worker which is a relatively new post. AB invited all members of the panel to contact her directly if needed.  RM/CIB: Explained her role as the national manager for data and research with the CIB and noted she is replacing Geralyn McGarry as CIB’s representative on this panel. RM noted from a policy and data perspective it’s been really interesting to listen to all the observations by the panel members.  MH/Barnardos: Explained her role as head of services in Barnardos Guardian ad Litem service which is a service provided to children who are in court processes. It was noted that there is usually very little delay for the majority of parents who are entitled to Legal Aid in Childcare proceedings which is really welcome. It was also noted that the Guardian ad Litem service can also be appointed to a parent and this service works really well in Co. Dublin but there are struggles with appointing an advocate outside of Co. Dublin. Additional information and clarity provided about the service would be hugely beneficial.  ES/LAB: Our Managing Solicitor in our Childcare Unit has partnered with Barnardos on a series of webinars which will be available shorty and be really useful for all.  SH/LC: Discussed work taken place recently on the Family Courts Bill and some issues that arose. SH mentioned we are still waiting with anticipation for the Civil Legal Aid Review and also discussed the fees paid to private practitioners which needs serious review and consideration.  FW/CS: Explained that she has responsibility for the Dublin Family and Civil Courts at District and Circuit level and noted a lot of new legislation is coming our way. FW mentioned the Civil Restraining Orders and noted she has seen a huge increase in these applications, especially in the Dublin region since the legislation commenced. FW thanked the Family Mediation Service on the work taking place in Dolphin House and acknowledged the great work taking place in promoting Mediation.  MH/ICOI: Noted that most of the work of the Immigrant Council of Ireland would take place outside of the Legal Aid Board but mentioned new operational guidelines, which are being drafted regarding the identification process in Human Trafficking which will affect both the Legal Aid Board and the Immigrant Council of Ireland but we are still unaware of what these guidelines will be. MH discussed the issue of accessing compensation and noted that the time limit to submit applications under the Criminal Injuries Compensation Scheme has been extended until the end of this year and made the panel aware that anyone that has experienced crime going back as far as 2005 may be entitled to apply. MH then mentioned the EU Migration Pact and asked if the Legal Aid Board will be participating in any work groups regarding this.  ES/LAB: The Legal Aid Board are involved and has a representative in each of the workstreams in relation to the EU Migration Pact  JC/NAS: Discussed her role as the national manager with the National Advocacy Service for People with Disabilities and noted the interact a lot with the various Legal Aid Schemes. JC noted the Legal Aid Board gave a presentation to all National Advocacy Service staff on the various Civil Legal Aid Schemes that are available and this was really important for our staff. It was noted that there is some confusion and misunderstanding where the role of the advocate fits within the ongoing rollout of the Assisted Decision Making and this may be discussed further with the Legal Aid Board.  SB/CLM: Noted she is stepping in for the Community Law and Mediation CEO who would normally attend this meeting. SB then outlined the work of the Community Law and Mediation Service and noted it’s fascinating to hear everyone’s views on the panel.  KM/IRC: Discussed some issues regarding International Protection applicants and noted that particular issues have arisen regarding the family reunification for age disputed minors and unaccompanied minors who were represented for their International Protection application but not their family reunification application and this has caused some people to miss the 12-month deadline for applying for family reunification which is a concern. KM also noted that a lot of people are expressing the need to have the Judicial Review section in the area of International Protection within the Legal Aid Board again as there are a lot of issues that require to be Judicially Reviewed and it’s not always possible for people to access private solicitors for this.  ES/LAB: Invited KM to email her directly with any issues or specific matters that have arisen and we can try and address these.  DP/RCNI: Discussed her role as Legal Director with The Rape Crisis Network and asked about the Legal Aid Board’s engagement with Cuan and suggested reinstating the sub-group on domestic, sexual and gender-based violence. | Action: Noreen Fitzpatrick to update the panel on the District Court work at the next meeting. |
| 8. | AOB |  | CF/LAB: Provided an update to the panel on the Legal Aid Boards engagement with Cuan and the previous sub-group on domestic, sexual and gender-based violence. CF noted this group was set up to encourage collaboration and dialog between stakeholders working in the area of domestic, sexual and gender-based violence. Cuan have now been established in this area and we wanted to discuss with them what synergies we could have and the possibility of reinstating this sub-group. We have met staff from Cuan informally and exchanged ideas but have made contact with Cuan regarding a formal meeting and we are hoping to have an update regarding this at the next meeting.  CF informed the panel that Trauma Informed Practice Training has been rolled out for all Legal Aid Board staff and has been really successful. Staff have provided a lot of positive feedback on this course and we continue to promote this through the Law Centre network.  JC/LAB: Reiterated thanks to everybody for taking the time to attend this meeting and encouraged all panel members to email the secretary with any queries or questions. |  |
| 9. | Date of next meeting. |  | Date of next meeting to be circulated to the panel members once agreed. | CEO/Secretary |