



 **flac**
providing access to justice
Free Legal Advice Clinic

Remote Justice

FLAC Annual Report

2020



Sunniva McDonagh,
IHREC and Eilis Barry,
FLAC CE at Oireachtas
Special Committee on
Covid-19 response.

About FLAC

FLAC (Free Legal Advice Centres) is an independent legal and human rights organisation which exists to promote equal access to justice. Our vision is of a society where everyone can access fair and accountable mechanisms to assert and vindicate their rights.

What does FLAC do?

- Operates a legal information and referral telephone line.
- Runs a nationwide network of legal advice clinics where volunteer lawyers provide basic free legal advice.
- Engages in litigation and takes on cases in the public interest, as an Independent Law Centre.
- Provides specialist legal advice to advisers in the Money Advice and Budgeting Service (MABS) on personal debt and consumer credit law.
- Engages in research and advocates for policy and law reform in areas of law that most affect disadvantaged and marginalised people.
- Operates a Pro Bono Referral Scheme through the Public Interest Law Alliance (PILA), and engages the legal community and civil society in using the law to advance social change.
- Runs a Roma Legal Clinic.
- Operates the Traveller Legal Service.

FLAC Annual Report 2020

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FOREWORD

The impact of the pandemic dominated FLAC's work throughout 2020.

We are extremely grateful to the staff and FLAC volunteers who worked so hard to ensure that people would continue to have access to legal information and basic legal advice. The pandemic forced us to expedite our plans to make our services more accessible, including by providing telephone legal advice clinics, a facility we hope to maintain and develop into the future. For many people during the pandemic the FLAC telephone information line was the first, and at times, the only, port of call. FLAC staff reported growing levels of distress and anxiety among some callers.

The number and complexity of the queries FLAC received highlight the acute need for legal information and advocacy services. Employment law queries rose by 39% and during one week in May exceeded the family law queries. It is a matter of ongoing concern that there is no legal aid available in employment cases, and for a large percentage of the callers there was nowhere to send them for legal assistance. Family law queries rose by 14% and the restrictive means test and delays in obtaining legal aid also meant that many callers were unable to access timely legal aid for crucial family law issues.

FLAC works to provide and highlight the need for appropriate legal services for people living in poverty and disadvantage. As an independent law centre, housing, social welfare and discrimination were the areas of law where FLAC most often provided legal representation.

We are proud to have been involved in the establishment of the Traveller Legal Service, with the assistance of the Community Foundation for Ireland and with a steering group of National Traveller organisations.

The ongoing work of the Roma clinic proved difficult during the pandemic given the particular vulnerabilities of that community. Casework for existing clients of that service have continued and, in 2020, a number of significant outcomes were achieved in the areas of housing, equality and social welfare. Those outcomes include successful judicial review proceedings taken on behalf of a homeless Roma couple against South Dublin County Council in relation to a failure to assess their housing application.

210 social justice NGOs received legal assistance through the pro bono referral scheme, a 40% increase, illustrating the difficulties these NGOs were facing during the pandemic.

FLAC are also proud to have been associated with the development of the Pro Bono Pledge in 2020, a new initiative which asks the members of the legal profession to commit to a target of 20 pro bono hours per year. The pledge is supported by the Bar, the Law Society and the DSBA and has over 100 signatories representing more than 2500 solicitors and barristers.

FLAC made a detailed submission to the Oireachtas Special Committee on Covid-19 response, highlighting that rights and access to justice are even more important in a pandemic, and in particular the legal needs of vulnerable and disadvantaged individuals and groups. FLAC's work in this regard highlights the important role that we and civil society play in a democratic society by holding the State to account.

While welcoming the move to online Courts we expressed concerns that it is only a partial solution and may be unsuitable for certain cases and people with literacy, language and certain health issues, and that the digital divide needs to be tackled. Resources need to be dedicated to proactively identify parties who may be vulnerable and ensuring that accommodations are made to enable them to participate fully in proceedings.

We also provided a detailed analysis of actions taken by the Department of Social Protection, highlighting instances where the Department purported to amend eligibility criteria for social welfare payments without a legislative basis. A number of issues highlighted by FLAC were subsequently resolved through the adoption of legislation and regulations including the effective removal of the requirement to be "genuinely seeking work" while in receipt of the PUP. The Department of Social Protection also ceased engaging in "airports checks" after FLAC raised concerns about the legality of their activities at ports and airports.

FLAC has been campaigning for some time for a root and branch review of the Civil Legal Aid system and with our #Right2Justice campaign; we sought to make reform of civil legal aid a key issue in the general election. We are delighted that the Department of Justice has committed to carrying out a review later this year.

Barriers to access to justice require a multifaceted response and FLAC is delighted to engage with the Chief Justice's Access to Justice Committee and in consultations about the modernisation of the Courts Services and Family Justice system, and we are looking forward to engaging with the legal aid review.

2020 was Peter Ward's last full year as FLAC Chairperson. He has been an outstanding champion and Chairperson of FLAC. The crucial work of FLAC Council is largely hidden and goes unacknowledged. Peter has strived and succeeded in guiding FLAC's development from a fledgling student organisation to a respected and trusted NGO organisation with full-time staff and its own premises, creating a secure base for an alternative legal world and enabling FLAC to be front and centre in its quest for equal access to justice. He has also been a driving force in numerous campaigns that have transformed Ireland into a modern inclusive society. FLAC owes him a huge debt of gratitude for his unstinting loyalty, energy, commitment and vision. He has been a pleasure to work with and a very supportive Chairperson.

A very sincere thanks to FLAC Council for their ongoing support and a huge thanks to FLAC staff for their outstanding contribution during a turbulent, troubled year, the detail of which is set out in this report.

Eilis Barry, FLAC Chief Executive



A MESSAGE FROM FLAC'S CHAIRPERSON

We are all deeply aware of how 2020 was a turbulent year for so many.

We at FLAC recognised the challenges facing our service users during the pandemic and strove to offer practical and legal solutions to their concerns. We maintained our Telephone Information Line throughout the pandemic and moved our Legal Advice Clinics to a phone service. The FLAC office seemed busier than ever. It is during a crisis that access to information and advice on your rights become even more important.

FLAC enjoys a unique position on the Irish legal landscape and our ongoing work in the pursuit of equal access to justice is only made possible because of the incredible support that we receive on an ongoing basis. I would like to take this opportunity to thank all those who make FLAC's work possible.

We on FLAC Council appreciate and depend upon the work of all our FLAC volunteers who use their professional skills and expertise to promote access to justice. This includes the hundreds of lawyers around the country who volunteer at FLAC clinics, previously in FLAC clinics and currently in our new Phone Legal Advice Clinics; those who are part of the PILA Pro Bono register; the lawyers who support our case work; the members of the student FLAC societies; and all of the volunteers in FLAC's office. We would particularly like to thank our volunteers who immediately offered their services at the beginning of the pandemic when the face-to-face clinics closed due to Government guidance. Their spirit of generosity at an uncertain time is to be admired.

We also wish to thank the Citizens Information Board, the staff and management of local Citizens Information Centres and the community-based organisations who facilitated and hosted the FLAC clinics all around the country. We acknowledge their support in adopting new and alternative services during the pandemic.

We must especially acknowledge and thank our amazing current FLAC staff for rising to the challenges posed by the pandemic and the move to working remotely. Without their work, commitment, energy and idealism we would not have been able to continue to offer our services to those most in need.

We are deeply grateful to all of our supporters who have shown their commitment to access to justice through donations and grants. Thank you to our funders - philanthropic, Government Departments, statutory bodies, the Law Society, the Bar Council, law firms, solicitors, barristers and individuals - who help us further our common goal of improved access to justice in Ireland.

This past year also marked my last as FLAC Chairperson after many years serving in that role. I have thoroughly enjoyed my years at the helm of such a dynamic and active organisation, constantly striving for change. FLAC has been at the centre of an alternative legal world and provides a place where progressive ideas and goals can be nurtured and pursued. It has been my privilege to serve as chairperson throughout a period of considerable expansion in the range of work and services in which FLAC is involved and a very significant increase in the number of lawyers who make their skills and talents available to our service users.

FLAC has come a long way from the volunteering work of its student founders. Our head office now houses a thoroughly professional staff whose skills are honed to the needs of those who cannot afford legal services.

I believe that FLAC is now at the forefront of the Human Rights NGO community in this country and has proven itself to be a respected and trustworthy advocate for the radical legal reform required to make Ireland a more just and equal society. On a personal level I would like to express my deep and abiding gratitude to all of the Council members with whom I have served over the years and to the incredibly committed and talented staff who have worked passionately and tirelessly to place FLAC front and centre in the quest for equal access to justice.

Peter Ward SC, FLAC Chairperson

SECTION ONE: Legal Information, Advice, Advocacy & Training

FLAC provides legal information, advice, advocacy and training in a number of different ways to enable people to assert and enforce their rights

2020 Highlights



Throughout Covid FLAC's telephone information and referral line remained open providing vital information and advice to callers



Employment law queries rose by 39% and for the last week in May 2020 and for the first time in FLAC's history there were more employment law queries than family law queries



FLAC established phone legal advice clinics for substantive urgent legal queries within 17 days of the face-to-face clinics closing



FLAC published Covid 19 information sheets on employment law, family law, rent supplement, social welfare PUP payment and borrowers' rights



210

social justice organisations received legal assistance from members of the PILA Pro Bono Alliance, an increase of 40% since 2019



Pro Bono Pledge Ireland was launched



74,467

People visited the FLAC website



FLAC celebrated 10 years of the PILA project



8,932

Downloads from the FLAC website www.flac.ie



Family law queries rose by 14%

TELEPHONE INFORMATION & REFERRAL LINE

FLAC was determined to ensure that people would continue to have access to legal information and advice during the Covid pandemic. FLAC's telephone information and referral line remained open throughout Covid.

In the absence of other sources of information, there was a huge demand on its services. FLAC was one of the first and at times last port of call for many, demonstrating the acute need for legal information and advocacy services.

FLAC's information line provided an insight into the urgent stressful situations that people were facing. During the initial months of Covid the staff and volunteers on the phonenumber were almost overwhelmed with complex new queries from people who had lost their jobs, had their wages or hours cut, were unable to pay rent, or were facing evictions. Some had been unable to work because of illness or health and safety concerns or lack of childcare. As 2020 progressed, and the effects of the

pandemic became long-term, FLAC received unprecedented numbers of family law queries in relation to access to children, and marital breakdown from families under pressure, this trend continued into 2021.

Given the closure of the face-to-face clinics, FLAC supported the phone line to provide more detailed legal information and advice by increasing the number and experience of staff responding to calls. It had to reduce the hours that the phone line was open to ensure quality control and to allow more substantive responses to callers. FLAC provided legal information to 12,468 callers to its Telephone Information and Referral Line in 2020, almost identical to the number of calls received the previous year despite the reduction in opening hours and the provision of more detailed information.

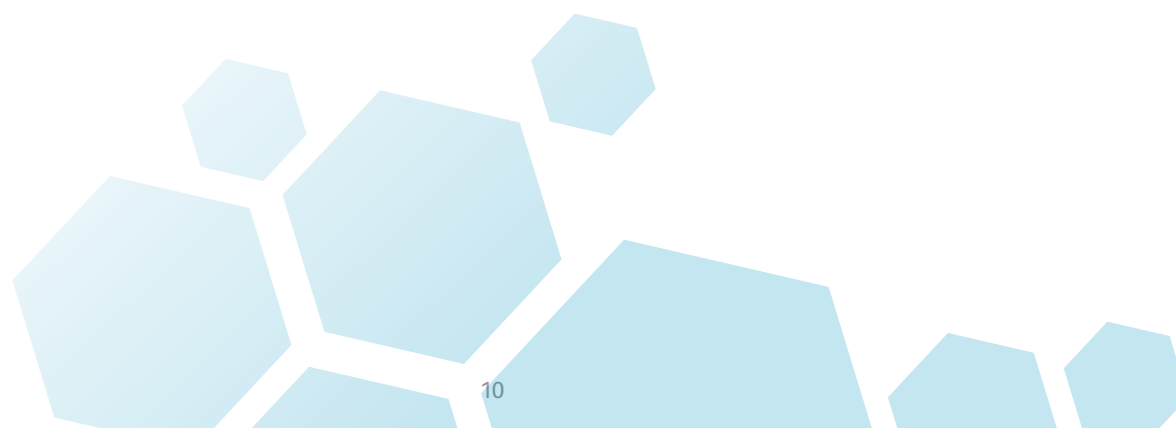


FLAC Telephone Information Line pre Covid-19



QUERIES TO FLAC'S TELEPHONE INFORMATION AND REFERRAL LINE 2020

Calls	%	Annual % change	Primary area of law:
3435	27.6	14.2	Family
1995	16.0	38.6	Employment
1010	8.1	18.7	Civil
827	6.6	-3.6	Criminal
754	6.0	-0.3	Will/Probate
693	5.6	3.1	Housing/Landlord & Tenant
570	4.6	45.0	Consumer
523	4.2	-68.0	Legal Services
382	3.1	-8.4	Credit & Debt
376	3.0	15.3	Property/Interest in Land
303	2.4	11.4	Client-Solicitor relations/issues
278	2.2	-20.1	Legal Aid
258	2.1	57.3	Neighbour disputes
243	1.9	10.0	Negligence/Personal Injury
221	1.8	0.5	Immigration/refugee
178	1.4	41.3	Social Welfare
147	1.2	-70.9	Other
137	1.1	10.5	Contract
72	0.6	16.1	Company
66	0.5	-5.7	Discrimination
12,468			<i>*Legal Services: Calls seeking details about FLAC advice clinics and other services</i>



What were the calls about?

27.6% Family Law:

Family law queries rose by 14% in 2020 compared with the previous year. This was partly due to a lack of other avenues for information on family law and partly due to family law issues being exacerbated by the pandemic and lockdown, particularly in relation to access arrangements and domestic violence issues. In 2020, over one-quarter of all queries were in relation to family law.

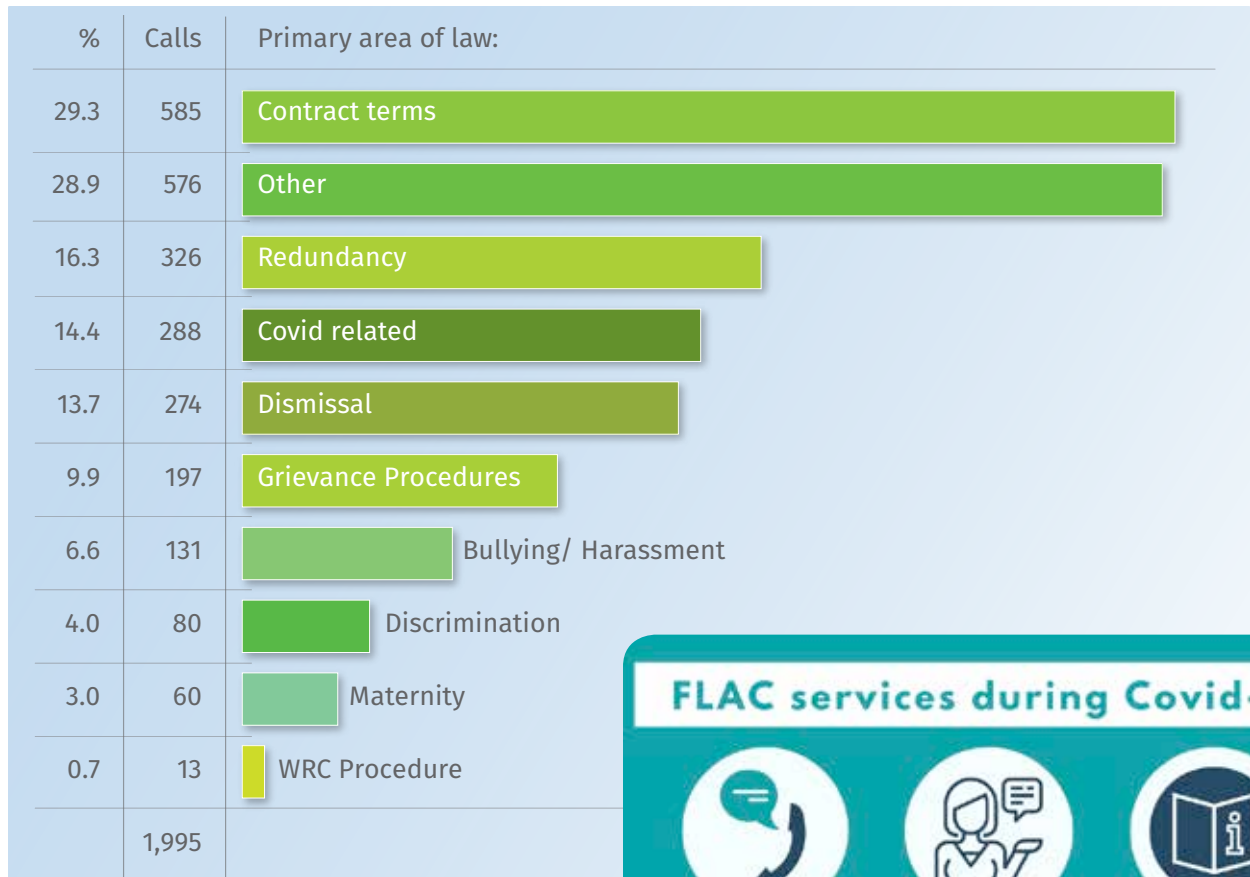
Of the Family Law calls:

- 39% of callers had a query that included a divorce or separation issue. Divorce/separation queries rose by 7% compared with the previous year.
- 28% had a query that included custody, access or guardianship. Custody/access/guardianship queries rose by 29% compared with the previous year.
- Almost 18% had a query that included maintenance.
- 420 callers (12%) had a query that related to domestic violence, which was a 48% increase in the number of domestic violence calls compared with the previous year.

FAMILY LAW QUERIES 2020

%	Calls	Primary area of law:
38.5	1322	Divorce/Separation
28.1	966	Custody/Access/Guardianship
17.5	600	Maintenance
12.2	420	Domestic Violence
11.9	408	Family Home
6.1	210	Other
3.8	131	Civil partnership/cohabitation
3.7	126	Childcare
1.3	43	Child abduction
1.1	38	Covid related
0.9	30	Nullity
	3,435	

EMPLOYMENT QUERIES 2020



16% Employment law queries

Covid related issues dominated the queries including queries concerning lay offs, refusals of and/or impositions of annual leave, refusal of leave for childcare and the harshness of the suspension of the right to claim a redundancy payment.

Employment law queries rose by 39% compared with the previous year and accounted for 16% of all calls last year.

Of the Employment Law queries:

- Almost 30% of employment law queries included an issue about the terms of a contract, an increase of 6% on the previous year.
- 16% included redundancy. This was almost triple the number of calls received regarding compared with other

redundancy the previous year. (326 calls in 2020 compared with 112 in 2019).

- 14% included dismissal. Almost 40% more than the previous year.
- 10% included grievance procedures. This was 8% more than the previous year.
- Almost 7% of employment calls were in relation to bullying or harassment, and 4% were in relation to discrimination.
- 3% of employment law calls were about maternity leave, which was double the number of maternity related calls received the previous year.

CIVIL QUERIES 2020

%	Calls	Primary area of law:
27.6	279	Other
25.0	253	Court proceedings
21.8	220	Tort
11.7	118	Data Protection
10.6	107	Power of Attorney
4.1	41	Ward of Court
3.1	31	Deedpoll
2.7	27	Covid related
2.0	20	Freedom of Information
1.0	10	Defamation
	1,010	

8.1% Civil queries

This category of calls includes civil queries that do not fall under the pre-defined list of areas of law. In 2020, eight per cent of calls were logged in this category.

Of the Civil queries:

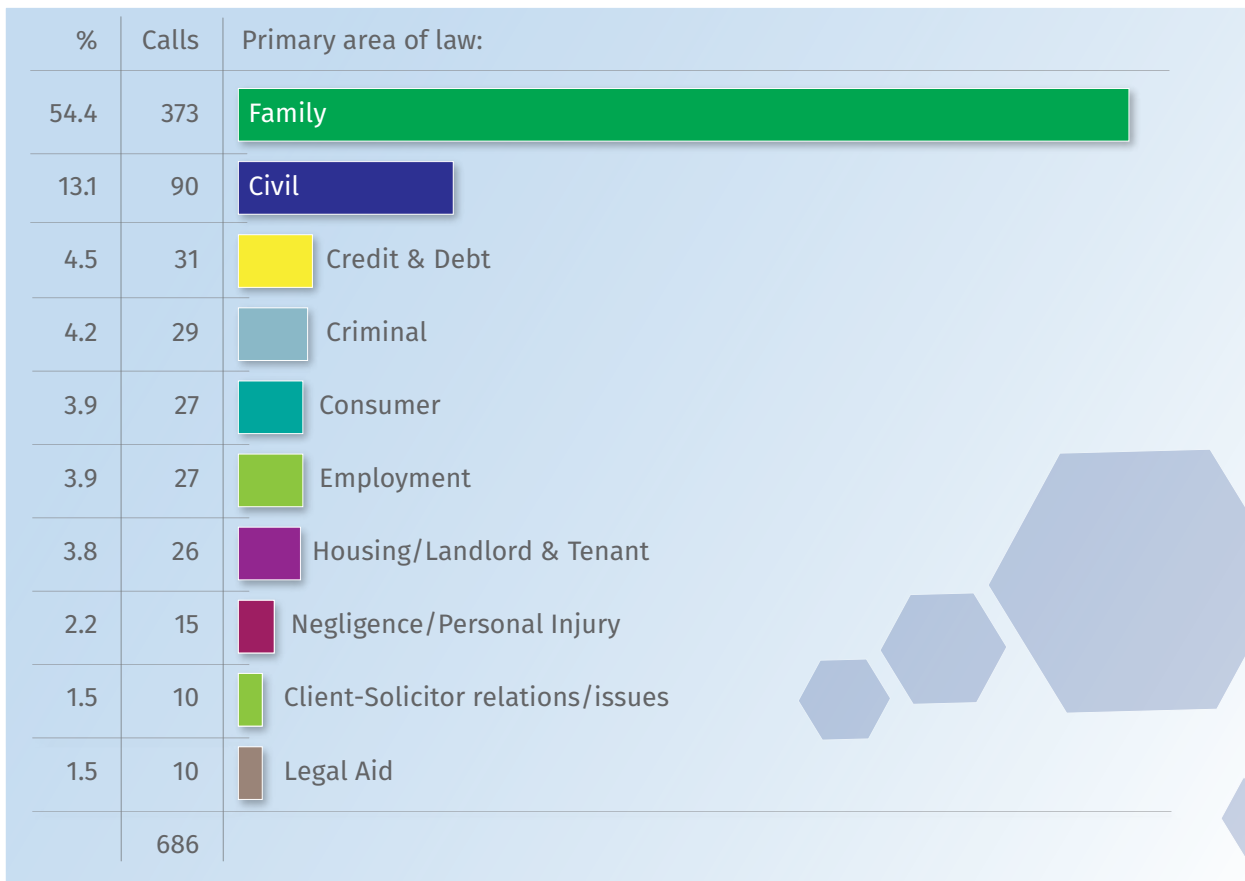
- 25% required information about court proceedings
- 22% had a query about tort
- 12% had a data protection related query
- 11% had a query regarding Power of Attorney

- Other civil queries included queries about wardship, name changes by deed poll, freedom of information and defamation, which each accounted for less than 10% of all civil queries.

“Please say a special thank you to my legal advisor for listening and for helping me last night.” –

Family Law Clinic service user.

TOP LAY LITIGANT QUERIES

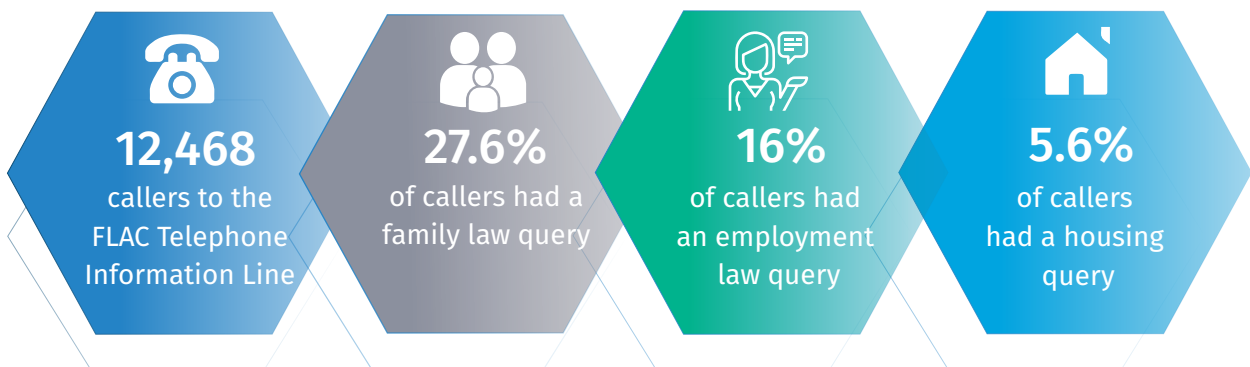


Lay Litigants

FLAC's information line regularly receives calls from lay litigants who are endeavouring to represent themselves in complex court cases and who are desperately in need of assistance, advice and representation which FLAC does not have the resources to provide. Lay litigants made up approximately 6% of callers to the information line, compared with just 4% of callers the previous year, which was an increase of almost 60%.

Of the queries from Lay Litigants:

- Over half (54%) had a family law issue, which was an increase of 80% on the previous year.
- 13% had a civil law issue.
- 4.5% had a debt related query.
- 4.2% had a criminal law issue.



— Queries to Flac's Telephone Information & Referral Line —



FREE LEGAL ADVICE CLINICS – Using our Resources in a Crisis

In line with Government guidance, we closed all of our FLAC clinics on 12th March 2020. Our team of over 550 volunteers and network of Citizen Information Service partners suspended their activity. Almost immediately, a large number of volunteers expressed their interest in being involved in the provision of remote free legal advice.

By Wednesday the 18th March all staff moved to working remotely from home. In the following two weeks and in the rapidly changing environment we began working to develop an alternative to face-to-face clinics and to mobilise the good will of FLAC volunteers.

Free Legal Advice Clinics via phone

The cross team working group identified a framework of Free Legal Advice Phone Clinics as the most appropriate, immediate and responsive alternative to face-to-face clinics. All Information Line staff and volunteers were briefed in triaging when booking appointments and began to provide phone advice clinics for urgent and substantive issues. We developed new Supplementary Volunteer Guidelines, Service User Data Protection and

Processing Statement and a Volunteer Data Protection and Processing Statement.

Moving Services online

In a period of just three weeks, we developed new infrastructure to facilitate online rostering for clinics, online appointment booking and confirmation systems, and registration of volunteers. Our Data Collection Programme also moved online.

Invaluable Volunteering

Demonstrating the qualities of generosity and pragmatism synonymous with FLAC volunteers, over one hundred solicitors and barristers volunteered to continue to provide legal advice remotely to those most in need.

QUERIES IN LEGAL ADVICE CLINICS 2020

Queries	%	Primary area of law:
1629	33.5	Family
1167	24.0	Employment
354	7.3	Will/Probate
326	6.7	Other
243	5.0	Housing/Landlord & Tenant
218	4.5	Property/Interest in Land
215	4.4	Consumer
166	3.4	Immigration/refugee
163	3.4	Criminal
157	3.2	Negligence/Personal Injury
134	2.8	Credit & Debt
85	1.7	Neighbour disputes
63	1.3	Client-Solicitor relations/issues
54	1.1	Social Welfare
4,860		



LEGAL ADVICE CLINICS



Face-to-face clinics

Prior to the pandemic FLAC clinics took place primarily in Citizens Information Centres around the country. Between January and March 2020, we received data for 2,535 consultations which took place in 65 locations. In line with government guideline, these clinics halted in March.

One CIC however continued to offer clinics over the phone answering a further 123 consultations.

In total 2,658 free legal advice consultations in CICs took place.

Phone clinics

In March 2020, FLAC began to operate phone based legal advice clinics for more detailed advice. Between March and December, 2202 appointments were made for 543 phone clinics via FLAC’s Telephone Information and Referral Line.

Almost 18% of all service users were referred on to a phone clinic (38% of service users with an employment law query were referred on to a phone clinic, and 20% of those with a family law query). Family and employment law queries made up almost two thirds of all queries referred on to the phone clinics in 2020.



Employment law

Almost one quarter of all queries in the FLAC clinics last year were in relation to an employment law query.

Our Strategic Plan identifies remote clinics as an area for development. Covid -19 provided the momentum for the testing of remote clinics. By the end of 2020, we successfully applied for funding to review and evaluate our technology with the intention of expanding and improving remote services as an alternative way of working in the future.

Of the Employment Law queries:

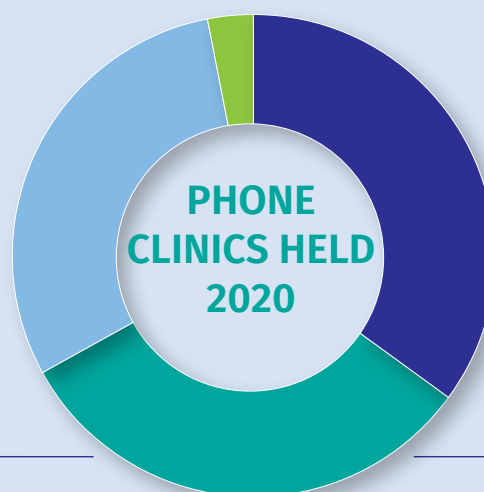
- Almost 27% of these included an issue with a contract.
- 21% included dismissal.
- 15% included redundancy.
- 10% included discrimination.

Family Law

One third of all queries at the FLAC clinics last year were in relation to family law, which was a similar percentage to the previous year.

Of the Family Law queries:

- Family law queries accounted for 34% of all consultations.
- 53% of these family law queries included a divorce or separation.
- 29% included custody, access or guardianship, and 23% included maintenance.
- Queries which included domestic violence accounted for 10% of all family law queries.



- 35% Employment
- 34% General
- 28% Family
- 3% Immigration

FLAC Covid-19 Information Leaflets

FLAC prepared information leaflets on the main Covid related issues coming up on the telephone information line including Family Law, Social Welfare, Employment law and Borrowers Rights. You can view these FLAC sheets at <https://www.flac.ie/help/online/>



“ I have met and spoken to individuals from diverse backgrounds: ethnic origin, sexual orientation, gender and family status, and each person has a story.

Some individuals found themselves in the situation where they needed immigration law advice because they listened to friends/family who misinformed them, or they had a lack of understanding of the immigration system often coupled with language barriers or being in abusive relationships. Queries include soon-to-expire residency permits, regularising immigration status, EU Treaty Rights or naturalisation queries etc. It is a huge burden on their shoulders and some of the people who present at the clinic express feelings of anxiety, depression and fear. Some come to the clinic very afraid – they think the guards might knock on their door and whisk them away...

...Due to Covid-19, the clinics now take place over the phone usually at a preferred date and time from my home. Despite the pandemic situation, I am still able to keep volunteering. Though the physical interaction and the body language is missing, I can detect from their voices how they are feeling and try to put their minds at ease, providing them with the necessary information, and wishing them the best in their endeavours.

The FLAC clinics provide the opportunity for people to be heard and informed. Lives are being transformed for the better and indeed a little advice does go a long way.

Go raibh maith agaibh! ”

Bolanle Fowokan, FLAC Volunteer,
speaking at a FLAC event in October 2020





FLAC Website

In 2020 we had;

- 74,467 Users
- 271,175 Page Views
- 8,932 Downloads

Advising the Advisors: Specialist Advice and technical support for MABS

FLAC supports advisors working in Citizens Information Services (CIS) and in the Money Advice and Budgeting Service (MABS) who are themselves assisting their clients at a local level.

Technical support for MABS

FLAC provided legal technical support to the Money Advice and Budgeting Service (MABS). A full review and written assessment of the case was provided in 81 cases, in the areas of mortgage arrears, repossession proceedings, enforcement of unsecured debts or consumer credit rights.

National Volunteer Week

We celebrated National Volunteering Week 2020 virtually by bringing together our staff, volunteers, colleagues and partners to thank all of our wonderful volunteers via video message.

We also posted a ‘Meet our Volunteer’ interview series with Bolanle, Pat, Sharon and Lizzie.

Read more at <https://www.flac.ie/news/2020/09/21/national-volunteering-week-2020/>

PILA Bulletin

PILA publishes and distributes the fortnightly PILA Bulletin with a roundup of human rights and public interest law news, events and jobs from around the world. Over 2,300 people in the legal profession, NGO sector and academia in Ireland and abroad receive the PILA bulletin.

You can check out the latest PILA Bulletin at www.pila.ie/resources/bulletin or get it straight into your inbox by subscribing to bulletin@pila.ie.

LEGAL ADVICE FOR ORGANISATIONS – the PILA Pro Bono Referral Scheme

PILA (Public Interest Law Alliance) is a project of FLAC that promotes the use of law in the public interest in Ireland, by engaging the legal community and civil society in using the law to advance positive social change.

In 2020, PILA

- Directly assisted 220 social justice organisations through its Pro Bono Referral Scheme.
- Celebrated 10 years of the PILA project.
- Hosted the launch of Pro Bono Pledge Ireland.
- Took on almost 200 new legal advice and litigation referrals from partner NGOs.
- Facilitated 4 Law Reform Working Groups, tackling issues such as disability rights, Traveller discrimination and barriers to public interest litigation.
- Ran 9 Legal Education Sessions, training almost 400 NGO staff.
- Held 5 roundtables on judicial review, international protection and pro bono practice.
- Supported an alliance of 170 organisations, 50 law firms, 350+ barristers and 8 in-house legal teams.

The Pro Bono Referral Scheme facilitates access to pro bono legal services for social justice organisations. PILA also seeks to break down barriers to public interest litigation, and maintain public interest law as the foundation of clinical legal education in Ireland.

Pro Bono Referral Scheme

Throughout a difficult year, PILA continued to work hard to make sure organisations in need had access to pro bono legal support that has helped them survive and thrive in delivering their crucial work – the importance of which has been made devastatingly clear during the pandemic.

In 2020, our network of 50 law firms, 350 barristers and 8 in-house legal teams delivered direct legal assistance to 210 NGOs, community organisations and independent law centres. In all, we increased our services to partner organisations by 40%.

The nationwide lockdown understandably presented a number of organisational challenges for NGOs, leading to 50% of all referrals being in the areas of corporate governance, employment law, contracts and data protection.

As part of our Covid-19 response, PILA compiled a resource for organisations on some of the key legal issues presenting. We also collaborated with TrustLaw and our legal partners A&L Goodbody, Arthur Cox and McCann FitzGerald to host a webinar series for NGOs and social enterprises on employment law, charity law and contracts.

TEN YEARS OF PILA

We also marked a decade of the PILA project with the launch of 'Challenging Injustice, Championing Change: PILA Impact Report 2009-2019' at an online event where partner organisations learnt more about how to tackle pressing social issues through accessing pro bono legal services. You can view the report and watch the online launch here <https://www.flac.ie/publications/challenging-injustice-championing-change-pila-imp/>

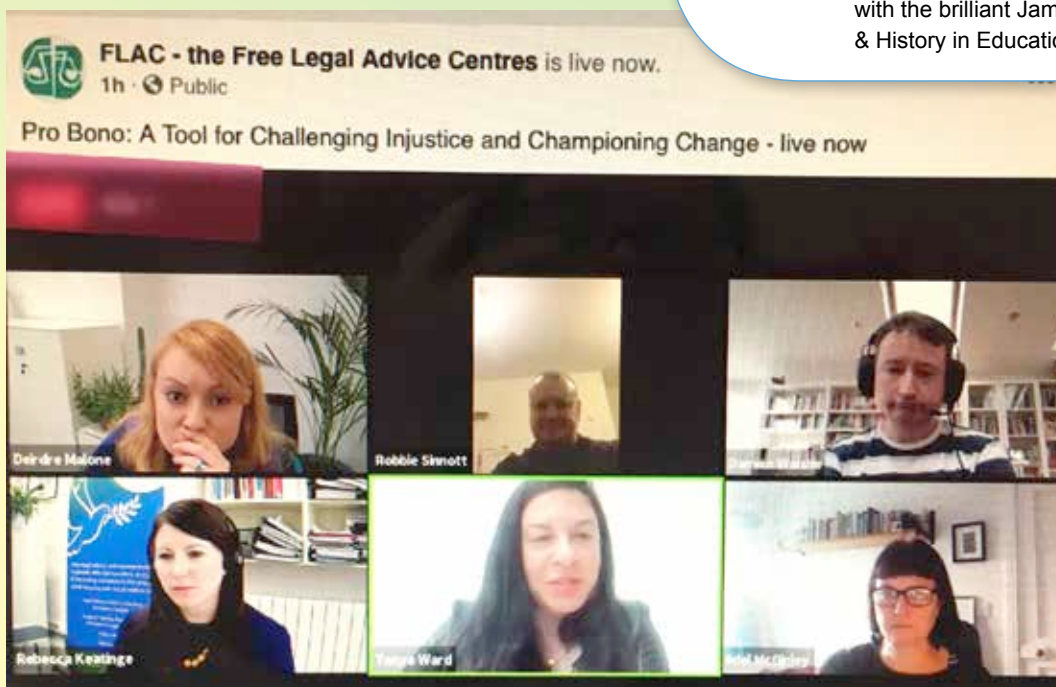


 **Stephen O'Hare** @SOHare75 • Oct 13, 2020

The vital importance of a project like @PILAIreland is immeasurable. Here's to the next 10 years folks! @flacireland

 **Colette Kelleher** @Colette Kelleher • Oct 13, 2020

@PILAIreland do great work in bridging the gap between people who are marginalised and the justice they deserve. The work they did together with the brilliant James Kane on Traveller Culture & History in Education Bill 2018 a great example.



Left to right; Deirdre Malone, PILA Legal Manager; Robbie Sinnott, Blind Legal Alliance; Damien Walshe, Independent Living Movement Ireland; Rebecca Keatinge, Mercy Law Centre; Tanya Ward, Children's Rights Alliance; and Edel McGinley, Migrant Rights Centre Ireland.

Pro Bono Pledge Ireland

PILA finished out the year with the launch of Pro Bono Pledge Ireland – a new initiative which asks the legal profession to commit to promoting access to justice by providing free legal assistance to those in need. The Pledge was developed by an independent grouping of law firms, barristers and in-house legal teams with a presence in the Republic of Ireland who have come together to affirm their commitment to delivering pro bono services in Ireland. The Pledge is coordinated by PILA. Read about the Pledge at www.probonopledge.ie

The Pledge provides a common definition of pro bono legal work, a commitment to a minimum aspirational target of 20 pro bono hours per lawyer per year and a mechanism to benchmark progress through annual reporting of anonymous pro bono data.

The Pledge is supported by the Bar of Ireland, The Law Society of Ireland and the Dublin Solicitors Bar Association, and now has over 100 Signatories – representing more than 2500 solicitors and barristers.

You can view the video about the Pledge here <https://www.youtube.com/watch?v=F55Bjg9l0yc>

FLAC @flacireland • Nov 26, 2020

Minister of State for Law Reform @JamesBrowneTD, officially launching #ProBonoPledgeIreland, speaks of the important role of pro bono work in disadvantaged and vulnerable communities @DeptJusticeIRL



From left to right; Eilis Barry, FLAC CE; Peter Ward SC, FLAC Chairperson; Maura McNally SC, Chair of the Council of The Bar of Ireland; James Cahill, President of the Law Society of Ireland and James Browne TD, Minister of State for Law Reform.



PRO BONO REFERRAL SCHEME

PILA's Pro Bono Referral Scheme gives NGO partners access to pro bono:

LEGAL ADVICE – on organisational issues or in line with policy and campaign work;

LAW REFORM WORKING GROUPS – where lawyers and NGOs come together to work to implement social change;

STRATEGIC LITIGATION SUPPORT – including pre-litigation advices and casework that may benefit a wider group;

LEGAL EDUCATION SESSIONS – to better equip NGO staff in navigating the law; and

SIGNATURE PROJECTS – where a law firm and NGO partner collaborate to fill a particular unmet legal need.



To sign the Pledge visit www.probonopledge.ie



FLAC @flacireland • Nov 26, 2020

Maura McNally SC on behalf of @TheBarofireland tells us pro bono work is needed as our “legal aid scheme is creaking at the seams”.

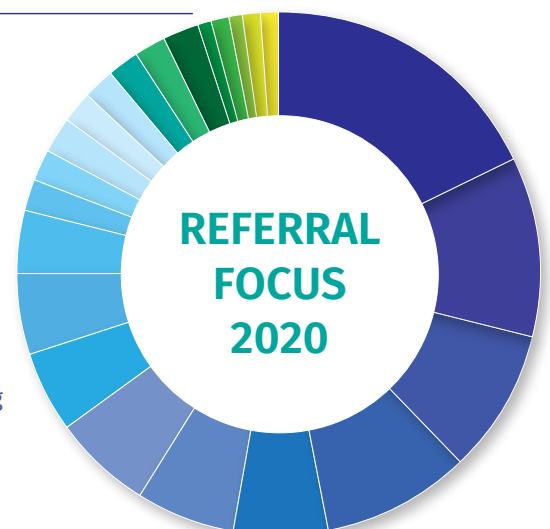


Dr Maeve O'Rourke @maeveorourke • Nov 26, 2020

Congratulations @PILAIreland, Rachel Power, @DeirdreMalone9, @flacireland, @TheBarofireland, @LawSocireland & all of the many individuals and firms making a historic #probonopledge.

@LawSocireland also now rightly urging Govt @HMcEntee to properly fund criminal & civil legal aid.

- | | |
|---------------------------------|-------------------------------|
| Corporate Governance | Refugee & Asylum |
| Employment Law | Health |
| Contracts | Family Law |
| Data Protection & Privacy | Older People |
| Disability | LGBT |
| Social Welfare & State Pensions | Education |
| Migration | Women's Rights |
| Environment | Legal Services & Proceedings |
| Housing and Homelessness | Children |
| Criminal | Transparency & Whistleblowing |
| Admin | International Human Rights |
| Prisoners | |



Nasc, the Migrant & Refugee Rights Centre
@NascIreland • Oct 13, 2020

Huge thanks to @flacireland and @PILAireland for a fascinating webinar this morning. @PILAireland's support has been essential to Nasc's work over the years & has helped us secure access to justice for our clients on family reunification, reception rights, citizenship and more.



Examples of pro bono support from 2020:

Covid: Legal opinion on government obligations to those in congregated settings, such as Direct Provision and emergency accommodation, during a pandemic.

Housing: Drafting of amendment to legislation to impose stay on eviction to prevent homelessness in certain circumstances.

Anti-racism: Research project on the rights of the child and the obligations on schools to engage in anti-racism.

Discrimination: Legal representation for challenge to age-related hike in insurance.



“As you know, charities and not-for-profit’s are going through much-needed legislative and cultural change at the moment. Cultural change may take longer and the written constitutions of charities and not for profits can provide the foundation by which they can be directed into the future. At the same time, it is both difficult and costly to obtain specialised legal advice in this area.

This is where we found the Public Interest Law Alliance of great value. The expert lawyers very quickly and efficiently answered difficult constitutional questions which had confused us for some time. This brought certainty to our deliberations at board level and avoided potential conflicts. We are grateful for this.

Your approach is professional, friendly and well grounded. You understand the inequalities and indeed the injustices in the present system. For those of us living with these inequalities there is a sense of solidarity with you and your mission. Keep doing the great job you are already doing.” –

PILA partner organisation

LEGAL EDUCATION AND TRAINING



FLAC @flacireland • Dec 1, 2020

Finishing our #flacvolunteer conference series for 2020 Owen Keany, BL is speaking to 103 volunteers and colleagues from @citizensinfo on changes to employment legislation. #accesstojustice

NGO training

PILA Legal Education Sessions

PILA ran 9 of legal training sessions for over 400 NGO staff in order to help them understand the law and assist service users in navigating it more effectively. The topics included charity law, employment law, data protection, contracts and criminal procedures.

Special thanks to April Duff, Catherine Cosgrave, Diego Gallager, Helen Coughlan, Ian Marder, Keith Walsh, Nuala Jackson, Owen Keany, Paul McCarthy, Ciarán Ahern and Paul Joyce for providing training to our volunteers in 2020.

FLAC Volunteer Training

Frequent changes to legislation in response to Covid-19 meant keeping our volunteers up to date took on new significance and urgency. Our Continuous Professional Development (CPD) Volunteer Training Programme went online. We delivered seven key training events (1 face-to-face 6 online) with 485 people attending training in the areas of Restorative Justice, Family, Employment, Housing and Immigration Law. Over 180 CPD certificates issued.



Housing Law Round Up with FLAC Volunteer April Duff BL on 27 October 2020



FLAC Volunteer Conference Series with Catherine Cosgrave, Paul McCarthy SC and Owen Keany BL.

FLAC @flacireland • Jun 17, 2020

Ellis Barry, Chief Executive of FLAC welcomes over 100 #flacvolunteers to our webinar on '#familylaw during #Covid19'.

Many thanks to Nuala Jackson, @HelenCoughlan11 @KWSolicitors and Diego Gallagher for giving their time and skills.



- A Health and safety and related employment rights issues at Migrant Rights Centre of Ireland (MRCI) webinar for employees in the meat industry in September 2020.

Other training events

Paul Joyce, FLAC's Senior Policy Officer spoke at the following;

- A zoom training session for MABS advisors on consumer credit legislation.
- 'Employment Rights in the 21st Century', an event to celebrate the launch of the Kings Inns Law Review in February 2020.

Pilnet Virtual Forum 2020

Ellis Barry took part in the expert session led by the Centre for Law & the Environment focused on Climate Change, Human Rights and Public Interest Law.

You can view the video of the talk here - <https://www.pilnet.org/2020-pilnet-virtual-global-forum-videos/addressing-climate-change/>



Family Law Webinar featuring Ellis Barry, FLAC CE, Ingrid Colvin, FLAC National Volunteers and Clinics Manger, Nuala Jackson, Helen Coughlin, Keith Walsh and Diego Gallagher on 17 June 2020.



FLAC Volunteer Employment Law Training with Paul Joyce and Ciaran Ahern BL

SECTION TWO: Litigation in the Public Interest and Strategic Casework

Litigation in the Public Interest: 2020 Highlights



High Court judgment clarifies the obligation on local authorities to deal with an application for social housing supports within the statutory time limit.



The Traveller Legal Service was formally launched in July 2020.



A claimant's Jobseeker's Benefit was disallowed while she travelled abroad and for two weeks following her return on the basis that the regulations allowing for payment during absences from the State had been "suspended" during the pandemic by a non-legislative Circular. This was successfully appealed.



A 64-year-old woman was awarded compensation in an Employment Equality discrimination claim on grounds of age and disability, after she was summarily dismissed from her employment in June 2019 for the stated reasons of her health and age.



A resident in Direct Provision whose claim for the Covid PUP was refused in March 2020 on the basis that she was in receipt of the Daily Expenses Payment received a €7000 back-payment.



Two complaints on behalf of a Roma woman in relation to discrimination in access to services and harassment against a shopping centre and security firm were settled.



The CJEU issued its judgment in Data Protection Commissioner v Facebook & Max Schrems and found that the Privacy Shield decision of the EU Commission is invalid. FLAC represented EPIC, the Electronic Privacy Information Centre, a Washington-based NGO to act as an amicus curiae ("friend of the court")



An Employment Equality claim against an employer whose recruitment procedures involved asking FLAC's client to complete an invasive "Medical History Form, which would have required her to disclose the fact that she is transgender, was settled on confidential terms.



FLAC launched The FLAC Casebook, a legal blog

LITIGATION IN THE PUBLIC INTEREST

FLAC, as an Independent Law Centre, takes on a number of cases in the public interest each year. These cases may have the potential to benefit a wider group of people as well as being important for the individual client. FLAC also runs a weekly Roma Legal Clinic and provides a Traveller Legal Service.

Overview of casefiles

FLAC had 102 active casefiles in 2020 with 41 new casefiles in 2020 in addition, to the 61 casefiles, opened in previous years, which remained active in 2020.

Housing, Social Welfare and Discrimination matters remain the areas of law in which FLAC most often provides legal representation.



THE FLAC CASEBOOK

WWW.FLAC.IE/BLOG/

The FLAC Casebook

FLAC launched The FLAC Casebook, www.flac.ie/blog, a legal blog which provides updates about ongoing case work and also allows us to carry out case studies and deeper analysis of key issues that FLAC's litigation team encounter in their work.

Traveller Legal Service

The Traveller Legal Service (TLS) was formally launched on 27 July 2020 with the support of the Community Foundation for Ireland, to respond to the enormous unmet legal need that exists within the Traveller community through representation in strategic litigation and through the provision of training and support to advocates working with the community.

The TLS functions under the auspices of a Steering Group of national Traveller organisations: the Irish Traveller Movement, the National Traveller Women's Forum, Pavee Point, Exchange House, Minceirs Whiden, the National Traveller Mortgage Advice and Budgeting Service and Involve. The Steering Group organisations were the driving force behind the creation of the TLS and provide it with an essential link to the Traveller community.

Equality rights and accommodation were identified at the inception of the TLS as requiring urgent legal input. The TLS functions on the basis of referrals from advocates working with the Traveller community in circumstances where advocacy efforts have proved unsuccessful and legal input is required.

NEW CASEFILES BY AREA OF LAW

%	New casefiles	Area of Law
39	16	Housing
34	14	Discrimination/Equality
22	9	Social Welfare
5	2	Other
	41	

ALL ACTIVE CASEFILES IN 2020 BY AREA OF LAW

Files Carried Over	New Files	Total Active Files	% Total Active Files	Area of Law
23	16	39	38.2	Housing
18	14	32	31.4	Discrimination/Equality
15	9	24	23.5	Social Welfare
2	0	2	2	Citizenship
1	0	1	1	Data Protection
2	2	4	3.9	Other
61	41	10		

The strategic merit of a case is assessed according to the criteria that has been developed by the TLS in cooperation with the Steering Group. Application of the criteria ensures that the TLS brings cases with the potential to develop, enforce or clarify the law in a particular area and be of benefit to the community more generally.

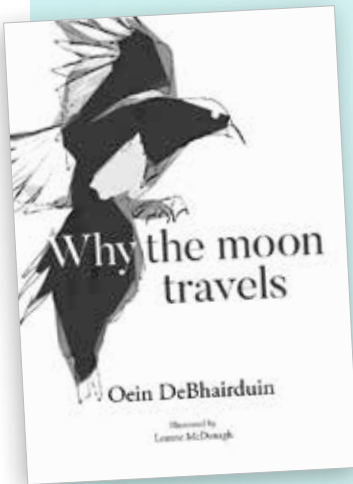
In addition, the TLS aims to provide training to Traveller advocates to assist them in managing a complex legal landscape on behalf of their clients. Guidance notes and in-person training will be provided throughout the lifetime of the TLS. 32 of the 102 casefiles which were active in 2020 were opened on behalf of members of the Traveller Community.

Launch of FLAC Traveller Legal Service

FLAC officially launched the new dedicated Traveller Legal Service, supported by The Community Foundation of Ireland and in cooperation with a Steering Group made up of representation from the national Traveller organisations, on Monday July 27th 2020.

The online launch provided information on the background to this new initiative and set out the objectives of the service.

Chaired by FLAC Chief Executive Eilis Barry, the online event heard from Maria Joyce (Coordinator, National Traveller Women's Forum), Christopher McCann (FLAC Solicitor), Denise Charlton (CEO of the Community Foundation of Ireland) and Colette Kelleher (Independent Advisor & Senator 2016-2020).



We closed the event with a reading by Oein DeBhairduin from his new book, 'Why The Moon Travels'.

From left to right; Colette Kelleher, Independent Advisor & Senator 2016-2020; Top; Denise Charlton, CEO of the Community Foundation of Ireland; Bottom; Eilis Barry, FLAC CE; Maria Joyce, National Traveller Women's Forum; and Christopher McCann, FLAC Solicitor and Bottom.



ALL ACTIVE TRAVELLER LEGAL SERVICE* CASEFILES IN 2020 BY AREA OF LAW

Files Carried Over	New Files (% of NewFiles)	Total Active Files	% Total Active Files	Area of Law
11	12 (63.2)	23	71.9	Housing
2	6 (31.6)	8	25	Discrimination/Equality
0	1 (5.3)	1	3.1	Other
13		32		

* These figures also reflect case files which were active during 2020 but which were opened prior to the launch of the TLS.



FLAC's Litigation Team at the Launch of the Traveller Legal Service



“The Traveller community in Ireland suffers enormous marginalisation and discrimination. There is significant unmet legal need which this new service will begin to address in a strategic way”

- Christopher McCann, FLAC Traveller Legal Service solicitor

Roma Legal Clinic

FLAC continued to operate its dedicated Roma Legal Clinic in 2020. The clinic is funded by the Department of Children, Equality, Disability, Integration and Youth’s National Traveller and Roma Inclusion Strategy.

44 of the 102 casefiles which were active in 2020 were opened on behalf of callers to FLAC’s Roma Legal Clinic.

ALL ACTIVE ROMA LEGAL CLINIC CASEFILES IN 2020 BY AREA OF LAW

Files Carried Over	New Files (% of NewFiles)	Total Active Files	% Total Active Files	Area of Law
14	5 (41.7)	19	43.2	Social Welfare
9	4 (33.3)	13	29.5	Housing
8	3 (25)	11	25	Discrimination/Equality
1	0	1	2.3	Citizenship
32		44		

Data Protection Commissioner v. Facebook & Max Schrems

FLAC represented EPIC, the Electronic Privacy Information Centre, a Washington based NGO, to act as an amicus curiae (“friend of the court”) in Data Protection Commissioner v Facebook & Max Schrems which concerned privacy protection for transatlantic data transfers. As an amicus curiae, EPIC provided the High Court and the Court of Justice of the European Union (CJEU) with a comprehensive assessment of the strengths and weaknesses of the US legal system and the protection afforded to the personal data of people resident in the EU, including Ireland. This perspective was of assistance to both the High Court and the CJEU in assessing the adequacy of US law from an EU data protection perspective.

In July 2020, the CJEU issued its judgment and found that the Privacy Shield decision of the EU Commission is invalid. The decision made a finding that the transfers of personal data relating to EU Citizens from the EU to the US enjoyed an adequate level of protection for the purpose of EU law. The Court found, however that such data could be subject to interference by US authorities for national security reasons, but that such interference was not attended by adequate legal safeguards to provide a level of protection essentially equivalent to that afforded by EU law. In particular it was found that access to the data of EU citizens transferred to the US was not accompanied by safeguards in terms of limitations on access and use and adequate judicial oversight and remedies in respect of wrongful access.



Alan Butler, Executive Director
and President of the Electronic
Privacy Information Center (EPIC)
in Washington DC

Housing Casework

Casefiles on housing, homelessness and landlord and tenant issues formed the largest category of total casefiles dealt with in 2020 (38.2%) and the largest number of new files opened (39%). Housing was also the most common area dealt with by the Traveller

Legal Service in 2020 (71.9%) and the largest number of files opened by that service (63.2%).

One-third of new casefiles opened on behalf of callers to FLAC's Roma Legal Clinic related to housing matters and 29.5% of active casefiles arising from that service related to housing.

Housing Casework Updates and Outcomes:

- FLAC acted in two linked applications to the European Court of Human Rights. Both complaints relate to eviction proceedings under the Planning and Development Act 2000 against Travellers on an unofficial site where they had lived for several years. Neither complainant was represented at the eviction proceedings. The case is yet to be determined and the Court has sought submissions on the merits and admissibility of the complaints.
- FLAC was granted leave to seek Judicial Review in two housing cases in 2020, and acted in a further seven sets of JR proceedings relating to housing matters in which leave was granted prior to 2020. Of these nine cases, seven settled in favour of FLAC's clients, judgment issued in favour of FLAC's client in one case and the final case awaits hearing.
- FLAC opened three case files on behalf of Travellers who were living on unofficial encampments and were faced with eviction proceedings. In one such case, on foot of representations from FLAC's Traveller Legal Service, a local authority agreed

to not enforce the eviction notice, and to leave the client in situ until sufficient services were provided on the unofficial halting site where she and her children previously resided.

- FLAC opened two new case files in relation to access to emergency accommodation.
- FLAC opened four new case files in relation to access to Traveller-specific accommodation and a further four files in relation to standards in Traveller-specific accommodation.
- District Court proceedings taken against a local authority in light of a failure to address and take action to prevent a significant fire hazard at a halting site settled in favour of FLAC's client.



Housing Circular 41/2012

In 2020, FLAC also opened two new files on behalf of Roma families who were excluded from accessing social housing supports on the basis of a Departmental Housing Circular. FLAC also continued to act for three further Roma families whose access to social housing support was impeded by the circular. In each case, following representations and/or legal proceedings issuing from FLAC, the families' housing applications were assessed and they were added to the housing list.

Housing Circular 41/2012 was introduced in December 2012 for the stated purpose of providing "advice [to local authorities] considering whether to accept an application for social housing support from a non-Irish national". Circular 41/2012 purports to exclude certain categories of EU nationals from accessing social housing supports. Paragraphs 5 and 6 of the Circular states that local authorities should only assess housing applications from non-Irish EU/EEA nationals where: they are in employment in the State; they are unable to work due to accident or injury, or; they are a jobseeker with a record of 52 weeks employment in the State.

Two serious issues with the Circular have repeatedly arisen in FLAC's casework. First, there is no clear legal basis for the circular but it is rigidly applied by local authorities. Second, the Circular is contrary to EU law in a number of respects. These issues are explored in further detail in a post on The FLAC Casebook, which also includes further case studies in relation to FLAC's work in this area in 2020.

Visit www.flac.ie/blog



FLAC Managing Solicitor Sinead Lucey

Case Study: H & H v South Dublin County Council [2020] IEHC 250

An elderly Roma couple who had resided in Ireland for over 12 years became homeless in April 2018 after their landlord terminated their tenancy and they began to access night-to-night emergency accommodation. They both had significant medical conditions and night-to-night accommodation proved manifestly unsuitable for them. They then began to reside with a relative in Portlaoise in overcrowded accommodation. FLAC made representations to South Dublin County Council on their behalfs in December 2018 seeking “family hub” emergency accommodation for the couple. The couple had previously made an application for social housing supports to the Council, but the Council had written to the couple stating that their application could not be assessed on the basis that they did not have a history of 52 weeks employment in the State.

FLAC assisted them in submitting a fresh application in January 2019 and asserting that the couple had a right of permanent residence in the State under EU law, and their employment history was wholly irrelevant to their entitlement to social housing supports. No response was received to the fresh application. Judicial Review proceedings were initiated in July 2019 in relation to the Council’s failure to assess the application. At the hearing of that case, the Council maintained that the couples’ earlier application was still under consideration and that they could not submit a second application.

Mr Justice MacGrath issued judgment in favour of FLAC’s clients in March 2020 resulting in a requirement to have their second housing application determined. On foot of that judgment, their application was assessed by the Council and they were deemed eligible for social housing supports.

The judgment of Mr Justice MacGrath clarifies the obligation on local authorities to deal with an application for social housing supports within the three-month statutory time limit. He notes that the duty to comply with this obligation

“arises in the context of the statutory regime addressing, in so far as is possible, the important social objective of assisting the homeless and those without or in need of housing”

The judgment also clarifies that social housing law allows for fresh applications for social housing to be made, particularly fresh applications arising from a change in circumstances, and that those applications must also be assessed within the statutory time limit.

Social Welfare Casework

Social Welfare cases represented 23.5% of total active casefiles in 2020 and 22% of new files opened.

Social Welfare files constituted the largest category of casefiles dealt with on behalf of callers to the Roma Legal Clinic (43.2%) and the largest number of new files opened by that service (41.7%).

The casework outcomes listed below illustrate the barriers Roma in Ireland face in accessing public services. In particular, they illustrate issues around the quality of first-instance social welfare decision-making and the disproportionate impact of the Habitual Residence Condition on marginalised groups such as Roma.

The “Social Welfare and the Covid-19 Pandemic” section of this report includes updates on further Social Welfare casework undertaken by FLAC in 2020.

Casework Updates and Outcomes:

FLAC acted for a client who had an **overpayment** of over €16,000 assessed against him in respect of a claim he made for Jobseeker’s Allowance over ten years ago. FLAC appealed the decision on the basis that there was no evidence to suggest that our client was not entitled to the payment during that period and on the basis that his right to fair procedure had not been followed in assessing the historic overpayment. In accepting FLAC’s submission and quashing the decision to assess the overpayment, the Appeals Officer commented as follows on the Department’s actions: “the lack of a prudent investigation and application of natural justice is lamentable”.

9 of the 19 active Social Welfare files opened on behalf of callers to the Roma Legal Clinic related to issues around satisfying the **Habitual Residence Condition:**

- Two casefiles on behalf of Roma women who have been resident in the State for over 10 years. The women were refused access to social welfare supports in respect of their families several times on the basis that they did not satisfy the Habitual Residence Condition. On foot of a request for a review of decisions refusing their applications for Child Benefit, both were awarded the payment, effective from October 2018.
- Another client received €4,500 in arrears of Jobseeker’s Allowance on foot of a successful social welfare appeal in relation to his entitlement to the payment after he suffered an injury at work which resulted in the loss of his employment. He had originally been refused the payment on the basis that he could not satisfy the Habitual Residence Condition as he had no right to reside in the State. The Appeals Officer accepted FLAC’s submission that his work history gave rise to a right to reside in the State.
- In a similar case, a client who had become involuntarily unemployed received a back payment of Jobseeker’s Allowance in respect of a 14-month period on foot of a successful social welfare appeal. The issues in that case also related to a finding at first instance that FLAC’s client did not satisfy the Habitual Residence Condition. Again, her employment record was found to give rise to a right to reside in the State on appeal.

Discrimination / Equality Casework

Discrimination/Equality matters constituted the second largest category of total casefiles in 2020 (31.4%) and the second largest number of new files opened (34%).

Discrimination/Equality matters also formed the second largest category of total casefiles dealt with by the Traveller Legal Service in 2020 (25%) and the second largest number of new files opened by that service (31.6%).

Discrimination/Equality casefiles also accounted for one quarter of case files dealt with on behalf of callers to the Roma Legal Clinic and one quarter of new case files opened on behalf of callers to that service.

The outcomes of FLAC casework in this area reflect how individuals who have experienced discrimination may effectively seek redress under the Equal Status Acts and Employment Equality Acts. However, FLAC's experience, particularly in providing legal services to marginalised groups, gives rise to serious concerns as to whether Ireland's equality legislation is robust enough to combat structural discrimination. FLAC has further concerns as to whether the existing equality legislation provides an effective remedy for all those who have experienced discrimination and the absence of legal aid for equality cases before the WRC.

Discrimination/Equality Casework Updates and Outcomes by Jurisdiction:

Workplace Relations Commission

In 2020, FLAC's clients received a total of over €16,000 in compensation in respect of discrimination complaints.

Under the Equal Status Acts:

- Two Equal Status complaints were lodged on behalf of a Roma woman in relation to discrimination in access to services and harassment against a shopping centre and security firm. The case settled in favour of FLAC's client.
- FLAC acted for a father in relation to access to the "July Provision" scheme for his daughter who has intellectual and physical disabilities. She had not been entitled to access the scheme previously on the basis that her disabilities were not "severe or profound" and she does not have an Autism Spectrum Disorder. The matter resolved without proceedings issuing after the scope of the scheme was expanded in 2020.
- Four Equal Status complaints were lodged against the Minister for Education and the Government of Ireland on behalf of a mother and her son (who is blind) on the disability ground in a case concerning access to the July Provision Scheme.
- FLAC is acting in a disability discrimination complaint under the Equal Status Acts made by a woman who is deaf, against a financial services provider. FLAC's client was unable to

avail of a “Telephone Banking Service” as the financial institution would not allow her to use the service via a remote interpretation service.

- Equal Status complaints against a supermarket and security firm on behalf of a Roma couple. The couple had been refused entry to the supermarket by a security guard. The complaint was not upheld by the WRC.
- Equal Status complaints were made against another supermarket on behalf of two young Roma women who were ejected from the shop.

Under the Employment Equality Acts:

- FLAC represented a 64-year-old woman in an Employment Equality case after she was summarily dismissed from her employment in June 2019 for the stated reasons of her health and age. A decision issued in June 2020 which found that she had been discriminated against on both the age and disability grounds. She was awarded a significant amount in compensation. The employer has appealed to the Labour Court and those proceedings are pending.
- FLAC acted in an Employment Equality case against an employer whose recruitment procedures involved asking FLAC’s client to complete an invasive “Medical History Form which would have required her to disclose the fact that she is transgender. She instructed FLAC to lodge a WRC complaint in relation to discrimination in access to employment on the gender and disability grounds. The case settled on confidential terms following a mediation meeting.

Circuit Court

FLAC acted in four Circuit Court Appeals in relation to decisions of the WRC on Equal Status Complaints:

- A Circuit Court Appeal of a WRC decision was initiated in relation to HAP discrimination. The WRC Adjudicator reasoned that the client could not be discriminated against on the HAP ground on the basis that she was in receipt of Rent Supplement.
- Another appeal was made on behalf of a Traveller woman who was refused entry to a Communion Mass on the basis that her attire was not in keeping with the dress code for the ceremony.
- FLAC continued to act in Circuit Court appeal proceedings on behalf of a woman of Roma heritage who took a WRC discrimination complaint against An Garda Síochána. The WRC complaint related to the woman’s experience at Dublin Airport where she alleged a member An Garda Síochána verbally abused her after she disclosed her Roma heritage to him during an immigration check. The complaint was not upheld by the WRC as the woman, who is resident in the US, purportedly failed to comply with the notification requirements under the Equal Status Acts before lodging her complaint. The WRC decision has been appealed on a factual basis and on the basis that the notification requirements under the Equal Status Acts are contrary to EU law.
- FLAC previously acted for a prospective tenant in a Circuit Court appeal of a decision of the WRC to award him compensation on the HAP ground for

discrimination by a landlord. The Circuit Court awarded FLAC's client damages for the discrimination. FLAC initiated District Court enforcement proceedings against the landlord who had failed to pay the compensation owed to FLAC's client. FLAC's client received the award after those proceedings were initiated.

Garda Ombudsman (GSOC)

A GSOC complaint was lodged on behalf of Roma woman in relation to alleged degrading treatment she suffered after she was arrested. That complaint has been deemed admissible and will be investigated as a criminal complaint.

Another GSOC complaint was lodged on behalf of a Roma boy, a minor, on foot of his arrest and detention. That complaint has also been deemed admissible and the matter is ongoing.

High Court

FLAC is providing representation in High Court proceedings initiated by a graduate of the University of Limerick in relation to the fact that, unlike other graduates, he does not have a vote in Seanad elections, and in relation to the fact that he, as a citizen, is restricted from voting more generally in Seanad elections.

FLAC continued to act for a man with an intellectual disability who is the respondent to wardship proceedings initiated by a residential care facility, who provide services to him.



SECTION THREE: Policy, Research & Law Reform

2020 Highlights



#Right2Justice
campaign



Access to Justice
in the programme
for government



Oireachtas Special
Committee on
Covid 19 response



Covid 19-Rent
Supplement Benefit
Take-up Campaign



Social Welfare &
Covid-19 Pandemic:
FLAC Policy and
Litigation Response

ACCESS TO JUSTICE DURING COVID

Oireachtas Special Committee on Covid-19 response

FLAC made a detailed submission to the Oireachtas Special Committee on Covid-19 Response in which we outlined our view that access to justice is even more important in a pandemic and needs to be factored into government responses to the pandemic.

FLAC outlined how measures which curtail human rights in a public health emergency must be legally-based, proportionate to what is required to meet the emergency and time limited. These measures should be subject to regular review and redress, as per the UN Commission on Human Rights, Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights.

Further the measures must not have any discriminatory impacts and situations of vulnerability must be addressed. FLAC also stressed the need for access to up to date information, especially where there are changes to the existing law. However, it has not always been possible for civil society and advocacy groups to get access to legally binding measures before they come into force, or immediately after they came into force, in order to carry out appropriate scrutiny. It is crucial to become informed as to their content and consequences for ordinary citizens. In some cases, there has been uncertainty as to whether particular measures are legally binding or merely advice/guidance – leading to significant uncertainty for ordinary citizens. It is important that there is clarity around this issue.



Covid-19 Committee Selfie – L-R Sunniva McDonagh, IHREC; Eilis Barry, FLAC, Christopher Bowes, FLAC; Doireann Ansbro, ICCL, Liam Herrick, ICCL and Sinead Gibney, IHREC.

The legal needs of vulnerable and disadvantaged individuals and groups

The queries to FLAC's information line highlighted the acute need for information, advocacy, legal advice and legal aid in areas of law that most impact on vulnerable and disadvantaged individuals and groups. It also spotlighted the areas of law that are largely not dealt with by the underfunded Legal Aid Board along with the strict means test and delays accessing legal aid.

The submission noted that the Legal Aid Board have said that they expect a surge in demand for their services once normal practices resume in the Courts. The Courts Services had been under-resourced before the pandemic and are now facing very significant additional delays. FLAC is very concerned at the difficulties claimants will face in accessing legal assistance and this will be compounded by the inevitable growing delays in the Courts and Tribunal system. The Courts Services and the Legal Aid Board are essential to the administration of justice and the rule of law and need to be resourced accordingly.

Online Courts

While FLAC welcomed the move to online courts, it is only a partial solution and will be unsuitable for certain cases and people

with literacy, language or certain mental health issues. The digital divide needs to be tackled. Where possible hearings should be held safely within the existing physical infrastructure.

Consultation Paper on Remote Hearing and Written Submissions Dealing with Adjudication Complaints During the Period of Covid-19 related Restrictions.

FLAC also made a Submission to The Workplace Relations Commission (WRC) on the "Consultation Paper on Remote Hearing and Written Submissions Dealing with Adjudication Complaints During the Period of Covid-19 related Restrictions." This submission urged the WRC to make access to justice and the effective implementation of Public Sector Duty central considerations in the process of developing, implementing and monitoring the Adjudication of Complaints during Covid-19 restrictions and thereafter. FLAC recommended that the WRC explore the possibility of continuing with face-to-face hearings, with appropriate measures in place to ensure to compliance with Government restrictions. FLAC are also very keen to ensure that resources be dedicated to proactively identifying parties who may be vulnerable and ensuring that accommodations are made to enable them to participate fully in proceedings.



Eilís Barry, FLAC CE and Christopher Bowes BL, FLAC Legal Officer at Leinster House for the Oireachtas Special Committee on Covid-19 response.

SOCIAL WELFARE & THE COVID-19 PANDEMIC: FLAC POLICY AND LITIGATION RESPONSE

FLAC highlighted operational problems in the administration of the PUP Scheme which may have created barriers to certain persons or groups accessing the payment.

The issues which arose in the area of social welfare during the pandemic are an example of the blurring between public health guidance and law which was frequently criticised during the pandemic. In a democratic society where human rights are upheld, people are entitled to rely on the law as stated. Changes in the law should come about as a result of democratic processes, which include consultation with stakeholders and the consideration of human rights and equality standards.

FLAC's work in this area highlights the important role that civil society, including independent human rights organisations such as FLAC, play in a democratic society by holding the State to account where individuals are unable to do so.

As these issues began to emerge, FLAC published its legal analysis of actions taken by the Department of Social Protection and also engaged in direct communication with the Minister and her Department. FLAC frequently highlighted

instances where the Department of Social Protection purported to amend the eligibility criteria for certain payments without a legislative basis for doing so. This included the addition of a requirement to "genuinely seek work" while in receipt of the PUP and the alteration of the rules regarding entitlement to payment during (and after) absences from the State. Many of FLAC's positions in this regard were confirmed in the outcomes of casework undertaken in the area. Further issues highlighted by FLAC were subsequently resolved through the adoption of legislation and regulations, including the effective removal of the requirement to "genuinely seek work" while in receipt of the PUP. The Department of Social Protection also ceased engaging in "airport checks" after FLAC raised concerns about the legality of their activities at ports and airports.

FLAC also made a detailed submission to the Oireachtas Special Committee on Covid-19 in relation to the State's legislative response to the pandemic and appeared before that Committee on 9 September 2020. In December 2020, FLAC made a further submission to the Oireachtas Committee on Social Protection, Community and Rural Development and the Islands' Review of the Pandemic Unemployment Payment (PUP) Scheme.

FLAC @flacireland • Dec 10, 2020

In advance of the legislation reaching report stage in the Seanad, FLAC would like to bust some of the "myths" surrounding the proposal to retrospectively impose a tax liability on claims for #CovidPUP:



Rules in Relation to Entitlement to Payments during (and after) absences from the State

On 30 June 2020, the Department of Social Protection issued Circular 35/20. The circular, entitled “Updated Holiday Procedures for JA/JB/JBSE, SWA and related Payments including Pandemic Unemployment Payment”, took immediate effect and stated that “this circular... suspends the provision of Article 217 of SI 142 of 2007 which allows customers to take two weeks holidays outside the State each year”. The Circular further states that persons who are self-isolating after travelling outside the State cannot satisfy the “availability for work” requirement which applies to certain payments, or the requirement to “genuinely seek work”.

In July 2020, FLAC published legal analysis which emphasised that an administrative circular could not suspend the provisions of validly adopted regulations which still provide for the payment of social welfare claims during absences from the State under certain limited circumstances. Indeed, the regulations which the circular purports to “suspend”, had been specifically amended to allow for claimants of Jobseeker’s Benefit to remain in payment during absences from the State for up to two weeks, provided that they travel “in accordance with the Covid-19 General Travel Advisory in operation by the Department of Foreign Affairs”. FLAC also noted that the relevant regulations still provide that the question of whether someone is “available for” and “genuinely seeking” work should be based on an individual assessment of a person’s

circumstances. Given the proliferation of online working and recruitment during the pandemic, these requirements may still be met even when someone is self-isolating.



FLAC @flacireland • Dec 10, 2020

This #HumanRightsDay FLAC highlights the importance of consultation between civil society and the government for the protection of Human Rights.

The introduction of these new SW regulations are an example of this key consultation in action after much campaigning by FLAC.

FLAC also voiced its concern that while public health advice in relation to travel abroad remained advisory for most of the population, it was being applied with harsh, punitive consequences against persons who are in receipt of certain social welfare payments. FLAC’s concerns were echoed by Professor Mel Cousins in the Trinity College Covid-19 Legal Observatory report, “Law and Policy Responses to Covid-19 in Ireland”, and in the Irish Human Rights and Equality Commission report, “Ireland’s Emergency Powers during the Covid-19 Pandemic”.

The outcome in the case study below confirms that Circular 35/20 was being applied in a manner which is at odds with the regulations in relation to entitlement to social welfare while abroad and the “genuinely seeking work” and “availability for work” criteria. Worryingly, it also indicates that the circular was still being applied in November 2020. In early March 2021, the Department confirmed to FLAC that the Circular had not been withdrawn or amended.

In each of its submissions to Oireachtas Committees in relation to social welfare issues in 2020, FLAC has called for Circular 35/20 to be reviewed.

Case Study: Social Welfare Appeal concerning Entitlement to Jobseeker's Benefit during (and after) absences from the State

FLAC's client was in receipt of Jobseeker's Benefit. In July 2020, FLAC's client informed the Department of Social Protection of her intention to travel abroad to visit her family. She notified the Department of this upcoming absence from the State in accordance with the Department's "Holiday Rule" procedure, which she had been notified of when her claim was granted. Her local Intreo Office responded by stating that the Department's Holiday Rules no longer allowed for the payment of her claim during an absence from the State to a "non-green list" country. She was further advised that her claim would not be payable during the fortnight following her return on the basis that she would not satisfy the "availability for work" criteria during that period, as she was expected to be "self-isolating".

FLAC's client's payment was cut off during her time abroad and for two weeks following her return. She was only issued with a formal "revised decision" in relation to this temporary disqualification after FLAC made representations to the Department on her behalf.

The so-called "revised decision" of the Department found that FLAC's client was not entitled to Jobseeker's Benefit during the period concerned. The letter of decision stated that the regulations allowing for the payment of Jobseeker's Benefit during absences from the State had been "suspended for all travel abroad" during the pandemic. However, as FLAC noted in a written submission to the Social Welfare Appeals Office, the relevant regulations in fact specifically allowed claimants of Jobseeker's Benefit to remain in payment during absences from the State of up to two weeks, provided that they travel "in accordance with the Covid-19 General Travel Advisory in operation by the Department of Foreign Affairs".

As the advice in place at the time did not provide any definition as to what constituted "essential travel", it fell to an individual seeking to rely on the advice to make their own determination as to whether the travel they are contemplating is essential. Our client undertook what was, in her circumstances, essential travel abroad. In doing so, she followed all the relevant public health advice including by self-isolating for two weeks on her arrival abroad and again on her return to Ireland.

The “revised decision” also found that our client was not entitled to her payment during the two weeks after her return to Ireland, on the basis that she was not available for work during that period. In the written submission to the Appeals Office, FLAC noted that despite the fact that our client was following government guidelines and restricting her movements, she remained available for full time employment during this time. Indeed, our client expressly informed the Department by email that she was seeking work during this period. FLAC’s client is a professional within the financial services industry with many years’ experience in her field. During the two-week period in question, the vast majority of those working in that field were (pursuant to government guidance) working from home.

The Appeals Officer accepted FLAC submissions in relation to both matters and found that FLAC’s client had been entitled to her payment during her first two weeks abroad and during the fortnight following her return. In quashing the decision of the Department to disallow our client’s payment during the periods concerned, the Appeals Officer stated that “the legislation does not provide for a blanket ban on all holidays outside the State” and that “[FLAC’s client] would have been in a position to take up an offer of suitable full-time employment even during the period she had to self-isolate...”.



Airport Checks

Beginning in June 2020, significant concerns arose about the actions of the Department of Social Protection at Ports and Airports whereby all passengers boarding certain flights were met by Social Welfare Inspectors who queried whether they were in receipt of social welfare. Claims were seemingly suspended without notice to claimants on foot of these “checks”.

In response to this, FLAC sought to highlight the statutory limits on the powers of Social Welfare Inspectors in such settings. While section 250(16B) of Social Welfare Consolidation Act 2005 gives Social Welfare Inspectors certain powers in respect of questioning persons at airports, these powers may only be exercised where that Inspector has some “reasonable grounds” of suspicion for questioning a specific person. Accordingly, the 2005 Act does not provide a legal basis for a policy of “blanket” questioning at airports whereby all individuals are questioned before boarding a specific flight or where individuals are questioned without the Inspector having a reasonable grounds for believing that they may be committing a breach of the social welfare code.

As has been noted above, absence from the State does not necessarily automatically disentitle claimants from receipt of social welfare payments. The suspension of claims without notice to the claimant on foot of such checks also represents a flagrant breach of claimants’ rights to fair procedures including their right to respond to any allegation that they were acting in a manner which disentitled them to a social welfare payment.



Information released by the Department under FOI, also raised significant concerns in relation to the selection of flights to certain countries for airport checks. That information shows that the Department operated checkpoints at the departure gates of 30 flights between 1 April 2020 and 13 June 2020. Of these 30 flights, 70% were destined for locations in Romania or Moldova. The fact that each passenger boarding such flights was subject to questioning by the Department raises the worrying implication that Departmental officials were operating under a policy whereby travelling to a certain location was considered by the Department to be a “reasonable ground” for suspecting that a person was breaching social welfare law. In FLAC’s view any such policy would be highly suspect and likely to be discriminatory as it would appear to target the person’s nationality, rather than any objective criterion independent of nationality.

FLAC’s concerns in relation to this issue are illustrated in the Case Study below.

Case Study: PUP Claim summarily disallowed on foot of an Airport Check

FLAC's client was an Irish citizen of Romanian origin who had been living and working in Ireland for 20 years. She was in receipt of the Covid PUP after having been temporarily laid off from her employment. Her claim for the payment was suspended after she travelled to Romania in April 2020 to attend to a family emergency. Every passenger who boarded her outward bound flight was subject to questioning by Departmental officials who did not identify themselves properly or explain why they were requesting certain information from passengers. Information released under FOI shows that the decision to suspend our client's claim for the PUP was made by a Social Welfare Inspector who had no clear legislative authority to make such a decision. Further, the suspension was put in place at no notice to her and without any written decision issued to her so that she could understand the reason for the decision and appeal same if she did not agree with it. This woman suffered significant financial hardship as a result of the suspension which remained in place until she returned to work in August 2020.

FLAC made representations to the Department on behalf of our client raising concerns at the manner in which her payment had been suspended, the absence of a legal basis for the Department's actions, the absence of fair procedures and the potentially discriminatory nature of the Department's actions. A notification pursuant to the Equal Status Acts was also served on the Department.

The case settled on confidential terms and FLAC's client did not need to pursue the issue further.

In late July 2020, the Minister for Social Protection announced that she had "directed the department to review all cases to date where people who went on holiday and had their payment stopped". The results of this review were announced the following day with the Department stating that of the 2,500 claims for the Covid PUP which were suspended on foot of airport checks, only 85 such suspensions arose in cases where the claimant was not leaving the State permanently. In the Irish Times, the Department was reported as stating that persons subject to this review were deemed to have left the country permanently in circumstances where the Department did not have evidence of them "[returning] to the country seeking to have their payment reinstalled".

The Department of Social Protection has since stated that it has not carried out any airport checks since 16 July 2020. However, FLAC remains concerned that the "review" conducted by the Department may not have restored payments to all those whose claims were wrongfully suspended. First, those in receipt of payments other than the Covid PUP may have been affected by such checks. Second, it appears that payments were only restored to those who specifically contacted the Department following their return to the State. It is highly questionable to conclude that those who did not take such a course of action can be deemed to have left the State permanently.

FLAC has repeatedly called for an independent review of the activities of Social Welfare Inspectors at ports and airports with a view to establishing how many persons' claims for social welfare payments were suspended on foot of "airport checks" which were conducted in a manner contrary to the 2005 Act and contrary to claimants' right to fair procedures. Such a review should also examine the manner in which flights were selected for such checks and the findings of the review and any recommendations should be published.



Virtual Meeting with Minister for Justice Helen McEntee TD; Ellis Barry, FLAC CE; Oonagh Buckley, Deputy Secretary General at the Department of Justice and Catherine Hickey, FLAC Director of Funding and Development.

Requirement to Genuinely Seek Work while in receipt of the PUP

In August 2020, the Covid PUP was placed on a statutory basis by the Social Welfare (Covid-19) (Amendment) Act. That legislation formally introduced a requirement to “genuinely seek work” while in receipt of the payment.

In response to this measure, FLAC expressed its concern that the requirement may have an adverse impact on many claimants’ eligibility for the payment. The express purpose of the PUP was to ensure access to social welfare for those who “have been temporarily laid-off from work”. Many employees and owners of businesses which are currently closed but intend to reopen are in receipt of the Covid PUP. It therefore seemed unreasonable to expect such claimants to seek alternate work in circumstances where they have every expectation of resuming employment imminently. Further, employees who have been laid off may have to forego statutory redundancy payments from their original employer if they take up other employment elsewhere which obliges them to give notice in their previous employment. Finally, those who have no access to childcare services due to the pandemic may be unable to seek work while in receipt of the Covid PUP and their entitlement to same may therefore be prejudiced.

While the Minister and representative of the Department of Social Protection made statements to the effect that this requirement to “seek work” was not being enforced by the Department, that position was not reflected in the legislation governing the scheme or in regulations until December 2020.

In its submissions to the Oireachtas Committee on Social Protection and the Oireachtas Special Committee on Covid-19, FLAC recommended that:

“The Department should review the imposition of a requirement to ‘genuinely seek work’ while in receipt of the Covid PUP. At the very least, regulations should be introduced setting out how this criteria is to be applied to claimants for the payment which take into account the fact that many claimants have limited access to childcare and, further, that many claimants for the payment are temporarily laid-off and have every expectation of resuming their previous employment or self-employment.”

In December 2020, regulations were introduced stating that PUP claimants would not be required to seek employment outside that occupation or employment for the period of 12 months after first claiming the payment where:

- a person’s opportunity to work in their normal occupation is temporarily limited and they have a reasonable expectation of returning to that occupation, or
- a person has a reasonable expectation of returning to their former employment.

Entitlement of Residents in Direct Provision to the PUP

Persons resident in Direct Provision were unable to access the PUP payment when it was introduced in March 2020. In

FLAC @flacireland • Dec 1, 2020

While FLAC welcomes @welfare_ie's quick response to the crisis & the continuation of the payment, it is of utmost importance that policy makers give careful consideration to the constitutional and legal rights of those who rely on social welfare supports at this time.



announcing the welcome reversal of this policy in August 2020, the Minister for Social Protection stated that the “payment will be paid with effect from when they were temporarily laid-off”. However, when PUP claims were granted to residents in Direct Provision, the arrears due to them were not paid immediately and no information was provided in relation to when the payment would be made.

Case Study: Entitlement of Residents in Direct Provision to PUP Arrears

FLAC acted for a resident in a direct provision centre who was temporarily laid-off in March 2020 on foot of the restrictions introduced in response to the Covid-19 pandemic. She immediately applied for the PUP but her applications were refused on the basis that she was in receipt of the Daily Expenses Payment paid to residents of Direct Provision accommodation at a rate of €38.80 per week. She eventually began to receive the PUP in August 2020 following a subsequent application, but suffered considerable financial hardship during the intervening 5 month period. FLAC’s client was aware of the Minister’s statement to the effect that arrears would be paid in such cases but did not know how to access them. She raised these concerns with the Crosscare Migrant

Project who supported her and brought her case to the attention of FLAC.

Arrears of €7,000 were paid after FLAC made representations to the Department on her behalf. However, the case raises concerns that there may be other workers who are resident in Direct Provision centres who may not be aware that they are entitled to the PUP payment in respect of the period since they were first laid off.

FLAC believed that the Department should undertake a review of all claims for the PUP paid to residents in Direct Provision with a view to ensuring that they have received the payment in respect of the full period for which they were entitled to it.

#Right2Justice

Improving the legal aid system has been a core objective of FLAC since our foundation in 1969 and was also a key theme throughout the 50th anniversary of FLAC in 2019. Building on this, FLAC sought to make reform of civil legal aid a key issue in the General Election in Ireland in 2020.

FLAC produced a manifesto on the Right to Justice and asked each candidate to sign a pledge committing, if elected, to working to ensure adequate resources are given to provide civil legal aid, and seeking a root and branch review of the system. The pledge also asked candidates to sign up to recognising that a properly functioning and accessible courts system, including properly resourced family law courts, is essential to providing access to justice. 163 candidates signed up to this pledge. We are pleased that the Department of Justice has committed to a review of the civil legal aid system as part of their workplan in 2021.

Review of the Administration of Civil Justice

The report of this review was published in December 2020. A number of FLAC's submissions in relation to having more accessible rules and procedures, lay litigants and people with disabilities are reflected in the text and some of the recommendations of the report and we look forward to engaging with the implementation of the report.

FLAC @flacireland • Jan 30, 2020



This #HumanRightsDay Our focus is on how the law excludes marginalised and disadvantaged people. Our work means we act as a bridge for those who can't afford to access law, given the desperately underfunded state services providing assistance.

It's why we're talking about #Right2Justice in #GE2020

There are serious concerns in relation to the recommendations on judicial review and it is vital that there is comprehensive engagements with external stakeholders before these are implemented.

Chief Justice Access to Justice Committee

FLAC very much welcomes the initiative of the Chief Justice in relation to access to justice and looks forward to further engagement and participation on this committee.

Covid-19 Law and Human Rights Observatory

FLAC was happy to participate in the work of the TCD observatory.



FLAC @flacireland • Jul 3, 2020

FLAC have written to Taoiseach @MichealMartinTD, Minister @HMcEntee, Minister @rodericogorman and all the TDS asking that they commit to ensure a comprehensive review of civil legal aid is prioritised.



An Access to Justice analysis of the new Programme for Government

FLAC published 'FLAC's Response to the draft Programme for Government 2020, An Access to Justice approach'. See link here https://www.flac.ie/assets/files/pdf/flac_response_to_draft_programme_for_government_2020_final_ver.pdf?issuusi=true

We welcomed the proposed initiatives for a new social contract and anti-poverty measures that gave some recognition of structural inequalities in Ireland. We once again noted the lack of access to justice and social exclusion and wider social problems with the role of legal assistance services in efforts to address continuing poverty and inequality and to improve social inclusion. We made a number of recommendations including a root and branch review of the civil legal aid system.

LGBTQ+ Issues

FLAC continued working with the LGBT community and partnered with LGBT Ireland to deliver an online information event and a FAQ leaflet on Sections 2 & 3 of the Child and Family Relationships Act (CFRA) on Thursday 2nd April.

FLAC partnered again with LGBT Ireland in April 2020 to deliver a free legal advice clinic for individuals affected by Sections 2&3 of the CFRA which commenced in May 2020.

Both of the above events were facilitated by the late Katie Dawson BL. The team at FLAC were deeply saddened to hear of the death of Katie in February 2021. Katie was a great friend to FLAC, and its LGBTQ+ advice work. She was a generous and empathetic advocate as well as a multi-talented barrister with a strong commitment to human rights. She will be sorely missed.



Sinead Lucey, FLAC Managing Solicitor and Eilis Barry, FLAC Chief Executive at the FLAC Office



FLAC celebrated International Women's Day by calling for equal access to justice

Legal Aid Board External Consultative Panel

FLAC continued its engagement with the Legal Aid Board through its Consultative Panel throughout 2020. During 2020, FLAC raised issues relating to the negative impact of HAP being assessed as a form of income for the purposes of means testing applicants, as well as issues relating to the financial eligibility criteria, waiting lists and the lack of availability of legal aid for social welfare appeals and WRC cases.

Migrant Consultative Forum

FLAC continued to engage with the Department of Social Protection during 2020 through participating in the Migrant Consultative Forum. The Forum is convened by the Department and includes voluntary sector organisations working with migrants, meeting regularly to identify and address issues specific to migrant customers of that Department. During 2020 FLAC engaged with the Department on issues relating Supplementary Welfare Allowance, availability of communications and circulars from the Department and Habitual Residence Condition matters.

Covid 19-Rent Supplement Benefit Take-up Campaign

FLAC published an information sheet outlining the details of the newly extended rent supplement scheme, which was introduced to assist those struggling to pay rent in private accommodation during the Covid-19 pandemic and which was set to continue until August 31st 2020. Although this scheme was expanded to meet Covid-19 demands in March, there was relatively low uptake because not many people were unaware that they may qualify under the new criteria. FLAC launched a benefit take-up campaign to ensure that people who were struggling to make their rent were aware of the rent supplement support so that they could apply for assistance.



FLAC @flacireland • Mar 8, 2020

This [#WD2020](#) we are celebrating women worldwide and advocating for the [#Right2Justice](#)

We hope that the next government will honour commitments made to FLAC to carry out a review of the civil legal aid system and to build a properly resourced family law court [#EachforEqual](#)

PERSONAL DEBT, CREDIT AND FINANCIAL SERVICES LAW REFORM

Policy and advocacy work in this area included:

- Researching and preparing a detailed report assessing the challenges posed by Covid, in terms of both existing and new cases of arrears and insolvency, for the system of debt resolution in Ireland, to be published in 2021.
- Researching a report on trends coming from a decade of external technical support.
- Working with MABS DMA staff and Consultation Solicitors in the South Connacht region on how LCLR (Amendment) Act 2019 might be used for the benefit of defendant borrowers (January).
- Meetings with officials of the Consumer Protection Division of the Competition and Consumer Protection Commission (CCPC) to discuss consumer protection issues, particularly around the provision of consumer credit; made observations on the CCPC's Strategic Statement (September) and making a presentation to officials of the Consumer Protection Division on the work of FLAC (November).
- Participating in discussions on distressed debt during Covid at webinars and meetings organised by the Central Bank of Ireland (August and September).
- Submission made to Joint Oireachtas Committee on Finance, Public Expenditure Reform and Taoiseach on Private Members Consumer Credit Bill 2018 (November).

Other policy and research work

- Submission of the Free Legal Advice Centres Criminal Justice System Strategy Consultation see link here https://www.flac.ie/assets/files/pdf/flac_submission_on_criminal_justice_system_strategy_consultation_-_final.pdf?issuust=true
- FLAC Submission to the Review of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 <https://www.flac.ie/publications/flac-submission-on-criminal-justice-system-strateg/>
- FLAC with the financial assistance of IHREC, in association with David Fennelly in TCD carried out research into the implication of the public sector duty for the Courts Services, the Legal Aid Board and the Workplace Relations Commission. Due to be published in 2021.

Caroline Smith, FLAC Media and Communications Officer and Christopher Bowes BL, FLAC Legal Officer working at the FLAC Office.



STAFF, GOVERNANCE & FUNDING

FLAC is committed to the principles of transparency and accountability and works hard to ensure that all funding is put to the best possible and most efficient use in our efforts to maximise impact and promote equal access to justice.

FLAC (Free Legal Advice Centres) is a company limited by guarantee, not having a share capital. It is registered in Dublin, Ireland (Company Reg. No. 49413).

FLAC is compliant with the Governance Code for community and voluntary organisations. More at www.governancecode.ie
FLAC is fully registered with the Charities Regulatory Authority (Registered Charity Number 20010256).
It is recognised by the Revenue Commissioners for charitable purposes (CHY No. 6097).

FLAC is an independent law centre under the terms of the Solicitors Acts 1954-2002 (Independent Law Centres) Regulations 2006, SI 103/2006.

As a campaigning organisation, FLAC is registered as a Lobbyist in line with Regulation of Lobbying Act 2015 and makes returns to the Lobbying Regulator every four months. You can read more on www.lobbying.ie

FLAC Council:

Peter Ward (Chairperson), Don Crewe, David Fennelly, Julie Herlihy, Joanne Hyde.

Number of meetings of FLAC Council held in 2020: 8



Peter Ward



Don Crewe



David Fennelly



Julie Herlihy



Joanne Hyde

STAFF



Ellis Barry
Chief Executive



Christopher Bowes
Legal Officer



Christopher McCann
Solicitor (since
March 2020)



Corina Byrne
Finance Officer



Conall Cahil
Volunteer Assistant



Ingrid Colvin
National Volunteers and
Clinics Manager



Susan Dennehy
Communications
consultant



Maureen Gourley
Solicitor



Jacqueline Heffernan
Information Line
Coordinator



Catherine Hickey
Director of Funding &
Development



Monica Horyszna
Legal Executive (since
December 2020)



Paul Joyce
Senior Policy Analyst



Gillian Kernan
Research Officer



Liz Lee
Receptionist &
Administrative Assistant



Sinéad Lucey
Managing Solicitor



Stephanie Lord
Legal and Policy Officer



Deirdre Malone
PILA Legal Manager



Nijole Matiukiene
Housekeeper



Rachel Power
PILA and Strategic
Development Manager



Sinead Scales
Volunteer Rostering and
Support Officer (since
September 2020)



Caroline Smith
Media and
Communications Officer



Lauren Bashir
Information Line Officer



Maria Saracut
Information Line Officer

Staff Changes:

Christopher McCann joined the FLAC team as a solicitor for our Traveller Legal Advice Service. Monica Horyszna joined the FLAC team as a legal executive in December 2020.

Ingrid Colvin was appointed to the role of National Clinics and Volunteer Development Manager.

With a temporary vacancy, we supplemented the team with some exemplary temporary staff including Áine Hannon, Niamh Carroll and Susan Dennehy. Conal Cahill was redeployed to a new role that straddles the information Line, Clinics and Volunteers teams.

In September, we were delighted to welcome Sinéad Scales as a fulltime member of the team in the role of Volunteer Rostering and Support Officer.

FLAC very much appreciates the hard work and dedication of our students on placement.

Volunteers and temporary employees included Rachel Taylor, Mimi Goodman, Laura Horan, Áine Hannon, Niamh Carroll, Sarah Murphy and Susan Dennehy.

Funders:

FLAC is deeply grateful to all our funders and supporters who have shown their commitment to access to justice through donations and grants. This support enables

FLAC to provide vital services and to campaign for better systems that enable people in Ireland to access the law and legal system, when they need to, to vindicate their rights.

In 2020, FLAC's funders included -

- Citizens Information Board
- Community Foundation for Ireland
- Department of Justice and Equality
- Department of Justice and Equality - Roma Inclusion Funding
- Dublin City Council
- Individual donors & Friends of FLAC
- Irish Human Rights and Equality Commission
- MABS
- Members of the Bar Council of Ireland
- Members of the Law Society of Ireland
- Pobal – SSNO
- Stability Fund

In addition, PILA was supported by a number of law firms who demonstrated their commitment to pro bono and law in the public interest by becoming Sustaining or Supporting Partners.

Sustaining Partners in 2020 were:

- A&L Goodbody
- Arthur Cox
- McCann Fitzgerald

Supporting Partners in 2020 were:

- Eversheds Sutherland

FLAC INCOME & EXPENDITURE 2020

FLAC's accounts are prepared in accordance with FRS102, the Financial Reporting Standard applicable in the UK and Republic of Ireland. The accounts are audited by KPMG and are made available in full on www.flac.ie/about/finances/.

FLAC's financial year runs from 1 January to 31 December. The following extracts are from FLAC's audited accounts for the year ending 31 December 2020:

INCOME	2020	2019
Philanthropic Funding	0	98,476
Bar Council & Law Society Members' Contributions	318,609	189,804
Statutory Funding	460,410	396,961
Fundraising and Donations	110,632	154,533
Legal costs received	26,146	99,927
Income received for Child Care Law Reporting Project	0	0
Total	€915,797	€939,701
EXPENDITURE	2020	2019
Staff costs	1,036,139	954,897
Programme of work	110,747	142,448
Overheads, equipment & depreciation	182,926	189,768
Public Interest Law Support Fund	0	0
Child Care Law Reporting Project	0	0
Total	€1,329,870	€1,287,113

FLAC Annual Report 2020

ISSN: 0791-7775

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Photos courtesy of: FLAC, PILA, FLAC Staff and Volunteers and Sinead Gibney.

Graphic design: Gráinne Murray



**“ Rights are even more
important in a pandemic ”**

Eilis Barry, FLAC CE, Opening Statement to Oireachtas
Special Committee on Covid-19 response



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