

BALLYMUN COMMUNITY LAW CENTRE

Annual Report 2016



Ballymun Community Law Centre
Unit 1A Shangan Neighbourhood Centre,
Shangan Road,
Ballymun,
Dublin 9

Tel: (01) 862 58 05
Fax: (01) 891 68 48

info@bclc.ie | www.bclc.ie

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Our Office

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Email: info@bclc.ie
Website: www.bclc.ie

Opening Hours

Monday to Friday:
9am - 1pm
2pm - 5pm

Local Advice Clinics:

- **Local Employment Office**
First Tuesday of every month:

Shopping Centre
10am - 12 noon
- **Ballymun Library**
Second Tuesday of every month

Ballymun Road

10am - 12 noon
- **Poppintree Sports Centre**
Third Tuesday of every month:

Poppintree

10am - 12 noon
- **Ballymun Child and Family Resource Centre**
Fourth Tuesday of every month

Shangan Green, Ballymun, Dublin 9

10am - 12 noon

Board of Directors and Staff

Directors

Chair	Evelyn Hanlon
Vice-chair	Paul Kane
Treasurer	Olivia Smith
	Antoinette Doyle
	Fiona Gallagher
	Pat Gilheaney
	Catherine Hickey
	Frank Murphy
	Karl Murphy
	Valerie O'Carroll

Staff

Christina Beresford	Legal Executive - Full time Job Initiative programme
Sonya Keniry	Project Officer - 3 days a week
Mikayla Sherlock	Managing Solicitor - Full time
Trish Flynn	Company Secretary and Finance and Administration Manager – 2 days a week

Chairperson's Report

2016 saw a number of significant developments for Ballymun Community Law Centre. Our Legal Services continued to represent clients in a variety of civil law cases and to provide legal information and advice to local people and organisations.

The outreach clinics have revealed that the three most popular civil law queries were very clearly Family, Housing and Employment in that order. Our Family Law and Advice clinic remains very busy. This year our Legal Education Programme was a huge success with excellent attendance at our lunchtime talks and participation on our courses.

Our Mediation training programme produced another group of mediator volunteers who have joined our team and who are working towards their full accreditation with our support. As ever we are very grateful to all of our volunteers, in the field of mediation as well as law.

Particular thanks to all those barristers who gave us pro-bono services and to all of the teachers and lecturers, writers and organisation leaders who delivered our Legal Education Programme.

Of course our primary volunteer Mr Frank Murphy has been at the helm of this programme and continues to freely give his time and energy to the Ballymun Community. To him we are extremely grateful for his positive attitude and his on-going dedication to free legal services in Ballymun.

2016 has also seen the updating and completion of our Unmet Legal Need research in Ballymun. 12 years on we have taken to the streets again to examine the levels of legal need locally and we hope to be able to produce the resulting report in 2017. Particular thanks to Dr Moling Ryan for his expertise and assistance in producing the data.

We have also spent considerable time updating and developing our social media presence via the development of our new website logo and associated

tools. Our sincere thanks to PILA for their support in realising this venture.

2016 has seen continued support from the Social Regeneration Programme of Dublin City Council via the funding of our core services, and the provision of our excellent modern premises in Shangan Neighbourhood Centre.

I would like once more to sincerely acknowledge the very important and consistent financial support of the Law Society of Ireland which continues to enable us to deliver and develop our services.

Thanks also to FLAC for their on-going support of community law centres and public interest law.

A sincere thanks finally to all of our directors, new and old, and to the staff team at the Centre.

Evelyn Hanlon
Chair
Ballymun Community Law Centre

Our Strategic Aims

Ballymun Community Law Centre's (BCLC) overarching priority is to improve access to justice for people in Ballymun and to work for an inclusive society based on the principles of human rights, social justice and equality.

Our Mission

Ballymun Community Law Centre (BCLC) is an independent not-for profit community based organisation with a core objective to ensure that access to justice is available to the people of Ballymun. The services BCLC provides include information, advice, assistance, representation, education and mediation.

Our Purpose

- To provide free legal advice, information and representation to the people of Ballymun.
- To deliver an accessible legal education programme.
- To offer mediation as an alternative solution to potential problems.

Our Values

We are committed to work in a professional, responsive, respectful and timely manner for the benefit of the client and the community.

We operate in five business areas:

Legal Services

Direct assistance to clients in the form of advising them, advocating on their behalf and acting for them in court or tribunal proceedings as appropriate.
Indirect assistance by way of general advice and information, including referrals to other services as appropriate.

Legal Education and Training

Facilitation of increased knowledge of the law by residents of Ballymun.
Facilitation of increased levels of progression into formal legal education and legal professions by residents of Ballymun.
Access to BCLC legal education programme materials by other communities around Ireland.

Mediation Services

Promotion of mediation as a concept for dispute resolution in Ballymun.
Provision of a mediation service in Ballymun, using trained volunteer mediators.

Mediation Education and Training

Provision of Peer Mediation Training and Family Mediation Training. Access to BCLMC mediation education and training programme materials by other communities around Ireland.

Public policy development and law reform debate

Engagement in Irish public policy development and law reform debate.

Legal Services Programme 2016

Information and Advice

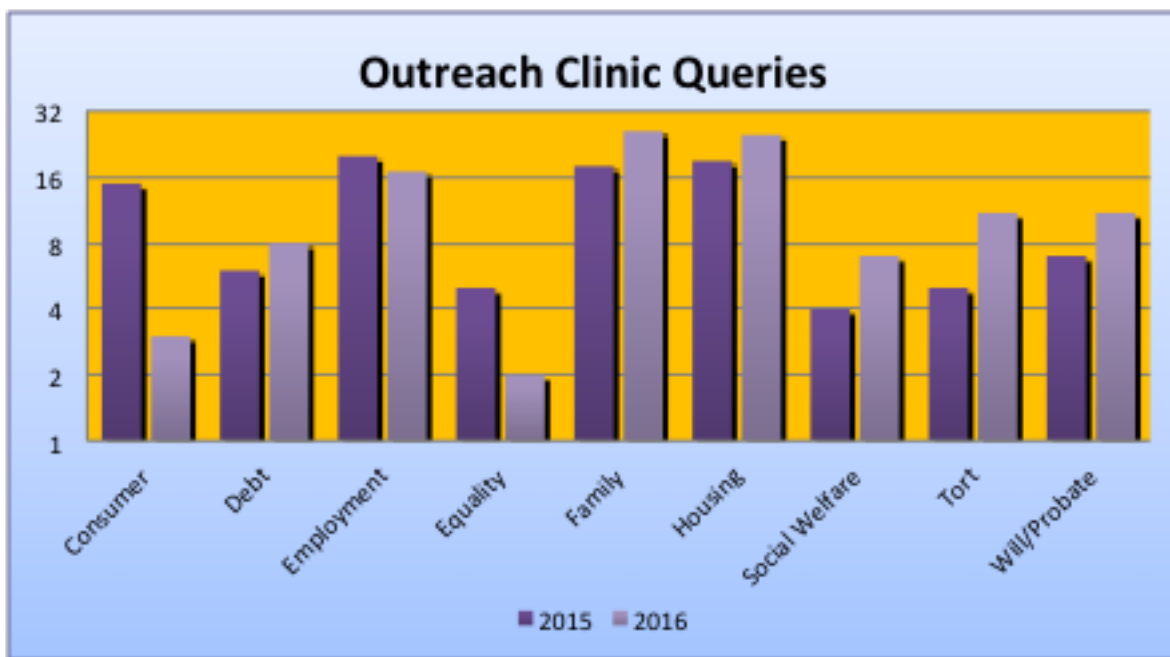
BCLC provides legal advice, information and representation in the following areas of civil law: Housing, Debt, Consumer, Equality, Health, Social Welfare, Employment, Tort, Will/Probate, Family (not representation), and Miscellaneous. BCLC also delivers an information and advice only service in the area of family law.

The legal information service we provide to clients refers to personal visits and phone calls to the office from clients who are given legal information by BCLC’s legal executive. Many of these queries are referred to us from other agencies and many other queries are made based on word of mouth referrals from other people who have used the service in the past.

Outreach Clinics

Ballymun Community Law Centre continued to provide regular and accessible free legal advice clinics in the community in Ballymun throughout 2016. Forty eight clinics took place over the course of the twelve months. The clinics are drop in facilities and can be attended by anyone and over the years awareness of the clinics has become stronger in Ballymun and beyond.

A review of the statistics from the BCLC outreach clinics reveals the three most popular civil law queries were very clearly; Family, Housing and Employment in that order. The three legal topics identified as most sought after at the Outreach Clinics accounted for almost 53% of the total queries. It is important to point out that these figures do not take into account the numbers of queries dealt with at the Family Law Information & Advice Clinic. The chart below gives a quick overview of the change on the previous year.



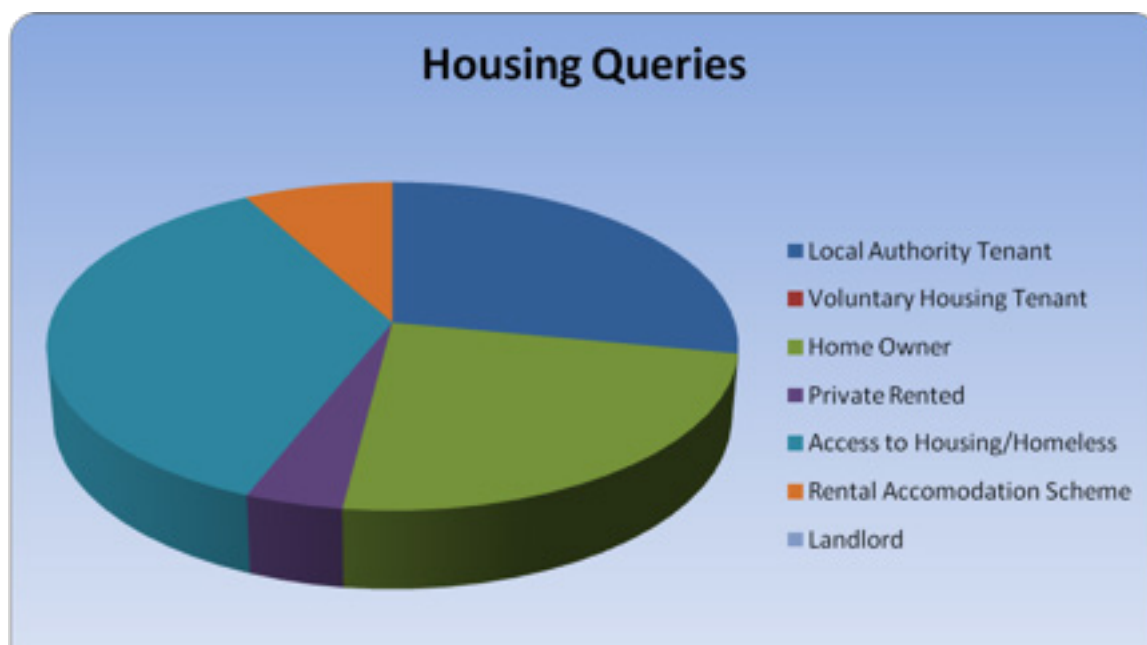
There was an increase in queries of just over 16% on last year’s figures and over 89% of the clinics were attended in 2016. It continues to be the case that the queries and cases undertaken by BCLC are complicated by the complex social nature of the issues faced by the community and the various interconnected yet independent (and under resourced) services some with highly complicated structures operating on behalf of the State for example in health and community care matters.

The files closed in 2016 encompassed a wide range of issues from equal status including employment and disability discrimination, homelessness and at risk of homelessness as well as housing standards and consumer matters. Of those closed files, almost 65% of the people who were assisted had a disability or some form of capacity vulnerability (e.g. literacy or decision making difficulties). Of those with a recognised disability, the disability in a high proportion of situations also brought with it psychological health issues.

Miscellaneous queries which are not included in the Chart and amount to almost 14% of the total overall Outreach queries in 2016 as in previous years covered matters such as Company/Commercial, Nursing Home/Health, Capacity, Conveyance process, Immigration, a number of finance related issues and Criminal type queries with a number also relating to anti-social behaviour or Community Safety. The 2015 Miscellaneous queries were addressed through Law Talks and courses which included Assisted Decision Making, Civil Legal Aid and Mediation. We shall continue in 2017 to address this demand by way of talks and seminars on relevant topics.

The analysis of Housing queries shows that access to Housing was the biggest issue relating to Housing in 2016 with Local Authority tenancies forming the next largest number of housing queries followed by issues relating arising for owner occupiers. From the Local Authority’s point of view the housing demographic or tenure mix for the community hasn’t changed adequately as yet for the Local Authority to recommend that Rent Supplement be paid for private rented accommodation in the Ballymun Regeneration Area and so the restriction continues with the result that we see very few queries relating to Private Rented accommodation.

The breakdown for 2016 Housing Queries appears as follows:



CASE STUDIES

Case Study A

We concluded an employment equality case at the Workplace Relations Commission in 2016 where we represented a worker who claimed discrimination on the basis of a disability. The case really emphasised for the legal team the need for legal advice at the Workplace Relations Commission. Employment issues are a bit like family law matters which by their nature are very personal to the parties involved and have potential to impact people in life altering ways, including financial, emotional and psychological. It is well established that in matters of family law it is not advisable to represent yourself and despite the State's efforts to make the forum for employment law an accessible way for people to have their grievances dealt with, additional supports are definitely required - like legal advice and representation, especially if people are vulnerable as in the case of employees with disabilities, in particular mental health disabilities. Shamefully, Legal Aid is not available for matters at the Workplace Relations Commission. The case ultimately settled with a payment to the employee but from first contact to settlement took approximately 15 intensive months of work and generated a huge amount of paperwork. The Law Centre travelled with the client on a very personal journey of ups and downs, recovery, stress, set back, fear and hope. We had the privilege of witnessing and learning from a person experiencing and coming to terms with a mental health illness and the impact of that, of assisting that person and giving that person space, information and advice to enable them to make their own decisions, of seeing a person regain their confidence and self esteem and with support rising to the challenges of life.

Over the course of this journey it became apparent that a mediation intervention much earlier may have been of assistance before the dispute between employer and employee became too intractable. Conflict coaching was also identified as having potential for employees and employers to train people in appropriate skills to deal with difficult issues and avoid situations where similar problems end up at the Workplace Relations Commission. This case was particularly complex and required very significant resources from the Law Centre. Thankfully we received excellent pro bono support and assistance in this case from a very experienced Barrister for which we were very grateful as was our client.

Case Study B

This case study is an example of how the Law Centre supported an individual to bring their own complaint about their Housing to the Local Authority and then to the Ombudsman. This person was a client of the Law Centre for approximately three years before matter were resolved. The issue had its origins in a hasty move due to anti-social behaviour but from the outset the client was not satisfied with standard of accommodation provided. To add to the difficulty, confusion arose between the parties which was probably the result of the swift transfer and failure of parties to clarify and clearly explain and understand the arrangements made for the future. The client had a disability which was exacerbated when stressed. The client successfully made an official complaint to the relevant Local Authority and following an unsatisfactory outcome engaged in a formal complaint process to the Ombudsman. The client was not represented at either forum, rather the Law Centre acted to advise and assist the client from the background including legal advice, procedural assistance and drafting. Ballymun Community Law Centre's ethos is to help empower the community to use the Law and access justice. The approach of the Law Centre together with education and awareness raising initiatives fits with this ethos. Happily our client has finally achieved a standard of accommodation they are pleased with. The client has informed us that it was a great learning journey (albeit rather long) and has expressed gratitude to the Law Centre for sticking with the case and for all the support and assistance in bringing about a successful conclusion.

Bar Council Support

BCLC is as always very thankful to the members of the Bar Council who continue to provide Pro Bono assistance by way of legal and advocacy work and also educational support to the Law Centre. We also availed of the Bar Council Voluntary Assistance Scheme (VAS) in 2016 and referred a number of local organisations to the VAS for assistance.

Law Society Support

As has happened every year to date since our establishment BCLC has received generous and unwavering support from the Law Society of Ireland and the Bar Council of Ireland in many forms including financial, practical and assistance with our work and that of local organisations. On behalf of the Law Centre, our clients and local organisations we thank the Law Society, Bar Counsel, individual barristers and the VAS for their kind and very valuable support in 2016.

Farwell and thank you to Noeline Blackwell

We would like to thank Noeline Blackwell for all of her support for Ballymun Community Law Centre over her years in FLAC and wish her well as she moves on to her next new challenge.

Eilis Barry, BL takes up the mantle as Director of FLAC. We know Eilis very well from all her assistance as pro bono counsel to Law Centre clients over the years. We wish Eilis and Noeline every success.



Noeline Blackwell, Paul Joyce, FLAC

Internships

In 2016, we hosted students from UCD and Trinity College on work experience through the Clinical Legal Education Program and provided pro bono work experience for an Irish graduate to complete the requirements to be admitted to the New York Bar. These were both learning and rewarding experiences for the Law Centre and students alike.

Legal Education Programme 2016

Our Legal Education Programme for 2016 was varied and interesting as usual, and we are very grateful to all of the teachers, speakers and presenters who gave their expertise and time to our legal education programme. The diversity of the subject matter and the range of content made for a very interesting year of events.

SEMINARS

April

Assisted Decision Making (Capacity) Act 2016

Patricia Rickard Clark

June

Natural Justice in Child Protection Investigations

Dr. Adam McCauley, DCU

TALKS

March

The Right to Housing

May

Family and Child Law

Lisdeel Family Resource Centre

Accord

Nora Ní Loinsigh, BL Trinity

Civil Legal Aid

Family Mediation

Nora Ní Loinsigh, BL Trinity

June

Women's Aid

AMEN

ACCORD

Civil Legal Aid

COURSES 2016

January

Continuing **Employment Rights Advocacy**

February

Continuing **Family Rights Advocacy** (QQI Accredited)
BCLC

March

Introduction to Family Law (BCLC Certificate)
Gorey FRC

Introduction to Family Law(MMI Accredited)
Mediation

April

Social Welfare Law (BCLC Certification)
Prof. Gerry Whyte

May

Family Rights Advocacy (QQI Accredited)
Coolock

September

Employment Rights Advocacy (QQI Accredited)

Introduction to Family Law (BCLC Certification)

TRINITY COMPREHENSIVE LAW CLUB

The Law Club in Trinity Comprehensive was a great success again this year. All participating students visited the Central Criminal Courts where they witnessed the administration of the law at first hand. This gave all the students a real incentive for conducting their own research into the Irish criminal law system; students examined the Constitution and considered future possible suggestions for referendums. The students considered the scope of the citizens' assembly and debated in class some of the issues the citizens' assembly were charged with considering. The debates were always lively, informed, and inquisitive and while on occasion they were heated each debate always ended in good humour.

The Law Club of 2016 showed a very high level of commitment to researching this year's mock trial. All participants were heavily committed to competing events including the management of a sporting conference and the school play. However despite these competing commitments all students displayed a high level of interest in the legal process and commitment to understanding the underlying principles of criminal law. Once again the right honourable Judge Mc Mahon was welcomed to the school by the students, who after mooting before him also entertained him in the principal's office with afternoon tea. As this was the second year Judge McMahan had visited the school he seemed more familiar and had particular questions he wanted to ask about the school and its commitment to the Law Club. The students gave excellent accounts of their understanding of the law and spoke about their visit to the central criminal court. It was a clear from the testimonials of the students that they had enjoyed their studies of the Irish and European legal system was of benefit and of interest to the students.

Mediation Services Programme 2016

Community Mediation

In 2016 our mediation service continued to develop, increasing the number of referrals to both the family and community mediation services. Some of the family mediation cases proved more complex than the service had previously managed and they took longer to facilitate. This created a waiting list with a backlog of referrals, which necessitated the addition of an extra morning of appointments to support families. In addition in 2016, the service was also very happy to welcome our six new volunteer mediators to the service, all of whom have made a contribution and commitment to the community of Ballymun with the provision of their conflict resolution skills.

During 2016 the Ballymun Community Mediation Service received 20 referrals of which 14 proceeded to case development. Of the remaining 6, 1 was transferred to South Dublin Mediation due to a potential conflict of interest and of the other 5 the responding party declined the offer to participate.

6 full agreements were reached with those who proceeded, partial agreements were reached in the majority and of the remaining cases all participants reported a de-escalation in their dispute and an increased understanding of the other participant's perspective on the dispute.

There was a notable increase in inter-family cases referred to the service during 2016. This is thought to be in-part due to the increased links with the social work departments in the various care areas. Mediators have reported successes in facilitating families who have fallen out to manage challenging conversations between themselves. This assists them to overcome difficulties that have arisen for them and allows families to move forward with new skills and plans for resolving issues that may arise in the future. Other cases managed by our volunteers have included traditional mediation topics of dispute including neighbour disputes, noise disputes and issues concerning colleagues, service users and providers.

Family Mediation

The Family Mediation Service received in excess of 25 inquiries about family mediation. 19 of these enquiries converted into referrals. However 8 of these referrals did not mature into cases following initial case development either because party B declined the opportunity to participate in mediation, or they failed to contact us again. However, of the remaining 11 cases, 1 was transferred to South Dublin Mediation due to a conflict of interest, 6 full agreements were reached and 4 cases continued into 2017.

Learning and Sharing Peer Support Meetings

The service facilitated two well attended shared learning meetings during 2016. A number of smaller group meetings were held on an informal basis during the year. It was agreed that additional support and supervision during 2017 would be of great value to the volunteer group.

Courts Mediation Service

Ballymun Community Law Centre continued in 2016 to participate along with South Dublin Mediation and Community Law and Mediation to support the Civil Courts Mediation Service. BCLC committed to present in court on 12 separate occasions with the view to being available to lay litigants and prospective participants to mediation.

Our role is to explain to prospective participants the mediation service and how it might be of value to the participants and facilitate litigants make an informed decision on whether or not to participate in mediation. BCLC received 4 referrals from the courts service in 2016 and all reached agreement, the courts are informed and the case is dismissed. All cases were between neighbours and were noise related.

As part of the courts service initiative in 2016 a letter was sent to the director of services, housing and community development managers in all local councils. This was with the intention of introducing the concept of mediation to frontline service providers.

In response to this approach Ballymun Community Law Centre was invited to present to Mr. Bill Coman, Director of Services, Social and Community Development, Fingal County Council. Mr. Coman was very positive about the possibilities for mediation within the Fingal community, it has been agreed that we would further engage in work with Fingal Council in the New Year with the view to supporting neighbours in dispute over neighbourhood issues.

Peer Mediation

The peer mediation programme continues to run in all participating schools. Mixed numbers of participants and classes continues to present new challenges to both the peer team and the supporting teachers. Peer received great recognition following the annual review in Holy Spirit Girls where the inspectors endorsed the training and encouraged the ongoing training in conflict management for the senior students.

In 2016 all of the participating schools completed their training in Peer to Peer Mediation Training. Virgin Mary Boys and Girls National School went on to participate in the making of a video displaying their mediation skills. The participating students wrote their own disputes, filmed and edited their movies. Many thanks to all teaching staff who assisted the students with the making of the films, it is hoped that they can be used both to market the training to other interested schools and also work as a training aid for participating schools. The training video will be launched in 2017.

Mediation Training Programme

In 2016 we delivered a training programme in Family Mediation. Geoffrey Corry of Athena Mediation delivered the training along with Rachel Murphy of the Family Mediation Service. Nine trainees successfully completed the course. Luckily for our service, three of them have gone on to join the Ballymun Community Law Centres family mediation service as volunteers.

In 2017 we plan to run a Conflict Resolution and Mediation Skills Training Course for local organisations.

PUBLIC POLICY DEVELOPMENT AND LAW REFORM DEBATE PROGRAMME 2016

Ballymun Community Law Centre continued to be involved with the Collective Complaint of FIDH –v- Ireland. This aspect of the Law Centre’s work is not covered by core funding and previously FLAC provided funding and the Irish Human Rights & Equality Commission (IHREC) also funded certain outlays through a successful grant application. The State’s Defence and final submission were made to the European Social Committee under the Revised European Social Charter during 2016. With funding from FLAC, BCLC commissioned a short video learning tool on how to bring a Collective Complaint. The video was produced by CAN (Community Action Network) and launched at Ozanam House, Mountjoy Square on 6 October 2016. [The video can be accessed here via YouTube](#). We would like to thank FLAC most sincerely for making funding available for projects such as this.

Mikayla our Managing Solicitor spoke about the Collective Complaint at the Association of Law, Property & Society Annual Conference in Belfast in May on a panel presenting Comparative Approaches to Attacking Social Exclusion in Social Housing. The panel was a collaboration with friends of the Law Centre and Professors of Law; Susan Bennett, Director, Community and Economic Development Law Clinic at Washington College of Law, American University and Louise Howells, University of the District of Columbia, David A. Clarke School of Law. Mikayla would like to extend her gratitude to the Professors for their generous invitation to participate with them on the panel and for making the day such an enjoyable experience.

Following on from that presentation, Mikayla was invited to write a piece on the Collective Complaint in the Chartered Institute of Housing (CIH) Journal Housing Ireland and the article appeared in the [Autumn 2016 Edition](#) (Issue 10 pp 8-9).

A decision on the substantive issues of the Collective Complaint is expected in the first Quarter of 2017. In the meantime, CAN hosted a public event supported by the IHREC on 6 December 2016 on Condensation Damp issues at which Dr. William Scott and Joseph Little presented comprehensive Reports on condensation damp, a problem which is included in the Collective Complaint and has enormous impact on the lives of people living with it. These Reports have been made available to the public for use by anyone experiencing similar problems and [BCLC has posted them to our website](#). The event took place at St. Michael’s Parish Youth Project Building near St. Michael’s Estate in Inchicore and was well attended. The Law Centre was represented and the audience gathered; appropriately in a community resource centre adorned richly in art and representations of the experience of poor social housing and regeneration, to listen intently to brave tenants living with condensation damp and knowledgeable professionals. Two renowned experts in the field, Bill Scott and Joseph Little strongly challenged the policy of local authorities around the country that damage resulting from condensation is always the sole responsibility of the tenant. CAN called on the Minister for the Environment to issue a directive to Local Authorities to delete this policy from the public notices and communications with tenants.



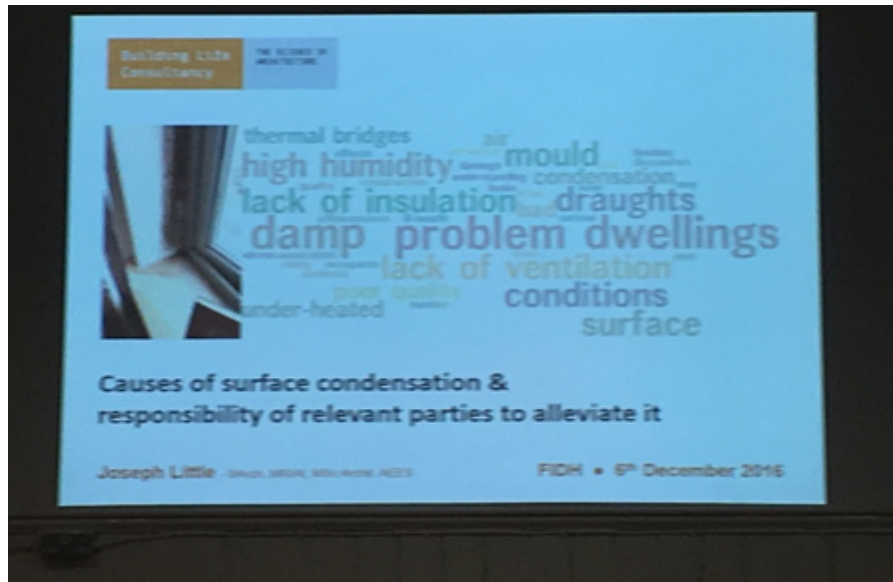
Art in the St. Michael's Parish Youth Project Building

Public Policy Development and Law Reform debate

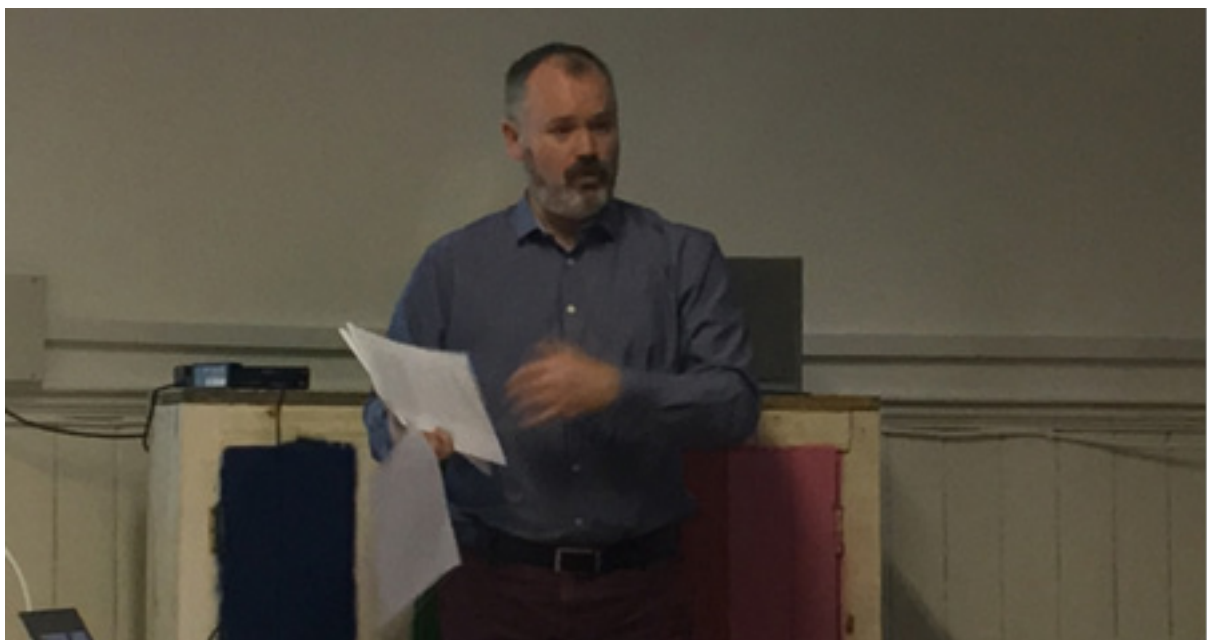
Ailish Comerford, a local community worker also spoke of efforts to get a remedy for residents affected by condensation damp.



Ailish Comerford



Dr. William Scott



Joseph Little

Housing Group

Through FLAC and the Housing Advocacy Network, BCLC also became involved with an Abusive Lending Project headed up by the Open Society Justice Initiative. As part of that project, in June our Managing Solicitor was invited to a learning event in Barcelona and availed of an opportunity to learn about the PAH movement in Spain and how lawyers and activists had been working together collaboratively to protect housing rights. Members of the Irish Housing Network also attended and hopefully we can forge some links and educational partnerships as a result of networking and successful funding applications.

Independent Law Centre Network

The Network is up and running in an official capacity. PILA is excellent in supporting the Network and the website www.independentlawcentres.ie

The Law Centre continues to participate in the Independent Law Centre Network and members were unanimous in our gratitude and well wishes for Noeline Blackwell who left FLAC in 2016 for new pastures. Peter Ward SC, the Chair of FLAC, Paul Joyce and Noeline herself had beautiful and funny words at a lovely evening tribute to Noeline.

Research

The Law Centre commissioned and completed an unmet legal needs survey of the Ballymun area in 2016. An enormous amount of work went into composing the questionnaire and in particular we would like to thank Dr. Moling Ryan who was of great assistance on the project.

Behaviour & Attitudes presented findings to our Board and staff in October and hopefully in 2017 we will be able to publish an analysis of those findings and plan to appropriately respond to the results.



Financial Report 2016

INCOME AND EXPENDITURE ACCOUNT FOR YEAR ENDED 31ST DECEMBER 2015

	2016	2015
	€	€
Income	191,759	167,989
Expenditure	196,158	(185,309)
(Defecit)/Surplus for the Financial Year	(2,369)	(14,229)

Financial Report 2016

BALANCE SHEET
AS AT 31ST DECEMBER 2016

Current Assets	2016	2015
	€	€
Debtors	5,754	6,453
Cash at bank and in hand	<u>257,190</u>	<u>263,675</u>
	262,944	270,128
Creditors: amounts falling due Within one year	<u>(28,031)</u>	<u>(32,805)</u>
Net current assets	234,913	237,323
Total assets less current liabilities Capital and Reserves	234,913	237,323
Income and Expenditure Account	234,913	237,309
Members Funds	234,913	237,309



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Design & Layout: [Anthony Griffin](#)