

# BALLYMUN COMMUNITY LAW CENTRE

## Annual Report 2015



Ballymun Community Law Centre  
Unit 1A Shangan Neighbourhood Centre,  
Shangan Road,  
Ballymun,  
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## **Our Office**

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Email: [info@bclc.ie](mailto:info@bclc.ie)  
Website: [www.bclc.ie](http://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
	Fiona Gallagher
	Pat Gilheaney
	Catherine Hickey
	Frank Murphy
	Karl Murphy

### 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

During 2015, our Legal Services Programme continued to represent clients in a variety of civil law cases and to provide legal information and advice to local people and organisations.

Housing queries were consistently high with previous years and our new Family Law and Advice clinic has been getting busier all the time, with clients presenting with a broad range of family law queries, and having a demonstrably high satisfaction rating from the service.

As ever, a diverse range of seminars and courses was delivered by BCLC during 2015. Our Legal Education programme is, as always, dependant on the many legal and educational professionals who so generously gave freely of their time and expertise to assist us with the Programme, including the Law Club.

Our Mediation Programme has continued to be developed with the continuation of our volunteer led family mediation service. Our peer mediation service continued in the primary and secondary schools in Ballymun.

We also continued to provide MII accredited training to a number of new mediators in basic mediation skills in 2015 and we continued to participate, with our partners, in the Courts Mediation Service.

As always we have been fortunate to receive the assistance and support of many organisations and individuals who help us to provide the holistic and integrated model of a Community Law Centre that has consistently been our vision.

As chairperson I speak for my fellow directors and the staff of the centre in expressing our gratitude to all of our volunteers who give of their time and expertise so freely and we look forward to the continuation of our relationships with them.

2015 has seen continued support from the Social Regeneration Programme of Dublin City Council.

Our premises in Shangan Neighbourhood Centre remain an excellent local base from which to assist local people to access their rights, as well as knowledge about the law.

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.

We remain grateful to the Bar Council of Ireland for their continued support through the Voluntary Assistance Scheme, and to FLAC for their on-going support in the development of Community Law Centres in Ireland. We also extend our thanks to our team of volunteer mediators, who continue to work here in the centre and in the courts, with families and with community members in resolving disputes.

Sincere thanks to all of our directors. To the staff team of BCLC, I would also like to express my thanks to you, for your hard work and ongoing commitment to the community in Ballymun.

**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 2015

## Legal Services Programme 2015

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. Much of the casework delivery relied on generous pro-bono services from barristers without which we could not deliver the same level of service. BCLC also delivers an information and advice only service in the area of family law.

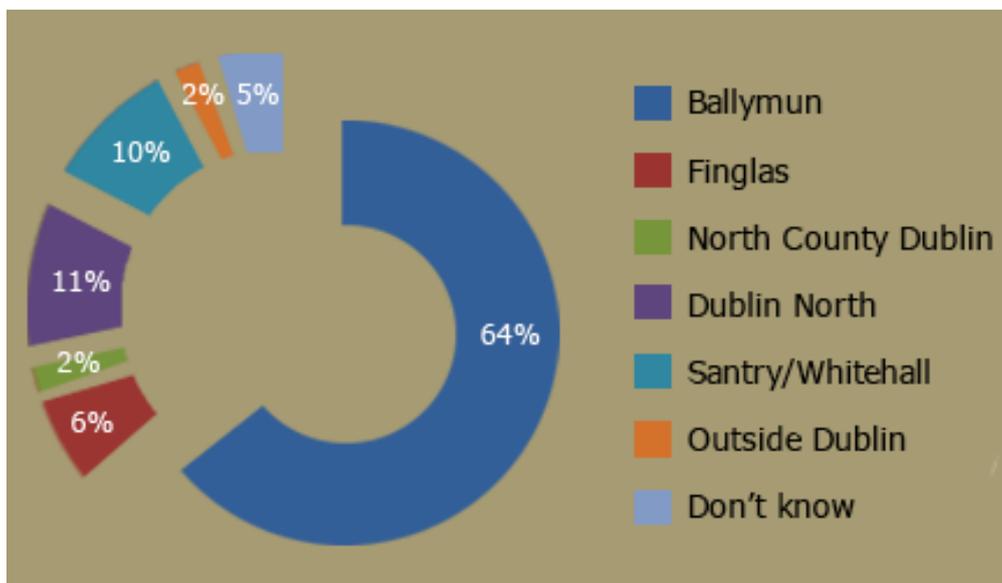
### Legal Information and Advice

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.

### Casework and Outreach Clinics

Ballymun Community Law Centre continued to provide regular and accessible free legal advice clinics in the community in Ballymun throughout 2015. 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. In fact, for this Annual Report the Law Centre decided to do some analysis of those people who use our clinics. The Chart below gives a break-down of the communities, almost exclusively in North Dublin and a clear majority (64%) from Ballymun who are using our Outreach Clinics.

### Communities using the Drop In Clinics in 2015



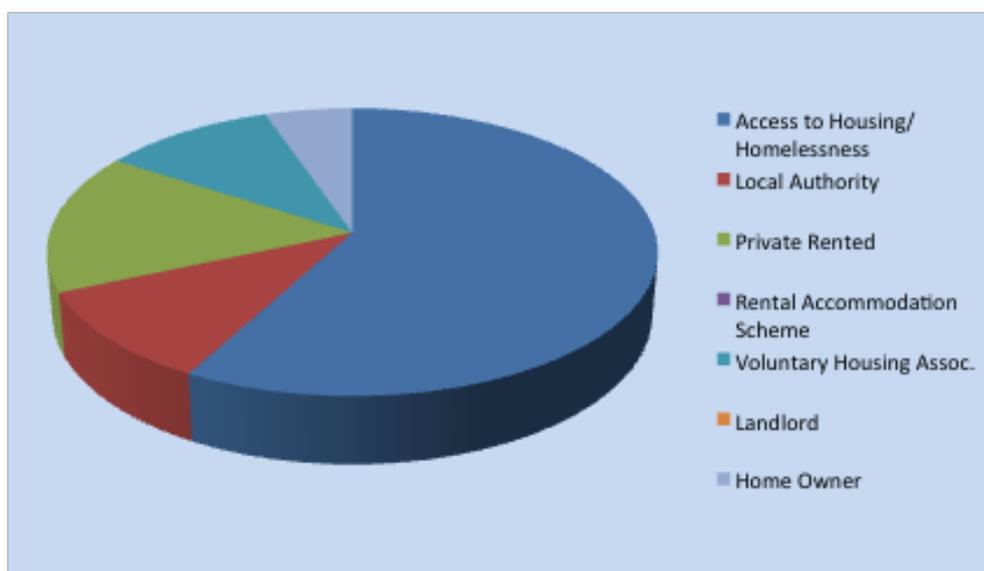
Further analysis of the service users at our Outreach Clinics revealed that 20% of all queries are attributable to repeat callers or people with multiple queries. This probably reflects both the complexity of issues presenting, touching on various legal subject matter and as we have alluded to in previous reports a certain number people return to the clinics to receive further assistance to help them progress their issues to the next stage. We would also like to think that people return with new and separate matters having had an excellent experience using the Law Centre previously.

The highest number of queries in 2015 was recorded in the areas of Employment (18%), Housing (17%) and Family (16%). These statistics refer only to the local Outreach Clinics so when the demand for Family Law from the Outreach Clinics is added to the numbers of queries dealt with in the dedicated weekly Family Law Clinic it is clear that there is a very obvious unmet legal need in the area of Family Law.

The picture presented by the breakdown of query types in the area of Housing supports what we know to be the case nationally – that there is a huge problem for people either losing their homes and trying to access housing. The continued designation of Ballymun as a an area of regeneration for the purpose of providing for greater social integration pursuant to Section 25 of the Social Welfare and Pensions Act 2007 throws up some unique issues locally as it effectively means no new Rent Supplement applications are granted for accommodation in the area.

This legislation currently only applies to the Ballymun regeneration area and can cause a lot of hardship where social welfare applicants agree to take up private rented accommodation in the area unaware that Rent Supplement will be refused in the area even though they are eligible for the payment leaving applicants with rent arrears they have no means to discharge and needing urgently to source alternative accommodation in a very expensive private rental market with very few options.

### Housing Queries by Type in 2015



The Outreach Clinics also deal with various miscellaneous queries over the course of the year which are reviewed at the year end to identify any trends or gaps in legal advice sought by the community. Top of the 2015 miscellaneous issues were matters of capacity, followed by complaints of maladministration by State agencies. There were also queries relating to criminal law, immigration law and assistance sought by lay litigants in civil law matters.

The Outreach Clinics are the first port of call for people seeking legal assistance and where appropriate the law centre can then offer further assistance in the form of full advice, advocacy or representation. We were privileged to be trusted with many clients' stories and experiences throughout the years and to work with them to try to resolve their difficulties. It is impossible to recapture the impact of those experiences on the Law Centre or the difference the intervention of the Law Centre had on clients' lives but we hope the case studies outlined in this Annual Report will give you a flavour of the type of work our community law centre undertakes.

## CASE STUDIES

### Case Study 1

We received a referral from the local Social Welfare Office when a young lady presented for an Unemployment payment having lost her job due to closure of the premises in which she worked while she was on maternity leave. This young lady was in a vulnerable position with a young baby, unemployed and not originally from Ireland. BCLC; with expert input from our ever generous colleagues at the Bar, was able to clarify the legal position for the client and support her in addressing the matter with her former employer. The issue was complicated by a reduction in hours, holiday entitlements, conditions of work and the maternity leave. However, happily the matter was resolved swiftly and amicably much to the satisfaction of our client.

### Case Study 2

We were approached by a very distraught parent who following four weeks of going back and forward to the Department of Social Protection still had not managed to get to the bottom of why their One Parent Family payment had been stopped and not been successful in receiving any form of payment whatsoever in the meantime. The client was very distressed to discover without advance notice that there was no payment at the Post Office.

Over the course of an extremely difficult 6 months for our client, BCLC assisted to exhaust the various Social Welfare review and appeal mechanisms before lodging an appeal with the Social Welfare Appeals Office and formally notified the Department of the client's intention to bring a complaint pursuant to the Equal Status Acts. To make things even more difficult, the disallowance of One Parent Family Payment also resulted in the Back to School Grant being refused for a young vulnerable child anxious to get back to school and normality having spent the summer being fed by neighbours, family friends and relatives and at times having to spend long periods of time with relatives away from home.

A day and half before the Social Welfare Appeals Office hearing was scheduled BCLC received notification that following a review of the client's complaint under the Equal Status Acts the One Parent Family Payment would be restored and arrears backdated to our client with an apology for actions which did not follow the Department's guidelines. In the circumstances, the client did not pursue the Social Welfare Appeal and took the Equal Status matter no further. The client was then also able to access the Back to School Grant.

**Law Society Support**

Again we need to sincerely thank the Law Society of Ireland for their unwavering support of Community Law Centres, and we have gone on to receive generous support from them again this year. Including financial support. On behalf of the Law Centre, our clients and local organisations we thank the Law Society for this vital support, which has enabled us to develop and grow in times of austerity and which has allowed us to build upon our core work while maintaining the high standards of customer care which we have become well known for.

**Bar Council Support**

As will have been referred to in each of our Annual Reports since the foundation of the Law Centre, members of the Irish Bar have been extremely generous and supportive of the work BCLC and without them a huge amount of our work would not be possible. That strong commitment and support continues and we must acknowledge the Bar Council and all its members with great appreciation. While we are reluctant to pick out any one particular Barrister for special mention it is appropriate at this juncture that we recognise the enormous contribution of Siobhan Phelan over the years as we were honoured to be present at the Supreme Court on 6th October 2015 when Siobhan was called to the inner bar and most deservedly joined the ranks of distinguished Senior Counsel in Ireland.

BCLC extends the most sincerely congratulations to Siobhan and we wish her every success. We cannot thank Siobhan enough for her long-standing commitment and we look forward to working with eminent Senior Counsel in the future. And perhaps in years to come BCLC will be fortunate enough to see a budding offspring blossom to follow and perhaps even outshine the bright light Ms. Phelan has so modestly and generously blazed.



Siobhan Phelan SC

# Legal Education Programme 2015

Our Legal Education Programme for 2015 was managed by and in many cases also delivered by Mr. Frank Murphy with assistance from Christina Beresford and also from administration staff. The generosity of the teachers, speakers and presenters who gave so freely of their time to the centre is also strongly acknowledged by us and adds greatly to the diversity and richness of our programme. To follow is a brief summary of the year's activities:

## LAW TALKS

### February

#### **Child Care Law Reporting Project**

Dr. Carol Coulter

#### **Cohabitation**

Neil Vaughan Buckley, BL

### March

#### **Employment Equality**

Claire Bruton, BL

### April

#### **Low Pay Commission**

Prof. Michael Doherty

#### **Family Advocacy Service**

Tus Maith

### October

#### **Civil Legal Aid**

John McDaid, Legal Aid Board

## CAFÉ CONVERSATIONS

### March

#### **Housing Rights**

Dr. Padraic Kenna, NUIG

### April

#### **Online Behaviour**

Dr. Olivia Smith, DCU

### May

#### **Crime and Inequality**

Nora Ní Loinsigh, BL Trinity

## ACCREDITED AND NON-ACCREDITED COURSES

### January

#### **Introduction to Family Law**

BCLC

### March

#### **Introduction to Child Law**

BCLC

### May

#### **Introduction to Family Law**

BCLC

### September

#### **Family Rights Advocacy FETA Level 5**

BCLC

### October

#### **Introduction to Family Law**

Leitrim

#### **Employment Rights Advocacy FETA Level 5**

Coolock

#### **Family Mediation**

Sonya Keniry, BCLC

#### **Women's Aid**

Ruth O'Dea

### November

#### **AMEN**

Niamh Farrell

#### **ACCORD**

Rita Dunleavy

## SEMINARS

### May

#### **Introduction to Human Rights and Equality**

Daithi Joyce

### November

#### **Child Care Law**

Dr. Adam McAuley, DCU

## TRINITY COMPREHENSIVE LAW CLUB

The Law Club of 2015 began the New Year very motivated coming fresh off the back of their attendance at the Central Criminal Courts in December of 2014. The transition year students worked for one week in a room dedicated specifically to the intensive preparation of the mock trial. They worked hard to prepare their witnesses, study the law, and gain an increased understanding of the rules of court, repairing to be examiner in chief and cross examining. Students also had to grapple with the order of trial and the standard required by law in order to secure a guilty verdict. The team also organised the stage as a court room, organised costumes and selected a jury. There were also teams reporting on the progress of the mock trial for the schools own magazine, a court sketch artist and very importantly a small team looking after refreshments for the whole group and the Judge and principal Ms. Neary on the day.

The jury, 12 members selected at random from first and second year students, took their responsibilities very seriously. They requested particular pieces of evidence to be represented to them in the jury room for re-examination and after a long deliberation they returned a not guilty verdict.

After celebrations and commiserations both teams retired to Ms Neary's office where everyone enjoyed light refreshments and chatted with the Honourable Judge McMahon about their hopes and aspirations for the future some even explaining a hope to continue to study the law with the view to taking up a legal career. We would like to take the opportunity on behalf of Trinity Comprehensive Ballymun and Ballymun Law Centre to thank Judge Mc Mahon for his ongoing support for the students who participate in the Law Club each year and the individual time he takes to engage with the students afterwards to hear their interests and support any future career in Law.

During the 2015 course, The Law Club had the opportunity of working with Lizzie Gill student barrister in Blackhall Place. Lizzie brought her considerable knowledge of mooting to the classroom and facilitated small working groups to look at the law on evidence and the standard required. The students also studied the role of the District Prosecution Service and the manner in which the gardai compile books of evidence to be presented to the DPP.

## Mediation Services Programme 2015

In 2015 the mediation service at the law centre received a steady stream of community mediation and family mediation referrals throughout the year. The service continued to develop during the year, with volunteer mediators progressing through their training programmes, to young people learning new skills to help them deal with conflict in their everyday lives.

There is an increasing understanding of mediation and the benefits it can bring to those experiencing difficulty or are engaged in conflict and would like the support of mediation to facilitate a resolution.

### Community Mediation

In 2015, the community mediation service received 16 referrals. The majority of these referrals proceeded to case development stage. Five cases did not proceed any further, as one or other party declined to engage in the process.

The proceeding cases were made up of neighbour disputes, interfamily disputes and referrals made by the gardai. None of these cases involved adult cautions.

### Family Mediation

The family mediation service deals with cases which are multi-complex and participants are often vulnerable and struggling. They rely heavily on the skill of the mediator to support and facilitate them in reaching an amicable, all issues agreement, that they, the participants, have designed.

In 2015, seventeen referrals were made to our family mediation service, and we continued to work with an additional three cases from the previous year.

Of the 2015 referrals, six reached full separation agreements, and one couple returned to counselling.

Of the remaining 10 referrals, the party B in four cases declined the offer to proceed to mediation, two withdrew to return to legal services of which one proceeded to court. During case management of one referral it appeared that family mediation was an inappropriate choice for the couple and with agreement they attended an alternative non legal service. One case closed with most, but not all issues reaching agreement.

### Learning and Sharing Peer Support Meetings

In 2015 four learning and sharing peer support group meetings were facilitated. The LSPSG meetings are reflective support meetings for the volunteer mediators to discuss issues that arise during mediation and to share their experiences of what occurs during the mediation process. Mediators also take this opportunity to raise questions about their practice and areas of interest, share information and learning through review of books, seminars and training events and to receive an up-date on the service and how it is progressing. It also is an opportunity for reflective practice. The LSPSGS sessions provide ongoing professional development and accrue CPD points necessary for the mediators to be registered with the Mediators' Institute of Ireland.

This year a plan was drawn up to look specifically at increasing the number of referrals to the service, and also to examine how to support cases through the various channels to full mediation. It was also agreed to make a series of presentations to local area social work teams, in recognition of the high volume of calls received by the service from social workers working in the local community. Mediators also agreed and set agendas for future training that they wish to participate in over the course of 2016 and a plan was put in place to achieve these training aims.

### **Courts Mediation Service**

Mediation Ballymun continues to support the civil courts mediation service. Judge Michael Coghlan now sits in court 28 and has been of great support to the initiative. The initiative requires a volunteer mediator present in court each Friday to be available to the Judge to meet with parties to a dispute if it is felt that mediation would be an appropriate way for the parties to resolve their dispute.

In addition a presentation was given by the three Dublin based mediation services, of which Mediation Ballymun is one, to the Dublin Circuit and District Court Office staff to clarify the role of mediation and to answer any queries that arise in the everyday course of work at the courts.

### **Peer Mediation**

The peer mediation programme continued to run in all participating schools. Holy Spirit Girls School didn't participate this year as they sought to prioritise youth mental health in 2015. BCLC understood the challenges presented to the young students and supported the re-prioritisation of youth mental health issues.

In the primary school programme, class numbers and mixed age classes have given us new issues to consider when approaching the delivery of the training in the primary schools, as the training is very age specific. This is a matter that is under review with the participating primary schools.

In the secondary programme, the transition year classes completed their second level training and are now considering how best to deliver the service to the junior students new to the school.

Our Lady of Victories Girls National School kindly shared with us that their school had received a distinction following their annual audit from the department of education for their prioritising of conflict management skills through Peer Mediation training in the school.

# PUBLIC POLICY DEVELOPMENT AND LAW REFORM DEBATE PROGRAMME 2016

## The Collective Complaint

BCLC has had the privilege of hearing many clients' stories over the years. There are happy endings but there are also many unhappy endings and frustrations experienced along the way. From the outset, the law centre recognised a real unmet legal need in relation to Housing and due to the origins of Ballymun and its uniqueness as a regeneration area, the system of Local Authority housing has been highlighted to us. From working with and around this quasi-legal system the centre is not alone in identifying many weaknesses in our law which create obstacles and barriers to accessing justice for tenants. Our experience is that the laws which the State operates do not provide equality of arms between social housing providers and social housing consumers and power and responsibility does not equate with rights and entitlements. As a result, it can be a difficult task to seek redress or an effective remedy where a Local Authority tenant has a dispute or complaint with their Landlord. It is for this reason, that our community law centre became involved in a Council of Europe procedure called a Collective Complaint whereby with our partners we are supporting local authority tenants to bring a Complaint about the Local Authority Housing system in Ireland against the Irish State to the European Social Committee. The Complaint is brought by Local Authority tenants from all over Ireland complaining that the system breaches certain rights enshrined and accepted by Ireland in the Revised European Social Charter. We are joined in supporting tenants by Dr. Padraic Kenna, Dr. Rory Hearne, Community Action Network facilitated by PILA (a project of FLAC) and our international partner, FIDH (International Federation for Human Rights), an organisation entitled to submit Collective Complaints and an international non-governmental organisation which holds consultative status with the Council of Europe. The Complaint was lodged in 2014 and deemed admissible on 17 March 2015. It is an honour for Ballymun Community Law Centre to be involved with such brave and compassionate tenants. We would also like to express our gratitude to FLAC for making it financially viable for us to support this project by providing a grant to the Law Centre to carry out work not covered by core funding. We intend to continue to collaborate on this project, supporting tenants in an area of very obviously unmet legal need, learning from the experience and to sharing that learning.

The Collective Complaint can be accessed electronically through the link:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168048379f>

Overleaf are photos of some media coverage and the Press Conference.



Media coverage of the Collective Complaint



Collective Complaint Conference

## Independent Law Centres Network

Ballymun Community Law Centre continued to be involved with the Independent Law Centres Network which established a website for the promotion of public awareness of and information about Independent Law Centres: [www.independentlawcentres.ie](http://www.independentlawcentres.ie)

Ballymun chaired the network for the first 6 months of 2015.

## Housing Advocacy

We also collaborate with other individuals and organisations through the Housing Advocacy Network which is a network to share information, raise awareness of developments relevant to housing advocacy and advocating in the areas of social housing and homelessness. The Network travelled to the Centre for Housing Law, Rights and Policy at NUI Galway in March for a very productive discussion and meeting hosted by Dr. Padraic Kenna.



Dr. Padraic Kenna with members of the Housing Advocacy Network

# Financial Report 2015

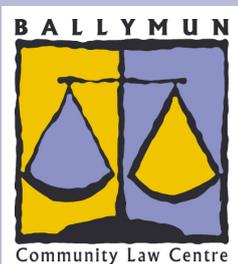
## INCOME AND EXPENDITURE ACCOUNT FOR YEAR ENDED 31<sup>ST</sup> DECEMBER 2015

	<b>2015</b>	2014
	€	€
<b>Income</b>	167,989	196,420
<b>Expenditure</b>	(185,323)	(178,247)
<b>(Defecit)/Surplus for the Financial Year</b>	(14,243)	21,136

## Financial Report 2015

### BALANCE SHEET AS AT 31<sup>ST</sup> DECEMBER 2015

<b>Current Assets</b>	<b>2015</b>	2014
	€	€
<b>Debtors</b>	6,453	7,306
<b>Cash at bank and in hand</b>	263,675	279,172
	<u>270,128</u>	<u>286,478</u>
<b>Creditors: amounts falling due Within one year</b>	(32,819)	(34,926)
<b>Net current assets</b>	237,309	251,552
<b>Total assets less current liabilities Capital and Reserves</b>	237,309	251,552
<b>Income and Expenditure Account</b>	237,309	251,552
<b>Members Funds</b>	237,309	251,552



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Design & Layout: [Anthony Griffin](#)