



**An Roinn Dlí agus Cirt**  
Department of Justice

# End to end review of International Protection Processes

## Legal Panel Roundtable Workshop report

Prepared by the Service Design & Customer Insight team  
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## 1. Context

- 1.1 These roundtables were conducted as part of the end to end review of the International Protection process under Action 3.18 of the Catherine Day report. The workshops were facilitated by the following Review Team members: Aisling Brennan, Julie-Anne Dunne and Céin Sookram.

## 2. Approach

- 2.1 Open invites to attend the roundtable were issued to all Panel Members. The Service Design Team carried out the roundtable with the participants on 01 March 2021, with the discussion taking around 1.5 hours
- 2.2 The themes to guide the discussion on the day were:
- Perceptions of the Catherine Day report
  - Interactions with the IPO
  - Opportunities for improvement in the current process from panel members perspectives
- 2.3 Due to ongoing Covid-19 restrictions, the workshops were conducted over Zoom.
- 2.4 After the roundtable, the Service Design team collated all the information and discussion points noted during the session and put these together into themes to help frame the discussion on the day.

## 3. General Insights

- 3.1 Below represents a **high level analysis** and synthesis of the discussion from the roundtables. Due to the open discussion element of the roundtable on the three themes, there was some crossover in points raised.
- 3.2 The key issues coming through the discussion were:
1. Communication and interaction with the IPO
  2. Frustration on use of decentralised and remote interviews
  3. Clarity on procedures, roles and responsibilities.

## 4. Key insights on perception Of Catherine Day Report

- 4.1 While there was agreement that the CD recommendations are valid and are good, there were some concerns raised in relation to how the reduction in the backlog can be achieved and a feeling that many of the recommendations were aspirational. This position is in conjunction with the recommendation to reduce the numbers of panel members, uncertainties once restrictions are lifted and the impact of Brexit.
- 4.2 To ease the burden and help with the backlog there was strong agreement within the group that any reduction in panel members should be brought in over time. Another issue raised in relation to this was the capacity a panel member has, they physically cannot do more than 5 reports in a week.
- 4.3 There was also discussion around the reduction in work from the IPO will lead to panel members taking on other paid work and this may lead to less availability when the IPO needs them.
- 4.4 Other concerns raised by the panel members on the implications of the CD report
- Concern over privacy, security and confidentiality on the recommendation for the recording of interviews
  - Connected to this, the transcribing of recorded interviews was raised as an additional, time consuming administrative task which may add further delays to the process.
  - There was a brief discussion around the role of the Ombudsman with one attendee noting this could be used as way to increase the length of time someone is in the process and therefore the IPO is not in a position to make a decision within 6 months
  - The group agreed the use of remote interviews is the key issue to be addressed in order to implement recommendations and reduce time in the process. This discussion raised a few points about the quality of the translators and inconsistency on the standards expected for the report (which is expanded further in the other discussion topics below).

## 5. Key insights on Interactions with IPO

- 5.1 The focus of this part of the discussion was to raise insights into the panel member's interactions with the IPO. This discussion led to other insights of the general experience of panel members.

### Relationship between staff and Panel Members

- 5.2 There was agreement that staff are nice people and they have built up some good relationships. However, the impact of staff movements and apparent transience in the IPO recently has had a negative impact on their interactions with the IPO. This has led to a loss of knowledge and experience, with new relationships continually needing to be built which is adding to the processing times.

- 5.3 There was a sense from the group that there is a lack of acknowledgement that the panel members are legally qualified and are not just contractors. They are there for their level of expertise and knowledge of the protection process. It was felt IPO staff need a deeper understanding of Panel members work and legal basis for what a member does.
- 5.4 There was strong agreement with the suggestion panel members could be contracted to assist with the training process with the IPO staff.
- 5.5 Issues around questions to be asked at the interview was discussed as an area for potential misunderstandings. Based on how the questionnaire was completed, panel members do not have a basis to ask certain questions and also where panel members do tease out a question in multiple ways the applicant may not answer it.
- 5.6 An issues was highlighted with the perceived unreasonable dismissal of reports because the interview did not last the expected standard of 3 hours. It was suggested this was a focus for the IPO but panel members maintain the duration of the interview does not reflect the quality of the report produced.
- 5.7 On the flipside of this due to Covid-19 and the reduction in interview times to a maximum of 3 hours, more applicants need a call back.
- 5.8 Inconsistencies with report requirements from different IPO staff and frequent intake of new staff who have to learn this process leads to delays and extended communication about reports.
- 5.9 It was suggested detailed standards coupled with longer retention of staff could help resolve some of these issues.

#### Communication Channels

- 5.10 It was highlighted by the group there is no formal mechanism for panel members to contribute to the process or engage with the IPO. The group were in agreement this is something they would like to see and to help with the training of EOs/HEOs. A quarterly review with the EOs and HEOs would also be beneficial so everyone has a shared understanding of the directives.
- 5.11 The lines of communication was another sense of frustration for the panel members. It was felt communications from senior management can change as they are passed down the organisation and layers of staff grades. Panel members feel the main point of the communication gets lost and find this to be frustrating and chaotic. Equally panel members highlighted they are informed about changes in procedures with no consultation.
- 5.12 In relation to the issue of new administrative tasks the comments below represent the feeling of the group.

**“We should be working together on things like this” “there should be simple conversations around the processes”.**

#### Dialogue and clarity on procedures and process

- 5.13 Poor standard of translation was highlighted. It was noted by the group that although they complete a detailed feedback form of why an interpreter was poor, it does not seem to have an effect. There was a sense there needs to be robust quality control as the impact of reusing interpreters flagged as unsuitable adds to delays, with interviews needing to be cancelled and rescheduled.
- 5.14 As part of the process, panel members have been told to check social media. However, these platforms are restricted on work devices, the issue has been raised but there has been no resolution. This has a knock on effect with files being returned to panel members stating conflicting reports on Facebook and is creating further delays.
- 5.15 Standardisation of requirements for reports was highlighted. The panel members noted reports should not just be a ticking box exercise. The overall quality of the report is what is of importance, as is an understanding that every report and interview can be somewhat different.
- 5.16 The conflicting standards from the different IPO staff and inconsistency in report writing was brought up by the group again. There was a sense one report which would be acceptable for one HEO but was not for another. There was suggestion this could stem from the high staff turnover.
- 5.17 Panel members believe there is a need for targets within IPO case processing in terms of cases processed each week, and that an additional governance process should be in place to ensure a standard of quality is reached and maintained.
- 5.18 There was discussion as to why interviews cannot be moved to an online platform such as Zoom while interviews cannot take place in the IPO. The applicant, legal representative and interpreters could be all present on the virtual platform.
- 5.19 The group wanted to emphasise that although they are contractually required to put themselves forward for 3 cases per week, they may not get any or only receive one. Therefore they must find work elsewhere, potentially resulting in decreased availability for the IPO. There was a sense scheduling of cases was not consistent. There was strong sentiment that poor scheduling is the cause of this. It was felt the scheduling issues will add to the issues of the introduction of a 6 month time limit.
- 5.20 A point raised in feedback after the workshop was that many Panel Members feel there should be a fee attached to training required to be undertaken by IPO, as is currently the case for IPAT Tribunal Members, as Panel Members may have to give up paid work to undertake such training.

## Roles, Responsibilities and Procedures

- 5.21 There was strong sentiment that panel members are not administrators and the separate functions of IPO staff and panel members should be clearer. An example of this is where panel members were informed they were to scan the Questionnaire without the reality of the size of documents being considered with the change in procedure. There was no consultation with panel members and they were forced to say they are not contracted to do this. Panel members continue to perform administrative functions in terms of taking in/ receiving documents at interview and organising their translation.
- 5.22 It was pointed out scanned documents are better in terms of Risk Management, GDPR and general good practice. This was mentioned by a number of the group who feel the scanning allows for document tracing. The lack of this means panel members have no idea the history of a document, whether the documents are all there or if there's anything missing.
- 5.23 There was strong desire to have all documents uploaded to IPO live. It was mentioned it would give all parties full access to the file and creates a record of when documents are submitted, in case physical ones are misplaced. To aid this there was a suggestion there should be a dedicated administration section that handles documents and their scanning. Panel members also raised that they currently can't access buildings and this would help address this issue.
- 5.24 The group highlighted it is standard practice in solicitors offices to have a digital file with case documents. In addition, ideally everything should be ready in the file before the case reaches the panel member.
- 5.25 The issues of receiving documents on the day or after interviews is impacting on the necessity for call-back interviews and causing delays. There was discussion if there are guidelines for legal representatives on the submission of documents and improvements in the system for submitting documents is needed.

## 6. Key insights on Opportunities for improvement

- 6.1 The group identified areas for improvement in the previous discussion topic, further areas to target for improvements are documented below.

### Vary channels for interview

- 6.2 Enhance the use of remote and decentralised interviews. There was strong agreement on this issue and the frustration around the need for all to come to Dublin.
- 6.3 It was noted IPAT are doing remote hearings and it was felt it should be possible for IPO to do something similar.

- 6.4 In support of decentralised interviews panel members noted they have conducted interviews in prisons. It was felt using different means of technologies will bring efficiencies and remove the restrictions that come with booking rooms in IPO offices.
- 6.5 Leveraging the use of other locations was mentioned, with Garda Stations put forward as a suggestion. On this issue another member commented they were aware there is resistance to using Garda stations but solicitors are using their offices for courts virtual hearings and there may be more potential in that area. It was also highlighted that the courts service are conducting remote hearings and could also potentially be leveraged to use remote interviews.
- 6.6 A member of the group pointed out the need to also be conscious of the duty of care to applicants. They mentioned it is important to look at all solutions not just one over the other because of convenience for staff and panel members.

#### Interactions with IPO, the Department and other actors in the protection process

- 6.7 The late submission of documents by legal representatives on the day of interview was acknowledged as a strong frustration point and one that is adding to delays in the process.
- 6.8 It was expressed that frequently, a legal representative would submit documents that are inconsistent with the applicant's original questionnaire, section 13 and 35 interviews. A further de facto practice has developed whereby some legal representatives make submissions after the section 35 interview, on the section 35 interview itself, or 'interview submissions'. A decision on any one case is never made during the section 35 interview, therefore, this form of practice of making 'interview submissions' is misguided.
- 6.9 In feedback after the workshop, it was suggested that the management of submission of documents could be assigned to a staff member or unit in IPO. It was put forward that [Practice Direction 81 of the High Court \(linked\)](#), which explores the procedural or practical elements of the duty of good faith in making judicial review applications, would be a good starting point in terms of developing such a unit.
- 6.10 A further frustration felt by panel members is the withholding of documents previously listed by an applicant in their original questionnaire, perhaps on the advice of their legal representative.
- 6.11 It was felt by panel members that, in cases where there are discrepancies between the submissions of the Applicant, and that of the legal representative there should be clear guidance in place as to what weight should be given to such discrepancies, in terms of assessing the weight to be attached to such issues and in assessing the credibility of material facts.

- 6.12 It was suggested that clear guidance could be developed and communicated with applicants and legal representatives regarding a cut off point for submitting documents, separately to the IPA questionnaire, prior to the section 35 interview.
- 6.13 A suggestion was raised after the roundtable by one attendee whether letters sent in advance could have a notice stating documents received late will lead to delay in the process. It was felt this puts the obligation on the applicant/ legal rep and the IPO would have grounds for 6 month limit being extended. This measure would need to be reportable to be effective.
- 6.14 There was strong sentiment that there is more robust quality control needed with interpreters. Members of the group indicated they do provide feedback through a feedback form but find the same interpreter is used again. There can be times where interpreters are late and this has a knock on effect, potentially delaying the process for some applicants.
- 6.15 The issue of proportionality in distribution of cases by the IPO was raised. It was felt when there is a reduced number of cases, assignments should be favoured to those who consistently make themselves available and should be linked to their case history. Adding to this reduced work will require them to look elsewhere to earn a living.
- 6.16 A suggestion was put forward to establish a working group on process improvements such as scheduling, interview techniques and report strategies, with all stakeholders including panel members, thus enabling the expertise of all stakeholders to be included.

## Scheduling and Interviews

- 6.17 To support the submissions process the ability to send reminders to solicitors to send documents in advance was suggested.
- 6.18 Scheduling could be improved, in particular where applicants need to travel distances from a rural location for the interview. Currently, applicants may need to leave early to get transport home. This may mean an adjournment or call back interview is needed and delays the process.
- 6.19 It was pointed out there are delays with the interview due the time taken to register applicants in the IPO and there are times where applicants are late to the interview affecting the available time and therefore delaying the process. This area was identified as an area to be improved



- 6.20 The use of Zoom type interviews was discussed, panel members, legal reps and interpreters could convene online. As part of this suggestion, files could be sent to panel members or access them online. There was strong desire within the group to implement remote interviews and resolve why this can't currently be done.

#### Procedures and IT infrastructure

- 6.21 As part of the issues with file management and delays in the movement of files, there was a suggestion of scanning all documents received by the applicant to be uploaded onto the IPO live system. This would create a de-facto digital file and would mean if a part of file went missing there would be a digital copy of it on record.
- 6.22 Scanning of documents as previously highlighted in the roles, responsibilities section above was highlighted as an area requiring improvements. There was sentiment within the group that **scanning is a practical solution, but they don't believe it is going to be achieved.**
- 6.23 It was also noted the current printing equipment is not fit for purpose and this needs to be addressed.

## 7. Conclusion and Next Steps

- 7.1 This roundtable workshop report was shared with all Legal Members of the IPO for their feedback and observations, prior to its completion and sharing with the Programme Board of the Catherine Day Implementation Working Group.
- 7.2 This series of roundtable workshops took place following the completion of user perspective and experience surveys by IPAT Tribunal Members, IPAT staff, IPO Legal Panel Members and IPO Staff. Overall there are 8 individual reports analysing each of these pieces of work.
- 7.3 These 8 reports have been looked at as a whole, and the insights within them used to develop one overall set of recommendations for improvements. In many cases, recommendations are based directly on or lead from ideas that people shared throughout the work. These recommendations will be based on what people shared about their experiences and their roles within the International Protection process, and so for the most part focus on what will improve the experience of working in the International Protection process.
- 7.4 These recommendations have then been cross-referenced with the overall recommendations arising from the overall body of work reviewing the end to end process review of the International Protection Process. Ultimately, this will result in one overall set of recommendations, supported by multiple strands of analysis and research. These recommendations will then be submitted to the Programme Board for consideration, approval and decisions on how to implement.