

EQUALITY COMMISSION FOR NORTHERN IRELAND

**ONE HUNDRED AND SEVENTY FIFTH MEETING HELD
ON WEDNESDAY 23 SEPTEMBER 2020 AT 1.30 PM
BY MICROSOFT TEAMS**

PRESENT

| | |
|-------------------|---------------------------|
| Geraldine McGahey | Chief Commissioner |
| Neil Anderson | Deputy Chief Commissioner |
| June Best | |
| Theresa Donaldson | (part) |
| Duane Farrell | |
| Helen Ferguson | |
| Hazel Francey | |
| Jarlath Kearney | |
| Deepa Mann-Kler | |
| Stephen Mathews | |
| Carmel McKinney | |
| Joe McVey | |
| Dawn Purvis | |
| Katy Radford | |

APOLOGIES

IN ATTENDANCE

| | |
|----------------|---------------------------------------|
| Evelyn Collins | Chief Executive |
| Keith Brown | Head of Corporate Services |
| Deborah Howe | Senior Policy Officer |
| Lisa King | Director, Research and Investigations |
| Roisin Mallon | Director, Dedicated Mechanism |
| Jacqui McKee | Director, Advice and Compliance |
| Louise Conlon | Manager, Communications |
| Lai Pang | Boardroom Apprentice |

1. Introduction

The meeting was taking place by Microsoft Teams video conference due to Government guidance on the Coronavirus pandemic.

The Chief Commissioner welcomed everyone and introduced the new Boardroom Apprentice Lai Pang to her first Commission meeting. Lai Pang introduced herself to Commissioners noting that she was very pleased to be Boardroom Apprentice to the Commission and was looking forward to learning a lot over the coming months.

The Chief Commissioner thanked Commissioner Katy Radford for agreeing to be the Boardroom Buddy for Lai Pang.

2. Minutes of the one hundred and seventy fourth meeting held on 23 August 2020.

EC/20/08/01

The minutes of the one hundred and seventy fourth meeting held on Wednesday 23 August 2020 were **signed** as a true and accurate record.

3. Matters Arising

Pg 2 Commissioner Away Day: following consideration of availability, it was currently planned that the Commissioner “away day” will take place on 28 October, with a 10am start although a final decision would need to be made closer to the time, based on the advice at that time from Public Health Agency re COVID 19 restrictions. A venue would not be booked until it was clear that the Away Day could go ahead. Commissioners were asked to keep the date in their diaries and details will follow in due course.

Also following consideration of availability, the joint Board meeting with the Labour Relations Agency will take place on Thursday 29 October 2020. A small number of Commissioners had indicated that they could join this meeting and the Chief Commissioner asked them to confirm in their diaries. She also asked that the Commissioners let staff know if they subsequently become available to join the meeting.

P2 Pet Passports – contact has been made with DAERA officials on this matter and information sought, a reply is awaited. The issue was also raised by the Commission at the TEO Assembly Committee on 16 September and was picked up in the press.

A Commissioner thanked the Commission for progressing this matter and for raising it at the Committee.

P2 Education – an invitation had been received to attend the Assembly Education Committee on 6 October, to provide an informal briefing.

P3 Business Plan – this was submitted to TEO on 27 August 2020 for approval.

P6 Engagement with race sector – the Chief Commissioner has invited the representatives in the race sector to another roundtable meeting on Thursday 22 October 2020.

4. Conflict of Interest

No conflicts of interest were declared. Commissioner Deepa Mann-Kler noted an interest as she was a member of the PHA Board.

5. Policy Issues

- Dedicated Mechanism: Update

EC/20/08/02

The Chief Commissioner introduced Roisin Mallon as the recently appointed Director in the Dedicated Mechanism Unit, following public advertisement. Commissioners congratulated Roisin on her appointment.

Roisin Mallon updated Commissioners on a number of developments relating to the establishment of the Dedicated Mechanism. She provided an update on recent engagements including a briefing to the TEO Assembly Committee by Chief Commissioner and Chief Executive, together with Chief Executive of NIHRC, and meetings with NIO officials and with the EU Ambassador to the UK.

Roisin Mallon outlined the planned next steps including ongoing work to ensure effective operational arrangements are in place to carry out the functions of the Dedicated Mechanism. She noted that the recruitment of staff to the DM Unit was ongoing.

The Chief Executive advised Commissioners about the ongoing focus on the Internal Market Bill, including a letter to the Secretary of State jointly with the NIHRC outlining a number of concerns.

Commissioners agreed that scrutiny of the implementation of the Article 2 commitment was key and that the Dedicated Mechanism would often be

dealing with contentious issues. It was vital that the Commission continues to exercise its independence as it works to protect equality rights post Brexit.

Following discussion, Commissioners **noted** the update and the planned next steps.

- COVID19: update

EC/20/08/03

The Chief Executive provided Commissioners with an update on work undertaken since June 2020's Commission report in response to the COVID-19 pandemic, as relevant in the context of our statutory responsibilities. She detailed the work ongoing across a range of areas including in respect to health and education policy and on work in respect to equality issues relating to race and to people with disabilities.

She updated on the continuing remote working practices for all staff, in line with Government advice, and informed Commissioners about a recent internal audit in respect to effectiveness of the current remote working arrangements and service delivery. This resulted in a positive report on the arrangements made.

Commissioners welcomed the positive internal audit report noting that this provided useful assurance in these difficult times. The Chair of the Audit and Risk Committee suggested the report should be made available to all Commissioners prior to the next ARC meeting.

There was a query in respect to progress on bringing forward age gfs legislation. The Chief Executive informed the meeting that a reply to the Chief Commissioner's letter to the First Minister and deputy First Minister on the matter had recently been received which indicated that further work was required to finalise the policy content of the proposed legislation, following the public consultation 2015, although it was unclear whether resources had been allocated to undertake this work.

In response to a query whether the focus on the need for equality data highlighted by the pandemic would have long term impact, the Chief Executive noted that a helpful response to her letter had been received from the Chief Executive of NISRA, outlining some plans and thinking regarding producing improved equality data. This was also the subject of a recent AQ from the Chair of the TEO Assembly Committee. A Commissioner noted the importance of considering Intersectionality in this context also.

There was a query about the operation of the Courts and Tribunal Services and it was noted that the arrangements continued to be quite disrupted by the

pandemic and this was causing delays in progressing the Commission's supported legal cases.

It was noted that it was important that there was a careful balance to be struck whilst safeguarding public health to ensure it did not impact civil liberties.

In response to a query on regarding the impact of COVID 19 on the ability to provide school places for SEN children, the Chief Executive did not have an up to date position on this matter and agreed to look into this after the meeting and to follow up if necessary.

Following discussion, Commissioners **noted** the update and the planned next steps.

[Theresa Donaldson joined the meeting]

6. Business Reporting

- Business Plan: 6-month review EC/20/08/04

The Chief Executive updated Commissioners on the outcome of the review of the Business Plan for 2020-21, noting that no changes were being recommended to the Plan, for the reasons set out regarding the ongoing impact of COVID 19 on the Commission's work. A small number of presentational changes were made, following the appointment of the Director of DMU. Commissioners were asked to approve the Plan following this review.

Commissioners **approved** the outcome of Business Plan review.

- Northern Ireland Audit Office: Final Report to those Charged with Governance EC/20/08/05

The Chief Executive presented the Final Report to those Charged with Governance which had been presented to the Audit and Risk Committee on 25 August 2020.

Commissioners **noted** that the Final Report to those Charged with Governance, including that there were no priority issues to be addressed. This was a significant achievement for the Accounting Officer and her staff.

7. Other Matters for Commission Decision

- Investigation into the Department of Finance – Investigation Report
September 2020 EC/20/08/06

Helen Ferguson, Chair of the Statutory Duty Investigations Committee (SDIC), introduced the Investigation Report of the Commission’s investigation into the Department of Finance’s (Department) compliance with its Equality Scheme, conducted under Paragraph 11 of Schedule 9 of the Northern Ireland Act 1998. She explained that the SDIC had considered the final Report at its meeting on 16 September 2020 and had agreed to recommend it for Commission approval.

Lisa King, Director of Research and Investigations, provided further detail on the content of the final Report including on the considerations of the SDIC Committee.

Commissioners considered the Report and noted the importance of the Department of Finance being mindful of its responsibilities in respect of the equality and good relations duties in the context of the upcoming budget processes and the importance of equality issues being considered in the preparation of the budget

Commissioners **approved** the Investigation Report, with its findings and recommendations, and noted plans for publicising the Report.

8. Chief Commissioner’s Business

EC/20/08/07

- Dates of Commission/Committee Meetings 2021

The Chief Commissioner asked Commissioners to note the final dates for Commission and Committee meeting in 2021 set out in EC/20/08/07

The Chief Commissioner noted that the following possible topics for the away day included - Board Effectiveness report; risk appetite; and possibly race equality issues. It was also anticipated that Mr Mark Browne, TEO, would attend to give input on Executive matters.

The Chief Commissioner reported on a number of recent engagements including a meeting with the TEO Accounting Officer, Mark Browne and on attending an event organised by the NW Migrants Forum on the Common Travel Area.

A Commissioner thanked the Chief Commissioner for the focus she was giving to the need to progress the Racial Equality Strategy. This is an important issue which needed the Commission's leadership, as there was currently a lack of political leadership on this issue. The Chief Commissioner would keep Commissioners apprised of progress.

9. Chief Executive's Report

EC/20/08/08

The Chief Executive presented her report, including alerting Commissioners that she declared a further 25k easement in the October monitoring round following discussions with TEO officials on the TEO budget situation and considering the current expenditure profile.

The Chief Executive thanked those Commissioners who have given up a significant amount of time to participate on the recruitment panels for posts within the DMU. She also provided an update on progress in respect to these recruitment exercises.

Commissioners **noted** the report.

10. Matters for Information

11. Minutes of Committee Meetings

- Minutes of the Audit and Risk Committee held on Tuesday 12 May 2020. EC/20/08/09
- Minutes of the Special Meeting of the Audit and Risk Committee held on Tuesday 23 June 2020. EC/20/08/10
- SDIC Minutes of the Statutory Duty Investigations Committee held on Wednesday 10 June 2020. EC/20/08/11
- SDIC Minutes of the Statutory Duty Investigations Committee held on Wednesday 1 July 2020. EC/20/08/12

Commissioners **noted** the Minutes outlined above.

12. Any Other Business

13. **Date of next meeting:** One hundred and seventy sixth Commission Meeting on **Wednesday, 28 October 2020, at 1.30 pm.**

The meeting closed at 3.50 pm