

EQUALITY COMMISSION FOR NORTHERN IRELAND

ONE HUNDRED AND EIGHTY THIRD MEETING HELD ON WEDNESDAY 23 JUNE 2021 AT 1.30 PM BY MICROSOFT TEAMS

PRESENT

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

APOLOGIES

Theresa Donaldson

IN ATTENDANCE

| | |
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| Evelyn Collins | Chief Executive |
| Keith Brown | Head of Corporate Services |
| Lisa King | Director, Research and Investigations |
| Karwan Shareef | Investigation Officer |
| Marie Clare Kinney | Senior Investigation Officer |
| Roz Harkness | Investigation Officer |
| Claire McCloskey | Assistant Investigation Officer |
| Roisin Mallon | Director, Dedicated Mechanism |
| Patricia Cosgrove | Senior Legal Officer, DMU |
| Anne McKernan | Director of Legal Services. |
| Darren McKinstry | Director, Policy and Strategic Engagement |
| Louise Conlon | Manager, Communications |
| Colin Berry | Temporary Finance Manager |
| Lai Pang | Boardroom Apprentice |

1. Introduction

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

2. Minutes of the one hundred and eighty second meeting held on 26 May 2021.

EC/21/05/01

The minutes of the one hundred and eighty second meeting held on Wednesday 26 May 2021 were **signed** as a true and accurate record.

3. Minutes of the Special Meeting held on Thursday 10 June 2021

EC/21/06/02

The minutes of the special meeting held on Thursday 10 June 2021 were **signed** as a true and accurate record.

4. Matters Arising

Pg 2: Monitoring Report: this was published on 8 June. There was a small amount of media coverage.

Pg 3: Business Plan: this was submitted to The Executive Office on 27 May 2021.

5. Conflict of Interest

No conflicts of interest were declared.

6. Policy Issues

- Judicial Review Intervention: presentation of Article 2 issues

Roisin Mallon, Director, DMU provided a verbal update on the Article 2 Judicial Review intervention noting that the Commission had been granted permission to intervene. She explained that the Judicial Review had been rescheduled to October following a request from the representatives of the Secretary of State.

The Director outlined Counsel's input on behalf of the Commission, noting that the intervention in these proceedings related to the potential they have to provide judicial interpretation of Article 2 (1) of the Ireland/Northern Ireland Protocol. She provided an overview of the applicant's initial submissions in respect to Article 2 and UNCRPD. Other interveners in the case included the

NI Human Rights Commission who were intervening on a number of points in respect to abortion aligned to their own legal proceedings.

It was explained that the Commission had indicated in its submission that it would bear its own costs and these arrangements were currently being confirmed with the parties. Papers were due with the Court in late September and Commissioners would be updated on the matter at the August Commission meeting.

The Chief Commissioner noted that, following discussion at previous meetings, the Commission's position in respect to abortion generally was detailed in its response to the consultation on a New Legal Framework for Abortion Services in Northern Ireland in December 2019. She noted that Commissioners who were not on the Commission at that stage may wish to familiarise themselves with this.

Following discussion of the various points raised in the case, there was consensus that the Commission's intervention in the case was important as a number of the grounds on which the proceedings were brought relate to the legal interpretation of Article 2 (1).

Commissioners **noted** the update and looked forward to a further update at the August Commission.

- Discussion paper: the development of the Commission's strategic approach to investigations EC/21/06/03

Lisa King, Director, Research and Investigations, presented the discussion paper on the future strategic approach to investigations. She outlined the Commission's powers and duties; how they have been used previously; the strategic framework agreed to date and the range of current issues. She outlined the proposed next steps and timeframe for presentation of a draft Strategy to Commissioners for approval in Quarter 4 of this year.

Commissioners noted the useful background information provided with the discussion paper. They discussed the Commission's investigation powers generally noting that in some respects they were less wide ranging they are than the powers of the EHRC in Britain. It was noted how the Commission had deployed these powers in the past and some suggestions were made for consideration, including the potential to gather information and to deploy these powers on topical issues.

Commissioners recalled previous discussions with respect to Section 75 investigation powers and the Chief Executive updated on a recent meeting

with Northern Ireland Audit Office to discuss compliance with the s75 duties as a matter of good governance across the public sector.

Commissioners **noted** the proposed next steps and timeframes outlined.

7. Business Reporting

- Draft Annual Report and Accounts 2020-21: for approval EC/21/06/04

The Chief Executive presented the audited Annual Report and Accounts 2020-2021, these had been considered by the Audit and Risk Committee at its meeting the previous day (22 June 2021) and agreed for submission to the Commission. The Chief Executive noted that the annual audit had gone well and she was pleased to report that the Annual Accounts had received a clean audit opinion from the NI Audit Office and that no priority issues had been reported in the draft Report to Those Charged with Governance for the second consecutive year. This would be presented at the next Commission meeting in August. It was anticipated that the Annual Report and Accounts will be formally certified by the Comptroller and Auditor General (C&AG) by the end of June 2021 and there is a proposed laying date in the House of Commons and Assembly of 15 July 2021. It was hoped that an Annual Review of our work last year will also be published around the same time.

Commissioners expressed appreciation to the Chief Executive, the Head of Corporate Services and to the finance team for another very positive outcome to the annual audit. A clean audit for the second year was commended and was considered a positive reflection of the good governance arrangements in place within the Commission.

Commissioners **approved** the Annual Report and Accounts 2020-21 for formal submission to C&AG on 24 June 2021.

8. Other Matters for Commission Decision

9. Chief Commissioner's Business

EC/21/06/06

The Chief Commissioner noted that, as mentioned at previous meetings, she would like to hold a strategic away day, in person, and she proposed the date of the September Commission meeting for this, in anticipation of relaxation of restrictions. She indicated that a range of topics had been raised for possible discussion in the past and proposed two topics which would form the basis for discussion in September – Board effectiveness and issues relating to FETO. Other priorities could be discussed in due course. Arrangements for the away day would be progressed and an email would issue shortly.

The Chief Commissioner updated on a number of engagements during the month, including attending a welcome meeting with the new Boardroom Apprentice, she also attended a meeting with Co Conveners at the Equality Coalition and presented an Award for Anti-Racism Champion of the year at the North West Migrants Forum.

Commissioners **noted** the Chief Commissioner's update.

[Jarlath Kearney left the meeting]

10. Chief Executive's Report

EC/21/03/07

The Chief Executive referred to her previously circulated report including the appointment of Ms Jayne Brady as Head of the Civil Service, and Denis McMahon, as Permanent Secretary for TEO. The Chief Executive had recently met the newly appointed Chief Executive of the Labour Relations Agency and a further meeting was planned between the Chief Commissioner and Gordon Milligan, its new Chair, and respective Chief Executives.

She presented Commissioners with detail in respect of a recent procurement exercise as requested at the last meeting. Commissioners considered its content, discussed a number of issues arising in relation to declarations of conflicts of interest and noted that the Commission's procurement procedures had been followed in this matter. The Chief Executive undertook to reflect on the process of declaration of conflict on interests when procurement of a service had a lengthy life span.

The Commissioners **noted** the Chief Executive's Report.

11. Matters for Information

- Submission to the Inquiry by the Northern Ireland Affairs Committee Into the experiences of minority ethnic and migrant people in Northern Ireland. EC/21/06/07
- Submission of the NIHRC and ECNI to the Introductory Inquiry into the Operation of the Protocol by the House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland. EC/21/06/08

Commissioners **noted** the matters for information.

12. Minutes of Committee Meetings

- Minutes of the Statutory Duty Investigations Committee held on 21 April 2021. EC/21/06/09

Commissioners noted the Minutes of the SDIC Committee meeting outlined above.

13. Any Other Business

- 14. Date of next meeting:** One hundred and eighty fourth Commission Meeting on **Wednesday, 25 August 2021, at 1.30 pm** via Microsoft Teams.

Close – 3.45 pm