

EQUALITY COMMISSION FOR NORTHERN IRELAND

**ONE HUNDRED AND SEVENTY EIGHTH MEETING HELD
ON WEDNESDAY 27 JANUARY 2021 AT 1.30 PM
BY MICROSOFT TEAMS**

PRESENT

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

APOLOGIES

June Best

IN ATTENDANCE

Evelyn Collins	Chief Executive
Keith Brown	Head of Corporate Services
Lisa King	Director, Research and Investigations
Roisin Mallon	Director, Dedicated Mechanism
Jacqui McKee	Director, Advice and Compliance
Anne McKernan	Director of Legal Services.
Louise Conlon	Manager, Communications
Claire Bethel	Senior Promotions Officer
Claire McCann	Senior Policy Officer
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 expressed condolences, on behalf of all the Commissioners, to Carmel McKinney whose father had recently passed away.

2. Minutes of the one hundred and seventy seventh meeting held on 25 November 2020.

EC/20/08/01

The minutes of the one hundred and seventy seventh meeting held on Wednesday 25 November 2020 were **signed** as a true and accurate record.

3. Matters Arising

Pg 2 Commissioner Away Day: the timing for this would be kept under review, in light of public health advice; it was noted that this item would be removed from Matters Arising.

Pg 4 Dedicated Mechanism: Jarlath Kearney had expressed an interest and would be a member of the Working Group on the all island dimension of the implementation of Article 2 of the Ireland/Northern Ireland Protocol.

Pg 5 Risk Management: a proposal is being developed and will be on agenda for February Commission meeting, with a view to the virtual meeting on risk being in March.

4. Conflict of Interest

No conflicts of interest were declared.

5. Policy Issues

- Draft Business Plan 2021/22: For discussion EC/21/01/02

The Chief Executive presented an initial draft Business Plan 2020/2021 noting that it covered the third year of Corporate Plan 2019-2022 and that it was an initial draft for consideration and approval as a working draft, as the Commission had not yet to be provided with indicative

figures for the 2021/22 opening budget. She highlighted key points from the draft Plan's introduction.

Commissioners welcomed the draft Plan and noted the ongoing relevance of the Plan's focus on education, given the significant disruption there has been to children and young people's education, particularly for children at key transition points. This has the potential to impact significantly on educational inequalities faced by many children as they moved through education.

It was suggested that the introduction should reference the health inequalities which had also been laid bare by the pandemic and the need for a focus on this in the coming period.

It was agreed that a focus on promoting the need for equality law reform needed to be more explicit in the Championing Equality section.

Queries were raised around reference to a political engagement Strategy; on any explicit targets in relation to Disability Action Plans; and on the reference to a strategic approach to investigations. The Chief Executive responded to these queries and confirmed that the points made about inequalities and the impact of the pandemic would be made more explicit in the draft prior to submission to TEO.

Following the discussion, Commissioners **approved** the Working Draft Business Plan for submission to TEO by 31 January 2021.

- Dedicated Mechanism – Briefing Paper EC/21/01/03

The Chief Commissioner welcomed Claire Bethel and Claire McCann to their first Commission meeting following their recent appointments to the staff team in the Dedicated Mechanism Unit (DMU).

Roisin Mallon, Director, DMU, updated Commissioners on a number of developments in respect to the DMU work since the November Commission meeting and outlined a number of next steps including on the joint work with NI Human Rights Commission and the Irish Human Rights and Equality Commission to progress a MOU to govern all island oversight arrangements.

Commissioners thanked staff for the update noting the immense amount of work undertaken over a short period of time. In noting the proposed research project on the impact of Brexit, a Commissioner highlighted

that the loss of EU funding had the potential to impact significantly on the programmes supporting people with disabilities find employment. This situation would only be exacerbated by the COVID 19 pandemic's impact on the labour market.

Commissioners **noted** the update and the planned next steps.

[Neil Anderson left the meeting]

[Katy Radford joined the meeting]

- Dedicated Mechanism - Communications Strategy
Initial Considerations: For discussion EC/21/01/04

Roisin Mallon, Director, DMU, presented the draft Dedicated Mechanism (DM) Communications Strategy and sought Commissioners' views on the proposed approach which sought to be consistent with the Commission's Communications Strategy 2020 – 2022. She explained that the NIHRC, on behalf of the DM, had recently commissioned and secured an external agency to assist both Commissions to plan an external Communications Strategy and Implementation Plan. A draft DM Communications Strategy would be brought to Commissioners for consideration and approval in due course.

Commissioners welcomed sight of this paper noting that Brexit and the Protocol and its commitment to non-diminution of rights was a complex issue which would need careful messaging. There was a query around resourcing and it was noted that an interim resource was in place and the external PR agency input would also be of help.

Following discussion, Commissioners **confirmed** the proposed approach, key elements and noted the planned next steps for the DM Communications Strategy.

6. Business Reporting

- Finance Report: 1 April 2020 – 31 Dec 2020 EC/21/01/05

Keith Brown, Head of Corporate Services, presented the Finance Report outlining the Commission's financial position as at 31 December 2020. He explained that 70.2% of the budget allocation had been utilised and there was a pattern of reduced expenditures

across all budget areas. Although progress had been made in quarters 2 and 3, the risk of underspend remained high. 74.2% of the Salaries budget had been utilised following remedial action taken in Q3 and there was ongoing work to reduce the holiday pay accrual. The reduction in legal services expenditure was largely due to the disruption to the courts and tribunals system. The report also reflected that £300k funding for the dedicated mechanism work following allocation in October monitoring.

In respect of the legal budget, there was a query as to whether a separate strategic litigation fund should be established, to fund 'own motion' cases. It was noted that the issue of strategic litigation and the role of judicial review would require further consideration by Commissioners. The Head of Corporate Services provided additional information on remedial action being taken in relation to the legal budget.

In response to a query on holiday pay accrual, it was explained that there was ongoing management of holiday pay accrual, which was important in the context of staff wellbeing, in addition to reducing the year end budget liability.

Commissioners **noted** the financial position at 31 December 2020 and ongoing actions to address any projected underspend.

[Neil Anderson joined the meeting]

[Katy Radford left the meeting]

- Progress Report: 1 April 2020 – 31 Dec 2020 EC/21/01/06

The Chief Executive outlined the Business Plan Progress Report for Q3. Of the 13 key service objectives, 12 are on track for delivery and one was broadly on track. She outlined a number of areas of progress across the range of the Commission's work.

Commissioners **noted** progress as at 31 December 2020.

- Communications Report: 1 April 2020 – 31 Dec 2020 EC/21/01/07

Louise Conlon, Manager Communications, presented an update of the communications work undertaken in the last quarter.

Commissioners commended the communications work generally and welcomed the “Making it Work” initiative noting that it was important to highlight positive stories and messaging on this issue and they welcomed the partnership working in this area.

Commissioners noted the report.

7. Other Matters for Commission Decision

[Joe McVey left the meeting]

8. Chief Commissioner’s Business

EC/21/01/08

The Chief Commissioner updated on a number of meetings and events she had attended. This included meetings with Councillors from the Derry and Strabane Council; with the Expert Panel on educational underachievement; and with the Executive Committee of the NI Assembly in respect to the DMU.

The Chief Commissioner also reported on meetings with the counterparts in the equality and human rights organisations across the British Isles and on a very good joint meeting with the NIHRC with representatives of faith communities. She had also attended a Shared Island discussion and taken part in a number of Civic Conversation meetings with the Secretary of State/Northern Ireland Office.

9. Chief Executive’s Report

EC/21/01/09

The Chief Executive referred briefly to her previously circulated report, highlighting the update on Disability Action Plans provided to the Executive Committee of the Assembly. She also reported on a successful staff virtual get together prior to the Christmas break.

Commissioners **noted** the report.

10. Matters for Information

- Submission to NI Affairs Select Committee on Brexit EC/21/01/10

Commissioners **noted** the final submission to NI Affairs Select Committee on Brexit and the Ireland/Northern Ireland Protocol

11. Minutes of Committee Meetings

12. Any Other Business

13. Date of next meeting: One hundred and seventy ninth Commission Meeting on **Wednesday, 24 February 2021, at 1.30 pm** via Microsoft Teams.

The meeting ended at 3.20pm

Signed:

Dated: