

EQUALITY COMMISSION FOR NORTHERN IRELAND

**ONE HUNDRED AND NINETY SEVENTH MEETING HELD ON
WEDNESDAY 23 NOVEMBER 2022 AT 1.30 PM**

PRESENT

Geraldine McGahey	Chief Commissioner
Neil Anderson	Deputy Chief Commissioner (remotely)
Maureen Brunt	
Siobhan Cullen	
Duane Farrell	(part)
Ellen Finlay	
Helen Ferguson	
Monica Fitzpatrick	
John McCallister	(part)
Carmel McKinney	
Sheena McKinney	
Preeti Yellamaty	(part)
Harry Robinson	Boardroom Apprentice

APOLOGIES

Colin Kennedy
Jarlath Kearney
Deepa Mann-Kler

IN ATTENDANCE

Evelyn Collins	Chief Executive
Keith Brown	Head of Corporate Services
Louise Conlon	Director, Communications
Darren McKinstry	Director, Policy and Strategic Engagement
Roisin Mallon	Director, Dedicated Mechanism
Eoin O'Neill	Director, Legal Services (part)

1. Introduction

The Chair welcomed all to the meeting.

2. Minutes of the one hundred and ninety sixth meeting held on 26 October 2022

EC/22/10/01

The minutes of the one hundred and ninety sixth meeting held on Wednesday 26 October 2022 were **signed** as a true and accurate record.

3. Matters Arising

Page 2 Recommendation from SDIC for an investigation of the NIO under paragraph 11 of Schedule 9 of the NI Act 1998: A draft investigation report had been considered by the Statutory Duty Investigations Committee at its meeting on 16 November and would issue shortly to NIO in line with Procedures.

4. Conflict of Interest

No conflicts of interest were declared.

5. Policy Issues

- EU: the impact of Brexit on the Divergence of Rights and Best Practice on the Island of Ireland policy recommendations: for approval EC/22/10/02

Glenda Doherty, Senior Policy and Research Officer, presented the draft policy recommendations. These followed the Research Report previously considered at the Commission meeting in August 2022. A stakeholder engagement event was planned in early January with final recommendations to be presented in March 2023.

Commissioners welcomed the excellent work done to date to produce the research and now draft recommendations, recognising the wide and ambitious scope of the recommendations. The role of the Commission in advising and challenging Government was an important one and making recommendations which would lead to practical change was critical. It was noted that there was strength in joint recommendations from the three Commissions, and that any final amendments from the other Commissions would be notified to Commissioners, potentially by email given timescales

Following discussion, Commissioners **approved** the proposed draft policy

recommendations.

[John McAllister and Preeti Yellamaty joined the meeting]

- Equality and rights on the Island of Ireland after Brexit: Annual joint report: for approval EC/22/10/03

Roisin Mallon, Director DMU, presented the draft IHREC, ECNI and NIHRC Annual Report covering work undertaken in the period January 2021-September 2022.

Commissioners welcomed the report which provided a useful and accessible overview of the work undertaken to date. Several queries about its content were addressed.

Commissioners **approved** the Report and looked forward to the joint meeting with the three Commissions taking place the following week.

- Scope of Article 2 (1) of the Ireland/Northern Ireland Protocol: for noting EC/22/10/04

Roisin Mallon, Director DMU, presented the joint Working Paper on the Scope of Article 2(1). This had been worked on over time and amended to take account of the views of relevant stakeholders. She outlined the content of the appendices and highlighted that the document and the appendices would be subject to review, as judicial interpretation of the scope of Article 2 developed. She also briefed Commissioners on next steps in terms of publication including a stakeholder event in early December 2022.

Commissioners welcomed the Working Paper noting that an extensive range of legislation fell within the scope of Article 2 and it provided a useful technical overview of this. The fact that it was a living document was noted and the ability to amend online in light of developments going forward. The focus of Article 2 on relevant aspects of the Belfast/Good Friday Agreement was discussed briefly and queries were raised about how the draft legislation to remove retained EU law might impact on Article 2.

Following discussion and comment, Commissioners **noted** the Working Paper and publication plans.

6. Business Reporting

- Revised Business Plan 2022/23: for approval EC/22/10/05

The Chief Executive introduced proposed revisions to the Business Plan for the remainder of the year. It had been revised in light of the ongoing budget situation, as alerted to the October Commission meeting when progress against the Key Actions in Business Plan was presented. She detailed the revisions which were highlighted in tracked text in the previously circulated draft Plan. Some of the actions would be considered for next year's Business Plan.

It was noted that one of the proposed revisions was to remove the action to agree a revised strategic approach for deploying the Commission's investigatory functions. While appreciating the reasons for this, it was considered that this should be kept on the radar for next year, as it was an important action.

Following discussion, Commissioners **approved** the revised draft Business Plan for 2022/23 for submission to TEO.

- Corporate Risk & Business Continuity Register: EC/22/10/06
for approval

Keith Brown, Head of Corporate Services, presented the risk assurance framework, including the Commission's risk appetite statement, for review and approval. He also presented an updated Corporate Risk Register and highlighted changes in the risk profile and information on emerging risks, incidents and near misses.

Commissioners welcomed the ongoing work around data breaches including the recent staff training.

Commissioners **approved** the Corporate Risk Assurance Framework, the Risk Appetite Statement and updated Risk Register and Business Continuity Register.

7. Other Matters for Commission Decision

8. Chief Commissioner's Business

EC/22/08/07

The Chief Commissioner thanked the many Commissioners who had attended the conference on 22 November on equality law reform and commended the Director of Communications and all relevant staff for organising an excellent event with a range of very good speakers. Commissioners joined in thanking the staff for running such an important and worthwhile event which contributed significantly to putting the need for equality law reform on the agenda.

CE recruitment: the Chief Commissioner noted that the Chief Executive had kindly agreed to stay in post until the end of January 2023, following which Keith Brown would act as Interim Chief Executive until an appointment is made. She also updated Commissioners on plans to tender for a recruitment agency to support the process and readvertising the Chief Executive post in January 2023. The farewell reception would now take place on 25 January after the Commission meeting.

Commissioner recruitment: the Chief Commissioner informed Commissioners that she was currently in discussion with NIO regarding Commissioner recruitment, in light of a number of Commissioner terms of office to complete at end of February 2023. She undertook to keep Commissioners informed on this matter.

Strategic discussion session: the Chief Commissioner suggested it would be timely to have a strategic discussion session on ongoing work in respect to the removal of the FETO teachers exception. The Chief Executive updated on a number of issues arising from this ongoing work that it would be useful to highlight and discuss with Commissioners. Commissioners agreed that a strategic discussion session this should take place prior to the Commission meeting in January 2023.

The Chief Commissioner updated on several meetings and engagements she had undertaken over the last month, including giving evidence at the Northern Ireland Affairs Committee in respect of the recent Census results. Amongst her other engagements were meetings with Kellie Armstrong, Alliance Party; Baroness Ritchie; and the International Organisation for Migration delegation.

Commissioners available to attend were reminded that the Three Commission Board meeting was taking place in Dublin on 29 November.

The Chief Commissioner would be in contact regarding dates for Commissioner appraisals.

It was noted that the planned Governance training would take place on 11 January 2023, likely 10am to 4pm

Commissioners **noted** the update from the Chief Commissioner.

9. Chief Executive's Report

EC/22/08/08

The Chief Executive referred to her previously circulated report. She noted that a reply had been received from TEO Permanent Secretary/Accounting Officer

to her correspondence and, while it acknowledged the likely difficult public expenditure situation going forward, it also indicated that TEO officials would work with the Commission on the need for additional resources.

She also referred to the recent SPUC Judicial Review hearing, which now had been adjourned to 23/24 January 2023. She advised Commissioners that she agreed to be interviewed on BBC The View, the following evening.

The Director of Legal Services joined the meeting to provide an update on two recent Court of Appeal cases.

Commissioners **noted** the update from the Chief Executive's Report.

10. Matters for Information

11. Minutes of Committee Meetings

- Minutes of the Statutory Duty Investigations Committee held on Wednesday 21 September 2022 EC/22/10/09
- Minutes of the Audit and Risk Committee held on Wednesday 7 September 2022 EC/22/10/10

Commissioners **noted** the minutes outlined above.

12. Any Other Business

There was no other business discussed.

- 13. Date of next meeting:** One hundred and ninety eighth Commission Meeting on **Wednesday, 25 January 2023.**

Meeting ended at 3.30 pm