

**EQUALITY COMMISSION FOR NORTHERN IRELAND**

**ONE HUNDRED AND NINETY FOURTH MEETING HELD ON**  
**WEDNESDAY 24 AUGUST 2022 AT 1.30 PM**

**PRESENT**

Geraldine McGahey	Chief Commissioner
Neil Anderson	Deputy Chief Commissioner
Maureen Brunt	
Siobhan Cullen	
Duane Farrell	
Ellen Finlay	
Helen Ferguson	
Jarlath Kearney	
Colin Kennedy	
Carmel McKinney	Remotely
Sheena McKinney	
John McCallister	(part)
Monica Fitzpatrick	
Preeti Yellamaty	Remotely

**APOLOGIES**

Deepa Mann-Kler

**IN ATTENDANCE**

Evelyn Collins	Chief Executive
Louise Conlon	Director, Communications
Glenda Doherty	Senior Policy Manager – DMU
Roisin Mallon	Director, Dedicated Mechanism
Darren McKinstry	Director, Policy and Strategic Engagement
Eoin O'Neill	Director, Legal Services
Mairead Starrs	Advice and Compliance Officer (part)

**1. Introduction**

The Chair welcomed all to the Commission meeting noting that papers were issued on two tabs on the surfaces, and she would try and let people know through meeting if first or second tab.

## 2. Minutes of the one hundred and ninety third meeting held on 22 June 2022 EC/22/07/01

The minutes of the one hundred and ninety third meeting held on Wednesday 22 June 2022 were **signed** as a true and accurate record.

## 3. Matters Arising

**Pg 3 Draft Annual Report Article 2, 2021-22:** this was published on 5 July 2022.

**Pg 6 Draft Annual Report and Accounts 2021-22:** this was laid before the the House of Parliament and the NI Assembly on 18 July 2022.

## 4. Conflict of Interest

There were no conflicts of interest declared.

## 5. Policy Issues

- Race Law Reform: for approval EC/22/07/02

Darren McKinstry, Director, Policy and Strategic Engagement presented the Race Law Reform paper, noting that the positions had been further refined and prioritised following the Commissioner discussion on 3 August 2022. He outlined the proposed next steps, including on future engagement with The Executive Office and the publication of the expert report.

Commissioners agreed that the paper reflected the direction provided at the meeting earlier in the month, noting that it had been useful to set aside time to discuss the issues fully. There was a query in respect to engagement, in the context that an Executive was not formed, and it was noted in this scenario, plans would be adjusted accordingly including potentially engagement in Westminster if an Executive was not formed.

Following discussion, Commissioners **approved** the recommendations and priorities, and the proposed next steps.

- UK Bill of Rights Bill: for discussion EC/22/07/03  
     Legal Opinion EC/22/07/03A

Darren McKinstry, Director, Policy and Strategic Engagement presented the paper in respect to the proposed UK Bill of Rights Bill. He outlined the background including noting the legal opinion received and the proposed next

steps regarding engagement as the Government's proposals progress.

Commissioners thanked staff for the work done to date on this. The legal opinion provided helpful clarification on a number of areas and provided a useful steer in terms of Commission positioning on this matter. It was agreed that the Commission should continue to say strongly that it did not see this Bill as necessary or progressive. The Commission must also be clear that this proposal must be seen in the broader socio-political context and, in particular, on the impact it would have on work to eliminate discrimination in Northern Ireland. The passage of this proposed Bill in Westminster must be followed carefully, and vigilance would be required on the impact on equality and rights in Northern Ireland.

Commissioners **approved** the proposed approach. It was agreed to issue a short response to the ongoing Inquiry on the proposed changes by the Joint Committee on Human Rights and to consider any specific amendments to propose to the Bill, which was scheduled to have its Second Reading on 11 September. This would be brought back to the Commission for the next meeting.

- Expert paper: European Union Developments in Equality EC/22/07/04 and Human Rights: the impact of Brexit on the divergence of rights and best practice on the island of Ireland:

Roisin Mallon, Director, DMU, highlighted the key findings and recommendations arising from the expert paper and outlined the proposed next steps in relation to publication and dissemination of the paper and development of policy recommendations with NIHRC and IHREC. These recommendations would come back to the Commission to consider when developed.

Commissioners welcomed the expert paper, noting the range of issues it covered. A number of comments and queries were raised, including the importance of the coverage of relevant judgements of the European Court of Justice and of ensuring dynamic alignment of rights going forward. It was also noting that it will be important to engage with The Executive Office and other relevant Department following publication.

Commissioners **noted** the Report and the proposed next steps.

[John McCallister joined the meeting]

- Legal Advice and Assistance 2021-22: EC/22/07/05

Eoin O'Neil, Director, Legal Services presented the report on Legal Advice and Assistance 2021-22. He explained that there was a reduction in enquiries to the discrimination advice line and an increased number of cases assisted last year. He also noted the number of decisions/settlements and the budget outturn.

Commissioners welcomed the report, noting that it highlighted the impact of the work of the Commission on people's lives, they considered the trends in respect to discrimination enquiries and complaints received. The low number of sexual orientation enquiries were noted including the ongoing need for outreach in these areas and it was agreed to compare the level of complaints received by other equality bodies on this ground.

The ongoing low level of enquiries in respect to religious/political opinion including sectarian harassment was also noted which was testament to the progress made as a result of fair employment legislation including fair employment monitoring. There was a discussion on whether the Commission should be comparing its enquiries to for example EHRC or IHREC. It was noted that both these organisations took a slightly different approach to legal work. The upcoming Census data would provide a useful context for the Commission's monitoring work.

Commissioners thanked staff and **noted** the work undertaken on legal advice and assistance during 2021-22.

## 6. Business Reporting

- Finance Report: 1 April 2022 – 30 June 2022 EC/22/07/06

The Chief Executive presented the Q1 Finance Report and outlined the budgetary position as at 30 June 2022. She noted the ongoing budget pressures which were in the main caused by being provided as interim budget only the opening allocation from the previous year and the absence of monitoring rounds. In recent years, the budget had been augmented through monitoring rounds to ensure delivery of the work. She also highlighted particular pressures on the staffing budget, leading to delays in recruiting to fill some vacancies, and on legal budget, due to supporting a small number of Court of Appeal cases and a higher rate of assistance than the previous year.

The Chief Executive explained that discussions on remedial action were ongoing at senior management level, as were discussions with TEO officials in respect to this. She highlighted that the Commission had identified a number

of pressures on the budget to the TEO as part of a Department of Finance (DOF) contingency planning exercise. An outcome to this process had been expected by August 2022, TEO officials are now not hopeful of this. If the budget position was not resolved shortly, it would have an impact on the Commission's ability to fulfil its business plan commitments and to recruit to fill some vacancies and remedial action including internal virements would need to be taken to address the legal budget overspend.

Commissioners discussed the financial position and the risks associated with the lack of adequate funding for the Commission's work.

Commissioners **noted** the financial position as at 30 June 2022.

- Progress Report: 1 April 2022 – 30 June 2022 EC/22/07/06

The Chief Executive outlined progress against performance measures for the key actions set out in the Business Plan 2022-2023 for the period 1 April 2022 – 30 June 2022. She noted that it was planned that performance reporting would focus on outcomes rather than activity and highlighted a number of areas where progress was behind target. Of 41 key actions, performance was on target for 29.

Commissioners **noted** the Progress Report 1 April 2022 – 30 June 2022

- Legal Advice and Assistance Q1 2022/23: for noting EC/22/07/08

Eoin O'Neill, Director, Legal Services presented the report on the provision of legal advice services from 1 April and 30 June 2022, outlining the work undertaken and the patterns and trends for the period. This included reference to the Court of Appeal cases supported and the assistance rate for applications.

Commissioners **noted** the report.

- Communications Report: 1 April 2022 – 30 June 2022 EC/21/07/09

Louise Conlon, Director of Communications, presented the Communications Report for the period 1 April 2022 – 30 June 2022, highlighting key areas of work undertaken during this period including media and social media.

Commissioners welcomed and noted the Report, commending the work done including on social media and the importance of the ripple effect in publicising legal cases.

## 7. Other Matters for Commission Decision

- Electoral Commission – Equality Scheme for approval EC/22/07/10

The Chief Executive introduced the Electoral Commission’s revised equality scheme, noting that the Scheme had been audited for compliance to ensure it meets the obligations under Schedule 9 of the Northern Ireland Act 1998. She explained that the Electoral Commission wished to ensure consistency across the UK and the draft scheme was included as part of the Electoral Commission’s Equality Diversity and Inclusion Strategy.

Mairead Starrs, Equality Officer, provided further detail in response to queries, including on the process that the Electoral Commission had gone through to reach this point. Whilst the Scheme presented did not follow the Commission’s model Scheme, following lengthy engagement, staff were now assured that it was equivalent to the model scheme.

Following consideration, Commissioners **approved** the Electoral Commission’s revised equality scheme.

## 8. Chief Commissioner’s Business

EC/22/06/07

### ***Committee Membership***

Commissioners agreed the proposed Committee membership and noted that dates for induction/training of new Committee members would follow.

### ***Recent engagements***

The Chief Commissioner outlined the meetings/engagements she had attended over the last 2 months, including on a Strategy to End Violence Against Women and Girls, joint ECNI/NIHRC Article 2 Annual Report launch, a meeting with the Slovenian Ambassador to the UK and meeting with UK officials from the Levelling up Department re Loss of EU funding. She also met with the SDLP Assembly party in the context of eth party forming an official opposition.

The Chief Commissioner had represented the Commission at the Pride Awards, at the Pride march and had participated in Pride Talks back panel discussion. She had also attended a PSNI LGBT welcome reception and spoken at the Commission’s Age Law Reform event at St Marys, which had generated a number of media interviews.

**Boardroom apprentice:** the new Boardroom apprentice, Harry Robinson would join the Commission in September. A volunteer to be a Boardroom Buddy was sought.

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

## 9. Chief Executive's Report

EC/22/06/08

The Chief Executive referred to her previously circulated report. She noted that the draft Corporate Plan 2022 – 2025 and draft Business Plan for 2022 – 2023 were approved by the TEO Departmental Board on 29 June and it was confirmed that the Commission should continue to operate under the draft Corporate Plan and Business Plan until Ministerial approval can be secured.

She highlighted a number of developments since her report had issued, such as reply from UK Government to the Pre-action Protocol letter sent in relation to the Elections Act; the roll out of the Boardroom Apprentice scheme to Great Britain; and interest and engagement shown by Legal Island in advancing a single equality bill or NI. She also noted some correspondence relating to the provision of advertising services and non-discrimination.

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

## 10. Matters for Information

### 11. Any Other Business

There was no other business discussed.

### 12. Date of next meeting: One hundred and ninety fifth Commission Meeting on **Wednesday, 28 September 2022.**

Staff left the Commission meeting and discussion took place on recruitment plans for a new Chief Executive.

**Meeting ended at 4.00pm**