

**EQUALITY COMMISSION FOR NORTHERN IRELAND**

**ONE HUNDRED AND EIGHTY EIGHTH MEETING HELD  
ON WEDNESDAY 26 JANUARY 2022 AT 2.30 PM**

**PRESENT**

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

**APOLOGIES**

Joe McVey

**IN ATTENDANCE**

Evelyn Collins	Chief Executive
Keith Brown	Head of Corporate Services
Louise Conlon	Manager, Communications
Roisin Mallon	Director, Dedicated Mechanism
Jacqui McKee	Director, Advice and Compliance
Anne McKernan	Director of Legal Services
Darren McKinstry	Director, Policy and Strategic Engagement
Lisa King	Director, Investigations & Research
Tamlyn Stinson	Boardroom Apprentice

## 1. Introduction

The Chair welcomed everyone to the Commission meeting and thanked members for taking time to attend the Commissioner discussion session which had taken place earlier in the day.

## 2. Minutes of the one hundred and eighty seventh meetings held on 24 November 2021.

EC/2/01/01

The minutes of the one hundred and eighty seventh meeting held on Wednesday 24 November 2021 were **signed** as a true and accurate record.

## 3. Matters Arising

**Pg 2 The Measuring Equality framework consultation:** issued with a closing date of 8 April 2022.

**Pg 3 The social media campaign:** launched and will run until the end of March 2022 (see Communications report)

**Pg 4 The draft Corporate Plan:** issued for consultation on 3 December with a closing date of 25 February 2022.

## 4. Conflict of Interest

In relation to item 5 [EC/22/01/02], Deepa Mann-Kler and Theresa Donaldson advised they were Board members of, respectively, the Public Health Agency and the Health and Social Services Board. This was noted but was not deemed a conflict of interest as this was a briefing paper and required no decision.

Theresa Donaldson declared a conflict in respect to item 7 [paper EC/22/01/08]. She would leave the meeting at this point on the agenda.

## 5. Policy Issues

- Equality and Covid19 – Briefing on Commission positions EC/22/01/02

Darren McKinstry, Director of Policy and Engagement, provided Commissioners with an overview and summary of activity in relation to COVID-19 and equality rights and responsibilities. This built on earlier considerations in respect of this matter over the period of the pandemic. He updated on recent engagements including on significant engagement with

stakeholders, particularly on the wearing of face coverings, over recent weeks.

Commissioners welcomed the updated Briefing and thanked staff for their continuing work on highlighting the key inequalities which were reinforced and increased by the pandemic. Commissioners welcomed the continuing dialogue with people with disabilities and their representatives. The proposal for a briefing in the form of a 'Q&A' document was welcomed as a means of providing accurate information into what was often a misleading public discourse. The ongoing debate on the wearing of facemasks was also noted as was the discussion in Britain on the mandatory vaccination of care workers.

Commissioners **noted** the content of the Briefing and the proposed next steps.

- Draft Business Plan 2022-2023

EC/22/01/03

The Chief Executive presented the draft Business Plan for 2022-23 for Commissioners' comments. She explained that this was an interim draft Plan that would be considered again following the conclusion of the public consultation on the draft Corporate Plan and when the budget allocation for the year was known. It was proposed that this interim draft was submitted to TEO by 31 January 2022 following Commissioners' consideration.

Commissioners welcomed the work done to date on the draft Plan and discussed the external context including co-design work being done on the various equality strategies.

Commissioners **approved** the working draft Business Plan for submission to TEO by 31 January 2022 noting that a revised draft would be considered at its meeting in March 2022.

## 6. Business Reporting

- Finance Report: 1 April 2021 – 31 Dec 2021

EC/22/01/04

Keith Brown, Head of Corporate Services, presented the Finance Report outlining the Commission's financial position as at 31 December 2021, noting that situation post October monitoring round when some small adjustments were agreed. He provided detail in respect to the capital spend and noted small variances in relation to projects. The outturn from the January monitoring round was awaited. The Chief Executive noted that the funding for DMU was entering its final year and a business case would need to be developed for future funding. This would be discussed in due course

with officials.

Commissioners **noted** the financial position at 31 December and ongoing actions to remedy variances by the year-end.

- Progress Report: 1 April 2021 – 31 Dec 2021 EC/22/01/05

The Chief Executive outlined the Business Plan Progress Report for Q3, noting that of the 46 key actions, 22 are on track for delivery and 22 are broadly on track and there is justifiable confidence of getting close to target outcomes. Two are showing that progress is less than planned and actions are being taken to address these. She outlined several areas of note, including in respect to joint working with NIHRC on Protocol Article 2, consultation on the Measuring Equality in NI framework, ongoing work to highlight key inequalities in education, the increase in social media engagement and work with DEARA's senior team in respect to its Section 75 duties as well as ongoing work on recruitment.

Commissioners **noted** progress as at 31 December 2021.

- Communications Report: 1 April 2021 – 31 Dec 2021 EC/22/01/06

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

She explained that the social media campaign Making Equality a Priority had launched earlier that week and would run until the end of March 2022. Some of the artwork had been appended to the report.

Commissioners welcomed sight of the campaign artwork and also the approach which was exemplary - clear and direct with a human element. There was a discussion on social media activity over the quarter and queries raised and addressed in respect of podcast and engagement rate for ezines.

Commissioners thanked staff for their work and **noted** the report from 1 April 2021 – 31 December 2021.

- Legal Services Report: 1 April 2021- 31 Dec 2021 EC/22/01/07

Anne McKernan, Director, Legal Services, presented the report on the provision of legal advice and services from 1 April to 31 December 2021. The Director outlined the numbers and types of enquiries to the Discrimination Advice line, noting that 2,392 enquiries had been dealt with to date this year. The volume of enquiries has increased, compared to the

same period last year, but remain down from the same period in 2019 -20.

Commissioners noted the continued trends in respect to disability complaints and there was a query about potential impact of loss of EU funding on employability for people with disabilities. Points were also made about analysing the 'return on investment' in cases not only in respect of compensation but also for example media coverage; and the value in looking at subsets of categories, such as trans issues in sex discrimination complaints and benchmarking levels of complaints with other organisations.

Commissioners thanked the Director and **noted** the report.

[Theresa Donaldson left the meeting]

## 7. Other Matters for Commission Decision

- Request for intervention in Judicial Review EC/22/01/08

Anne McKernan, Director, Legal Services, updated Commissioners on a request for intervention in Judicial Review by way of correspondence received on 12 January 2022. This asked whether the Commission wishes to seek leave to be joined as interveners in the case.

Commissioners noted that an expedited hearing was granted by the Court, and it was listed for Monday 31 January 2022. The Director, Legal Services, explained by that normally a 21-day notice period is required for Interveners in a Judicial Review application and that the court expects the role of an Intervener to raise significant points of law of public importance and this should be responsible, reasonable, and relevant. Additionally, an intervention must 'add value' to the material submitted by the parties.

It was agreed that the matter being considered in this case was of public interest and importance, but the Commission concluded that it would need more time than is available, under the current timeframe for the case, to consider whether it is able to 'add value' in the way in which would be required of it in such proceedings. This would involve seeking and considering the respondents' arguments as well as Counsel's opinion on the matters raised for example.

The Commission **agreed** not seek to intervene at this stage but to maintain a 'watching brief' on these proceedings.

## 8. Chief Commissioner's Business

EC/21/10/06

The Chief Commissioner updated on several meetings and events she had attended. This included a meeting, along with the Chief Executive, with First Minister Girvan & Junior Minister Kearney in respect of the removal of the Teachers Exception from FETO. She had also met with the Presbyterian Moderator and the President of Methodist Church in Ireland.

The Chief Commissioner also updated on progress being made by NIO in respect to Commissioner appointments noting that she would participate on the interview panel.

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

## 9. Chief Executive's Report

EC/21/10/07

The Chief Executive referred to her previously circulated report, including reporting on a meeting of TEO ALBs led by Denis McMahon, the new Permanent Secretary.

She reminded Commissioners that the joint Board meeting with the Labour Relations Agency would take place on 2 March 2022. Agenda items would include a briefing from the Commission on our work on Protocol Article 2 and from LRA on the implementation of the Early Conciliation arrangements as well as respective organisational priorities.

## 10. Matters for Information

Draft Minutes of Three Commission Board Meeting held on 23 November 2021

EC/22/01/11

Commissioners **noted** the minutes outlined above.

## 11. Minutes of Committee Meetings

## 12. Any Other Business

## 13. Date of next meeting: One hundred and eighty ninth Commission Meeting on **Wednesday, 23 February 2022.**

**Meeting ended at 3.35pm**