



**30 September 2019**

**216<sup>th</sup> COMMISSION MEETING  
IN THE OFFICE OF THE NORTHERN  
IRELAND HUMAN RIGHTS COMMISSION,  
TEMPLE COURT, 39 NORTH STREET,  
BELFAST, BT1 1NA**

**Present:** Les Allamby, Chief Commissioner  
Helen Ferguson  
Helena Macormac  
Paul Mageean  
John McCallister  
Eddie Rooney  
Graham Shields

**In attendance:** David Russell, Chief Executive  
Claire Martin, Director (Communications,  
Information and Education, Public and Political  
Affairs)  
Julia Stella, Boardroom Apprentice  
Lorraine Hamill, Director (Finance, Personnel and  
Corporate Affairs) (Agenda items 1-7 and 11-12)  
Rebecca Magee, Personal Assistant (Agenda items  
8-12)  
Rhyannon Blythe, Senior Legal and Research  
Officer (Agenda item 9)

## 1. Apologies and Declarations of Interest

- 1.1 There were no apologies for the meeting.
- 1.2 Commissioner Ferguson declared a conflict with the Legal Application for Assistance (AB). It was agreed that Commissioner Ferguson would leave the meeting for this agenda item.

## 2. Minutes of the 215th Commission meeting

- 2.1 The minutes of the 215<sup>th</sup> Commission meeting held on 27 August 2019 were agreed as an accurate record.

**Action: 215<sup>th</sup> Commission minutes to be uploaded to Commission website**

- 2.2 It was noted that the reflection day for Commissioners would be held on Monday 18 November 2019 (item 5.2 of the previous meeting refers).
- 2.3 Commissioners agreed that the contract for the Chair of the Commission's Audit and Risk Management Committee would be extended for a further two years from 1 August 2020 (item 7.4 of the previous meeting refers).
- 2.4 Commissioners were updated on the progress of the Cumulative Impact Assessment. A draft should be with the Commission within the next two weeks, with a publication launch planned for November 2019 (item 11 of the previous meeting refers).
- 2.5 It was noted that the draft research on Continuing EU Citizenship "Rights, Opportunities and Benefits" in Northern Ireland after Brexit would be presented to the Joint Committee at its next meeting on 23 October 2019. The researchers had also been contracted to carry out an additional piece of research on 'No Deal and a Preliminary Analysis of the Scope of the No Diminution Commitment'.

### 3. Chief Commissioner's Report

3.1 The Chief Commissioner reported on meetings and events he had attended since the last Commission meeting. These included:

- Meeting with Evangelical Alliance on abortion reform
- Meeting with Pat Bailey and Mandie Larson, CPEA – a management health consultancy commissioned by Department of Health to review arrangements following Dunmurry Manor nursing home report
- Attended opening of legal term address by the Lord Chief Justice
- Meeting with Siobhan Broderick and Jeremy Gardner, TEO re traveller forum, human rights training materials and immigration issues
- Chaired the Business and Human Rights Forum meeting
- Meeting with CARE (NI) re attacks on churches
- Joint interview with Emily Logan for the Guardian Newspaper
- Attended European Network for Ombudspersons for Children Conference on Children's Rights in a digital world hosted by NICCY
- Attended Probation Seminar – Improving Outcomes for Communities held at Stormont
- Meeting with PSNI re biometric retention policy

3.2 It was noted that policy submissions had been made to the following:

- Advice to the Secretary of State in respect of NI (Executive Formation etc) Act 2019 re termination of pregnancy; victims' payment; equal marriage and civil partnerships for opposite sex couples
- Response to Sinn Fein anti-poverty strategy
- Response to the UN Human Rights Council's Universal Periodic Review of the UK government

3.3 The Chief Commissioner reported that Commissioner Mageean had agreed in principle to taking on the role of Interim Chair, during the Chief Commissioner's sabbatical, from April to September 2020. It was agreed that the Chief Executive would seek formal approval from the NIO.

**Action: Chief Executive to seek formal approval from the NIO to appoint Commissioner Mageean as Interim Chair.**

## 4. Commissioners' Reports

4.1 Commissioner Rooney provided an update on the Audit and Risk Management Committee meeting held on 23 September 2019.

## 5. Chief Executive's Report

5.1 The Chief Executive reported on events and meetings he had attended since the last Commission meeting. These included updates on:

- The Sports and Human Rights Forum
- A Sport and Human Rights Workshop in Kigali, Rwanda with the Commonwealth Games Federation, Centre for Sport and Human Rights, the National Human Rights Commission of Rwanda and members of the Commonwealth Forum of National Human Rights Institutions

5.2 Commissioners were updated on the recent recruitment exercise. It was noted that the Director post had been re-advertised; there had been no applicants for the post of Legal and Research Officer; and that an appointment had been made to the post of Policy and Research Assistant, with the successful applicant due to take up post in November 2019, subject to satisfactory references.

- 5.3 Commissioners discussed the internal benchmarking of staff posts and it was noted that a report would be available for consideration at the October Commission meeting.
- 5.4 The Chief Executive provided an update on the proposed external review.
- 5.5 Commissioners agreed that the Chief Commissioner should write to the Secretary of State and that the Chief Executive should write to Sir Jonathan Stephens regarding the ongoing budget pressures, recruitment and retention of staff issues and the substantial challenges for the Commission to fulfil its statutory duties effectively within current resources.

**Action: Chief Commissioner to write to the Secretary of State; Chief Executive to write to Sir Jonathan Stephens**

## 6. Finance Report

- 6.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial report for August 2019 and the variances between budget and actual spend to date were noted.

## 7. Quarterly Report against the Business Plan

- 7.1 It was noted that as the Commission had not yet received formal approval of its budget for 2019-20 the Business Plan had not yet been published on the Commission's website.
- 7.2 Commissioners noted that there were a number of business plan objectives that may not be met, due to financial circumstances outside the Commission's control.
- 7.3 It was noted that the following business plan objectives

were unlikely to be completed in the current business year:

- Research on scoping a potential initiative on homelessness and human rights due to lack of staff capacity (*Business Plan Objective 17 – Priority 3: Poverty, Health and Well-being*).
- *Business Plan Objectives 26 and 27 – Priority 5: Protecting Human Rights in a Digital Age* due to lack of staff capacity.

## 8. Annual Statement

8.1 Commissioners were briefed on the Annual Statement. Commissioners discussed the structure of the slimmed down version of the statement and the structure and revised approach was agreed. It was further agreed that Commissioners would deal with any substantive comments via email.

**Action: Commissioners to email substantive comments.**

## 9. Legal - Applications for Assistance (x3)

*(Commissioner Helen Ferguson left the meeting for item 9.1 and re-joined for 9.2)*

9.1 Commissioners were briefed on an application for assistance concerning claims before an industrial tribunal alleging unfair dismissal and disability discrimination, among other issues. Commissioners agreed not to grant assistance on grounds that there were no specific human rights issues raised in the application.

9.2 Commissioners were briefed on an application for assistance which is seeking a letter from the Commission supporting concerns about the failure of the High Court to complete proceedings by way of judicial review and around particular concerns around the

conduct of a Coroner's hearings. Commissioners discussed the application and agreed that the Commission would not provide a letter support.

- 9.3 Commissioners were briefed on an unusual application inasmuch as it is seeking funding to pay for the applicant's legal team (solicitor and barrister) and/or provide indemnity in full or in part towards legal costs either with leave and (if granted) full judicial review proceedings. Commissioners discussed the application and agreed that based on the circumstances of the case, the Commission could not grant assistance to pay for an external solicitor or counsel or provide partial or full indemnity against costs in the event of an unsuccessful legal challenge. It was agreed to look at the Commission's policy on funding external legal teams and indemnity with a view to seeing if any amendments were appropriate.

**Action: Commission to review policy for granting legal assistance.**

## 10. Communications Report

- 10.1 Commissioners were updated on the Communications report which included an update on Culture Night and an upcoming visit to Westminster in November 2019.

## 11. Any other business

- 11.1 Commissioners approved the Code of Governance, which had been amended to include the revised version of the Cabinet Office: Code of Conduct for Board Members of Public Bodies.

- 11.2 It was agreed that the amended version would be placed on the Commission's website.

**Action: Revised version of Code of Governance to be uploaded to the Commission's website.**

11.3 It was agreed to delay the publishing of advice made to the Secretary of State on a number of issues relating to the Executive Formation Act 2019 for two weeks.

*The Commission meeting went into a closed session to discuss a confidential staffing matter.*

## **12. Any other business**

12.1 There were no items under any other business.

*The meeting closed at 14:50pm.*