



27 April 2020

223rd COMMISSION MEETING

Held via Conference call

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

In attendance: David Russell, Chief Executive
Lorraine Hamill, Director (Finance, Personnel and Corporate Affairs)
Rebecca Magee, Personal Assistant (Agenda items 1-9)
Claire Martin, Director (Communications, Information and Education, Public and Political Affairs) (Agenda items 1-9)
Hannah Russell, Director (Legal, Research and Investigations, and Advice to Government) (Agenda items 1-9)
Julia Stella, Boardroom Apprentice (Agenda items 1-9)

1. Apologies and Declarations of Interest

- 1.1 There were no apologies.
- 1.2 There were no declarations of interest.

2. Minutes of the 222nd Commission meeting and matters arising

2.1 The minutes of the 222nd Commission meeting held on 30 March 2020 were agreed as an accurate record.

Action: 222nd Commission meeting minutes to be uploaded to the website.

2.2 The closed minutes of the 222nd Commission meeting held on 30 March 2020 were agreed following a minor amendment.

2.3 It was noted that the Commonwealth Heads of Government Meeting had been postponed due to Covid-19. Discussions were still ongoing with the Equality and Human Rights Commission on arrangements for the NIHRC and Rwandan Commission holding the joint secretariat for the Commonwealth Forum of National Human Rights Institutions (item 2.2 of the 222nd minutes refers).

2.4 The Chief Executive provided an update on legal advice sought in relation to Freedom of Information requests and the approach taken when responding to continuous requests from one individual. The advice has been received and the senior management team will review before sharing with Commissioners (item 2.3 of the 222nd minutes refers).

Action: Legal advice to be shared with Commissioners.

2.5 The Business Plan 2020-21 has been published on the Commission's website, and highlighted on social media. The Plan was also sent to stakeholders (item 6.2 of the 222nd minutes refers).

Action: Auditors to be made aware of the Commissioners' decision to publish the Business Plan 2020-21 without waiting for budgetary approval.

2.6 Commissioners were updated on the DNA retention policy that

is awaited from the PSNI following the Commission's 2019 legal action. Commissioners discussed the delay following the judgement in the Gaughran case, and the guidance issued from the European Court of Human Rights. It was agreed that the guidance note document and legislation were needed to ensure the current position reflected the Gaughran judgment. It was agreed that the Chief Commissioner would write to the Minister for Justice and the Chief Constable of the PSNI and request meetings with the PSNI team responsible for DNA retention, the Department of Justice (DoJ), and the Chair of the Policing Board (item 8.3 of the 222nd minutes refers).

Action: Chief Commissioner to write letters to the Minister for Justice and the Chief Constable.

Action: Meetings to be sought with PSNI, DoJ and Policing Board.

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:

- telephone call with Chris Flatt re Dealing with the Past and new arrangements.
- Conference call with Lesley Carroll Prisoner Ombudsman
- conference call as part of the Historical Institutional Abuse Commissioner recruitment panel
- telephone call with John Wadham, Policing Board Human Rights adviser
- Conference call with Home Office Vulnerability Advisory Group
- telephone call with Caroline Morgan European Commission London office
- telephone call with Kieron McEvoy QUB
- telephone call with Andrew McCormick NICS
- conference call with EU citizens Advice Task Force

Action: Meeting to be sought with Robin Walker MP, Minister of State, NIO re: Dealing with the Past and new arrangements.

Action: Chief Commissioner to write to Chair of Policing Board on guidelines for the use of spit guards.

4. Commissioners' Reports

4.1 Commissioner Ferguson reported on the National Deaf Children's Society response to the 'best endeavours' modification to SEN statutory duties on foot of the Coronavirus Act 2020 and agreed to share the document.

Action: Commissioner Ferguson to share National Deaf Children's Society SEN guidance document.

5. Chief Executive's Report

5.1 It was noted that the Chief Executive and Director (Finance, Personnel and Corporate Affairs) continued to meet with the relevant parties regarding the lease and the fit-out for the new premises at Alfred Street. The relocation of the Ethernet between the new building and Equality House has been discussed with IT.

5.2 Commissioners were provided with an update on the business cases currently with the Northern Ireland Office (NIO) for approval.

5.3 Commissioners were provided with an update on the recruitment of the Finance, Personnel and Corporate Affairs Officer. Following consultation with a human resources company HeadsTogether, the application pack has been revised and the post has been re-advertised. HeadsTogether will manage the recruitment process for this post.

5.4 The Chief Executive reported that Commission staff are continuing to work from home and that staff meetings are continuing weekly via conference call and that working across teams has increased.

6. Finance Report

- 6.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial report for March 2020 and provided details on variances against budget.
- 6.2 It was noted that the draft annual report and accounts for 2019-20 were currently being prepared, ready for final audit by the National Audit Office week commencing 11 May 2020.

7. Risk Register

- 7.1 Commissioners noted that the Coronavirus and Good Governance risks had been updated in the Risk Register.

8. Legal Functions Report

- 8.1 Commissioners were provided with an update on the legal functions report. A number of cases were agreed as requiring follow up.
- 8.2 Commissioners discussed the legal opinion received in relation to Access to Termination of Pregnancy in Northern Ireland during the Covid-19 Pandemic and reviewed recent correspondence on the issue. It was agreed to seek a further supplementary opinion from Landmark Chambers.

Action: The Chief Commissioner to obtain a supplementary legal opinion.

- 8.3 Commissioners discussed the current availability of termination of pregnancy in Northern Ireland through the Health Trusts and other requirements under the Executive Formations Act.
- 8.4 Commissioners also considered the Commission's role to monitor the provision of reproductive health services as part of the Executive Formations Act. It was agreed that a short paper on the process and timeframe would be produced for Commissioners.

Action: Director (Legal, Research and Investigations, and

Advice to Government) to provide a short paper on the monitoring process and timeframe.

9. Communications Report

9.1 The Director (Communications, Information and Education, Public and Political Affairs) updated Commissioners on press coverage since the last meeting, which included an interview with NVTV and articles in the Belfast Telegraph and Newsletter.

10. Any Other Business

10.1 It was agreed to hold a Commissioners' only meeting in the next 2-3 weeks, either by conference call or video-conferencing.

Action: Personal Assistant to arrange date of meeting.

Action: Director (Finance, Personnel and Corporate Affairs) to source costs for upgrading current video-conferencing facilities.

10.2 It was agreed that appraisals for Commissioners and the Chief Executive would take place in the next 3-4 weeks, either by conference call or video-conferencing.

Action: Personal Assistant to arrange dates and circulate appraisal templates.

10.3 The Chief Commissioner agreed to contact the NIO regarding the reappointment of the Commissioners.

Action: Chief Commissioner to contact NIO re reappointment of Commissioners.

The meeting closed at 3.05pm.