



**26 October 2020**

## **228<sup>th</sup> COMMISSION MEETING**

### **Held at Alfred House, 19-21 Alfred Street, Belfast, BT2 8ED**

**Present:** Les Allamby, Chief Commissioner  
Helen Henderson  
Jonathan Kearney  
David A Lavery CB  
Maura Muldoon (via Zoom)  
Eddie Rooney  
Stephen White

**In attendance:** David Russell, Chief Executive (All agenda items except part of closed minute)  
Lorraine Hamill, Director (Finance, Personnel and Corporate Affairs) (All agenda items except part of closed minute)  
Claire Martin, Director (Communications, Information and Education, Public and Political Affairs) (All agenda items except closed minute)  
Hannah Russell, Director (Legal, Research and Investigations, and Advice to Government) (via Zoom) (All agenda items except closed minute)  
Nikita Brijpaul, Boardroom Apprentice (via Zoom)  
Claire McCann, Policy and Research Assistant (via Zoom) (Agenda item 9)  
Sarah Simms, Policy and Research Assistant (via Zoom) (Agenda item 9)

The Chief Commissioner welcomed everyone to the first meeting in the new Commission offices.

## 1. Apologies and Declarations of Interest

- 1.1 Apologies were received from Rhyannon Blythe, Director (Legal, Research and Investigations, and Advice to Government).
- 1.2 There were no declarations of interest.

## 2. Minutes of the 227<sup>th</sup> Commission meeting and matters arising

- 2.1 The minutes of the 227<sup>th</sup> Commission meeting held on 28 September 2020 were agreed as an accurate record.

**Action: 227<sup>th</sup> Commission meeting minutes to be uploaded to the website.**

- 2.2. The minutes of the special Commission meeting held on 2 October 2020 were agreed as an accurate record.

**Action: Special Commission meeting minutes to be uploaded to the website.**

- 2.3 It was noted that to date no response had been received from the NIO regarding the letter and Counsel's opinion on the Commission's powers. It was agreed that the Chief Commissioner would follow this up (item 2.3 of the 227<sup>th</sup> minutes refers).

**Action: Chief Commissioner to follow up with the NIO.**

- 2.4 Commissioners noted that the roundtable on children missing from care had been arranged for the morning of Wednesday 11 November 2020. Commissioners were welcome to attend the roundtable (item 2.5 of the 227<sup>th</sup> minutes refers).

- 2.5 It was noted that a review of the closure of the legal clinic would be discussed at the November Commission meeting (item 2.6 of the 227<sup>th</sup> minutes refers).

**Action: Review of legal clinic closure to be discussed at the November 2020 Commission meeting.**

- 2.6 The Chief Executive confirmed that he had written to the Permanent Secretary setting out the additional assurance process agreed for the job evaluation exercise by the Commission (item 5.1 of the 227<sup>th</sup> minutes refers).
- 2.7 The Chief Commissioner provided an update on the case that the Commission had intervened with (minutes of special Commission meeting on 2 October 2020 refers).
- 2.8 It was agreed that a copy of the judgment from Justice Keegan would be circulated to Commissioners when it was received.

**Action: Judgment to be circulated to Commissioners.**

### 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:
- Meetings with the Department of Health, Brook Clinic, Women help Women, Royal College of General Practitioners, Doctors for Choice, Informing Choices, Catholic Bishops and South East Health and Social Care Trust re abortion monitoring initiative
  - Meeting with Public Interest Litigation Strategy (PILS) and Law Society re pro bono week
  - Attended court hearing re Commission's challenge to operation of Rehabilitation of Offenders Act
  - Meeting with Danny Kinahan, Veterans' Commissioner (NI)
  - Meeting with John Finucane MP
  - Meeting with John Wadham, NI Policing Board Human Rights Legal Advisor
  - Meeting with Equality Commission re Dedicated Mechanism and Internal Market Bill
  - Meeting with NI Assembly Speaker, Alex Maskey MLA
  - Attended Home Office Vulnerability Advisory Group meeting
- 3.2 It was noted that the following submissions had been made since the previous meeting:
- Response to MoJ and placing of National Preventative Mechanism on a statutory footing
  - Response to NI Affairs Select Committee call for evidence

- on Brexit and cross border co-operation
- Joint briefing with the Equality Commission (NI) on amendments to the Internal Market Bill

## 4. Commissioners' Reports

4.1 The Chief Commissioner confirmed that Commissioner Rooney would be taking on the role of Data Protection Officer with support from the Director (Finance, Personnel and Corporate Affairs).

4.2 It was noted that Commissioner Rooney would act as Interim Chair for the Commission's Audit and Risk Management Committee until an independent Chair had been appointed.

**Action: Recruitment to commence for an Independent Chair for the Audit and Risk Management Committee.**

4.3 It was agreed that Commissioners Lavery and Muldoon would also be members of the Audit and Risk Management Committee.

**Action: Director (Finance, Personnel and Corporate Affairs) to update the Terms of Reference with the changes in membership of the Audit and Risk Management.**

4.4 It was agreed that Commissioners Henderson and White would be members of the joint committee with the Equality Commission NI on an Independent Mechanism for Northern Ireland. An induction would be arranged prior to their first meeting.

4.5 Commissioners Henderson and White reported on the recent meeting of the Business and Human Rights Forum.

4.6 Commissioner Lavery reported that a Human Rights and Equality Group had been established at the Law Society.

## **5. Chief Executive's Report**

- 5.1 The Chief Executive reported on meetings and events he had attended since August 2020.
- 5.2 It was noted that the vacant Policy and Research Officer post had been advertised with a closing date of 30 October 2020.
- 5.3 Commissioners noted that the temporary Policy and Research Assistant had resigned and would be leaving the Commission on 6 November 2020.
- 5.4 Commissioners discussed the outcome of the job evaluation grading for all posts and a proposal to turn a number of existing temporary contracts into permanent ones in a closed minute.

## **6. Risk Register**

- 6.1 Commissioners noted the risk register report, in particular the risks that were detailed high or critical and the controls in place to mitigate the risk.

## **7. Finance Report**

- 7.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial report for October 2020 and provided details on variances against budget.
- 7.2 It was noted that some budget areas had been amended following virement of core spend to other nominal codes, and that the capital budget had been increased following confirmation of additional funding from HM Treasury and the NIO.

## 8. Quarterly Report against the Business Plan 2020-21

- 8.1 Commissioners considered the Quarterly Report against the Business Plan 2020-21 and noted the reasons for any targets marked as amber or red.

## 9. Presentation on Monitoring Project / Legal Opinion

- 9.1 The Policy and Research Assistant gave a presentation on 'Reproductive Healthcare and the Education Monitoring Project', which provided details on the:

Human Rights Standards  
Legislative Changes  
Monitoring Project  
Meetings  
Civil Society Roundtable  
Findings  
Challenges

- 9.2 Commissioners discussed in detail the further supplementary legal opinion received regarding access to termination of pregnancy in Northern Ireland.

- 9.3 The Commissioners, agreed to proceed in line with the legal advice to the next step by sending a pre-action letter to the Secretary of State for Northern Ireland, the Department of Health (NI) and the NI Executive. The Commission agreed it would then consider in light of the replies how to proceed. Commissioner Kearney dissented from this decision.

**Action: Pre-action letter to be issued.**

## 10. Legal Functions Report

- 10.1 The Director (Legal, Research and Investigations, and Advice to Government) provided an update on the Legal Functions Report.
- 10.2 It was hoped that a decision on the preliminary point on the access to an MoD pension case for an unmarried widow

partner would be known in the next few weeks.

- 10.3 It was noted that the JR 123 (the challenge to unspent convictions provisions in the Rehabilitation of Offenders (NI) Order) and MC (right to withhold publication of home address when standing in local elections) cases are due to be heard in January 2021.

## 11. Drugs and Human Rights Options Paper

- 11.1 It was agreed to defer the discussion of the Drugs and Human Rights Options paper until the next Commission meeting.

**Action: Drugs and Human Rights Options Paper to be discussed at the November 2020 Commission meeting.**

## 12. Dedicated Mechanism Briefing

- 12.1 It was agreed to defer the Dedicated Mechanism briefing until the next Commission meeting.

**Action: Dedicated Mechanism Briefing to be presented at the November 2020 Commission meeting.**

## 13. Communications

- 13.1 The Director (Communications, Information and Education, and Public and Political Affairs) confirmed that an informal meeting had been held with the Northern Ireland Affairs Committee (NIAC) and that an update would be provided to the next Commission meeting.

**Action: Update on NIAC meeting to be provided at the November 2020 Commission meeting.**

- 13.2 It was confirmed that the Annual Lecture would be held on 24 November 2020 from 4.30pm – 6.00pm. The guest speaker will be Stella Creasy. Invitations would be issued to Commissioners when everything is finalised.

**Action: Invitations to be issued to Commissioners for the Annual Lecture.**

## **14. Any Other Business**

14.1 There was no other business.

The meeting closed at 3.40pm.