



24 May 2021

235th COMMISSION MEETING

Held via Microsoft Teams

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

In attendance: David Russell, Chief Executive
Lorraine Hamill, Director (Finance, Personnel and Corporate Affairs)
Claire Martin, Director (Communications, Information and Education, Public and Political Affairs)
Rhyannon Blythe, Director (Legal, Research and Investigations, and Advice to Government)
Éilis Haughey, Head of Service (Dedicated Mechanism)
Nikita Brijpaul, Boardroom Apprentice
Rebecca Magee, Personal Assistant (agenda items 6-12)
Laura Banks, Solicitor (Legal and Research Officer) (agenda item 9)

1. Apologies and Declarations of Interest

1.1 There were no apologies and no conflicts of interest.

2. Minutes of the 234th Commission meeting and matters arising

2.1 The minutes of the 234th Commission meeting held on 26 April 2021 were agreed as an accurate record, subject to minor amendments.

Action: 234th Commission meeting minutes to be uploaded to the website.

2.2 It was noted that the first set of interviews for an Independent Chair for the Audit and Risk Management Committee would take place on 21 May 2021. It was agreed that if the post was not filled in time for the next meeting of the Committee, due to be held on 22 June 2021, that it would be chaired by Commissioner Rooney (item 2.4 of the 234th minutes refers).

Action: Commissioner Rooney to Chair the Audit Committee meeting in June 2021 if a new Chair was not appointed.

2.3 It was noted that the Abortion Monitoring Report had been published (item 2.6 of the 234th minutes refers).

2.4 It was noted that the Committee Minutes on the new Abortion Regulations in Westminster had been circulated to Commissioners (item 7.1 of the 234th minutes refers).

2.5 It was noted that papers from the update on the Dedicated Mechanism had been shared with Commissioners (item 8.3 of the 234th minutes refers).

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 Les Philpott, NIO Non-Executive Director
- Meeting with Vivienne McConvery, CEO, Patient and Client Council

- Roundtable discussion with the Independent Review of Human Rights Act (with other Human Rights Commissions and Human Rights NGOs)
- Presentation to the NIHE Board as part of wider seminar
- Evidence to the Ad-Hoc Bill of Rights Committee (with Equality Commission NI)
- Meeting UU Law School Research Advisory Group on Personal Litigants
- Meeting with Margaret Ritchie re Dedicated Mechanism role
- Meeting with Public Health Agency and Patient Client Council on new guidance re visiting family members in residential care
- Presentation to the Irish Government Shared Island Equality Proofing the Future event
- Meeting with officials from the EU Ambassador to the UK's office
- Presentation to the Portadown Rotary Club
- Attended Home Office Vulnerability Advisory Group
- Meeting with John Wadham, Human Rights Advisor to the Policing Board
- Evidence to the Justice Committee on Prevention of Stalking Bill
- Meeting Malone House group re Dealing with the Past
- Meeting with Naomi Long, Justice Minister
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3.2 It was noted that the following submissions had been made since the previous meeting:

- NI Executive Programme for Government
- Department of Health (NI) Mental Health Strategy
- Home Office Immigration Plan
- Department of Justice (NI) Transparency in Supply Chains Consultation
- Response to NI Assembly Speaker and NI Assembly Health Committee to Private Members' Bill on Severe Impairment Abortion (Amendment) Bill

4. Commissioners' Reports

- 4.1 Commissioner Kearney reported on the meeting with civic society organisations that had been arranged by the Centre for Cross Border Studies on 18 May 2021. This was a joint event with the Equality Commission NI and the Irish Human Rights and Equality Commission. The event was well attended and it was hoped that this would be a regular cross border event.
- 4.2 Commissioner Lavery confirmed that the Law Society were supporting the Ulster University with further research on Litigants in Persons in family court proceedings.

5. Chief Executive Report (oral update)

- 5.1 This item was discussed in a closed minute.

6. Risk Register

- 6.1 It was noted that due to a problem with the software the risk register was not available. It was hoped the issue would be resolved soon and a full risk register would be made available for consideration at the next Commission meeting.

Action: Full risk register to be available for consideration at the June Commission meeting.

7. Finance Report

- 7.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial reports for Core and Dedicated Mechanism expenditure for April 2021.
- 7.2 Commissioners agreed that the finance reports for Core and Dedicated Mechanism expenditure would be merged as one report going forward.
- 7.3 Commissioners noted and approved the new Cash Flow report

which would be presented to each Commission meeting and to the quarterly Audit and Risk Management Committee meetings.

8. Community Engagement

8.1 Commissioners were given the background to community engagements. Following discussion, it was agreed that a paper would be put together on both the Strategic Planning engagements and on Community Engagements .

Action: Papers to be done on Strategic Planning engagements, and on community engagements.

9. Legal Update (oral and application for assistance)

9.1 The Director (Legal, Research and Investigations, and Advice to Government) updated Commissioners on current work including:

- JR123 (legal challenge on spent conviction provisions under the Rehabilitation of Offenders Legislation): the case was heard on 6 May, and judgement is awaited.
- NM (Access of unmarried widowed partner to MOD pension): judgment was received in favour of the applicant on the preliminary point but the MOD has appealed the decision.

9.2 The Director (Legal, Research and Investigations, and Advice to Government) provided an updated on the challenge to non-commissioning of Abortion services which is set for hearing on 26-27 May.

9.3 The Director (Legal, Research and Investigations, and Advice to Government) and the Solicitor presented Commissioners with an Application for Assistance which seeks assistance to obtain counsel's opinion on the prospects of challenging the failure to remedy the non-payment of a bereavement social security benefit to widows/widowers of unmarried couples following a Supreme Court decision that failure to do so was contrary to Article 8 (the right to family life).

9.4 Commissioners agreed to obtain a legal opinion with a cap on spend.

Action: Counsel Opinion to be obtained.

10. Dedicated Mechanism

- 10.1 The Head of Service (Dedicated Mechanism) provided Commissioners with an update on the work including the intention to commission work on health care following the EU exit and obtaining legal opinions on a number of issues.

11. Communications Report

- 11.1 The Director (Communications, Information and Education, Public and Political Affairs) presented the bi-monthly Communications report which included updates on the press regarding the legal challenge to the non-commissioning of Abortion Services and a factsheet on the Rehabilitation of Offenders.

- 11.2 Commissioners welcomed the Website redesign. An audit on accessibility of the site is now taking place.

12. Any Other Business

- 12.1 A date for a session on legacy issues and Article 2: Right to life is to be arranged.

Action: Date to be arranged for a session on Article 2.

The meeting closed at 13.25pm.