

31 October 2022

250th COMMISSION MEETING

Held in the Commission's Offices, Alfred House, 19-21 Alfred Street, Belfast, BT2 8ED and via Teams

Present: Alyson Kilpatrick, Chief Commissioner
Helen Henderson (via Teams)
Jonathan Kearney
Justin Kouame
Eddie Rooney
Stephen White

In attendance: David Russell, Chief Executive
Rhyannon Blythe, Director (Legal, Research and
Investigations, and Advice to Government)
Colin Caughey, Director (Policy)
Lorraine Hamill, Director (Finance, Personnel and
Corporate Affairs)
Éilis Haughey, Director (Human Rights after EU
Withdrawal)
Claire Martin, Director (Engagement and
Communications)
Elsie Trainor, Boardroom Apprentice
Michael Black, Solicitor (Legal Officer) (Agenda Item 12)

1. Apologies and Declarations of Interest

- 1.1 Apologies were received from David Lavery CB and Rebecca Magee.
- 1.2 There were no declarations of interests.

2. Minutes of the 249th Commission meeting

- 2.1 The minutes of the 249th Commission meeting held on 26 September 2022 were agreed as an accurate record following a minor amendment.

Action: Minutes of the 249th Commission meeting to be uploaded to the website.

3. Chief Commissioner's report

- 3.1 The Chief Commissioner reported on her meetings and events since the last meeting. This included her attendance at the RUC George Cross Lecture at Queen's University Belfast.
- 3.2 The Chief Commissioner also attended a meeting with relatives of people in care homes along with Commissioner Rooney and Colin Caughey. Relatives had contacted the Commission's advice clinic to raise issues including the Covid pandemic. The Chief Commissioner highlighted the importance of having the weekly advice clinics which ensured that issues such as these were brought to the attention of the Commission.

4. Commissioners' Reports

- 4.1 Commissioner Kearney reported on the Article 2 Working Group meeting.

5. Chief Executive's Report

- 5.1 The Chief Executive updated Commissioners on the recruitment for the Paralegal post, with the successful candidate due to start with the Commission on Tuesday 1 November 2022.
- 5.2 The post of Policy and Research Officer for the Dedicated Mechanism had been advertised and the closing date would

be Monday 21 November 2022.

- 5.3 It was noted that following the unsuccessful recruitment for the Senior Finance and Personnel Officer, that the Chief Executive and Director (Finance, Personnel and Corporate Affairs) were exploring other options.
- 5.4 The Chief Executive provided an update on the independent review. It was noted that the Commission had been given an extension to its 'A' status and this would be reconsidered at the SCA spring session in March 2023.
- 5.5 The Commission's Annual Report and Accounts 2021-22 had been laid in Parliament on 17 October 2022.

6. Code of Governance

- 6.1 Commissioners went through the Code of Governance and highlighted and discussed sections that required amendment.
- 6.2 It was noted that the Framework Document with the Northern Ireland Office had not been included as an appendix as it was currently under review and had not been finalised.
- 6.3 Commissioners discussed the purpose of the Code of Governance – was it a 'guide as how the Commission governs itself; a guide of those who govern the Commission; or both'. The Chief Executive confirmed that it was specifically set down in statute and the Code of Governance was the Commission's document on how they govern themselves.
- 6.4 It was agreed that the Chief Executive would make the necessary amendments to the Code of Governance and when the Framework Document had been finalised and agreed it would be brought back to the Commission for final sign-off.

7. Finance Report

- 7.1 The Director (Finance, Personnel and Corporate Affairs)

presented the finance report for the 30 September 2022.

- 7.2 It was noted that the pay award due on 1 August 2022 had still not been agreed by the Department of Finance and negotiations were ongoing with Trade Unions. The Commission had budgeted for a 1% increase and movement in the spine points; however, Trade Unions were trying to negotiate an inflationary rise plus a 5% increase. If this happened the Commission would not have the funding to meet the pay award in full.
- 7.3 It was also noted that running costs, and in particular heat and light, had increased dramatically due to continual inflationary increases.
- 7.4 Commissioners noted that, as had been done previously, it may be necessary to look at the Business Plan to ascertain if any planned activities which have an associated cost can be delayed or ceased.
- 7.5 The Chief Executive confirmed that he would be meeting with the Sponsor Branch the following week and would discuss the financial situation with them.

8. Annual Statement

- 8.1 Commissioners reviewed the draft Annual Statement 2022. It was agreed that the Director (Legal, Research and Investigations, and Advice to Government) would make the necessary amendments and circulate to Commissioners.
- 8.2 Commissioners noted that it was an excellent piece of work.
- 8.3 Commissioner Kearney explained that there were recommendations in the report to which he took exception on moral grounds, but as the Statement is presented as a single unit, he was content to approve it on the basis of the other matters addressed therein.

9. Advice to Government, Investigation and Research Update

9.1 The Director (Policy) provided an update on the Language NI Bill and the Bill of Rights Bill.

10. RSE Investigation update

10.1 The Director (Policy) updated Commissioners on the Reproductive and Sexual Education Investigation. The initial analysis was now ready, and the researchers have highlighted some issues which are currently being considered.

11. Legal Functions report

11.1 The Director (Legal, Research and Investigations, and Advice to Government) provided an update on legal including:

- COPNI Judicial Review: this is being monitored and currently awaiting judgement.
- SPUC: hearing listed for 8 and 9 November. It was agreed that a court link would be provided to any Commissioner wishing to attend virtually.
- NM (Access to DoJ pension): The Court hearing has been listed for 31 January and 1 February 2023.
- JR123 (Rehabilitation of Offenders): The case hearing will be on 10 March 2023.

11.2 Other updates included:

- The Commission would only bear its own costs for the Love for Life Challenge.
- The Secretary of State is engaging with the Trusts on abortion and that the Commission would continue to monitor.
- Remedial Order – this was being looked at to see if it covered all victims.
- Liaison with the PSNI on Biometric Retention policies

was ongoing.

- A meeting had been held with Mears re hotel accommodation for asylum seekers. Representatives from the Home Office also attended.

12. Applications for Assistance

- 12.1 Commissioners considered the AA (Mears Dispersal Accommodation) application for assistance. It was agreed to seek a legal opinion in the interim which would be shared with Commissioners by email for final consideration.
- 12.2 Commissioners considered the TM (NIHE) application for assistance. It was noted that the application did not meet all the criteria and therefore the Commission was not able to support the case.

13. Engagement and Communications Functions report and press clippings

- 13.1 The Director (Engagement and Communications) provided an update on the engagements and communications functions of the Commission.
- 13.2 The following areas of work were noted:
- The podcasts on sport, produced in-house, was a new initiative which had received positive feedback.
 - Arrangements were being finalised for the forthcoming visit to Westminster.
 - Visits to schools to promote human rights was continuing.
 - The Commission were due to have a stall at the Black History Month event being held at St George's Market.
 - The Sports and Business Human Rights Forums were continuing to hold quarterly meetings.
 - Planning is continuing for events, including the Human Rights Festival, Annual Statement Launch and the Climate Change event at Queen's University Belfast.

14. Dedicated Mechanism Functions report

- 14.1 The Director (Human Rights after EU Withdrawal) provided an update on the work of the Dedicated Mechanism.
- 14.2 It was noted that staff had met with Northern Ireland Affairs Committee staff on Article 2 and the Attorney General's Office on Protocol Bill.
- 14.3 The Scoping Paper on Article 2 is due to be launched on 1 December 2022.
- 14.4 A joint response with the Equality Commission Northern Ireland is currently being drafted for the Retained EU Law Bill, and the team are also looking at the Elections Act.

15. Any Other Business

There being no other business the meeting closed at 1:30pm.